

A Discursive Analysis of Media Representations of Belonging in Australia

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Abstract

In the past decade arguments concerning who can claim belonging in Australia, and fears surrounding border security, have been at the forefront of Australian political and media debates - particularly in relation to unauthorized asylum seekers arriving by boat. Previous literature focusing on these issues has suggested two key reasons for heightened anxieties over claims to belonging: 1) a growing awareness and recognition of the fact of Indigenous sovereignty and its challenge to the sovereignty of the white Australian nation-state and 2) the fact that refugees and asylum seekers seeking asylum in Australia also challenge the sovereignty of the Australian nation-state by highlighting the porous nature of borders and by challenging the ability of the Australian government to maintain control over a supposedly homogenous and 'desirable' population. Thus previous research has indicated that both Indigenous Australians and refugees and asylum seekers present fundamental challenges to the sovereignty of the Australian nation-state. Furthermore, it has been suggested that in response to these challenges the Australian nation has become increasingly invested in ensuring the control, regulation, and possibly exclusion of these two groups of people.

In order to further examine the ways in which control and exclusion are perpetuated by white (i.e., dominant group) institutions in Australia, this thesis employs a critical discursive analytic approach to analyze the representation of Indigenous Australians and asylum seekers and refugees in the mainstream

news media. More specifically, the analysis draws upon the work of Aileen Moreton-Robinson in relation to whiteness studies, and Giorgio Agamben and his conceptualization of the state of exception, to examine the 'techniques of exclusion' available to the nation-state as it attempts to produce a particular concept of (white) belonging, and to justify border security policies.

The analytic chapters examine mainstream news media representations of the claims made by Indigenous Australians to their land through the vehicle of native title, the representation of asylum seekers arriving by boat aboard the *Oceanic Viking* and the *Jaya Lestari 5*, the ongoing criminalization of Indigenous Australians in relation to the 'Aurukun rape case' and the 'gang of 49', and the coverage of refugees and crime in Australia in relation to issues surrounding refugees from Sudan in late 2007. Specifically, the findings indicate:

- A persistent representation of Indigenous Australian claims to land solely in terms of economic discourses rather than as an issue of rights.
- An ongoing representation of asylum seekers arriving by boat as inherently criminal, unlawful, non-genuine, and undesirable – representations that justify their exclusion from the nation.
- A pervasive criminalization of Indigenous Australians and refugees, and a lack of contextual information provided by the mainstream news media in relation to issues of concern to these marginalized groups.

The thesis concludes by examining the similarities and differences between representations of these two groups of people, and considers the implications of

this research for community media forms in a globalized world, as well as for ongoing attempts to recognize Indigenous sovereignty and to advocate for the rights of refugees and asylum seekers.

Author Declaration

This work contains no material which has been accepted for the award of any other degree or diploma in any university or other tertiary institution to Clemence Due and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text.

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Preface

Belonging, Borders and Ownership in Australia

Thousands die in African, Asian and Latin American countries every day, from deprivation of one type or another; the rest of the world flinches not, or little enough to provide charity on its terms. Aboriginal peoples die twenty years earlier than their non-Aboriginal counterparts from a variety of health conditions, and Australia flinches not. Three thousand die in New York and the world mourns collectively, a global war on U.S. terms begins. This is the continuation of the coloniality of power.

(Tascon, 2004, p. 244)

For people to say they're anxious about border security doesn't make them intolerant. It certainly doesn't make them a racist. It means that they're expressing a genuine view that they're anxious about border security.

(Prime Minister Julia Gillard, 2010)

As I come to the final stages of writing this thesis in mid-2010, the 'asylum seeker issue' is again at the forefront of political and media debates in the lead up to the Federal election to be held in August. The leader of the incumbent Labor party, Kevin Rudd, stood down from his position in July 2010 allegedly on the basis of voter dissatisfaction on a range of issues, including 'border security' and the increase in asylum seekers arriving unexpectedly by boat during his time in office. The newly sworn-in leader of the party, Julia Gillard, stated within

two weeks of becoming Prime Minister of Australia that: “For people to say they're anxious about border security doesn't make them intolerant. It certainly doesn't make them a racist. It means that they're expressing a genuine view that they're anxious about border security” (cited in Grattan, 2010). Thus the concerns and fears entrenched within the Australian psyche regarding asylum seekers arriving by boat are set to play out yet again within political, media and public arenas during the election campaign. Thus again in 2010, nine years on, we are seeing the same rhetoric and events as seen in the lead-up to the 2001 Federal election in which John Howard and the Liberal party were re-elected on the basis of promises to ‘stop the boats’ and be ‘tough’ on ‘border security’.

Despite Gillard’s claims about the ‘genuineness’ of ‘anxiety’ over border security, it could be argued that such ‘border panic’ surrounding refugees and asylum seekers more accurately signifies a denial (or indeed potentially a willful refusal) within the ‘mainstream’ (white) Australian consciousness of the fact that we are also migrants: our belonging in Australia is predicated on the denial of Indigenous sovereignty (Moreton-Robinson, 2003). Of course there are obvious reasons why accounts of ‘anxiety’ prevail. For example, such an account of who belongs in Australia and who doesn’t (and therefore of who has the right to be ‘anxious’), normalizes the claims to belonging of mainstream Australians, and serves to render invisible Australia’s colonial history in which Indigenous Australians have been systematically and violently dispossessed of their land. Yet despite this normalizing function of concerns over border security, the fact of Indigenous sovereignty highlights and disrupts the claims to sovereignty

made by white people when they assume control over the Australian nation-state and its borders, therefore challenging white sovereignty from within.

Of course challenges to white sovereignty do not only come from within Australia; they also come from outside. In an era of increasing globalization, the nature of borders and belonging is becoming increasingly pertinent. Whilst the borders of the modern nation-state open up for economic purposes, trade, and the flow of information and skills, they simultaneously close for people who are seen as 'undesirable'. In fact, immigration and border control represent a central site through which borders are generated, and the sovereignty of the state is maintained (Andreas, 2003; Fernandez, Gill, Szeman & Whyte, 2006). As such, refugees arriving unannounced at the borders of a nation-state represent a fundamental challenge to the ability of that state to maintain control over a governable group of people (Fernandez et al., 2006).

This thesis is therefore concerned with the ways in which the white Australian nation-state attempts to maintain and legitimate its sovereignty in light of the challenges presented by both Indigenous Australians, and refugees and asylum seekers. Thus, in this thesis I examine the representation of these two groups of people as Other to the Australian nation within the mainstream news media.

1 Introduction and Background

Historical Background and Thesis Outline

The Indigenous person, the refugee and the new and old settler sit in an awkward arrangement of relationship, which is radically exposed through the reality of Indigenous sovereignty. Indigenous sovereignty insists the question is asked – Who are the strangers? The situation of the refugee insists the question is asked – Who is able to practice hospitality? And how can that be done?

(Schlunke, 2002, para. 1)

At the outset of this thesis I wish to locate myself as a white, middle class woman living on Kurna land, the lands of the Kurna people upon which Adelaide, South Australia is located. I do this for a number of reasons. Firstly, I wish to acknowledge the sovereignty of the Kurna people over this land. In doing so, I acknowledge the ongoing violence and dispossession enacted against Indigenous Australians through the continuing denial of their sovereignty over this land. I also wish to acknowledge that as a white person, and therefore as deriving continuing benefit from the privileges accorded me on the basis of my race, I recognize that I am complicit in this dispossession. My being here on Kurna land, and my 'belonging' in Australia, relies upon the dispossession of Indigenous Australians.

In light of the issues presented in the preface regarding the challenges to white sovereignty presented by both Indigenous Australians and refugees and asylum

seekers, this thesis attempts to examine the ways in which white belonging is normalized, and white sovereignty is legitimated and maintained, through the exclusion of these two groups of people. The analysis presented in this thesis is thus centrally concerned with the need to centre 'us' (i.e., white Australians), and our investment in maintaining control over the Australian nation-state, in the representations of these marginalized groups made available via the mainstream news media – an institution arguably inextricably tied up in dominant (white) power relations (Fowler, 1991). Thus this thesis aims to examine the representations of these groups in terms of the ways in which they function to legitimate white belonging and to problematize the claims to belonging made by these two groups of people – for example, through their representation as deviant, criminal, undesirable or unlawful (see Pickering, 2001; Every & Augoustinos, 2008 for previous examples of these findings). The thesis is framed primarily by the work of Indigenous scholars such as Aileen Moreton-Robinson in relation to whiteness studies, and theories of the exclusionary methods available to the nation-state – namely, the concept of the state of exception as discussed by Giorgio Agamben (1998; 2005) and the technique of criminalization. Thus this thesis is an examination of the continuation of the coloniality of power (Tascon, 2004).

1.1 Historical context

In this section I provide a very brief background to both the colonization of Australia and the associated debates surrounding Indigenous sovereignty. I also

very briefly outline the history of immigration to Australia, especially in relation to refugees and humanitarian immigrations streams. I do this because both these subject matters, which are central to this thesis, remain contested and politicized. As such I wish to summarize my understandings and interpretations of these issues, as well as to outline the historical background informing this research. In outlining these histories I also wish to draw attention to the fact that Australian history remains a site in which representations of who 'belongs' in Australia, as well as how to define Australia's borders, are constantly reworked and challenged.

1.1.1 Terra nullius, colonization and Indigenous sovereignty

When the First Fleet arrived in Cadi, home to the Cadigal, on 26th January 1788, the British Crown claimed control over Australia – formally making it a British colony according to British law. This claim on the land stemmed from an assumption that the Australian land mass 'belonged to no-one', and was therefore *terra nullius*; a legal concept derived from international law which stated that the original inhabitants had no rights to the land as they "were deemed to be in a state of nature without government, law or property" (MacIntyre, 2009, p. 33). Thus, as Reynolds writes, it was assumed by the colonizers that the original inhabitants of Australia had no laws and were not property owning, and therefore did not have sovereignty over the land (Reynolds, 2007). As such, the myth of *terra nullius* denied Indigenous

sovereignty and rights to land and correspondingly, in the eyes of the colonizers, enabled British occupation and sovereignty over the land.

Many commentators have argued that the determination that Australia was *terra nullius* relied upon Eurocentric understandings of law and property ownership, and overlooked the systems of law and property ownership already in place in Australia at the time of colonization (Short, 2003; Watson, 2002; Moreton-Robinson, 2004a). For example, Watson points out that in fact Indigenous Australians had complex laws and customs that were intricately tied to the land, when she writes that:

Our laws of ruwi are ancient. They come from a time the old ones called Kaldowinyeri - the dreaming. A place of lawfulness, a time before, a time now, and a time yet coming to us. A time when the first songs were sung, as they sang the law. Laws were birthed as were the ancestors - out of the land and the songs and stories recording our beginnings and birth connections to homelands and territories now known as Australia. Our laws are lived as a way of life; they are not written down as the knowledge of the law comes through the living of it. Law is lived, sung, danced, painted, eaten, walked upon, and loved; law lives in all things.

However, these laws were denied and overlooked by the colonizers, thus imposing Western logic and relationships to the land on Indigenous Australians. As discussed further in Chapter 4, the denial of the existence of the laws and

customs made evident in the British occupation of Australia on the basis of *terra nullius* was legally overturned in 1992 in the outcome of the *Mabo* case.¹

From the moment of colonization, then, and throughout the late eighteenth century onwards, Indigenous Australians were systematically dispossessed of their lands. Many commentators argue this dispossession continues today as, despite the *Mabo* decision, native title rights are debated and contested, as Indigenous Australians continue to be required to prove their ongoing connections to their lands, and as heated debates about legitimate forms of ‘Australian history’ (as seen in the ‘History Wars’) continue to take place (Curthoys, 2006; Moreton-Robinson, 2004a). As such, the relationships between Indigenous Australians and non-indigenous Australians are still being shaped, with some arguing that the legacies of colonization implicate all non-indigenous people living in Australia in the dispossession of Indigenous peoples (Johnson, 2005; Pugliese, 2007; Moreton-Robinson, 1998). The relationships between white Australians and Indigenous Australians specifically are discussed in greater detail in Chapter 2.

It must be mentioned here that the colonial history of Australia outlined above is one that still evokes debate. Indeed, throughout most of the twentieth century ‘official’ versions of Australian history revolved around the history of colonial

¹ In the *Mabo* case the High Court of Australia ruled that the doctrine of *terra nullius* was a legal fiction, and recognized the concept of native title for the first time. The outcomes of this case are discussed in further detail in Chapter 4 of this thesis.

Australians (such as the early settlers and pioneer hardships), with Indigenous Australian history or experiences of colonization rarely mentioned within mainstream, dominant group narratives. That began to change after the 1960s and 1970s, when a rethinking of Australia's past and a growing Indigenous rights movement led to recognition of the lack of attention accorded Indigenous history within the mainstream consciousness (for example, see Stanner's 1968 Boyer Lecture series, and Rowley, 1970). This foregrounding of Indigenous histories was not received without resistance, and instead was criticized strongly from conservative politicians and historians for being too negative and divisive (as seen in the term 'Black Armband' coined by historian Geoffrey Blainey, and used extensively by previous Prime Minister John Howard). Thus Australian history in relation to colonization and Indigenous Australians remains a contested space within dominant Australian narratives, highlighting the ongoing struggles in Australia over who belongs, and how to define the nation (Curthoys, 2006).

It is also important to state that despite these debates and ongoing experiences of dispossession and racism, Indigenous Australians resisted and continue to resist colonization. As Flick (1990) writes: "I say again. We have never accepted colonization. We have learned to survive" (p. 63). Ongoing Indigenous sovereignty is discussed in more detail at the beginning of Chapter 2.

1.1.2 Immigration and asylum seekers in Australia: Historical context

Australia is often described as a country of immigrants (Crock, Saul & Dastyari, 2006). Indeed, as Crock et al. point out, Australia's population growth relies heavily on immigration and in 2003, 23% of Australia's population was born overseas. Additionally, in 2009-2010 Australia will accept over 60,000 migrants in its Family Stream, and 108,000 migrants in its Skilled Stream – totaling 168,000 migrants entering the country (Australian Government, n.d.). Of specific interest to this thesis, however, are those people who enter Australia through the Humanitarian Stream, either as refugees through Australia's offshore program, or as asylum seekers arriving unexpectedly, and attempting to claim asylum in Australia. In this section I briefly outline the policies in place in Australia in relation to refugees.

Australia's humanitarian refugee intake is divided into offshore and onshore components, which together have totaled around 13,000 places for a number of years. Australia's offshore humanitarian program involves the granting of visas to refugees as identified by the United Nations High Commission for Refugees (UNHCR), and for people within the Special Humanitarian Program (SHP). People entering Australia through the SHP are sponsored by an Australian citizen or organization, and may or may not be 'refugees' according to the legal definition (see below). The onshore component involves the granting of protection visas to non-citizens who arrive in Australia and then claim asylum –

many of whom actually arrive on a valid short-term visa and then seek to apply for permanent residency on the basis that they are refugees (Crock, et al., 2006).

In July 1996, the offshore and onshore components of the Humanitarian program were linked, meaning that for every onshore refugee accepted, one less offshore refugee was granted asylum (Crock, et al., 2006; Mares, 2001). This linkage results in the rhetoric of 'queue jumpers', and distinctions between refugees seeking asylum through 'proper' and 'improper' channels. Crock et al. argue that the distinction between 'good' (offshore) refugees and 'bad' (onshore) refugees "...does not convey the very important differences between the offshore programs – which are founded on Australia's free choice to bring in migrants – and the onshore program, which is reactive and based on international protection *obligations*" (p. 19). Such obligations are outlined in the 1951 Refugee Convention, which I turn to now.

Australia is a voluntary signatory to both the 1951 *Convention Relating to the Status of Refugees*, and the 1967 *Protocol Relating to the Status of Refugees*. These documents are concerned with the ways in which nations treat asylum seekers and refugees, and with definitions of what constitutes a refugee. According to the 1951 Convention, a refugee is someone who:

...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political

opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

This definition provides a legal description for the criteria used to determine refugee status. However, there have been criticisms of the definition, particularly in relation to its narrow scope (see Mares, 2001 for a discussion of these issues).

In relation to obligations towards refugees, whilst the Convention provides that refugees are able to legitimately claim asylum in a country, it does not oblige any nation-state to allow refugees to enter its territory to make that claim (O'Doherty & LeCouteur, 2007). Thus asylum seekers wishing to claim refuge often have to break the law in order to do so, by entering countries without a valid visa. Importantly, however, Australia and other signatories are also obliged not to penalize any refugee for unauthorized entry into Australia, provided that that person present themselves to authorities on their arrival, and that they can demonstrate their refugee status (Corlett, 2000). Additionally, the Convention states that no person should be arrested or detained arbitrarily. Despite these obligations, however, Australia has a policy of mandatory and indefinite detention for asylum seekers arriving without a valid visa.

Indeed, in addition to mandatory detention policies, concerns over unauthorized arrivals in Australia has led to many tough restrictions on onshore refugees who arrive without a valid visa. During the Howard government years,

such restrictions included Temporary Protection Visas (TPVs) under which refugees received extremely limited rights (Corlett, 2000), and the Pacific Solution in which millions of dollars were spent on the interception of boats, and offshore processing of refugees (Mares, 2001). More recently, under the new Rudd Labor government, a version of the Pacific solution remains with offshore processing of refugees on Christmas Island and agreements in place with Indonesia to ensure that asylum seekers arriving unexpectedly are intercepted before boarding a boat to Australia. More detail regarding asylum seekers arriving in Australia unexpectedly is provided in Chapter 5.

1.2 Issues of terminology

As can be seen from the above discussions of the historical contexts relevant to this thesis, the subject matter to which this dissertation pertains remains contested. Thus the following chapters deal with several issues and concepts that are not presumed to be self-evident, and which are intimately related to the politicized topics of Indigenous affairs and policies regarding refugees and asylum seekers. It is therefore important at the outset of this thesis to outline the complexities of these terms, the reasons why they were chosen, and how they are used. These definitions are provided here.

The first of these involves terms used to denote racial categories or groups. Firstly, I use the term 'marginalized groups' here in relation to racial marginalization rather than other ways in which groups of people may be

marginalized. The term 'marginalized groups' thus represents groups of people who are discriminated against on the basis of their race, and therefore refers to any group outside the dominant group in Australia. Correspondingly, the term 'dominant group' refers to people who are perceived to belong in Australia, and who will therefore generally, but not exclusively, be identified as white Australians.

Secondly, the term 'white Australians' also needs further examination, and a detailed coverage of the literature pertaining to whiteness is provided in the next chapter. Suffice it to say here that I use the term 'whiteness' to refer to a mode of belonging defined by cultural capital rather than a biological racial identity. Thus the term 'white' refers to a mode of belonging in Australia that relies upon certain characteristics that it is possible to 'accumulate' (Hage, 1998, p. 232). For the purposes of this thesis, then, anybody who identifies with the dominant white group in Australia (whether through their 'racial group' or through accumulated cultural capital) is included in the category 'white Australians' - thereby holding a position through which they are able to enjoy the associated privileges and power that come with dominant group membership, and with the dispossession of Indigenous Australians from their land.

Indeed, non-white, non-Indigenous Australians living in Australia similarly benefit from the dispossession of Indigenous Australians. That is to say, whilst non-white non-Indigenous people do not experience privilege stemming from

the cultural capital of white people, they nevertheless do benefit from its *effects* in terms of the dispossession Indigenous people experience as a result of colonization. As such, whilst non-white non-Indigenous peoples living in Australia may (and in many cases do) experience marginalization and racism, their 'belonging' in Australia is still predicated on the dispossession of Indigenous Australians. As Moreton-Robinson (2003) argues: "non-white migrants' sense of belonging is tied to the fiction of *terra nullius* and the logic of capital because their legal right to belong is sanctioned by the law that enabled dispossession" (p. 26). Thus, as long as white law operates to disavow Indigenous sovereignty, non-white migrants and refugees will only be able to exist in Australia in ways that rely upon the ongoing dispossession of Indigenous Australians.

Next, I wish to discuss the use of the term 'Indigenous Australians'. It is important to note that the previous points about whiteness as a form of cultural capital (discussed in more detail in Chapter 2) cannot be similarly used in relation to Indigenous people. Indeed, whilst essential claims to identity are not possible in relation to whiteness since the term 'white' only marks an homogeneity that is predicated on dominance (that is, there is little cohesion amongst the identities of 'white' people other than a shared claim to a right to belonging or ownership), essential claims to identity *are* appropriate in relation to Indigenous understandings of identity (Moreton-Robinson, 2003). For example, Moreton-Robinson writes that the identity of Indigenous Australians is derived from an ontological relationship to the land and country from which

Indigenous people come. Thus the term 'Indigenous Australian' marks a belonging in Australia that is derived from an ontological belonging within the land, and an ongoing connection to the land stemming from thousands of years of actively practiced culture and a relationship to ancestral beings (Moreton-Robinson). However, despite the shared connection to land amongst Indigenous Australians, it is not the case that there is complete homogeneity between Indigenous communities, or even that the lived experience of connection to land is the same across different locations. Thus it is important to also acknowledge the diversity between and within different Indigenous communities rather than assuming a totalizing 'Indigenous' identity. In this thesis, the term Indigenous Australians is considered appropriate due to the shared experiences of connection to land and relationship to ancestors, and the shared experiences of colonization and dispossession.

Despite this understanding of Indigenous Australians as an appropriately 'essentialist' term that exists outside of Western constructions of the self as ever-changing and non-essential, it is important to acknowledge that the representations of Indigenous peoples (such as those examined in this thesis) are not the same as the claims to an Indigenous identity discussed above. Rather, such representations frequently rely upon stereotypes about what Indigenous people are presumed to be. Thus this term, together with other terms used specifically to describe a person's racial group or culture employed (and critiqued) within this thesis are not meant to suggest that references to a person's racial identity should be taken as necessarily representing an

unproblematic truth *within the media representation itself*. Thus as Riggs (2006a) argues, to refer to racial identities is:

Not to naively accept that race as a category is useful, or a biological fact, or internally coherent. Rather, to 'recognise race' (as in referring to someone as 'white') is to acknowledge that the assumption of racialized differences continues to inform how we relate to one another as people, and that this is the legacy of a long history of violence that has been perpetuated in the name of imperialism and empire against people classified as racial others. (p. 350)

As such, these terms should be read as referring to the fact that racial classifications are both produced within dominant discourses of 'Self' and 'Other', or 'Us' and 'Them', and thus are markers of difference from a dominant white (presumed) 'norm'. In this capacity, racial categories frequently function as a lens through which those located as racial 'Others' are stereotyped, and racial privileges and power continue to function. Importantly, however, whilst acknowledging that terms referring to race are problematic, the use of these terms in ways that render visible the associated power relations is important if the inequalities inherent in racial categories are to be addressed (Cowlshaw, 2000).

In addition to racial categories, this thesis also draws upon categories used to describe people seeking asylum in Australia. Thus it is important to define these

terms further here. The term ‘asylum seeker’ here refers to someone who has fled their own country and is seeking asylum elsewhere, and thus may or may not meet the definition of a ‘refugee’. Following the *1951 United Nations Convention and Protocol relating to the Status of Refugees* (The Refugee Convention), the term ‘refugee’ is used to refer to someone who is outside their own country and cannot return due to a well-founded fear of persecution because of their race, religion, nationality, membership of a particular social group or political opinion. Further information relevant to the terms used to define asylum seekers who arrive unexpectedly (i.e. outside ‘official’ channels) is provided in Chapter 5.

1.3 Thesis overview

In this chapter I have introduced the aims of this thesis, and provided some background and historical context to the issues under consideration; including Australia’s colonial history, the ongoing sovereignty that Indigenous Australians have over the land, and the ways in which Australia has historically dealt with asylum seekers and refugees. As such, I have introduced the debates that underpin current representations of who belongs in Australia.

In the next chapter, *Chapter 2*, I discuss the theoretical background and previous literature relevant to the subject matter in this thesis. In particular, I cover whiteness theory, understandings of ‘belonging’ and conceptualizations of the ‘nation’ and national borders, and the ways in which marginalized groups of

people are excluded from the nation-state – specifically in relation to the theory of the ‘state of exception’ (Agamben, 1998; 2005) and the associated dehumanization and criminalization of marginalized groups of people.

Chapter 3 is related to methodological concerns. Here, I outline the methodology of critical discursive psychology used within this thesis, and the role of the media in drawing upon and perpetuating dominant discourses. I also outline the data collection process, and issues of terminology.

Chapters 4 to 7 are analytic chapters. Specifically, **Chapter 4** examines mainstream news media representations of Indigenous belonging in relation to the ownership of Australian land, as seen in the coverage of native title issues. Here, I examine native title in terms of both the initial claiming of rights over an area of land, and the subsequent agreements regarding the use of land over which those rights have been recognized.

Chapter 5 examines representations of asylum seekers arriving unexpectedly in Australia – specifically representations of ‘boat people’ (as they have come to be known). As such, this chapter examines discourses of normative belonging in Australia through a consideration of how those who lay claim to belonging by arriving in Australian territory seeking refuge are represented. In order to do so, I analyze the mainstream news media coverage of two events – the ‘*Oceanic Viking*’ incident, and the ‘*Jaya Lestari*’ standoff.

Chapter 6 turns to a consideration of the representation of Indigenous Australians themselves. Here, I examine the criminalization of Indigenous Australians in relation to two issues: the 'Aurukun rape case' and the so-called 'gang of 49'.

Finally, in the last analytic chapter - **Chapter 7** - I consider the representation of refugees who have already been granted asylum in Australia. Here, I consider the representation of specifically refugees from Sudan and a series of incidents involving crimes that occurred in 2007. I also examine the mainstream news media coverage of then-Immigration Minister Kevin Andrews' announcement of the restriction of refugees from Africa, and subsequent comments that this restriction was made due to the supposed lack of integration of these refugees.

Chapter 8 is the concluding chapter of this thesis. In this chapter, I summarize the analyses conducted in Chapters 4, 5, 6 and 7 – and consider the consequences of these representations for the construction of normative belonging in Australia. Specifically, I consider the implications of this construction for ongoing struggles for the recognition of Indigenous sovereignty in Australia, and for refugee advocacy and anti-racism movements more broadly. I also discuss the implications of this research for the mainstream news media, especially at a time when movements are being made towards more interactive, 'new' media forms that may represent an opportunity to provide counter-discourses that challenge rather than reinforce existing power relations.

2. Theoretical Background and Literature Review

Whiteness, Belonging, Borders and Exclusion Practices

The existence of those who can be defined as truly human requires the presence of others who are considered less human. The development of a white person's identity requires that they be defined against other 'less than human' beings whose presence enables and reinforces their superiority.

(Moreton-Robinson, 2004a, p. 76)

It is indeed almost uncanny, if it were not following a kind of perverse logic, that there is a parallel between the treatment of Aboriginal peoples historically and presently, and that of onshore refugees: both groups have been exiled, one internal and one external to their place of origin; both have been non-citizens at some point; both have been subjected to racialised treatment. Both have endured intense state surveillance that has sought to exclude, contain and reject.

(Tascon, 2004, p. 239)

In this chapter I examine previous literature in relation to the theoretical background drawn upon in this thesis. My aim in this chapter is to contextualize the analysis that follows in Chapters 4 to 7, and in so doing to ground the current research in previous literature and theory.

There has been much research undertaken, both within Australia and overseas, on the topic of belonging and borders, with a particular focus on how certain

ethnic or racial groups are seen to belong whilst others are not (e.g., Hage, 1998; Imtoul, 2007; Moreton-Robinson, 2004a; Nicoll, 2002, 2004; Osuri & Bannerjee, 2004; Perera, 2005; Pugliese, 2007; Riggs, 2003; Riggs & Augoustinos, 2005). In Australia, debates over belonging are especially constructed within the context of political concerns such as immigration, Indigenous rights, and an increasing concern and focus on border protection. In this chapter I discuss whiteness theory, conceptions of white belonging in Australia through the imagined white nation, and the relationship of these concepts to Indigenous sovereignty and refugee policies. Additionally, I examine previous literature regarding the concept of borders, and the corresponding exclusion techniques available to the nation-state – specifically the implementation of the ‘state of exception’ together with the criminalization and dehumanization of those located as racial ‘Others’.

Much of the recent research on representations of belonging within Australia places these constructions in the context of Indigenous sovereignty (Buchan, 2002; Johnson, 2005; Moreton-Robinson 2003; 2004a; Watson, 2002). Such research contends that race relations in Australia are, and will continue to be, strongly influenced by the ongoing issues stemming from the dispossession of Indigenous Australians from their land, and the failure to adequately recognize this dispossession formally and provide reparation for it. Researchers have suggested that the ongoing denial of Indigenous sovereignty has led to a strong need to manage a perception of Australia as *a priori* a white country (Moreton-Robinson; Johnson; Buchan; Nicoll, 2004; Riggs, 2004a; Hage, 1998). Such

depictions of Australia as a 'white nation' hold considerable import for the ways in which non-white immigrants and refugees are represented in Australia, and the nation's representations of such people are intimately related to its desire to deny or refuse Indigenous sovereignty, as discussed in more detail later in this chapter.

Thus, before turning to this examination of previous literature and theory, I wish to ground this thesis in the sovereignty of Indigenous Australians over this land, so that the following examinations and discussions are read through the lens of this fact. Grounding the thesis in this way means that the problematic nature of white Australia's claims to sovereignty are highlighted, especially in relation to the exclusionary practices preformed in the name of the sovereignty of the white Australian nation towards asylum seekers and refugees.

Following Nicoll (2002) and Riggs (2005), I do not seek in this literature review to provide either an interpretation of what Indigenous Australians may mean when they claim their sovereignty over the land, or a definition of how Indigenous sovereignty might look (such a discussion can be found elsewhere. See, for example, Moreton-Robinson's edited collection, *Sovereign Subjects* (2007)). Instead, I wish to draw attention to the problematic nature of white Australian claims to sovereignty in the face of ongoing Indigenous ownership over the land. As Brady (2007) argues:

Exclusion and denial of Indigenous Australians' rights to sovereignty and self-determination are as effective as the previous attempts by governments to deny our humanity and existence. We have remained steadfast in retaining our humanity and pursuing our survival, despite the worst excesses of government and individuals. We have also been able to also carry our connection to sovereignty – though it is often not articulated as such. It is visible in the way in which Aboriginal people and communities cling to their traditional lands by whatever means- land rights, native title, purchase or occupation. Whether we are in urban, rural or remote regions, we continue to exercise our right of recognition of our ancestral rights and our modern forms of kinship recognition. We may not have legal recognition of our sovereignty but in the way in which we conduct ourselves and our relationship as individuals, communities and nations, it remains a constant in our lives. (p. 150)

Thus Indigenous sovereignty remains a fact in Australia, despite attempts to deny it. Importantly for white Australia, the fact of Indigenous sovereignty means that a refusal to acknowledge it becomes a refusal to, as Nicoll (2002, 2004) argues, *be within* it. This has particularly important ramifications for the normalization of whiteness itself, and correspondingly for white belonging in Australia, points which I examine in the next section. Being within Indigenous sovereignty, then, means that as I examine and discuss the following theories, I do so with the implications of Indigenous sovereignty over Australia in the foreground as such discussions must necessarily be positioned within this truth.

2.1 Whiteness and belonging

In this section I 1) examine the previous literature surrounding critical race and whiteness studies, especially what whiteness itself *is*, and the normalization and de-racialization of whiteness, and 2) examine how white belonging is constructed as the norm in Australia through the imagined community of the 'white nation'.

2.1.1 Whiteness theory

I begin, then, by extending the discussion of the definition of whiteness covered in Chapter 1. Hage (1998) argues that whiteness is produced through the accumulation of various forms of cultural capital, and therefore people who do not necessarily 'look' white can nevertheless be more or less considered white should they have accumulated enough capital in the form of language, class, religion, socioeconomic status, and so forth. Thus whiteness here is taken to not only refer a person's skin colour. Instead, following the work of many previous scholars (e.g., Hage; Moreton-Robinson, 2004a; Perkins, 2004; Elder, Ellis & Pratt, 2004; Dyer, 1997), for someone to be 'white' they must possess a wide range of attributes that are considered desirable, and indeed are necessary if they are to be seen as 'belonging' in Australia (as discussed next).

The theorizing of whiteness as cultural capital implies that the category 'white' is one that is fluid, meaning that at different points in time different groups of people are included or excluded from the term (Nicolacopoulos & Vassilacopoulos, 2004; Saxton, 2004; Riggs, 2005; Dyer, 1997). Indeed, it has been argued that it is precisely this fluidity that enables white hegemony to continue to function, with white race privilege operational regardless of which groups of people come to be included within the category 'white' (Nicoll, 2001; Riggs, 2006a; Saxton). Furthermore, previous scholars have argued that the definition of whiteness as fluid cultural capital through which white hegemony is maintained means that to study whiteness is to study the complex ways in which those located as white people benefit from white privilege. Such a study must necessarily also consider the institutions functioning in society that prioritize and continually reinforce the values and norms of dominant group members (Moreton-Robinson, 2000; Riggs, 2005). Indeed, it is in part the location of marginalized group members as *outside* these values and norms that this thesis is concerned with, alongside an examination of one institution (the mainstream media) through which the norm and hegemony of whiteness is reinforced.

A final point to be made regarding whiteness is that of its normalization. Previous research on whiteness argues that one of the main ways in which whiteness is able to maintain its privileged status is that, at least in the Western world, whiteness is classed as the 'norm' (Moreton-Robinson, 2004a; Allen, 2004; Dyer, 1997; Hage, 1998). This is so much the case that, as Allen (2004)

writes; “‘white’, ‘normal’ and ‘human’ converge into a disturbing synonymous relationship” (p.126) so that whiteness comes to be seen as the very essence of what is normatively ‘human’. As such, unnamed ‘whiteness’ becomes the measure of ‘humanness’, against which all other people are evaluated and positioned (Moreton-Robinson; Dyer). Indeed, this conflation of ‘white’ and ‘human’ occurs to the extent that those located as white are seen as ‘not-raced’, as opposed to the continual racialization of those located as racial Others (Dyer).

Such normalization of whiteness means that the associated power relations inherent to white belonging frequently go unchallenged by those who experience white privilege. Accordingly, social space and national belonging come to be *constructed* around white race privilege and its normalization, whilst simultaneously rendering it invisible – at least to those who are white (Allen, 2004; Riggs, 2004a; Dyer, 1997; Frankenberg, 2005). In fact, not only do the associated power relations go unchallenged through the invisibility of whiteness, but they are also maintained in that the equation of being white with being human ensures that white people retain their position of power (Dyer). Thus the invisibility of whiteness functions in the services of the white nation, in that the interests and ideologies of the white nation are represented as the interests of the *mainstream* rather than a particular race of people. Such interests are therefore considered to be non-ideological and ‘common-sense’ (Dyer, Moreton-Robinson, 2004a; Giannacopoulos, 2007). As such, a focus on whiteness throughout this thesis is aimed at rendering visible the racialized

nature of power and privilege that is obscured through the normalization of whiteness as it operates within the mainstream news media (Haggis, 2004; Riggs, 2005).

It is critically important here to highlight the fact that the operations of whiteness are invisible only *to white people*. People identified as non-white have had, as Moreton-Robinson (2004a) writes, ample opportunity to study whiteness given that they have been the subjects of white subordinating practices for many years (Moreton-Robinson, 2004a, 2000; hooks, 1995). Thus when I talk about the invisibility of whiteness I mean that whiteness is invisible *to white people*, who, when protecting the values and interests of the white nation do so in the name of the mainstream, and ideologies such as democracy. As Moreton-Robinson (2004a) argues:

The possessive logic of patriarchal white sovereignty is deployed to promote the idea of race neutrality through concepts attached to the ideals of democracy such as egalitarianism, equity and equal opportunity. This allows patriarchal white sovereignty to remain transparent and invisible – two key attributes of its power. (p. 2)

2.1.2 Imagined communities: Nationalism and the white nation

In the previous section I presented a definition of whiteness as a form of cultural capital through which privilege and power are conferred, and argued

that this privilege and power are maintained through the normalization and invisibility of whiteness. In this section I wish to examine whiteness specifically in relation to the Australian nation-state. To begin with, I examine literature concerning nations as 'imagined communities' before turning to the way in which the Australian nation is 'imagined' as white, and the ways in which white people claim 'belonging' in Australia.

The concept of nations as 'imagined communities' was developed by Benedict Anderson in his book *Imagined Communities* (1983). In this book, Anderson argued that whilst the idea of 'nation-ness' is "the most universally legitimate value in the political life of our time" (p. 3), the 'nation' has also proven to be extremely difficult to define. As such, he proposed a definition according to which nations may be defined as "imagined political communities" (p. 6). He argued that the nation is imagined because, despite the fact that the people making up the nation will never meet their fellow-members, "in the minds of each lives the image of their communion" (p. 6). Thus the nation is imagined as a community because:

...regardless of the actual inequality and exploitation that may prevail in each, the nation is always conceived as a deep, horizontal comradeship. Ultimately it is this fraternity that makes it possible, over the past two centuries, for so many millions of people, not so much to kill, as to willingly die for such limited imaginings. (p. 6)

As such, Anderson argued that rather than being objective 'facts', nations are better conceived as communities that are imagined by the people living within them.

Billig (1995), following Anderson, similarly argues that nations are 'imagined' by the people living in them. Billig argues that 'imagining' the nation in this way means the people making up the 'nation' are in a position in which they have an image of the way they want that nation to 'look'. This involves the construction of a national identity for those in the nation, which creates a national 'we' (as opposed to 'foreigners' who are then positioned as 'them' or the 'other', from whom 'we' identify ourselves as being fundamentally different). This 'we' comes to be synonymous with the dominant group in a nation, thereby reinforcing dominant group positions as the 'norm'. As such, the logic of the sovereignty of the nation-state is based upon a presumed homogeneity of cultural norms and values, which is seen as integral for the nation-state to be governable, and to maintain its sovereign status (McMaster, 2002; Rajaram & Grundy-Warr, 2004).

Given the precedence of the concept of the 'nation', it is, as O'Doherty and Augoustinos (2008) argue, no surprise that discourses that could be considered nationalistic are so powerful. Fox and Miller-Idriss (2008) argue that nationalism is the "project to make the political unit, the state (or polity) congruent with the cultural unit (the nation)" (p. 536). Thus nationalism functions in an attempt to create an homogenous identity (the 'nation') for the political unit, or the state. Nationalism operates at both a macro level (e.g., in

relation to the normal mode of the organization of countries), and at the micro level such as through the everyday practices of 'ordinary' people (Billig, 1995; Fox & Miller-Idriss, 2008). However, Billig (1995) argues that nationalism at the 'micro' level is not passive or benign, but instead operates to keep populations under control, and 'primed' in order to be easily mobilized if necessary (for example in the case of war). Such acts of nationalism at the micro level - including the use of flags in everyday contexts and national songs - are therefore, according to Billig, acts of 'banal nationalism'. Importantly, such acts can be drawn upon to create a sense of national belonging and cohesion.

Furthermore, and importantly for this thesis, nationalism is in part based upon not only standardized notions of 'belonging' but also upon expulsion and exclusion (Fox & Miller-Idriss, 2008). Thus nationalism operates powerfully to render concrete the 'imagined' nation, such as through exclusionary practices enacted at the border in the name of the 'national interest', as discussed later in this chapter (O'Doherty & Augoustinos, 2008). For example, in their study, O'Doherty and Augoustinos found that nationalistic talk (such as that regarding the sovereign right of Australia to 'protect' its borders) was critical in legitimating the Australian government's actions towards those on board the *Tampa*.² Indeed, discourses of 'nationhood' have been found to be prevalent in

² The *Tampa* was a Norwegian cargo vessel that rescued 438 Afghan asylum seekers in international waters attempting to reach Australia in August 2001. The *Tampa* was denied entry to Australian waters by then-Prime Minister John Howard, but the Captain of the ship Arne Rinnan subsequently declared a state of emergency and entered Australian waters without permission, stating that he feared for the safety of the asylum seekers aboard his vessel. See Pugh (2004) for a detailed discussion of this incident.

debates concerning immigration and asylum seekers, in that arguments such as the need for 'tough' border security are able to be mobilized in relation to what is considered to be in 'the national interest' (e.g., O'Doherty & Augoustinos; Billig, 1995; van Dijk, 1993).

In light of the concept of the nation as an 'imagined community', and the currency which nationalistic discourses have in Australia, it is important to consider precisely how the Australian 'nation' is imagined. Given the already dominant position of whiteness in Australia, it has previously been argued that the Australian nation is 'imagined' as a white country made up of a central white population adhering to what are considered to be white traditions and values (and arguably has been imagined in such a way, by white people, since colonization) (Hage, 1998). Indeed, Hage argues that many white Australians have a conception of the national space as a space that ought to be recognized as a 'white Australia'. The imagining of the nation in this way reinforces what are considered to be white values and norms such as capitalism, consumerism, and resource extraction, and maintains the dominance of these values and norms in the Australian consciousness through phrases such as 'the Australian way of life', and the reinforcement of 'Aussie dreams' and the 'Aussie battler' (Perera & Pugliese, 1997). Such values, and the right to defend them from perceived threats (such as invasion or native title concerns) are then able to be justified through recourse to nationalistic discourses such as 'the right to defend the nation', or needing to act 'in the national interest' (O'Doherty & Augoustinos, 2008; Perera, 2007) (these issues are discussed further in Chapters 4 and 5).

The imagining of the nation as 'white' and the currency afforded to nationalistic discourses similarly operate to perpetuate the dominance of whiteness in Australia. This is evident in a number of areas, including the positioning of white Australians as national 'managers' who are able to 'worry' about the nation (including levels of non-white immigration) (Hage), the marking of non-white groups as diasporic – as groups of people who live 'around' white Australians (Osuri & Bannerjee, 2004), and in only rendering intelligible an identity of being 'Australian' which revolves around white, dominant group values (Imtoul, 2007). Correspondingly, Hage argues that the dominant white culture in Australia is maintained through a process of constructing multicultural Australia as a reality of tamed ethnicities located around a primary white culture (Hage, 1998, p. 209). Thus if Australia is seen to remain firmly as a white country then non-white people living within the country are seen to exist *in addition to* the white majority. Similarly, Anderson (2007) argues that 'the 'good ethnic' is one whose 'cultural heritage/differences' remain private, and that celebrations of ethnicity (such a multicultural fairs) act as a "mechanism of *containment through identification*" (p.7). She continues this argument by stating that "...such mainstream recognition is predicated on these groups having limited agency within the prevailing culture; their position being kept, if untidily, within boundaries of consumption, spectacle and the particularity of limited, controlled spaces of expression" (p. 7). Thus 'otherness' is only considered acceptable to the white nation if it is adapted to fit in with the dominant culture, and is regulated by white Australians. I examine in more

detail the concept of the relationship between Whiteness and 'Others' in the next section.

2.2 Whiteness and 'Others'

In the previous section I examined definitions of whiteness and the way in which Australia is imagined as a white nation. I turn now to an examination of the implications this has for non-white 'Others'.

To begin with, a brief discussion of 'Othering' is called for here. Following Said (1991), I use the term 'Other' in this thesis to refer to those who are located as different, and inferior to, dominant groups – in the same way that Said discussed the Orient as inferior to, and indeed awaiting domination by, the West. In this sense, then, Othering refers to those who are different to 'Us' (e.g., in this case white Australians), and racial Othering is therefore predicated on racialized differences that come to define Others, whilst 'We' remain un-raced (Riggs & Augoustinos, 2005). Thus Othering is inherently and inextricably tied up in the ability to exercise power and to construct hierarchies based on racial divisions (Said; Haynes, Devereux & Breen, 2006). In the following two sections I discuss the ways in which whiteness functions to Other Indigenous Australians and refugees in Australia. At the same time, I examine the literature concerning the unsettling effect that the fact of Indigenous sovereignty, and the claims to refuge made by asylum seekers and refugees, have on whiteness in Australia.

2.2.1 Whiteness and Indigenous sovereignty

The process of Othering Indigenous Australians in order to normalize white belonging over Australia was imperative for British settlers to be able to stake a claim to being 'native' in Australia. As Ahluwalia (2001) writes, what was important for these British settlers and subsequent governments (especially from Federation when Australia became a country in its own right) was how they sought to:

...gain the legitimacy of being transformed from a settler to a native. For those who sought to construct a particular Australian identity... the transformation was one that was limited exclusively to those of Anglo-European origin. It is a legacy that continues to be manifested through exclusionary practices whereby the entitlements of certain citizens, including Aboriginal peoples, women and people of colour are denied. (p. 65)

Thus original claims of *terra nullius*, and ongoing processes of colonization, were one of the main methods by which colonial settlers claimed an identity as other than migrants, thereby simultaneously attempting to over-ride the prior sovereign claims of Indigenous Australians. Such attempts "went to the heart of the manner in which the continent was settled. The myth of *terra nullius* was dependent upon the non-recognition of the local population and the 'indigenisation' of their white conquerors" (Ahluwalia, 2001, p. 65). As such, the

colonization process involved denying Indigenous Australians as inhabitants of Australia, and instead building an identity for white settlers as the original, legitimate inhabitants (Osuri & Bannerjee, 2004).

Thus whiteness in Australia bears a particular relationship to Indigenous Australians and their sovereignty over the land in that normative white belonging is predicated on the dispossession and colonization of Indigenous peoples. In this regard, Stratton (2007) argues; “Australians who claim whiteness distinguish themselves from those they identify as non-white and as not properly Australian. White Australians understand themselves as always already here, in Australia. Of course, this raises a huge question about the status of Aborigines and marks the paradoxical anxieties... of settler Australians” (p. 173). Thus in the face of claims by white Australians to belonging in Australia, there are two main issues which need to be elaborated in this section: 1) the way in which whiteness and white privilege operates at the expense of Indigenous Australians, relying upon their dispossession, and correspondingly, 2) the unsettling of white belonging in the face of Indigenous sovereignty over the land.

In relation to the first point, it has extensively been argued that the privilege experienced by white people in Australia is only able to operate at the expense of Indigenous Australians in that whiteness in Australia is necessarily tied up in (ongoing) processes of colonization (Moreton-Robinson, 2000; 2003; 2004a; Riggs, 2005). As such, the sovereignty of Indigenous Australians is denied

within the white nation, with a corresponding failure to engage with Indigenous peoples on equal terms (Perera, 2007; Watson, 2007). Such denials function to both maintain white privilege and ownership of the land at the same time as continuing the violence towards Indigenous Australians that is inherent in the colonization process.

It is important to note here that Indigenous resistances to colonization are, as Moreton-Robinson (cited in Nicoll, 2002) writes:

Multifaceted; they can be visible and invisible, conscious and unconscious, partial and incomplete, intentional and unintentional ... They often contain a logic that is incomprehensible to most white folk (of the right and left political persuasion), who want us to perform our politics according to their ideas about what constitutes correct and proper political action. What is invisible to such white "knowalls" is that Indigenous resistances are often strategic interventions in the dialectics of a racialized hierarchy where whiteness is centered, constitutes the norm and confers dominance and privilege.

However, the claims to objective knowledge made by white people means that such resistances are generally positioned as subjective and partial, in the face of the 'fact' of white belonging in Australia. As Nicoll (2004) writes, the invisible nature of whiteness means that white people are able to "assume perspective" in relation to Indigenous sovereignty in which they are able to position

themselves as objectively evaluating Indigenous sovereignty claims. Nicoll writes that: “to performatively assume perspective is not to intellectually engage with Indigenous discourses but, rather, to assume an omniscient position above them. And this gives rise to all-white debates on Indigenous sovereignty where both sides try to establish the Eurocentric bias of their opponent – as though it were somehow possible to be less-white-than-thou” (p.20). Nicoll continues to suggest that assuming perspective in this way makes white sovereignty an absolute, rather than racializing white knowledge and acknowledging its own partiality.

However, despite the claimed authority and impartiality of white people in Australia, the continued dispossession of Indigenous Australians in the face of their rightful ownership of the land results in tensions in white Australia regarding the constitution of the white nation (Nicolacopoulos & Vassilacopoulos, 2004; Buchan, 2002). Thus, since “a non-white, non-Indigenous Australian is, as yet, an exotic creature” (Perkins, 2004, p 181), Indigenous Australians confront white Australia since they are the only people who obviously challenge the very legitimacy of normative white belonging in the imagined white nation. This knowledge translates into a need on the part of the white nation to retain the normative conception of Australia as a *legitimately* white nation in order to reinforce dominant white power relations in Australia. This is especially the case because of the “...challenge that Indigenous sovereignty presents to white truth claims” (Riggs, 2004a, p. 37) in that the reality of prior Indigenous belonging problematizes the legitimacy of

white colonial sovereignty in Australia. Such unsettling clearly has consequences for the positioning and reception of non-white refugees and asylum seekers in Australia, and these are discussed in the next section. The representation of the claims to land made by Indigenous Australians is discussed in more detail in Chapter 4.

2.2.2 Whiteness, and refugees and asylum seekers

Unresolved relations between Indigenous Australians and non-indigenous Australians, and continuing denials of Indigenous sovereignty, mean that white belonging in Australia is threatened by refugees and asylum seekers arriving unexpectedly in light of the challenge they present to Australia's sovereignty and ability to 'control' its borders and population- as discussed in more detail later in this chapter (Schlunke, 2002). As Schlunke writes:

We have... in the very foundations of colonial Australia two haunted elements – the arrival by sea and the possibility of more than could be imagined following. The shores of Australia are therefore the site of that original claim to belong simply by saying so. For those strangers who continue to arrive by plane but particularly those who come by boat there is in their arrival an un-settling echo of that colonial foundation. (Schlunke, 2002, para. 13)

Thus the questions raised surrounding white Australia's legitimacy to accept or not accept refugees in the face of Indigenous sovereignty means that in many cases non-white refugees "disturb the coloniser's sense of self" (Perera, 2002, para. 25). In this sense, then, refugees bring with them other claims on land or belonging in Australia that challenge the imagined white nation, in the same way that the colonizers made claims on Australia that denied Indigenous sovereignty over the land. Thus refugees, and particularly those arriving 'unexpectedly', come to be seen as a threat to the white nation (Stratton, 2007).

As Allen (2004) writes, white people:

...have chosen to write histories that see whites as the creators of civilization and people of colour as a drag on, if not a threat to it. And, though we pretend that we do not know what we have done, we know the basic truth all too well since, after all, the greatest fear we whites have of people of colour is that they will do to us what we have done to them. It is this fear that we have created for ourselves out of our phobic reluctance to face the real situation of our own role in history. (Allen, 2004, p. 125)

Indeed, asylum seekers who arrive unexpectedly are explicitly constructed as a 'threat' to Australia within many white institutions (including the media and politics, as seen in Chapters 5 and 7). This supposed 'threat' is generally manifested in terms of fears of potential invasion, thereby explicitly reflecting a fear that (non-white) refugees will invade the white nation in the same way that

the colonizers invaded Indigenous nations. This representation of 'threat' means that white Australia is able to maintain 'tough' border protection policies against asylum seekers who arrive unexpectedly that are "based on a convenient forgetting of the way in which Australia was colonized in the first place", in that the ability for the white Australian nation to deny entry to refugees is only possible through the violence of colonization (Giannacopoulos, 2007, p. 57). Thus drives to keep the nation 'white' lend legitimization to issues such as border protection and security (Osuri & Bannerjee, 2004), as discussed in more detail later in this chapter. Similarly, the conflation of whiteness with 'human-ness' means that such concerns regarding invasion can be positioned as concerns of *mainstream* Australia, rather than of only one (dominant) group of people.

Together with posing a 'threat' to the integrity of normative white belonging in Australia, refugees and asylum seekers (as predominately non-white 'foreigners') are also an important avenue through which white belonging is legitimated (Riggs, 2004a). For example, as Nicolacopoulos and Vassilacopoulos (2004) write, those located as 'foreigners' in Australia are "...here to serve the very specific and indispensable role of supposedly supplying the form of recognition that ought to have been given to and received from the Indigenous peoples" (Nicolacopoulos & Vassilacopoulos, p. 47). Thus, through the explicit construction of refugees and asylum seekers as 'Other' to Australia, white people come to be seen as native, and as normatively belonging. Of course, the legitimation provided by (non-white) refugees and asylum seekers in this way

relies upon their exclusion from, or containment within, the white nation – thus providing a relationship between whiteness and refugees and asylum seekers that is founded upon the maintenance of borders and national security.

2.3 Borders

In the previous sections of this chapter I examined literature regarding whiteness, the ‘imagining’ of the Australian nation as ‘normatively’ white, and the relationships between whiteness and Indigenous Australians and refugees. I now turn to the concept of borders – one of the main mechanisms through which white belonging and sovereignty in Australia is achieved and maintained. In this section I discuss: 1) literature concerning the concept of state borders in general, their function in terms of keeping out non-citizens, and the implications of borders for refugees and asylum seekers, 2) the relationships between borders and refugees, and 3) the case of Australian border control in particular.

It is often remarked that borders are becoming increasingly open and liberalized in relation to trade and economic activity, and closed to migration by people who have nothing to offer economically, and nothing to trade (Van Houtum & Van Naerssen, 2001; Fernandez, Gill, Szeman & Whyte, 2006). For example, Andreas (2003) argues that the nature of border control is changing from militarization and economic regulation to policing to ensure that ‘undesirables’ (those perceived as having nothing to offer) are excluded from the nation-state, whilst simultaneously ensuring that access to the state is

provided to those identified as 'desirable' to the nation-state. Thus it could be argued that state borders are increasingly being used to delineate the boundaries of the imagined community in order to maintain homogeneity within the nation-state, and keep out those defined as 'undesirable' (Andreas; Allon, 2002; Devetak, 2004; Schlunke, 2002). For example, Van Houtum and Van Naerssen argue that:

The territorial demarcation of differences that borders provide assures a geographical ordering of presumably governable special units.... All spatial units claim to own unique qualities and assets and those that lack cultural or historical legacies creatively invent them. There is an increase in the need felt to protect what is imagined as one's own cultural legacy and economic welfare. (p. 128)

Thus borders function to define sovereign spaces according to supposed cultural similarities and norms, through which it becomes possible to segregate those who do 'belong' from those who do not (Carrington, 2006).

Indeed, it has been argued that it is the ability to segregate people in this way that ensures that a state has sovereignty over its territory (Carrington, 2006).

As Fernandez et al. (2006) argue:

Borders seem to be the clearest example of a social construction that helps to create order in the world out of primigenous chaos. It is a pure

social institution, in which open fields are suddenly turned into closed spaces. From the border I can define myself and the Other – a code of ownership and belonging. (p. 468)

Thus, in an increasingly globalized world it is through borders that the modern nation-state is able to maintain sovereignty and differentiate those who are determined to belong from those who aren't. Of course, this has important implications for refugees and asylum seekers who, as precisely those who are perceived to 'have nothing to offer', are always located as not belonging within the sovereign nation-state. Within this functionality of the border in mind, then, I turn now to a discussion of borders and refugees.

2.3.1 Borders and refugees

If, in order to maintain sovereignty, the state's primary concern is to "maintain control over the construction of 'the people' upon which its legitimacy is grounded, by retaining the right to exclude" (Fernandez et al., 2006, p. 474), then it goes without saying that borders function to exclude those located as outside the nation-state. This means that refugees and asylum seekers present a challenge to the sovereignty of the nation-state by confronting its borders, as well as being the victims of bordering policies and practices that exclude them. In this section I briefly examine these two relationships between refugees and asylum seekers, and borders.

As argued above, in attempting to maintain control over a governable group of people (and therefore to maintain sovereignty), borders function to keep out those located as undesirable to the nation (Andreas, 2006; Fernandez et al., 2006). In relation to refugees and asylum seekers, such exclusion results in increasingly 'tough' border security and protection methods and surveillance techniques to ensure that these people cannot enter the state (Pickering, 2004). Indeed it is important to note that, not only are refugees and asylum seekers excluded from the state, but - existing outside state borders and therefore without state protection - Hannah Arendt (1973) argues that refugees do not even have rights. Human rights, Arendt argues, are in fact the rights of citizens, and without citizenship those rights will not be enforced. This, Fernandez et al. point out, is a limitation of the concept of human rights when applied to refugees. Fernandez et al. write that, in order to be useful, human rights must be enforced and "in a world defined by state monopolization of the legitimate means of violence, refugees who have been expelled from, or lost the protection of, 'their own' nation-states and have found that no other nation-state will take up this role of enforcement, are left without rights" (p. 470). Thus for refugees and asylum seekers, the construction of borders as seen in modern nation-states not only results in statelessness, but also lack of rights in a practical form.

However, it is important to also discuss another relationship between the function of borders, and refugees and asylum seekers. At the beginning of this chapter I discussed the challenge that the fact of Indigenous sovereignty presents to white claims on the nation-state. By challenging the border of

modern nation-states, refugees similarly confront the sovereignty of the (in this case Australian) state, albeit for different reasons. For example – in the more general context - in his discussion of Arendt's *We Refugees*, Giorgio Agamben argues that: “the refugee should be considered for what he is, that is, nothing less than a border concept that radically calls into question the principles of the nation-state...” (Agamben, 1995, p. 117). As such, by challenging the exclusive right of the state to determine who enters, refugees correspondingly also present a challenge to the very sovereignty of the nation-state (Fernandez et al., 2006). For Australia, this challenge to sovereignty is particularly pertinent in light of the already questionable claims to sovereignty made by the white nation (Wilson & Weber, 2008; Carrington, 2006). Thus refugees and asylum seekers are particularly confronting to the both the sovereignty of the white nation, and the normalization of whiteness as discussed previously. The specific case of Australian borders is discussed in the next section.

2.3.2 The case of Australian borders

The policing of borders in order to ensure that non-citizens do not enter is a practice seen around the world, particularly at the United States/Mexico border and the European Union (Pickering, 2004). In this section, I examine literature specific to the ‘protection’ and ‘security’ of Australian borders, particularly against ‘unauthorized’ refugees and asylum seekers (i.e., those who attempt to arrive in Australian territory without a valid visa).

As a colonial nation, Australia's borders were re-imagined by the white occupiers in order to create an identity for Australia as white, and as British.

Mbembe (2003) suggests of such colonial occupation that:

The writing of new spatial relations (territorialization) was, ultimately, tantamount to the production of boundaries and hierarchies, zones and enclaves; the subversion of existing property arrangements; the classification of people according to different categories; resource extraction; and, finally, the manufacturing of a large reservoir of cultural imaginaries. These imaginaries gave meaning to the enactment of differential rights to differing categories of people for different purposes within the same space. (p. 8)

Thus colonial Australia came to be re-defined as a white country (by white people). Within this new, 'normatively' white, nation, the subversion of existing property rights equaled a blanket denial of Indigenous Australians as property-owning in their own right at all. Indeed, classified as the 'savage' as they were, Indigenous Australians were not seen as belonging within, or using, the land, and were therefore denied any ownership whatsoever (Stratton, 2007). Of course, such denials continue to be actively challenged and fought by Indigenous Australians who never gave up their sovereignty over their lands (Moreton-Robinson, 2007). These challenges, together with a brief history of the colonization of Australia, are discussed in more detail in Chapter 4.

In relation to this re-imagining and redefining of Australia, Allon (2002) writes that:

Australia was positioned firmly within the framework of European imperialism and reproduced its values and also its ideologies: namely, the universalisation of the nation-state as the most desirable form of political community. This is of course the political form whose unity can only ever be predicated on the imposed assimilation, containment, even eradication, of difference and complexity, of 'minorities', 'migrants' and 'foreigners', by the establishment of an imagined community that must be maintained through the performative work of nation-building, and through constantly-rehearsed anxieties of national identity, and also through the policing of borders. (para. 10)

As such, for Australia as a white nation-state - and particularly as a colonial nation-state - the desire for the "eradication of difference" necessarily leads to border anxieties and the need to maintain control over Australia as a 'white' country through border policing and security. It has been argued that Australia's history of colonization makes the border particularly symbolic, as well as a site of anxiety and fear (Carrington, 2006; McMaster, 2002; Mares, 2001). This previous research suggests that the fears of invasion which some argue was partly behind the so-called 'White Australia Policy' – the first Act

passed by the new Commonwealth of Australia in 1901³ – are now manifested in restrictive border protection policies and the harsh treatment of asylum seekers (Carrington, 2006). Such anxiety is particularly evident in relation to asylum seekers in concerns of being ‘over-run’ – concerns that are racialized in that they are manifested particularly in relation to both Asia and those located as Muslim (Wilson & Weber, 2008; Pickering, 2004).

Whilst there is not space to examine specific events in detail, such border anxieties are explicitly seen in issues such as the *Tampa* incident (see Marr & Wilkinson, 2003), the children overboard incident (see Pugh, 2004; Marr & Wilkinson), the Pacific Solution implemented during the conservative Howard government years (Carrington, 2006), and the ongoing attempts to process asylum seekers arriving unexpectedly off-shore (Carrington). In fact, such examples of border anxiety are notorious even in international literature surrounding borders and refugees (see, for example, Fernandez et al., 2006). These incidents illustrate the entrenched fears in the white Australian psyche regarding ‘outsiders’ and the need to defend national (white) sovereignty (Wilson & Weber, 2008; Stratton, 2009; Philpott, 2002; McMaster, 2002), demonstrating an investment in maintaining the position of privilege held by white people in Australia.

³ The ‘White Australia Policy’ (or the *Immigration Restriction Act, 1901*) intentionally restricted the immigration of non-white people to Australia, for example by requiring all would-be migrants to pass a dictation test.

In relation to refugees and asylum seekers, then, it has been argued that increasingly since the September 11th 2001 attacks on the World Trade Centre, the Australian government has increasingly come to redefine “mobility as a problem of security” (Wilson & Weber, 2008, p. 124). Wilson and Weber argue that such a redefinition places human mobility as above politics, instead locating it within discourses of the effectiveness of security. In turn, these increasing discourses of securitization logically lead to increased border surveillance and ‘deterrence’ methods (Wilson & Weber). In Australia, specific methods to increase border security include the *Border Protection Bill 2001* implemented by the Howard government as part of its response to the *Tampa* standoff, in which the government excised certain islands (such as Christmas Island and Ashmore Reef) from the country’s migration zone (McMaster, 2002; Nicoll, 2002), the *Migration Legislation Amendment Act (no. 2) 2001* which authorized the government to instigate the ‘Pacific Solution’, and the *Border Protection Legislation Amendment Act 1999* which allows Australia to intercept boats before they enter Australian territory (see McMaster, 2002).

As such, it is interesting that whilst, as mentioned above, it has been argued that modern borders are constituted through policing rather than economic regulation or militarization (Andreas, 2006), in Australia it is arguably the case that the policing of borders for ‘unauthorized entrants’ is increasingly becoming militarized – that is, the military are increasingly used for policing functions (Pickering, 2004; Stratton, 2009). The use of the military in this way in Australia in response to the ‘crisis’ of unauthorized refugees and asylum seekers (and the

nationalistic rhetorical accompanying this) is especially seen in the conflation of unauthorized asylum seekers and 'terrorists' (Pickering, 2004), and paves the way for the implementation of the state of exception (as discussed in the next section), as well as for the criminalization of refugees and asylum seekers (as discussed throughout this thesis). The representation of refugees and asylum seekers arriving unexpectedly in Australia and thereby challenging the sovereignty of the white nation-state is discussed in Chapter 5.

Importantly, this concept of borders and their relationship to refugees operates within a white, Western understanding of the world based on an investment in ensuring that Australia remains a sovereign nation that is able to 'control' its population, and keep out those located as being 'undesirable'. Wadjularbinna (2002) writes that, for Indigenous Australians, conceptualizations of the land and belonging operate very differently to those outlined so far in this chapter. For example, in response to the *Tampa* incident, she writes: "The refugees were coming here, to OUR country, which we as Aboriginal people have a spiritual connection to. Our culture teaches us that we are all connected, to the land and to everybody else" (para. 4). This understanding of the land and its relationship to people stands in stark contrast to the nationalistic rhetoric seen in the talk of the Australian government and media in response to this event (O'Doherty & Augoustinos, 2008), and instead presents an understanding of Australia as having a responsibility to ensure that the rights of refugees can be protected as human rights. Importantly, the quote above also illustrates an understanding of the world as *connected* rather than as a series of distinct, 'imagined' nations

operating independently of one another. Thus it is important to locate the theories discussed so far (and those discussed in the next section) as theories that operate (and are privileged) under regimes of whiteness rather than as objective 'facts'. Such theories reflect the investment which Western, white countries have in maintaining their privilege, power, and control in the modern world.

2.4 Practices of exclusion

I turn now to an examination of the exclusion practices available to the nation-state (as defined above). Specifically, I examine 1) the concept of *homo sacer* and the corresponding invocation of the state of exception, leading to justification of 'the camp', and 2) the practice of criminalization.

2.4.1 *Homo sacer, the state of exception and 'the camp'*

In his books, *Homo Sacer: Sovereign Power and Bare Life* (1998) and *State of Exception* (2005), Giorgio Agamben discusses the concept of 'bare life' and its relationship to the state of exception (based on Carl Schmitt's concept of the definition of the sovereign as "he who decides on the state of exception"). In the term *homo sacer*, or bare life, Agamben refers to depoliticized life, as distinguished from forms of life that are politicized – most evidently the citizen. Thus Rajaram and Grundy-Warr (2004) argue that, for Agamben, politics is an ongoing process of "clarification between inclusion and exclusion, between

forms of life that the sovereign will protect and represent and those it will not“ (p. 34). As argued above, it is this process of inclusion or exclusion which allows a sovereign to maintain their sovereignty.

Those who are exempt from the law are, Agamben (1998, 2005) writes, frequently deferred to states of exception. Agamben argues that the state of exception is implicit in the idea of the nation-state, in that a sovereign power can employ or defer to a ‘state of exception’ in time of supposed crisis, in which the normal rule of law is suspended. Thus, as Stratton (2009) argues, for Agamben the state of exception is always present as a possibility in the state. The state of exception does not, however, operate as completely external to the law since “the suspension of the norm does not mean its abolition” (Agamben, 2005, p. 23). Furthermore, those who are inside and those who are outside the state of exception are not clearly demarcated or separated. Indeed, as Rajaram and Grundy-Warr (2004) argue: “...the condition of exemption by which the normal political space is declared entails that the norm is dependent on its exempted other“ (p. 34). Thus, those located as outside the norm are integral to the location of citizens and political life as inside it.

For Agamben, this blurring of difference is most evident in the establishment of the state of exception in the form of camps established for the containment of human beings. The camp as a state of exception operates both externally to the sovereign law (in that it is exempt from the rule of law), whilst simultaneously perpetuating it by enabling the sovereign to control those who are excluded

(see Agamben, 1998). Interestingly, the camp as a realization of the state of exception functions as a *permanent* arrangement, which, however, remains outside the normal order (Perera, 2002). For example, Mbembe (2003) draws from the work of Agamben, stating: “in the political-juridical structure of the camp... the state of exception ceases to be a temporal suspension of the state of the law. According to Agamben, it acquires a permanent spatial arrangement that remains continually outside the normal state of law” (Mbembe, 2003, p. 2). Thus the camp represents a permanent space, both inside and outside the law (but in which the normal order is suspended), in which those deemed external or offending to the sovereignty of the nation-state can be contained (Perera, 2006).

Regarding the state of exception, and those deemed to be external to the sovereign state, Mbembe (2003) writes that:

...the state of exception and the relation of enmity have become the normative basis of the right to kill. In such instances, power (and not necessarily state power) continuously refers and appeals to exception, emergency, and a fictionalized notion of the enemy. It also labours to produce that same exception, emergency, and fictionalized notion of the enemy. (p. 4)

Thus the state of exception operates in reaction to both appeals to an emergency and a “fictionalized notion of the enemy”. In light of the

aforementioned threats to sovereignty seen in the bodies of both Indigenous Australians and refugees and asylum seekers, it is conceivable that both these groups of people are positioned as an 'enemy' to the sovereignty of the white Australian nation. In the rest of this section, then, I examine literature specific to the Australian context in which Agamben's theories of the state of exception and its physical manifestation in the camp are applied to refugees and asylum seekers arriving unexpectedly in Australia, and Indigenous Australians – thereby beginning a discussion of the exclusion techniques available to the nation-state.

In their discussion of Agamben's theories of the *homo sacer* and the state of exception, and the politics related to asylum seekers arriving unexpectedly in Australia, Rajaram and Grundy-Warr (2004) argue that the Australian government explicitly represents asylum seekers as being outside the law – as unlawful – and therefore “normal legal obligations cannot apply to detainees as they would apply to Australian citizens” (p. 45). For example, Rajaram and Grundy-Warr comment on the response made by Australia to a report made by United Nations envoy Chief Justice Prafullachandra Natwarlal Bhagwati in which the Chief Justice urged Australia to take a more humane approach to the detention of refugees and asylum seekers, especially children. In this response, then-Immigration Minister Phillip Ruddock denied that the detention of children was against Australia's international obligations because Justice Bhagwati ignored the unlawfulness of the presence of the asylum seekers and refugees in Australia. Thus, as Rajaram and Grundy-Warr point out, Ruddock

implies that Australia's obligations do not apply to people who are unlawful, thereby highlighting "starkly the condition of being outside of the law that the refugee as *homo sacer* is subject to" (p. 45).

By highlighting the refugee as outside the law to justify exclusion in this way, the white Australian nation is able to create a state of emergency in Australia (e.g., through the 'threat' posed by asylum seekers and refugees 'illegally' attempting to cross Australian borders), which in turn is able to justify the state of exception. Thus, Rajaram and Grundy-Warr (2004) argue, laws enacted by the Australian nation-state in fact create an effectively institutionalized state of exception within the *whole* of Australia for particular types of refugees and asylum seekers (namely, those arriving unexpectedly). Such laws include the mandatory and indefinite detention of asylum seekers arriving unexpectedly, and the border excision legislation through which offshore islands and reefs (where the vast majority of irregular migrants enter) are removed from the Australian "migration zone". Thus the white Australian nation-state explicitly constructs refugees and asylum seekers arriving unexpectedly as outside the law – and therefore as effectively *homo sacer*.

This representation, then, legitimates the on-going state of exception in Australia in relation to unexpected arrivals, whilst simultaneously consigning those arrivals to detention centers synonymous with 'the camp' – in which refugees and asylum seekers are "deemed to have no claim on the nation but, paradoxically, are brought even more firmly under its control by virtue of their

exclusion from its laws” (Perera, 2002, para. 11). Schlunke (2002) writes of these camps, and the refugees and asylum seekers in them:

What else to do with such unspeakable symbols but incarcerate them, contain them and if possible expel them. In Australia the detention centers are always to the west of the eastern centre. In the western suburbs, in the central desert, in the far north west; perhaps we are making of these places what Australia was once to England – sites of human disposal far, far from the center. (para. 19)

Here, Schlunke highlights the consignment of refugees and asylum seekers arriving unexpectedly to camps that are, even in their very physical location, constructed as being external to the nation-state. Interestingly, in this quote, Schlunke also discusses the ongoing relationship of ‘the camp’ to Australia as a former penal colony. Mbembe (2003) similarly discusses this relationship when he writes that: “...the colonies are the location par excellence where the controls and guarantees of judicial order can be suspended – the zone where the violence of the state of exception is deemed to operate in the service of ‘civilization’ (p. 8). Thus both Mbembe and Schlunke highlight the already integral position of the camp to the Australian nation-state, as a former penal colony.

Subsequent manifestations of the camp have been seen in various forms for the containment of both Indigenous Australians and refugees and asylum seekers

throughout Australia's history. For example, Carrington (2006) has discussed the relationships between 'the camp' in the form of detention centers for unexpected asylum seekers and refugees, and the reserves and missions that were deployed to contain and control Indigenous Australians following colonization. Carrington writes:

Like detention camps, reserves and missions were spaces to which Indigenous non-citizens were exiled. The colonial government evaded its treaty obligations, not unlike the current government, by shifting borders, expunging tribal borders and rendering Indigenous peoples strangers within. Like asylum seekers, Indigenous peoples were stripped of their humanity and defined as non-citizens with few formal civil or political rights until relatively recently. (p. 199)

Similar parallels between these detentions centers and the missions set up for Aboriginal people have been drawn by other scholars, with Wadiwel (2007) arguing that "today it is not too difficult to locate a strong correlation between the sovereign violence that shaped the Australian camp system and the infamous zones of exception that now appear to define the post-2001 era: Baxter, Villawood, Nauru" (Wadiwel, 2007, p. 165). Within such missions, Aboriginal people were "reconfigured as a landless and homeless refugee" (Perera, 2002, p. 2), and as such were constructed by the white nation as other than legitimate inhabitants of the land. Indeed, without citizenship status, Indigenous Australians – like refugees – also became *homo sacer* within the

white Australian nation. In more recent times, the explicit calling of a state of emergency in remote Indigenous communities in the Northern Territory has prompted a range of actions which explicitly suspend the normal operation of the law in order to further control Indigenous lives. (More detail regarding the Northern Territory intervention is provided in Chapter 6).

By invoking the concept of unlawfulness, or *homo sacer*, and decreeing a state of emergency to legitimate the state of exception, the white Australian nation-state can justify exclusion practices towards those located as undesirable to the nation. As can be seen by the illustrations of camps set up for Indigenous Australians and refugees, these arenas allow for otherwise unlawful actions to be not only legitimized but also constructed as normative and necessary for the security of the nation. As Osuri (2006) argues:

The invocation of security and freedom shifts dominant discourses on the acceptability of torture or other 'state of exception' practices as now fundamental to the freedom, sovereignty and security of western nation-states and its citizens. Hence, the practises of detention and torture or the unfreedom of the other... is no longer seen as simply acceptable in a 'state of exception' but is seen as necessary within a media-driven cultural politics whilst maintaining the identity of western nation-states as democratic and free. (para. 9)

As such, acts of dehumanization of those people who are considered to be undesirable within a nation are normalized within the state of exception. Once in place, the state of exception and the camp reinforce Indigenous Australians and refugees and asylum seekers as *homo sacer* by constructing them as Other to the white Australian nation-state; as needing to be contained and controlled. As Schlunke (2002) argues: “Without the fences declaring these folks are not us we will find that many of them are exactly like many of us. It is not after all their difference that is so fearful in a multicultural nation but their sameness” (para. 22).

Importantly, the fact that the ‘state of exception’ as a concept is able to exist as an explanation for the nature of sovereignty in the modern world again highlights the whiteness-bound nature of the modern nation-state and understandings of the world. For example, Watson (2002) argues that, for Indigenous Australians, “law embraces all things in the universe, a different idea to the states’ concept of sovereignty: ‘sovereign is he who decides on the state of exception’. As law holds no outer or inner place, it is in all things, even the muldarbi’s⁴ own claimed sovereignty. There is nothing, which can fall outside the realm of law...” (p. 269). Here, the existence of the ‘state of exception’ as able to legitimate acts of violence or as able to exclude unwanted Others is impossible since, as Watson argues, for Indigenous Australians it is impossible to live outside the law. This highlights the illegitimacy of the assumed power that the white Australian nation-state wields when it evokes the state of

⁴ The term ‘muldarbi’ means ‘demon spirit’

exception, thus exposing the Australian nation-state as unlawful even as it attempts to maintain its sovereignty through the exclusion of others. However, despite the 'unlawfulness' of Australian law, it is still the case that the state of exception operates within white Australia as a means through which the government attempts to maintain control over its population, and thereby maintain its (unlawful) sovereignty. Thus the examination of the ways in which the concept of the 'state of exception' and the camp operate in the mainstream news media is important in order to further understand the operation of whiteness in attempting to exclude those who challenge white sovereignty.

2.4.2 Criminalization

Given that in many instances, as Agamben argues, the state of exception is justified through recourse to *unlawfulness*, I turn now to an examination of literature surrounding the criminalization of those located as racial Others, and therefore the ways in which these people are constructed as both outside, or in opposition to, the law. Thus criminalization is an important exclusion technique as it operates to reinforce the references to the unlawfulness of Indigenous Australians and refugees and asylum seekers as discussed in relation to the state of exception, and therefore to further legitimate the camp (Krasmann, 2007; Bosworth, Bowling & Lee, 2008). Criminalization also dehumanizes those located as Others in that the construction of certain groups as inherently criminal differentiates them from 'Us' (Pickering, 2004). I will examine these issues in further detail in this section.

It has been argued previously that criminalizing those who are seen as undesirable plays a key role in building the nation-state through exclusion practices (Cunneen, 2001; Perera, 2002), meaning that criminalization is frequently racialized (Bosworth, Bowling & Lee, 2008). For example, in the case of Australia, Perera (2002) argues that:

Consolidating a vision of national morality or building a consensus of 'national values' are processes linked to the generation of moral panics around particular groups and the projection of an aura of criminality and danger upon certain minoritised populations. Historically in Australia racialised criminalisation extends both to Indigenous people, whose legitimacy and claims to the land are thus written over, and to migrant and refugee populations who disturb the coloniser's sense of self. Themes of crime and contamination, of migrants and asylum seekers as potential corrupters of morals, carriers of disease and 'sleepers' for terror against whom fortress-like barriers must be erected, resonate deeply with the historical anxieties of the white Australia policy. (p.4)

Thus the literature suggests that criminalization is frequently seen in relation to both groups of people of concern to this thesis.

Regarding the criminalization of Indigenous Australians, Cunneen (2001) writes that:

Criminalization excludes and isolates Indigenous people from the assumed national consensus, and undermines both citizenship rights and Indigenous rights. The political rights of... Indigenous peoples are easily transformed into seeing Aboriginal... people as a 'law and order' threat to national unity. (p. 10)

Thus the process of criminalizing Indigenous Australians works to construct them (as a group) as not only outside of the nation-state, but also as a threat to it.

Such criminalization processes extend throughout a variety of institutions in Australia, including the police force and criminal justice system (Cunneen, 2001; Hollinsworth, 2005; Simmons & LeCouteur, 2009; Meadows, 2001), the media, (Meadows, 2001; Simmons & LeCouteur, 2009; Human Rights and Equal Opportunity Commission (HREOC), 1991), and in government and public rhetoric which apports blame on Indigenous Australians for the systematic disadvantage they face (Saxton, 2003). This criminalization will be covered in more detail in Chapter 6 of this thesis.

In relation to refugees, the increasing focus on securitization has progressively criminalized asylum seekers and refugees attempting to cross borders (Wilson & Weber, 2008). Such criminalization, Wilson and Weber argue, is apparent at both the level of political and media discourse, and punitive practices employed towards refugees and asylum seekers such as fingerprinting, and detention.

Indeed, the focus on border security in Australia, it has been pointed out, has meant that refugees become caught at the 'intersection' of the 'War on Terrorism' and the border protection 'war' being enacted at Australia's borders (Perera, 2003). In this intersection, refugees and asylum seekers readily become not only criminalized, but also conflated with terrorists (Saxton, 2006; Perera, 2002). The criminalization of unexpected refugees and asylum seekers attempting to enter Australia will be examined in further detail in Chapter 5. Finally, literature suggests that refugees living in Australia also continue to be subjected to racialized criminalization. For example, scholars have argued that refugees and asylum seekers are criminalized in the media, which frequently draws upon discourses of deviance and criminalization in its coverage of refugee and asylum seekers issues (Saxton, 2003; Pickering, 2001) – a topic discussed more in Chapter 7.

2.5 Chapter summary

In this chapter I have discussed the fact of Indigenous sovereignty (and its denial), and theories regarding the normalization of whiteness both generally and within the Australian nation-state. I have examined literature concerning the reliance of the sovereignty of the modern nation-state upon the maintenance of borders, and the supposed homogeneity of the community within those borders. Thus I have considered the ways in which refugees and asylum seekers are represented as external to the nation-state, whilst simultaneously representing a challenge to its sovereignty. Finally, I have

examined some exclusion techniques available to the nation-state towards those located as racial Others – namely, the implementation of the state of exception in response to a supposed state of emergency, and theories of *homo sacer* and de-humanization and criminalization. In the remainder of this thesis, I conduct a critical discursive analysis of mainstream news media representations of Indigenous Australians and refugees and asylum seekers. In these analyses, I examine dominant discourses that appear in these representations together with the perpetuation of the normalization of white belonging in Australia, and the ways in which these marginalized groups of people are excluded from belonging in, or claims to sovereignty on, the Australian nation-state. Before turning to this analysis, in Chapter 3 I cover the methodological approach that I will be using.

Chapter 3: Methodology

Within whiteness's regime of power, all representations are not of equal value: some are deemed truthful while others are classified fictitious, some are contested while others form part of our commonsense taken-for-granted knowledge of the world. Imbued with a power that normalizes their existence, these latter representations are invisible, unnamed and unmarked.

(Moreton-Robinson, 2004a, p. 76)

In this chapter I discuss the methodology and analytic approach that I take in this thesis, in relation to both discursive analysis and media studies. Additionally, I provide information regarding the data that I draw upon in Chapters 4 to 7.

3.1 Discourse analysis

Unlike methodologies branching from quantitative psychology, there is no single way of explaining what constitutes discursive psychology, or a 'discourse analysis', nor are there step-by-step guidelines outlining how to analyze a piece of text (Wetherell, 1998). Instead, there are many different ways in which discourse analysis is conceived by researchers working in the field, and many different social areas upon which an analysis of discourse might focus. Indeed, 'discourse analysis' has been the subject of much debate in recent years (see, for example, Billig, 1999; Wetherell, 1998, Schegloff, 1998). However, all versions

of discourse analysis have in common a focus on language use and the ways in which language is constitutive of differing versions of social reality, rather than describing an objective world 'out there'.

It is common in social psychology to draw a line between two broad types of discourse analysis (Wetherell, 1998; Burr, 1995). On the one hand there are researchers such as Parker (1992), and Parker and Shotter (1990), who are interested in notions of selfhood, personal and social change, and power relations, and who are broadly influenced by the work of Foucault and by post-structuralism. On the other hand, there are researchers such as Edwards (1997), and Edwards and Potter (1992) who are more interested in a fine-grained version of discourse analysis which is derived from conversation analysis and which focuses on the level of the text (see Wetherell, 1998; Wetherell & Edley, 1999 for further discussions of these differences).

The analysis used in this thesis will draw on both of these broad traditions, to engage in an analysis of the mainstream news media which will consider, as Wetherell and Potter (1992) do, the way in which the variability inherent in language is used to perform various tasks in constructing and developing accounts of the world and arguing for particular outcomes, whilst at the same time heeding Parker's (1992) warning that a focus on language which does not consider the political, social, and power relations in whose service an account may operate risks becoming just another empty analytic tool rather than actually producing productive and applicable results. As such, the findings

presented in this thesis draw upon a synthetic approach such as that employed by Wetherell (1998), Wetherell and Edley (1999) and Edley (2001), who argue that a stance which utilises a fine grained analysis of the action orientation of talk (e.g. Edwards and Potter, 1992) as read through the existence of power relations and operations of subjectification within that text (following the work of Foucault) is the most productive. Thus this thesis draws upon an understanding of texts as social, and therefore as operating within a broader field of power relations and social interactions (Edley, 2001; Wetherell, 1998).

Importantly, and in relation to an understanding of discourse analysis as able to challenge dominant, hegemonic discourses, it is worth noting that discourse analysis differs from traditional psychology in that the discourses available for people to draw upon are not considered to be a route to understanding a person's 'true' beliefs or stable attitudes (Burr, 1995; Edley, 2001). This means that it is possible that the speaker or writer may in fact be unaware of the consequences of using a particular discourse or repertoire, and instead are simply drawing on the dominant discourses available to them about a particular issue (Wetherell and Potter, 1992). Once such dominant discourses have been identified, however, it is nonetheless possible to critique how they function to maintain oppressive power relations and how they function to portray the world in a certain way, thereby offering an account of the ways in which the socio-political world is (re)produced (Burman & Parker, 1993). This means that discourse analysis can be a powerful tool in changing the ways in which power is distributed by, as Foucault (2003) suggests, 'opening up' minority discourses

to be considered together with dominant discourses to allow for alternative ways of representing and constructing the world to be heard.

Such a focus on the way in which power relations and inequalities are maintained in the mainstream media through dominant discourses means that the discourse analysis employed in this thesis is inherently critical. Indeed, critical discourse analysis stemming from any subject area is the form of analysis generally considered the most appropriate for the analysis of media texts (e.g., see Fowler, 1991; van Dijk, 1988, 1993a; Wodak, 1996, 2001; Fairclough, 1995). Critical discourse analysis is considered to be a perspective (rather than a method *per se*) that focuses on social problems and the (re)production of power relations in a given society (van Dijk, 2001). Indeed, van Dijk argues that critical discourse analysis operates explicitly with the interests of dominated groups in mind, and therefore is openly biased in the sense that it overtly challenges ideologies that reproduce inequality. Thus the analysis conducted within this thesis, whilst utilizing tools provided by a synthetic discursive approach, will also be critical in its stance as it analyses mainstream media representations of marginalized groups of people.

Thus, in summary, in this thesis I employ a critical synthetic discursive analytic approach to examine extracts from mainstream news media articles concerning the groups of people in question in order to consider both 1) how the language of the news is structured, and how particular arguments are constructed and operationalized – such as how particular versions of reality are represented as

‘factual’, 2) the historical, political and cultural context in which these news media articles appear and in which dominant discourses are both produced and reinforced, and 3) the ways in which these discourses operate to maintain power relations and inequalities, thus privileging dominant group members at the expense of marginalized group members.

Having now outlined the understanding of discourse analysis utilized within this thesis, I turn now to a brief description of some of the analytic concepts available to discourse analysts as they analyse a piece of text.

3.1.1 Analytic concepts: Interpretive repertoires, ideology, subject positions and argumentation.

In this section, following Edley (2001), I briefly outline some of the key analytic concepts within discourse analysis that informs the subsequent analytic chapters. Specifically, I discuss the concept of interpretive resources, ideology, subject positions and argumentation.

1) Interpretive Repertoires

Potter and Wetherell (1987) define interpretive repertoires as “...recurrently used systems of terms used for characterizing and evaluating actions, events and other phenomena” (p. 149). Thus interpretive repertoires are terms or concepts which are drawn upon frequently in a text, and can therefore be

conceived of as a 'toolkit' (Burr, 1995, p. 118), or as the building blocks available to people in creating different versions of the world, and in achieving different socially legitimate outcomes from their talk (Potter & Wetherell). As such, interpretive repertoires function at the level of the text, and are "...a way of understanding the *content* of discourse and how that content is organized" (Wetherell & Potter, 1992, p.90). Interpretive repertoires are thus conceptualized as both easily recognizable and culturally familiar to those belonging in the culture in which they appear (Edley, 2001).

2) Ideology

One of the ways of understanding how discourses function and gain currency and power at a societal level is through the operations of ideology. Whilst there are several different ways of understanding ideology (Burr, 1995), critical discursive analysts typically understand ideology to be both linked to power and to be dilemmatic (e.g., Billig, 1988; Billig, et al., 1988). That is, within critical discursive analysis, ideology refers to discursive action that is linked to power in that a particular version of events become an ideology when it is used by powerful groups to sustain their position (Burr). Thus, as Burr writes; "The study of ideology is therefore the study of the ways in which meaning is mobilized in the social world in the interests of powerful groups" (p. 79). Thus ideological analysis involves an analysis of discourses as they operate within broader historical, cultural and societal levels. I will discuss the relationship between discourse and power in more detail later in this chapter.

Billig (1988) and Billig et al. (1988) argue that ideology is also dilemmatic in that the concepts, values and beliefs in society shape what we see as the two sides (or many sides) of an argument. That is, whatever the topic may be about, it tends to be constructed in the form of a dilemma, to which there may be no easy answer. Billig et al. further argue that within society there exist 'ideological dilemmas' which refer to ways of thinking that are shaped by society. For example, ideologies come to be seen as 'commonsense' ways of viewing the world that are taken-for-granted. In this sense, then, within critical discursive analysis ideology is not conceived of as passive, but instead as 'lived' in the sense of engaging with 'commonplace' arguments. For example, the discourse of 'progress' is an ideology in modern Western societies that is considered a commonsense 'good', and indeed necessary. However, discourses of 'progress' are also dilemmatic in that they may refer to either (for example) the 'progress' made through development of the land via mining or other commercial interests, or the 'progress' made through effective engagement with Indigenous peoples over the use of their land. These issues are discussed in more detail in Chapter 4 of this thesis.

3) Subject positions

The term 'subject positions' refers to particular identities that are made relevant by particular ways of talking (Edley, 2001). As such, there is a particularly important relationship between discourse and subjectivity in that it

is through discourse that subject positions are constituted (Wetherell & Edley, 1999). Thus Edley argues that the analyst needs to maintain awareness of what subject positions or identities are being made available and intelligible within a particular text. The concept of subject positions is examined in more detail later in this chapter in relation to identities and the media.

4) *Argumentation*

Another important issue to note in the analysis of discourse used in this thesis refers to what Edwards (1997) has termed their 'could-have-been-otherwise' quality. That is, since there is never only one possible description available, when objects are constructed in discourse they are constructed *against* alternatives (Billig, 1991). This means that an analysis of discourse will attend not only to the written or spoken text, but also to what the use of a specific text replaces, or what could have been said instead. As Edwards argues:

It is not only that descriptions could have been otherwise; usually there is a fairly specific 'otherwise' that is at issue. That is to say, descriptions are selected and assembled with regard to *actual* alternatives, and sometimes specific counter-descriptions. They are not merely different from otherwise possible descriptions, but have a *rhetorical*, argumentative quality with regard to what somebody else might say... We can always inspect a piece of discourse... and ask: what is being defined by that assertion? Or,

what otherwise plausible world, or version of the world, is at issue? (p.8)

This quality of discourse is important for analysis of news media because it enables the researcher to consider not only what the discourse is arguing *for* but also what it is arguing *against*, despite the representation of the news as objective and factual.

3.1.2 Discourse analysis and power relations

Since the version of discourse analysis elaborated within this thesis is concerned with the way in which language is constructive and with the social and political effects that occur as a result of those constructions, a primary focus of the analysis of the texts presented here is on the power relations that are maintained by the currency of dominant discourses. Many authors consider that power and discourse are intimately bound together in that it is through discourse that power relations can be produced and reinforced by upholding certain types of social relations over others (Burr, 1995). For example, Wetherell and Potter (1992) argue that: "...language is so structured to mirror power relations that often we can see no other ways of being, and it structures ideology so that it is difficult to speak both in and against it" (p. xi). In other words, the normalizing power of dominant discourses means that inequalities in society are able to (re)presented as 'just the way things are'. As Burr (1995) argues in relation to Foucault's theorization of power, discourse and power are

intricately bound together in that power is an effect of discourse through which people are able to define the world and others, thereby producing and reinforcing a particular 'knowledge'.

Given this reproducing relationship between discourse and power, it is logical that the analyses of discourse provide a means through which it is possible to comment on the social processes which enable both the maintenance of oppression and acts of resistance (Burman & Parker, 1993). In this way, discourse analysis becomes an important tool for identifying how certain discourses make it possible for power relations to be maintained and reproduced, and for examining how opening up the possibility of other discourses may enable the challenging of prevailing ideologies. Thus one way to challenge existing power relations is by focusing on language, and by identifying the ways in which language maintains the dominant discourses of a society.

However, and as Parker (1992) argues: "It is necessary to focus on language in its own right, and discourse analysis unravels the conceptual elisions and confusions by which language enjoys its power... But there is more than language and discourse analysis needs to attend to the conditions which make the meanings of texts possible" (p. 28). As such, any analysis of discourse that attempts to change existing power relations also needs to consider the social practices and structures which make them possible (Burr, 1995). By analysing the dominant discourses seen within the mainstream news media in relation to Indigenous Australians and refugees and asylum seekers, this thesis will

identify both the discourses tied to power in current Australian society, whilst also considering the broader socio-political climate in which such dominant discourses are able to inhabit their powerful position. Furthermore, by considering the role of the mainstream media in perpetuating these discourses, this thesis is able to examine in Chapter 8 alternative ways in which marginalized discourses could be 'opened up' in order to counter prevailing ideologies and power relations – for example, through independent, 'niche' or community media forms.

3.2 Discourse and the media

Research suggests that many, if not most, members of the general public have limited direct access with people from marginalised racial groups to whom they themselves do not belong (HREOC, 1991; Fowler, 1991; Meadows, 2001). As such, much of the information that dominant group members in particular hold regarding marginalized groups (and events concerning those groups) is frequently gained from the mainstream media (Fowler; Meadows; Jakubowicz, et al., 1994). It is therefore argued that the mainstream media plays an important role in shaping public perception of marginalized groups by reaffirming the centrality of dominant discourses prevailing in society, and making them more available for members of the public to draw upon (Blackman & Walkerdine, 2001; Fowler). Furthermore, and by functioning as what Foucault termed a 'technology of subjectification', the mainstream media play a central role in constituting both ourselves and other people as subjects through

the ways in which it presents different discourses (Blackman & Walkerdine), and in so doing makes available different subject positions. Thus the media is centrally involved in both (re)producing dominant discourses and ideology, and in (re)producing various subject positions.

In the rest of this section I will examine in more detail: 1) the relationship between the media and the public, 2) the impact of the media on subject positions, 3) the genre of 'hard' news in particular (as the focus of this thesis) and 4) resistances from marginalized groups to the dominant discourses presented within the mainstream news media.

3.2.1 The relationship between the media and the public: who influences whom?

There is a great deal of debate concerning the relationship between the media and the public who consume it. For example, traditional social psychological research has attempted to examine 'how' the media influences individuals, with research designed to examine such relationships in a quantifiable manner within laboratories (Blackman & Walkerdine, 2001). It has been argued, however, that such research is problematic as it assumes that the social world can be 'carved up' into different units that can be easily isolated from one another's influence, and it works on the supposition that the message of a particular text will mean the same regardless of a person's position in the world and the context in which it appears (Blackman & Walkerdine, p. 41). Such a view

of the media is therefore inherently individualistic in that it relies on the concept of a 'vulnerable individual' who is particularly susceptible to the ways in which the media is able to produce and distort 'reality' (Blackman & Walkerdine, p. 48). Such a model also considers subjectivity to be an apolitical process in that it divorces people from their historical and cultural contexts, instead reinforcing the notion that they exist as isolated individuals (Riggs, 2006b).

In opposition to the conceptualizations of the relationship between the media and its audience discussed above, it has been argued that the relationship between the media and its audience is in fact far more complex than such traditional models presume (Blackman & Walkerdine, 2001). For example, Blackman and Walkerdine argue that, as a 'technology of subjectification', the media actually plays a role in *producing* subjectivities rather than merely portraying them. This means that it is through institutions (such as the media) that acceptable, normative subject positions are promoted, and made available for people to draw upon and to locate themselves within (Riggs, 2006b). Taking up this more critical stance, the approach to the media used within this thesis will consider the ways in which the mainstream news media, as a vehicle for discourse, is *constitutive* of the subjectivities and provides a 'reality' about Indigenous Australians and refugees and asylum seekers by rendering certain discourses easily accessible to the general public.

Whilst the media is a powerful site complicit in the production of meaning and subjectivities, it is important also to acknowledge the influence of audiences upon discourses and subjectivities. As Blackman and Walkerdine (2001) propose, whilst traditionally it has been argued that the 'masses' are vulnerable to media messages, it is increasingly being recognised that this understanding of media influence fails to understand the mutual effects of media audiences. For example, Fiske (1987) argues that it is possible that audiences are able to actively, rather than passively, read the media so that they can resist the control that the mainstream media attempts to have over the meanings of the discourses it delivers. Instead, audiences may create meaning out of those discourses which resonate with themselves, so that: "The discourses of the program attempt to control and confine its potential meanings: the discourse of the reader may resist this control" (Fiske, 1987, p.15). Thus the public may have a degree of control over media messages in relation to their position as active audiences.

In relation to this point, it is also important to note here that together with the possibility of resisting the discourses offered, audiences also have a degree of power in their relationship with the media in that they are consumers, and the mainstream media is fundamentally a commercial product (Fowler, 1991). This means that the media will have a vested interest in producing news that will sell. As such, the mainstream media will be at least partially independent of the social elites in power in a society who are generally considered to have the most access to, and control over the output of the mainstream media as an 'elite

discourse' (Eldridge, 1993; Szuchewczyk, 2000). However, such an independence remains likely to produce a conservative, limited and consensual product that reinforces the existing *status quo* as it is unlikely that a newspaper will make maximum profit if they are invested in opening up marginalized discourses (see Poole, 2002).

Finally, it is important to discuss here issues of 'access' to the mainstream news media. As an 'elite discourse' which is frequently considered to be run primarily by dominant group members, it is frequently the case that the mainstream media is generally controlled by 'social elites'. This control of the mainstream media by 'elites' is even more pronounced when considering the fact that it is "through the media that the other elite discourses (e.g, academic, corporate and political) are able to be communicated to their broadest audience" (Szuchewczyk, 2000, p. 500). The net effect of this control is that the media (and members of powerful elite groups via the media) are able to disseminate interpretations of events and situations that "contribute significantly to the formation, maintenance, and reproduction of a dominant popular consensus" (Szuchewczyk, p. 500). Whilst acknowledging the effects of audiences on the media, this nevertheless means that frequently the media will simply reinforce the attitudes of those in power when it reports on issues regarding marginalized groups of people. It is worth noting here, however, that whilst in many cases it is true that elite discourses do set the agenda when reporting on marginalized groups of people, it would be a mistake to say that such groups of people are completely

passive. Examples of active resistance from marginalized groups are discussed later in this chapter.

With all of the above points in mind, the critical discourse analysis within this thesis centers an understanding that there is a mutual effect between audiences and the mainstream media. That is, the mainstream media is able to draw on discourses already available in the dominant society (and is invested in doing so in order to sell its product), to (re)produce those discourses, and then to allow for them to become available once again, and perhaps more powerfully, to its audience. This particular understanding of the media represents a middle ground between an 'active audience' approach (in which audiences have complete control over the messages they receive from the media) and the aforementioned studies (in which audiences are considered as individuals and as powerless to media influence) (Deacon, Fenton & Bryman, 1999). Within this approach the media becomes a site where public discourses are reproduced and then disseminated, with the ability to set agendas and shape the discourses available to the public (Haynes, Devereux & Breen, 2006). Thus audiences have some power in interpreting these discourses but the meanings portrayed by the media are nevertheless often highly influential. Simply put, the media provide the *context and framing* of issues, even if the context and frame aren't solely of its making. For audiences, this means that the media "may not tell us what to think, but they are stunningly successful at telling us what to think about" (Cohen, 1963, p.13), which is consistent with a conceptualization of the media as agenda-setting. Furthermore, as an elite discourse, the conservative output of

the mainstream media is reinforced in light of the control over media messages held by social elites or dominant group members, who are invested in maintaining their positions of dominance rather than 'opening up' marginalized discourses which may challenge that dominance.

3.2.2 Identities and the media

Since the media is a major institutional force through which people learn about the dominant discourses available for use within a society, it operates, as mentioned previously, as a 'technology of subjectification' in that it is able to prescribe certain identities to its audience from which they are then able to draw in order to construct themselves and others (Blackman & Walkerdine, 2001). This means that the media plays an important role in the creation of the identities of both marginalized and dominant groups of people (and images of the identities of the former in the eyes of the latter), in many cases in (re)producing the discourses which maintain those groups in positions of domination or marginalization – as discussed above. Thus the media can be conceived as a social and cultural process that is accorded a significant role in the production of particular understandings about who and what we are (and are allowed to be) at any given historical and cultural moment. As such, Blackman and Walkerdine argue that the media play a part in 'producing' the human subject, rather than merely reflecting or distorting subject positions that are already available.

Given that, as previously mentioned, the media are often the only point of contact dominant group members will have with issues and events relating to marginalized groups of people, the analysis of the subjectivities produced within the media is important in order to examine how marginalized groups and identities are represented. Indeed, if such representations are ubiquitous enough then they become entrenched as 'common sense' understandings rather than as particular constructions (Johnson, 2005). Thus, for example, it may be taken as 'common sense' when a news item represents an Indigenous person as a criminal (as discussed in more detail in Chapter 6 of this thesis), or asylum seekers as 'illegal' (as seen in Chapter 5). Therefore, and as Poole (2002) argues, it is important for media analysis to consider the discursive constructions of people found within media texts, and the ways in which those people are represented stereotypically.

3.2.3 *'Hard' news*

'Hard' news is generally defined as news within which evaluative meanings or attributions by the author are constrained (White, 2006). Thus 'hard' news is differentiated from other journalism that appears in newspapers such as editorials, which are marked by commentary and individual viewpoints (White). As such the news media claims to be objective, and to only report 'facts' (Fowler, 1991). However, as with other forms of the mainstream media, research regarding the mainstream news media has argued that the news is socially, politically and economically situated and therefore must report from a

particular angle, at the expense of alternatives (Fowler). Thus what we read as 'news' is in fact the "end-product of a complex process which begins with a systematic sorting and selecting of events and topics according to a socially constructed set of categories" (Hall, Critcher, Jefferson, Clarke & Roberts, 1978, p. 34). Thus, rather than being 'found' (so to speak), news is *created* (Philo, 2002). It follows then, that as a situated product, the news contributes to dominant ideologies and is largely conventional in its structure – as discussed previously in relation to the mainstream media more generally (Hall, et al.). Indeed, part of the role of a critical discourse analysis is to highlight the fact that, whilst the news media claim to be 'factual' and reflect the 'real', the inherently argumentative, constitutive nature of language means that this is not the case. This then requires that a critical discourse analysis actively challenges the ideologies reinforced through such claims to impartiality (Fairclough, 1995).

In relation to the news media and power, previous media theorists have focused on issues of control over the news media, arguing that 'social elites' generally have greater access to this genre of media than do marginalized groups (e.g., Fowler, 1991; Szuchewczyk, 2000; van Dijk, 1993b). For example, Fowler argues that generally people in 'powerful' positions such as politicians, company directors or academics have more access to the mainstream media than do marginalized groups of people, and this means that it is the opinions and attitudes of those groups which are heard most frequently and reproduced. This works on two levels. Firstly, it means that relatively few people from marginalized groups have access to the mainstream media in the first place in

terms of the ability to provide their own version or accounts of stories (van Dijk, 2001). As Fiske argues in relation to the mainstream news media: "...the individuals who people the news are first carefully selected and then carefully controlled by the way they are inserted into the narrative structure. A limited range of people is given access to the news, very few social positions are allowed to 'speak'" (Fiske, 1987, p. 294).

Secondly, stories about marginalized groups are often only included in the news if they either include an issue of concern to the dominant majority or if they fit the existing consensus about that group of people (Fowler, 1991). As Plater (1992) argues in relation to Indigenous Australians:

Often an Aboriginal issue does not become a 'good story' until some conflict emerges with the government or a mining company or some other authority figure or violence or international embarrassment is involved. In this way, the agenda on reporting Aboriginal issues is usually set by the government or group in power so that Aborigines only speak as respondents. Stories need to come from the communities themselves and in order to do this journalists need to take them time to get to know Aboriginal people as people." (p.36).

These issues will be discussed in relation to Indigenous Australians in Chapters 4 and 6 of this thesis. Similar issues are found in news coverage of other marginalized groups. For example, Fowler (1991), following the concept of

‘news values’ developed by Galtung and Ruge (1965) argues that the ‘values’ of the news mean that stories regarding ‘elite’ nations and ‘elite’ persons are considered far more ‘newsworthy’ than stories concerning marginalized groups. Issues of the mainstream news media coverage of Africa, as discussed in more detail in Chapter 7, illustrate this point.

3.2.4 Resistances

There are many examples of instances where people from marginalized groups have been, and continue to be vocal about issues concerning them (despite the issues mentioned above regarding access to the mainstream media). There are also many examples of news media which have been driven by marginalized groups in order to actively present news and media which is relevant to, and controlled by, these groups of people themselves. For example, Dreher (2010) writes about acts of resistance in the form of forums organized by migrant, refugee and Indigenous women in relation to how women’s voices – and particularly those from marginalized groups – were frequently silenced in media coverage leading up to the 2001 election (for a further discussion of ‘talking back’ to the mainstream news media see Dreher). For Indigenous Australians, examples of news media which have been set up in order to address Indigenous issues, provide alternatives to mainstream news outlets, or which are run and controlled by Indigenous Australians include Central Australian Aboriginal Media Association with CAAMA online news, the *National Indigenous Times*, and the *Koori Mail*. In fact, Meadows and Molnar (2002) argue

that Indigenous media is Australia's fastest growing media sector, which they argue is (particularly in the case of radio broadcasting) partly driven by persistent negative mainstream media portrayals. Thus these media forms have risen in part as active resistances to the dominant ideologies seen within the mainstream media in Australia. The ways forward for Indigenous and other 'community' media, and the mainstream media are discussed in further detail in the final chapter of this thesis.

Despite the existence of these forms of resistance, this thesis aims to investigate the ways in which the Australian nation-state attempts to legitimate its sovereignty through the exclusion of marginalised groups who challenge it, and how this can be seen in mainstream media reporting. As such, the thesis is concerned with so-called 'mainstream' news in that it is this news which is largely invested in maintaining the *status quo* (and correspondingly national sovereignty) and therefore with (re)producing discourses and subjectivities that contribute to and maintain the exclusion of such marginalized groups from the nation-state. As such, this thesis only examines mainstream news media, and does not consider the forms of alternative or community media mentioned above.

3.3 Data collection

Data was collected from the twelve week-day newspapers with the highest circulation as identified within the Australian Press Council's *State of the News*

Print Media in Australia 2007 supplement (Australian Press Council, 2007).

These newspapers are as follows; *The Herald Sun*, *The Daily Telegraph*, *The Courier Mail*, the *Sydney Morning Herald*, *The Age*, *The West Australian*, *The Advertiser*, *The Australian*, *The Australian Financial Review*, *The Mercury*, *The Canberra Times* and *The Northern Territory News*. Articles for each of the analytic chapters were sourced from the *Factiva* database. The specific details of these searches - including the search terms, the number of articles the search returned, and the inclusion and exclusion criteria - are provided in 'Data Collection' sections in each of the relevant analytic chapters. Importantly however, this thesis is only concerned with hard *news* media articles for the reasons elaborated above regarding the claims to objectivity and truth made by this media genre. As such, any articles that fell out of the news genre were excluded from analysis. Such exclusions included opinion pieces or editorials which overtly contain opinions and attitudes, and 'insight' pieces which are considered to provide more in-depth analysis that are not accorded the same status as 'factual' as are hard news items. News articles were, however, sourced from any section within the newspaper – including general news sections, business sections and other sections relevant to a particular time such as 'election specials' and so on. The decision regarding whether or not an article could be classified as 'news' or not was therefore made on the basis of the newspaper section stated in *Factiva*.

As such, this thesis will utilize a critical discursive analytical approach to analyze news articles concerning Indigenous Australians and refugees and

asylum seekers. In particular, this thesis will examine the dominant discourses concerning these two groups of people as they appear in news articles from Australia's major print newspapers, and therefore consider the representations of 'fact' available to the mainstream public regarding these marginalized groups. I turn now to an examination of the first of these areas; the mainstream news media coverage of native title, as a way in which to consider how Indigenous claims to land were reported in this section of the press.

Chapter 4: Native Title and Indigenous Australians

Belonging and Ownership

The challenge for non-Indigenous Australians in the twenty first century is to reconcile ourselves to the legitimacy and integrity of Indigenous belonging in and to this place.

(Nicoll, 2002, p. 9)

4.1 Introduction

In Australia, native title legislation is currently the only means through which the sovereign rights of Indigenous Nations to their ancestral land are legally recognized. Whilst land rights legislation provides a means by which First Nations can claim land, it is important to note that this legislation functions by granting 'new' rights to Indigenous people (as defined under the law of the colonizer), rather than recognizing ongoing sovereignty over land *per se* and the forms of Indigenous law and ownership of country that existed prior to colonization (Commonwealth of Australia, 2007). Furthermore, native title is a complex system, and one that arguably few people living in Australia understand. As such, it is a system that has been exploited and misrepresented by politicians and other invested groups in order to meet political, business or ideological agendas (LeCouteur, Rapley and Augoustinos, 2001; Moreton-Robinson, 2004a; Watson, 2002a).

In this analytic chapter I will examine the representations of native title made available by the mainstream news media, as a lens through which to examine how Indigenous claims to land and belonging in Australia are recognized and acknowledged. In order to do this, I will consider mainstream news media representations of both native title claims themselves, and reporting of subsequent negotiations between native title groups and other interests. Before turning to this analysis, I first provide some background information to native title in terms of how it came into existence in the first place, how it is now defined under Australian law, and the methods through which native title-holders subsequently negotiate with companies wishing to use their land. I then discuss previous media research regarding the representation of native title before turning to examine representations of native title in the mainstream news media since early 2007.

4.1.1 Native title legislation: Historical context

As discussed previously in Chapter 2, the legal doctrine of *terra nullius* (meaning ‘land of no-one’) was applied to Australia by British colonizers upon the arrival of the First Fleet in 1788. This assertion was based on notions of property ownership such as those proposed by John Locke, in which ownership of land was based upon ‘using’ it – that is, by the application of labour (see Short, 2003; Short, 2007 for a discussion of this). Thus, by applying this Eurocentric notion of land ‘ownership’ the colonizers claimed that Indigenous nations were not

legitimate owners of their land since they were not perceived as 'using' the land according to this definition.

The *Mabo v. Queensland* (No. 2) case in 1992 (commonly known as '*Mabo*') overturned the assumption of *terra nullius*, declaring it to be a legal fiction. *Mabo* was brought to the High Court by Eddie Mabo and the Meriam people of Murray Island in the Torres Strait, who argued that they had continuously and exclusively inhabited their Island, and therefore were able to claim legal recognition of continuing rights (Short, 2003). The claim of continuing rights was determined by a majority of six to one in the High Court, and thus, as common law recognition of the rights of Indigenous Nations to land, native title was first recognised in the outcome of *Mabo*.

The concept of exactly what native title is and how it is defined in Australian law is discussed in the next section. Before turning to this discussion, however, it is important to note that opposition to proposed native title legislation was strong, with the mining industry and other commercial interests lobbying extensively in order to ensure that when native title rights were legislated, they would not threaten commercial interests (Short 2003; Short, 2007). This was despite the fact that, as Short argues: "Not one millimetre of non-indigenous land was at risk from the legal principles laid down in *Mabo*. In fact, the native title indigenous land rights recognized by the court were extremely limited. The rights granted limited occupation only; they were not even akin to a standard lease" (Short, 2007, p. 860). Thus when the government responded to the result

of *Mabo*, it was the interests of powerful commercial enterprises that were privileged over the interests of more vulnerable Indigenous groups, therefore leading to legislation that “sought to limit indigenous rights behind a veneer of agrarian reform” (Short, 2007, p. 870).

Correspondingly, when native title was legislated in 1993 in the *Native Title Act 1993* (NTA), it was decreed that native title could be claimed only on some (limited) areas of vacant crown land. However, in an appeal against a rejection of native title determination for the Wik people in Queensland in 1996, the High Court ruled that native title could co-exist on pastoral leaseholds (which make up around 40% of Australian land), meaning that this form of land holding did not completely extinguish native title (LeCouteur, Rapley & Augoustinos, 2001). In response to this finding, the Howard government in office at the time acted quickly to pass legislation, in the form of the *Native Title Amendment Act 1998* that ensured that native title could not override the interests of mining or other business enterprises on land held in pastoral leases, and toughened the already difficult native title registration process for claimants (Nicoll, 2002; Watson, 2002a; Moreton-Robinson, 1998; Lavelle, 2001). Indeed, the *Native Title Amendment Act 1998* substantially extinguished native title and has been criticized on that basis (Short, 2005).

Further amendments were made to NTA in 2007 and 2009. The *Native Title Amendment Act 2007* included measures aimed at speeding up the process of the determination of native title (Attorney General's Department, n.d.). The

Native Title Amendment Act, 2009 included changes to the mediation process to allow the Court to determine whether the Court, the NNTT or another independent body should mediate the claim, and changes to the evidence rules to make it easier for Indigenous Australians to submit oral evidence for their claims to land (Attorney General's Department, n.d.).

Thus native title, despite the limited rights it afforded Indigenous people, was met with considerable opposition and debate within the Australian political and business arenas. This opposition was frequently also reflected within the mainstream news media, as is discussed later in this chapter. Before considering the representation of native title, I turn now to a discussion of how native title is defined under Australian law.

4.1.2 Native title legislation: Definitions

According to the National Native Title Tribunal (NNTT) website (n.d.), native title is defined as:

...the recognition by Australian law that some Indigenous people have rights and interests to their land that come from their traditional laws and customs. The native title rights and interests held by particular Indigenous people will depend on both their traditional laws and customs and what interests are held by others in the area concerned. Generally speaking, native title must give way to the rights held by others.

Native title is therefore recognized as existing on the basis of certain laws and customs which have been maintained over an area of land despite the displacement of Indigenous peoples caused by colonization. The Native Title Act (NTA), legislated in 1993, attempted to a) provide for the recognition of native title, b) establish the ways in which future dealings with native title could proceed, and ensure that there are standards for those dealings, c) establish a mechanism for determining claims, and d) provide for the validation of past acts which may become invalid due to native title (*Native Title Act 1993 (Cwlth)*, Section 3).

The NTA provides for only limited areas of land to be available for claiming under native title. For example, the NNTT states that, generally, full native title rights will only be granted over restricted areas of country including vacant crown land and some national parks (Commonwealth of Australia, 2009). When native title is recognized, it is either considered 'exclusive' or 'non-exclusive', and the latter must co-exist with other rights, such as those of pastoral leaseholders, and generally must not interfere with these. The rights of traditional owners to their country is considered extinguished in parts of Australia which are subject to previous exclusive possession acts, such as the grant of freehold estates or leases, or the construction of public works (although importantly in 2006 in the Single Noongar Claim, Judge Wilcox recognized the Noongar people's native title claim over Perth, the first recognition of native title in a metropolitan area. This decision was met with applications for an appeal by

both the State and the Commonwealth. See Watson, 2009 for a discussion of this outcome). Native title rights are also extinguished where there is any inconsistency with other, non-exclusive possession acts such as agricultural or pastoral leases (*Native Title Act*, 1993 (Cwlth), Section 23A).

If native title 'rights and interests' are to be recognized over an area of country, Indigenous Nations have to argue that their cultures and connection with the land have survived colonization. As such, native title has its origins in ongoing connections to, and traditional relationships with, the land, and the responsibility for the proof of these relationships falls on Indigenous Nations seeking a native title determination. In relation to Indigenous rights and interests under common law, the NTA states in Section 223:

- (1) The expression native title or native title rights and interests means the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:
- a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
 - b) the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and
 - c) the rights and interests are recognized by the common law of Australia.

Thus Indigenous Australians are required to provide proof of these rights and interests before a determination of native title can be made. The difficulties inherent in this are discussed in the next section. First, however, since this chapter will also consider mainstream news media representations of native title that relate to the subsequent use of land over which native title has been granted, a brief explanation of these negotiation processes is called for here.

Firstly, agreements can be reached outside the NNTT between native title groups and other parties (for example, mining, pastoral or governmental interests) through Indigenous land use agreements. These are agreements entered into voluntarily and all parties are bound to the conditions negotiated once they are registered with the NNTT. Secondly, what is known as the 'future act process' allows native title claimants whose claim meets the registration conditions, but who are waiting for a final determination, to have the right to negotiate about some future acts such as the granting of a mining lease. Where agreements cannot be reached between the parties involved, it becomes the responsibility of the tribunal to make a decision about the negotiations.

4.1.3 Native title legislation: Critiques

There have been many criticisms of the native title system, by both Indigenous and non-indigenous commentators. One of the main critiques is related to the burden of proof on Indigenous Nations, which makes the claiming of recognition of native title extremely difficult for Nations whose only form of proof may be

one not typically recognized within Australian law, namely oral history (see Moreton-Robinson, 2004b, for a discussion of this). Such critiques also come from international sources, for example, the Maori Land Court Chief Judge Joe Williams (2008) has argued that:

In Australia the surviving title approach... requires the Indigenous community to prove in a court or tribunal that colonization caused them no material injury. This is necessary because, the greater the injury, the smaller the surviving bundle of rights. Communities who were forced off their land lose it. Those whose traditions and languages were beaten out of them at state sponsored mission schools lose all of the resources owned within the matrix of that language and those traditions. This is a perverse result. In reality, of course, colonization was the greatest calamity in the history of these people on this land. Surviving title asks aboriginal people to pretend that it was not. To prove in court that colonization caused them no material injury. Communities who were forced off their land are the same communities who are more likely to lose it.

Similar difficulties relating to the claiming of native title also occur via the ways in which Indigenous Nations are required to delineate the boundaries of the country they are claiming. Applications for native title over an area of land require strict outlining of boundaries for land under consideration including the creation of boundaries in accordance with a western system of mapping country. Thus, existing as it does within a white Australian legal system, native

title forces Indigenous people to define themselves and their land within colonial conceptions of country and ownership (Moreton-Robinson, 2004b).

Indeed, the entire concept of native title has been criticized by Indigenous scholars as a denial of Indigenous sovereignty over land, with the result of *Mabo v. Queensland* meaning that “Indigenous people did not lose their native title rights but were stripped of their sovereign rights to manage their own affairs, to live according to their own laws, and to own and control the resources on their lands” (Falk & Martin, 2007, p.38). As such, Falk and Martin argue that the NTA amounts to a complete denial of sovereignty so that Indigenous people are forced to live under a colonial regime that is able to control and regulate their lives and access to country. Moreton-Robinson (2007) makes a similar point, where she states:

What Indigenous people have been given, by way of white benevolence, is a white-constructed form of ‘Indigenous’ proprietary rights that are not epistemologically and ontologically grounded in Indigenous conceptions of sovereignty. Indigenous land ownership, under these legislative regimes, amounts to little more than a mode of land tenure that enables a circumscribed form of autonomy and governance with minimum control and ownership of resources, on or below the ground, thus entrenching economic dependence on the nation state. (p. 4)

Similarly, native title laws in place in Australia restrict Indigenous peoples to existing within colonial frameworks of knowledge, as Irene Watson (2005) also writes:

Mabo No.2 and native title 'recognition' are presented as offerings to the possibility of decolonising colonial myths, but the truth of their colonising presence is now beginning to appear... Aboriginal people begin to call once again: We have nothing; we remain hungry for country, freedom and justice. (p. 16)

Indeed, within the space of the NTA there is no room for recognition of sovereignty whereby Indigenous peoples can make decisions for themselves and control their own lands on their own terms (Falk & Martin 2007; Moreton-Robinson 2003; Watson 2002b).

Instead, and as Irene Watson (2002b; 2005) argues, rather than leading to equality before the law, *Mabo v. Queensland*, and the subsequent native title legislation, merely "plaster over" the cracks in the Australian legal system by confirming that Indigenous Australians simply became British subjects when their Nations were invaded, and thus the only law they have access to in the eyes of the Australian nation is British law. Yet arguably even British law does not function correctly when applied to native title. For example, in her analysis of the Yorta Yorta native title claim Moreton-Robinson (2004b) demonstrates that Yorta Yorta land was in fact not treated as stolen property (despite the fact

that the claim was made on the basis of theft by the colonizers from the Yorta Yorta people), but rather as Crown land that the Yorta Yorta were then required to prove ongoing connection to.

As such, and as Short (2007) argues, native title is a process that is located firmly within colonial structures that simply reinforce existing power relations. This is clearly seen in relation to the subsequent use of land once a native title determination has been reached. For example, previous research surrounding the outcomes of agreements between native title groups and other interests suggests that only rarely do such agreements result in substantial economic benefits for native title holders, or provide protection for Indigenous heritage (beyond what is required by law), or ensure that Indigenous Australians are able to participate in projects - such as the environmental management of mining (Faircheallaigh, 2007). Furthermore, it is suggested that there is an imperative placed on native title groups to reach agreements due to the fact that, where negotiations have been transferred to the NNTT, the tribunal has traditionally handed down decisions which favour companies (Faircheallaigh).

Similarly in relation to subsequent negotiations regarding the use of land over which native title has been recognized, the native title system has been criticized on the basis of the large inequalities in resources available to most native title groups compared to companies or governments with whom they are negotiating. Such inequalities are likely to mean that negotiations are difficult to achieve in an equal manner (Dodson, 1996). As Irene Waston (2002) argues

“consider the reality of the unequal power of Nunga communities in contrast to the state and powerful corporations”, continuing, “my questions is: Will Indigenous land usage agreements in the future stand as agreements where Nungas have given consent to the violation of our laws, lands and natural resources?” (para. 8). Thus, imperatives to provide for communities and difficulties achieving equality in negotiations with heavily-resourced companies has the potential to both deliver undesirable and unequal outcomes to Indigenous peoples.

It is important to note, however, that native title and Indigenous land use agreements are complex, and such critiques are not meant to imply that Indigenous Australians are unable to secure outcomes that are of benefit to them under the right conditions. In fact, research has shown that the outcomes delivered to Indigenous Australians as a result of Indigenous land use agreements, for example, are highly variable, with some groups receiving substantial benefit (both in economic terms and terms such as exclusive use of land and control over ‘development’) whilst others may be *disadvantaged* (Faircheallaigh, 2003). For Indigenous Australians whose native title over an area of land *does* benefit from Indigenous land use agreements, positive outcomes may include the ability to control developments (such as mining), including the ability to link such economic development with social, ecological, political and cultural factors to ensure sustainable approaches to any developments on Indigenous lands (Jonas, 2004). Additionally, outcomes may include the integration of the identity of the particular group of Indigenous

Australians and their unique relationship to land in the development process, and a process of development which builds on the strengths of the particular group of native title-holders, such as utilizing any existing decision-making body or structure, and respecting and drawing upon knowledge regarding an area of land (Jonas, 2004). Where such conditions are met, Indigenous land use agreements may deliver positive outcomes to groups of native title-holders. For example Fairchellaigh (2003) reports on agreements with companies which include not only substantial economic benefit, but also survey teams which are selected and appointed by native title-holders, Indigenous survey members who are paid for their work by the companies involved, and no limitation of the exercise of rights of traditional owners in relation to (for example) sacred sites. However, as mentioned earlier, such outcomes are highly variable.

4.2 Previous analyses of media representations of native title

Previous media analysis of the representations of native title in the mainstream media has been limited. Analyses that have been completed previously suggest that coverage of native title issues has focused largely on issues purported to arise for non-indigenous Australians as a result of native title, with Indigenous concerns frequently side-lined or overlooked completely. For example, Meadows (2000) found in his analysis of stories published in the mainstream media in relation to the Wik decision that the media frequently represented this issue as a 'deal', focusing on whether or not the Howard government would

‘win’ in getting their amendments through the Senate, rather than considering the impact these changes would have on Indigenous Australians themselves.

Additionally, Meadows (2000) found that very little contextual information was included in this coverage regarding native title in general or the High Court’s Wik decision in particular, and that the number of non-indigenous sources used in the news stories outnumbered the number of Indigenous sources at a ratio of four to one, with a similar trend found in the press coverage of a treaty with Indigenous people in Canada. Meadows points out that these non-indigenous sources frequently represented conservative politicians and other interests such as the farming and mining industries, thus effectively skewing the media coverage of native title in this instance to reflect the concerns of these powerful interests rather than Indigenous Australians themselves. Bullimore (1999) found similar issues in an analysis of coverage of both Wik and native title in *The Australian* and the *Sydney Morning Herald*. Bullimore found that Indigenous voices were underrepresented in both these newspapers at the expense of politicians, academics, lawyers, church groups and other ‘prominent’ citizens and interests – so-called ‘elite’ voices.

Other research has found that media representations of native title negotiations tend to focus on bureaucratic issues rather than the rights of Indigenous peoples to oppose ‘developments’ on their land (Hartley & McKee, 2000). Indeed, commentators have argued that the media frequently report on the (invariably negative) effect that native title may have on business, with Short

(2007) arguing that the media have played a role in constructing native title as a 'crisis', thus supporting the arguments put forward by mining and agricultural lobbies (Short). Again, this focus of the media on bureaucratic concerns is at the expense of Indigenous Australians, for whom native title may be of central concern.

4.3 Data and analysis

A search of the 'Factiva' database for the search terms 'native title' was conducted over the period 1 January 2007 to 20 August 2009. In total, 757 articles were found using these criteria. Of these, 336 focused on native title issues, with the remainder including the terms in minor ways, such as to describe someone as a member of the National Native Title Tribunal. Articles considered to have a focus on native title were those that revolved primarily around the system itself. The one exception to this was the way in which native title was used within business articles, as this was easily the most common way in which native title was referred to in the media. Whilst these articles often revolved around, for example, the progress a company was making rather than native title itself, these articles were included for analysis since the fact that a third of all the articles sourced fell within this category meant that it was considered important to examine this representation.

In the following analysis I examine the ways in which the term 'native title' appeared within the mainstream news media in these two and a half years from

January 2007 to August 2009. Analysis of these articles revealed three main themes under which articles could be categorized:

- 1) The initial claiming of a native title over an area of land, including the outcomes of court cases and decisions
- 2) Subsequent negotiations regarding the use of land subject to native title, including the effect that the requirement for native title negotiations to take place has on business, and
- 3) The political aspect of the native title system, including the need for reform.

4.3.1 Claiming rights and interests in land: Media coverage of native title cases

Articles which focused on native title cases in terms of the claiming of land in the first place were often reasonably short, and focused primarily on issues such as the size of the land being claimed, the location, and whether or not the claim was successful. These reports were often written in relation to the impact a successful claim would have on an area in terms of the relevant non-indigenous parties. The following extract is an example:

Extract 1

1. The Wilsons Promontory National Park claim was lodged by the Gunai/Kurnai and Booner-wrung people in 1997, but has only now moved towards mediation in part because of delays and changes to the Native Title Act.

2. The claim covers more than 7000 square kilometres of crown land and water from Port Franklin to Inverloch, and would give traditional owners customary rights to fish, hunt or camp on park land.
3. Ian Campbell-Fraser, state manager of the Native Title Tribunal, said the claim would not affect public access to the national park.
4. "It's important to bear in mind that even if the claimants were successful in getting a determination of native title, that doesn't mean that the national park stops being a national park," he said.

(Smiles, 2008, p. 5)

As can be seen, this article focuses primarily on the effect a 'win' for native title claimants would have on the park, rather than considering the effect which dispossession would have had on the claimants in the first place, or how recognition of this dispossession would affect the claimants now. Both the Gunai/Kurnai and Boonerwung peoples are the first people of the Gippsland area along the Eastern coast of Victoria. However, the Gunai/Kurnai people in particular fiercely resisted colonization, and many died in massacres perpetrated by 'settler' Angus McMillan and his men (Gardner, 2001). Despite these histories of dispossession, Indigenous voices are not represented in this extract at all, except to state which groups of people are claiming the land. Rather, the article focuses on non-indigenous interests, assuring the presumed-to-be non-indigenous reader that "even if the claimants are successful in getting a determination of native title, that doesn't mean that the national park stops being a national park" (section 4), and thus the 'public' will still be able to access the area. Indeed, following research by Meadows (2000) this extract prioritizes

the voice of a non-indigenous 'elite' rather than any representative Indigenous person.

Furthermore, this extract highlights constructions of native title as a land-grab, and as anxiety-producing as found in previous research (see, Riggs & Augoustinos, 2004; Short, 2007 for examples of this research) by assuming that such anxieties are held by non-indigenous Australians, and addressing these concerns in the quote from the state manager of the Native Title Tribunal in section 4. By including this quote in order to address these fears, the extract effectively constructs native title as insignificant, or at the very least posing no challenge to the white Australian nation-state and its sovereignty. That is, if the national park doesn't stop being a national park there is really nothing to fear from native title at all. Thus here the *claiming* of native title is constructed as almost insignificant – if nothing changes practically with the relevant land area and its use, then there is nothing for white Australia to be concerned about. Indeed, a determination of native title is referred to as unlikely in this quote through the use of the word 'even' (section 4). The corollary of this is that when native title *does* translate into practical outcomes that *do* affect the use of the land, and that therefore 'threaten' or challenge the white nation. This is documented in more detail later in this chapter.

Non-indigenous concerns were particularly placed in the foreground when part of the land being claimed was land seen as useful for commercial or housing

development. An example of this is seen in Extract 2, regarding the Yawuru people in and around Broome:

Extract 2

1. Native title issues blamed for stifling development in Broome have been resolved, with an in principle agreement reached between the State Government and the Yawuru people more than 15 years after an original claim was lodged in the Federal Court.
2. Attorney-General Christian Porter said the agreement, which affects about 1000ha of land and has also been known as the Rubibi claim, would allow for the long-awaited release of land for housing, commercial developments and infrastructure while protecting Aboriginal heritage and alleviating social and economic disadvantage.
3. Traditional owners would be properly compensated for the extinguishment of their native title rights, but details would not be released until a final deal, which would include two indigenous land use agreements, was signed off.

(Banks, 2009a, p. 19)

In this extract, native title is represented as having an effect on land-usage, and as such is explicitly constructed as “stifling development” (section 1). Thus native title is positioned as being ‘obstructionist’ and therefore as a move backwards – a discourse that is discussed in more detail in the next section. Suffice it to say here that, as this extract is taken from the very start of the article, this positioning of native title in economic and ‘development’ terms from the beginning constructs the process as an impediment, rather than as a process that is meant to recognize the rights that Indigenous Australians have to their

land. Whilst many people argue that in fact the native title process does take too long (Faircheallaigh, 2003), the focus here on the effect that this has on 'development' concerns rather than the relevant Indigenous group or groups of people overlooks the central importance that native title is meant to have for those Indigenous Australians who are able to claim recognition of their rights and continuing interests in their country.

Indeed, as in Extract 1, this extract again represents the idea of native title as unnecessarily invoking emotion or anxiety in non-indigenous people, although to a lesser extent. For example in this extract the focus on economic issues serves to imply that whilst some anxiety about native title may be justified in relation to the impediment to 'development', ultimately this anxiety is unwarranted as native title is really able to be reduced to money, or 'compensation' (section 3). Thus native title becomes about economic and 'development' concerns in this extract, resulting in a situation in which native title in its current form is seen as unthreatening to white Australian sovereignty since, eventually, native title 'hurdles' will be overcome for the right price. Instances in which agreements have not been able to be reached, or are reached in a way which is unsatisfactory to the values of 'development' and 'progress' of the white nation-state are discussed later in this chapter.

Furthermore, the extract foregrounds the concerns and interests of non-indigenous Australians by positioning the need for the release of land for 'development' as an imperative, with Indigenous claims to that land largely

overlooked. Instead, the extract focuses on “protecting Aboriginal heritage” (section 2) and the fact that the compensation ostensibly being paid to Indigenous Australians for the extinguishment of their native title is necessary to address social and economic disadvantage (section 3). Several points can be made about this representation of the agreement. Firstly, the sovereign rights of Indigenous Australians to their land, recognized in the form of native title, are overlooked in this extract, with a focus instead on what could be read as ‘practical reconciliation’. Here, white benevolence in the form of compensation for the use of native title land is constructed as able to equate white claims on the land for uses such as ‘development’ with the (now extinguished) claims that the Yawuru people have to their traditional lands (see Riggs, 2004b for a discussion of this aspect of ‘white benevolence’ and its role in attempting to legitimate white belonging and possession). By focusing on this aspect of the agreement rather than providing any context to the claim itself, the extract dehumanizes Indigenous Australians and downplays their claims to land, and places these claims in a secondary position to an imperative for development and monetary compensation.

Secondly, the argument that compensation for the extinguishment of native title rights is worthwhile since it may address the disadvantages the Yawuru people face denies the violence of colonization and dispossession that led to such disadvantage in the first place, and overlooks the importance which the (albeit limited) recognition that native title affords. Indeed, no information is provided about the claims made by the Yawuru people to their land around Broome. In

fact, the Yawuru people first submitted a claim to land in the 'Rubibi 1' claim in 1994, with a determination of native title first made seven years later in 2001. In 2002 Indigenous land use agreement negotiations began, and were only resolved finally in 2010 (National Native Title Tribunal, 2010). However, with no detail provided about these claims or their meanings, the extract effectively draws upon discourses which legitimate white ownership based on 'use' of the land – and in doing so reflects the claims to land ownership inherent in the original dispossession of Indigenous Australians through the concept of *terra nullius*.

Again, Indigenous Australians are not represented at all within this extract, with the Attorney-General instead being the only source included. This lack of Indigenous representation reflects previous findings regarding the power of the mainstream media to include only 'elite' sources, thereby reproducing the concerns and interests of dominant-group Australians at the expense of marginalized groups (Meadows, 2000). Despite this tendency, however, mainstream news media reports concerning native title claims actually did include Indigenous voices much more commonly than did articles which focused on business issues and the subsequent use of Indigenous land after a determination of native title was made (as discussed in the next section). Some examples of this representation are seen in Extracts 3 and 4:

Extract 3

1. After an 11-year battle, Federal Court judge Tony North a year ago recognised the Gunditjmarra people as the native title-holders of the 290ha Crown land area.
 2. The Gunditjmarra have lived in the area for thousands of years and fiercely resisted European settlement in the 1800s in what is known as the Eumeralla Wars.
 3. In the early 1980s, the Gunditjmarra also fought the State Government and Alcoa Aluminium in the High Court over construction of a smelter without recognition of their cultural heritage.
 4. Gunditjmarra elder Ken Saunders said Lake Condah held important memories for his people and its return, in a ceremony yesterday, was an important mark of respect and reconciliation.
- (“Lake returned to Aborigines”, 2008, 10)

Extract 4

1. The Nyangumarta people will be awarded native title over 31,843sqkm of Pilbara land and waters during a Federal Court sitting at a remote stretch of Eighty Mile Beach today.
 2. The consent determination, which comes after a 10-year battle by the claimants, grants the Nyangumarta people exclusive possession over 86 per cent of the claim area, between Broome and Port Hedland.
 3. Nyangumarta traditional owner Nyaparu Rose said the determination was an important recognition of the claimants’ strong ties to the land. “This has been the longest journey of our lives,” she said.
- (Banks, 2009b, p. 4)

Unlike the first two extracts, articles such as those from which Extract 3 and 4 were taken did report Indigenous voices, with Extract 3 above even including some history surrounding the native title group in question - the Gunditjmara people from around Lake Condah in South Eastern Victoria. Both articles include quotes from the successful Indigenous groups stating how important the native title 'win' was in terms of recognition of their ties to, and rights over, the land (Extract 3, section 4 and Extract 4, section 3). However, neither of these extracts discussed what this native title recognition means in practice to these groups, especially in relation to areas in which native title may not have been granted exclusively (as seen in Extract 4 where it is stated that the Nyangumarta people were granted exclusive possession over 86% of the area they were claiming: i.e., what of the remaining 14%?). Thus, whilst these extracts did include the voices of Indigenous Australians, this representation was limited.

Interestingly, both these extracts (and many others like them) focused on the adversarial nature of native title claims, which are referred to as "battles" in both Extract 3 (section 1) and Extract 4 (section 2). Similarly, both extracts (and, indeed, Extract 1 and 2 above) include the length of these 'battles', demonstrating just how difficult the native title process is.

This representation of native title in terms of metaphors of war was also frequently seen in the reporting of negotiations between native title-holders

and businesses wishing to make use of their land, as discussed in the next section.

4.3.2 The use of native title land: Business and Indigenous land use agreements

Business articles regarding the use of land after a native title determination were the most common way in which native title was represented in the mainstream news media over the relevant timeframe. Within this group of articles, native title was most commonly referred to in association with mining and other business ventures, with the majority of these articles referring to native title as an impediment or hurdle to business opportunity. Extracts 5, 6 and 7 below are typical of the way in which native title was reported upon in relation to business:

Extract 5

1. The [Canning basin] area has been underexplored thanks to a combination of geological and native title issues, as well as lower oil and gas prices, but the group has some encouraging results to go on.

(“Streitberg’s Buru heads to market as floats caned”, 2008, 36)

Extract 6

1. But unlike Koolan and Cockatoo, Irving's iron-ore deposits were never developed because BHP could not get an agreement with the native title-holders - and neither could the next owner, Portman.

(Freed, 2008, p. 24)

Extract 7

1. Delays in negotiations with the native title claimants and heritage clearance for proposed drilling also had eaten into [Warrior's] development timeline, [managing director Greg Hall] said.

(Booth, 2009, p. 58)

These extracts demonstrate that native title was often mentioned within business news media articles as an obstacle to be overcome by companies rather than a way of recognizing Indigenous peoples' sovereign rights and interests over their own lands. Indeed, native title was often mentioned not only as an obstacle to company progress (as in the Extract 7), but also as an impediment to 'development' itself (such as in Extracts 5 and 6 which state that certain areas had been "underexplored" (Extract 5) or "never developed" (Extract 6) due to difficulties with native title negotiations). Thus these extracts all drew upon discourses of 'development is good' in their discussion of the uses of native title land, with the corollary of this being that native title was constructed as an impediment to development, anti-progress and backwards.

Whilst such articles arguably simply report the ‘facts’ of what is happening to a company, the fact that such reports frequently did not mention, for example, the name of the relevant native title-holders, meant that these representations of native title function both to dehumanize Indigenous people by rendering them invisible, and construct native title as a ‘hurdle’ to overcome. Indeed, the ubiquity of such representations of native title as an impediment is seen in Extract 5, which refers to “native title issues” with no explanation regarding what these might be. Indeed, references to native title in this way with no context provided (but which operate within an accepted framework in which native title is seen as an impediment), reflect research by Meadows (2000) who found that native title issues were rarely contextualized, and little information was provided by the mainstream media about the process itself. Finally, within articles such as those from which Extracts 5, 6 and 7 are taken, the voices of the native title claimants themselves are silenced and invisible, thus reflecting previous research by Meadows (2000) and Bullimore (1999).

A further example of native title being represented as a legal hurdle was seen in business articles relating to the *Fraser Institute’s Global Petroleum Survey*, a survey that listed areas in the world considered most attractive for oil and gas investments. The mainstream news media coverage surrounding this report generally considered a high ranking to be desirable, and indeed the South Australian newspaper *The Advertiser* reported on this survey proudly as South Australia (SA) was ranked number seventeen in the world for investment in this area. An extract from this reporting is provided below:

Extract 8

1. SA's "progressive mines department", low royalties rate and the existence of native title agreements over royalties were cited as factors in the state's favour.
2. New South Wales was marked down for its poor commercial environment while Western Australia, Queensland and the Northern Territory were singled out as regions where Aboriginal land claims were "a considerable restraint on investment." (England, 2009, p. 83)

In this extract, native title is represented solely in terms of whether or not it was easy for companies to reach agreements with native title-holders and then to begin work in the area. In this extract, native title is constructed explicitly as a "considerable restraint on investment" (section 2) through reference to the criteria used to determine the attractiveness of a given area for mining investment. By reporting these criteria uncritically, indeed, even favourably for the state of South Australia, this extract becomes complicit in a construction of the existence of native title as an impediment to development, particularly where agreements take time. Whilst drawn out negotiations may not be considered desirable for any parties involved in agreements, to see native title only as an impediment is to simplify an extremely complex issue, and to undermine the strength of the sovereign claims that Indigenous Australians have to their land. Again, this central aspect of the native title process does not receive a mention in this coverage, and Indigenous Australians themselves are again not represented in terms of what such a ranking may mean in practice to them as they attempt to have their rights to land recognized.

The discourses of ‘development is good’ and therefore ‘native title is backwards’ were also evident in coverage of one of the most reported-on native title land-use negotiations during the timeframe from which news articles were sourced. These negotiations were those relating to the location of a proposed gas hub off the Kimberley. The state government in Western Australia asked the Kimberly Land Council to identify locations that they felt would be suitable for this hub⁵. The extract below is an example of the reporting of this issue:

Extract 9

1. Amid speculation that Inpex has become so frustrated with the process it has decided to move its processing plant to Darwin, the Kimberley Land Council will announce today that Gourdon Bay and James Price Point near Broome and North Head, about 13km north of the tourist town, are acceptable to the 14 regional native title claimants it has consulted.
2. The Anjo peninsula, 40km from Kalumburu in the north Kimberley, has also been short-listed.
3. The Carpenter Government effectively handed local Aboriginals a veto power over the onshore processing of Browse gas in March, leaving it up to them to pick a site for the gas hub that was not culturally sensitive.
4. Many big companies with extensive [West Australian] interests are lining up to develop the field, including Woodside, Shell, BP, Chevron, Inpex and Texaco.

(Tillett, 2008, p.4)

⁵ It is worth mentioning here that in September 2010 the West Australian Premier Colin Barnett stated that he was going to begin a process of compulsory acquisition for land in the Kimberley for a site for the gas hub, stating that an Indigenous land usage agreement had been unable to be reached within the required timeframe.

As can be seen, the fact that native title-holders were asked to participate in a discussion surrounding the best location for a gas hub was represented within these extracts as an impediment to business, and indeed as a risk for losing the possibility of 'development' to another state. This consultation process was constructed as a hurdle, with companies becoming "frustrated" (section 1) and therefore deciding against "developing" the area altogether. In this sense, native title is constructed as backwards and as a negative for Western Australia, in contrast to the progress brought to the state with "development". Thus the extract again draws upon discourses of 'progress and development', thereby insinuating that anything that stops development, in this case native title, is bad.

The extract also focuses on economic issues, demonstrating what is at risk due to native title negotiations by including a list of "big companies" (section 4) who are interested in the area but who, by implication, may also move elsewhere should the negotiations not be successful. Indeed, as well as constructing native title as posing a 'risk' to 'development', business articles such as the one from which this extract was taken also frequently represented native title as posing a risk economically, with states or territories standing to gain or lose money depending on how quickly, and what sort of, native title agreements could be reached. This representation of native title further constructs it as an impediment to progress and development, and continues to marginalize Indigenous voices and concerns.

Interestingly, however, the extract does highlight the fact that white ways of knowing the world, and white values (such as discourses concerning the inherent 'good' of development) are not the only ways of knowing or of seeing land. For example, by stating in section 3 that "local Aborigines" were able to choose a site that was not "culturally sensitive", the extract introduces 'alternative' discourses surrounding the meaning, and use of, land – despite the fact that no Indigenous Australians are represented or given a voice in this extract at all.

However, there were examples of news articles published which reflected concerns of the relevant Indigenous body involved in negotiations. In the case of the West Australian gas hub, this body was the Kimberly Land Council; the body responsible for representing the relevant Indigenous peoples in native title claims and negotiations. An extract from one of these articles is provided below:

Extract 10

1. Mr Bergmann and other representatives of the land council had discussions yesterday with Resources Minister Martin Ferguson and the office of the Prime Minister, Kevin Rudd.
2. This was an opportunity to have a package that would help with indigenous disadvantage, employment, education, training and housing in the area, Mr Bergmann said.
3. "It is a chance for state and federal governments to show they are up to date with modern international standards of engaging with indigenous people," he said.

4. The land council is seeking from government and the resource companies further scientific and environmental information, and the aim is to have the process finished by the end of next month to meet the industry's timelines.
5. A successful negotiation would mean "more than a one-off compensation deal. It will mean ongoing economic benefits and continuing control by traditional owners of how development will proceed."

(Grattan, 2008, p. 1)

In this case, the concerns of the relevant Land Council (as represented in this extract) are both in terms of environmental repercussions and the compensation package that Indigenous Australians would receive for use of their land (section 2). Here, contrary to the dominant discourses of native title as backward, this extract represents the Land Council as progressive in its imperative to seek further information before making a decision and in ensuring that the benefits to Indigenous Australians are ongoing (thus highlighting the dilemmatic nature of discourses of 'progress'). Interestingly, the article also includes a quote from Mr Bergmann stating that these negotiations are a chance for governments to "show they are up to date with modern international standards of engaging with indigenous people" (section 3). This quote is powerful in that it goes some way to counteracting the discourses of business concerns and development representing 'the way forward' and instead positions such 'developments' as problematic unless they are prepared to include Indigenous Australians within negotiations. It is worth noting, however, that despite this more 'positive' representation, the extract still does not present the process of negotiation and engagement with native title-holders as

necessary *in its own right*. Instead, the injunction to appear progressive in comparison to other countries is fore-grounded in this extract.

4.3.3 Politics and native title: Economics and the use of land

The other main theme under which native title appeared in the mainstream news media in the timeframe under consideration was related to the political aspects of native title, particularly native title reform. Examples of representative extracts in this theme are examined here.

In the period under consideration Indigenous Affairs Minister Jenny Macklin was flagging possible changes to be made to the native title system. One aspect of these changes was aimed at ensuring that native title-holders share the economic profits of the mining boom. An example of this is seen in Extract 11:

Extract 11

1. Fifteen years after the passage of the historic Mabo legislation, the Rudd Government has flagged sweeping changes to native title to ensure the benefits of the mining boom flow to Aboriginal communities and are not locked up in trusts or frittered away.
2. Indigenous Affairs Minister Jenny Macklin, delivering the third annual Eddie Mabo Lecture in Townsville, said yesterday that native title legislation was too complex and had failed to deliver money to remote Aboriginal communities, despite lucrative agreements with mining companies.

(Karvelas & Murphy, 2008, p. 1)

Whilst this passage appears supportive of native title-holders in that it argues for their right to share in economic gains made through ‘developments’ on their country, the use of phrases such as “frittered away” (section 1) tie into discourses of waste and mismanagement of funds both by Indigenous Australians and on the part of the government in relation to financial policies relating to Indigenous affairs. Whilst the exact meaning of this phrase in this extract is ambiguous, the phrase clearly implies that more intervention is required in the lives of Indigenous Australians in order to better manage their financial situations. Thus this extract again draws upon discourses of Indigenous Australians as backwards rather than as progressive in that it positions them as unable to manage money productively, as compared to the mining companies who bring economic benefits to the country.

As such, this extract represents both Indigenous Australians *themselves* as backwards, as well as the native title system. Importantly, both these representations effectively absolve the white nation-state of any responsibility for the ‘failure’ of native title, instead blaming either Indigenous Australians themselves by labelling them as backwards in their ability to deal with financial situations, or an abstract law by claiming it to be ineffective (as seen in section 2 and the phrase “failed to deliver money to remote Aboriginal communities”). For example, if it is Indigenous Australians themselves who are ‘backwards’ then the white nation-state is effectively entirely blameless in relation to the inequalities seen in the Australian state between Indigenous and non-

indigenous Australians. On the other hand, if it is *native title* that is seen as anti-progress or at fault then this becomes simply the fault of white law, which is able to be changed to address the relevant concerns, as seen in 1996 and the Wik decision (see Falk and Martin, 2007; Moreton-Robinson, 2004b for further discussions of this). Indeed, the representation of the supposed failure of white law to produce 'better' alternatives in order to justify tougher laws in relation to the groups of people discussed in this thesis is a theme seen throughout this thesis, and particularly in Chapters 5 and 6. Both these representations, however, fail to address the central concerns with the entire native title system as discussed earlier in this chapter, and the failure of the white nation-state to adequately address Indigenous ownership of the land.

Furthermore, whilst the extract does continue to state that native title legislation is too complex and has "failed to deliver money to remote Aboriginal communities" (section 2), the article does not go on to consider other areas in which native title is failing Indigenous people, such as reporting on the protection of sacred and ceremonial sites, and provisions for Indigenous peoples to be consulted about developments on their land to which they may be opposed. Research has shown that whilst native title agreements with companies may contain provisions for these issues, it is rare that there is any regulation for whether or not these provisions are met after an agreement is made (Faircheallaigh, 2007). This aspect of native title agreements however does not appear in this discussion of native title reform, which instead focuses on the economic benefits (or lack thereof) stemming from the land rather than

the sovereign rights of traditional owners to their country. Such a focus means that again native title is represented once again primarily with a frame of economics rather than of rights.

This focus on economics rather than the rights and interests of Indigenous Australians in their land is also seen in Extract 12, which also covers the proposed reforms suggested by the Indigenous Affairs Minister:

Extract 12

1. Despite her background in Labor's Left, Indigenous Affairs Minister Jenny Macklin is approaching her portfolio with pragmatism and common sense.
2. This is evident in the federal Government's push to help indigenous Australians harness the economic benefits of native title, especially mining royalties, to help close the gap between themselves and other Australians...
3. In citing the Argyle agreement in the East Kimberley between Rio Tinto and the Miriuwung and Gidja peoples, Ms Macklin is offering communities a good model to be adapted and emulated.
4. The 2005 deal provided native title holders with two income streams -- one for living expenses, the other for investment.
5. It has brought literacy and job training, drawn the communities into mainstream Australia and provided much-needed mine workers.
6. Central to such a success story is the determination of indigenous people to help themselves.
7. Such a business-like, forward-thinking approach is also evident in Kimberley Land Council executive director Wayne Bergmann's negotiations with some of the world's biggest resource companies...

8. With at least 45 per cent of Kimberley land subject to native title, Mr Bergmann, a qualified lawyer, is acutely aware of the royalties and employment potential.
9. Communities are also benefitting from the largesse of Australia's richest man, miner Andrew "Twiggy" Forrest, whose job training courses and other initiatives are designed to help the local people, in his words, become "wonderful participating Australians."

("An economic vision", 2008, p. 15)

Again, this extract focuses on the economic benefits to be made from native title agreements with mining companies rather than other concerns with the use of Indigenous areas of country (such as those discussed previously in relation to the use of sacred sites, for example), and thus again native title is represented with discourses of the need for economic growth rather than discourses of rights or ownership. This focus on economics in this extract is represented as "pragmati[cs] and common sense" (section 1) and thus creates an impression that alternative discourses of rights are not productive, thereby again echoing calls reminiscent of 'practical reconciliation'. This construction is further seen in the extract's statement that the Argyle mining agreement has "brought communities into mainstream Australia" (section 5) without a critical examination of what this means. Indeed, this particular policy area is a topical and contentious one, however uncritical representations of native title as performing its role if economic benefits are delivered to remote communities present only one side of the story, and overlook the purpose of native title in terms of recognition of rights to an area of land. Thus this extract, and others like it, overlook the claims that Indigenous Australians have to ownership of the

land and again construct non-indigenous and Indigenous Australians as equally belonging in the country through references to white benevolence (Riggs, 2004b).

The use of the quote from Forrest towards the end of the extract that his job training courses are designed to help “local people” become “wonderful participating Australians” (section 9) serves to reinforce this construction of benevolence by positioning this particular white Australian as generous towards remote communities. Indeed, the extract implies that Indigenous people are not “wonderful participating Australians” of their own accord unless they are able to contribute in an economic sense, thus further drawing upon discourses of the good of development and economic progress. The quote also overlooks many contributions made by Indigenous peoples in other areas such as environmental protection, and measure ‘success’ in white, Western terms rather than Indigenous ones - thus forcing Indigenous peoples into a relationship to country based on Western notions of resource extraction and profit rather than Indigenous notions of custodianship and sustainability.

Indeed, this construction of Indigenous economic involvement as only rendered valid on particular terms echoes findings from previous work on constructions of Indigenous people in the media, such as that by LeCouteur, Rapley and Augoustinos (2001), who found that Indigenous people are often portrayed as “passive, inactive unproductive”, whilst white people such as those located as ‘farmers’ were found to be “the symbolic expression of Australianness: they are

important to the future of the country, they contribute export income, they generate wealth, they endure heartbreak and disappointment, they work hard, they are strong and vibrant” (p. 54 - 55). Thus this extract constructs native title solely on economic terms – and in doing so represents Indigenous belonging as secondary to, and contingent upon, economic participation.

4.4 Conclusion

As the above analysis shows, initial native title claims were reported in a number of ways within the media; ranging from ignoring Indigenous interests completely, to making them the focus of the article. However, land-use agreements (subsequent to granting of native title) received more biased coverage, with articles frequently only considering native title to be an impediment to business or economic ‘development’. Thus it appears that whilst the mainstream news media were willing to cover cases in which native title groups successfully had their rights to an area of land recognized (albeit with little in the way of contextualization of Indigenous voices), this did not extend to a willingness to then accept whatever decisions were subsequently made about that land. This was seen in articles which stated that companies were taking their business elsewhere as native title concerns were ‘holding up progress’, and in reports of business share prices in which native title was often included as a factor affecting a company’s value on the market (see, for example, Booth, 2009, p. 58; Freed, 2008, p. 24).

The fact that the mainstream news media frequently drew upon discourses of native title as an impediment to 'development' highlights debates surrounding what Australian land ought to be used *for*, thus reflecting similar values as those seen within the construction of *terra nullius*. Lockie (2000) has argued that native title debates have "shown the depth of belief within much of rural and regional Australia that rural space is most rightfully agricultural space" (p. 27). Whilst in the wake of the recent mining boom this could be re-conceptualized as land available for exploration, both conceptualizations are reflective of the broader national imagining of the country (Anderson, 1983) as rich in resources from which to rightly derive profit. Within this discourse of land, the future of the nation is seen as lying in the 'development' of natural resources.

Indeed, the discourse of 'development' functions as what Wetherell and Potter term "rhetorically self-sufficient" in that it is a principle considered to be beyond question or argument (1992, p. 177). As Vincent Tucker states: "The myth of development is elevated to the status of natural law, objective reality and evolutionary necessity. In the process all other world views are devalued and dismissed as 'primitive', 'backward', 'irrational' or 'naïve'" (1999, p. 1). This chapter has shown that mainstream news media coverage of native title frequently positioned negotiations as an obstacle to 'development', thereby fundamentally representing native title as 'backward' or 'anti-progress' in contrast to the use of discourses of 'development is good'. Additionally, these extracts draw upon not only discourses of native title (as defined under the law) as backwards, but also Indigenous Australians themselves as backwards. Such

reporting reinforces colonial definitions of Indigenous Australians as primitive and does not acknowledge the relationships that many Indigenous Australians have with their land that reflects a more sustainable future based on preservation and which incorporates ongoing connections to ancestors and the Dreaming.

Equally as problematic as tropes of native title as hindering 'development' are the way in which native title was frequently framed in terms of economic issues. Such framing only allows for Indigenous Australians to be defined within western systems of values and does not allow Indigenous Australians a space within which they are able to define themselves, or their relationship to the native title system (or indeed to assert both their ongoing sovereignty over land or their own systems of governance and law). Similarly, the focus of the press on the financial side of the native title process perpetuates a primary emphasis upon native title as solely an economic issue, rather than also an issue of rights and sovereignty.

This focus on economic issues and the normalizing of non-indigenous understandings of land (especially in relation to 'development' as defined by use of the land for resource extraction) illustrate the preoccupations of mainstream Australia with ownership of Australian land, and the assumed corresponding right to determine how that land is used. The framing of native title as an impediment to development that needs to be overcome arguably equates to a denial of Indigenous sovereignty over the land even when Indigenous rights to

an area have been formally recognized. The normalization of such framings within the mainstream news media does not allow alternative views of how the land ought to be used to enter the mainstream Australian consciousness.

As such, while the claiming of native title itself may be presented to non-indigenous Australians from the point of view of Indigenous Australian native title groups, the media's willingness to report on native title from the perspective of Indigenous Australians is largely limited to this aspect of the system and does not extend to subsequent negotiations in relation to land use. I would suggest that this is due to the fact that, as Falk and Martin (2007) and Moreton-Robinson (2004b) argue, the existing native title system enables non-indigenous Australia to maintain control over the lives of Indigenous Australians, meaning that land claims by Indigenous Nations are constructed as not posing a threat to colonial Australia's ultimate ownership of the land (as seen in Extracts 1 and 2).

However, failed negotiations in which Indigenous Australians may successfully prevent a company from accessing an area of land *do* pose a threat to this control. The analysis presented in this chapter shows that colonial definitions of ownership of the land appear entrenched in mainstream news media coverage of this area. Within native title coverage, non-indigenous Australia continues to impose a colonial heritage upon Indigenous Australians whereby they are able to claim their land (via a system in which they are only afforded limited rights), but only insofar as the land is subsequently able to be used in ways which the

Australian nation deems acceptable, thereby entrenching white ownership over the land, and normalizing white belonging within it. This normalization of white belonging and ownership is further seen in relation to refugees and asylum seekers attempting to come to Australia, as seen in the analysis presented in the next chapter.

Chapter 5: 'Boat People' and the Voice of Asylum Seekers

The Right to Belong

Decisions about who belongs and who doesn't are very complicated ones to make in a settler nation whose non-Aboriginal population has no treaty with the owners of the land and who depend upon our being here to continue to be here. Without any formal engagement with Aboriginal sovereignty the importance of following form, of joining the queue, of following the law, who's law? becomes all. A 'legitimate' claim to citizenship is supposedly produced through such processes and this idea is certainly played out in how non-strangers talk of unannounced strangers.

(Schlunke, 2002, para. 15)

5.1 Introduction

So-called 'boat people' have been a contentious issue to the Australian people, Australian politics and Australian media since Vietnamese asylum seekers first arrived by boat after the fall of Saigon in 1975 (Brennan, 2003). The term 'boat people' is used to refer to those asylum seekers who arrive, or attempt to arrive, in Australia by boat, often through the services of a 'people smuggler'. These people arrive 'uninvited' in that they do not arrive in Australia through a refugee resettlement program. Instead, they arrive unexpectedly, seeking to claim asylum under the 1951 *United Nations Convention Relating to the Status of Refugees*, which states that a person found to be a refugee will not be forcibly

returned to their home country once they have entered the territory of a nation state. Given that they arrive without valid visas, 'boat people' are deemed to be 'unlawful non-citizens' within Australia immigration law, and since the implementation of mandatory detention in 1994, asylum seekers arriving without valid documentation have been placed immediately in detention (Sidhu & Christie, 2002; Crock, Saul & Dastyari, 2006). In this analytic chapter I examine media coverage of a new so-called 'wave' of boat arrivals in 2009-2010, subsequent to the election of the Rudd Labor government in Australia. In order to provide some background and context to this research, I first briefly outline the history of asylum seekers arriving by boat in Australia, and then discuss previous research regarding media representations of 'boat people' before turning to the analysis of current mainstream news media coverage of two recent events regarding asylum seekers arriving by boat.

It is worth noting here that, the term 'boat people' as it is typically deployed within the media refers to a diverse range of people, for whom the only point of commonality may be the fact that they are attempting to claim asylum in a resettlement country via travel in a boat. In this chapter I will refer to this diverse group of people as 'asylum seekers arriving by boat' in order to maintain a focus on their status as people seeking asylum, and the unique method of arrival which elicits such high levels of fear and panic in the Australian community (rather than continuing to reify the category 'boat people' as it is often used pejoratively in the media) (Mares, 2001; Brennan, 2003; O'Doherty & LeCouteur, 2007).

5.1.1 Historical context of 'boat people' in Australia

Prior to the recent increase in asylum seekers arriving by boat (e.g., from late 2009) there were four distinct so-called 'waves' of asylum seekers who arrived by boat in Australia. The first groups arrived after the end of the Vietnam war in the late 1970s, and involved 54 boats carrying just over 2,000 people (Brennan, 2003; Crock et al., 2006). The second group of boats involved Cambodian and Chinese people arriving from 1989, with a total of just over 600 people arriving by boat in this timeframe (Crock, et al.). Thirdly, groups of Chinese and Vietnamese people arrived between 1994 and 1998, also totaling just over 2,000 people (Brennan). Finally, groups of people from Afghanistan, Iraq and Iran arrived in 2000 to 2001, representing the largest number of asylum seekers arriving by boat at that time, with over 8,000 people from these countries arriving between 1999 and 2002 (Brennan; Crock, et al.). In 2008-2009, and continuing in the middle of 2010, another so-called 'wave' of boats have arrived on Australian shores, this time involving both people from the Middle East as well as groups of Sri Lankan people fleeing the end of a violent civil war. Almost 5,000 people arrived by boat in the period from 1 July 2008 to 19 May 2010 (Parliament of Australia, 2010), bringing asylum seekers and 'boat people' back on the media and political agenda.

In order to contextualize the above figures, however, it is important to point out that the numbers of 'boat arrivals' cited above remain small compared to both other 'non-citizens' who are in Australia without permission, and compared to

the number of refugees and asylum seekers arriving in other countries. For example, visa over-stayers make up by far the largest number of unlawful citizens in Australia, at around 60,000 people for the 2000-2001 timeframe (Crock, et al., 2006; Mares, 2001). Indeed, the largest numbers of 'unlawful non-citizens' come from Britain and the United States (Crock, et al.; Mares), and yet these people do not elicit the same levels of fear and panic as do the relatively small numbers of asylum seekers arriving by boat. Additionally, asylum seekers arriving by plane without documentation do not receive the same levels of media or political attention despite numbering around the same, and sometimes more, than those arriving by boat (Crock et al.). Similarly, the numbers of unexpected asylum seekers arriving in Australian territory also remains small compared to other countries such as Pakistan (Mares).

Public sentiment towards boat people has not always elicited high levels of fear and panic in Australia. Initially, boat arrivals carrying Vietnamese asylum seekers in the late 1970s were greeted with some apprehension, but were generally accepted within the Australian media and public (Brennan, 2003; Betts, 2001; Crock, et al., 2006). However, public opinion began to change at the end of the decade, and by the early 1990s public attitudes became increasingly hostile to asylum seekers arriving by boat, with Betts pointing out that almost half of respondents to polls surrounding 'boat people' at the time indicated that they wanted the asylum seekers to be 'sent back'. Anti-asylum seeker sentiment reached a new level in 2001, when close to two thirds of poll respondents indicated they did not believe that 'boat people' should be allowed in Australia

(Betts). Indeed, this figure appears to be largely unchanged, with a recent Morgan poll in 2010 indicating that 64% of respondents currently feel that asylum seekers arriving by boat should be 'returned to where they came from' (Roy Morgan Research, 2010).

Of course, as discussed above, along with representing a new peak in anti-asylum seeker sentiment, 2000-2001 also represented a peak in the number of boats arriving, or attempting to arrive, on Australian borders, which rose from just a few hundred per year to several thousand (Crock, et al., 2006). This increase in boats resulted in a now notorious chain of events, including the *Tampa* incident, the 'children overboard' affair, the beginning of the 'Pacific Solution' and the re-election of the Howard Liberal government based on its tough border protection policies and campaign to 'stop the boats' (see Mares, 2001; Marr & Wilkinson, 2003; Brennan, 2003 and Crock, et al. for a summary of these events).

However, despite the fact that the numbers of asylum seekers arriving by boat remained relatively small by international standards, public discourse concerning 'boat people' at this time frequently referred to the arrivals of boats as a 'crisis', and resulted in public panic (Mares, 2001). Indeed, it is common within Australia to refer to the successive groups of asylum seekers arriving by boat as 'waves'; a metaphor which functions to not only de-humanize people arriving in this fashion, but also implies that asylum seekers who arrive by boat are destructive and uncontrollable (Pugh, 2004). Thus 'boat people' are

currently viewed largely as a threat to Australian borders – an issue that is discussed in more detail in the next section in relation to previous literature surrounding the media's representation of asylum seekers arriving by boat.

5.2 Previous analyses of media representations of asylum seekers and 'boat people'

Much of the previous research surrounding the media coverage of asylum seekers, particularly those arriving 'unexpectedly' in Australia (such as asylum seekers arriving by boat), indicates that the fear and panic referenced in the above section are prevalent in media reports of this issue. Additionally, research suggests that asylum seekers are frequently politicized in media discourses (that is, presented within the framework of politics rather than – for example, human rights), and that this includes little self-representation or humanization (see, for example, Pickering, 2001; Corlett, 2000). In this section I provide a brief summary of the previous research regarding the representation of unexpected asylum seekers in terms of their supposed illegality and deviancy, the lack of humanization of asylum seekers themselves, and the politicization of the 'asylum seeker debate'.

It has been well documented that much of the media response to asylum seekers in Australia, especially those arriving by boat, is characterized by fear and panic (see Saxton, 2003; Pickering, 2001; O'Doherty & LeCouteur, 2007; O'Doherty, 2001; Klocker & Dunn, 2003). For example, Pickering (2001) argues

that media coverage of asylum seekers frequently refers to such people as a 'problem', and Mares (2001) argues that asylum seekers arriving by boat in Australia are often labeled as a 'crisis' in the mainstream media. These debates reflect a fear of invasion, and of being 'over-run' by would-be asylum seekers, and do not allow for reasoned debate regarding the relatively small number of asylum seekers who attempt to arrive in Australia without authorization (Corlett, 2000). Likewise, in the Irish context, Haynes, Devereux and Breen (2006) found that asylum seekers were frequently constructed as a threat to the Irish nation and its border security, as did Lynn and Lea (2003) in the UK context, and Pickering (2001) in the Australian context. Indeed, Pugh (2004) argues that 'boat people' are subject to 'securitization' discourses in the public arena both within Australia and internationally, in which asylum seekers arriving by boat are explicitly constructed as a threat to the community and nation-state.

In fact, previous research has indicated that the very terms commonly used within the media for the depiction of asylum seekers and refugees work to categorise this group of people as deviant, criminal, or sub-human, specifically by reference to their supposed illegality in terms such as 'illegal immigrants', 'illegals' or 'queue jumpers' (O'Doherty & LeCouteur, 2007; Saxton 2003; Every, 2006; Pickering, 2001). As Every argues, these negative terms function to mask the fact that in many instances these are people escaping from threat, and instead recasts them as a threat to Australian borders or the Australian people by constructing them as criminal or as deviant.

The widespread criminalization and dehumanization of asylum seekers in the mainstream media has been found in a broad range of research, as covered in Chapter One. Specifically of interest for this analytic chapter, however, is discursive psychological research by Pickering (2001), Saxton (2003) and O'Doherty and LeCouteur (2007), who all found that, in addition to references to 'illegality', asylum seekers were frequently constructed in the Australian media as 'bogus' (and therefore as not 'genuine'), as deviant, and as 'threatening' - and these findings were mirrored in media research completed in the UK by Coole (2002), and Lynn and Lea (2003), and in Ireland by Haynes, Devereux and Breen (2006). Such representations function to strip asylum seekers of their humanity in order to legitimize tough border protection policies and the corresponding exclusion of these people from the nation-state (Saxton, 2003; Every, 2006). Indeed, as Pickering (2001) argues, many of the discourses surrounding refugees and asylum seekers arriving unexpectedly revolves around maintaining the 'integrity' of the nation-state and its border security policies.

Additionally, Corlett (2000) has argued that terms such as 'queue jumper' assert that asylum seekers arriving by boat take the place of another, more vulnerable, refugee; thus constructing 'boat people' as opportunistic, and non-genuine. This is despite the fact that many commentators have pointed out that there is no 'refugee queue' - with a more appropriate metaphor being that of a 'refugee heap' (Corlett; Mares, 2001). These constructions of refugees are viewed as

particularly negative in the context of a society that prides itself on a 'fair go', an ethos that 'queue jumpers' are constructed as ignoring (Crock, et.al., 2006, and see Mares and Corlett for a discussion of the policy decisions which have resulted in this rhetoric).

Together with the pervasive negative representation of asylum seekers, previous research has also highlighted the fact that very little media gives a voice to asylum seekers or provides any context to their choice to arrive in Australia by boat. This is especially true of the mainstream news media, and means that asylum seekers are de-humanized both by the language used to describe them and their lack of voice. For example, Pickering (2001) argues that the voices of asylum seekers were almost entirely absent in her analysis of news discourses in the late 1990s, and the same absence was found in Klocker and Dunn's (2003) study of the media coverage of asylum seekers and refugees in 2000-2001. Similarly, in the international context, Haynes, Devereux and Breen (2006) found that only 18 of 188 articles analyzed regarding immigrants and refugees in the Irish print media were congruent with a 'human interest' frame in which asylum seekers and refugees were humanized and individualized. Hoenig (2009) found similar results in his analysis of the mainstream media in Australia. In this research, Hoenig examined 'positive' representations of asylum seekers, concluding that even within these stories, asylum seekers remained both raced and marginalized as compared to the 'good' white Australian. As such, not only does media coverage of asylum seekers, particularly those arriving unexpectedly, represent these people primarily as

'illegal', 'deviant' and 'threatening', but the voices of the asylum seekers themselves, together with any background or context to their flight, is largely absent.

In addition to such pervasive negative representations of asylum seekers in Australia and other countries (particularly those who arrive unexpectedly such as 'boat people'), research has also indicated that much of the debate about asylum seekers is politicized, further contributing to their de-humanization (McMaster, 2002). For example, Klocker and Dunn (2003) analyzed the media coverage of asylum seekers in 2000-2001 and found that the media largely adopted the government's negative rhetoric regarding asylum seekers, with discourses within the media closely mirroring those in political rhetoric, such as that of the 'threat' of asylum seekers. Thus the Australian government was able to closely control the exchange of meaning regarding refugees and asylum seekers arriving unexpectedly in Australia during those years, accomplished primarily through the representation of asylum seekers arriving by boat as 'illegal' (Klocker & Dunn).

As such, previous research regarding the mainstream media's representations of asylum seekers has found that they are de-humanized by reference to discourses such as their 'illegality' and their 'non-genuineness' and that they are represented as a 'threat'. Very few humanizing representations have been found in this previous research, and asylum seekers have rarely been given a voice within the mainstream media, despite the fact that asylum seekers have spoken

about their treatment and experiences (see, for example Mares, 2001 and Perera, 2006).

In addition to this previous research regarding media representations of asylum seekers and refugees, as discussed in Chapter 2, much academic work has focused on the ongoing, and escalating, focus on 'security' within western countries such as Australia (McMaster, 2002; Pugh, 2004). Indeed, Andreas (2003) argues that in fact this focus on 'security', involving rising budgets for border control, the use of military personnel and increased surveillance technologies, and increasingly tough legislation surrounding unauthorized entries, represents a 'rebordering' of the state. This 'rebordering' involves a move towards policing, legitimated by discourses of 'dangerous mobilities', and functions to sort the 'unwanted from the wanted' (Walters, 2006), thereby excluding those who are seen as threatening (such as unauthorized asylum seekers) from within the state. Specifically within the Australian context, Macken-Horarik (2003) argues that the politics of border control and protection remains evident within Government discourses surrounding asylum seekers arriving by boat, in which political rhetoric functions to produce a 'culture of worrying' (Hage, 2003) in which asylum seekers are positioned as threatening to the nation.

Within media analyses, then, Pickering (2001) argues that border security is often represented within metaphors of 'war' in coverage of asylum seekers in Australia. As mentioned previously, Pickering argues that such metaphors

explicitly position asylum seekers as on a different 'side' to the nation, thereby justifying border security measures, such as increased surveillance, as a necessary response to this threat. Furthermore, Pickering also found that when reporting on asylum seekers, border security was frequently represented as in a state of 'crisis', and in need of 'protection'; thus legitimating what could otherwise be considered harsh policies to exclude potential asylum seekers. Similarly, Klocker and Dunn (2003) found that the need to protect Australia's borders was a recurrent theme in the Howard government's rhetoric surrounding asylum seekers arriving by boat in 2000-2001, and that this was reflected in the media coverage of this issue at the time. Similar themes were found by Macken-Horarik (2003) in her analysis of the media response to the 'children overboard' affair, in which discourses of 'the need to protect Australia's borders' were frequently used within the media. I turn now to a discussion of two incidents reported in the media in late 2009 regarding asylum seekers arriving by boat, and then analyze the mainstream news media coverage of these events.

5.3 Boat people back on the media horizon: The *Oceanic Viking* and *Jaya Lestari* incidents.

When Kevin Rudd became Prime Minister in 2007, unauthorized boats arriving in Australian waters had decreased from previous levels seen between 2001-2003, with just over 200 people arriving between mid 2004 and mid 2008 (Parliament of Australia, 2010). However, in 2008-2009, asylum seekers began

arriving unexpectedly by boat again, and as this chapter is being written in mid 2010 the media continue to report on boats carrying asylum seekers being intercepted on their way to Australia. Indeed, in March 2010 the 100th boat arrived since the Rudd Labor party came to government in November 2007, carrying an overall total of around 4,500 asylum seekers (van Onselen, 2010).

Whilst many specific events are reported in the media regarding asylum seekers attempting to arrive by boat (for example the media extensively covered the explosion of a boat carrying 47 asylum seekers off Ashmore Reef on 16 April 2009 – an explosion and subsequent fire which killed five people), this chapter will focus on two events that occurred in October 2009. The first of these occurred on 9 October 2009 when an Indonesian navy patrol vessel intercepted 255 asylum seekers travelling on the cargo vessel the *Jaya Lestari 5* after Australian Prime Minister Kevin Rudd reportedly phoned Indonesian President Susilo Bambang Yudhoyono requesting that he intercept the boat. These asylum seekers were then escorted back to the Indonesian port of Merak where they refused to disembark. Once there, public pleas for help were made by a spokesman aboard the vessel; Sanjeev Kuhendrarajah, (commonly referred to as 'Alex') and a 9 year-old girl, Brindha. As this chapter is being written in April 2010, the asylum seekers remain aboard the *Jaya Lestari 5* at Merak, meaning that they have now spent 6 months on the vessel.

The second incident occurred shortly after the *Jaya Lestari 5* was intercepted. On 18 October 2009, the Australian customs vessel the *Oceanic Viking* came to

the aid of a boat carrying 78 asylum seekers that was in distress. The asylum seekers and crew were transferred to the *Oceanic Viking*, which then travelled to Indonesia where the asylum seekers on board also refused to disembark. Eventually, all asylum seekers had left the vessel by 17 November 2009, after reports of them receiving a 'special deal' to fast-track their claims instead of spending months, or even years, in Indonesian detention centers.

These two events were chosen for analysis for this chapter because of their topicality, and due to the fact that in both instances the events demonstrated heated debates concerning whether or not the asylum seekers in question should be 'allowed' to come to Australia – thus demonstrating explicitly the enacting of white sovereignty in relation to attempts to maintain control over who crosses Australian borders.

5.4 Data and analysis

A search of the 12 relevant print newspapers on the Factiva database for "Oceanic Viking" returned 396 results. The search was conducted on 1 March 2010, and included the past six months, with the first article reporting on the transfer of the refugees to the *Oceanic Viking* appearing on 20 October 2009. Analysis revealed that 225 of these were news articles relevant to this analysis, with opinion pieces excluded. Other articles were excluded due to the fact that the *Oceanic Viking* was originally a customs vessel monitoring Japanese whaling and so appeared in the media in that respect until it was recruited to monitor

the International waters between Australia and Indonesia. At least half of the relevant articles dealt directly with political themes, in terms of internal Australian politics or Australia's relationship with other countries. The majority of the other articles focused on covering the progression of the situation itself, with only a minority of these remaining articles focusing on the asylum seekers themselves.

A search of Factiva for "(Brind* OR Alex) AND ("asylum seeker*" OR refugee*)", also conducted on 1 March 2010, returned 80 articles published in the same time period, with news articles first appearing in the media in early October 2009. Additionally, a search for "Jaya Lestari" returned 23 articles published in the same time period. The use of "Brind*" was included as this name was variously spelt either "Brindha" or "Brinda".

In this section I analyze the mainstream news media's response to these two events. Analysis of these articles revealed three main, overarching themes into which articles could be categorized:

- 1) Articles focusing on the two incidents in question, with a primary focus on discourses which I term 'the need for border protection', and 'people smuggling should be stopped';
- 2) The political aspects of asylum seekers and refugees, and;
- 3) Articles which focused on the 'human element' of asylum seekers, in terms of representing either their voices or their interests, or both.

These themes are in line with the main findings from the literature discussed above regarding the representation of asylum seekers. I now turn to an analysis of the dominant discourses from representative mainstream news media reports falling under each of these themes.

5.4.1 Reporting on asylum seekers: People smuggling and border security.

The coverage of the *Oceanic Viking* incident, in terms of mainstream news media articles that focused on reporting the progression of incidents themselves, frequently utilized the discourses discussed above in their representation of asylum seekers. Thus, asylum seekers were frequently represented as 'illegal', as 'threatening', and as 'non-genuine'. Additionally, articles frequently relied upon a discourse of 'people smuggling must be stopped' through which to discuss the supposed illegality of asylum seekers, and focused on numbers to illustrate the ostensible crisis in Australia's border security policies. These discourses, of 'people smuggling' and 'the need for border protection' are illustrated in this section.

Firstly, the discourse I term 'people smuggling must be stopped' was used extensively within mainstream news media reports of this issue. By the term 'people smuggling' I refer to the methods by which asylum seekers may pay for their travel to Australia by boat (Pickering, 2004), and differentiate the term from that of 'people trafficking' which implies the lack of choice in movement,

normally with an associated force or threat (Maley, 2001). The discourse of 'people smuggling must be stopped', relies on assumptions that people smugglers threaten the 'integrity of Australia's borders', as well as trade on human misery and endanger the lives of the people who are onboard their boats (Pickering, 2004). As such, people smuggling is frequently referred to as organized crime (Pickering, Brolan, 2003). Thus discourses of 'people smuggling is bad' frequently place the 'blame' on people smugglers rather than on the asylum seekers who use their services – that is, often within this discourse people smugglers are constructed as 'preying' upon innocent victims, and as a fundamental threat to the security of the Australian nation-state (Maley, 2001). Whilst in some, if not many, circumstances this may be true, it is also the case that the people smugglers themselves do not make the demand for their services (Maley), and indeed that increasingly tough border protection policies in many over-developed countries may directly contribute to this demand (Koser, 2008). Of particular interest in relation to this discourse is the prominence it gained throughout 2009 as a way of strategically avoiding explicitly negative constructions of asylum seekers themselves, possibly in light of criticisms regarding the overtly negative rhetoric surrounding asylum seekers arriving unexpectedly by boat during the previous 'wave' of arrivals in 2000-2001.

At the same time as people smuggling is represented as targeting innocent victims, it is also the case that discourses of 'people smuggling is bad' further draw upon representations of unauthorized asylum seekers as 'illegal', and

perpetuates representations of them as non-genuine since they must be able to afford to pay for the services of a people smuggler (Brolan, 2003; Mares, 2001). For example, Mares points out that politicians have successfully characterized 'boat people' as criminal on the basis of their willingness to associate with these so-called organized criminals. Thus asylum seekers arriving unexpectedly can be effectively targeted indirectly by both criminalizing them by their association with people smugglers, and representing them as 'economic' refugees and therefore as 'bogus' (Brolan). In Australia, representations of people smugglers in the mainstream news media began to escalate in early 2009 as then Prime Minister Kevin Rudd targeted 'boat people' on the basis of the criminal, unsafe nature of people smuggling, calling smugglers "the absolute scum of the earth", and arguing that they should "rot in hell" (Rodgers, 2009).

Some of the complexities within the discourse of 'people smuggling is bad' are seen in Extract 1:

Extract 1

1. The group has now been transferred to Customs ship the Oceanic Viking, which is expected to take them to Indonesia.
2. Mr Rudd arrived in Jakarta overnight to witness Dr Yudhoyono's inauguration today. The two leaders and their foreign ministers will thrash out a new deal on tackling human trafficking.
3. Indonesian and Australia police are targeting the "Mr Bigs" of the trade, believing they can significantly reduce boat arrivals if they are arrested and jailed.

4. Indonesia is promising to stop more boats if Australia increases its intelligence sharing, training and surveillance.

(Probyn & Butterly, 2009, p. 4)

In this extract, the discussion of the asylum seekers aboard the *Oceanic Viking* is located just prior to a discussion surrounding the need for “a new deal on human trafficking” (section 2). Here, the terms ‘people-smuggling’ and ‘human-trafficking’ are conflated despite the differing meanings of these terms. This equation of ‘people smuggling’ and ‘human trafficking’ serves to criminalize the process (and thus also the asylum seekers aboard the *Oceanic Viking*), as does the subsequent reference to the need for “intelligence sharing, training and surveillance” (section 4) to stop the boats organized by people smugglers from coming to Australia. Thus the utilization of the discourse of ‘the need to stop people smuggling’ in this extract functions to similarly criminalize the asylum seekers in question due to the discussion of this event directly prior to the coverage of the need to “significantly reduce boat arrivals” (section 3) by jailing people smugglers. Furthermore, the extract also draws upon discourses regarding the need for border security, discussed in more detail later, by referring to security operations such as surveillance and intelligence sharing. As such, asylum seekers and people smuggling appear within the context of border security – and are therefore represented as a threat to that security.

Interestingly, as well as being represented as a security threat, people smuggling is also referred to as a ‘trade’ in this extract (section 3), a label that typically refers to a voluntary exchange of services. Furthermore, the use of the

term 'trade' also implies that there is a market for these services, given that it is through a market mechanism that trade is able to operate. This construction is therefore potentially in direct opposition to the use of the previously-used term 'human trafficking' that, as already discussed, refers to the involuntary and indeed forceful movement of people. Conversely, however, the term 'trade' as it appears here could also refer to a 'trade' in human lives, which has negative connotations given the previous mention of trafficking. Additionally, references to the "Mr Bigs of the trade" (section 3) represent people smuggling as organized crime, and as profitable – thereby reinforcing notions of people smuggling as 'trading human misery', as mentioned earlier. Thus within this very extract the complexities within, and multiple representations of, people smuggling are apparent.

Interestingly, in relation to the first meaning of the word 'trade', Khalid Koser, a geographer and expert in forced migration who has studied 'people-smuggling' in Africa, Pakistan and Afghanistan, argues that people smugglers need to be viewed more as part of a business, or industry (Koser, 2008). Koser argues that in fact people smugglers *do* operate in response to a market in that their services are only viable due to the fact that they are desired by asylum seekers. This conceptualization of 'people smuggling' de-sensationalizes claims such as that made by Kevin Rudd of people-smugglers as "the scum of the earth," and also enables policy responses which recognize the reasons why the trade exists in the first place – that is, that people smuggling is fundamentally about human

survival, and provides a service via which those who are able can attempt to secure the survival of themselves and or their family.

Despite such calls, the term is used ambiguously within the mainstream news media, frequently in order to justify border security concerns as seen in Extract 1. However, what is apparent in its usage in this extract is the discourse of 'the need to stop people smuggling' (whatever people smuggling may be). References to reducing and stopping boat arrivals, and the need for people smugglers to be arrested and jailed (section 3) in order to achieve those aims indicate that, regardless of what people smuggling *is*, the fact that its outcome is more people arriving in Australia by boat means that it is undesirable.

Of interest to this analysis is the juxtaposition of the asylum seekers aboard the *Oceanic Viking* and the need for more surveillance and intelligence sharing, and jail terms for people smugglers. Again, by referring to the *Oceanic Viking* directly before discussing the need for a "new deal on human trafficking" (section 2), the asylum seekers aboard the *Oceanic Viking* are implicitly referenced in terms of the 'illegality' of their method of arrival in Australia. Additionally, they are constructed as undesirable due to the rhetorically self-sufficient argument that stopping the boats is a 'good thing', used here implicitly by reference to the need for increased measures to reduce boat arrivals. Indeed, no context is provided in this extract, or the article from which it was taken, in terms of what happens to asylum seekers who would otherwise attempt to arrive by boat once the boats are stopped. Here, if they are not attempting to

arrive in Australia, they are no longer seen as a 'problem'. Thus, discourses of 'people smuggling must be stopped' and the 'illegality' of the asylum seekers using the services of a people smuggler function to construct asylum seekers arriving by boat as 'undesirable' to Australia, and renders them invisible in public discourse if they no longer attempt to reach Australia of their own accord.

Indeed, Perera (2003; 2006) speaks of just this concept in her papers concerning the sinking of the SIEV X and the horrific deaths of asylum seekers that occurred as a result. Perera (2003) writes that: "These deaths must be quickly repressed from public memory to maintain Australia's self image as a decent and humanitarian nation; in their place remain vague impressions of some narrowly averted invasion by sea. As the Minister for Immigration memorably commented, this tragedy could yet have 'an upside' to it". Thus, the imperative to stop asylum seekers arriving in Australia by boat renders the loss of lives of asylum seekers ungrievable (Butler, 2004). In this instance, the asylum seekers aboard the *Oceanic Viking* do not figure within the Australian nation-state until they pose a threat to its borders, and therefore to its sovereignty. Not only are their lives ungrievable – they are unseen.

The discourse of 'people smuggling must be stopped', and the linking of this discourse with the asylum seekers aboard the *Oceanic Viking* were seen frequently in the mainstream news media coverage of this issue, and is demonstrated again in Extracts 2 and 3:

Extract 2

1. Australia's people smuggling crisis dramatically worsened last night with news that all males among the 78 refugees on board the customs vessel *Oceanic Viking* have begun an indefinite hunger strike.
2. Home Affairs Minister, Brendan O'Connor confirmed the hunger strike in a statement but said the men were continuing to drink water.

(Milne, 2009, p. 14)

Extract 3

1. Indonesian authorities have prevented almost 2,000 asylum-seekers from travelling to Australia in the past 12 months.
2. In figures that give a sense of scale to the silent battle waged between police and people-smuggling rings in Indonesia, the Australian Federal Police revealed that 1,998 foreign nationals were detained there between September last year and October this year.
3. The numbers came as the UNHCR confirmed it had completed assessments of the 78 asylum-seekers who for a month refused to disembark from the Australian Customs vessel *Oceanic Viking*.

(Maley, 2009, p. 5)

In both of these extracts, the asylum seekers aboard the *Oceanic Viking* and people smuggling are explicitly linked, thus functioning to locate the asylum seekers within the context of a discourse that criminalizes both them and their claims to asylum (since such claims were mobilized through the use of people smugglers). This is especially the case in Extract 2, which argues that

"Australia's people-smuggling crisis dramatically worsened last night..." (section 1) and goes on to refer to a hunger strike by the male asylum seekers aboard the boat (section 1). Here, the asylum seekers' protest is explicitly linked to the 'crisis' of people-smuggling rather than represented as the act of desperate people attempting to secure a future for themselves. Indeed, references to the "crisis dramatically worsen[ing]" is an extreme case formulation (Pomerantz, 1986) which functions to justify any extreme action taken to stop people smugglers bringing asylum seekers to Australia, as well as legitimate the need for 'tough' border protection policies, and the corresponding exclusion of these asylum seekers from the nation-state.

Extract 3 claims to "give a sense of scale" to this so-called 'crisis' in terms of the "battle waged between the police and people smuggling rings" (section 2) by citing the fact that 1,998 "foreign nationals" were detained in Indonesia between September 2008 and October 2009 (section 2). The fact that 1,998 asylum seekers being detained over a year in Indonesia is a small number compared to those arriving in other countries is not included in this article, which instead represents the number as large, and as reflective of a "silent battle" (section 2). Pickering (2001) has written about metaphors of war used in relation to asylum seekers, arguing that such metaphors explicitly construct asylum seekers as separate to Australia, since "...in constructing a war identities and individualities are irrelevant and excluded; there are simply sides – 'ours' and 'theirs'" (p.173). In fact, the representation of asylum-seekers as "foreign-nationals" explicitly constructs them as 'Other' to Australia in this extract.

Additionally, the apparently self-sufficient 'good' of 'stopping the boats' further constructs these asylum seekers as 'undesirable' within the Australian nation, thereby further legitimating the need for exclusion policies. Finally, as was also seen in Extract 2, the fact that the asylum seekers aboard the *Oceanic Viking* are directly referred to in relation to this "silent battle" between the police and people smugglers criminalizes these asylum seekers by association and locates this group of people directly within this "battle."

Discourses of 'people smuggling must be stopped' and the frequent association between people smugglers and the asylum seekers involved in these incidents was also seen in the *Jaya Lestari 5* coverage, as seen in Extract 4:

Extract 4

1. Indonesia, despite being a major transit point for boats bound for Australia, does not have people-smuggling laws, therefore the smugglers get caught here, get a slap on the wrist and get back into business.
2. In Australia, the maximum term for people smuggling is 20 years. Indonesia hopes this year to enact people smuggling laws that would criminalize the practice with jail terms of five to 15 years' jail but the passage of new Bills is notoriously slow...
3. If Rudd had not been so intent on stopping the *Jaya Lestari 5* before it got to Christmas Island and passing the problem to Indonesia, perhaps the 'notorious' Capt Bram would have been arrested in Australian waters, faced an Australian court and got a hefty sentence, putting him out of business.

(Wockner, 2010, p. 74)

Within this extract, as in the three above regarding the *Oceanic Viking*, people smuggling is constructed as self-evidently bad, with no discussion of the reason for its existence in the first place. Thus the need for Indonesia to pass legislation to criminalize the practice within the law is portrayed as necessary, with lengthy jail terms advocated (section 2). Again, as seen in the first three extracts, the asylum seekers aboard the *Jaya Lestari 5* are discussed here only in terms of the issue of people smuggling, and no context is provided for their flight to Australia in the first place.

Indeed, asylum seekers are explicitly referred to as a "problem" (section 3) in this extract, a term that serves to both de-humanize them and construct them as undesirable. McMaster argues that to refer to asylum seekers as a 'problem' constructs them as "an anomaly requiring specialised correctives and therapeutic interventions' rather than 'ordinary people'" (McMaster, 2001, p. 37), thereby further legitimating the need for tough penalties against people smugglers (as advocated within this extract). The question of what would happen to asylum seekers once people-smugglers were "put out of business" is not addressed in this article, meaning that the fact that asylum seekers choose to utilize the services of people smugglers to escape situations in which they are threatened is largely ignored. As such, and similarly to Extract 1, asylum seekers become invisible to the Australian nation-state once they are no longer seen as a threat to its borders.

Of course, one of the main reasons behind the effectiveness of the 'people smuggling must be stopped' discourse is the fact that people smuggling is seen as an incursion on Australia's border security, as discussed previously. As such, discourses of asylum seekers as 'threatening' or as a 'problem', and discourses of 'the need to protect the borders' go hand in hand. Indeed, the discourse of the need for border protection were seen throughout the media coverage of these two incidents, and is illustrated in Extract 5:

Extract 5

1. The arrival of the 60th boat carrying asylum seekers on New Year's Eve has marked the end of the biggest yearly influx of boat people since 2001...
2. Prime Minister Kevin Rudd has faced pressure to stop the surge in boats, with the coalition accusing him of going soft on border protection and encouraging people smugglers...
3. The mass arrival of boat people has put a strain on Christmas Island's detention camp and forced the Government to ship demountable huts and pitch tents to ease overcrowding.
4. More than 1400 people are now detained on the island, with passengers from some of the latest boats still en route where they will undergo identity, security and health checks.
5. The Government's sensitivity to the boat people issue has seen it cut a special deal to resettle 78 Tamils who refused for a month to get off the Australian Customs vessel Oceanic Viking, and led to Mr Rudd personally asking Indonesian President Susilo Bambang Yudhoyono to stop another boat carrying almost 250 Tamils from reaching Australian waters.

(Tillett, 2010, p. 12)

Within this extract, the need to protect Australia's borders is made rhetorically self-sufficient by reference to the number of boats arriving in Australia in 2009 (section 1), and the number of people detained in the detention center on Christmas Island (section 4), although no contextual information is provided as to what these numbers mean in practice. However, the use of terms such as "biggest yearly influx" (section 1), "mass arrival" (section 3) and "the surge in boats" (section 2) all function to construct an image of Australia being 'overrun by asylum seekers', thereby implying that these numbers are large, despite the fact that, as mentioned previously, they are in fact relatively small in relation to other forms of unauthorized arrivals. Thus the accusations made by the coalition (the opposition party) regarding Kevin Rudd going "soft on border protection" (section 2) are contextualized in relation to the supposedly "mass arrival" of boats carrying people seeking asylum in Australia, therefore implying that these reason for this "surge" is the "soft" border protection policies of the Rudd government.

Thus the discourse of 'the need to protect our borders' is used here in relation to arguments about the need not to be considered 'soft' on asylum seekers arriving by boat in light of the supposed threat of "mass arrival." Here, the mainstream news media echoes those discourses found by Every (2006) in her analysis of the rhetoric used by Australian parliamentarians regarding asylum seekers arriving by boat during the Howard government. Every found that discourses of being a 'soft-touch' or 'soft-target' were frequently used within

parliamentary rhetoric as the cause for the 'surge' in boat arrivals, thereby justifying the need for tighter border protection methods. As such, 'the need for border protection' is represented as self-evidently good, as is the need to "stop the surge in boats." Again, these discourses are also used to justify 'tougher' border protection policy and exclusion practices since, if unauthorized asylum seekers attempt to come to a country due to the fact that it is a 'soft touch', then it follows that tougher legislation and preventative measures are required if those asylum seekers are not wanted.

This extract acknowledges that 'the asylum seekers issue' is a political one by indicating that the Australian government and then-Prime Minister Kevin Rudd had "sensitivities" (section 5) which led him to act as he did in the *Oceanic Viking* and *Jaya Lestari 5* incidents. Indeed, the extract explicitly refers to "boat people" as an "issue" (section 5), thereby again drawing upon discourses of asylum seekers arriving by boat as a 'problem', and further locating them within the realm of the political rather than within human rights or humanitarian discourses. Once again, the construction of asylum seekers arriving by boat in this manner de-humanizes them, and locates the 'problem' as one that is of concern to the Australian nation-state and its politics rather than a global issue of humanitarian responsibility. Indeed, these asylum seekers arriving by boat are reported on implicitly represented in this article as a threat to the nation, (as, illustrated in the representation of these arrivals as a "surge" in section 2), thereby further positioning them as unwanted and undesirable within the Australian nation-state.

The discourse of 'the need for border protection' came to the fore in the media coverage of the *Oceanic Viking* incident when the Australian Security and Intelligence Organization (ASIO) deemed five of the asylum seekers aboard the *Oceanic Viking* a security risk. This is seen in Extract 6:

Extract 6

1. Another 42 asylum seekers arrived off Christmas Island yesterday as the federal Government faced mounting pressure to explain why it brought five Tamils to Australia after they had been found to be security risks.
2. The latest arrival means 189 asylum seekers have been intercepted in the 13 days of 2010, all part of a \$654 million program the government described last year as "the largest surveillance and detection operation against people smuggling in Australian history."
3. The five Tamils were rejected by the spy agency ASIO after security vetting done aboard the Customs vessel *Oceanic Viking* or at an Indonesian detention centre last year.
4. Immigration Minister Chris Evans was unforgiving, saying he trusted ASIO to deliver appropriate findings.

(Veness, 2010, p. 14)

Here, tough border protection policies are legitimated by the fact that some of the Tamil asylum seekers aboard the *Oceanic Viking* were found to be a "security risk" to Australia (section 1). The contextualization of this "security risk" within the numbers of asylum seekers arriving by boat in the early days of 2010 functions to imply that stronger border protection methods are required,

as does the implication that the “largest surveillance and detention operation against people smuggling” (section 2) is a failure. Thus the discourse of ‘the need for border protection’ is supported in this extract within arguments that the current levels of border protection are not strong enough. As such, the extract draws heavily upon securitization discourses, in which border security is normalized and accepted unproblematically. Such a focus on border security constructs all asylum seekers arriving by boat as security threats, and does little to humanize asylum seekers arriving by this method.

Again, within this extract and the article from which it was taken, asylum seekers are denied a voice and are de-humanized through reference to numbers (sections 1 and 2) and ‘border security’. Furthermore, the fact that five asylum seekers on board the *Oceanic Viking* received adverse security assessments is presented here as further evidence of the ‘need for border protection’, with no discussion regarding the circumstances that could lead to an adverse security assessment, or lead to people seeking asylum in Australia by boat. Instead, the article focuses on ASIO, and government pressures regarding asylum seekers arriving by boat, and thus reflects the focus of mainstream news media coverage of these two incidents on the effect they had on Australian politics, and on the criminalization of these asylum seekers. Indeed the very phrase “security risks” (section 1) is used in this extract without question or critique, thereby explicitly referring to these asylum seekers as ‘security’ threats. Representative extracts demonstrating the politics of boat people and their ‘unlawfulness’ are discussed in the next section.

5.4.2 The politics of 'boat people': Unlawfulness and the state of exception

Both of the events under consideration in this chapter appeared in the news media primarily in relation to Australian immigration politics, and the different views of the major political parties. The previously discussed discourses of both border security and people smuggling appeared throughout these articles, together with discourses of asylum seekers arriving by boat as 'threatening' and 'illegal.' Thus these extracts explicitly drew upon discourses of 'unlawfulness', thereby drawing upon Agamben's concept of bare life as outside the law. Correspondingly, these extracts frequently used this discourse of 'unlawfulness' to legitimate the use of force towards asylum seekers, and to justify their exclusion from the Australian nation-state, thereby evoking the state of exception.

Similarly, a discourse of 'too many' was pervasive in coverage of the political aspect of the *Oceanic Viking* and *Jaya Lestari 5* incidents in which the mainstream news media frequently focused on the numbers of asylum seekers arriving by boat in the country, and did so within a framework that implied that the number was unacceptably high. Thus the mainstream news media here implied that these asylum seekers arriving by boat represented a 'crisis' to Australia, further legitimating the use of potentially violent practices such as mandatory detention and 'tough' border control methods to ensure the exclusion of the people onboard these two boats from Australian territory.

Within this 'political' theme of news media reports, the coverage of the *Oceanic Viking* and *Jaya Lestari 5* incidents were reported on largely in terms of the political consequences within Australia, rather than the incidents themselves, or indeed any effect on, or representation of, the asylum seekers themselves. An example of this is seen in Extract 7, regarding the *Jaya Lestari 5*:

Extract 7

1. A group of unlawful entrants at the centre of the nation's most heated immigration debate since the 'children overboard affair' in 2001 will today face the harsh realities of an Indonesian detention centre.
2. The 78 Sri Lankans, who have been on board the Australian Customs vessel *Oceanic Viking* for more than a week, were last night near the port of Tanjung Pinang and were due to be taken by Indonesian authorities when tides changed.
3. With the men ending their hunger strike - sparked after being told they would not be taken to Australia - reports emerged that some detainees had been beaten by Indonesian guards.
4. Foreign Affairs Minister Stephen Smith said any allegations would be investigated.
5. However, the circumstances behind private negotiations with Prime Minister Kevin Rudd and Indonesia to intercept the unlawful entrants earlier this month has been attacked by the Opposition, which has argued "Australia is the new destination" for people smugglers because of relaxed immigration laws.
6. Almost 40 unlawful boats have arrived in Australian waters since Labor won office.

(Viellaris, 2009a, p. 7)

This extract focuses on the 'politics' of asylum seekers arriving by boat, and indeed this is the primary focus of this entire article despite the headline being "Sri Lankans face Detention Centre Lock-up." Within this extract, the *Jaya Lestari 5* incident becomes about politics rather than the asylum seekers themselves, thus providing the public with a primary frame of reference through which to think about asylum seekers who arrive by boat in terms of the effect they have politically. Discourses of 'the need for border protection' and 'people smuggling must be stopped' are also invoked in this extract in terms of the reporting of the Opposition party's claims that "relaxed immigration laws" (section 5) are responsible for the "almost 40 unlawful boats" (section 6). Again, as seen throughout this chapter, no context is provided for what this number of boats actually means in practice – either in relation to other unauthorized people in Australia, or the numbers of asylum seekers seeking refuge in other countries.

Discourses of 'unlawfulness' were also seen frequently in the mainstream news media coverage of these events, and were used three times in this extract in "unlawful entrants" and "unlawful boats". Whilst discourses of 'unlawfulness' are strictly correct according to Australian immigration law (Sidhhu & Christie, 2002), and are not as sensationalist as discourses of 'illegality', they nevertheless create a primary emphasis on this aspect of an asylum seeker's attempt to claim refuge in Australia rather than the mandates under the Refugee Convention which state that refugees must be afforded protection in countries

which they enter. Indeed, discourses of 'unlawfulness' de-humanize asylum seekers and the asylum seeker process to one that is simply a process of laws and numbers, as also seen in the use of terms such as "detainees" in the above extract (section 3).

Also, and importantly, discourses of unlawfulness explicitly construct these asylum seekers as outside the law (for example in section 1 and section 5), and therefore as non-citizens, and as *homo sacer* on board an Australian customs vessel and within Australian territory. As *homo sacer*, then, the extract is able to effectively position the asylum seekers aboard the *Oceanic Viking* as both undesirable to Australia and as deserving of any harsh treatment that they receive (for example, the "harsh realities of an Indonesian detention centre" (section 2). Furthermore, the construction of these asylum seekers as unlawful further legitimizes calls for tough border protection measures since, as unlawful, Australia has no obligation towards them. Thus the extract effectively justifies the existence of a state of exception in relation to asylum seekers arriving unexpectedly. For example, the extract draws upon the Opposition party in Australia blaming "relaxed immigration laws" for "Australia being the new destination for people smugglers" (section 5), and backs this claim up through reference to the numbers of "unlawful boats" arriving since the Labour government came to power (section 6). In advocating for tougher immigration laws the extract effectively advocates for a state of exception to be implemented in relation to asylum seekers arriving by boat since, as Edwards (2003) explicitly argues, many of the legislative amendments which have been

implemented in relation to asylum seekers arriving by boat – such as those made during the Howard government era - are directly in breach of international refugee law. In breach of international law, then, the justification of these laws relies upon the construction of a crisis or emergency such as that supposedly seen in increases in 'unlawful' arrivals.

The interplay between discourses of asylum seekers as a 'threat' or as 'unlawful' and 'the need for border protection' was seen throughout the news media reporting of these incidents, with two more examples provided here in Extracts 8 and 9:

Extract 8

1. During the past week, Prime Minister Kevin Rudd might have reflected on the difficulties John Howard faced eight years ago when the MV Tampa went to the rescue of the Palapa 1...
2. The combination of a bloody aftermath to a civil war in Sri Lanka - which has left more than a quarter of a million displaced people in camps trying to flee the country - and Australia's relatively humane and civilised treatment of asylum-seekers who do reach this country have combined to set off a new wave of boats carrying people trying their luck across the Indian Ocean or through Indonesia.
3. Australians want the Government to implement and observe a strong border-protection regime which deters people from going around the UN mechanisms for seeking asylum.
4. To allow the Sri Lankans automatic entry to an Australian facility on Christmas Island or the mainland would be a signal of weakness - something the Government understands.

5. This is why Mr Rudd has no choice but to sit out the stubborn refusal of those on the Oceanic Viking.

("Rudd needs to prepare for next boat", 2009, p. 21)

Extract 9

1. In relation to those aboard the Oceanic Viking and the boatload of people off Merak, the Rudd government has no alternative but to be more stubborn than the passengers.
2. To cave in to the ACTU, which wants the Sri Lankans brought here, would create an almost irresistible 'pull' factor for others to copy their tactics.
3. Aside from the 'push' factors in Sri Lanka and Afghanistan, there is no doubt that the Rudd government's changes to the tough-as-nails Howard government policies have created a 'pull' factor, at least in the minds of the asylum-seekers and the people-smugglers who exploit their misery.
4. Mr Rudd is walking a tightrope, but he needs to find a way to counteract the perception that Australia has become a softer touch under his watch.

("Inertia as impasse enters third week", 2009, p. 17)

Both of these extracts utilize the discourse of 'the need for border protection' in order to argue that, in the first extract, border protections "regimes" are necessary in order to "deter people from going around the UN mechanisms for seeking asylum" (Extract 8, section 3) and in the second extract, that Rudd's "softer touch" (Extract 9, section 4) policies have "created a 'pull' factor... in the minds of the asylum-seekers" (Extract 9, section 3). Thus, again, the discourse of

'the need for border protection' is utilized in order to legitimate calls for tougher policies regarding asylum seekers arriving by boat.

In Extract 8, the calls for tougher border protection are made through the voice of "Australians" (section 3). This positioning works in several ways. Firstly, it mitigates the author, or the newspaper, from being responsible for making these calls for stronger border protection, by instead locating those calls as something that "Australians" want, and therefore as necessary within a democracy. Thus border protection is positioned as the prerogative of the 'mainstream', as discussed in Chapters 1 and 2, rather than of particular interest to white Australians who are attempting to maintain their sovereignty through control over the borders of the nation-state. Secondly, reference to "Australians" in this way works to explicitly position asylum seekers as outside of, and as not belonging to, Australia – thus creating a situation in which, as Pickering (2001) argues, border protection comes to be about "Us" versus "Them". Once asylum seekers are constructed as separate to Australia in this way, discourses of border protection become easy to legitimate within a framework of the undesirability of the "new wave of boats carrying people trying their luck across the Indian Ocean..." (Extract 8, section 2).

Indeed, the very phrase "trying their luck" implicitly invokes rhetoric of asylum seekers arriving by boat as 'economic refugees' rather than 'genuine refugees' and constructs these asylum seekers as opportunistic, thereby again calling into question their genuineness, given that it is only those asylum seekers with adequate resources who are able to "try their luck" – a phrase which does little

justice to the fight for survival often behind the process of asylum-seeking. As Riggs (2010) suggests, describing someone as 'lucky' or not "functions rhetorically to construct the purportedly lucky person as only in their present situation by virtue of fate: they are not seen as intrinsically deserving of whatever it is they have received, but rather their receipt of whatever makes them 'lucky' is relatively unrelated to them as a person" (p. 4). Again, such representations positions these particular asylum seekers as undeserving and non-genuine, and in direct opposition to those who are 'deserving' and who apply for asylum through 'official' channels – a distinction which is murky at best given the multiple reasons behind the decision to seek asylum (Brolan, 2003). Thus, the concept of asylum seekers arriving by boat as having 'luck' (or not) further legitimates calls for tough border protection policies given that it positions such asylum seekers as undeserving, whilst simultaneously constructing the Australian nation-state as the arbiter of luck through either its competence or ineptitude when it comes to border security measures.

Asylum seekers are further constructed as 'non-genuine' in Extract 8 by arguing that they are "going around the UN mechanisms for seeking asylum" (section 3). This statement implies that asylum seekers are strategic, (from which it is simply a short step to the phrase 'queue jumpers') in that it implies that there are 'proper' channels and 'improper ones' for seeking asylum. Whilst this may be *strictly* true, statements like this which do not include any context feed off sensationalist claims about asylum seekers and do not include information which highlights the many reasons for why an asylum seeker may decide to

attempt to reach a safe destination of their own accord rather than waiting to go through 'proper' channels. Nor does it engage with the many critiques of such measures – including difficulties accessing UN services for some groups of people wishing to claim refugee status (Mares, 2001), and the fact that being selected for resettlement has been compared to “winning a lottery” (see Brolan, 2003). Furthermore, the representation of asylum seekers as “going around the UN mechanisms” once again represents these particular asylum seekers as ‘unlawful’.

Both these extracts also represent the asylum seekers as “stubborn” (Extract 8, section 5 and Extract 9, section 1) – a representation that works to further undermine the act of asylum seeking as willful or obstinate rather than as a fight for survival. Indeed, in both these extracts the “stubbornness” of the asylum seekers aboard these two vessels is used to justify harsh border protection policies by advocating for the Australian government to be more “stubborn” than the asylum seekers. Thus the representation of asylum seekers in this way further justifies “tough” border security measures by positioning asylum seekers as outside of humanitarian concerns. Indeed, the “stubbornness” of asylum seekers further draws upon the presentation of asylum seekers as in a ‘war’ with the government by representing their struggle as effectively a ‘battle of wills’.

Correspondingly, within both Extract 8 and Extract 9, the need for stronger border protection methods is worked up in the context of Australia becoming a

'soft touch' for asylum seekers, or in order to not be seen as 'weak'. In Extract 8, the juxtaposition of the need to not be seen as 'weak' and the argument that Australia's treatment of asylum seekers who arrive in Australia is "relatively humane and civilized" (section 2) works to support the need for stronger border protection by arguing that Australia is humane, and can therefore afford to be 'tougher', and that being seen to be 'weak' is inherently negative. The very word 'weak' works rhetorically to position what could otherwise be seen as 'humane' or 'compassionate' policies and as therefore representative of a Government that is not strong enough. In Extract 9, the discourse of 'the need for border protection' is constructed within the context of 'push' and 'pull' factors, and the argument that the 'tough' Howard government policies reduced 'pull' factors for asylum seekers. Within this argument, it is implied that 'pull' factors to a country are bad because they attract asylum seekers due to a country's 'soft' border protection laws, as well as making a country a destination for people smugglers. Again, these arguments are made with no consideration of what happens to these unwanted asylum seekers if strong border protection and exclusion policies are put in place that prevent them from seeking asylum in other countries like Australia, thereby once again rendering them invisible as human beings – and only visible when they are of concern to Australian border security.

Similarly, within both these extracts, the need for stronger border protection is invoked in reference to Australian politics, for example in phrases such as "Mr Rudd is walking a tightrope" (Extract 9, section 4) and "That is why Mr Rudd has

no choice but to sit out the stubborn refusal of those onboard the *Oceanic Viking*" (Extract 8, section 5). The politicization of these issues, as will be discussed in more detail in the next section, functions to de-humanize asylum seekers by referring to them only within the context of Australian politics and border protection, whilst simultaneously overlooking the point of view of asylum seekers themselves as they attempt to claim asylum in Australia.

Within this theme, the outcome of the unlawfulness of the asylum seekers in question was not only violent exclusionary practices, but also the potential use of violence towards the asylum seekers themselves. For example, in relation to the asylum seekers aboard the *Oceanic Viking* and the *Jaya Lestari 5*, the media frequently reported on the potential use of force to remove them from the vessels. Examples of this are provided in Extract 10 and Extract 11:

Extract 10

1. Unlawful entrants stranded off Indonesia could remain at sea until next month, leaving the Rudd Government with weeks of more political pain.
2. As Australian officials were last night deciding whether to forcibly remove the 78 Sri Lankan unlawful entrants from the Australian Customs vessel *Oceanic Viking*, an Indonesian official warned they might not be allowed on the mainland until talks between Jakarta and Canberra at an APEC meeting on November 14.
3. The unlawful entrants, who have spent nearly two weeks in limbo on the Customs ship, are refusing to co-operate with Indonesian officials.

(Viellaris, 2009b, p. 4)

Extract 11

1. Indonesia will force 240 Sri Lankan asylum-seekers into immigration detention by the end of next week, at gunpoint if necessary, after admitting it has concerns there are former Tamil Tigers militants among the group.
2. As the opposition stepped up its attack on the government over its decision to bring to Australia four Tamils deemed a security risk by ASIO, Indonesian immigration officials said they suspected the three-month standoff at the port of Merak was being directed by Tamil militants on the boat.
3. Tony Abbott yesterday called on the government to explain what it would do with five Tamils whom ASIO deemed a threat to national security.

(Fitzpatrick & Maley, 2010, p. 2)

In Extract 10 the asylum seekers on board the *Oceanic Viking* are explicitly referred to as 'unlawful' (sections 2 and 3) as they were in Extract 7 above. Extract 11, whilst it does not directly state that the asylum seekers onboard the *Jaya Lestari 5* are 'unlawful', nevertheless similarly draws upon a discourse of unlawfulness through reference to the Tamil Tigers. In this extract, "concerns" that there were "Tamil militants" (sections 1 and 2) aboard the *Jaya Lestari 5* are evoked through reference to the Tamils who received an adverse security rating for those who were on the *Oceanic Viking*. In this extract, no information is provided regarding the complexities of the Tamil Tigers, with this group instead used to justify fears of security threats, and therefore to both criminalize the groups of asylum seekers and further construct them as unlawful. Interestingly, the fact that the asylum seekers onboard the *Jaya Lestari 5* stood their ground in order to be brought to Australia is reported in this

extract, supposedly following the Indonesian immigration officials, as the work of "Tamil militants" and therefore as criminal activity.

Both extracts then use this 'unlawfulness' to discuss the possible use of force towards the asylum seekers, thereby legitimating the use of violence on the basis of their status as outside the law. Such violence is seen in these extracts in references to forceful removal, "at gunpoint if necessary" (Extract 11, section 1), and to the undesirability of bringing the asylum seekers to either Australian or Indonesian land. In Extract 10, this state of exception in relation to the so-called 'unlawful entrants' is further seen in reference to the asylum seekers being "in limbo" (section 3) – a position which ironically refers to their status as non-citizens at the same time as it illustrates the fact that they are waiting for an outcome in relation to where they will be allowed to land. In directly referring to the asylum seekers aboard these two vessels as unlawful whilst also discussing uncritically the use of violence towards them, the mainstream news media explicitly links the unlawfulness of these groups of people with the legitimate use of force and violence against them. Thus the status of asylum seekers as *homo sacer* and therefore as without rights is quite explicitly seen within this news media coverage.

5.4.3 Representing asylum seekers

Despite the fact that these incidents were one of the first times that media had direct access to the people aboard boats seeking asylum in Australia (for example, the media was largely restricted from accessing boats in the Howard

government era (see Mares, 2001)), the voices of asylum seekers remained largely overlooked in the coverage of these incidents. This was despite the fact that the asylum seekers aboard the boats, particularly the *Jaya Lestari 5* on which spokesman Alex and nine-year old Brinda were, spoke directly to the media. Indeed, the pleas made by these people to Australia were rarely reported on within an human-interest frame. Instead, the mainstream news media articles which discussed the asylum seekers themselves frequently utilized discourses of asylum seekers as 'threatening', 'illegal' and 'non-genuine', as well as of 'people smuggling' and 'border protection', as seen throughout the analysis discussed in this chapter.

An example of the coverage of Alex's pleas to the media is included here in Extracts 12 and 13:

Extract 12

1. A spokesman for the 255 Tamils whose boat was intercepted following a phone call from Mr Rudd to Dr Yudhoyono said Indonesia was not the best country to handle their claims.
2. "I believe in a Westernised country that can actually handle the sensitive issues of our children, of our women, our men which have been scarred for all their lives," Alex told *The Australian*.
3. Alex's comments follow revelations that Louhenapessy, known as Captain Bram, was behind the voyage.
4. Mr Smith confirmed the Indonesian had been taken into custody.

(Maley, 2009b, p. 1)

Extract 13

1. Australia will send police and hi-tech gear into several Asian hot-spots in a frantic bid to stem the flow of asylum seekers.
2. Taxpayers are also likely to stump up millions of dollars in extra assistance for border protection as the Rudd Government tries to deal with the growing political storm.
3. With secret intelligence warning of a continuing surge in illegal arrivals, Australian Federal Police commissioner Tony Negus held emergency talks with his Sri Lankan and Indonesian counterparts this week...
4. Sources said Cabinet was also expected to consider extra funding for border protection, on top of the \$650 million announced in the May Budget in a bid to stem the tide...
5. More than 250 Tamil asylum seekers caught by Indonesia authorities en route to Australia yesterday spent another day aboard their rickety cargo boat, refusing to set foot on land in the west Java port of Merak until they receive asylum from a Western country.
6. "If you come see the situation in Sri Lanka where most Tamils live ... you can see it's a lot worse than living on this ship", said the group spokesman, known only as Alex.

(Lewis, 2009, p. 2)

In both of these extracts Alex's comments are provided in the context of people smuggling and border security. In Extract 12, Alex's comments are contextualized within the fact that 'Captain Bram' – a well-known people smuggler – was behind the voyage that Alex and Brindha were making to

Australia, thereby implicitly locating Alex's plea in the context of the supposed criminal nature of his attempt to seek asylum in Australia. Indeed, the extract explicitly locates Alex's words in the context of people smuggling by stating that his comments "followed revelations that... Captain Bram was behind the voyage" (Extract 12, section 3). This explicit association between Alex and people smuggling serves to cast illegitimacy over Alex's comments themselves, thereby questioning the validity of his calls to go to Australia rather than be processed in Indonesia, by positioning him as criminal and therefore as undeserving.

In Extract 13, Alex and Brindha's pleas for help from a Western country are represented in terms of border protection, which similarly functions to construct them as illegal, and as threatening. In fact, Alex's pleas are only discussed towards the end of the article from which this extract was taken, with the initial focus being the measures taken to stop the "tide" of boats (section 4) that are apparently coming to Australia. Discourses of 'illegality' and asylum seekers as a 'threat' are explicitly drawn upon, with direct reference to a "continuing surge in illegal arrivals" (section 3), and references throughout to "secret intelligence" (section 3), "border protection" (section 4), and the need for a police presence in areas from which asylum seekers may come (section 1).

Such references to asylum seekers arriving by boat as a 'threat' also draw upon discourses of securitization of the border, and normalize border security practices which may otherwise be seen as excessive – especially given the small

numbers of asylum seekers which these policies are aimed at deterring (McMaster, 2002). Discourses of securitization are justified in the extract given that the language used throughout is that of urgency, suggesting that if the "tide" is not stemmed, Australia will be over-run by asylum seekers. As such, the extract legitimates the state of exception by constructing a state of emergency to which border protection must respond. Indeed, the construction of the situation as an 'emergency' is explicitly seen in section 3 of Extract 13 when it is stated that the Australian Federal Police Commissioner held "emergency" talks with his international counterparts.

The contextualization in these extracts of the representation of asylum seekers arriving by boat within discourses of 'border protection' and 'securitization' function to cast doubt over the genuineness of their claims. Indeed discourses of 'non-genuineness' were explicitly drawn upon in the mainstream news media coverage of the voices of these asylum seekers, as is clearly seen in the extract below in which the pleas, particularly those made by Brindhya (a 9-year-old girl), are explicitly reported as staged:

Extract 14

1. Alex has become the voice of the group largely because of his facility in the language, though others including a nine-year-old girl named Brinda have also played a role in the group's media strategy.
2. Brinda was coached by adults on the boat to make an emotional plea as journalists were invited aboard for a staged visit on Wednesday night.

3. "Please help us and save our lives; we are your children. Please think of us", she said.

(Fitzpatrick, 2009, p. 7)

In this extract, Brindha's words are directly referred to as "coached" and as part of the asylum seekers' "media strategy" (section 1 and section 2). Such claims function to reinforce discourses of "non-genuineness" surrounding asylum seekers attempting to arrive by boat, discourses which have been found in previous research (Brolan, 2003; Pickering, 2001). Thus, despite the opportunity here to present asylum seekers in terms of their own interests and the backgrounds to their asylum claims, the mainstream news media instead drew upon discourses which simply constructed asylum seekers as 'non-genuine', and therefore as largely 'undesirable' within Australia. Such discourses reflect those used in the 'children overboard' affair, as discussed by Macken-Horarik (2003). This construction is further seen in the implication in this extract that the children were simply being manipulated by adults in order to evoke an emotional response that may help their case.

Whilst asylum seekers aboard the *Jaya Lestari 5* were given a voice in the mainstream news media coverage of the event (despite the fact that that voice was generally referenced in terms of discourses of illegality and non-genuineness, and as a threat to border protection), asylum seekers were rarely given a voice in the coverage of the *Oceanic Viking*. Where coverage did include what could be termed a 'human' element (in terms of representation of the asylum seekers themselves), it generally included coverage of refugee advocates

such as comments made by Human Rights Commissioner Catherine Branson. This is in line with research by Haynes, Devereux and Breen (2006), and Pickering (2001) who both found similar tendencies in their analysis of media coverage of asylum seekers arriving in Ireland and Australia, respectively. Examples of extracts from articles covering these stories are provided next.

Extract 15

1. The Human Rights Commissioner, Catherine Branson, has attacked conditions on Christmas Island and demanded the Rudd Government stop detaining people there immediately.
2. She also slammed the Government for its failure to overturn laws that excise thousands of islands from the country's migration zone.
3. The criticisms came as another boatload of 33 suspected asylum seekers was picked up by the navy yesterday.
4. It was the third boat in as many days and the 36th this year. Its arrival will put further pressure on Christmas Island, which already has 1129 detainees, and feed Opposition claims that the Government has lost control over Australia's borders.

(Narushima, 2009, p. 1)

Interestingly, despite containing a human-interest element, this extract continues to position the refugee advocacy of Branson within a discourse of 'people smuggling', and of 'the need for border protection'. Here, Branson's "slamming" (section 2) of the government regarding the excision of islands from the migration zone in Australia is juxtaposed against claims that the Government has "lost control over Australia's borders" (section 4), thereby

locating Branson's criticisms within discourses of 'the need for border protection'. Again, this extract focuses on numbers, in phrases such as "another boatload of 33 suspected asylum seekers" (section 3), "the 36th" boat this year (section 4), and the "pressure" on Christmas Island which "already as 1129 detainees" (section 4), all functioning to create an overall impression of 'too many' asylum seekers. Additionally, the use of the word "suspected" in this extract draws upon discourses of 'illegality', despite the fact that any person arriving in a boat wishing to claim asylum is correctly termed an 'asylum seeker', regardless of their subsequent refugee status. Thus, even within human interest articles, asylum seekers were still largely constructed as undesirable within the Australian nation, and as a threat to Australian borders.

Whilst it is clearly important for the mainstream news media to cover all angles of debates regarding immigration and asylum seekers, the over-representation of the political nature of these particular events, and the continued use of discourses of 'border protection', as seen in this extract, create a primary emphasis on these aspects of asylum seekers without a similar emphasis on the human side of asylum seekers, or any contextualization of their claims to asylum.

5.5 Conclusion

In this analytic chapter I have shown that asylum seekers attempting to arrive by boat in Australia were frequently represented through discourses of

'illegality', 'threat' and 'non-genuineness', thus confirming similar findings from previous research (Pickering, 2001; Saxton, 2003; O'Doherty and LeCouteur, 2007; Every, 2006; Every & Augoustinos, 2008). Additionally, the two incidents in question here were frequently discussed in relation to discourses of the need for increased border protection and the need to stop people smuggling, thereby constructing asylum seekers arriving by boat as unwanted, or undesirable, within the Australian nation. Indeed, even when representing the voices of asylum seekers themselves these de-humanizing discourses were utilized, and the genuine nature of asylum seekers was questioned. Only rarely were asylum seekers humanized in the mainstream news media, and these articles generally involved representation by a refugee advocate such as was seen in Extract 16.

It is worth noting here that reporting on the political side of the asylum seeker debate is clearly important. What is noteworthy within the findings of this analytic chapter is the emphasis on the 'political' frame as compared to articles that focus on asylum seekers themselves. For example, what was presented by the media as newsworthy in relation to these events was the political machinations and responses of the two major political parties (e.g., the dilemma posed to then Prime Minister Kevin Rudd, and the claims by the Opposition regarding the ineffective nature of the Government's policies), rather than any element of the stories that related to the asylum seekers *themselves*. Indeed, even in articles that do focus on the event itself, as discussed in the first analysis section, the prevalence of the 'border protection' and 'people smuggling' discourses both function to largely politicize the debate. Thus the mainstream

news media coverage of asylum seekers, with its focus on politics, does little to personalize or humanize asylum seekers. Instead, such articles politicize the claims that asylum seekers make to refuge in Australia, turning the debate into one of border security, people smuggling, and 'too many' rather than one of humanitarian responsibilities in a globalized world.

This focus of the mainstream news media became particularly evident when reporters came close to the *Oceanic Viking* docked off the Island of Bintan and the asylum seekers threw letters attached to plastic bottles into the water in an attempt to communicate. The search conducted for this chapter returned only one article reporting on the contents of these letters (Kearney, 2009a), with only a few others reporting on the existence of the letters at all (Kearney, 2009b; Allard, 2009a). Similarly, when a mobile phone was thrown onto the deck of the boat and reporters spoke to asylum seekers aboard the vessel, the event was also rarely reported (Fitzpatrick, 2009b; Pennells, 2009). Thus, despite some incidents in which the voices of asylum seekers were available for the mainstream news media to report on, the opportunity was not taken. This lack of the voice of asylum seekers, or indeed, lack of representation in general, combined with an overall politicization of the two events in question is reflective of much previous media research in this area. In particular, conclusions by Haynes, Devereux and Breen (2006) in the Irish context are especially relevant here:

...the content of these articles does nothing to challenge the progressive criminalisation of entry without proper documentation or to illuminate for the readership the reasons why people fleeing persecution might not travel with same. Without this context, the role of the State and its delegates in preventing the entry of those without proper documentation is normalised rather than problematised.

Without this context, and with the prevalence of discourses of 'illegality', 'threat' and 'non-genuineness', asylum seekers arriving by boat in Australia are constructed as undesirable, and are de-humanized. As I showed within this chapter, asylum seekers arriving by boat are largely constructed as 'Other' to Australia, with the above discourses functioning to legitimate the "progressive criminalization of entry without proper documentation" in terms of both advocating tougher border protection policies and tough penalties for people smugglers. I now turn to a discussion specifically of the mainstream news media's explicit criminalization of Indigenous Australians (Chapter 6) and refugees (Chapter 7).

6. Indigenous Australians and Criminalization:

The Aurukun rape case and the 'gang of 49'

In my experience, Aboriginal people are often overwhelmed or enraged by the fact that they are already known to others, not as they experience themselves but in the plethora of images, stereotypes and discourses which have made them known in the public domain.

(Cowlshaw, 2004, p. 64)

6.1 Introduction and background

As discussed previously in Chapter 2, past research has found that Indigenous Australians are frequently criminalized in the media and other institutions in Australia, such as the police force and criminal justice system (Cunneen, 2001; Hollinsworth, 2005; Simmons & LeCouteur, 2009; Meadows, 2002). This literature has identified that Indigenous Australians are frequently stereotyped within the media as inherently criminal or dangerous (Meadows, 2002; Simmons & LeCouteur, 2008; Moss, 1991), that Indigenous Australians are often viewed within the legal system and police force as a threat (Cunneen, 2001), and that Indigenous Australians remain significantly over-represented in prison in Australia (Royal Commission into Aboriginal Deaths in Custody, 1991).

Specifically of interest to this chapter is the criminalization of Indigenous Australians in relation to child sexual abuse in remote communities, together

with the representation of Indigenous youth living in urban areas as part of organized crime 'gangs'. In this chapter I examine the media coverage of two incidents which reflect these issues: the 'Aurukun rape case' which first appeared in the media in December 2007, and the coverage of the 'gang of 49' from the beginning of 2007 - which continues as this chapter is being written in mid-2010. In order to provide some background to the coverage of these two events, especially the 'Aurukun rape case', I first briefly outline the political climate surrounding child sexual abuse in Indigenous communities through a short discussion of the Northern Territory (NT) intervention. I then discuss previous research regarding media representations of Indigenous Australians and crime, before turning to the analysis of current mainstream news media coverage of the two events in question.

6.1.1 The Northern Territory intervention

Before discussing the NT intervention itself and the measures which it has involved thus far, it is important to note here that the intervention was implemented under the guise that child sexual abuse in Indigenous communities in the Northern Territory was an emergency requiring immediate action and that the measures put in place were justified on that basis (see Behrendt, 2007). This 'state of emergency' as it was called, then paved the way for the authorization of a state of exception (Agamben, 2005), which was then made explicit in the later suspension of the *Racial Discrimination Act*. The claim that, all of a sudden, there was a 'state of emergency' in the NT was made

despite the existence of many previous reports and calls for help in dealing with abuse in Indigenous communities (see, for example, Robertson, 1999; New South Wales Aboriginal Child Sexual Assault Taskforce, 2001). These calls frequently outlined best practice responses for dealing with child sexual abuse, strongly advocating for community-based interventions run by Indigenous people. Indeed the *Ampe Akelyernemane Meke Mekarle 'Little Children are Sacred' Report*, which was identified by the then Howard government as the key indicator that intervention was necessary, called for the same policies, outlining Indigenous run interventions that had failed due to inadequate or intermittent government funding, but that had otherwise been successful in combating both abuse and factors contributing to abuse such as alcoholism (Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, 2007, see especially pages 130 and 164). Thus any discussion of the NT intervention needs to be cognizant of previous government inaction despite many calls from Indigenous and non-indigenous Australians for assistance and support to Indigenous communities.

Since mid 2006, the level of child sexual abuse in Indigenous communities, perpetrated by both Indigenous and non-indigenous Australians, has been the focus of much media and government attention. This attention was largely prompted by an interview in May 2006 on *Lateline* with the Alice Springs Crown Prosecutor, Nanette Rogers. Rogers spoke explicitly about levels of sexual abuse against children in remote Indigenous communities in the Northern Territory, and the following night then Indigenous Affairs minister Mal Brough, also

interviewed on *Lateline*, spoke about alleged pedophile rings operating in Indigenous communities in the Northern Territory. Watson, in her discussion of the NT intervention, argues that these interviews made the media coverage of the issue of child sexual abuse in the Northern Territory a “full blown moral panic” (2009, p. 5), and prompted the Chief Minister in the Northern Territory to establish the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. The Report from this Board of Inquiry, entitled *Ampe Akelyernemane Meke Mekarle - ‘Little Children are Sacred’* was released to the Chief Minister at the end of April 2007, and as suggested above, ostensibly provided a catalyst for the implementation of the NT intervention.

In June 2007 then Prime Minister John Howard and Indigenous Affairs minister Mal Brough called a press conference in which they declared a ‘state of emergency’ in remote Indigenous communities. In this press conference, the Howard government announced a number of key measures that would be put in place to address child sexual abuse in remote Indigenous communities in the Northern Territory. In early August 2007 three Bills (*The Northern Territory Emergency Response Bill 2007*, *The Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007*, and *The Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007*) were introduced to federal parliament. Together, these Bills comprised legislation relating to welfare payment quarantining, bans on pornographic material, alcohol restrictions, and changes to the permit system and land tenure

arrangements (Hunter, 2007; Watson, 2009). The Bills were passed through the senate on the 16 August 2007 without substantial change. As mentioned previously, in order to implement the Bills, the *Racial Discrimination Act 1975 (Cth)* which makes acts that make the “distinction, exclusion, restriction or protection based on race” (RDA, 1975, S9(1)) unlawful was suspended, thus enabling the intervention to implement measure solely designed for Indigenous Australians.

The (ongoing) NT intervention has received both criticism and support from commentators, both Indigenous and non-indigenous. Many have argued that few, if indeed any, of these measures were specifically related to child protection, and questioned the motives behind the decision to implement the NT intervention in the first place (See Hinkson, 2007; Stringer, 2007; Watson, 2009; Altman, 2007 for a discussion of these issues). Other commentators have been more welcoming, arguing that, whilst too late, the intervention at least represents an interest in Indigenous Affairs and an effort to reduce levels of abuse against children (See Langton, 2007a, 2007b; Howe, 2009 for a discussion of support for the intervention). Thus the NT intervention remains controversial within academic and public circles, and is therefore denoted in this thesis with a small ‘i’ rather than a capital ‘I’, which would lend it uncritical legitimacy. That is to say, a small ‘i’ is used here in order to highlight the fact that the term ‘intervention’ is not necessarily self-explanatory, nor a term that should be accepted unconditionally.

The *Ampe Akelyernemane Meke Mekarle - Little Children are Sacred Report* and NT intervention brought with them unprecedented levels of media coverage of Indigenous abuse in remote Indigenous communities, which many argued was largely sensationalized (Altman, 2007; Watson 2009). This media coverage, together with other coverage of crime committed by Indigenous Australians, is discussed in the next section.

6.2 Previous analyses of media representations of Indigenous Australians and crime

In addition to media research discussed in Chapter 2 in regard to the criminalization of Indigenous Australians, previous research has specifically shown that Indigenous Australians are frequently criminalized within the mainstream news media (see, for example, Hollinsworth, 2005; Meadows, 2004; HREOC, 1991; Jakubowicz, et al., 2004). A brief outline of this specific focus of news media research regarding the representation of Indigenous Australians is provided here.

The *Royal Commission Inquiry into Aboriginal Deaths in Custody Report* (RCIADIC) (1991) included media coverage of Indigenous Australians in its scope, and found that the media frequently reported on Indigenous crime, constructing Indigenous Australians as a “problem” and as “dissident, disruptive, or criminal” (RCIADIC, 1991, section 12.6.7). The Report also commented on the fact that Indigenous people felt that where a crime was

committed by an Indigenous person, media reports frequently reported the offender's race, but did not do so if they were non-indigenous, instead including other demographic information such as age (RCIADIC, 1991, section 28.1.16). Similar concerns were discussed in *The Report of the National Inquiry into Racist Violence* (HREOC, 1991), which stated that many people had expressed concerns that the media were racist in their coverage of crimes committed by marginalized groups of people.

In relation specifically to Indigenous youth crime, researchers such as Hartley and McKee (2000), Mickler (1992), Mickler and McHoul (1998) and Sercombe (1995) have all noted that the coverage of Indigenous crime can be so pervasive that categories such as 'juvenile crime' become synonymous with *Indigenous* juvenile crime, with constructions of "the criminal" having "a young Aboriginal face" (Sercombe, p. 92). Additionally, Mickler (1992) specifically argues that the media frequently report on Indigenous issues in a biased and inflammatory manner, particularly in relation to crimes allegedly committed by Indigenous youth. This conflation therefore constructs Indigenous young people as inherently criminal, as members of 'gangs' and as deserving of jail sentences.

Whilst the RCIADIC (1991) commented that racism and criminalization in the mainstream media appeared to be lessening over the years in which the report was written, more recently Meadows (2001) and Hollingsworth (2005) and Jakubowicz et al. (2004) have argued that Indigenous issues are frequently only covered if they contain a criminal element. Additionally, McCallum (2007) found

that Indigenous Australians continue to be represented as threatening, with 'Indigenous violence' appearing as a routine news story in mainstream newspapers across the six-year period of her study. Similarly, these findings of continued criminalization are supported by Simmons and LeCouteur (2009), in their research regarding two Australian riots (one involving Indigenous Australians and one non-indigenous Australians), which found that Indigenous Australians are frequently represented as aggressive, violent and as alcoholics within news and other forms of media, whilst non-indigenous Australians are not represented as inherently deviant or violent, but instead as capable of 'change'. Indeed, Simmons and LeCouteur found that the blame for the riot involving Indigenous Australians was attributed to enduring (criminal and negative) characteristics of Indigenous Australians themselves, whereas the riot involving non-indigenous Australians was blamed on only a handful of aberrant individuals. Similar issues were found by Goodall (1993) and Morris (2005) in their research on media representations of the Brewarrina 'riot', in which Indigenous Australians were found to be represented as alcoholic, violent and responsible for the 'riot' itself.

Indeed, Indigenous Australians and 'riots' have been a focus of the mainstream news media, as seen in relation to the Redfern riots in 2004. The so-called Redfern riots occurred in response to the death of Indigenous teenager TJ Hickey after being impaled on a fence, with widespread belief that he was being chased by police at the time (Cunneen, 2007; Budarick & King, 2008). For example, many researchers have argued that the media coverage of this riot

paid little attention to the broader social, cultural or historical factors behind this riot, such as the trajectory of conflict between Indigenous Australians and the police in Redfern, and instances of police abuse towards Indigenous Australian youth (Cunneen; Budarick & King). Instead, Cunneen points out that the mainstream media focused on stories in which the Indigenous Australians involved were represented as deviant and criminal, and Budarick and King have highlighted the fact that the riots were constructed as a *race* issue in the mainstream media, and therefore as an issue of Indigenous violence.

Representation of the supposed violence and criminality of Indigenous Australians have similarly been seen more recently in the widespread coverage of purportedly high levels of child sexual abuse occurring within remote Indigenous communities in the mainstream news media. Such images have attracted criticism from academics such as Langton (2007a), Stringer (2007) and Cowlshaw (2004). Langton, following Baudrillard (2006), has termed the prevalence of these images a form of 'war porn', in which the suffering of Indigenous people is parodied and "played out in a vast 'reality show' through the media, parliaments, public service and the Aboriginal world" (2007a, p. 1). Langton continues on to argue that: "This obscene and pornographic spectacle shifts attention away from everyday lived crisis that many Aboriginal people endure...", a view also held by other voices on the topic such as Stringer (2007) who has described these images as 'voyeuristic', and Cowlshaw (2004) who argues that media coverage of the 'dysfunctional Indigenous community' leads to a moral panic which relies on stereotypes that simplify very complex issues.

Indeed, previous research regarding media representations of sexual abuse in Indigenous communities has suggested that the media coverage of this abuse did in fact amount to a 'moral panic' in the mainstream Australian media in which allegations of sexual abuse, 'gang violence' and 'lawlessness' were reported on extensively (McCallum, 2007). For example, in her examination of the trajectory of the coverage of 'Indigenous violence' in the mainstream media over the period 2001 to 2006, McCallum argues that the representation of sexual abuse in Indigenous communities appeared in the mainstream media in 'waves' which heightened and intensified the issues despite the fact that calls had been made by Indigenous Australians for help to resolve the issues for many years, and despite the fact that the issues largely remained after the media panic died down. Furthermore, McCallum found that these stories criminalized Indigenous men, overlooking evidence that abuse was also perpetrated by non-indigenous men.

In sum, previous media analyses regarding Indigenous Australians and crime have found that Indigenous Australians are represented as inherently violent and as alcoholic, that Indigenous Australians are frequently constructed as responsible for violence in the form of riots, and that images of sexual and other forms of abuse within Indigenous communities are used voyeuristically within the media in a manner which creates a spectacle out of Indigenous communities and Indigenous lives. As Hunter argued in 1990, whilst violence within Indigenous communities is a problem: "the non-Aboriginal media coverage,

while hardly 'sensationalist' given the seriousness of the issue, does smack of voyeurism. The alarmist tone alludes (with little support) to potential inter-racial confrontations, thus contributing to reactionary rhetoric and the hardening of attitudes towards Aborigines" (p.14).

Having summarized this background of previous media research, I turn now to the representation of two events that appeared first in 2007 in the mainstream news media in relation to Indigenous Australians and crime, and then analyze the coverage of these events.

6.3 Indigenous Australians and crime: Background to the 'Aurukun rape case' and the 'gang of 49'

The two events in question are the 'Aurukun rape case' in Queensland, and the 'gang of 49' in South Australia. Both these events, particularly the 'Aurukun rape case', represent an example of the way in which mainstream news media cover two of the main representations of Indigenous Australians and crime: sexual abuse and youth 'gangs'.

The 'Aurukun rape case' was heard in the Queensland District Court on the 24th of October and 7th November 2007, six months after *Ampe Akelyernemane Meke Mekarle* – 'Little Children are Sacred' Report was released. The case involved nine Indigenous males who each pleaded guilty to the rape of a ten year-old Indigenous girl. Judge Bradley sentenced the defendants according to the

recommendations of the public prosecutor, who sought 12 months' probation for the juveniles and 6 months' wholly suspended sentences for the adults involved (see Koch & Murphy 2007; Storr, 2009). *The Australian* newspaper exclusively 'broke' the story of the case over a month later in early December 2007 (see Koch & Murphy, 2007; Koch, 2007a). *The Australian*, as well as other newspapers which subsequently reported on the case, adopted a position of moral outrage at the leniency of the sentences handed down by the judge since none of the males received a sentence that involved spending time in jail.

Once the story had appeared in *The Australian*, articles were published on the case in all mainstream newspapers, even though the sentence was handed down over a month before it caught the attention of the press. As Storr (2009) writes, the mainstream media response to this case was dramatic, with aggressive calls made within the media for official responses to be made to the decision taken by the Judge, and for an Appeal to be heard despite the fact that by the time the case caught the attention of the press the time for an Appeal to be made had elapsed. Notably, however, the case was later appealed in December 2007 largely due to the media out-cry, and on 13 June 2008 the Court of Appeal handed down a decision which resulted in custodial sentences for some of the offenders.

The 'gang of 49' first appeared in Adelaide's *The Advertiser* in the beginning of January 2007. In using the term the 'gang of 49', the mainstream media refers to a group of predominately Aboriginal youths who were "blamed for hundreds of

crimes across Adelaide” (see, for example, Riches, James & Henderson, 2007, p.1), and who were frequently represented as violent, ‘hardcore’, and ‘lawless’. The ‘gang of 49’ was investigated by police through ‘Operation Mandrake’, which was initially reported in the media as an operation designed to investigate car theft and repeat offenders. Media coverage of crimes by the so-called gang continues as this chapter is being written.

It is worth noting that in referring to this so-called ‘gang’ in this chapter, I follow the convention already outlined in relation to the NT intervention, and de-capitalize the word ‘gang’ despite the mainstream media convention of reporting it as the ‘Gang of 49’. Using a small ‘g’ again serves to denote a critical examination of the term as a construction rather than as a fact.

6.4 Data and analysis

A search of the relevant newspapers in June 2009 for “Aurukun and (sex* abuse or rape)” returned 211, beginning from the 10 December 2007 when the first article appeared in *The Australian*. One-hundred and ninety-seven of the original 211 articles were news articles, and formed the data set of this part of the analysis.

A search for “‘gang of 49’ OR ‘gang of forty-nine’ OR ‘operation mandrake’” conducted in April 2010 returned 201 articles, 149 of which were news articles. As can be seen by the high number of opinion articles or editorials in this data

(52 of 201 articles), the mainstream media frequently drew the public into the debate surrounding the 'gang of 49' with polls and opinion questions inviting public comment. Of the 149 news articles, 127 formed the data set for this second aspect of the analysis in this chapter. Other news articles were excluded from analysis as in these the 'gang of 49' was included only briefly in relation to the South Australian budget, the large numbers of children facing juvenile court in South Australia, or were articles that included the phrase 'operation mandrake' prior to the beginning of 2007 when the 'gang of 49' was first covered in the mainstream news media.

The analysis of these two different representations of 'Indigenous crime' revealed two main themes into which the analysis is organized:

- 1) The representations of Indigenous Australians in relation to the coverage of the 'Aurukun rape case' and crimes allegedly committed by members of the 'Gang of 49', and;
- 2) A discussion of the need for harsher laws and penalties relating to these incidents.

I will also discuss an additional theme that was prevalent in much of the mainstream news media coverage of the 'Aurukun rape case'. This theme relates to the justification of the extensive coverage of child sexual abuse on the basis of the public's supposed 'right to know'.

I turn now to a discussion of the dominant discourses found within each of these themes. Before doing so, however, I briefly discuss some of the contentious aspects that arise from non-indigenous writers such as myself writing about Indigenous people in relation to crime.

6.4.1 The politics of voice

Before beginning the analysis, particularly with regards to the coverage of the Aurukun rape case, I wish to re-emphasise the point already made in Chapter 3 regarding the subjective position from which I speak as I write this chapter. The discussion of Indigenous child sexual abuse by white academics has a long and contested history. Of particular relevance to this chapter is the now infamous 'Bell-Huggins debate', in which a group of twelve Indigenous women challenged the assumption made by a white academic that 'speaking about rape is everyone's business' (Bell & Nelson, 1989, Huggins et al., 1991). The women argued that in fact intra-racial rape in Indigenous communities was not 'everybody's business', and that "one may well see rape as everyone's business from a privileged, white perspective, however, when you are black and powerless it is a different story" (Huggins, et al., p. 506). As such, Huggins et al. argued that white women do not have the right to discuss rape on terms that imply that all women are equal.

Correspondingly, Moreton-Robinson (2000), in her discussion of this incident, argues that people who identify as white Australians may often fail to

appreciate that we do not have a right to publically discuss and debate the lives of Indigenous Australians indiscriminately (and certainly not without equally examining our own complicity in ongoing forms of colonisation that contribute to the marginalisation of Indigenous people). Thus this analysis is conducted mindfully, recognizing that Indigenous child sexual abuse has been spoken about by many Indigenous women, and that there is no consensus on these issues. The analysis presented here is thus concerned with the mainstream news media representations of Indigenous child sexual abuse and other forms of crime on the basis that if these issues are claimed to be 'our business', then it is important to look at how this claim is made, and who is represented as being invested in making such a claim and in what ways.

6.4.2 Indigenous Australians and crime

In the coverage of the Aurukun rape case, Indigenous communities, especially Aurukun, were frequently represented as violent, out-of-control, and dangerous. In this respect, representations of this case included discourses found in much other media research regarding the representations of Indigenous Australians, such as the work by Hollinsworth (2005), Simmons and LeCouteur (2008), and Slater (2008). Many articles reported on tensions, fights and 'brawls' in Aurukun ostensibly stemming from the non-custodial sentences granted to the perpetrators. However, the mainstream news media rarely discussed this in the context of colonization, or located the community as one in which several nations (the Wik-Ompom, Wik-Mungkana, Wik-Paacha, Wik-Thinta, Wik-

Ngathara, Wik-Epa, Wik-Me'anha, Wik-Nganthara, Wik-Nganychara, and Wik-Liyanhnow, now referred to as the 'Wik' peoples were brought together in a church-run mission established in 1904 (Collings, 1997), removing them from their country and disrupting their existing structures and ways of life (see Slater; Storr, 2009 for a discussion of these issues). This failure to connect the situation in Aurukun to systemic and ongoing colonizing violence is illustrated in Extract 1, taken from the first article about the case to appear in the mainstream news media:

Extract 1

1. When sentencing seven co-accused on October 24 at Aurukun, Judge Bradley noted: "The girl involved was not forced and she probably agreed to have sex with all of you."
2. The four juveniles are aged 14 to 16 years. They and the adults come from some of the most prominent and powerful Aboriginal families on Cape York.
3. Two more juveniles pleaded guilty on November 6 to raping the child, and were also given probation with no convictions recorded.
4. The child victim, now aged 12, does not enjoy the elevated family status of her attackers, and has had to be removed from Aurukun and put with foster parents.
5. News of the non-custodial sentences has added to the violent hatreds that exist in Aurukun between families and tribes and which have played a part in recent brawls involving dozens of assailants, many armed with sticks and spears.

(Koch and Murphy, 2007, p. 1)

In her discussion of the 'Aurukun rape case', Storr (2009) writes that much of the media coverage of this case centered around the comment from Judge Bradley's report in this extract in section 1. Judge Bradley concluded her judgement, as the transcript of the hearing would indicate, by stating: "but you were taking advantage of a 10 year old girl and she needs to be protected, and the girls generally in this community need to be protected" (Koch and Murphy, 2007a). However, the remainder of this statement is not reported in the body of this article, and thus the focus remains upon negative constructions not only of the Aurukun community and the perpetrators, but also the child herself (i.e., by depicting her as complicit in the rape and thus as a deviant child).

Extract 1 goes on to explicitly construct Aurukun as 'violent' in relation to the "hatreds" that exist between "families and tribes" (section 5). However, whilst alluding to the fact that there are other factors at play in these so-called "violent hatreds" by stating that the case "*added*" to the existing tension (section 5), this article (like most others) did not locate these tensions in the context of colonization, dispossession, and child theft. Instead, the extract uses this reference to "violent hatreds" to draw upon and reproduce discourses of Indigenous Australians as 'violent' and 'out of control', as is also seen in the construction of the people allegedly involved in these 'brawls' as "assailants" who are "armed with sticks and spears" (section 5).

Indeed, the reference to "sticks and spears" in section 5 draws upon discourses of Indigenous Australians as primitive and backwards, and this is reinforced

through the use of the word “tribe.” Of course, the public have no way of knowing what the alleged “assailants” were actually armed with, however the explicit reference to these particular weapons serves to represent Indigenous Australians as backwards and primitive – that is, these phrases make sense within the context of these dominant discourses. Thus the extract explicitly works up a representation of Indigenous Australians according to these frameworks.

The overlooking of the violence of colonization seen in this extract (for example, through the lack of any contextual information regarding the tensions between “families and tribes”) enables the mainstream news media to comment on the alleged violence and dysfunction in remote Indigenous communities without implicating itself, as a white institution, in those very structures that led to, and now reinforce, the marginalization of Indigenous people. The only culpability allocated to non-indigenous people (here the Judge) is potentially in the purportedly overly *permissive* policies (such as a mandate to try to avoid jail sentences for Indigenous youth. See Storr, 2009 for a discussion of this in relation to the Judge involved in the initial trial). Thus this extract advocates for further intervention into Indigenous lives through representing white law as failing to perform its role, rather than considering the ways in which, for example, white law may be inadequate to truly deliver ‘justice’ in Indigenous communities.

Another example of discourses of 'dysfunction' and 'violence' in relation to this case and Indigenous Australians more generally can be seen in Extract 2:

Extract 2

1. She was a child of Aurukun's beer bottle era - a violent, drunken 13-year experiment into the officially sanctioned sale of alcohol.
 2. When she was born in August 1995, the town's alcohol canteen was five years old, and her mother was a raging alcoholic.
 3. Now aged 12, she is a multiple gang-rape victim whose story has been told around the world, a symbol of the moral decline of Australia's Aboriginal communities and the deeply flawed mainstream indigenous policies that have failed them.
 4. At first glance she is just another bubbly and pretty Aboriginal girl – bright eyes, laughing smile, a shock of unkempt dark, curly hair.
 5. But she was born with fetal alcohol syndrome, which left her intellectually and emotionally unable to cope with the trauma of life in the remote, dysfunctional community of Aurukun on western Cape York....
- (Koch, 2007b, 1).

Here again, the Indigenous community of Aurukun is explicitly referred to as “dysfunctional” (section 5), with Indigenous communities in general referred to as being “in moral decline” (section 3). Discourses of ‘alcoholism’ are also drawn upon here in phrases such as “Aurukun’s beer-bottle era” (section 1), thereby mirroring previous research by Goodall (1993), Morris (2005) and Simmons and LeCouteur (2009) who all discuss the construction of Indigenous Australians as alcoholics.

Interestingly, in section 3 the Indigenous girl in question is explicitly referred to as a “symbol” of this “moral decline” and dysfunctionality. The construction of this girl as “just another bubbly and pretty Aboriginal girl – bright eyes, laughing smile, a shock of unkempt dark, curly hair” (section 4) draws upon a discourse of what Baird (2008) has termed ‘child fundamentalism’: the use of the category of the ‘child’ to incite emotion, and in doing so foreclosing the possibility of informed debate surrounding issues such as child sexual abuse. However, this girl is represented here not as truly innocent, but instead (and explicitly) as a “symbol of the moral decline of Australia’s Aboriginal communities” (section 3). Indeed, she is only innocent “at first glance”, and then referred to in section 5 as inherently damaged due to having fetal alcohol syndrome. Thus she is not actually represented purely as ‘the child’ represented by child fundamentalism in this extract, but instead is juxtaposed with that child, as an explicit symbol of the ‘dysfunction’ of the community in which she lives. This representation, together with the comparison drawn between the non-indigenous foster family and the ‘dysfunction’ of Aurukun, serves to further criminalize and pathologize Indigenous communities, not only as violent but also as inherently unable to care for children - and therefore to represent Indigenous communities as in need of intervention from mainstream Australia.

Such representations of Aurukun have been explicitly challenged by Slater (2008) in her discussion of a media project run with Indigenous youth in Aurukun. In relation to the ‘Aurukun rape case’, Slater writes; “While the reality

behind these events is undoubtedly a tragedy for all concerned, it is not the only reality of life in Aurukun, or indeed of life for Aboriginal Australians. Aboriginal children and youth have deliberately and pointedly expressed alternatives to this now monolithic representation of dysfunction" (p.2). Slater questions in her article why representations of Aurukun and Indigenous youth which are positive and life-affirming have so little place in mainstream media outlets. Indeed, representations of Aurukun in relation to this case continue to reinforce dominant discourses of dysfunction and violence.

These discourses were also apparent in the mainstream news media's representation of the 'gang of 49', as seen in Extract 3:

Extract 3

1. The Aboriginal gang of 49 is believed to be responsible for a wild crime spree in which five people were assaulted.
2. Police are hunting for a group of teenagers who bashed two women with iron bars in a "cowardly attack" on Monday night.
3. In the latest gang-related spree in the southwestern suburbs two women were bashed and robbed, then three people waiting at the Marion railway station were assaulted by offenders who stole backpacks and wallets.
4. The six alleged offenders are described as 15 to 17 years old, of Aboriginal appearance, of slim build and wearing hooded tops.
5. A woman was treated in hospital for facial cuts after being hit with an iron bar and another was left "sore and bruised" after a vicious bashing about 10pm on Monday.

6. Detective acting Chief Inspector Kym Hand said “the attacks were cowardly, opportunistic and violent and the targets were not armed and not able to defend themselves.”
7. Chief-Insp Hand could not confirm the group was part of the gang of 49.
8. However, *The Advertiser* has learned some of the gang have been recently released on bail and are again committing crimes.

(Milnes, 2007a, p. 7)

This extract clearly represents the ‘gang of 49’ as an Indigenous gang by explicitly referring to it as “Aboriginal” in the first sentence. This mirrors arguments by and Hartley and McKee (2000) and Mickler (1998) who state that when offenders are Indigenous their race is often directly referred to in the mainstream media. The so-called gang is then criminalized in this sentence by stating that it is “believed to be responsible for a wild crime spree in which five people were assaulted.” The representation of these crimes as a ‘wild crime spree’ is an extreme case formulation that implies that these crimes were especially uncontrollable or fierce, thus tying into notions of Indigenous Australians as *inherently* violent and uncontrollable, thereby echoing the discourses seen in the previous two extracts regarding the ‘Aurukun rape case’.

Interestingly, the attribution that the ‘crime spree’ was committed by the ‘gang of 49’ is made despite the article later reporting in section 7 that in fact the Chief-Inspector could not confirm that the group, who are reported as being “of Aboriginal appearance” (section 4), were actually part of this alleged ‘gang’. Instead, in this extract the crimes are related to the so-called gang on the basis

that the newspaper has “learned that some of the gang have been released on bail and are again committing crimes” (section 8). Thus the extract explicitly foregrounds the Indigeneity of the alleged offenders, and relates the crimes to the offenders’ race and supposed membership of a ‘gang’. Indeed, the very use of the term ‘gang’ in this extract, and in the wider mainstream news media coverage, implies inherent criminality and violence.

A further example of the pairing of crime and Indigeneity, and the use of discourses of violence in relation to the ‘gang of 49’ is seen in Extract 4:

Extract 4

1. Police are expecting a spike in criminal activity when several "extremely dangerous" members of an Aboriginal gang are released from jail by the end of the month.
2. The profile of the gang, from Adelaide's western and northern suburbs, has been raised by a week of random violence, including a home invasion by machete-wielding attackers and a string of robberies, as well as high-speed chases.

(McGarry, 2007a, p. 5)

This extract is taken from one of the first articles to report on the 'gang of 49'. The existence of the 'gang' is accepted uncritically in this extract, and the term is used as though it were a fact rather than a construction (for example, in section 1 the article accepts uncritically the police expectation of a "spike in criminal activity" following the release of "members from an Aboriginal gang"). The fact that the 'gang of 49' is again explicitly referred to as an "Aboriginal gang" in this extract reflects the arguments discussed in relation to Extract 3 regarding the overt linking of the criminal activities of this alleged gang with the youths' status as Indigenous Australians. Discourses of violence are also drawn upon in this extract when the youths are referred to as "extremely dangerous" (section 1), and as likely to re-offend given the expected "spike in criminal activity."

Interestingly, the crimes allegedly committed by members of this gang are referred to in this extract in section 2 as "random violence", and therefore echo the argument put forward in the above analysis of Extract 3 that the crimes are somehow uncontrollable or unpredictable. Indeed, in characterizing the crimes as "random violence" rather than as (for example) "random crimes", the extract draws upon discourses and stereotypes of Indigenous Australians (and, of course, especially 'Indigenous gangs') as being violent and unpredictable. Such representations reflect the discourses discussed earlier of Indigenous Australians as primitive in that they represent these youths as unable to organize or control themselves, thereby mirroring arguments stating that Indigenous Australians did not organize themselves and resist colonization (see Riggs, 2004, for a discussion of this argument made by Keith Windscuttle, and

see Morris, 2005 for a discussion of the representation of Indigenous Australians as primitive in relation to criminal violence).

6.4.3 Calls for tougher penalties

In both of the topics focused on within this chapter, the mainstream news media used discourses of violence and dysfunctionality to justify calls for more intervention into the lives of Indigenous Australians, and frequently for 'tough' penalties for their crimes – specifically advocating for jail terms. An example of this in relation to the Aurukun rape case is seen in Extract 5:

Extract 5

1. The children in communities such as Aurukun must wonder what their lot in life really is when they look around and see the drunken nonsense, the sloth, the dysfunction, the violence and, like this little girl, wait their turn to become the inevitable victim.
2. And, presumably, they learn at school or at church there exists a thing called justice -- that when somebody does wrong, that person is punished under the law...
3. The Australian learned last night that she has been removed from Aurukun and put in a foster home 'well away', where, we are assured, she is receiving extensive medical and therapeutic help.

4. So she continues to suffer. She is removed from her family and her home, yet the perpetrators are able to continue their lives in Aurukun -- after receiving the gentlest of slaps on the wrist for the awful thing they did.
5. Every thinking person with the slightest compassion should offer a prayer that this little black angel who has been so dreadfully wronged, so appallingly treated, so let down by our justice system, does not do what so many of her brothers and sisters do when the pain and inability to understand become too much.

(Koch, 2007a, p. 1)

Again, this excerpt employs discourses of 'violence' and 'dysfunction' in its representation of Indigenous communities, as seen in section 1. Similarly in section 1, discourses of alcoholism are drawn upon directly in the use of the phrase "drunken nonsense", as are stereotypes of Indigenous Australians as lazy through the term "sloth." Additionally, the argument that Indigenous children are "inevitable victims" (section 1) made in this extract further supports the construction of the 'violence' of Indigenous communities, as well as drawing upon the concept of these Indigenous children as in need of, but possibly beyond, saving - as discussed previously. This construction is seen further later in this extract in section 5 when it is implied that this child may commit suicide - thereby further drawing upon the concept of this child as damaged, and possibly as never able to really be saved. This representation seen in these extracts, and in the extracts from the previous section, is important as it extends the concept of 'child fundamentalism' as discussed by Baird (2008), in which the category of 'the child' was used to invoke emotion and warrant government

action in the form of the NT intervention. Specifically, in these extracts this Indigenous child - whilst represented as a victim (for example, in the phrase “this little black angel” in section 5) - is also represented as born damaged, and therefore as potentially *beyond* saving (for example in references to suicide).

The extract does, however, draw upon the notion of ‘child fundamentalism’ to evoke an image of Indigenous children as passive and helpless, and therefore as at the mercy of white officials and authorities to both help them, and to create more functional communities – thereby warranting more intervention in Indigenous lives (and thus mirroring the rhetoric seen in relation to the NT intervention). This is achieved through statements such as “wonder[ing] what their lot in life really is” (section 1), “looking around at the drunken nonsense” (section 1) and “wait[ing] their turn to become the inevitable victim” (section 1). The solution to this passivity is constructed within this extract as lying within white institutions (e.g., church and schools) where these children can allegedly learn that there is a different life available to them. Furthermore, by positioning these children as only able to learn about justice through white institutions, the extract again constructs Indigenous communities as pathological and unable to care for their children. Such discourses reflect those found in previous research in New Zealand which similarly found that in the mainstream New Zealand press Maori were represented as passive and in need of Pakeha help (Nairn, Pega, McCreanor, Rankine and Barnes, 2006; Rankine & McCreanor, 2004).

This extract calls for tougher penalties for the offenders in this case by stating that this girl has been “dreadfully wronged, so appallingly treated, so let down by our justice system” (section 5). Thus the justice system (in the form of white law) is positioned as part of the cause of this girl’s suffering since it did not properly perform its function. By constructing the justice system here as “letting the girl down” this extract implicitly advocates jail sentences for the Indigenous offenders since presumably the “letting down” was a result of the non-custodial sentences imposed by the Judge. As suggested in the previous section, this fails to acknowledge the role of colonization, and indeed even when white law is seen to have failed, it is represented as only failing in not being *tough* enough.

Interestingly, this argument regarding the failure of white law leads to the positioning of rape as ‘everybody’s business’ (as discussed in the next section), since the story is one about the failing of a white institution, thereby legitimating the extensive coverage of the story. Indeed, the positioning of the abuse of this girl as being the business of the mainstream public is explicitly referred to in the next paragraph through a call for compassion, and for “...every thinking person with the slightest compassion” to “offer a prayer” (section 5). Thus again, it is white religious institutions that are represented here as able to ‘save’ these children where the justice system was unable to do so. Interestingly, white people are held somewhat accountable (rather than solely the ‘violence’ of Indigenous communities) in this extract given that it is “our justice system” that let the girl down, but the response that this evokes is not the removal of ‘intervention’ into Indigenous people’s lives, but rather ‘better’ forms of it.

Indeed, the reference to *our* justice system is of interest here as it signals a divide between Indigenous and non-indigenous Australia, and perhaps indicates a recognition that other forms of Indigenous justice may be better suited to deal with issues of sexual abuse in Indigenous communities. However, the article does not continue to discuss this and by not providing any context, this article and many others like it do not acknowledge the many complexities involved in sentencing Indigenous offenders, perhaps particularly juveniles, within the white justice system (see Storr, 2009 for a discussion of these issues in relation to the Aurukun case, and see Atkinson, 2001 for a discussion of the ways in which Indigenous community laws could provide better outcomes to both victims and offenders).

However, the complexities in remote Indigenous communities such as Aurukun are alluded to through the reference to high suicide rates amongst Indigenous youth seen at the end of Extract 5. Again, however, this reference is made only implicit and is used rhetorically to elicit an emotional response to the case, and thus functions to further legitimate calls for 'intervention' from white Australia (i.e., a 'better intervention' or 'better laws', not recognition of the effects of colonization and the need for community-driven responses to abuse). In doing so, this extract is reflective of Langton's (2007a) discussion of 'war porn' in which the suffering of the girl in this case is displayed repeatedly in this extract, with no thoughtful consideration of the many complexities facing Indigenous children in communities such as Aurukun. Instead, the extract relies on

stereotypes of violence to implicitly legitimate calls for tougher penalties.

Extract 6 provides an explicit example of such calls:

Extract 6

1. This opportunity should be seized to send a clear message to communities everywhere that it is never possible for a 10-year-old girl to consent to have sex under any circumstances.
2. And anyone who takes advantage of a young child for sex should expect more than to simply be told not to do it again.

(“QLD child sex case must be reopened”, 2007, p. 19)

This extract calls for the case to be reopened, and for “a clear message” to be sent to “communities everywhere” that it is not acceptable to have sex with a 10 year old girl (section 1). Clearly, the use of the word ‘communities’ in this extract implies Indigenous communities rather than non-indigenous ones (given that the context of the article is a sexual abuse case in a remote Indigenous community), and thus the extract effectively argues that the white institution of the media has a responsibility to ensure that Indigenous Australia does not find sex with children acceptable, and that the justice system hands down tougher penalties than “simply be[ing] told not to do it again” (section 2). Thus the extract explicitly advocates for jail sentences for the offenders, and positions the media (and the public, as consumers of the media) as having a responsibility to “send a clear message” regarding this (the construction of this supposed responsibility is discussed in more detail in the next section).

This focus on the need for tougher penalties is reflective of arguments made by Storr (2009) in her article about this case. In this article, Storr argues that what was primarily at stake in the mainstream media's coverage of the Aurukun rape case were issues of the political and legal response to the decision rather than actually the case itself, and this can be clearly seen in this extract. Such calls for 'justice', as seen in this extract, are broadly shielded from criticism since their arguments are positioned as anti-racist given that they are ostensibly in defense of an Indigenous girl. However, as discussed in the analysis of Extract 5 above, by advocating for tougher jail terms but simultaneously not discussing the complexity of sentencing Indigenous offenders in light of calls to reduce the over-representation of Indigenous people in prison, the mainstream news media oversimplify an extremely complex issue (see Watson 2002a for discussion of the inability of white law to deal appropriately with Indigenous offenders, and the need for appropriate Indigenous law options).

Calls for tough penalties were also frequently made by the mainstream news media in relation to the 'gang of 49', as seen in Extract 7:

Extract 7

1. Police Commissioner Mal Hyde says some members of the Gang of 49 "should be taken out of circulation because they cannot be rehabilitated."
2. The frustrated police chief's call for action follows further crime sprees linked to the group of repeat juvenile Aboriginal offenders.

3. He said that police knew that when some of the offenders were released, the crime rate would go up “so we have to work as fast as we can to put them back inside”.
4. “I have argued that the courts should be taking community safety more into account when dealing with these people,” Mr Hyde said yesterday.
5. “The reality of it is you still need to protect the community. Some of them won't be rehabilitated. That's the bottom line, you need to take them out of circulation”, Mr Hyde said.

(Milnes, 2007b, p. 6)

In this extract the mainstream news media draws upon statements made by the South Australian Police Commissioner that some members of the ‘gang of 49’ should be “taken out of circulation because they cannot be rehabilitated” (section 1). The extract again directly links the gang to Indigenous youth by referring to “juvenile Aboriginal offenders” in section 2. Thus the extract explicitly links Indigenous Australians with crime, and simultaneously constructs these Indigenous youth as unable to be rehabilitated and therefore as inherently criminal. Additionally, the use of terms such as “taken out of circulation” and “these people” function not only to criminalize but also dehumanize the Indigenous Australian youth to which this article refers.

The extract then goes on to quote the Police Commissioner arguing that: “The reality is you still need to protect the community” and, since these youth are unable to be rehabilitated “you need to take them out of circulation” (section 5). Thus, in quoting the Police Commissioner extensively in this extract, the media justifies claims for jail sentences (indeed, extensive jail sentences if they are to

be “locked up” again as soon as they get out) for these youth on the basis of community protection. Whilst the article from which this extract was taken later quotes people who counter these claims made by the Police Commissioner (as detailed in Extract 8 below), the foregrounding of the Police Commissioner’s comments are prioritized by placing them at the beginning of this article, and by the headline of the article itself: “Lock the Gangs up, says Police Chief.”

After quoting the Police Commissioner, the article continues on to quote the people with alternative views, as seen in Extract 8:

Extract 8

1. General Counsel for the Aboriginal Legal Rights Movement Chris Charles said yesterday there was “no such thing” as a Gang of 49.
2. “The comments were a knee-jerk reaction from the commissioner with sinister overtones, he needs to be more tolerant in his language,” Mr Charles said.
3. “The police commissioner needs to consult with the Aboriginal community about his implementation of the findings of the State Coroner in the recent Sansbury inquest which highlighted abuses and defects in Operation Mandrake.”
4. Aboriginal Justice Advocate Tauto Sansbury said no rehabilitation program had been developed.
5. “I challenge Mike Rann to come clean and show me and the Aboriginal community a rehabilitation program,” he said.
6. In further crimes linked to the gang, two cars were stolen and there were several attempted break-ins in the western suburbs on Tuesday. An empty cash register was also snatched from a Henley Beach hair salon.

(Milnes, 2007b, p. 6)

Here, the article quotes a General Counsel for the Aboriginal Legal Rights Movement and an Aboriginal Justice Advocate who argue that there is “no such thing as” a ‘gang of 49’ (section 1), that the comments made by the Police Commissioner have “sinister overtones” (section 2), that “abuses and defects in Operation Mandrake” needed to be investigated (section 3), and that there is no rehabilitation programme available for the Aboriginal community (sections 4 and 5). The article, however, does not continue to discuss any of these points, and instead goes on to list crimes that were supposedly “linked to the gang” (section 6). Thus the positioning of these comments (after the claims made by the Police Commissioner but before a list of crimes committed by the gang) diminishes them, with the mainstream news media doing little to engage with counter-claims, instead continuing to refer to the ‘gang of 49’ as if it were a fact. Indeed the listing of these crimes attributed to the ‘gang of 49’ at the end of the article in section 6 functions to legitimate the claims made by the Police Commissioner for jail terms, and to disprove the counter-claims made in the middle of the article.

The mainstream news media also advocated tougher penalties for the members of the ‘gang of 49’ in extensive coverage of a report released by Social Inclusion Board Chairman, Monsignor Cappelletti. An example of this coverage is seen in Extract 9:

Extract 9

1. The leaders of an Aboriginal youth gang that waged a campaign of crime and violence across Adelaide should be jailed for the good of the wider community, a report into the crime wave finds.
2. The report, by the state's Social Inclusion Commissioner, Monsignor David Cappo, has been accepted by the Rann Government along with its 46 recommendations dealing with the so-called "gang of 49."
3. The gang, which is believed to centre on five Aboriginal families in Adelaide's western and northern suburbs, was first identified by Operation Mandrake, an investigation into vehicle-related crime that started in 2003.

(McGarry, 2007b, p. 4)

Here again the 'gang of 49' is directly referred to as an "Aboriginal youth gang" in the first sentence, thus establishing it, again, as uniquely made up of young Indigenous Australians. The extract then draws upon a metaphor of war in the phrase "waged a campaign of crime and violence" seen in section 1, thus constructing these Indigenous youth as a threat and enemy to the community against whom the war was ostensibly "waged." In drawing upon this metaphor, the extract is then able to justify calls for jail terms, as it does explicitly in the first sentence. Interestingly, this is a different angle to that discussed in previous extracts, in which the violence allegedly perpetrated by Indigenous Australians was represented as uncontrollable and therefore primitive. Here, the violence is represented as thought-through and controlled, and indeed, through the use of the metaphor of 'war' the extract explicitly represents young Indigenous Australians as organized and strategic in their violence towards (by implication) non-indigenous Australians.

Interestingly, this extract later prefaces the phrase ‘gang of 49’ with the term ‘so-called’, and places ‘gang of 49’ in inverted commas (see section 2), thus signaling the mainstream news media’s potential recognition that these are contested terms. However, by referring to “the Aboriginal youth gang” at the beginning of the extract, and continuing to refer to the “the gang” later in the extract (section 3), this acknowledgement appears to be only symbolic. And indeed the article continues to criminalize Indigenous Australians in stating that the ‘gang of 49’ is “believed to centre on five Aboriginal families” (section 3), thus widening this criminalization from being only associated with alleged individual offenders to being more broadly associated with “Aboriginal families.” Furthermore, the fact that the extract reports on recommendations made by the “Social Inclusion Commissioner” (section 2) may also be read as strategic in that it undermines potential claims of bias and prejudice. That is, if the recommendations come from someone whose brief is social inclusion it must be the case that they operate on that basis.

Another example of calls for custodial sentences was the widespread coverage of comments made by the South Australian Attorney-General Michael Atkinson that members of the ‘gang of 49’ were “pure evil” and deserved extensive jail terms. An example of this is provided in Extract 10:

Extract 10

1. Aboriginal thugs spreading fear and mayhem will not be tolerated in South Australia, Mike Rann said yesterday.

2. The Premier backed Attorney-General Michael Atkinson, who this week said many young Aboriginal criminals were evil, beyond rehabilitation and better off behind bars.
 3. Mr Rann also supported Mr Atkinson's provocative claim that anti-jail "hippie hand-wringers" were stopping the state government protecting the community. "We will continue to lead Australia in rehabilitation, but we will not allow a group of young thugs to cause mayhem, to prey on people, to use guns and to basically think that they are above the law," Mr Rann told parliament.
 4. "Where people can be rehabilitated, let us rehabilitate them, but where they cannot be rehabilitated, let us put public safety first, rather than just giving them a hug."
 5. Mr Rann has asked his top social welfare adviser, David Cappel, to meet Chief Justice John Doyle to convey the government's view that "there is no merit having these violent criminals back on the street so they can go out and reoffend again."
 6. During the past three weeks, the so-called Gang of 49 is believed to have committed a dozen audacious armed robberies targeting hotels, bakeries, coffee shops, bars, TABs, fast-food outlets and a jewellery exchange.
- (Owen, 2009, p. 7)

This extract extensively uses quotes from the Attorney-General and the Premier of South Australia regarding the need for prison sentences for members of the 'gang of 49'. In these quotes, these Indigenous people are represented as "evil" (section 2), and as "Aboriginal thugs" (section 1), thereby again drawing upon discourses of violence that are tied to representations of Indigenous Australians specifically. This representation of these young Indigenous people then justifies

the calls for the need for jail sentences since they are, the extract tells us via the Attorney-General, “beyond rehabilitation and better off behind bars” (section 2). In reporting these comments uncritically, the mainstream news media perpetuates the discourses of criminalization seen in the words of these two men, and does little to contextualise the claims they make. Furthermore, these representations of the youth involved as “beyond rehabilitation” reflects the discourses seen in relation to the ‘Aurukun rape case’ as discussed previously. That is, these Indigenous youth are explicitly constructed as beyond help. Such a representation works to justify ‘tough’ sentences in that – precisely without a chance – rehabilitation would by definition be ineffective.

Indeed, in perpetuating these discourses the mainstream news media becomes not only complicit in stereotyping and sensationalizing issues such as the ‘gang of 49’ but also in simplifying issues of Indigenous sentencing. In this extract, the prospect of rehabilitation is positioned as out of the question for these Indigenous youth, with calls made to instead “put public safety first, rather than just giving them a hug” (section 4). Thus jail sentences are advocated for these youth on the basis of public safety, and rehabilitation programs are constructed as weak and insufficient through the use of the metaphor of ‘hugging’ – a term which further implies that these youth may have been indulged in the past, but to no avail.

The need for tough penalties is also advocated for here through the term “hippie hand-wringers” for anti-jail advocates (section 3), thus further implying that

rehabilitation programs are not 'tough' enough sentences for these alleged 'gang' members. This call is similarly supported in the extract through the use of discourses regarding the 'uncontrollable' nature of the 'gang' as seen in the quote from Mr Atkinson that "...we will not allow a group of young thugs to cause mayhem, to prey on people, to use guns and to basically think that they are above the law" (section 3). Here, the term "mayhem" again draws upon discourses of uncontrollability and the references to the youths "thinking they are above the law" implies that they are lawless and violent. In this way the mainstream news media positions itself as having an imperative to report these incidents and the calls for tougher sentencing in order to 'protect the community'. This aspect of the coverage of these two issues is discussed in further detail next.

6.4.4 Sexual abuse and violence as 'everybody's business'

As previously indicated in the introduction to this chapter, the representation and coverage of Indigenous child sexual abuse has a history within academic literature in terms of the concept that it is 'everybody's business'. In this section I want to discuss this specific aspect of the mainstream news media coverage of Indigenous child sexual abuse in the 'Aurukun rape case', and the call for tougher sentences for the Indigenous Australian offenders allegedly involved in both the 'Aurukun rape case' and the 'gang of 49'.

As several of the above extracts show, news media surrounding the 'Aurukun rape case' frequently constructed the incident as being the business of (nominally non-indigenous) readers by arguing that it was a failure of white law which led to the alleged perpetrators of the sexual abuse receiving non-custodial sentences. In constructing the incident in this way, the mainstream news media represented the case as one that they had a responsibility to report on. This section considers these claims in more detail through analysis of several extracts that were typical of the arguments presented by the media regarding their moral responsibility to report on the Aurukun case, and to argue for tougher sentencing. For example:

Extract 11

1. Queensland's Director of Public Prosecutions, Leanne Clare, will now review all sentences in Cape York communities in the past two years for sexual offences.
2. The law should be applied consistently, whether it be at Aurukun or in suburban Clayfield, she said...
3. The child abuse campaigner Hetty Johnston suggested there were 'elements of racism' in the decision. 'If this was a white girl in white suburban Brisbane, there is no way these nine offenders would have just walked out of the courtroom', she said.

(Marriner, 2007, p. 3)

This extract quotes the Director of Public Prosecutions in Queensland and a child abuse campaigner arguing that the result of the Aurukun case implied that the law was not being applied consistently, and that this was unjust, indeed

'racist' (section 3). It is worth noting here that in fact it is arguable that consistent application of the law does not create equality for Indigenous Australians, especially given that 'the law' in question is one which has been imposed upon an already complex system of laws which existed in Australia well before white people arrived (Watson 2002a). However, the failure of white law discussed in this extract serves as a justification for the media to report on the Aurukun case. The quote from an 'expert' (Hetty Johnston) serves to reinforce this justification since it provides evidence that the media is simply exposing an instance of 'racism' within the justice system, rather than voyeuristically reporting on child sexual abuse and stereotyping Indigenous Australians as criminal, as others have argued in relation to the NT intervention (Langton, 2007a; Watson, 2009; Stringer, 2007).

Again, however, the mainstream news media reports did not extend beyond a superficial analysis of the case (i.e. advocating for custodial sentences) to consider the historical (and indeed current) imbalances of power that enable a white justice system to deliberate on matters concerning Indigenous Australians. Indeed, white law may well have let the girl down by not punishing the perpetrators of this crime, but it may equally have let down the nine males if they were sentenced to time in jail. It may well be that it is not an appropriate vehicle for the delivery of justice to Indigenous communities in the first place (see Storr 2009 for a discussion of the inappropriateness of white law as a vehicle to deliver justice in the Aurukun rape case). However, and with Extract

12 below being a good example, none of these considerations were covered within the media reports of this case:

Extract 12

1. Mr Brough, the architect of the controversial intervention, said similar measures were needed in Queensland and Western Australia, where he claimed the incidence of violence and child abuse was equal to or even greater than in the Territory Aboriginal communities.
2. Mr Brough said it was tragic that the extent of indigenous violence and sex abuse hit the radar of the wider community only after scandals such as the Aurukun gang rape case.
3. “There has been a challenge to keep this problem in the public eye, so it gets the attention it deserves,” he said “Why are people outraged now? It's not because a 10-year-old girl was gangraped, that happened two years ago, but because of the leniency of the sentences. What about getting angry in the first place about a situation that allows a child to be raped?”

(McKenna, 2007, p. 5)

Here Brough is quoted as arguing that the NT intervention needs to be extended into other states where “the incidence of violence and child abuse was equal to or even greater than in the Territory Aboriginal communities” (section 1). Indeed Brough argues explicitly, that “scandals such as the Aurukun gang rape case” need to be kept “in the public eye, so [they] get the attention [they] deserve” (section 3). In relation to calls to keep cases such as this “in the public eye”, Cowlshaw (2003) argues:

It is often implied that public scrutiny of social problems has a healing effect, like the drying and healing of wounds with exposure to sunlight. The outpourings of media outrage in mid-2001, precipitated by accusations that the chairman of ATSIC had committed rape, implied that a scandalous level of violence in Indigenous communities could be fixed with the help of concerned public rhetoric and the goodwill of Australian citizens. But, to take the pathology metaphor further, if a wound is deep, such exposure can increase the pain and turn the wound into a deeper, more menacing abscess. As well, public goodwill has serious limits, and government action that follows scandalous revelations can be counter-productive. Contrary to what is often implied, images of depressed and depraved conditions in Aboriginal communities are both familiar and conventional.

What Cowlshaw highlights in this quote is the questionable nature of the assumption that bringing an issue to the attention of the public is necessarily going to precipitate a response that is considered and appropriate. Instead, these debates tend to pathologize and criminalize Indigenous communities, as has been shown throughout this analysis. Indeed, as Cowlshaw points out, such images of 'depraved' conditions are hardly new in the media, making it questionable as to what purpose is really served by parading them yet again in response to the sexual abuse of a young child. This is an issue similarly discussed by McCallum (2007) who found that issues of Indigenous violence were reported on in the mainstream media in 'waves' that created moral panics

but did little to address long-term issues of concern. Again, the repeated use of discourses of criminality and violence amongst Indigenous Australians reflects Langton's (2007a) conceptualization of 'war porn' in the media's coverage of child sexual abuse in Indigenous communities.

The positioning of the 'Aurukun rape case' as 'everybody's business' was echoed in the mainstream news media coverage of the 'gang of 49', especially in relation to an imperative to 'protect the community'. Such discourses are seen in the following extract, which covers the comments made by the Attorney-General previously seen in Extract 13:

Extract 13

1. Gang rampages terrorising innocent people across Adelaide are "pure evil" and impeding on the public's freedom and right to feel safe, Attorney-General Michael Atkinson says.
2. An angry Mr Atkinson yesterday said those who were found to be responsible had to be put behind bars and "away from society".
3. Recent attacks were a "criminal rampage, which has to be brought to a halt". "What the public of SA wants is to feel safe when these people are behind bars and kept away from society," he said. "That is the only thing which will incapacitate them."

(Kelton, 2009, p. 7)

The beginning of this extract sensationalizes the co-called 'gang of 49' by stating: "Gang rampages terrorizing innocent people across Adelaide are 'pure

evil'..." Thus again the category 'gang' is evoked here as a given and is not questioned. In this extract, jail sentences are called upon for members of the so-called 'gang' on that basis that they are "the only thing that will incapacitate them" (section 3), and that they need to be "kept away from society" (section 2) for public safety. Thus the extract again constructs these youth as unable to be rehabilitated and as a threat to society, and uses these constructions to advocate for custodial terms. This article reports the Attorney-General's comments that the recent crimes allegedly committed by 'gang of 49' members are a "criminal rampage, which has to be brought to a halt" (section 3), thus further drawing upon discourses of uncontrollability. These calls made within the mainstream news media regarding the right of the public to feel safe (and the associated threat to that safety posed by criminal Indigenous Australian youth) then pave the way for the mainstream news media to legitimate their extensive coverage of the so-called 'gang of 49', echoing the claims made in relation to the 'Aurukun rape case' as 'everybody's business'.

Interestingly, the opening phrase of this extract is reflective of a newspaper title commented upon in the RCIADIC report which similarly stated that "Aboriginal gang terrorizes suburbs", and was subsequently the subject of much criticism (RCIADIC, 1991; Mickler, 1992). Whilst this particular extract does not explicitly state that the members of the 'gang of 49' are Indigenous, the above analysis has shown that this association had, by October 2009 when this article was published, well and truly already been made. Indeed, this extract suggests that in fact little has changed in the mainstream news media coverage of Indigenous

Australians and crime since the RCIADIC Report was released in 1991, with Indigenous Australians still being routinely criminalized within news stories.

The representation of Indigenous Australians as primitive is again seen in this extract, in which these youth are portrayed as on a “rampage” (section 3), and therefore as behaving in a way that an animal would. Furthermore, the call for them to be “put away from society” made in section 3 further represents these youth as unfit for society through their portrayal as required to be removed from it. This call further draws upon Indigenous Australians as primitive in its representation of them as inherently unfit for ‘civilized’ society. Indeed, calls for these youth to be “put away from society” explicitly draw upon the concept of the camp for the containment of those who are seen as lawless, or external to the nation-state. Finally, the construction of these so-called gangs as “pure evil” at the beginning of this extract reflects those discourses discussed previously in relation to the ‘Aurukun rape case’ in which the men and boys involved were similarly represented as evil, and the child involved was portrayed as fundamentally unable to be saved in order to fully participate in mainstream Australia. The use of the term ‘pure’ in this extract echoes this idea, in that these youth are represented as ‘born’ evil rather than as just behaving in an ‘evil’ manner. Furthermore, this phrase is an extreme case formulation that implies that these youth are part of the ‘worst of the worst’, thereby attributing fixed and essentialist qualities to them – again, qualities which they are therefore unable to change.

6.5 Conclusion

In this chapter I have shown that discourses of Indigenous Australians and communities as inherently criminal, violent, alcoholic, dysfunctional and unable to be rehabilitated remain prolific in coverage of Indigenous issues. In both the coverage of the 'Aurukun rape case' and the 'gang of 49', the mainstream news media was vocal in its calls for 'tougher' penalties for the crimes, frequently advocating explicitly for custodial sentences for offenders. In doing so, the mainstream news media justified a space of exception for (criminal) Indigenous Australian bodies, practically manifested here in terms of the custody of Indigenous Australians based on stereotypes and discourses of dysfunction, inherent criminal characteristics and violence.

In relation to this justification of the incarceration of Indigenous Australians, including Indigenous Australian youth, I would like to briefly draw out one point regarding the coverage of the Aurukun rape case and the 'gang of 49', relating to the construction of Indigenous children and youth. As mentioned previously, Baird (2008) has applied her concept of 'child fundamentalism' to the NT intervention – in which 'innocent children' were used as an emotionally charged category to justify an 'emergency response'. Interestingly, the analysis conducted in this chapter extended this application, finding that in fact the young Indigenous girl involved in the 'Aurukun rape case' was frequently represented as *born* damaged, and therefore as unable to truly be saved. In this sense, whilst her category as an Indigenous *child* warrants action in the form of

custodial sentences for the youths and men involved, she is ultimately represented as inherently dysfunctional and unable to be rescued or made to 'be like us'.

Interestingly, the framework of 'child fundamentalism' was not drawn upon at all in the coverage of the 'gang of 49', or in relation to the offenders in the 'Aurukun rape case', despite some of the alleged offenders being almost as young as the girl involved. Instead, reflecting previous research (Mickler, 1992, 1998; Sercombe, 1995), these youth, particularly those in the so-called 'gang' were represented as criminal beyond rehabilitation and as a threat to community safety. This was despite the fact that many of these young Indigenous males could in fact also be constructed as victims within the media, especially considering the widespread stereotypes of Indigenous communities as 'dysfunctional' seen in this analysis. Notably, in both representations of Indigenous youth as either innocent yet unable to be 'saved', or as criminal beyond rehabilitation, the mainstream news media evoked emotional responses of fear, and legitimated moral requirements for more white intervention into Indigenous lives.

Furthermore, the representation within the mainstream news media of Indigenous youth as *inherently* dysfunctional (and correspondingly unable to truly be rehabilitated by white Australia) means that these children were represented as symbols of the moral decline of Indigenous Australians more broadly. Such a representation is particularly noteworthy in that it echoes the

sentiment seen in the policies behind the removal of so-called 'half-caste' children in the Stolen Generation – that is, they will never *really* be like 'us', but nevertheless their lives must be intervened with for the good of the community. As Probyn (2003) points out in relation to the children removed from their parents under these policies, their perceived inability to be 'civilized' led to a need to 'assimilate' them in light of the threat they posed to (at the time) the white Australia policy. Applying this logic here, the threat posed by Indigenous Australians to non-indigenous Australia (as portrayed in these extracts in terms of violence and dysfunction) leads to a perceived need for more intervention and attempts at 'assimilation'. Such an understanding therefore paves the way for these newspapers to legitimate their argument that they were *morally* required to discuss these issues of violence in Indigenous communities since white intervention was warranted and necessary in attempts to protect the community.

However, such simple emotional pleas to either save Indigenous children or to jail young Indigenous offenders are problematic and rely broadly on stereotypes and discourses of Indigenous Australians as inherently violent and criminal, or as in need of white intervention to 'save' them. As Baird (2008) writes, following Atkinson (2003), Indigenous children must always be also "understood as carrying a history of the brutalising practices of colonialism and a history of government inaction in response to problems that have been well known" (Baird 2008, p. 297). The overly simplistic representation of Indigenous youth seen in this analysis masks the complex nature of remote

Indigenous communities, of inter-generational trauma, and of previous (unheeded) calls for assistance in dealing with violence, to name just a few issues. Indeed, and as Hunter specifically argues in relation to the 'intervention', the "oversimplification of these issues diminishes our capacity to construct effective policy options" (Hunter 2007, p. 39).

I turn now to a discussion of criminalization in relation to refugees in Chapter 7.

7. Refugees from Sudan and Criminalization:

Violence in 2007

... it is only within the figure of the refugee that the hope of an Australia with integrity can come into play. Only through a constant openness and expressed hospitality to the stranger who is also ourself can we simultaneously decentre the racist imagining of the anglo-Australian and transform our relationship with indigenous Australia. There is no resolution in this. Only a constant negotiation between welcoming strangers, farewelling ourselves and discovering the possibility of integrity within our shores.

(Schlunke, 2002, para. 26)

7.1 Introduction

In this analytic chapter I examine the criminalization of refugees within the Australian news media. As covered previously in Chapter 5, refugees and asylum seekers are frequently constructed as not belonging in the Australian nation, and refugees who do not use 'proper' channels are overtly represented as criminals. In this chapter, I will examine specifically the criminalization of people with a refugee background from Sudan who have been granted asylum in Australia.

In order to consider the representation of this group of people, I examine the mainstream news media coverage of a series of crimes and violence allegedly

perpetrated both by and towards refugees from Sudan that were represented in the media in 2007. These incidents culminated in the then Immigration Minister Kevin Andrews announcing that the Australian Government was restricting the refugee intake from Africa, whilst also expressing concerns about African, and particularly Sudanese, refugees not settling or 'integrating' into Australia well. I turn now to a discussion of the background to these events before examining previous literature surrounding media representation of refugees in relation to crime and belonging, and then to an analysis of the mainstream news media coverage of these particular incidents.

7.1.1 Sudan and Sudanese refugees: Background and experiences

Before discussing these events, however, I wish to make a brief comment on terminology, and to provide some background information regarding Sudan and Sudanese refugees.

Firstly, in relation to terminology, an ongoing criticism of mainstream media coverage of 'race' and violence is the routine simplification of complex issues (Robins, 2003). Thus I wish to acknowledge here, in addition to the comments already made about the essentializing nature of the term 'refugee' in chapters 1 and 5, that the term 'Sudanese' used in this chapter conflates many identities and experiences under one label. In particular, whilst the term 'Sudanese' is used in the media to refer to all people from Sudan, most people recently arriving in Australia for whom this term is used come from Southern Sudan,

fleeing conflict between rebel groups in Southern Sudan and government forces from Northern Sudan (Marlowe, 2010; Brown, Miller & Mitchell, 2006), as discussed in more detail next. Indeed, even the label 'Southern Sudanese' is insufficient to capture the experiences of these refugees, with people coming from Sudan having backgrounds in many different ethnic groups and religious and cultural affiliations, including Dinka, Nuer, Nuba and Achole (Cassity & Gow, 2005). Thus I wish to acknowledge that whilst I also use the more general term 'Sudanese' here to denote the groups in question (following the mainstream news media under analysis), in reality the refugees referred to through this label are a far from homogenous group – and in fact this term may subsume many of the tensions which caused these people to seek refuge in the first place.

Whilst there is no space to do the conflicts in Sudan justice here, I wish to briefly outline these conflicts in order to provide some of the contextual information behind the journey many Sudanese Australian people have made as refugees. Following independence in 1956 from Egypt and the United Kingdom, Sudan underwent several civil wars, involving Northern Sudan (with Arab roots) and Southern Sudan (with Christian and animist roots). These conflicts have complex trajectories, with roots in religious backgrounds, different tribal alliances, the remnants of colonization, and competition over resources (Brown, Miller & Mitchell, 2006; Mailer & Poole, 2010; Bixler, 2005). Despite a peace agreement made in 2005, conflict in Southern Sudan remains an issue, with an Oxfam briefing paper reporting that in 2009 2,500 people from Southern Sudan were killed, while a further 350,000 fled their homes (Mailer & Poole, 2010).

Additionally, the conflict in Darfur in the West of Sudan, again involving government militia and various tribal groups, remains a serious concern with aid organizations stating that more than 2.6 million people have been displaced from their homes, and around 300,000 people have been killed (Amnesty International USA, 2010).

Despite these complexities, previous research regarding the representation of Sudan and other countries in Africa in the mainstream news media (in both Australia and other western countries) indicates that issues pertaining to African countries are frequently represented in overly simplistic ways, with little contextual information provided (Hawk, 1992; Robins, 2003). Such research indicates that the media frequently rely upon stereotypes in its representation of Africa as Other to the west (for example as 'the Dark Continent'), and indeed rely upon the collective phrase 'Africa' even when reporting on stories specific to one African country (Robins, 2003; Hawk, 1992; Windle, 2008; Fair, 1993; Jarosz, 1992). Such coverage therefore functions to simplify extremely complex issues and experiences, and frequently reinforces stereotypes of African countries as backwards, and 'war-torn'. This representation overlooks the diversity and complexity in the experiences refugees coming from Sudan (or other Africa countries) to Australia bring with them, and de-humanizes them by referring to stereotypes of collective experiences.

In order to go some way to counter such stereotypes, I wish to outline here several counter-representations of refugees from Sudan to those generally seen in the mainstream news media, as seen throughout the rest of this Chapter. For example, many of the stories documenting personal experiences of Sudanese refugees are those of the 'Lost Boys' – Sudanese boys generally under seven years old who, displaced by war, walked huge distances without their parents to Ethiopia and then later on to Kakuma refugee camp in Kenya (Marlowe, 2010; Bixlow, 2005; Deng, Deng, Ajak & Bernstein, 2005). Whilst the stories available to the public regarding the 'Lost Boys' and other refugees from Sudan often feature violence and describe the culture as backward and 'tribal', these refugees frequently tell a different story about their experiences – in which they speak of themselves as resilient, as diverse, as proud of their cultural heritage and Sudanese background, and as refusing to be drawn into narrow cultural stereotypes (Marlowe, 2010; Deng, Deng, Ajak & Bernstein, 2005).

7.2 Violence in 2007 and restrictions of the refugee intake from Africa

In 2007 several incidents were reported in the mainstream news media regarding crime in relation to Sudanese Australians with a refugee background. These incidents included both crimes committed by refugees from Sudan, and crimes committed against them. However, as this chapter will show, the mainstream news media coverage of these events frequently criminalized refugees from Sudan, and constructed them as a 'problem' regardless of whether they were the perpetrators or the victims of crime.

The first of these stories was concerned with a series of crimes committed by a refugee from Sudan, Hakeem Hakeem, in early 2005. Hakeem was accused of going on a 'rape and crime spree' in which he raped and assaulted four women, including forcing a 16 year-old male to have sex with a teenage girl, and raping a 63 year-old woman. These assaults and rapes were committed only several weeks after he had arrived in Australia as a refugee (Robinson, 2007, p. 24). Hakeem was subsequently sentenced to 24 years in jail in January 2007, with a fixed 17-year minimum (Roberts, 2007, p. 5). This story was covered in the media extensively in early 2007 when Hakeem was convicted and sentenced. Whilst little contextual information was reported in the media in relation to Hakeem, some news media coverage referred to Hakeem's own violent past, including reports that at the age of six he watched his grandfather being killed.

The next story covered in the mainstream news media was the murder of Sudanese teenager Liep Gony on the 26 September 2007. Gony was bashed by two white men armed with metal poles who left him unconscious near a train station in Noble Park in South-East Melbourne where he was later found by a friend. Gony died in hospital the next day. One of the men convicted of his murder had sprayed "fuck da niggas" on the wall of their rental house, and was heard yelling outside the house "I am going to take my town back. I'm going to kill the blacks" whilst waving a metal pole (Pilcher, 2008, p. 20). Whilst much of the media was scathing of this attack and sympathetic towards Gony's family, the mainstream news media still routinely reported this story within a

framework of ‘problem’ Sudanese refugees. In fact, the Press Council upheld a complaint against *The Australian* to this effect by prominent Sudanese Australian community member Clement Deng, in which it was argued that the wording of several news and feature articles implied that Gony’s death was the result of Sudanese gang violence rather than the violence of two white Australian men (Australian Press Council, n.d.).

Only a few weeks later on the 9 October 2007, Sudanese-born teenager Ajang Gor was bashed by a group of men whilst riding his bicycle home with his brother. The men shouted “you black dogs, get off your bike and wait for us”, called Gor a “black cunt” and hit him over the head with a bottle, causing Gor to fall off his bike. Gor then stated that he got up to run after the man who had hit him, whereupon the other three men involved assaulted him (Collins & Perkins, 2008, p. 2; Oakes, 2007, p. 1). The men then stole his mobile phone and sent racist text messages to members of his family and friends, which included references to “black dogs”, “jigaboos” and “having knocked da fuck out of” Gor (Oakes). Gor later stated that he felt that comments made by then Immigration Minister Kevin Andrews had contributed to his attack, saying; “Its been said that we Sudanese are misbehaving and that there is a higher rate of crime, but I’m not sure if all these accusations are right” (Oakes).

The comments to which Gor was referring were made by then Immigration Minister Andrews in the midst of these incidents, on 2 October 2007. The comments came after the minister announced in August 2007 that his

government was going to reduce the 2007-2008 intake of refugees from Africa from the 50 per cent of the intake that it had been the previous year, to 30 per cent, increasing the numbers of refugees accepted from the Middle East and Asia. Whilst this announcement received relatively little media attention, subsequent comments made by Andrews in response to a question regarding settlement services for refugees from Africa on the 2 October 2007 did. In these, and subsequent, comments, the minister stated that African refugees, and particularly Sudanese refugees, “tend to have more problems and challenges associated with them”, that “some groups don’t seem to be settling and adjusting into the Australian way of life” (Topsfield, 2007, p. 2), and that: “Australia has the right to ensure those who come here are integrating into a socially cohesive community” (Farouque & Cooke, 2007). Made in early October, Andrews’ comments regarding integration came soon after the bashing murder of teenager Liep Gony. In fact, the comments were made just a day after it was revealed that Gony’s attackers were in fact neither Sudanese nor refugees, and also despite the fact that, as Gony’s mother stated at her son’s funeral, it was only part of the picture to label Liep as a refugee or as Sudanese since he was an Australian citizen (Dubecki, 2007, p. 1).

The comments made by then Immigration Minister Andrews across a number of speeches have been discussed and analyzed extensively by Hanson-Easey and Augoustinos (2010). In their paper, Hanson-Easey and Augoustinos argue that the casual explanations provided by Andrews in his justifications for restricting the refugee quota (for example, that refugees from Sudan do not settle well into

the Australian way of life), ironically rely on the very reasons why the Sudanese have been granted refugee status in Australia. That is, their experiences of trauma and dislocation are deployed by Andrews as reasons for why they allegedly experience difficulties 'adapting' to life in Australia. Such rationalizations are important in that they serve to justify restricting immigration policies on the basis of criminalization and generalizations of experiences of trauma. These issues as they appear within mainstream media representations are discussed next.

7.3 Previous analyses of media representations of refugees from Africa

The criminalization of refugees and those identified as racial 'Others' has already been discussed extensively in Chapter 2. As such, in this section I wish to discuss in more detail the criminalization of refugees in Australian as seen in the mainstream news media, and discuss previous analyses that focus on the representation of African or Sudanese refugees in particular.

Many commentators (O'Doherty & LeCouteur, 2007; Perera, 2003; Anti-Discrimination Board of New South Wales, 2003) have argued generally that the media in Australia frequently criminalizes refugees, thereby legitimating the construction of spaces of exception for these people in the Australian community, made explicit in the policy of mandatory detention for those arriving 'unlawfully'. For example, as discussed in Chapter 5, Pickering (2001) conducted a study of the *Brisbane Courier Mail* and the *Sydney Morning Herald*,

in which she found that refugees and asylum seekers are frequently constructed as 'deviant' and as a 'problem'. In exploring this representation, Pickering found that not only did the media refer to the 'crime' of asylum seekers arriving unexpectedly but that it also referred to refugees in relation to 'criminal gangs' and 'organized crime', thus defining refugees within a general framework of criminality both in their attempts to claim asylum in Australia and in their subsequent lives in the country. Additionally, Pickering argues that asylum seekers and refugees are frequently "put on trial" by the media "without the power to narrate their own stories, their account of their crimes" (p. 185). Thus not only are refugees frequently constructed as criminals in the media, but, as with Indigenous Australians, previous research has found that their voices remain unheard within the space of the mainstream media.

In addition to this general research, media analyses have primarily focused on the criminalization of immigrants and refugees from the Middle East (e.g., Pugliese, 2003; Osuri, 2006). For example, Collins, Noble, Poynting and Tabar (2000) have written about the prevalence of media reportage concerning 'Lebanese gangs' in Australia, and media responses which suggested that this alleged violence was 'cultural' due to the experiences Lebanese people may have had in conflicts in Lebanon (p. 11-12). Indeed, this research suggests that, as with Indigenous Australian youth in Chapter 6, the categories of 'Lebanese' or 'Middle Eastern' youth similarly becomes synonymous with crime, with the categories of 'Arab' or 'Muslim' being linked to terrorism. This research

highlights the associations made within the media between marginalized groups and crime.

Less research has examined the linking in the media of refugees from Africa or Sudan with crime. Recent research from the United States regarding a group of Sudanese refugees termed the 'Lost Boys' by Robins (2003) has shown that conflicts in Sudan were simplified within the American media with little contextual information provided in relation to the stories of these refugees. Additionally, Robins found that this group of refugees from Sudan were constructed in the American media as primitive and backward, and therefore as having difficulty fitting into American society. Indeed, Robins concludes that in fact the media coverage of these refugees was more about dominant ideologies of American society as 'The Promised Land' and as ethnically diverse and welcoming rather than about the refugees themselves.

Australian research has similarly suggested that issues concerning refugees from Sudan are overly simplified in the mainstream media, with Marlowe (2010) arguing that there is an underlying hostility towards refugees in the mainstream media, together with a "voyeuristic fascination with trauma" (p. 9). Marlowe argues that the media provides descriptors of the lives of Sudanese refugees as those of poverty, conflict and violence, without acknowledging the complexity and varied experiences of people who have come to Australia as refugees. In Marlowe's study, Sudanese people with refugee backgrounds spoke

of the media as drawing upon stereotypes of Sudanese refugees in order to sell their stories to the public, with one participant stating:

You can say yes, the war of course has affected significantly the Sudanese, but the Sudanese have had their own coping mechanisms. And these coping mechanisms have of course helped them to manage their own emotions, their own response to violence, and you can not say that the only option available to Sudanese is to use violence. So, media is like any other profit making organization. Their motive is to try to tell the public that we are doing this to make a selling. So the people buy and then they read about Sudanese. (p. 9)

Similar issues have been discussed in relation to the coverage of the murders of Liep Gony and the assault of Ajang Gor by Windle (2008). Windle analyzed articles appearing over a two month period from the date that Gony was bashed to the beginning of December 2007, from *The Age*, *The Herald Sun* and *The Australian*. In this paper, Windle argues that the media frequently drew upon discourses of ethnic violence in its response to Gony's murder, led by initial police assessments. Additionally, Windle found that African Australians were rarely described as locals in this coverage, with the suburbs in which they live represented in the media through terms such as 'strongholds', 'hotspots', 'hotbeds' and 'no-go zones' (and therefore as somehow external to, and unsafe for, mainstream Australia). Similarly stereotypes were drawn upon in the representation of African Australians themselves, who were described through

terms such as 'mobs' or 'gangs', and descriptors which draw upon racial stereotypes such as 'swaggering', 'defiant', 'tall', or 'skinny'. However, whilst African Australians were racialized in this way, Windle points out that once the race of Gony's attackers was known it was rarely mentioned within the media he analyzed, and that when it was it was to identify these men as not part of the 'problem group'.

Windle (2008) also argues that, similarly to the findings of Robins (2003), African people were frequently represented in Australia as coming from a 'culture of violence', thus further drawing upon stereotypes of Africa as tribal and 'worn-torn'. Windle argues that:

It is more comforting in the present context to see Africans as inherently prone to conflict rather than appreciating conflicts in Africa and the Middle-East as consequences of colonial territorial division and post-colonial trade in influence and resource control. The violence seems to demonstrate that it is foreigners who cause wars, and that violent proclivities may be observed even amongst those who are displaced by them. (p. 558)

Windle argues that by drawing upon such stereotypes the media not only represents Sudanese and other African refugees and migrants as violent, but also distances Australia from any responsibility for the conflicts which led to the so-called 'culture of violence'.

Thus previous media research has found that the criminalization of refugees in the media extends beyond the initial focus on crime and securitization of borders when asylum seekers arrive in Australia unexpectedly. This research indicates that the association of refugees with crime and violence continues when refugees start their lives in a country, although to date there has been a focus on the criminalization of refugees and migrants from the Middle East. In relation to refugees from Sudan, international research (e.g., Robins, 2003) suggests that representations of this group of people and the culture from which they come are overly simplified, with research from Australia reflecting this finding.

7.4 Data and analysis

A search for “Sudan* AND (refugee* OR asylum seeker”) from the 1 January 2007 to the 29 May 2010 when the search was conducted returned 534 articles across the 12 relevant newspapers. Of these, 197 were news articles, and 105 were news articles relevant to the issues represented in this chapter, thus forming the data set for analysis. Ninety-two news stories were excluded from this analysis since they included the search terms in ways which were not relevant to this chapter – such as stories that did not focus on either crime or on Kevin Andrews’ restriction of Sudanese refugees. Such stories included coverage of housing issues for refugees in Australia, the ongoing war and conflict in Sudan, and issues relating to refugee education.

Whilst some of these articles focused on the personal stories of Sudanese refugees, or reported on the responses given from Sudanese people or refugee advocates regarding the issues in question, the majority of these articles focused on issues such as crime 'gangs', integration (or the perceived lack of integration) or economic concerns such as refugee funding in light of the supposed lack of adherence to 'Australian values'. Almost all the articles contained ideologies that centered on a normative white mode of belonging in which Sudanese refugees are required to conform to a dominant white perception of the Australian 'way of life'.

This analysis section is divided into two themes which reflect the dominant stories seen in this analysis:

- 1) Coverage of Sudanese refugees and crime, including stories regarding both violence towards Sudanese refugees, and concerns about Sudanese and African violence;
- 2) Coverage of the comments made by the Minister for Immigration, Kevin Andrews.

7.4.1 Sudanese refugees and crime

The issues discussed above in relation to the crimes committed by Hakeem Hakeem, the murder of Liep Gony and the assault of Ajang Gor all received

coverage within the mainstream news media. Extract 1 provides an example of a representative extract from the mainstream news media coverage surrounding the sentencing of Hakeem, and the subsequent investigation launched by Immigration Minister Kevin Andrews:

Extract 1

1. Immigration Minister Kevin Andrews has ordered an investigation into how a troubled Sudanese refugee was allowed to settle in Australia only to embark on a three-day rampage of bloody violence and rape within weeks of arriving.
2. Mr Andrews will also consider deporting Hakeem Hakeem after the 21-year-old has served at least part of his 24 years in jail for the drug and alcohol-fuelled frenzy two years ago...
3. The new Immigration Minister said he was at a loss to explain how Hakeem managed to get into Australia.
4. "All I can say is that the information I have been provided with this morning is that in terms of the checks that were made, there was nothing that was shown in those checks that at the time made officials here in Australia wary of allowing him to come to the country", Mr Andrews said.
5. Mr Andrews added that he had asked his department to investigate the Hakeem case. He also said he was concerned about problems Sudanese refugees were experiencing settling in Australia.
6. "We are talking about people who come from frankly a very violent circumstance," he said. "This was a country that has been subject to civil war, there is murder and mayhem, we have got boy soldiers -- all of those sorts of things are part of the background of that region, unfortunately, of Africa at the present time. So we are putting in place programs that will help these people."

7. His comments come a month after *The Australian* highlighted law and order problems among Sudanese and other African migrants in Melbourne, particularly among young men who had been exposed to extreme violence in their homeland.

(Dore, 2007, p. 4)

In this extract the fact that Hakeem was a refugee from Sudan is explicitly stated and indeed is the central focus of this extract – thus, rather than covering a series of crimes, the focus of this news extract is that a *refugee from Sudan* committed a series of crimes. Hakeem is constructed as inherently criminal given the need for an investigation into why he was allowed into Australia, and thus his status as a refugee is inextricably tied to his crimes. As such, Hakeem's violence is represented as an inherent part of his identity as a refugee from Sudan, leading to confusion as to why his 'criminality' wasn't picked up in the checks made when he entered Australia (see section 4). Similar to descriptions of the 'gang of 49' seen in Chapter 6, Hakeem's crimes are discussed as a 'rampage' and as a 'frenzy', thus drawing upon discourses of uncontrollability, further suggesting that the violence Hakeem exhibited is intrinsic to himself and his identity as a refugee from Sudan.

The article further criminalizes all refugees from Sudan and Africa from section 7 onwards, where the extract refers to "law and order problems among Sudanese and other African migrants." Thus the crimes committed by Hakeem are represented here as not the crimes of an individual, but as symptomatic of Sudanese and other African migrants in general – and as such implies that all

people from Africa are inherently violent. Furthermore, the reference to “Sudanese and other African refugees” simplifies extremely complex differences between these two categories (including differences between African countries), as well as being implicitly a racialized term which only includes black African people rather than white – an issue discussed in more detail in the analysis of Extract 5 later in this chapter. Such a representation functions similarly to the representation of the ‘Aurukun rape case’ seen in Chapter 6 in that it validates calls for the imposition of tough laws and penalties towards the unauthorized immigration of people from Africa, rather than highlighting the fact that white law may in fact be failing to adequately meet the needs of this marginalized group of people. For example, the extract’s use of the alleged statement by then Immigration Minister Kevin Andrews that he was “at a loss” (section 3) to explain how Hakeem managed to get into Australia provides a warrant for more restrictive, ‘tough’ policies in order to prevent a similar situation from occurring in the future.

No detailed context is provided in this extract, or the article from which it came, regarding the background of the situations that may have led Hakeem to seek asylum in Australia. Instead, as found by Robins (2003) in the American context and Windle (2008) in relation to the Australian media, only superficial background information is provided through the Immigration Minister’s comments in section 6. The information presented is in line with stereotypes many people may hold about Sudan, such as boy soldiers, and “murder and mayhem.” This lack of contextual information means that dominant discourses

of violence in relation to Sudanese refugees are unchallenged, and indeed reinforced, in the mainstream news media.

In fact, the linking of the category 'Sudanese refugee' with crime in the mainstream news media was made the focus of several articles over this time frame, in which the number and type of crimes committed by people from Sudan with a refugee background were listed. An example of this is seen in Extract 2:

Extract 2

1. Twenty-five Sudanese refugees have been charged with criminal offences in a trend sparking concern among police and welfare agencies.
2. Drink-driving, unlicensed driving and domestic violence are the most common problems emerging in the 6200-strong north African community. In the most serious case, a Sudanese man has been charged over a series of rapes.
3. The 25 offences in the Dandenong region - home to most of the Sudanese - have happened since January last year.
4. Supt Chris Ferguson, of Dandenong police, said yesterday that the Sudanese attracted attention because of their appearance and distinct culture.
5. "They are a hard-working and contributing group within the broader community, but because of their background and the hardships they have faced they sometimes find Australian laws and customs difficult to understand", he told the Herald Sun.
6. The most serious case involves Hakeem Hakeem, who allegedly went on a vicious rape spree in the Dandenong area just after coming to Australia.

7. Mr Hakeem, 20, is in custody and will appear in the Supreme Court in December facing 29 charges over alleged assaults involving victims ranging in age from 16 to 63.

(Masanauskas, 2005, p. 43)

This article focuses on ‘problems’ in the Sudanese community in Australia, and suggests that there is a “trend” towards crime amongst refugees from Sudan (section 1). As such, the extract’s sole focus is on crime amongst Sudanese refugees, thereby explicitly linking these groups of people with crime, and reflecting the mainstream news media’s focus on crimes committed by ‘ethnic’ groups. Indeed, the term ‘Sudanese’ is used four times in this extract. This focus on crimes committed by Sudanese refugees not only criminalizes this group of people on the basis of their race and refugee background, but also functions to construct them explicitly as the ‘Other’ who are a problem within Australia. This objectification is clearly seen in the use of numbers in this extract, such as the detailing of the “6,200 strong north African community” (section 2) and the 25 crimes allegedly committed (section 3), representing a fascination with ‘how many’ refugees and those located as racial ‘Others’ there are in Australia (Hage, 1998). However, no further information is provided in this extract regarding what these numbers mean in contextual terms. Similarly, the inclusion of these numbers represents a fascination seen in the mainstream media with which ‘ethnic’ group is committing the most crimes, and therefore which group is more of a ‘problem’ in Australia.

The extract does include a quote from a member of the Dandenong Police, Chris Ferguson, which goes some way to counter-acting the discourses of violence and crime seen in this extract by stating that refugees from Sudan are “hardworking” and “contributing” (section 5). However, the article continues on to discuss the crimes committed by Hakeem without engaging with these comments or providing other stories in which Sudanese Australians and refugees are presented positively. Indeed, by stating in section 4 that Sudanese Australians attract attention because of their “appearance and distinct culture”, the statements from Ferguson function to construct Sudanese Australians as ‘different’, thereby attributing fault to them for their racialization. Constructing them as “hardworking” and “contributing” in this context draws upon discourses of ‘integration’ (discussed in more detail later in this chapter) by suggesting that in order to not be seen as ‘different’ Sudanese Australians have to ‘fit in’ and ‘contribute’ to Australian society by overcoming their “distinct” culture.

Additionally, the quote from Ferguson again draws upon discourses of trauma in relation to Sudanese refugees, and once again the extract does not provide any detailed or contextual information to this trauma through references to “the hardship they have faced” making it difficult for them to understand “Australian laws and customs” (section 5), and does not make any attempt to elucidate the many and varied experiences of refugees from Sudan. Instead, as mentioned above, Sudanese refugees are constructed in this extract solely within discourses of trauma and violence and no attempt is made to personalize them

or their stories. Rather, they are represented as a ‘problem’ to law and order, and by extension, to white, ‘mainstream’, Australia whose law and order they are ostensibly disrupting. However, the only ‘evidence’ provided of this so-called ‘problem’ is Hakeem’s case – one which is obviously extreme. Otherwise, references made in section 1 to “drink driving, unlicensed driving, and domestic violence” are vague, and again no further information is provided about the relevant statistics or circumstances which could allow readers to adequately interpret whether or not there is a “trend” towards crime amongst refugees from Sudan. Instead, the extract draws liberally upon discourses of violence, and provides evidence for this in an extreme rape case.

So-called ‘ethnic’ violence was also the focus of some of the articles that covered the murder of Liep Gony. The below extract is taken from an article published on the 29th of September, before it was revealed that Gony’s attackers were not Sudanese. As found by Windle (2008), these initial articles published regarding the murder generally discussed ‘ethnic’ violence as responsible for Gony’s murder, as seen in Extract 3:

Extract 3

1. Men are slaughtered in front of their children, babies are ripped from their mothers' arms and those who dodge the violence walk for days seeking sanctuary, shelter and ultimately peace.
2. This is just another day in the life of a tribal African trying to escape the clutches of a never-ending civil war.

3. Liep Gony, 19, was part of such a shocking history but turned his back on it to start a new, safe life in Noble Park. But Liep will not share the Australian dream like so many other eager immigrants.
4. The TAFE student died in the Alfred hospital yesterday after he was bashed violently with either a piece of wood or steel and left for dead on Wednesday night.
5. Homicide squad detectives are investigating the vicious assault, which began at Noble Park railway station after 9pm and ended with Liep lying unconscious 200m away on Mons Parade.
6. His cousins told the Herald Sun on Thursday two youths, one a South African, had tried to pick a fight earlier in the night at a nearby skate park.
7. Liep and the two youths had allegedly been in an altercation a week earlier. The area has become an escalating hotspot for youth violence and ethnic tensions, with African, Asian and Polynesian strongholds based along the southeast Melbourne train line.
8. Yesterday, the Herald Sun revealed a sickening history of recent violence involving out-of-control youths.
9. Incidents include a bloodied Sudanese man repeatedly biting the face of a policewoman trying to help him and, on a separate patrol, a policeman's nose being broken by a rock at Noble Park railway station.

(Lloyd-McDonald, 2007, p. 3)

The beginning of this extract again draws upon shallow, sensationalist constructions of the situation in Sudan that has led to so many people becoming refugees. Sections 1 and 2 of this extract refer explicitly to the stereotypes of violence so often seen in relation to Africa (Robins, 2003; Marlowe, 2010), and

then juxtaposes these image of “tribal” Africa with “the Australian dream” (section 3). Again, this is reflective of the research by Robins (2003) who found that American media coverage of the ‘Lost Boys’ rarely provided contextual information, and that these Sudanese refugees were frequently represented within frameworks of America as the ‘Promised Land’, thus juxtaposing the supposed promise and success of the American democracy with the supposed dysfunction of Africa.

Interestingly, once again this extract conflates the terms ‘Africa’ and ‘Sudan’ – especially in section 2 when the extract refers to “a tribal African trying to escape the clutches of a never-ending civil war”. Here, the extract references a “civil war” but clearly this makes no sense in the context of the entire African continent. In this case, not only is no contextual information provided, but the category of ‘Sudanese’ is not used at all in this extract in relation to Gony, with references instead to the broader term ‘African’. Thus ‘Africa’ here is made to stand in for ‘Sudanese’ as if the conflation of these categories was possible. Such a conflation further simplifies the issues which Gony may have faced as a refugee to those faced by refugees across the entire continent, some of whom may be seeking refuge from very different circumstances. Thus the extract draws upon discourses of violence not only in Sudan, but also in Africa more generally.

Furthermore, by listing extreme acts of violence in the beginning of the extract (“men are slaughtered in front of their children, babies are ripped from their

mothers' arms..."), the extract draws upon Baudrillard's concept of 'war porn' in a similar way to Marcia Langton's claims discussed in Chapter 6 regarding the mainstream media's representation of sexual abuse and violence in remote Indigenous Australian communities. In his essay, Baudrillard (2006) writes that the images from Abu Ghraib "become a parody of violence" in which the war becomes a "grotesque infantile reality show" (p. 86), a form of pornography. I would argue that the representations of violence in Africa seen within these extracts similarly become a parody of violence in which stereotypes of war and extreme violence in (black) Africa are drawn upon relentlessly in simplified media representations of the continent. This is clearly seen in this extract in which it is explicitly stated that these experiences of violence are just "another day in the life of a tribal African" (section 2). In this statement, the extract constructs *all* of "tribal Africa" as violent and dysfunctional, with the term 'tribal' simultaneously drawing upon discourses of Africa as primitive. Such a construction conflates the many diverse realities of the different African countries into one experience of violence and dysfunction, as well as implicitly referring to the whole of Africa as black and as having no relationship to colonization. This is particularly evident in the term 'South African' used in section 6 which could equally as possibly refer to either a person identified simplistically as white or as black. In this extract, however, subsequent references to "ethnic tensions" ensure that any term used in relation to Africa is read as black, thereby echoing previous research in which media representations of Africa as 'Other' are inextricably tied to simplistic understandings of Africa as 'black' (Fair, 1993).

In this particular extract, the reference to the “Australian dream” (section 3) as opposed to “tribal” Africa serves several functions. Firstly, by stating that Liep will not share in this dream “like so many other eager migrants” the extract constructs Australia as offering hope to these refugees, as their salvation, their “dream”, thereby again overlooking the role that Australia as a Western country has, and continues to play, in contributing to tensions in Africa (Windle, 2008). Furthermore, it is worth noting here that references to “tribal” Africa and “ethnic tensions” reflects a media which is bound up in stereotypes of Africa not only as backwards, but also as continuing to be caught up in ‘clan’ violence. Indeed, Besteman (1996) in her analysis of American media coverage of tensions in Somalia found that the media repeatedly drew upon explanations that accounted for the violence in relation to “ancient clan warfare” that had supposedly remained unchanged for hundreds of years rather than tensions which resulted from colonization and global changes. Such references to tribal violence, then, construct the ‘problem’ as being solely one inherent to Africa and African countries, rather than one resulting (at least in part) from colonization and changing global politics, including resource extraction (Besteman).

Secondly, this distinction between a ‘backward’ Africa and a ‘dream’-like Australia also functions to create binaries of ‘bad’ and ‘good’, or of ‘backwards’ and ‘progressive’. Within such binaries, the violence enacted towards Gony that resulted in his death must have come from somewhere other than Australia since violence is not part of the Australian “dream”, and indeed later in the

extract we read that in fact the violence stems from “ethnic tensions”. Thus violence is constructed as stemming from (and indeed inherent within) the very migrants and refugees whom Australia is offering “peace” (section 1), thereby further representing refugees from Africa as ‘Other’ to Australia.

This extract, then, explicitly constructs the violence that led to the death of Liep Gony as ‘ethnic’ violence, with sections 7 to 9 detailing incidents of violence by Sudanese refugees, regardless of whether or not they are related to the incident in question. Thus the extract turns Gony’s death into another example of “ethnic tensions”, and indeed represents Gony himself as complicit in these tensions by reporting on an altercation in which he was allegedly involved (section 7). The extract repeatedly refers to violence as linked to race, not only through the reference to ‘ethnic tensions’ but also by repeatedly explicitly referring to the race of the people supposedly involved in this violence. Additionally, phrases such as “hotspots” and “strongholds” invoke stereotypes of ethnic gangs, thereby further drawing upon discourses of ‘ethnic violence’, as well as constructing the suburbs in which African Australians live as violent, unsafe and dysfunctional, and therefore as Other to the Australian dream referenced earlier in the extract (Windle, 2008). The same discourses of violence are drawn upon in relation to refugees from Africa, through phrases such as “out-of-control youths”, and reports of violence towards police officers.

After it was subsequently revealed that Gony’s attackers were not Sudanese, many of the articles that appeared in the mainstream news media were in

relation to the men who killed Gony rather than Gony himself or his family. An example of this is seen in Extract 4:

Extract 4

1. Two men charged over the bashing murder of Sudanese teenager Liep Gony in Noble Park last week will be psychiatrically assessed in custody after a court heard at least one of them suffered from a mental illness.
2. Clinton David Rintoull, 22, of Noble Park, and Dylan Sabatino, 19, believed to be from South Australia, appeared in Melbourne Magistrates Court yesterday charged with one count each of murdering Gony in Noble Park last Wednesday.
3. Rintoull, dressed in a black shirt and jeans, shook apparently uncontrollably as his lawyer, Samantha Poulter, asked that his mental health be urgently assessed...
4. The court heard both men, who were arrested in South Australia on Sunday and extradited to Melbourne on Tuesday, had never been in adult custody before.
5. It also emerged Gony had been charged with several offences in the past year, including theft, assaulting police, possessing a controlled weapon and unlicensed driving.
6. Court records show he failed to appear at Dandenong Magistrates Court to face some of the charges in August and that a warrant was issued for his arrest.
7. He was to face court again in January. The 18-year-old refugee from war-torn Sudan died in The Alfred hospital on Thursday, a day after he had been left for dead with severe head injuries on a Noble Park nature strip.

(Medew, 2007, p. 4)

Of particular note in this extract is the fact that, whilst the Sudanese community was widely criminalized in the timeframe surrounding Gony's murder (as seen in the previous extract), the same criminalization on the basis of race was not extended to the offenders in question once their identity was made public. For example, the racial background of the offenders accused of the murder of Gony were rarely mentioned in the mainstream news media. Instead, as seen in sections 2 and 3, the offenders in this case were referred to by their age, the suburb in which they live, and in one instance the clothes which they were wearing, however their race is never mentioned. This representation is in stark contrast to the representation of Sudanese Australians whose race is referred to continually in these extracts, with explicit references seen in the above extracts to Sudanese crime. Thus nominally white Australians are not criminalized in the same way as Sudanese Australians are, with no conflation of white Australians as a group with criminal activity. Additionally, the reference to the suburbs in which these youth live ('Noble Park' in section 2) constructs them as normatively 'belonging' in Australia, as compared to the frequent representation of Liep Gony as 'Sudanese', rather than, for example, Sudanese Australian or as also coming from Noble Park.

Additionally, this article also draws upon discourses of Sudanese Australians as violent when, in sections 5 to 7, the extract discusses the crimes allegedly committed by Gony despite the fact that they had nothing to do with his death or the trial of the men accused of his murder. In explicitly referring to Gony here in terms of his alleged previous crimes (there is little other contextual

information provided about Gony at all), the extract appears to suggest that Gony deserved, or was asking for, the violence that led to his death. Furthermore, this representation of Gony as involved in criminal activities is in stark contrast to the men on trial for his murder, who are referred to as having “never been in custody before”, rather than as repeat criminals as Gony allegedly is. And again, Sudan is referred to in this extract as “war-torn”, explicitly drawing upon discourses of the country as violent.

Indeed, the murder of Liep Gony, continued to be used as evidence of crime in Sudanese communities even in November 2008, over a year after it was revealed that his attackers were white Australians (see Farouque & Cooke 2007, p. 3), when Sudanese-born school-boy Daniel Awak was killed in Adelaide by another refugee youth from Sudan. An example of this is seen in Extract 5:

Extract 5

1. But Deputy Commissioner Gary Burns said yesterday he did not believe the stage had been reached to follow the example of Victoria Police, which formed a taskforce last year to address crime among African refugees.
2. “Recently we've become concerned with what we consider an emerging, probably contemporary, policing issue, and I don't think it would be unique to South Australia,” Mr Burns said.
3. The murder of schoolboy Daniel is the latest incidence of violence to have plagued the Sudanese community.
4. Victorian Police established a taskforce codenamed Sarazan last year following the bashing death of Sudanese teenager Liep Gony.

5. Mr Burns said the background of Sudanese people in Australia had to be looked at when considering their community.
6. "They've come from a culture and a country that's undergone serious violence and warfare - some have been child soldiers and they've come out here," he said.
7. "Their English isn't strong, they probably haven't got the conflict resolution skills we might have being brought up and educated in Australia, and as a result there has been what we consider an increase in crime."
8. Mr Burns said that over the past 16 months, 450 offences had been committed by 93 members of Adelaide's 1500-strong Sudanese community.

(Lower & Akerman, 2008, p. 5)

Again this extract explicitly links African and specifically Sudanese refugees with crime, outlining the possible need to create a special taskforce to deal with crime amongst these groups of people. Dealing with African refugees is termed an "emerging, probably contemporary policing issue" (section 2), thus drawing upon discourses of Sudanese refugees as a 'problem' that needs to be dealt with in a specific manner. No further information is provided specifically about the nature of this "policing issue", except for the more general information provided later in the extract regarding the need to look at the background of Sudanese refugees when "considering their community" (section 5). In fact, as seen throughout the media coverage of these stories, refugees from Sudan are explicitly constructed as external to Australia through the terms 'Sudanese' rather than Sudanese Australian.

The extract further draws upon discourses of violence in relation to refugees from Sudan by citing the murder of Liep Gony as an example of the “violence to have plagued the Sudanese community” (section 3), and referring to the taskforce set up in Victoria following Gony’s death. Here, Gony’s death is provided as an example of violence amongst Sudanese Australians despite the fact that Gony’s murderers were in fact white Australians and not Sudanese. Once again, however, this fact is omitted in the extract, meaning that white Australians are not linked with violence or crime in the same way that Sudanese Australians are.

Consistent with the mainstream news media coverage analyzed throughout this chapter, this extract represents Sudanese Australians as inherently violent due to their background and culture. For example, in sections 5 to 7 the extract includes a quote from the Deputy Commissioner regarding the cultural background from which Sudanese refugees ostensibly come that has led to the apparent “increase in crime” (section 7). Again this is simplified contextual information and the extract does not include any further detail about these conflicts or the other experiences that refugees may bring with them. For example, participants in Marlowe’s study frequently argued that in fact it was their culture that enabled them to get through any trauma they experienced as refugees leaving Africa, rather than their culture imparting only knowledge of violence and dysfunction (Marlowe, 2010).

Indeed, the simplification of the culture and background of Sudanese refugees is made explicit in this particular extract in the conflation of the terms 'African' and 'Sudanese' – a conflation seen throughout this analysis. Here, whilst the beginning of this extract refers to "African refugees" (section 1) it shifts seamlessly into "Sudanese community" (section 3) later with no discussion of any differences in these terms - one of which clearly refers to a whole continent of people, the other to a specific country. Thus not only are refugees from Sudan constructed as criminal in this extract, but this label is extended to all refugees from Africa. However, this reference to the term 'African refugees' presumably only refers to *black* African refugees, and thereby draws upon colonial stereotypes of black African people as backward – and indeed as criminal (Robins, 2003). As Hawke (1992) argues:

The word 'African', as it is used in the Western press, does not mean anyone who lives on the African continent, but rather people who are black and live on the African continent. It is a colonial label. North Africans and descendants of European settlers are not included in the term. This narrow, racial definition of Africa, structured by the language employed to tell the African story, tells readers and viewers that the continent has a simple, homogenous culture. (p. 8)

As such, the mainstream news media here draws upon discourses of *black* Sudanese or African refugees as inherently criminal or different, thus further constructing Australia as a white nation into which those located as racial

Others must attempt to integrate if they are to be seen as belonging. Discourses of integration are discussed in more detail in the next section.

7.4.2 Integration and absorption: Kevin Andrews and the restriction of refugees from Africa

In addition to the criminalization of refugees from Sudan, many of the articles in the broader corpus examined for this chapter contained discourses of integration and absorption. These discourses were particularly evident in the mainstream news media response to the restriction of the African refugee intake, and the subsequent comments made by Kevin Andrews, discussed earlier. Some of these articles outlined the ways in which Sudanese and other African refugees were failing to integrate, thereby supporting the comments made by Andrews (as in Extract 6 below). However much of the media decried Andrews' comments as vilification and even as racist (as in Extracts 7, 8, and 9 below) (and see Hanson-Easey & Augoustinos, 2010, for a discussion of this). However, and as found by Windle (2008), even those articles which were critical of the Immigration Minister's comments drew upon discourses of 'integration', thus effectively constructing Sudanese or other African refugees as external to the nation, whilst simultaneously positioning Australia as generous and as a safe-haven. Extracts from articles covering the comments by then Immigration Minister Andrews are examined, beginning with an extract from an article that is supportive of his restriction, in Extract 6:

Extract 6

1. Australia's intake of refugees from Africa will be slashed because many are failing to integrate.
2. The quota of refugees from Sudan, Ethiopia, Somalia, Eritrea and other war-torn African countries will be reduced from 50 to 30 per cent.
3. The places will be filled by larger intakes from the Middle East -particularly Christians who have fled persecution in Iraq - and the Asian region.
4. Australia's overall refugee intake for 2007-08 will be maintained at 13,000 places. Authorities are concerned many African refugees fleeing ethnic and religious persecution in their homelands are struggling to find work and adapt to Australia's way of life.
5. In Brisbane, there has been reports of Sudanese youth involved in gangs.

(Heywood, 2007, p. 6)

In this extract the reduction in the intake of refugees from Africa is uncritically supported, with examples provided of the supposed failure on the part of Sudanese and African refugees to integrate. Interestingly, the article explicitly criminalizes specifically Sudanese refugees section 5 when it is suggested that they are “involved in gangs”. Furthermore, in section 4 the general term “African refugees” is used in relation to difficulties finding work and “adapt[ing] to Australia’s way of life”. Thus Sudanese refugees in particular are singled out as criminal, whilst other African refugees are constructed as unable to integrate or adapt. Of course, it may be the case that refugees from Africa do have difficulties finding work, many of which may be the result of Australian society rather than refugees from Africa themselves. However, this article does not consider such issues, instead locating the responsibility to ‘adapt’ entirely with refugees,

rather than considering comparable responsibilities that Australia as a 'host' country has in meeting refugees at least half-way (Morrice, 2007). Thus, in this extract, the onus to 'integrate' is constructed as entirely the responsibility of refugees rather than viewing integration in terms of, as Morrice argues, "a two-way process" with "at least some of the responsibility for inclusion on the host community to develop strategies which might bridge refugee and non-refugee communities" (p. 159).

The beginning of the extract again draws upon simplified discourses of Africa as "war-torn", whilst interestingly the Middle East and "Asian region" are not referred to in the same way. Instead, those refugees are represented as "Christians who have fled persecution" (section 3) and thus, read alongside the discourse of Sudanese and other African refugees as criminal and unable to integrate, suggests that instead these Christian refugees are more likely to be able to share Australia's supposed values and therefore to "adapt" more easily (despite the fact that, of course, many refugees from Africa may also identify as Christian). As such, the extract explicitly draws upon discourses of refugees from Africa as 'different' and as a 'problem' due to stereotypical constructions of the background and culture of Africa itself, as well as problematically constructing Australia according to a particular set of unified values to which Africa is inherently different.

As mentioned previously, whilst some of the mainstream news media supported the restriction of refugees from Africa as seen in Extract 6, the mainstream news

media was also critical of the comments by Andrews, with frequent accusations made that the minister was 'playing the race card' (Hanson-Easey & Augoustinos, 2010). An example of this critique is provided in Extract 7:

Extract 7

1. Immigration Minister Kevin Andrews has for the first time explicitly said that the Government squeezed the African component of the refugee program because "some groups don't seem to be settling and adjusting into the Australian way of life".
2. Mr Andrews has previously skirted this issue, including stating in August that recent cuts in the African intake reflected "an improvement in conditions in some countries" in the region.
3. But questioned yesterday about last week's fatal bashing in Noble Park of Sudanese refugee Liep Gony, 18, and whether better settlement services were needed, he said: "I have been concerned that some groups don't seem to be settling and adjusting into the Australian way of life as quickly as we would hope and therefore it makes sense to put the extra money in to provide extra resources, but also to slow down the rate of intake from countries such as Sudan."
4. It yesterday emerged that Mr Gony's alleged attackers were not African.
5. Two Noble Park men, David Rintoull, 22, and Dylan Sabatino, 19 have been charged with Gony's murder.
6. A girl, 17, is facing other charges. Victorian detectives will seek the trio's extradition when they face court in Adelaide today.

7. Akoch Manheim, of the Lost Boys Association - an advocacy group for Sudanese youth - said the Noble Park incident had "absolutely nothing to do with integration."
8. Other refugee and ethnic representatives were also critical of the latest singling out of the Sudanese. "It almost borders on vilification of Sudanese refugees," said activist Jack Smit.

(Farouque, Petrie & Miletic, 2007, p. 2)

This extract is critical of Andrews' comments by pointing out that Gony's attackers were not African and by including comments from a member of the Lost Boys Association and a refugee activist to counter the representation of refugees from Sudan put forward in the quote from the Immigration Minister. Indeed, by stating in section 2 that Andrews had "previously skirted around this issue" the extract acknowledged the criticisms made in relation to Andrews' statements and the fact that they could potentially be read as racist.

In relation to the quote from Andrews itself, the Minister clearly draws upon discourses of 'the need for integration', and uses the apparent lack of integration of Sudanese refugees as a reason for slowing down the intake. By referring to an "Australian way of life" in section 3, Andrews suggests that Australia has an identity to which refugees from Sudan must 'adjust'. Again, these discourses of integration and adjusting imply that the onus is on refugees from Sudan to do the integrating and adjusting, albeit with the help of some services. Additionally, the fact that 'integration' is provided in these comments from Andrews as the reason for the restriction of refugees from Africa creates

as system in which the refugee intake is based on the rate at which refugees can 'adapt', rather than humanitarian need.

In the next paragraph the extract turns to a discussion of Gony's attackers, as the comments made by Andrews were in response to a question about settlement services for refugees in light of Gony's murder. Interestingly, and as found by Windle (2010), the fact that Gony's attackers were white is not mentioned explicitly or discussed in this extract, which instead labels them as "not African" (section 4), an ambiguous label which could be read as "white" despite the fact that it is not explicit. Importantly, this labeling therefore locates the source of violence amongst African refugees, or at least does not similarly discuss a 'problem' of violence amongst young white Australians. Again, instead of being described in racial terms, these men are left unmarked, and referred to in relation to their age and the suburb that they come from, thereby constructing these men as normatively Australian. In contrast, Gony is once more referred to in section 8 as a "Sudanese refugee", therefore again representing Sudanese Australians as outside the Australian 'norm'.

Finally, the extract draws upon the discourse of the 'need for integration' through the use of the quote at the end from Manheim (section 7). Whilst both the quotes at the end of the extract are important as counter-arguments to constructions of Sudanese Australians as inherently criminal, the quote taken from Manheim functions in this extract to centralize discourses of integration, rather than allowing alternative narratives to appear (such as those of Sudanese

Australians as also normatively Australian, or the apparent racism displayed by Gony's attackers).

Other articles in the mainstream news media did include the voices of refugees themselves or refugee advocates to a greater extent, as seen in Extract 8:

Extract 8

1. African refugees have accused the Federal Government of racism over claims that Sudanese migrants struggle to integrate with Australian communities.
2. Immigration Minister Kevin Andrews suggested that the Government has cut African refugee numbers because Sudanese refugees experienced greater difficulty than others in adapting to Australian life.
3. His comments came after 18 Sudanese refugees were suspected to be living in a tiny two-bedroom halfway house in southern Canberra.
4. Sudanese refugee Adut Adut said it was unfair for the Government to make unfounded racial comments. "They should provide statistics on their statements as they are too general, it doesn't make sense, it makes people like me disappointed," he said. Mr Adut, who has been working in Australia for five years, said Sudanese people should be not singled out as an exception.
5. "Any other migrant faces the same difficulties living in a different environment and with different people," he said.
6. Well-known refugee advocate Marion Le said the Government had a lot to answer for making these generalisations.
7. "The Government has brought in these people based on their vulnerability, a lot of them young women with children," she said. "It's very unseemly to turn around and attack their vulnerability - it's unfair."

8. The United Nations High Commissioner for Refugees also said there was no evidence to suggest Sudanese refugees were having any more trouble adapting to life in Australia than any other recent arrivals.

(Watts, 2007, p. 13)

This extract discusses accusations of racism made by various refugee advocates and a Sudanese refugee regarding the comments made by Andrews. Problematically, however, the extract begins by stating “African refugees have accused the Federal Government of racism” (section 1), thus attributing such accusation solely to African refugees rather than to, for example, African refugees *and* dominant group members. Such a beginning opens up the possibility of criticism based on complaining and making (for example) baseless accusations. Indeed, and as demonstrated in the next extract, accusations of racism are typically denied.

While this article begins by stating that African refugees have accused the government of racism stating that “Sudanese refugees experienced greater difficulty than others in adapting to Australian life” (section 2), the extract then provides an example apparently in support of the comments made by Andrews in reporting that “His comments came after 18 Sudanese refugees were suspected to be living in a tiny two-bedroom halfway house in southern Canberra” (section 3). There is no further discussion of this alleged incident, however, which is simply presented here as apparent evidence of the lack of adaption to “Australian life” (section 2) by refugees from Sudan. No alternative

explanations of this supposed lack of adaption are provided, such as lack of funding for housing.

From section 4 onwards the extract reports comments made by various people who are critical of the Minister's comments. Whilst such representations of refugees from Sudan, especially by Sudanese Australians themselves, are critically important in the mainstream news media, the comments used in this extract again revolve around discourses of the need for integration, and present refugees from Sudan as 'vulnerable' (section 7). For example, the quote taken from Adut in section 4 that "Any other migrant faces the same difficulties living in a different environment and with different people", whilst highlighting the fact that starting a new life in a new country is going to be challenging, again revolves around the responsibility for integration being the responsibility of refugees or migrants themselves.

The discourse of 'integration' was seen also in a related discourse of 'absorption'. This is illustrated in Extract 9, which discusses the Minister for Immigration's comments in relation to criticisms that Australia is racist, and claims by the family of Sudanese-born teenager Ajang Gor who was bashed and left unconscious on the 9 October 2007:

Extract 9

1. It would be a great mistake, however, to condemn Australia as a racist society and Australians collectively as racist.

2. The days of institutional racism have long gone with the dismantling of the White Australia policy and Aborigines obtaining the vote.
3. Social disadvantage among indigenous people remains an indelible stain on the nation.
4. But this is a culturally diverse society - 250-plus different ancestries and 400 spoken languages at the last census testify to this reality.
5. One of the great contradictions, however, is that some people in this diverse country continue to express fear of new waves of migration.
6. Yet while fear might be a hallmark of the nation's migration story.... We have shown a great ability to absorb and integrate new peoples.
7. The story of Ajang Gor is a personal testament:
8. When the teenager was attacked, he was returning from a true-blue youthful pursuit – working a shift in a fast-food store for pocket money. How typically Australian.

(Farouque, 2007, p. 8)

Whilst critical of Andrews' comments regarding the inability of African people to integrate into Australian culture, this extract explicitly denies racism within Australia, and again draws upon discourses of 'integration'. Evidence for the claim of the absence of racism in Australia is provided in the examples of the "dismantling of the White Australia policy and Aborigines obtaining the vote" in section 2. The extract then points to social disadvantage amongst Indigenous people, but suggests that regardless of this, Australia is still a culturally diverse society. In making these comments, the extract positions Australia positively, suggesting that accusations of racism in relation to Andrews' comments are unfounded in light of these aspects of Australian society.

Later in the extract in sections 5 to 6, whilst stating that it is a contradiction that people in Australia fear migration, the extract continues on to state that this is unfounded because “we have shown a great ability to absorb and integrate new people” section 6. This construction of Australia as able to ‘absorb’ new refugees and immigrants means that the “fear of new waves of migration” referred to in this extract is not unfounded simply because refugees are in themselves not threatening; it is because ‘we’ in the form of mainstream, white Australia, can ‘absorb’ ‘them’. Thus the extract represents refugees and migrants from Sudan as fundamentally ‘Other’ to Australia, and different to Australian values given the focus on the need to ‘absorb’ and ‘integrate’ them. Simultaneously, the use of the word ‘we’ here constructs Australia as normatively ‘home’ to white Australians, or at least to non-Sudanese Australians, thereby normalizing white belonging and ownership over Australia, and the corresponding need for white Australians to ‘manage’ Australia (Hage, 1998).

Indeed, this construction of normative white belonging and typical ‘Australian-ness’ was also a feature of this extract in relation to seventeen-year old Ajang Gor, whom the article discussed in sections 7 to 8. As mentioned earlier in this chapter, Sudanese-born Gor was attacked with bottles by a group of white men shouting racial abuse shortly after Liep Gony was murdered. The final section of Extract 9 again represents a normative mode of belonging in Australia as a white belonging by reference to the “true-blue youthful pursuit” of working in a

fast-food store. Here, the term 'Australian' is conflated with 'Western', or 'white', and therefore functions to exclude other forms of being 'Australian', and again positions refugees such as Gor as required to participate in such "typical Australian" roles in order to be classed as belonging in the mainstream Australian news media.

7.5 Conclusion

As can be seen from the above analyses, discourses about refugees from Sudan as being likely to commit crimes and discourses of the 'need for integration' were at the center of much of the discussion in the media following the murder of Liep Gony and former Immigration Minister Andrews' decision to reduce the African refugee intake. Additionally, the mainstream news media frequently simplified the complex issues involved in discussions of Sudan and Africa, frequently conflating the entire continent with the specific country of Sudan, and drawing upon discourses of 'war-torn Africa', thereby further entrenching the related discourse of refugees from Africa or Sudan as violent.

As found in relation to Indigenous Australians in Chapter 5, the category of 'Sudanese refugee' was frequently linked with crime in the mainstream news media, with frequent references to the 'violent' culture of Sudan, even when the articles analyzed were in fact discussing violence committed *towards* refugees from Sudan rather than by them. Discourses of Africa as violent and tribal, also frequently seen in the mainstream news media, served to reinforce these

discourses of refugees from Sudan as criminals since such reports also stereotyped these groups of people as inherently violent. This linking of refugees from Sudan with crime was further achieved by the fact that Sudanese people were generally racialized in these articles, with repeated reference to the fact that they came from Sudan or were 'Sudanese'. There was no similar emphasis on the race of other people involved – in many cases the perpetrators of these crimes. Thus Sudanese people were not only criminalized even when they were victims rather than offenders, but by repeated classification as 'Sudanese refugees' they were also explicitly constructed as 'Other' to Australia. This racialization was discussed by Liep Gony's mother, speaking at her son's funeral, when she said: "He is not an African. He is not a Sudanese refugee. He is an Australian. We are all Australians..." (Davis & Hart, 2007, p. 3). Despite these words, however, the media continued to refer to 'Sudanese' or 'African' crime, as seen especially in Extract 5 published in November 2008.

In these extracts refugees from Sudan were further constructed as criminal and as 'not belonging' in their representation as unable to be as easily integrated or 'absorbed' as other immigrants, primarily because of how different their appearance and culture is to white Australia. Such constructions overlook the many differing cultures that exist within Australia already and instead located belonging in Australia specifically around a unified culture with values to which new immigrants and refugees must adhere. Even when presenting counter-arguments to this representation, the mainstream news media still utilized discourses of the need for integration by drawing upon arguments that refugees

from Sudan and Africa were integrating as well as other refugees or migrants. Thus no alternative discourses were covered in the mainstream news media, such as the responsibility Australia has to ensure that refugees are welcomed, or a different mode of belonging in which white culture is no longer the norm. Thus whilst much of the media reaction to the comments made by Andrews regarding the supposed lack of integration of Sudanese refugees was cynical (as discussed by Hanson-Easey & Augoustinos, 2010), the analysis conducted for this chapter demonstrates that much of this cynicism revolved around the imperative for Sudanese and other African refugees to be integrated or 'absorbed', and thus reinforced notions of Sudanese and African refugees as 'different' to Australian society, and indeed as representing a 'problem' to it.

In addition to discourses of crime and the need for integration, the analysis presented in this chapter shows that the mainstream news media frequently oversimplified Sudanese or African culture and conflicts, utilizing stereotypes that were likely to be well-known to many readers, such as that of 'boy soldiers' and the use of phrases such as 'war-torn'. As discussed by previous commentators (Robins, 2003; Hawke, 1992), this representation of Africa reflects colonial stereotypes of Africa as violent, backwards and tribal and overlooks the role which the Western world has played in creating those tensions and conflicts through a history of colonization and neglect. Whilst, the mainstream news media frequently operates within time and space constraints - as well as within an ideology of what constitutes 'news' - the oversimplification of the representation of Sudan and Africa seen in these extracts (especially the

conflation of these terms which have very different social meanings) reflects an entrenched poor understanding of Africa within Western news media (Robins, 2003) which relies largely upon cultural stereotypes. In Chapter 8, the conclusion to this thesis, I discuss in more detail some of these issues regarding the framework of the 'news' media and the representation of marginalized groups of people.

8. Conclusion

Summary and Implications

Throughout this thesis I have examined representations in the mainstream news media of two marginalized groups of people who challenge the sovereignty of the (white) Australian nation-state: Indigenous Australians and refugees. In this concluding chapter, I review the findings of this analysis, and compare and contrast the representations of these two groups of people. Additionally, I examine the implications of this research for Indigenous Australians and refugees and asylum seekers, and for Indigenous sovereignty and refugee advocacy. Finally, I offer some concluding thoughts regarding the role of the news media in an increasingly globalized world in which issues of belonging and borders transform and adjust to changing world politics and organization, and in which decisions regarding the control and management of world populations and migration become more and more crucial. In particular, I consider the role of Indigenous and community media forms in opening up marginalized discourses regarding groups of people who may be otherwise represented as having ‘nothing to offer’.

8.1 Summary of analytic chapters

In Chapter 4 of this thesis I examined the mainstream news media representations of native title. Previous research in this area has found that native title is frequently represented in economic terms, that the media

provides little contextual information about the native title system, or background information regarding native-title claimants, and that there is a focus on bureaucratic concerns (see Meadows, 2000; Bullimore, 1999; Short, 2007 for examples of this research). In Chapter 4 I confirmed the findings of this research, whilst also extending upon it. In particular, my analysis found that native title was frequently represented solely in relation to economic concerns and discourses of the 'need for development', against which the native title system and/or Indigenous Australians themselves were represented as backwards and therefore anti-progressive and primitive. Indigenous voices were only rarely included in this mainstream news media coverage, and little contextual information was provided in relation to either specific cases, the native title system in general, or the social, cultural and historical background to Indigenous rights to, and claims upon, their land.

Perhaps most importantly, the findings of Chapter 4 indicated that negative representations of native title were most salient when either a determination of native title or (usually) Indigenous land use negotiations were seen as impeding 'progress' or getting in the way of 'development'. In fact, native title *determinations* themselves in the first instance were frequently represented as unchallenging and even as a 'joke' when these determinations were perceived as unthreatening to the white nation-state in that they would not affect the use of the land by people other than the native title claimants. Thus, the mainstream news media represented native title as relatively benign in cases where land effectively remained within non-indigenous control (for example, in the case of

Wilson's Promontory, which would remain open to the public despite a native title determination). By contrast, the media reported on native title in predominately negative terms where it *was* seen as threatening due to some form of control over the use of the land being exercised by native title-holders. In relation to these findings, I argued in this chapter that such a difference in the representation of the native title system highlights an unwillingness on the part of non-indigenous Australia (evidenced through the mainstream news media) to truly acknowledge not only the rights of Indigenous Australians to their land, but also their *ownership* of it (and hence their right to determine how it is used). Indeed, the representations of native title as appeared in these articles may be said to reflect the ongoing dispossession of Indigenous Australians and the re-enactment of claims of *terra nullius* in that white claims to land continue to be made through discourses of how the land ought to be *used* (i.e. that it ought to be 'developed'). Furthermore, I argued in this chapter that the dominant representation of native title in economic terms rather than in terms of rights was similarly reflective of this positioning of the native title system, in that it reduced a recognition under common law of the *rights and interests* (and continuing connection) of native title holders to their land to one which became simply about economic benefits to various parties, thus overlooking the central claims to land which Indigenous Nations have.

In the next analytic chapter - Chapter 5 - I argued that white claims to land were legitimated through the ability of the Australian nation-state to control its borders, and therefore to keep out those who were located as 'undesirable'. In

this chapter, I built on previous research (both nationally and internationally), which has found that asylum seekers and refugees are frequently represented as devious, threatening, non-genuine, as a 'problem', and as 'illegal' or 'illegitimate', with the arrival of asylum seekers by boat particularly portrayed as a 'crisis' (see, for example, Pickering, 2001; O'Doherty & LeCouteur, 2007; Every, 2006; Coole, 2002; Lynn & Lea, 2003; Haynes, Devereux & Breen, 2006). In addition to replicating these findings, the analysis conducted in this chapter – which focused specifically on reports of arrival of two boats, the *Oceanic Viking* and the *Jaya Lestari 5* - found that the two incidents in question were represented through two distinct discourses: 1) 'the need to stop people smuggling', and 2) the primary framing of refugees within a political framework that was de-humanizing. These discourses rendered refugees and asylum seekers invisible to the Australian nation-state unless they posed a threat to white Australian sovereignty by challenging border control, in which case they were treated as threats rather than humans in need of refuge.

Furthermore, in this chapter I noted that these findings of the invisibility and de-humanization of asylum seekers arriving by boat were of particular interest in that their voices were very much 'available' to the media to represent. That is, in contrast to the Howard government under which, for example, the media was forbidden to approach the *Tampa* (Mares, 2001), the refugees aboard the two boats reported in the articles examined in the chapter explicitly attempted to communicate with the media. However, I found that these voices continued to be represented as non-genuine, and were largely obscured within the

mainstream news media consideration which instead focused on the political aspect of the relevant issues, together with issues of 'border security' and 'people smuggling'. Thus white claims to sovereignty over the Australian land were evidenced in these extracts through the evocation of 'the need for border security' and the construction of asylum seekers arriving by boat as 'unlawful'. As such, this analysis clearly demonstrated the issues discussed in Chapter 2 regarding the function of the border as the only means through which a nation-state can maintain its sovereignty over the land, and regarding the representation of asylum seekers and refugees as *homo sacer* (thereby legitimating the 'camp' as a legitimate means of 'protecting' the nation-state – i.e., through mandatory detention policies). Thus, as seen in Chapters 4 and 5, attempts by the white nation-state to maintain control over the land were clearly reflected in the mainstream news media representation of Indigenous claims to land made through native title (e.g. that it is 'anti-progressive' and 'backwards' and therefore that white people have more legitimate claims to land since they will 'use' it appropriately) and the representation of asylum seekers arriving by boat (e.g. that they are unlawful, and are a threat to Australia's border security, and that Australia is therefore justified in exercising its sovereignty to keep these people out of the nation-state and therefore control its population).

Similarly to the construction of asylum seekers and refugees as undesirable to the Australian nation-state seen in Chapter 5, the findings of Chapter 6 indicated that Indigenous Australians were also represented as a threat to 'mainstream'

Australians in their frequent representation as criminals and as violent in the mainstream news media. In Chapter 6, I extended previous research regarding media representations of Indigenous Australians, which has found such representations as emphasising violence, threatening behaviour, unruliness, and inherent criminality (see Cunneen, 2001, 2007; Simmons & LeCouteur, 2009; Hollinsworth, 2005; Meadows, 2004; HREOC, 1991; Jakubowicz, et al., 2004; Hartley and McKee, 2000; Mickler, 1992, 1998; Sercombe, 1995 for examples of this research), and examined representations of the 'Aurukun rape case' and the 'gang of 49' as current examples of the focus of the mainstream news media on 'Indigenous crime'. That the findings suggest that not only were Indigenous Australians represented as inherently violent and primitive, but Indigenous communities were pervasively represented as dysfunctional and in need of 'saving' (or controlling) by non-indigenous Australia. In fact, I argued that the Indigenous child who was the victim in the 'Aurukun rape case' was constructed in the media as *beyond* saving and as born 'damaged' – a construction which further perpetuated stereotypes of Indigenous Australians as inherently dysfunctional and inferior to non-indigenous, and specifically white, Australians.

Importantly, in this chapter, I argued that such representations of Indigenous Australians and crime functioned to warrant further intervention and 'action' into Indigenous lives on the part of white Australians. This justification seen in the mainstream news media led to a pervasive construction of Indigenous crime as 'everybody's business' in order to legitimate white intervention and the

mainstream news media's open calls for 'tougher' policies. Such calls for intervention were seen particularly in relation to *The Australian's* extensive coverage of the 'Aurukun rape case', but were also seen in relation to calls for jail time rather than rehabilitation in relation to members of the so-called 'gang of 49'. In relation to the 'Aurukun rape case' in particular, I argued that claims to the worth of bringing intra-racial child abuse to the public eye overlook the different power relations existing between Indigenous and non-Indigenous Australians, and that the coverage of this issue generally ignored complex social, historical and cultural backgrounds and contexts to instead present a frequently over-simplified version of events and circumstances that reinforced negative stereotypes surrounding Indigenous Australians.

Such discourses of criminality and 'threat' in relation to Indigenous Australians in Chapter 6 were similarly seen in Chapter 7 in relation to refugees from Sudan. In this chapter, I drew upon previous research regarding the lack of complexity and background detail seen in the western media's coverage of Africa in general (see, for example, Robins, 2003; Hawk, 1992; Windle, 2008; Fair, 1993; Jarosz, 1992), and the stereotypical representation of refugees arriving in Australia from Sudan specifically. In particular, this previous research has highlighted the stereotypical representation of refugees as having backgrounds of violence and trauma, and the lack of humanizing accounts that recognize the diversity of experiences that refugees bring with them (Windle, 2008; Marlowe, 2010). Again, the findings of this thesis echoed the previous findings— particularly in relation to the lack of complexity seen in media representations regarding Africa

as a continent (and especially Sudan), and refugees themselves arriving from these areas.

In this chapter I also found that the criminalization of refugees from Sudan was pervasive within the coverage of these incidents, and that refugees from Sudan were frequently racialized, whereas other people involved in the incidents (generally the perpetrators of the crimes) were not. Thus, as with Indigenous Australians, this thesis found that refugees were constructed as criminals and as violent. Such representation then paved the way for the mainstream news media to construct these groups of people as not belonging, and in doing so, to re-center the supposed normativity of white belonging in Australia. Additionally, such a focus on violence led to a situation in which the reasons why Australia is meant to be offering refuge in the first place (e.g., that it has a humanitarian obligation to do so) were obscured within the mainstream news media, with a focus instead on issues of law and order. Within this coverage, asylum seekers and refugees from not only Sudan but from all of Africa were represented as posing a threat to mainstream Australia – thus overlooking the fact that, and as Allon (2002) states; “In the context of the changing world order, there is a need to recognize that a community’s obligations extend beyond itself” (para. 36). However, as seen in these extracts, a central focus of these articles was a centering of white Australian ‘norms’ and ‘values’, which Sudanese refugees and asylum seekers were frequently represented as violating given their alleged ‘violent’ background. Indeed, and as Hanson-Easey and Augoustinos (2010) argue, such constructions of refugees as violent and

therefore as a threat obscure the very reasons for why Australia ought to offer refuge in the first place – that is, their ‘violent’ background is used against them as a reason for why Australia should *not* offer humanitarian visas to people from Africa rather than as a reason for why it *should*.

In summary this thesis found, as examined in the previous theory and research discussed in Chapter 2, that the mainstream news media’s representations of Indigenous Australians and refugees functioned pervasively to legitimate the sovereignty of the white Australian nation-state, and to normalize white belonging in Australia. This was seen in the ubiquitous representation of Indigenous Australians and asylum seekers and refugees as criminal and as inherently violent (as seen in Chapters 6 and 7), in the refusal to acknowledge Indigenous Australians’ rights to their land and the subsequent use of it (as seen in Chapter 4), and the construction refugees and asylum seekers as *homo sacer*, and the corresponding justification of white Australia as needing to ‘control’ the borders (in Chapter 5). In addition, in Chapters 5 and 6 the mainstream news media explicitly advocated for ‘tough’ sentences for Indigenous Australians and people smugglers, and for the deterrence of asylum seekers and refugees through policies such as mandatory detention, and therefore argued for the use of the ‘camp’ – thus re-centering the role of the ‘camp’ in the white nation-state’s ability to control its population, and therefore legitimate its claims to sovereignty. Thus the mainstream news media, as a white institution, actively countered claims to Indigenous sovereignty, and challenges to white sovereignty, made by these two groups of people – as well as, interestingly,

acknowledging these claims and challenges through their overt representation as a 'threat' (albeit in the form of supposed inherent criminality and violence). In combating these claims and challenges to sovereignty, the mainstream news media thus may be said to reinforce dominant discourses seen in the representation of these two groups of people, thereby further marginalizing both of these people as groups, as well as marginalizing discourses which would allow for alternative representations and understandings of the Australian nation-state and its position in a globalized world. The implications of these findings are examined in the next section.

8.2 Implications of this research

In this section I examine the implications that the findings of this research has for research on media representations of marginalized groups of people, and for Indigenous sovereignty claims and refugee advocacy.

8.2.1 For research on belonging and borders and media representations of marginalized groups of people

This thesis has examined claims to white Australian sovereignty as seen in one dominant and powerful institution in Australia; the mainstream news media. Thus the analytic findings of this thesis provide strong support for theories regarding the performance of border protection and population control as a means through which white Australia is able to maintain its sovereignty over

the nation-state. This thesis therefore has implications for research regarding the ways in which the Australian nation-state is constructed as a 'coherent' nation that has a right to maintain its sovereignty, and further contributes to the existing research regarding the ways in which white belonging and sovereignty are normalized and supported through various measures.

In relation to Indigenous Australians themselves, this thesis contributes to and extends existing literature surrounding the pervasive criminalization of Indigenous Australians (Hollinsworth, 2005; Meadows, 2004; HREOC, 1991; Jakubowicz, et al., 2004; Hartley and McKee, 2000; Mickler, 1992, 1998; Sercombe, 1995). Importantly, the analytic findings of this thesis indicate that, whilst the majority of this previous research was conducted over five years ago, this criminalization continues in more recent coverage of Indigenous issues. Being aware of the continuing dominance of discourses surrounding the supposed violence, dysfunctionality, backwards-ness, and criminality of Indigenous Australians themselves and Indigenous Australian communities in the mainstream news media is important in order to highlight the ongoing issues related to such a representation, and in attempts to challenge that representation. For example, research has linked ongoing stigma such as that seen in the mainstream news media to negative physical and mental health outcomes (Nairn, Pega, McCreanor & Rankine, 2006), to negative material implications such as poverty (Micker, 1992), to the reproduction of racism which may in turn lead to persecution (Mickler, 1992; Human Rights and Equal

Opportunity Commission, 2004), and to heightened intercommunity tensions (HREOC, 2004).

Whilst the extensive representation of Indigenous Australians and crime links to a variety of *negative* outcomes for Indigenous peoples, this thesis has shown that the media frequently justified its extensive coverage of Indigenous Australians and crime by alleging that it did so in the name of justice for Indigenous Australians (as in the ‘Aurukun rape case’). However, by highlighting the frequently inflammatory and pervasively negative language used in the coverage of Indigenous issues, I would argue that in fact the mainstream news media may not fulfill this purported aim of exposing (and therefore working towards dealing with) issues of violence within Indigenous communities at all. Instead, this thesis found that the mainstream news media used such a justification as a proxy for advocating for ‘tougher’ penalties and for further white intervention into, and control over, Indigenous lives. For example, in relation to the mainstream news media coverage of the ‘Aurukun rape case’, I showed that the media (successfully) advocated for custodial sentences for the perpetrators of the rape, however I would argue that such an outcome does little to address the inadequacies of the white justice system in dealing with Indigenous offenders (Storr, 2009; Watson, 2002a), or in combating long-term inequalities such as poverty – indeed, such social, historical and cultural contexts rarely appeared with the coverage of this case. Indeed, by providing arguably sensationalist coverage with little contextual information, the media does little to work towards ‘equality’ for Indigenous Australians over long term

periods of time (and see McCallum, 2007 for further discussion of this issue). Thus this thesis contributes to debates surrounding the role of the mainstream news media in contributing to inequalities seen in broader society, and the responsibilities of the news media in relation to coverage of Indigenous affairs by highlighting the current lack of complexity and negatively stereotypical coverage which is currently seen.

In relation to the representation of asylum seekers and refugees, this research has implications for several areas of research and theory. Firstly, this thesis contributes to existing literature surrounding understandings of how claims to white sovereignty over the land are enacted in mandates for tough border security measures in relation to asylum seekers arriving by boat, and the associated ability to 'control' the population of Australia. Secondly, this thesis contributes to literature concerning how white norms and values are centered in Australia in the representation of (for example) refugees from Sudan as Other to Australia by virtue of their supposed inherent criminality and violence, and therefore their location as outside, and thus as not belonging within, the nation-state. Furthermore, and importantly, this thesis has implications for understanding how the mainstream news media covers issues concerning refugees and asylum seekers by highlighting the lack of detailed contextual information through which readers and audiences can make informed decisions and opinions. Indeed, and as this thesis has shown, the information seen in these articles regarding (for example) Africa, (and refugees from Africa), is simplified and stereotypical and does little to contribute to serious debates

concerning issues of refugees and developing countries. Similarly, the information seen in this thesis in the mainstream news media regarding asylum seekers by boat remained largely within the realm of stereotypes and discourses of fear and 'threat' and as such de-humanized refugees and asylum seekers, rendering them invisible to the white Australian nation-state unless they directly posed a 'problem' to political parties through claims to asylum. Again, these findings contribute to debates concerning the role of the media and have implications for understanding the perpetuation of the pervasive rhetoric of fear and threat surrounding refugees and asylum seekers that has continued in the lead-up to the August 2010 Federal election.

8.2.2 For the recognition of Indigenous sovereignty and refugee advocacy

In relation to ongoing efforts to recognize Indigenous sovereignty over Australian land (for example, as seen in the work of people involved in the Aboriginal Tent Embassy at Old Parliament House), this thesis has highlighted the continuing control white Australia (or in this case one specific white Australian institution: the media) attempts to exert over Australian land, and the continuing efforts of the mainstream news media to justify white sovereignty in Australia. For example, in relation to the 'gang of 49' I argued that the construction of the youths as 'lawless' represented them as *homo sacer*, and as such justified the space of exception in the form of their incarceration within the prison system. The implications of such a construction are that by representing Indigenous Australians as outside the law through their supposed

inherent criminality, the mainstream news media not only avoid discussions regarding the legality of white Australian law itself, but by positioning Indigenous Australians as *lawless*, contribute to the denial of the complex laws of Indigenous Nations. In this denial, the mainstream news media simultaneously discounts Indigenous claims to land which operate through and in conjunction with, Indigenous laws and customs (Moreton-Robinson, 2004).

Of course, Indigenous sovereignty claims were more explicitly denied or overlooked in Chapter 4 in which this thesis showed that the mainstream news media not only drew upon the negative representations of Indigenous Australians discussed previously but also positioned Indigenous claims to land (made via native title) as a threat to development, and as backwards. The implications of such representations, together with the lack of contextual information, are that the mainstream news media divorced the system of native title from its historical and cultural roots and thereby avoided discussing Indigenous rights to land altogether – instead focusing on issues of ‘economics’ and ‘progress’. Thus I would argue that claims to Indigenous sovereignty and rights over the land are rendered invisible within the mainstream news media. If, as was argued in the Chapter 3, the media may not tell us *what* to think but it does tell us what to think *about*, Indigenous sovereignty claims will remain invisible to the primarily non-indigenous readership of this form of news media, for whom white sovereignty over Australian land will continue to be uncritically reinforced and justified.

In relation to refugee advocacy, this thesis has highlighted the dominant discourses that have currency in recent mainstream news media representations of by asylum seekers arriving by boat and refugees who have been settled in Australia. In particular, the findings of this thesis have implications for the ways in which refugee advocacy may be constrained by the lack of contextual information provided about refugees and asylum seekers, which, in addition to negative stereotypes and discourses, continues to provide an image of asylum seekers and refugees as objects of threat rather than as human beings with rights.

8.3 Concluding thoughts

As mentioned in the preface to this thesis, I wrote the final sections of this dissertation just weeks before the 2010 Federal election. In this election, asylum seekers arriving by boat were once again at the forefront of political campaigns, in which parties continue to use rhetoric of fear and invasion –as seen particularly in opposition leader Tony Abbott’s promises to limit the number of boats arriving in Australia to just three per year (Narushima, 2010) and ongoing debates about the best ways to ‘stop the boats’. In this election, Indigenous Affairs were largely invisible within the two major parties despite ongoing disparities and inequalities existing between Indigenous and non-indigenous Australians. As I reflect on the findings of this thesis regarding the fact that the mainstream news media does little to challenge the *status quo* to which both major political parties adhere in relation to these groups of marginalized

people, I wonder how the news media can 'open up' marginalized discourses rather than simply reporting dominant ones. Thus, in this concluding section, I wish to examine in more detail the role of the media in general, and consider especially the role of Indigenous and community news media as one possibility for attempting to provide audiences with accounts of events and images of people that challenge dominant representations.

In relation to the role of the news media, it should be pointed out that previous media theorists have argued that the media ought to play a central role in facilitating democracy by ensuring a flow of information to the public which encourages debate and critical reflexivity (Downing & Husband, 2005; Keane, 1991). However, despite previous findings from various reports and studies, including the *National Inquiry into Racist Violence* Report (HREOC, 1991), the RCIADIC report in 1999, and the out-cry over the representation of asylum seekers and refugees following the 2001 election (see, for example, Marr and Wilkinson, 2003), it is clear from this thesis that negative, stereotypical, shallow and racist constructions of these groups of people remain prevalent in the mainstream news media. Such representations do little to inform the public of alternative viewpoints, or allow the public to engage critically with other discourses to make informed decisions. Thus I, together with other researchers, (e.g., Meadows, 2001), feel it may be naïve to suggest changes in the representation of marginalized groups from mainstream news media outlets in their traditional form. Thus in this section, I examine the implications of the findings of this thesis for alternative media forms in the hope of providing ways

in which the dominant discourses seen in this thesis can be challenged within the public arena, via these alternative media. Indeed, in relation to alternative media forms it is important to note that, as this thesis is being written, ‘niche’, independent, or community media outlets are growing exponentially in both ‘new’ media forms (such as online journalism) and traditional print media formats (Meadows, 2001; Deuze, 2006; Meadows & Molnar, 2002).

Before doing so, it is important to note that some of the previous research in the area of the mainstream media representation of marginalized groups has been directed at the differences in that representation between different newspapers. For example, McCallum (2007) found large differences in the coverage of Indigenous crime across several mainstream Australian newspapers with *The Australian* (well-known as a conservative paper) covering issues of Indigenous crime much more frequently than did other papers. In this thesis, I did not differentiate between the different newspapers in this way, as my aim was to provide an *overall* image of how the mainstream news media represents these two groups of people. This may be a limitation of this thesis as within Australian it is commonly recognized that different newspapers do provide different ideological agendas and outputs. However, it is nevertheless the case that the findings of this thesis in relation to these marginalized groups of people were seen across *all* twelve major newspapers under consideration, with coverage from one newspaper sometimes leading to similar coverage in the others – as seen in the ‘Aurukun rape case’. Indeed, it is the finding of relative homogeneity of discourses seen across all major newspapers in relation to these groups of

people that highlights the critical importance of opening up marginalized discourses from marginalized groups of people - something which community and 'niche' media outlets may be perfectly positioned to do.

The first point requiring discussion in the exploration of alternative media is the role of Indigenous media. In relation to the growing numbers of Indigenous media outlets in Australia, Meadows (2001) writes that: "Given the continuing reluctance by mainstream media to move away from its narrow perspective on Indigenous affairs, it seems highly probable that we will have to rely on the Indigenous media sector to fill the enormous information gaps. It should be a salutary lesson" (p. 205). Indeed, Meadows and Molnar (2002) outline how Indigenous media is on the rise in Australia for precisely this reason, citing Indigenous broadcasters and reporters who express dissatisfaction with the mainstream news media and seek to provide communities with news and information "their way". Budarick and King (2008) provide an example of this in their analysis of the mainstream news media representation of Redfern riots as compared to the representation seen in the *Koori Mail*. In this paper, Budarick and King (2008) argue that the *Koori Mail* was able to construct a version of the riots which actively differed from the coverage seen in the mainstream news media, and in doing so: "discursively challenged mainstream constructions of the riots by providing alternative symbolic resources with which readers could understand the riots" (p. 356). Furthermore, Budarick and King show that the *Koori Mail* reported on the riots in ways which rendered visible the cultural and historical background to Redfern, and which problematized stereotypical racial

categories that were drawn upon *unproblematically* in the two mainstream newspapers under consideration. Thus they argue, following Hall (1995), that ‘niche’ media such as the *Koori Mail* are able to actively re-appropriate mainstream or dominant discourses and repackage them to challenge dominant discourses and representations. Given the findings of this thesis regarding the conservative output of the mainstream news media and the pervasive use of dominant discourses that function to *exclude* Indigenous Australians, this thesis highlights an important role for niche or community media in challenging this conservative output, and in ‘opening up’ Indigenous voices.

In a similar vein, other forms of community, ‘ethnic’ or ‘alternative’ media have a similar role to play to that outlined in relation to Indigenous media, and have been reported to also be a fast-growing area of the media sector – again, in part due to a growing dissatisfaction with the conservative and limited output of the mainstream news media such as that seen in this thesis (Deuze. 2006). Deuze argues that such a rise indicates a shift from the *consumption* of mass media, to individually or collaboratively produced media which includes *participation* from residents, volunteers, and other groups of people who may not normally have access to the mainstream news media. Thus these ‘niche’ media forms open up access to the media to people who are not members of social elites, and in doing so extend the media theory discussed in Chapter 3 to highlight the growing importance of participation on top of the active audience approach.

Indeed, the findings in this thesis demonstrate the lack of voices of refugees, asylum seekers or Indigenous Australians appearing in the mainstream news media (despite attempts to access it, as seen especially in Chapter 5) and therefore indicate the importance of such participation in the making of the news. In relation to this, Deuze (2006) argues that such a participatory media culture “...heralds new roles for journalists as bottom-up facilitators and moderators of community-level conversations among citizens rather than functioning as top-down storytellers for an increasingly disinterested public”, and furthermore that “...journalism must re-engage with its audience as fellow citizens rather than potential customers – a role for journalism long played most effectively by any kind of ethnic, minority, community, alternative or otherwise nonmainstream (and in some instances, non-White) media” (p. 275). This thesis has demonstrated that where the mainstream news media plays the role of “top-down storyteller” there is a lack of contextual or background information provided in relation to issues pertaining to marginalized groups of people as well as a routine de-humanization and criminalization of these groups. As such, this thesis highlights a critical role for community or niche *participatory* media in representing marginalized groups of people.

And finally, in relation to the mainstream news media itself (which clearly has more ‘reach’ than do Indigenous or community media), I wish to point out that I do not feel, or wish to argue, that the mainstream news media should leave the coverage of issues pertaining to marginalized groups of people to Indigenous or other community media outlets. Instead, as mentioned at the start of this

section, I follow previous media theorists in their conceptualization of the mainstream news media as potentially playing an important role in facilitating debate within a democracy. By recognizing the relative position of privilege which the mainstream news media holds, the mainstream media could play a powerful role in challenging the dominant discourses seen in Australia regarding Indigenous affairs and issues relating to refugees and asylum seekers. However, for as long as the mainstream news media continues to represent these groups of people within negative stereotypes, to present a narrow conceptualization of 'belonging' in Australia, and to maintain and justify white Australian sovereignty through the exclusion of those with 'nothing to offer' and the denial of Indigenous sovereignty, the coloniality of power will remain.

References

- Agamben, G. (1995). We refugees. *Symposium*, 49(2), 114-119.
- Agamben, G. (1998). *Homo sacer: Sovereign power and bare life*. (trans. Daniel Heller-Roazen). Stanford, California: Stanford University Press.
- Agamben, G. (2005). *State of exception*. (trans. Kevin Attell). Chicago: The University of Chicago Press.
- Ahluwalia, P. (2001). When does a settler become a native? Citizenship and identity in a settler society. *Pretexts: Literary and Cultural Studies*, 10(1), 63-73.
- Allard, T. (2009, 2 November). Ready to risk lives and life savings. *The Sydney Morning Herald*, p. 4.
- Allen, R.L. (2004). Whiteness and critical pedagogy. *Educational Philosophy and Theory*, 36(2), 121-136.
- Allon, F. 2002. 'Boundary anxieties' *Borderlands e-journal*, 1(2). Retrieved 5 September 2008 from http://www.borderlands.net.au/vol1no2_2002/allon_boundary.html
- Altman, J. (2007). The Howard government's Northern Territory Intervention: Are neo-paternalism and Indigenous development compatible? *Centre for Aboriginal Economic Policy Research, Topic Issue 16/2007*. Retrieved 6 June, 2010, from <http://caepr.anu.edu.au/Publications/topical/2007TI16.php>

- Amnesty International USA. (2010). *Darfur History*. Retrieved 20 September, 2010, from <http://www.amnestyusa.org/darfur/darfurhistory/page.do?id=1351103>
- Anderson, B. (1983). *Imagined communities: Reflections on the origin and spread of nationalism*. London: Verso.
- Anderson, T. (2007). Fond illusions: Some reflections on Australian dependence, Pacific interventions and Indigenous land. In S. Perera (Ed.), *Our patch: Enacting Australian sovereignty post-2001* (pp. 105-118). Perth, WA: Curtin University of Technology.
- Andreas, P. (2003). Redrawing the line: Borders and security in the twenty-first century. *International Security*, 28(2), 78-111.
- "An economic vision". (2008, 23 May). *The Australian*, p. 15.
- Anti-discrimination Board of New South Wales. (2003). *Race for the headlines: Racism and media discourse*. Sydney, NSW: Anti-discrimination Board of New South Wales.
- Arendt, H. (1973). *Origins of totalitarianism*. New York: Harcourt Brace.
- Atkinson, J. (2003). A nation is not conquered. *Aboriginal Law Bulletin* 3(80), p.4-9.
- Attorney General's Department. (n.d.) *Native title reform*. Retrieved 5 May, 2010, from http://www.ag.gov.au/www/agd/agd.nsf/Page/Indigenouslawandnative_title_Native_title_Native_title_reform#inquiry

- Australian Government, Department of Immigration and Citizenship. (n.d.). *Migration program statistics*. Retrieved 20 September, 2010, from <http://www.immi.gov.au/media/statistics/statistical-info/visa-grants/migrant.htm>
- Australian Press Council. (n.d.). *Adjudication no. 1409*. Retrieved 17 September, 2010, from <http://www.presscouncil.org.au/pcsite/adj/1409.html>
- Australian Press Council. (2007). *State of the News Print Media in Australia: A Supplement to the 2006 Report*. Retrieved 20 September, 2010, from http://www.presscouncil.org.au/snpma/index_snpma2007.html
- Baird, B. (2008). Child politics, feminist analyses. *Australian Feminist Studies*, 23(57), 291-305.
- Banks, A. (2009a, 15 April). Broome title deal allows land release. *The West Australian*, p. 19.
- Banks, A. (2009b, 11 June). Big native title win in Pilbara. *The West Australian*. p. 4.
- Baudrillard, J. (2006). War porn. *Journal of Visual Culture*, 5, 86-88.
- Behrendt, L. (2007). The emergencies we had to have. In J. Altman and M. Hinkson (Eds.), *Coercive reconciliation: Stabilise, normalise, exit Aboriginal Australia*, (pp. 15 - 20). Carlton, VIC: Arena Publications.
- Bell, D. & Nelson, T.N. (1989). Speaking about rape is everyone's business. *Women's Studies International Forum*, 12(4), 403-416.

- Besteman, C. (1996). Violent politics and the politics of violence: The dissolution of the Somali nation-state. *American Ethnologist*, 23(3), 579-596.
- Betts, K. (2001). Boat people and public opinion in Australia. *People and Place*, 9(4), 34-48.
- Billig, M. (1988). The notion of "prejudice": Some rhetorical and ideological aspects. *Text*, 8, 91-110.
- Billig, M., Condor, S., Edwards, D., Gane, M., Middleton, D., & Radley, A. (1988). *Ideological dilemmas: A social psychology of everyday thinking*. London: Sage.
- Billig, M. (1991). *Ideology and opinions: Studies in rhetorical psychology*. London: Sage.
- Billig, M. (1995). *Banal nationalism*. London: Sage Press.
- Billig, M. (1999). Whose claims? Whose ordinariness? Rhetoric and ideology in conversation analysis. *Discourse and Society*, 10(4), 543-547.
- Bixler, M. *The lost boys of Sudan: An American story of the refugee experience*. Georgia: The University of Georgia Press.
- Blackman, L. & Walkerdine, V. (2001). *Mass hysteria: Critical psychology and media studies*. Hampshire: Palgrave.
- Booth, M. (2009, 10 June). Toro opts out of Warrior project. *The Advertiser*, p. 58.

- Bosworth, M., Bowling, B., & Lee, M. (2008). Globalization, ethnicity and racism: An introduction. *Theoretical Criminology*, 12, 263-273.
- Brady, W. (2007). That sovereign being: history matters. In A. Moreton Robinson (Ed.), *Sovereign subjects: Indigenous sovereignty matters* (pp. 140–154). Crows Nest: Allen & Unwin.
- Brennan, F. (2003). *Tampering with asylum*. St. Lucia, Qld: University of Queensland Press.
- Brolan, C. (2003). An analysis of the human smuggling trade and the protocol against the smuggling of migrants by land, air and sea (2000) from a refugee protection perspective. *International Journal of Refugee Law*, 14, 561-596.
- Brown, J., Miller, J. & Mitchell, J. (2006). Interrupted schooling and the acquisition of literacy: Experiences of Sudanese refugees in Victorian secondary schools. *Australian Journal of Language and Literacy*, 29(2), 150-162.
- Buchan, B. (2002). Withstanding the tide of history: The *Yorta Yorta* case and Indigenous sovereignty. *Borderlands e-journal*, 1(2). Retrieved 1 June, 2007, from http://www.borderlandsejournal.adelaide.edu.au/vol1no2_2002/buchan_yorta.html
- Budarick, J. & King, D. (2008). Framing ideology in the niche media: The Koori Mail's construction of the Redfern riots. *Journal of Sociology*, 44, 355-371.
- Bullimore, K. (1999). Media dreaming: Representation of Aboriginality in modern Australian media. *Asia Pacific Media Educator*, 6, 72-80.

- Burman, E. & Parker, I. (1993). Introduction – Discourse analysis: The turn to the text. In E. Burman and I. Parker (Eds.), *Discourse analytic research: Repertoires and readings of text in action* (pp. 1-13). London: Routledge.
- Burr, V. (1995). *An introduction to social constructionism*. London: Routledge.
- Butler, J. (2004). *Precarious life: The powers of mourning and violence*. London: Verso.
- Carrington, K. (2006). Law and order on the borders in the neo-colonial antipodes. In S. Pickering and L. Weber (Eds.), *Borders, mobility and technologies of control* (pp. 179-206). Berlin, Germany: Springer-verlag.
- Cassity, E. & Gow, G. (2005). Making up for lost time: The experiences of Southern Sudanese young refugees in high schools. *Youth Studies Australia*, 24(3), 51-55.
- Cohen, B. (1963). *The press and foreign policy*. Princeton, NJ: Princeton University Press.
- Collins, S. & Perkins, M. (2008, 5 August). Four admit to bashing Sudanese teen. *The Age*, p. 2.
- Collings, N. (1997). The Wik: A history of their 400 year struggle. *Indigenous Law Bulletin* 4(1).
- Collins, J., Noble, G., Poynting, S. & Tabar, P. (2000). *Kebabs, kids, cops and crime: Youth, ethnicity and crime*. Annandale, NSW: Pluto Press.

- Commonwealth of Australia. (2007). *The National Native Title Tribunal factsheet: What's the difference between land rights and native title?*. Retrieved 21 March, 2010, from <http://www.nntt.gov.au/Publications-And-Research/Publications/Documents/Fact%20sheets/Fact%20Sheet%20What%27s%20the%20difference%20between%20native%20title%20and%20land%20rights%20September%202007.pdf>
- Commonwealth of Australia. (2009). *The National Native Title Tribunal factsheet: Areas that can be claimed in native title applications*. Retrieved 20 March, 2010, from <http://www.nntt.gov.au/Publications-And-Research/Publications/Documents/Brochures/Areas%20that%20can%20be%20claimed%20in%20native%20title%20applications.pdf>
- Coole, C. (2002). A warm welcome? Scottish and UK media reporting of an asylum seeker murder. *Media, Culture and Society*, 24, 839-852.
- Corlett, D. (2000). Politics, symbolism and the asylum seeker issue. *University of New South Wales Law Journal*, 23, 13-32.
- Cowlishaw, G. (2000). Censoring race in 'postcolonial' anthropology. *Critique of Anthropology*, 20(2), 101-123.
- Cowlishaw, G. (2004). Racial positioning, privilege and public debate. In A. Moreton-Robinson (Ed.), *Whitening Race* (pp. 59-74). Canberra: Aboriginal Studies Press.
- Cunneen, C. (2001). *Conflict, Politics and Crime: Aboriginal People and the Police*. St. Leonards: Allen and Unwin.

- Cunneen, C. (2007). Riot, resistance and moral panic: Demonising the colonial Other. In S. Poynting and G. Morgan, (Eds.), *Outrageous! Moral Panics in Australia*, (pp. 20-29). Hobart, TAS: ACYS Publishing.
- Curthoys, A. (2006). Disputing Australian histories: Some recent Australian debates. *Transforming Cultures e-journal*, 1(1). Retrieved 7 November, 2008, from epress.lib.uts.edu.au/ojs/index.php/TfC/article/download/187/134
- Crock, M., Saul, B. & Dastyari, A. (2006). *Future Seekers II*. Annandale, NSW: The Federation Press.
- Davis, M. & Hart, C. (2007, 11 October). Family's plea to end the racism. *The Australian*, p. 3.
- Deacon, D., Fenton, N. & Bryman, A. (1999). From inception to reception: The natural history of a news item. *Media, Culture and Society*, 21, 5-31.
- Deng, A., Deng, B., Ajak, B. & Bernstein, J. (2005). They poured fire on us from the sky: The true story of three lost boys from Sudan. New York: Public Affairs.
- Deuze, M. (2006). Ethnic media, community media and participatory culture. *Journalism*, 7(3), 262-280.
- Devetak, R. (2004). In fear of refugees: The politics of border protection in Australia. *The International Journal of Human Rights*, 8(1), 101-109.
- Dodson, M. (1996). Power and cultural difference in native title mediation. *Indigenous Law Bulletin*, 3 (84), 8-18.

- Dore, C. (2007, 1 February). Probe on refugee after attack frenzy. *The Australian*, p. 4
- Downing, J. & Husband, C. (2005). *Representing race: Racism, ethnicities and the media*. London: Sage Publications.
- Dreher, T. (2010). Speaking up or being heard? Community media interventions and the politics of listening. *Media, Culture and Society*, 32, 85-103.
- Dubecki, L. (2007, 11 October). The pain of a senseless death in a safe suburb. *The Age*, p. 1.
- Dyer, R. (1997). *White*. London: Routledge.
- Elder, C., Ellis, C. & Pratt, A. (2004). Whiteness in constructions of Australian nationhood: Indigenes, immigrants and governmentality. In A. Moreton-Robinson (Ed.), *Whitening race: Essays in social and cultural criticism* (pp. 208-221). Canberra, ACT: Aboriginal Studies Press.
- Eldridge, J. (1993). News, truth and power. In J. Elridge (Ed.), *Getting the message: News, truth and power* (pp. 3-33). London: Routledge.
- Edley, N. (2001). Analysing Masculinity: Interpretive Repertoires, Ideological Dilemmas and Subject Positions. In M. Wetherell, S. Tayler, & S. Yates (Eds.), *Discourse as Data: A Guide for Analysis* (pp. 189-227). London: Sage.
- Edwards, A. (2003). Tampering with refugee protection: The case of Australia. *International Journal of Refugee Law*, 15(2), 192-211.
- Edwards, D. (1997). *Discourse and cognition*. London: Sage.

- Edwards, D. & Potter, J. (1992). *Discursive psychology*. London: Sage.
- England, C. (2009, 27 June). State ranked highly for oil and gas investment. *The Advertiser*, p. 83.
- Every, D. (2006). *The Politics of Representation: A Discursive Analysis of Refugee Advocacy in the Australian Parliament*. Unpublished PhD Thesis. The University of Adelaide.
- Every, D. & Augoustinos, M. (2008). 'Taking advantage' or fleeing persecution? Opposing accounts of asylum seekers. *Journal of Sociolinguistics*, 12, p. 648-667.
- Fair, J.E. (1993). War, famine, and poverty: Race in the construction of Africa's media image. *Journal of Communication Inquiry*, 17(5), 5-22.
- Fairclough, N. (1995). *Media discourse*. London: Edward Arnold.
- Faircheallaigh, C. (June, 2003). *Native title and agreement making: Focusing on outcomes for Indigenous people*. Paper presented at The Native Title Conference: Native Title on the Ground, Alice Springs, Australia.
- Faircheallaigh, C. (2007). Native title and mining negotiations: A seat at the table but no guarantee of success. *Indigenous Law Bulletin*. 6(26).
- Falk, P. & Martin, G. (2007). Misconstruing Indigenous sovereignty: Maintaining the fabric of Australian law. In A. Moreton-Robinson (Ed.), *Sovereign subjects* (pp.33-46). Sydney: Allen and Unwin.
- Farouque, F. (2007, 11 October). In time of strain, minister failing test of leadership. *The Age*, p. 8.

- Farouque, F. & Cooke, D. (2007). Ganging up on Africans. *The Age*, p. 3.
- Farouque, F., Petrie, A. & Miletic, D. (2007, 2 October). Minister speaks on Africans. *The Age*, p. 2.
- Fernandez, C., Gill, M., Szeman, I. & Whyte, J. (2006). Erasing the line, or, the politics of the border. *Ephemera: Theory and Politics in Organization*, 6, 466-483.
- Fiske, J. (1987). *Television culture*. New York: Methuen.
- Fitzpatrick, S. (2009a, 17 October). Hunger-strikers flag in heat. *The Australian*, p. 7
- Fitzpatrick, S. (2009b, 30 October). We are all victims, not terrorists, asylum seekers insist. *The Australian*, p. 5.
- Fitzpatrick, S. & Maley, P. (2010, 14 January). Jakarta set to force refugees off boat. *The Australian*, p. 2
- Flick, B. (1990). Colonization and Decolonization: An Aboriginal Experience. In S. Watson (Ed.). *Playing the state: Australian feminist interventions*, (pp. 61-66). London: Verso.
- Foucault, M. (2003). *Society must be defended: Lectures at the College de France 1975-1976*. Penguin: London.
- Fowler, R. (1991). *Language in the news: Discourse and ideology in the press*. London: Routledge.
- Fox, J. & Miller-Idriss, C. (2008). Everyday nationhood. *Ethnicities*, 8, 536-563.

- Frankenberg, R. (2005). Cracks in the façade: Whiteness and the construction of 9/11. *Social Identities*, 11(6), 553-571.
- Freed, J. (2008, 7 April). More to miners than Opes fiasco. *The Sydney Morning Herald*, p. 24.
- Galtung, J. & Ruge, M. (1965). The structure of foreign news: the presentation of The Congo, Cuba and Cyprus crises in four Norwegian newspapers. *Journal of International Peace Research*, 1, 64-91.
- Gardner, P.D. (2001). *Gippsland massacres: The destruction of the Kurnai tribes 1800-1860*. Victoria: Ngarak Press.
- Giannacopoulos, M. (2007). Mabo, Tampa and the non-justiciability of sovereignty. In S. Perera (Ed.), *Our patch: Enacting Australian sovereignty post-2001* (pp. 45-60). Perth, WA: Curtin University of Technology.
- Goodall, H. (1993). Constructing a riot: Television news and Aborigines. *Media Information Australia*, 68, 70-77.
- Grattan, M. (2008, 10 September). Land council narrows Kimberley gas options. *The Age*, p. 1.
- Grattan, M. (2010, July 5). Border fears 'not racist': PM. *The Age*. Retrieved 6 July 2010 from <http://www.theage.com.au/national/border-fears-not-racist-pm-20100704-zvte.html>
- Hage, G. (1998). *White nation: Fantasies of white supremacy in a multicultural society*. Annandale, NSW: Pluto Press.

- Haggis, J. (2004). Thoughts on a politics of whiteness in a (never quite post) colonial country: Abolitionism, essentialism and incommensurability. In A. Moreton-Robinson (Ed.) *Whitening race: Essays in social and cultural criticism* (pp. 48-58), Canberra, ACT: Aboriginal Studies Press.
- Hall, S. (1995). The whites of their eyes: Racist ideologies in the media. In G. Dines and J. Humez (Eds.) *Gender, race and class in the media* (pp. 18-22). Thousand Oaks, CA: Sage Publications.
- Hall, S., Critcher, C., Jefferson, T., Clarke, J., Roberts, B. (1978). *Policing the crisis: Mugging, the state, and law and order*. London: Macmillan Press.
- Hanson-Easey, S. & Augoustinos, M. (2010). Out of Africa: Accounting for refugee policy and the language of causal attribution. *Discourse and Society*, 21, 295-323.
- Hartely, J. & McKee, A. (2000). *The Indigenous public sphere: The reporting and reception of Indigenous issues in the Australian media 1994-1997*. New York: Oxford University Press.
- Hawk, B. (1992). Introduction: Metaphors of African Coverage. In B. Hawk (Ed.) *Africa's media image* (pp. 3-14). New York: Praeger.
- Haynes, A., Devereux, E., & Breen, M. (2006). Fear, framing and foreigners: The othering of immigrants in the Irish print media. *International Journal of Critical Psychology*, 16.
- Heywood, L. (2007, 18 August). African refugee quota cut over failure to integrate. *The Courier-Mail*, p. 6.

- Hinkson, Melinda. (2007). Introduction: In the name of the child. In J. Altman and M. Hinkson (Eds.), *Coercive reconciliation: Stabilise, normalize, exit Aboriginal Australia* (pp. 1 - 12). North Carlton, VIC: Arena Publications.
- Hoenig, R. (2009). Reading alien lips: Accentuating the positive? An analysis of some positive media depictions of asylum seekers. *Australian Critical Race and Whiteness Studies e-journal*, 5(1). Retrieved 6 May, 2010, from <http://www.acrawsa.org.au/ejournalFiles/Volume%205,%20Number%201,%202009/acrawsa514.pdf>
- Hollinsworth, D. (2005). 'My island home': Riot and resistance in media representations of Aboriginality. *Social Alternatives*, 24(1), 16-20.
- hooks, b. (1995). *Killing rage: Ending racism*. New York: Henry Holt and co.
- Howe, A. (2009). Addressing child sexual assault in Australian Aboriginal communities: The politics of white voice. *The Australian Feminist Law Journal* 30, 41-61.
- Huggins, J., Willmot, J., Tarrago, I., Willetts, K., Bond, L., Holt, L., Bourke, E., Bin-Sallik, M., Fowell, P., Schmider, J., Craigie, V. & McBride-Levi, L. (1991). Letter to the editor. *Women's Studies International Forum* 14(5), 506-507.
- Human Rights and Equal Opportunity Commission. (1991). *Racist violence: Report of the national inquiry into racist violence in Australia*. Canberra: AGPS.
- Human Rights and Equal Opportunity Commission. (2004). *Isma – Listen: National Consultations on Eliminating Prejudice against Arab and Muslim Australians*. Sydney: Human Rights and Equal Opportunity Commission.

- Hunter, Boyd. (2007). Conspicuous compassion and wicked problems. *Agenda*, 14 (3), 35-54.
- Hunter, E. (1990). Images of violence in Aboriginal Australia. *Aboriginal Law Bulletin*, 2, 12-14.
- Imtoul, A. 2007. 'Is Australia about being white?' Australian whiteness, national identity and Muslim women, in D Riggs (ed.) *Taking up the challenge: Critical race and Whiteness Studies in a Postcolonising Nation* (pp. 190-206). Adelaide: Crawford House Publishers.
- Inertia as impasse enters third week. (2009, 2 November). *The Australian*, p. 17.
- Jakubowicz, A., Goodall, H., Martin, J., Mitchell, T., Randall, L. & Seneviratne, K. (1994). *Racism, ethnicity and the media*. St. Leonards, NSW: Allen and Unwin.
- Jarosz, L. (1992). Constructing the dark continent: Metaphor as geographic representation of Africa. *Human Geography*, 74(2), 105-115.
- Johnson, C. (2005). Narratives of identity: Denying empathy in conservative discourses on race, class and sexuality. *Theory and Society*, 34, 37-61.
- Jonas, B. (June, 2004). *Promoting economic and social development through native title*. Paper presented at the Native Title Conference 2004: Building Relationships, Adelaide, Australia.
- Karvelas, P. & Padraic M. (2008, 22 May). Labor to overhaul native title laws. *The Australian*, p. 1.

- Keane, J. (1991). *The Media and Democracy*. Maiden, USA: Blackwell Publishers Inc.
- Kearney, S. (2009a, 28 October). 'We'd rather die than go ashore here'. *The Australian*, p. 1.
- Kearney, S. (2009b, 29 October). Hunger strike resumes. *The Australian*, p. 2.
- Kelton, G. (2009, 13 October). Put culprits behind bars for as long as we can. *The Advertiser*, p.7.
- Klocker, N. & Dunn, K. (2003). Who's driving the debate?: Newspaper and government representations of asylum seekers. *Media International Australia Incorporating Culture and Policy*, 109, 71-92.
- Koch, T. (2007a, 10 December). Arrant nonsense of a justice system that fails the innocent. *The Australian*, p. 1.
- Koch, T. (2007b, 1 December). Born of grog violence to child tragedy. *The Australian*, p. 1.
- Koch, T. & Murphy, P. (2007, 10 December). No jail for rape of girl, 10 – Judge says victim 'probably agreed to gang sex'. *The Australian*, p. 1.
- Koser, K. (2008). Why migrant smuggling pays. *International Migration*, 46(2), 3-26.
- Krasmann, S. (2007). The enemy on the border: Critique of a programme in favour of a preventive state. *Punishment and Society*, 9(3), 301–318.
- Lake returned to Aborigines. (2008, 31 March). *Herald Sun*, p. 10.

- Langton, M. (2007a). Trapped in the Aboriginal reality show. *Griffith Review*, 19. Retrieved 15 June, 2010, from <http://www.griffithreview.com/edition19/1-essay/701.html>
- Langton, M. (2007b, 30 November). It's time to stop playing politics with vulnerable lives. *The Sydney Morning Herald*, p.13.
- Lavelle, A. (2001) The Mining Industry's Campaign Against Native Title: Some Explanations. *Australian Journal of Political Science*, 36(1), 101–22.
- LeCouteur, A., Rapley, M. & Augoustinos, M. (2001). 'This very difficult debate about Wik': Stake, voice and the management of category membership in race politics. *British Journal of Social Psychology*, 40, 35-57.
- Lewis, S. (2009, 16 October). Refugee tide is at crisis point. *Daily Telegraph*, p. 2.
- Lloyd-McDonald, H. (2007, 29 September). Death finds a way: Liep Gony's family fled war in Sudan. *Herald-Sun*, p. 3.
- Lockie, S. (2000). Crisis and conflict: Shifting discourses of rural and regional Australia. In B. Pritchard and P. McManus (Eds.) *Land of discontent: The dynamics of change in rural and regional Australia*, (pp. 14-32). Kensington, VIC: UNSW Press.
- Lower, G. & Akerman, P. (2008, 14 November). Payback concerns after Sudanese death. *The Australian*, p. 5.
- Lynn, N. & Lea, S. (2003). 'A phantom menace and the new Apartheid': The social construction of asylum seekers in the United Kingdom. *Discourse and Society*, 14(4), 425-452.

- Mabo and Others v Queensland (No. 2)* (1992) 175 CLR 1.
- MacIntyre, S. (2009). *A Concise History of Australia*. (3rd ed.) New York: Cambridge University Press.
- Macken-Horarik, M. (2003). Working the borders in racist discourse: The challenge of the 'children overboard affair' in news media texts. *Social Semiotics*, 13(3), 283-303.
- Mailer, M. & Poole, L. (2010). *Joint NGO briefing paper: Rescuing the peace in Southern Sudan*. Retrieved 17 September, 2010, from <http://www.oxfam.org/en/policy/rescuing-peace-southern-sudan>
- Maley, W. (2001). Security, people-smuggling and Australia's new Afghan refugees. *Australian Journal of International Affairs*, 55, 351-370.
- Maley, P. (2009a, 15 December). Jakarta turns up heat on smugglers. *The Australian*, p. 5.
- Maley, P. (2009b, 20 October). Unions warn PM over boatpeople. *The Australian*, p. 1
- Mares, P. (2001). *Borderline*. Sydney: University of New South Wales Press.
- Marlowe, J.M. (2010). Beyond the discourse of trauma: Shifting the focus on Sudanese refugees. *Journal of Refugee Studies*, 23(2), 183-198.
- Marr, D. & Wilkinson, M. (2003). *Dark Victory*. New South Wales, Allen and Unwin.
- Marriner, C. (2007, 11 December). All Cape York sentences face audit. *The Age*, p. 3

- Masanauskas, J. (2005, 4 November). Premier backs troubled refugees. *Herald-Sun*, p. 43.
- Mbembe, A. (2003). Necropolitics. *Public Culture*, 15(1), 11-40.
- McCallum, K. (2007). Indigenous violence as mediated public crisis. In *Communications, Civics, Industry – ANZCA 2007 Conference Proceedings*. Melbourne: LaTrobe University. Retrieved 19 September, 2010, from <http://www.latrobe.edu.au/ANZCA2007/>
- McGarry, A. (2007a, 13 January). Fears of spike in gang crimes. *The Australian*, p. 5.
- McGarry, A. (2007b, 8 August). Leaders of Aboriginal youth gang 'should be jailed.' *The Australian*, p. 4
- McKenna, M. (2007, 14 December). Expand NT intervention to stop the violence: Brough. *The Australian*, p. 5
- McMaster, D. (2002). Asylum seekers and the insecurity of a nation. *Australian Journal of International Affairs*, 56, 279-290.
- Meadows, M. (2001). *Voices in the wilderness: Images of Aboriginal people in the Australian media*. Westport, USA: Greenwood Press.
- Meadows, M. (2002). Deals and victories: Newspaper coverage of native title in Australia and Canada. *Australian Journalism Review*, 22(1), 81-105.
- Meadows, M. (2004). Media images of Indigenous affairs in the Australian media. In J. Leigh and E. Loo (Eds.), *Outer Limits: a reader in communication across cultures* (pp.). Melbourne, VIC: Language Australia.

- Meadows, M. & Molnar, H. (2002). Bridging the gaps: Towards a history of Indigenous media in Australia. *Media History*, 8, 9-20.
- Medew, J. (2007, 4 October). Gony accused to get mental illness review. *The Age*, p. 4.
- Mickler, S. (1992). Visions of Disorder: Aboriginal People and Youth Crime Reporting. *Cultural Studies*, 6(3), 322-336.
- Mickler, S. and McHoul, A. (1998). Sourcing the Wave: Crime Reporting, Aboriginal Youth and the Perth Press, Feb. 1991 to Jan. 1992. *Media International Australia*, 86, 122-152.
- Milne, G. (2009, 25 October). New drama as refugees refuse food. *Northern Territory News*, p. 18.
- Milnes, M. (2007a, 3 October). Gang of 49: Five people assaulted and cars stolen. Coward's crime spree. *The Advertiser*, p. 7.
- Milnes, M. (2007b, 11 October). Lock the gangs up, says police chief. *The Advertiser*, p. 6.
- Moreton-Robinson, A. (1998). Witnessing whiteness in the wake of Wik. *Social Alternatives*, 17(2), 11-14.
- Moreton-Robinson, A. (2000). *Talkin' up to the white woman: Indigenous women and feminism*. St. Lucia, Qld: University of Queensland Press.
- Moreton-Robinson, A. (2003). I still call Australia home: Indigenous belonging and place in an Indigenous postcolonizing society. In S. Ahmed, C. Castaneda, A. Fortier & M. Sheller (Eds.), *Uprootings/regroundings: Questions of home and migration* (pp. 23-40). Oxford: Berg.

- Moreton-Robinson, A. (2004a). Whiteness, epistemology and Indigenous representation. In A. Moreton-Robinson (Ed.) *Whitening race: Essays in social and cultural criticism* (pp. 75-88). Canberra, ACT: Aboriginal Studies Press.
- Moreton-Robinson, A. (2004b). The possessive logic of patriarchal white sovereignty: The high court and the Yorta Yorta decision. *Borderlands e-Journal*, 3(2), Retrieved 20 June, 2008, from http://www.borderlands.net.au/vol3no2_2004/moreton_possessive.htm
- Moreton-Robinson, A. (Ed.) (2007). *Sovereign subjects: Indigenous sovereignty matters*. Crows Nest, NSW: Allen and Unwin.
- Morris, B. (2005). A crisis in identity: Aborigines, media, the law and politics – Civil disturbance in an Australian town. *Critique of Anthropology*, 25(1), 59-85.
- Morrice, L. (2007). Lifelong learning and the social integration of refugees in the UK: The significance of social capital. *International Journal of Lifelong Education*, 26 (2), 155-172.
- Moss, I. (1991). Report of the National Inquiry into Racist Violence. *Aboriginal Law Bulletin*, 16. Retrieved 9 September, 2010, from <http://www.austlii.edu.au/au/journals/AboriginalLB/1991/16.html>
- Nairn, R., Pega, F., McCreanor, T. & Rankine, J. (2006). Media, racism and public health psychology. *Journal of Health Psychology*, 11(2), 183-196.
- Narushima, Y. (2009, 24 October). Labor charged with mistreating boat people. *The Sydney Morning Herald*, p. 1

- Narushima, Y. (2010, 21 August). Abbott to stop all but three boats. *The Sydney Morning Herald*. Retrieved 20 September, 2010, from <http://www.smh.com.au/federal-election/abbott-to-stop-all-but-three-boats-20100820-138yg.html>
- National Native Title Tribunal. (2010). *The Yawuru People's Native Title Journey*. Retrived 5 April, 2010, from <http://www.nntt.gov.au/News-and-Communications/Newsletters/Talking-Native-Title/Pages/TheYawuruPeople'snativetitlejourney.aspx>
- National Native Title Tribunal. (n.d.). *Exactly What is Native Title?*. Retrieved 29 July, 2008, from <http://www.nntt.gov.au/What-Is-Native-Title/Pages/What-is-Native-Title.aspx>
- New South Wales Aboriginal Child Sexual Assault Taskforce. (2006). *Breaking the silence: creating the future: addressing child sexual assault in Aboriginal communities in NSW*. Sydney, NSW: Attorney General's Department.
- Nicolapoulos, T. & Vassilacopoulos, V. (2004). Racism, foreigner communities and the onto-pathology of white Australian sovereignty. In A. Moreton-Robinson (Ed.) *Whitening race: Essays in social and cultural criticism* (pp. 32-47), Canberra, ACT: Aboriginal Studies Press.
- Nicoll, F. (2002). Defacing *Terra Nullius* and facing the public secret of Indigenous sovereignty in Australia. *Borderlands e-journal*, 1(2). Retrieved 1 June, 2007, from http://www.borderlandsejournal.adelaide.edu.au/vol1no2_2002/nicoll_defacing.html

- Nicoll, F. (2004). Reconciliation in and out of Perspective: White knowing, seeing, curating and being at home in and against Indigenous sovereignty. In Moreton-Robinson, Aileen (Ed.), *Whitening race: Essays in social and cultural criticism* (pp. 17-31). Canberra: Aboriginal Studies Press.
- Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. (2007). *Ampe Akelyernemane Meke Mekarle - Little Children are Sacred*. Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. Darwin, NT: Northern Territory Government.
- Oakes, D. (2007, 11 October). Community's anger spills over. *The Age*, p. 1
- O'Doherty, K. & Augoustinos, M. (2008). Protecting the nation: Nationalist rhetoric on asylum seekers and the *Tampa*. *Journal of Community and Applied Social Psychology*, 18, 576-792.
- O'Doherty, K. & LeCouteur, A. (2007). 'Asylum seekers', 'boat people' and 'illegal immigrants': Social categorization in the media. *Australian Journal of Psychology*, 59, 1-12.
- Osuri, G. (2006). Media necropower: Australian media reception and the somatechnics of Mamdouh Habib. *Borderlands e-journal*, 5(1). Retrieved 4 June, 2008, from http://www.borderlands.net.au/vol5no1_2006/osuri_necropower.htm
- Osuri, G., & Banerjee, S. B. (2004). White diasporas: Media representations of September 11 and the unbearable whiteness of being in Australia. *Social Semiotics*, 14(2), 151-171.

- Owen, M. (2009, 14 October). Rann backs A-G on thugs spreading fear. *The Australian*, p. 7
- Parker, I. (1992). *Discourse Dynamics: Critical Analysis for Social and Individual Psychology*. London and New York: Routledge.
- Parker, I. & Shotter, J. (Eds.) (1990). *Deconstructing Social Psychology*. London and New York: Routledge.
- Parliament of Australia. (2010). *Boat arrivals in Australia since 1976*. Retrieved 17 September, 2010, from http://www.aph.gov.au/library/pubs/bn/sp/BoatArrivals.htm#_Toc233686296
- Pennells, S. (2009, 2 November). Sri Lankans threaten self-harm in stand-off. *The West Australian*, p. 4
- Perera, S., & Pugliese, J. (1997). 'Racial suicide': the re-licensing of racism in Australia. *Race and Class*, 39(2), 1-19.
- Perera, S. (2002). What is a camp...? *Borderlands e-journal*, 1(1). Retrieved 26 April, 2007, from http://www.borderlandsejournal.adelaide.edu.au/vol1no1_2002/perera_camp.html
- Perera, S. (2003). The impossible refugee of western desire. *Lines Magazine*, 2(3). Retrieved April 26, 2007, from http://www.lines-magazine.org/Art_Nov03/suvendrini_afghangirl.htm.

- Perera, S. (2005). Who will I become? The multiple formations of Australian whiteness. *Australian Critical Race and Whiteness Studies Association e-journal*, 1, 30-39. Retrieved 9 April 2007 from <http://www.acrawsa.org.au/ejournalFiles/Volume%201,%20Number%201,%202005/SuvendriniPerera.pdf>
- Perera, S. (2006). 'They give evidence': Bodies, borders and the disappeared. *Social Identities*, 16, 637-656.
- Perera, S. (2007). Acting sovereign. In S. Perera (Ed.), *Our Patch: Enacting Australian Sovereignty Post-2001* (pp. 1-22). Perth: Curtin University of Technology.
- Perkins, M. (2004). Australian mixed race. *European Journal of Cultural Studies*, 7(2), 177-199.
- Pickering, S. (2001). Commonsense and original deviancy: News discourses and asylum seekers in Australia. *Journal of Refugee Studies*, 14(2), 170-186.
- Pickering, S. (2004). Border terror: Policing, forced migration and terrorism. *Global Change, Peace and Security*, 16, 211-226.
- Pilcher, G. (2008, 4 September). Son 'told dad of attack': Pair face murder trial over bashing. *Herald Sun*, p. 20.
- Philpott, S. (2002). Protecting the borderline and minding the bottom line: Asylum seekers and politics in contemporary Australia. *Refuge*, 20(4), 63-75.
- Philo, G. (2002). Television news and audience understanding of war, conflict and disaster. *Journalism Studies*, 3, 173-186.

- Plater, D. (1992). Guidelines to reporting Aboriginal affairs. In K. Eggerking & D. Plater (Eds.) *Signposts: A guide to reporting Aboriginal, Torres Strait Islander and ethnic affairs* (pp. 32-37). University of Technology, Sydney: Australian Centre for Independent Journalism.
- Pomerantz, M. (1986). Extreme case formulations: A way of legitimizing claims. *Human Studies*, 9, 219-229.
- Poole, E. (2002). *Reporting Islam: Media representations of British Muslims*. New York: Palgrave.
- Potter, J. & Wetherell, M. (1987). *Discourse and social psychology: Beyond attitudes and behaviour*. London: Sage.
- Probyn, F. (2003). The white father: Denial, paternalism and community. *Cultural Studies Review*, 9(1), 59-76.
- Probyn, A. & Butterly, N. (2009, 20 October). Indonesia to take 78 boat people. *The West Australian*, p. 4
- Pugh, M. (2004). Drowning not waving: Boat people and humanitarianism at sea. *Journal of Refugee Studies*, 17, 50-69.
- Pugliese, J. (2003). The locus of the non: the racial fault-line "of Middle-Eastern appearance". *Borderlands e-journal*, 2(3). Retrieved 26 April, 2007, from http://www.borderlandsejournal.adelaide.edu.au/vol2no3_2003/pugliese_non.htm

- Pugliese, J. (2007). Geocorpographies of Torture. *Australian Critical Race and Whiteness Studies Association e-journal*, 3(1). Retrieved 25 March 2009 from <http://www.acrawsa.org.au/ejournalFiles/Volume%203,%20Number%201,%202007/JosephPugliese.pdf>
- Qld child sex case must be reopened. (2007, 10 December). *The Australian*, p. 19.
- Rajaram, P. & Grundy-Warr, C. (2004). The irregular migrant as *homo sacer*: Migration and detention in Australia, Malaysia and Thailand. *International Migration*, 42(1), 33-64.
- Rankine J. & McCreanor, T. (2004). Colonial coverage: Media reporting of a bicultural health research partnership. *Journalism*, 5, 5-29.
- Riches, S., James, C. & Henderson, N. (2007, 10 January). Inside the gang terrorizing our suburbs: Death, theft, raids. *The Advertiser*, p. 1.
- Riggs, D.W. (2003). Repressing a privileged location: Exploring the uncanniness of white belonging in Australia. *Analysis*, 12, 97-112.
- Riggs, D.W. (2004a). Understanding history as a rhetorical strategy: Constructions of truth and objectivity in debates over Windschuttle's *Fabrication*. *Journal of Australia Studies*, 82, 37-49.
- Riggs, D.W. (2004b). Constructing the national good: Howard and rhetoric of benevolence. In *Australasian Political Studies Association Conference Proceedings*. Adelaide: The University of Adelaide.
- Riggs, D.W. (2005). *Benevolence, belonging and the repression of white violence*. Unpublished PhD Thesis, The University of Adelaide.

- Riggs, D. W. (2006a). Benevolence and the management of stake: On being 'good white people'. *Philament: A Journal of Arts and Culture*, 4. Accessed 17 March, 2008, from <http://sydney.edu.au/arts/publications/philament/>
- Riggs, D.W. (2006b). 'Proving the case': Psychology, subjectivity and representations of lesbian and gay parents in the media. In L. Castañeda & S. Campbell (Eds.) *News and News and sexuality: Media portraits of diversity* (pp. 235-256). London: Sage.
- Riggs, D.W. (2010). Angels and saints: The rhetorical effects of lay understandings of foster care upon carers. In J. Jaworski (Ed.) *Advances in Sociology Research Volume 8* (Chapter 13, pp. 1-13). New York: Nova Science.
- Riggs, D.W. & Augoustinos, M. (2004). Projecting threat: Managing subjective investments in whiteness. *Psychoanalysis, Culture and Society*, 9, 219-236.
- Riggs, D.W. & Augoustinos, M. (2005). The psychic life of colonial power: Racialized subjectivities, bodies, and methods. *Journal of Community and Applied Social Psychology*, 15, 461-477.
- Reynolds, H. (2007). *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion in Australia* (Rev. ed). Sydney: University of New South Wales Press.
- Roberts, B. (2007, 31 January). Rapist refugee gets 17 years Cut elderly woman's throat. *Herald Sun*, p. 5
- Robertson, B. (1999). *Aboriginal and Torres Strait Islander Women's Taskforce on Violence Report*. Brisbane: Queensland Government.

- Robins, M.B. (2003). 'Lost boys' and the promised land: U.S. newspaper coverage of Sudanese refugees. *Journalism*, 4(1), 29-49.
- Robinson, R. (2007, 6 October). Putting a face to the refugee row. *Herald Sun*, p. 24.
- Rodgers, E. (2009, 17 April). Rudd wants people smugglers to 'rot in hell'. *ABC News*. Retrieved 17 May, 2010, from <http://www.abc.net.au/news/stories/2009/04/17/2545748.htm>
- Rowley, C. (1970). *The Destruction of Aboriginal Society*. Canberra: Australian National University Press.
- Royal Commission into Aboriginal Deaths in Custody. (1991). *Final Report*. Canberra: AGPS.
- Roy Morgan Research. (2010). *64% of Australians want Asylum Seekers arriving by Boat to be Returned and Told to Apply through Normal Refugee Channels*. Retrieved 10 September, 2010, from <http://www.roymorgan.com/news/polls/2010/4536/>
- Rudd needs to prepare for next boat. (2009, 31 October). *The Courier-Mail*, p. 21
- Said, E. (1978). *Orientalism*. New York: Pantheon Books.
- Saxton, A. (2003). 'I certainly don't want people like that here': The discursive construction of 'asylum seekers'. *Media International Australia Incorporating Culture and Policy*, 109, 109-120.
- Saxton, A. (2004). Whiteness and reconciliation: A discursive analysis.

Australian Psychologist, 39, 14-23.

Saxton, A. (2006). 'Racism ain't got nothing to do with it': Advocating exclusion Or inclusion of asylum seekers in 'letters to the editor'. *Critical Psychology*, 18, 34-56.

Schegloff, E.A. (1998). Reply to Wetherell. *Discourse and Society*, 9(3), 413-416.

Schlunke, K. 2002. Sovereign hospitalities? *Borderlands e-journal*, 1(2).

Retrieved 7 June, 2009, from

<http://epress.lib.uts.edu.au/research/bitstream/handle/10453/1554/2005004319.pdf?sequence=1>

Sercombe, H. (1995). The face of the criminal is Aboriginal. *Journal of Australian Studies*, 19(43), 76-94.

Short, D. (2003). Reconciliation, assimilation, and the Indigenous peoples of Australia. *International Political Science Review*, 24, p. 491-513.

Short, D. (2007). The social construction of Indigenous 'native title' land rights in Australia. *Current Sociology*, 55, 857-876.

Sidhu, R. & Christie, P. (2002). Sticks and stones will break my bones – And words will harm too: Australia's provision of education for asylum seeker children in detention. *Social Alternatives*, 21(4), 10-16.

Simmons, K. & LeCouteur, A. (2008). Modern racism in the media: Constructions of the 'possibilities of change' in accounts of two Australian 'riots'. *Discourse and Society*, 19, 667-687.

- Slater, L. (2008). 'Aurukun, we're happy, strong people': Aurukun kids projecting life into bad headlines. *Borderlands e-journal* 7(2). Retrieved 19 August, 2009, from http://www.borderlands.net.au/vol7no2_2008/slater_aurukun.htm
- Smiles, S. (2008, 26 August). Movement on native title claim to Wilson's Prom. *The Age*, p. 5
- Stanner, W. (1969). *After the dreaming*. Sydney: Australian Broadcasting Corporation.
- Stratton, J. (2007). Dying to come to Australia: Asylum seekers, tourists and death. In S. Perera (Ed.), *Our patch: Enacting Australian sovereignty post-2001* (pp. 167-196). Perth: Curtin.
- Stratton, J. (2009). Uncertain lives: Migration, the border and neoliberalism in Australia. *Social Identities*, 15, 677-692.
- "Streitberg's Buru heads to market as floats caned". (2008, 1 September). *The West Australian*, p. 36.
- Stringer, R. (2007). A nightmare of the neo-colonial kind: Politics of suffering in Howard's Northern Territory Intervention. *Borderlands e-journal* 6(2). Retrieved 19 August, 2008, from http://www.borderlands.net.au/vol6no2_2007/stringer_intervention.htm
- Storr, C. (2009). The Aurukun rape case, Indigenous sentencing and the normalisation of disadvantage. *Australian Indigenous Law Review* 13 (1), 107-113.

- Szuchewczyk, B. (2000). Re-pressing racism: The denial of racism in the Canadian press. *Canadian Journal of Communication*, 25, 497-515.
- Tascón, S. (2004). Refugees and the colonality of power: Border-crossers of postcolonial whiteness. In A. Moreton-Robinson (Ed.), *Whitening race: Essays in social and cultural criticism* (pp. 239-253). Canberra, ACT: Aboriginal Studies Press.
- Tillett, A. (2008, 10 September). Aboriginal tick for four potential gas hub sites. *The West Australian*, p. 4.
- Tillett, A. (2010, 2 January). Boat arrivals hit 8-year high. *The West Australian*, p. 12.
- Topsfield, J. (2007, 2 October). Behind the scenes on Sudanese refugees. *The Age*, p. 2.
- Tucker, V. (1999). The myth of development: A critique of Eurocentric discourse. In R. Munck and D. O'Hearn (Eds.) *Critical development theory: Contributions to a new paradigm*, (pp. 1-26). New York: Zed Books.
- van Dijk, T.A. (1988). *News as discourse*. Hillside, NJ: Erlbaum.
- van Dijk (1993a). Principles of critical discourse analysis. *Discourse and Society*, 4, 249-283.
- van Dijk, T. (1993b). Denying racism: Elite discourse and racism. In J. Solomos & J. Wrench (Eds.) *Racism and migration in Western Europe* (pp. 179-193). Oxford: Berg.

- van Dijk, T.A. (2001). *Discourse and Communication: New Approaches to the Analysis of Mass Media*. New York: De Gruyter.
- Van Houtum, H. & Van Naerssen, T. (2002). Bordering, ordering and othering. *Tijdschrift voor Economische en Sociale Geografie*, 93, 125-136.
- van Onselen, P. (2010, 3 April). Who's afraid of 4500 boat people? *The Australian*.
- Viellaris, R. (2009a, 27 October). Sri Lankans face detention centre lock-up. *The Courier-Mail*, p. 7
- Viellaris, R. (2009b, 29 October). Hopefuls in limbo refuse to co-operate- Facing a forceful exit. *The Courier-Mail*, p. 4
- Veness, P. (2010, 14 January). Tamil security scrap. *Northern Territory News*, p. 14
- Wadiwel, D. (2007). 'A particularly governmental form of warfare': Palm Island and Australian sovereignty. In S. Perera (Ed.), *Our Patch: Enacting Australian sovereignty post-2001* (pp. 149-166). Perth, WA: Curtin.
- Wadjularbinna. (2002). A Gungalidda grassroots perspective on refugees and the recent events in the US. *Borderlands e-journal*, 1(1). Retrieved 12 September 2009 from http://www.borderlands.net.au/vol1no1_2002/wadjularbinna.html
- Walters, W. (2006). Border/control. *European Journal of Social Theory*, 9(2), 187-203.
- Watson, I. (2002a). Buried alive. *Law and Critique*, 13, 253-269.

- Watson, I. (2002b). Aboriginal laws and the sovereignty of *terra nullius*. *Borderlands e-journal*, 1(2). Retrieved 6 February, 2008, from http://www.borderlands.net.au/vol1no2_2002/watson_laws.html
- Watson, I. (2005). Illusionists and hunters: Being Aboriginal in this occupied space. *Australian Feminist Law Journal*, 22, 15-28.
- Watson, I. (2007). Aboriginal sovereignties: Past, present and future (im)possibilities. In S. Perera (Ed.), *Our patch: Enacting Australian sovereignty post-2001* (pp. 23-44). Perth: Curtin University of Technology.
- Watson, M. (2009). Of course it wouldn't be done in Dickson! Why Howard's battlers disengaged from the Northern Territory Emergency Response. *Borderlands e-journal*, 8(1). Retrieved 26 June, 2010, from http://www.borderlands.net.au/vol8no1_2009/nwatson_dickson.htm
- Watts, B. (2007, 4 October). Refugees take stand on 'racism' – Immigration backlash. *Daily Telegraph*, p. 13.
- Wetherell, M. (1998). Positioning and interpretive repertoires: Conversation analysis and post-structuralism in dialogue. *Discourse and Society*, 9(3), 387-412.
- Wetherell, M. & Edley, N. (1999). Negotiating hegemonic masculinity: Imaginary positions and psycho-discursive practices. *Feminism and Psychology*, 9(3), 335-356.
- Wetherell, M. & Potter, J. (1992). *Mapping the language of racism: Discourse and the legitimization of exploitation*. New York: Columbia University Press.

- White, P.R.R. (2006). Evaluative standpoints and ideological positioning in journalistic discourse: A new framework for analysis. In I. Lassen, J. Strunck and T. Vestergaard (Eds.), *Mediating Ideology in Text and Image*, (pp. 37-69). Amsterdam: John Benjamins Publishing Co.
- Williams, J. (2008). Confessions of a native title judge: Reflections on the role of transitional justice in the transformation of Indigeneity. *Land, rights, laws: Issues of native title* 3. Retrieved 20 July, 2008, from http://ntru.aiatsis.gov.au/publications/issue_papers.html
- Wilson, D. & Weber, L. (2008). Surveillance, risk and preemption on the Australian border. *Surveillance and Society*, 5(2), 124-141.
- Windle, J. (2008). The racialization of African youth in Australia. *Social Identities*, 14(5), 553-566.
- Wockner, C. (2010, 27 February). Missing the boat. *The Courier-Mail*, p. 74.
- Wodak, R. (1996). *Disorders of discourse*. London: Longman.
- Wodak, R. (2001). What critical discourse is all about. In R. Wodak and M. Meyer (Eds.), *Methods of critical discourse analysis* (pp-1-14). London: Sage.

Appendices

Appendix 1: News articles from Chapter 4

Appendix 2: News articles from Chapter 5

Appendix 3: News articles from Chapter 6

Appendix 4: News articles from Chapter 7

NOTE:

Appendices 1 - 4 are included in the print copy of the thesis held in the University of Adelaide Library.