

**DEFENDING THE INDEFENSIBLE? THE USE OF ARGUMENTATION,
LEGITIMATION, AND OTHERING IN DEBATES ON REFUGEES IN THE
CANADIAN HOUSE OF COMMONS, 2010-2012**

by

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Abstract

The goal of this thesis is to investigate language use among elite parliamentarians in debates related to refugee asylum. It challenges the non-political “taken for granted” notions that many parliamentarians employ in their speeches and, using Critical Discourse Analysis, seeks to understand how argumentation, legitimation, and Othering strategies are used to support and reinforce their positions. While the Conservative government contends that Bill C-11: *The Balanced Refugee Reform Act* and Bill C-31: *Protecting Canada’s Immigration System Act* are aimed at refugee reform and designed to target “criminal middlemen,” I argue that their approach is actually aimed at restricting refugee asylum, despite the fact that it is an internationally recognized treaty right. To augment my efforts, I frame my analysis around the work of two key theorists: Antonio Gramsci and Zygmunt Bauman.

The Gramscian model of cultural hegemony informs my thesis in at least two key ways: first, I argue that language use (specifically, the negative portrayal of asylum seekers) is manipulated for the sole purpose of presenting refugee claimants as criminals; second, by criminalizing certain groups, the Conservative government is able to put forward a particular worldview that portrays certain types of refugees as legitimate, and therefore deserving of protection. I contend, however, that cultural hegemony is insufficient to explain how the Conservatives are able to propagate this worldview given that cultural hegemony is primarily driven by ideology. While contemporary Canadian political ideologies differ significantly, opposition parties nonetheless unintentionally reproduce a Conservative worldview regarding asylum seekers. In its place, I argue that

banal hegemony helps to explain this discrepancy. Bauman's discussion of mobility is relevant given that I assess how asylum seekers are framed as illegals whose ability to seek asylum is restrained. Restricting or controlling mobility is central to the Conservative defense precisely because those who cannot arrive in Canada are unable to make an asylum claim. In fact, over the past few years, there has been a movement to "push the border out."

I conclude that the Conservative defense is not only fallacious, untenable, and prejudicial but designed to portray asylum seekers as criminals, fraudsters, and security threats. This thesis adds to the extant literature on Critical Discourse Analysis from a Canadian parliamentary perspective and describes how politics is constituted by, and through, language. Moreover, it offers a sociological understanding of how parliamentary debates help to produce and reproduce social inequality and prejudice.

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Chapter One: Introduction

In our time, political speech and writing are largely the defense of the indefensible. Things like the continuance of British rule in India, the Russian purges and deportations, the dropping of atom bombs on Japan, can indeed be defended, but only by arguments which are too brutal for most people to face, and which do not square with the professed aims of political parties. Thus political language has to consist largely of euphemism, question-begging and sheer cloudy vagueness.

– George Orwell, *A Collection of Essays*

Introduction

As George Orwell pointed out over 60 years ago in *Politics and the English Language* ([1946] 1981), political speeches are about “defending the indefensible.” In politics, difficult policy decisions invariably have to be made but it does not necessarily follow that those decisions represent the correct and proper course of action. In fact, it is certainly not true, as former British Prime Minister Margaret Thatcher once opined, that “there is no alternative.”¹ There is always an alternative. Still, many decisions have been made by governments that its citizens failed to question in Canada (or worse, agreed with) – for example, the decision of the Mackenzie King government not to accept Jewish refugees prior to, and during, the Second World War is but one example. In explaining why Canada refused these refugees, Irving Abella (1985, 14) argues that the blame rests solely with the political motives of the then prime minister: “Mackenzie King, the best politician Canada ever had, knew very well that if there were votes to be won in allowing in Jews, he would have allowed them in. But he knew there were not, so he did not.” The decision to reject those Jewish refugees aboard the *MS St. Louis* in 1939 was politically

¹ Thatcher, Margaret. “Press Conference for American Correspondents in London,” press conference, June 25, 1980, <http://www.margaretthatcher.org/Speeches/displaydocument.asp?docid=104389&doctype=1>.

convenient – humanitarianism, the backbone of late twentieth-century Canadian refugee policy, was, at that time, a distant consideration.² Nearly 75 years after denying entry to the *MS St. Louis*, Canadian politicians are still defending the indefensible. The title of this thesis is meant to re-focus attention on this fact by analysing debates on legislation directed toward contemporary asylum seekers – much like King’s government, the current Conservative government is well aware that there is greater electoral benefit in rejecting asylum seekers than in accepting them.

In this chapter, I introduce the idea that politics can exist as both talk and text, though my emphasis is clearly on text rather than talk. I also outline the research questions, the rationale for undertaking this important study as well as a brief overview of the legislative process in Canada. Since political talk and text is influenced by social and political events, I also discuss key issues that I feel will help to frame my analysis and to provide the reader with the necessary background information to help explain the positions taken by the Conservative, Liberal, and New Democratic Parties during the debates on Bill C-11: *The Balanced Refugee Reform Act* and on Bill C-31: *Protecting Canada’s Immigration System Act*.

I offer a rationale for using the case study approach, arguing that this particular methodology is an excellent way to present a concrete and detailed account of how elite parliamentarians use argumentation, legitimation, and othering strategies in their debates

²The *MS St. Louis* was a Hamburg-American ocean liner most notable for a single voyage in late May 1939 with 907 German Jewish refugees aboard. Denied entry by Cuba, the United States and Canada, the ship was forced to return to Europe, where 254 of its passengers died in concentration camps.

on refugee reform. I conclude the chapter by providing a review of the limitations of my research as well as a synopsis of the remaining chapters.

Politics as Talk and Text

There is little doubt that the analysis of political speeches given in the Canadian House of Commons can play an important role in better understanding politics as talk and text. These speeches (as recorded by *Hansard*) generally reflect the perspective of the party and are often used by various groups (e.g., media, political parties, interest groups, etc.) to sustain a particular view or argument. But why is it worthwhile for an academic sociologist to approach politics as talk and text? What possibilities for insight and understanding can be gleaned by using such a perspective?

The concept of politics as talk and text traces its origins to Plato, who feared the fictive power of language in an ideal state. Indeed, the whole classical tradition of rhetoric is imbued with concerns over the relationship between persuasion, truth, and morality – and an overall deep suspicion of the power of language (Chilton and Schäffner 2002, 1). Furthermore, Dorothy Smith (1999, 73), in writing about the intersection between social and power relations, argues that such relations are mediated by print and electronic texts (though perhaps referencing the news media, her assessment can be extended to political speeches as recorded by *Hansard*). Both Plato and Smith’s observations nonetheless suggest that political discourse and social relations cannot be divorced from one another and that the “doing of politics *within* society” is predominately constituted by, and in, language.

There is, however, an important caveat in relation to the discursive study of political speeches. Chilton and Schäffner (2002, 5) note that politics can be viewed as a struggle for power and that this struggle can be assessed at the micro (i.e., everyday) or the macro (i.e., institutional) level. On this point, the micro level is concerned with everyday conflicts – e.g., those between workers and managers; men and women; or teacher and student. These types of power relations, however, are not my concern. Rather, my interest is at the institutional level, which is concerned more with parliamentary debates, party conference speeches, media interviews, and the like. Since institutional politics tends to be generally linked to ideology, then the objects of study for political discourse analysis (in this case parliamentary speeches) can be easily assessed (Chilton and Schäffner 2002, 6).

The key point to note about politics as *text* reflects the fact that *Hansard* is concerned with conceptual accuracy rather than on the momentary realities of political interaction, i.e., politics as *talk*. In other words, political speeches exist – at the same time – as both talk and text. Whereas “talk” represents the unmitigated speech act complete with errors, pauses, interruptions, misspeaks, etc., “text” however represents the mitigated speech, which may have undergone, what Chilton (2004, 95) terms, “discourse repair.” While the text may not always reflect the “talk,” this does not necessarily impugn the validity of the “text.” Since my ultimate aim is to help to contribute to a better understanding of the structure and functioning of Canadian political discourse, throughout this thesis the speeches will be referred to as “text and talk” to remind readers that they are essentially the same.

Rationale for the Study

Since much research on everyday politics has already been done on media discourse (both domestic and abroad), this study focuses on institutional discourse. Within this narrower framework, my thesis focuses on parliamentary debates, and more specifically, speeches by political elites (i.e., Cabinet Ministers and opposition critics).³ Research on this form of political discursive interaction has only begun to increase despite its fundamental role in policymaking and legislation. As there is a paucity of research using Critical Discourse Analysis [CDA] to study Canadian parliamentary debates, this thesis helps to address an important research gap by analysing six key sponsor and responder speeches on refugee reform by five Canadian elite parliamentary spokespersons.

This thesis is particularly notable for two key reasons: first, both sets of speeches address the same topic (refugee reform) within a relatively short time span (less than two years between them); and second, the same topic is debated during a minority and majority parliament. Given the similarity of the topics, I argue that I am able to effectively assess how argumentation, legitimation, and Othering strategies differ between these types of parliaments. The key goals of this thesis, then, are fourfold: to determine how the multicultural “Other” influences the development of Conservative discourse on asylum seekers; to examine the role that Conservative parliamentarians play

³ For the purposes of this thesis, parliamentary/political elites are defined as members of the House of Commons who, in this case, have been deemed by their parliamentary leader as the point person to represent a specific portfolio, e.g., immigration. This follows from van Dijk’s (1993, 44-5) characterization of elites as those individuals “in Western societies [who] are leading politicians in government, parliament, and political parties ... Their major activities are usually newsworthy for the news media; they are known to a large public or to specific gatekeepers of mass media and other institutions; and their opinions, even when not always agreed with, are taken seriously.”

in the transmission of prejudice; to assess the production and reproduction of specific discourses regarding asylum seekers; and to evaluate how the works of Gramsci and Bauman are useful lenses for understanding Conservative discourse on asylum seekers. To achieve these goals, I utilize Critical Discourse Analysis to assess how argumentation, legitimation, and Othering strategies influence these speeches as well as how these strategies differ between a minority and majority parliament.

Among the many genres of political speech (e.g., party pamphlets, parliamentary websites, news reports, media interviews, etc.), I chose parliamentary debates because they represent democratic discussion, decision making, and power. Parliament is the site where immigration and refugee policies are discussed and legitimated, and the legislation adopted vitally influences the lives of migrants, both inside and outside, Canada's borders. Since parliamentary debates feature opinions based on different ideologies, and thus are formulated against the background of varying interests, as elected representatives, MPs represent "the voice" of their constituents on policy matters, including those relating to immigration and refugee affairs (van Dijk 2000a, 13). Hence, it is important to understand the social and political relations under which these debates occur.

Van Dijk (2000a) also makes a key point regarding the influence of elites on minorities. When elite groups engage in discrimination against immigrants or refugees, the consequences can be considerable: for example, they will be denied entry into the country, they will be denied employment, or they will be denied adequate housing. Under the adopted Canadian legislation, the outcomes are perhaps more overt: asylum seekers will be denied health care, income support, or Permanent Resident status for five years

(even if they have been found to be a Convention refugee). As such, the role leading Canadian parliamentarians' play is crucial since their words (and actions) no doubt influence whether asylum seekers can access material or symbolic resources in Canadian society (van Dijk 2000a, 16). Assessing statements made by parliamentarians is important precisely because their legislative and policy-making positions place them in a privileged position. In fact, parliament is the site where discourse is not merely empty words, but an area that can have a direct and measureable effect on Canadians' view of asylum seekers (van Dijk 2000a, 17).

The Legislative Process in Canada

In the Canadian Parliament, as in all legislative assemblies based on the Westminster model, there is a clearly defined procedure for enacting legislation. The Minister responsible for the proposed legislation must first make a notice of motion for leave to introduce the legislation and to place it on the *Order Paper*. Following this, the legislation is either prepared by the department making the motion or it may be prepared by a committee, though the former is much more common.⁴ The *first reading* of the proposed legislation usually takes place in the House of Commons, which is designed to formally introduce the bill for consideration by parliament.

At this point, the proposed legislation may be referred to committee or it may go to *second reading*, which provides Members with the opportunity to debate the general principle and scope of the bill. Following second reading, the proposed legislation is referred to the appropriate standing committee for a detailed discussion to either approve

⁴ "Legislative Process," parl.gc.ca, last modified February, 2010, http://www.parl.gc.ca/About/House/compendium/web-content/c_g_legislativeprocess-e.htm.

or modify it. It is at the committee stage that witnesses may be invited to appear before the committee to present their views or to answer questions.

Following consideration in committee, there is an opportunity for further study of the bill in the House during the *report stage*. Members, particularly those who were not members of the committee, may, at this stage, recommend motions to amend the text of the proposed legislation.⁵ When deliberations at the report stage are concluded, a motion is put forward to approve the bill (with any amendments). There is no debate unless amendments are proposed. *Third reading* is the final stage that a bill must pass in the House of Commons with debate at this stage focusing on the final form of the bill. Once the motion for third reading has been adopted, the Clerk of the House certifies that the proposed legislation has passed. It is then sent to the Senate for consideration and, upon adoption by the Senate, to the Governor General for Royal Assent. Once a bill has been granted Royal Assent, it becomes law. The legislation comes into force either on that date, at a date provided within the Act, or at a date specified by an order of the Governor in Council.⁶

Table 1: Canada's Political System

Type of Political System	Constitutional Monarchy with Parliamentary System
Executive	Government – Prime Minister and Cabinet
Parliament	House of Commons (Elected Lower House; 308 seats) Senate (Appointed/Unelected Upper House; 105 seats)
Political Parties	Conservative; New Democratic; Liberal; Bloc Québécois; Green

⁵ “Legislative Process,” parl.gc.ca, last modified February, 2010,
http://www.parl.gc.ca/About/House/compendium/web-content/c_g_legislativeprocess-e.htm.

⁶ “Legislative Process,” parl.gc.ca, last modified February, 2010,
http://www.parl.gc.ca/About/House/compendium/web-content/c_g_legislativeprocess-e.htm.

Placing the Study in Context: Social and Political Events, 2010-12

Texts are parts of social events, and particular texts, such as parliamentary speeches, can have an important influence on society as a whole (Fairclough 2003, 21). In fact, the tone, structure, and content of parliamentary speeches can be shaped by a number of factors including, for example, the political situation of the speaker's party or the overall popularity of the issue being debated at the time the speech was delivered. Equally important is perhaps a party's historic position on immigration, which may or may not help frame the speech's content but would certainly inform the debate. This may be true for the Conservative Party, whose origins are with the Reform Party, and whose anti-immigrant views have been well documented (see, for example, Abu-Laban, 1998; Kirkham, 1998).

Political Parties

At the time of the first set of speeches, the Conservative Party of Canada had formed the government, albeit with a minority. The Liberal Party of Canada were the Official Opposition, the Bloc Québécois were the third party, and the New Democratic Party were the fourth party. The parties were respectively led by the Right Honourable Stephen Harper, Prime Minister of Canada; Michael Ignatieff, Leader of Her Majesty's Official Opposition; Gilles Duceppe, Leader of the Bloc Québécois; and Jack Layton, Leader of the New Democratic Party.⁷ The table below highlights key information about each party including its orientation and its position following the 40th Canadian General Election held in 2008.

⁷ Michael Ignatieff replaced the Honourable Stéphane Dion as Leader of the Liberal Party of Canada shortly after their election defeat in 2008.

Table 2: Canadian Political Parties as of 2010

Party Name	Orientation	Party Colour	Position (as at 2010)
Conservative Party of Canada (CP)	Centre-Right	Blue	Minority Government
Liberal Party of Canada (LP)	Centre	Red	Official Opposition
Bloc Québécois (BQ)	Centre-Left	Light Blue	Opposition
New Democratic Party (NDP)	Left	Orange	Opposition
Green Party of Canada (GP)	Centre	Green	No elected representatives

At the time of the second set of speeches, the Conservative Party of Canada had again formed the government, but with a majority. In perhaps what might be described as a watershed moment in Canadian politics, the New Democratic Party were elected as Her Majesty's Official Opposition, the Liberal Party of Canada⁸ – Canada's self-described "defenders of immigration" – were the third party (and, for the first time in their history, were neither the government nor the Official Opposition), the Bloc Québécois were reduced to four seats (which denied them official party status) and the Green Party elected its first ever Member of Parliament.⁹ Table 3 below highlights each party's position following the 41st Canadian General Election held in June 2011.

Table 3: Canadian Political Parties as of 2012

Party Name	Orientation	Party Colour	Position (as at 2012)
Conservative Party of Canada	Centre-Right	Blue	Majority Government
New Democratic Party	Left	Red	Official Opposition
Liberal Party of Canada	Centre	Light Blue	Opposition
Bloc Québécois	Centre-Left	Orange	Opposition
Green Party of Canada	Centre	Green	Opposition

⁸ Sears (2008: 38) describes the Liberal Party of Canada as "the sole and sacred defender of new Canadians' rights...." I take a broader view by suggesting they are the "defenders of immigration."

⁹ The parties were respectively led by the Right Honourable Stephen Harper, Prime Minister of Canada; Jack Layton, Leader of Her Majesty's Official Opposition; Michael Ignatieff, Leader of the Liberal Party of Canada; Gilles Duceppe, Leader of the Bloc Québécois; and Elizabeth May, Leader of the Green Party of Canada. Following his election defeat, Gilles Duceppe resigned as leader of the Bloc Québécois and was subsequently replaced by Daniel Paillé (who currently does not hold a seat in the House of Commons). Following Michael Ignatieff's election defeat and subsequent resignation as Liberal leader, he was replaced, on an interim basis, with Bob Rae (in April 2013, Justin Trudeau, son of former Liberal PM Pierre Trudeau, was elected as the new Liberal leader). Following the untimely death of Jack Layton in August 2011, Thomas Mulcair replaced him as Leader of Her Majesty's Official Opposition in March 2012. The lone seat for the Green Party was Green Leader Elizabeth May, who was elected in British Columbia.

Table 4 outlines the results of each general election since 1984, when the Right Honourable Brian Mulroney swept to power with the largest majority in Canadian history. This table is included here to demonstrate to readers the significant changes that have occurred to Canada's electoral map since the mid-1980s.

Table 4: Election Results 1984-2011¹⁰

Election	Period	Result	LP	CP	PCP	RP	NDP	BQ	GP
33rd	1984-88	Majority	<i>40</i>	-	211	-	30	-	-
34th	1988-93	Majority	<i>83</i>	-	169	-	43	-	-
35th	1993-97	Majority	177	-	2	52	9	<i>54</i>	-
36th	1997-2000	Majority	155	-	20	<i>60</i>	21	44	-
37th	2000-04	Majority	172	-	12	<i>66</i>	13	38	-
38th	2004-06	Minority	135	99	-	-	19	54	-
39th	2006-08	Minority	<i>103</i>	124	-	-	29	51	-
40th	2008-11	Minority	77	143	-	-	37	49	-
41st	2011-present	Majority	34	166	-	-	<i>103</i>	4	1

Source: Elections Canada; adapted by the author. The PCP and RP merged in 2004 to form the CPC. RP is Reform Party.

Polling Support: 2009-2010

From December 2009 to May 2010, the polling numbers for the three main national parties (CP, LP, and NDP) remained relatively unchanged. From December to mid-February, however, several pollsters reported that the Liberal and the Conservative Parties were virtually tied, perhaps owing to Harper's decision to prorogue Parliament.¹¹ The NDP, at approximately 16 per cent, were still trailing well behind the two major parties.¹² Around the end of February, pollsters reported that the Conservative Party had opened up a lead against the Liberals, and by the end of April 2010, the Conservatives'

¹⁰ The bolded numbers represent the party that formed government while the italicized numbers represent the party that formed Her Majesty's Official Opposition. A dash means the party did not exist at the time of the election or did not elect any representatives during the election.

¹¹ It had been suggested that Harper prorogued Parliament in order to prevent a motion of non-confidence in his government or to continue committee hearings into the Afghan detainee issue. Had Harper lost the confidence of the House, the Governor General would have either called an election or invited Ignatieff to form government.

¹² "Conservatives Open Slight Lead Over Liberals," cbc.ca, last modified February 24, 2010, <http://www.cbc.ca/news/canada/conservatives-open-slight-lead-over-liberals-1.930404>.

lead was nearly six points. The NDP numbers increased slightly to 18 per cent. As EKOS reported:

While the Conservatives are in first place, they continue to track well below their performance in the last election with less than a third of Canadians saying they would vote for them if an election were held. That suggests that a majority would be difficult to achieve, a reduced minority would be quite possible, and even a defeat would be conceivable.¹³

It was also at this time that the Afghan detainee issue was gaining momentum.¹⁴ As a result, it is likely that the response speeches would be highly critical of the government, with the respondents pointing out key differences between their party's position and the government's position on refugee system reform. In fact, this was the case for both the Liberal and NDP speeches.

Polling Support: 2011-2012

From August 2011 to April 2012, the polling numbers for the Conservative and Liberal Parties declined slightly while support for the New Democratic Party increased to a point where they led all federal parties for the first time in their history. Indeed, support for the NDP remained so strong that a poll completed less than three months later showed the Conservatives trailing the NDP approximately 29 to 32 per cent.¹⁵ The results appeared to suggest that the NDP had a legitimate chance to form the government in the next election. This led some media pundits to conclude that Canadians were on a distinct

¹³ "Election Anyone? Speaker's Ruling May Not Tempt Any Party to Force Election," [ekospolitics.ca](http://www.ekospolitics.com/wp-content/uploads/full_report_april_29.pdf), last modified April 29, 2010, http://www.ekospolitics.com/wp-content/uploads/full_report_april_29.pdf.

¹⁴ The Canadian Afghan detainee issue concerned whether the Government of Canada had knowledge about alleged abusive treatment of Afghan civilians. If true, Canada would have violated Article 12 of the Third Geneva Convention, which specifically defines humanitarian protections for prisoners of war.

¹⁵ "Conservatives Slip Below 30 Points and Now Trail the NDP," [ekospolitics.ca](http://www.ekospolitics.com/wp-content/uploads/full_report_july_3_2012.pdf), last modified July 3, 2012, http://www.ekospolitics.com/wp-content/uploads/full_report_july_3_2012.pdf.

tilt to the left, and that concern over wealth distribution was gaining traction beyond the Occupy movement.¹⁶ Furthermore, polling conducted in June 2012 revealed an historic shift in political allegiances. There appeared to be a growing consensus of support for the NDP as well as an increase in the number of Canadians who wanted the Tories removed from office.¹⁷ The polling not only suggested a general dissatisfaction with the government but perhaps a broader unease with the Conservative government's economic and social policies that extended well beyond the Québec student protests.

Despite the apparent shift in support, the polling failed to explain why Canadians, while viewing the NDP as a potential government in waiting, were at odds with the more progressive policies of the party – especially as it related to their views on immigration. As the next section describes, support for immigration waned among Canadians, which may help explain why the Conservatives focused on criminality and securitization as key discourses related to refugee reform. Cognizant of the fact that they may have lost the “moral authority and legitimacy” to govern, the Conservative Party refocused their priorities on their so-called “bread and butter” policies – i.e., security, law and order, public safety, and crime.

Public Attitudes: Refugees and Immigration

In September 2010, Angus Reid Public Opinion published a report suggesting that more and more Canadians were questioning the benefit of immigration while voicing

¹⁶ Humphreys, Adrian. “NDP Making Huge Gains as Canada tilts leftward: Poll.” *National Post* (Toronto) May 28, 2012. <http://news.nationalpost.com/2012/05/28/ndp-making-huge-gains-as-canada-tilts-leftward-poll>.

¹⁷ Kennedy, Mark. “NDP Out Ahead of the Tories with 38% support, Liberals Struggling: Poll” *National Post* (Toronto) June 22, 2012. <http://news.nationalpost.com/2012/06/22/ndp-out-ahead-of-the-tories-with-38-support-liberals-struggling-poll>.

concern over illegal immigration.¹⁸ In a representative sample of 1,007 Canadians, 46 per cent of respondents stated that immigration was having a negative effect on Canada while nearly 40 per cent of respondents believed that the number of illegal immigrants who are allowed to relocate to Canada should decrease. According to the poll, the general consensus suggested that attitudes towards immigration were hardening, with respondents in Alberta and Ontario calling for the deportation of illegal immigrants.¹⁹

In 2011, however, the Environics Institute published its first annual Focus Canada Research Initiative based on data collected in late 2010. Information was collected on a number of issues ranging from the economy and standard of living, health care, and environment to immigration and multiculturalism, crime and justice, and social issues. While the polling conducted was quite comprehensive, for the purposes of this thesis, only the section on immigration and multiculturalism is described. Based on this data, Environics (2011, 5) reported that Canadians held largely positive views towards immigration and that a clear majority disagreed with the view that current immigration levels were too high. Interestingly, this appeared to contradict the polling results as reported by Angus Reid as well as the approach taken by the Conservative government in 2010.

¹⁸ “More Canadians are Questioning the Benefits of Immigration,” angusreidglobal.com, last modified September 14, 2010, http://www.angusreidglobal.com/polls/39498/more_canadians_are_questioning_the_benefits_of_immigration.

¹⁹ “More Canadians are Questioning the Benefits of Immigration,” angusreidglobal.com, last modified September 14, 2010, http://www.angusreidglobal.com/polls/39498/more_canadians_are_questioning_the_benefits_of_immigration.

Polling completed by Ipsos in July 2012, however, seemed to support the Angus Reid findings. The Ipsos poll found that nearly 75 per cent of Canadians disagreed with the view that Canada should admit more immigrants than it currently did while nearly 35 per cent agreed that immigration has had a negative impact on Canada.²⁰ While the public appeared to have grown somewhat more concerned about the legitimacy of refugee claims, there appeared to be greater confidence in Canada's ability to ensure that criminals did not enter Canada. Indeed, this increased support may have resulted from the debates surrounding Bill C-11: *The Balanced Refugee Reform Act*. Interestingly, Environics (2011, 5) reported that, over the past 25 years, Canadians appeared to have grown more sympathetic towards accepting those refugees who would not otherwise have qualified for admittance. Given that the demographic makeup of the sample reflected Canada's increasing diversity, it was perhaps likely that Canadians' views towards refugees and asylum seekers were becoming more positive. While this polling was conducted following the debate, and subsequent adoption, of Bill C-11: *The Balanced Refugee Reform Act*, it is difficult to assess whether the debate had any influence on the polling results.

Immigration Policy

Traditionally, the Liberal Party of Canada has been viewed as the party of immigration, certainly much more so than the Conservative Party of Canada, or its predecessors, the Progressive Conservative/Canadian Alliance/Reform Party (Blais

²⁰ "On Immigrants and Aboriginals: Majority (72%) of Canadians Disagree That Canada Should Admit More Immigrants than Current Levels, Split on Whether Immigration has Been Positive (40%) or Negative (34%)," www.ipsos-na.com, last modified July 1, 2012, <http://www.ipsos-na.com/news-polls/pressrelease.aspx?id=5686>.

2005). In fact, the Conservative Party's base was, less than fifteen years ago, calling for a radical reversal in immigration policy (Abu-Laban 1998; Kelley and Trebilcock 2010). Indeed, much of the Liberal Party's support during the past three elections has been owed to immigrant voters. While immigrants were more likely to vote Liberal than Canadian-born voters, the pattern is less predictable when voting intention is examined by country of origin. Kim and Perrella (2008) found that non-European immigrants were much more likely to support the Liberal Party than European immigrants (e.g., Britain, Northern Europe). Hence, it is likely that immigration speeches delivered by Liberal MPs would focus on groups from non-European countries, which is, as we soon shall see, exactly the case.

The NDP, as a social democratic party, would also be expected to hold similar views towards immigration, if not more liberal than the Liberal Party of Canada. Indeed, as the perennial third party, their members could be more critical of Conservative policy as their electoral success is not traditionally tied to the potential to form government or even the official opposition.²¹ In an October 2009 press release, for example, NDP Immigration Critic Olivia Chow (Trinity-Spadina) accused the minister of long neglecting the refugee file.²² Further, during the debate on Bill C-11, she issued another press release calling for the elimination of the so-called safe country of origin clause, arguing that such

²¹ This assessment is irrespective of the results of the 2011 federal election which may or may not represent a watershed moment in Canadian politics.

²² Olivia Chow, "Partisan Conservative Appointments are Abuse of Immigration System," news release, October 20, 2009, <http://www.oliviachow.ca/2009/10/partisan-conservative-appointments-are-abuse-of-immigration-system>.

a list would violate Article 3²³ of the Refugee Convention.²⁴ With their ascension to Official Opposition status, it is quite likely that the New Democratic Party would temper their criticism of the government so as not to appear too radical in the eyes of Canadians – no longer relegated to the margins of parliament, the NDP now view government as a possibility and therefore must present themselves as a potential “government in waiting.” As we shall see, this is indeed the case.

Research Questions

Governments, politicians, and the media are regularly, and oftentimes deeply, involved in the discursive practices of policy making, policy debates, and decision making related to such ethnic issues as increasing/decreasing immigration; the influx of legal/illegal refugees; housing; ghettoization; minority crime; as well as discrimination or prejudice against immigrants, visible minorities, and/or asylum seekers. Within the framework of the study of elite discourse on these issues/groups, political discourse both reflects, and influences, popular opinion. As van Dijk (1993, 50) argues, “political definitions of ethnic events and issues may in turn influence public debate and opinion formation, which – again, through the news media – in turn influence and legitimate policies and legislation, thereby closing the full circle of mutual influence.”

In order to better understand parliamentary political discourse on asylum seekers within the Canadian context, I seek to answer five key questions:

²³ Article 3 requires states to apply the provisions of the Refugee Convention to individuals without discrimination on account of race, religion, country of origin, or as their status as refugees.

²⁴ Olivia Chow, “Refugee Reform: Fast but not Fair,” news release, March 30, 2010, <http://www.oliviachow.ca/2010/03/refugee-reform-fast-but-not-fair-chow>.

1. How does the concept of a multicultural “Other” influence the development of the Conservative approach to asylum seekers?
2. What role do elite Conservative parliamentarians play in the production of prejudice?
3. Are Gramsci and Bauman useful lenses to assess Conservative discourse on refugee reform?
4. What specific discourses related to asylum seekers are produced by parliamentary elites?
5. How do elite parliamentarians use argumentation (i.e., bias), legitimization, and Othering strategies to defend their respective positions?

It is perhaps important to bring quick attention to the concept of bias in argumentation since, for many readers, its usage is often ubiquitous and its understanding taken for granted. The type of bias or slanting that this thesis employs is meant to be quite narrower than (and perhaps different from) the definition found in other disciplines (for example, gender bias, racial bias, etc.). Generally speaking, bias reflects unfairness or injustice; it is not “...something unethical or ‘bad,’ subject to condemnation in the sense that an action that is biased is morally wrong and a biased person is a bad person” (Walton 1999, xvii). My approach to assessing bias is to focus on an “argument that advocates a particular proposition but fails to be balanced” (Walton 1999, 85). This definition also fits well with van Eemeren and Grootendorst’s (1984; 1992 as cited in Walton 1999, 85) normative framework of argumentation known as “critical discussion.” Under this approach, there is a conflict of opinion on some issue wherein one side accepts the thesis and the other side rejects or doubts it. As one side is viewed as the advocate, this is not considered to be bad

bias; however, bias becomes problematic when argumentation is so fixed that there is no real exercise of critical doubt and the individual fails to exhibit flexibility, commitment, or open-mindedness (Walton 1999, 86). In effect, an argument is biased when evidence is presented that effectively contradicts or negates it.

Conceptual Definitions

Given that the term refugee and asylum seeker are often incorrectly used interchangeably, it is important to clearly define these terms. Asylum seekers are individuals who move across borders in search of protection, but who may not fulfil the strict criteria laid down by the 1951 *UN Convention relating to the Status of Refugees*, as amended by its 1967 *Protocol*. These treaties state that that a refugee is an individual 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 to, or owing to such fear, is unwilling to avail himself of the protection of that country.²⁵

Asylum seeker describes those individuals who have applied for protection as a refugee and are awaiting the determination of their status. Refugee, however, is the term used to describe an individual who has already been granted protection. An asylum seeker can become a refugee if the local immigration or refugee authority deems him/her as fitting the international definition of refugee.

The definition of asylum seeker may vary from country to country, depending on the law. In most countries, however, the terms asylum seeker and refugee differ only in

²⁵ UNHCR, "Flowing Across Borders," [unhcr.org](http://www.unhcr.org/pages/49c3646c125.html), last modified 2012, accessed July 25, 2012, <http://www.unhcr.org/pages/49c3646c125.html>.

regard to the place where an individual asks for protection. Whereas an asylum seeker asks for protection after arriving in the host country, a refugee asks for protection and is granted protected status outside of the host country.

Case Study Approach

Case study research has been used within a variety of academic disciplines ranging from psychology, medicine, and law to political science, sociology, and education (David 2006). Simply put, case study research involves the construction of a case or an amalgam of several cases in order to understand it or to determine what can be learned by examining it. Indeed, Eriksson and Kovalainen (2010, 115) contend that this research approach must include an assessment of the case within an historical, economic, technological, social, or cultural context – a similar point echoed by Fairclough, van Dijk, and Wodak.

Creswell (1998, 61) has suggested that a case study is an exploration of “a bounded system” defined in terms of time and place (e.g., an event, an activity, or individual/group) over time and through detailed, in-depth data collection. It also involves multiple sources of information that are rich in context. Alternatively, Yin (2002) defines a case study as an empirical inquiry that investigates a contemporary phenomenon within its real-life context. Case studies are especially important when the boundaries between the phenomenon and the context are ill-defined or when multiple sources of evidence are used. For Yin (2002), however, the preference is to conduct multiple case studies rather than to focus on only one.

This thesis will primarily use extensive case study research as this approach seeks to identify common elements, strategies, and discourses found within the selected texts (Eriksson and Kovalainen 2010, 117). As such, the cases selected represent specific discursive events (i.e., parliamentary speeches) within particular societal and political contexts. Indeed, the value of the case study approach to sociology should not be underestimated. Given that “case studies are ... the indispensable building block for all sociology ... [excluding them] from social science would mean excluding explanation from social science” (Steinmetz 2004, 383-4).

As the corpus in the next chapter indicates, six cases were selected (five of which were different speakers) involving parliamentary elites from the Conservative, Liberal, and New Democratic Parties. These cases were chosen because they represent the “voice” of each party in the House of Commons. As such, it can be expected that when they speak on a particular topic, like refugee reform, they are speaking not only individually but also collectively. As part of the process, the texts were read and re-read in an attempt to understand the discursive events occurring within the texts and to begin the process of analysing data from a CDA perspective. Each text was analysed for examples of the three discourse properties – argumentation, legitimation, and Othering – and coded accordingly. The analysis is described in Chapters Five and Six and the results discussed in Chapter Seven.

Limitations of the Research

Since discourses potentially have thousands of properties to be analysed and given the limited time to even analyse a select few of those properties, it is therefore impossible

to study hundreds of long debates in all their complexity (van Dijk 2000a, 20). As such, it was decided to limit this research to the study of specific types of discourse properties that are typical or supposed to be typical of this kind of genre: argumentation; legitimation; and Othering strategies. It was also necessary to limit the time frame to two years: 2010 and 2012. This was done intentionally given that the speeches could be analysed in a unique situation: a debate by the similar actors on effectively the same topic but within the context of a *minority* and *majority* parliament. Furthermore, the selection of debates during this time period would ensure that the study would remain timely after completion and would focus on a topic that was still relevant to and salient for the public.

Despite restricting my analysis to these two time periods, the result was still a large amount of data (over 100 speeches on the topic of immigration/refugee reform) so it was necessary to limit my analysis to two key debates: Bill C-11: *The Balanced Refugee Reform Act* in 2010 and Bill C-31: *The Protecting Canada's Immigration System Act* in 2012. In addition, the focus was further refined to include only the three main parties (i.e., Conservative, Liberal, and New Democratic). It should be noted that speeches made by members of the Bloc Québécois are not analysed owing to the fact that these speeches are translated by *Hansard* staff. While it is often taken for granted that official printed versions of parliamentary debates are transcribed verbatim, the fact remains that "...such versions follow rules, not always explicit, of linguistic propriety and idealized genre conventions, and they do not have any means of representing the paralinguistic features (prosody, gesture, posture, etc.) that are an intrinsic part of the communicative activity in parliamentary discourse" (Chilton and Schäffner 2002, 7). Furthermore, and perhaps more importantly, is the fact that following the 2011 election, the Bloc Québécois lost

official party status; as such, there is no comparable speech available for analysis during the 2012 debate. The Green Party, having elected their first and only MP in 2011, also did not have official party status in 2012 nor did they have an elected representative in 2010. As such, there is no comparable speech available for analysis. To ensure that the thesis would be feasible given the time limits, the focus shifted to two debates from three parties whose speakers were considered to represent their particular party on the immigration file.

Outline of the Thesis

In Chapter Two, I introduce my methodical framework, specifically, Critical Discourse Analysis (CDA). That section is intentionally brief as many other texts have been written on the CDA approach (see, for example, Fairclough 1989; Fairclough and Fairclough 2012; Wodak 1989; van Dijk 2008). To ground my analysis, I also review the concepts used in my thesis – specifically argumentation (based on the works of Douglas Walton), legitimation (based on the works of Theo van Leeuwen), and Othering (based on the works of Teun van Dijk and Norman Fairclough).²⁶ Following this overview, I identify the corpus to be used, offer a review of political discourse, and briefly discuss the effect of parliamentary discourse on the broader public.

Using the works of Antonio Gramsci and Zygmunt Bauman, in Chapter Three, I argue that parliamentary elites use language to create a specific worldview, one that increasingly strives to restrict mobility among asylum seekers. In Chapter Four, I set the stage by reviewing immigration and refugee policy post-Second World War. Such an

²⁶ In order to provide clarity for the reader, specific concepts are only italicized in the analysis chapters. To avoid confusion, they will not be italicized when referenced in other parts of the thesis.

overview provides readers with an important context regarding the evolution of immigration and refugee policy in Canada. In Chapter Five, I borrow from Elke Winter's (2011) theoretical approach to explain how the Conservatives have established asylum seekers as part of the multicultural "Other" while, in Chapter Six, I discuss the concept of prejudice by analysing how the Conservatives use prejudicial language to frame the debate on asylum seekers. In both chapters, I assess elite Conservative, Liberal and NDP speeches using argumentation, legitimation, and Othering strategies. In Chapter Seven – the concluding chapter – I address research questions 3 to 5 and describe additional areas for future inquiry.

Conclusion

The goal of this chapter is to introduce to readers my rationale for undertaking this important study, the research questions and the analytical approach (i.e., case study) to address those questions, as well as to provide a brief review of the parliamentary system as a means to provide the reader with a basic introduction to the legislative process within the British Westminster system. I also provide a brief discussion of the limitations of my study.

Perhaps more importantly, however, is my discussion of the social and political events that may influence the speakers prior to the debates of C-11 and C-31. This overview is vital as readers need to be aware of the social and political context in which these debates occurred. While this discussion could not possibly address the full scope of issues/events that may affect a political party's position on refugee reform, I firmly believe that by focussing on polling trends, public opinion towards refugees and

immigration, as well as reviewing each party's historic approach to immigration, I have given readers the proper context in which to judge my analysis and thus my contribution to Canadian sociology.

Chapter Two: Methodological Framework

Introduction

Analysing texts has its origins in linguistics, and through the works of Norman Fairclough, Teun A. van Dijk, Ruth Wodak, among many others, it has expanded into the realm of sociology, political science, education, geography, religious studies, just to name a few. Indeed, the expansion of Critical Discourse Analysis into sociology has tended to focus on racism in the media and in parliamentary debates (see, for example, Rojo and van Dijk 1997; van Dijk 1997; Wodak and van Dijk 2000; van Dijk 2000c; van der Valk 2003). If discourse analysis is defined more broadly, however, to include, for example, conversation analysis (i.e., analysing audio or video recordings), and narratology (i.e., analysing interviews, diaries, or autobiographies), it can be argued that Discourse Analysis is also practiced by both Anglophone and Francophone Canadian sociologists studying such areas as the mass media, healthcare, law, environmental politics, gender, interaction, and story-telling, among others.

In everyday usage, text and discourse are often used interchangeably, but there is an important distinction. While the term “text” tends to be restricted to written language and “discourse” restricted to spoken language, modern linguistics, however, tends to treat “text” as any type of utterance, including, for example, a magazine article, a television interview, a conversation, or a recipe (Alba-Juez 2009, 6). Such a distinction is important given that parliamentary speeches are reproduced in written form in *Hansard*. Given that

textual analysis is so broadly defined, it is important to distinguish between Discourse Analysis and Critical Discourse Analysis.

Discourse Analysis versus Critical Discourse Analysis

All approaches within discourse analysis view text and context as the two types of information that contribute to the communicative content of an utterance – text is the linguistic content, that is the “stable, semantic meanings of words, expressions, and sentences ... [while] context is thus a world filled with people producing utterances, people who have social, cultural, and personal identities, knowledge, beliefs, goals and wants, and who interact with one another in various socially and culturally defined situations” (Schiffrin 1994, 363). Text is the “purely” linguistic material while context is, in effect, the social meaning given to text. Discourse therefore is more broadly defined as language in use, composed of both text and context; it is “...*a particular way of talking about and understanding the world (or an aspect of the world)*” (Phillips and Jørgensen 2002, 1; emphasis in original). Viewed this way, generic discourse analysis focuses on the analysis of texts in order to reveal how society and culture are produced, constituted, and represented.

Unlike generic discourse analysis, Critical Discourse Analysis deals primarily with the use – and abuse – of power and the resultant injustice or inequality (van Dijk 1993, 252). Following from this, Critical Discourse Analysis does not aim to contribute to a specific discipline, paradigm, or school; rather, it is primarily interested in, and motivated by, the understanding of complex social issues as enacted, sustained, legitimated, condoned, or ignored by elites. By analysing official and unofficial texts, speeches, as

well as media accounts and representations, critical discourse analysts seek to understand how the social and political world is created and recreated. As such, Critical Discourse Analysis is but one tool for deconstructing the ideologies of elite groups (e.g., politicians) as well as defining relations of power (say, for example, mobility) between dominant and subordinate groups (Henry and Tator 2002, 72). In essence, Critical Discourse Analysis is a field that examines written and spoken texts in order to reveal the discursive sources of power, inequality, and dominance while describing how language contributes to, reproduces, and maintains these workings within specific social, political, and historical contexts. In fact, it is the particular emphasis on relations of power that differentiates CDA from other approaches to studying language (Breeze 2011). In this regard, Critical Discourse Analysis is an excellent means for understanding the relations of power between politicians and certain vulnerable groups (e.g., asylum seekers) and how those relations are reproduced within a political context.

There is, however, an important caveat to be made regarding the use of Critical Discourse Analysis. As Riggins (1997, 25-26), in speaking of journalists, rightly points out, Critical Discourse Analysis should not be viewed as an indictment of these particular individuals. The same can be said of parliamentarians. He does note that:

Nevertheless, journalists [and parliamentarians] can contribute unwittingly to the marginalization and denigration of Others. [As far as parliamentarians are concerned], this rhetoric rarely is the result of deliberate strategy of dominance, although the possibility cannot be excluded. A better understanding of the ways in which discourses operate might contribute to more efficient self-monitoring on the part of [parliamentarians, who are often required to develop policy about groups to which they do not belong].

For Norman Fairclough (1989), discourse is language as a form of social practice (i.e., a relatively stabilized form of social activity). This view of discourse implies that “language is part of society and not somehow external to it ... that language is a social process ... and that language is a socially conditioned process, conditioned by other non-linguistic parts of society” (Fairclough 1989, 22). It can therefore be read into Fairclough’s definition that evidence of social trends, such as the oppression of minority groups, found in texts is also indicative of such trends within society. In line with Fairclough, Brian Paltridge (2006, 2) argues that Critical Discourse Analysis seeks to assess patterns of language across texts in order to better understand the social and cultural context in which language is used.

Perhaps more important than its social or cultural context is the political context in which discourse operates. Political activity does not exist without the use of language, and, in fact, the “doing” of politics is predominately constituted in language (Chilton 2004, 6). Terms such as “spin” and “spin doctor” are terms that reflect the public belief in the existence and significance of discourse management. Fairclough’s view of discourse has been described as an integration of Foucault’s definition of discourse that is based on a linguistic analysis of the text (Mills 1997, 148). While Foucault’s definition of discourse is difficult to pinpoint, it is, however, something which produces something else (an utterance, a concept, an effect) rather than something that exists in and of itself or can be analysed in isolation (Mills 1997, 17).

While critical discourse analysts such as Sinclair and Coulthard (1975), Brown and Yule (1983), and McCarthy and Carter (1994) view Critical Discourse Analysis as the domain of linguists, van Dijk (1990) has pointed out that a cross-disciplinary focus on

CDA has its origins dating back to the founding of socio-linguistics in the 1960s (for example, see Fishman 1970). It was not until the late 1970s, however, with the work of Fowler et al. (1979) that paradigms of discourse analysis took on a more critical element. While utilizing a descriptive approach, Fowler and his colleagues added their own critical perspective to the analysis, using modality and transitivity to highlight power inequalities that exist within discourse. By analysing the transitivity of the clause, the authors were able to see how the same event was viewed in different ways; by analysing modality, they were able to examine how users expressed attitudes.

While CDA has attracted widespread support, it nonetheless has been subjected to criticism for a number of reasons. Key among them is the charge by Widdowson (1995, 1998) that it is ideologically biased and partial. He writes: “It [CDA] presents a partial interpretation of text from a particular point of view. It is partial in two senses: first, it is not impartial in that it is ideologically committed, and so prejudiced; and it is partial in that it selects those features of the text which support its preferred interpretation” (Widdowson 1995, 169). This is a concern that I share and is the reason that I have included the full text of the speeches so that readers can assess my analysis and interpretation within the full context of the speeches. Other scholars have argued that the CDA approach lacks rigor (Stubbs 1998) and suffers from confusion and inconsistency in its cognitive and linguistic theoretical bases (Stubbs 1998; O'Halloran 2003). Hammersley (1997, 244) further contends that Critical Discourse Analysis’ claim to offer an understanding of discursive processes and society as a whole is methodologically problematic. He argues that CDA not only faces difficulty from the problems associated

with conventional methodology but also a host of other issues including, for example, ambivalence (Hammersley 1992).

Critical Discourse Analysis

The controlling theoretical idea behind CDA is that discourse is one of the principle ways through which hegemony and ideology are circulated and reproduced (Foucault 1972). Following Gramsci's lead, Barbara Johnstone (2002, 45) argues that "ways of talking produce and reproduce ways of thinking, and ways of thinking can be manipulated via choices about grammar, style, wording and every other aspect of language." In other words, the choice of language has a bearing on how meaning is both created and interpreted. Language, therefore, becomes a tool of the elite to make an oppressive social system appear natural and desirable. Hence, Critical Discourse Analysis becomes a means to discover the ways in which language, hegemony, and ideology are intertwined, thereby bringing to the fore the root causes of inequality and injustice.

Van Dijk (2001) rightly argues that more than any other type of discourse, political discourse is eminently ideological. Since ideologies are defined in terms of basic beliefs shaped by group membership, it follows that political discourse is the site where politicians' multiple [and perhaps conflicting] ideologies are enacted. While this can occur on several levels, it is most evident during parliamentary debates precisely because such debates exhibit not only the social cognitions of political parties, but more importantly, represent the embodiment of a clash of opposing opinions (van Dijk 2001). Commenting on the relationship between ideology and discourse, van Dijk (2006, 732) notes that "it is largely through discourse that political ideologies are acquired, expressed,

learned, propagated, and contested.” Fairclough (2003, 9) goes a step further by suggesting that ideology can be shown to contribute to the establishment and maintenance of the social relations of power, domination, and exploitation.

Fairclough (1989, 1992, 1995a, 2003), van Dijk (1998, 2001, 2008), and Wodak (2001) as well as many others working within the field of CDA have approached the study of discourse in a qualitative way. I will take a similar approach primarily using Fairclough’s three-dimensional approach to textual analysis, while incorporating elements primarily from Walton (1999), van Leeuwen (2008) and van Dijk (2005). For Fairclough, every instance of language use is a communicative event consisting of three dimensions: (1) it is a text (speech, writing, etc.); (2) it is a discursive practice (involving the production and consumption of texts); and (3) it is a social practice. From Fairclough’s (1992) perspective, any analysis should first focus on the linguistic features of the text; second, focus on the processes relating to the production and consumption of the text; and third, focus on the wider social implications of the communicative event (Phillips and Jørgensen 2002, 68).

In the first instance, Critical Discourse Analysis is designed to engage “in concrete, linguistic textual analysis of language used in social interaction” (Phillips and Jørgensen 2002, 62). While the boundary between what is to be analysed as text and what is discursive practice can be murky, textual analysis is seen as any formal feature of a text. One of the key points about texts as elements of social events is that they have social effects, i.e., they bring about change whether short- (by shaping knowledge, beliefs, attitudes, or values) or long-term (through the shaping of identities). In sum, texts effect change on people, actions, social practices, social relations, and the material world

(Fairclough 2003). On this point, analysis of texts therefore focuses on specific strategies (e.g., argumentation, Othering, modality, legitimation, rhetoric, fallacies, bias, etc.).

The second level, discursive practice, “involves processes of text production, distribution and consumption, and the nature of these processes varies between different types of discourse according to social factors” (Fairclough 1992, 78). Discursive – through which texts are produced and reproduced – are an “important form of social practice which contributes to the *constitution* of the social world including social identities and social relations” (Phillips and Jørgensen 2002, 61; emphasis in original). It is partly through discursive practice in everyday life that social and cultural change occurs. As such, Fairclough’s vision of CDA is premised on this dimension, recognizing that a set of constraints is placed upon text producers, which vary depending on the institution to which they belong.

A key aspect of the discursive practice within CDA is its contribution to the creation and reproduction of unequal power relations among social groups – these effects are identified ideologically. In fact, CDA is “‘critical’ in the sense that it aims to reveal the role of discursive practice in the maintenance of the social world, including those social relations that involve unequal relations of power” (Phillips and Jørgensen 2002, 63). Given that the role of discursive practices is in the maintenance of the social order and in social change, it is important to assess how parliamentarians draw on existing discourses to create new ones. Indeed, the relationship between texts and social practices is mediated by discursive practices.

It is important to note that discursive practice is bracketed out of my analysis and therefore will not be commented upon within the thesis. Bracketing out this particular

register, however, is not without an analytical cost. One particular cost of doing so is to restrict my ability to assess the impact these speeches would have on their intended audience, especially if they are mediated by journalists en route to the broader public. As such, I am not in a position to assess how these social practices contribute to the development of the social world or even how the Conservatives wish to construct it.

The final aspect of Fairclough's approach is an analysis at the level of social practice. Fairclough sees concepts of ideology and hegemony as central to the analytical concerns at this level and situates discourse as the site where ideological positions and hegemonic struggles are found and occur. In this regard, discourse not only reflects the ideologies of the society or institutions that produce it, but certain uses of language can be said to reinforce those specific ideologies. For critical discourse analysts, discourse, then, "...is a form of social practice that both *constitutes* the social world and is *constituted* by other social practices" (Phillips and Jørgensen 2002, 61; emphasis in original). Discourse not only contributes to the shaping and reshaping of social structures but also reflects them. In analysing parliamentary discursive practices, it is therefore important to take into account that these discursive practices may be influenced by societal forces (e.g., polling support, party position within parliament, minority or majority government, etc.). Given that political discourse represents a form of social action, van der Valk (2003, 114) argues that it should also be analysed at the level of social action. From her perspective, political discourse is an appropriate unit of study precisely because it is an instrument in the exercise of power, control, and exclusion.

Political Discourse

Political discourse is not a genre per se, but rather a collection of genres to which laws, political speeches, media scrums, cabinet meetings, or political propaganda belong. It is, as van Dijk (2000b, 46) describes, "...the class of genres defined for the social domain of politics, and as such comparable to such genre classes as educational discourse, media discourse and legal discourse." Political discourse is very much a form of public discourse, which itself is predominately the language of political processes and institutions (van der Valk 2003, 313). Indeed, politics and language (i.e., text and talk) are closely intertwined given that the latter is "the real-world linguistic activities of practicing politicians" (Wilson 1990, 179). Parliamentary speeches therefore represent a specific, and important, frame of analysis, holding an influential communicative role whereby it can strongly influence the public (van der Valk 2003, 314).

Political discourse, especially parliamentary debates, is typically argumentative (i.e., oriented toward persuasion), as Members of Parliament express, defend, and attack opinions and political positions. In fact, "...the political arena is a field of struggle in which different views of events and society are confronted. Debating entails competition among different agents involved in the parliamentary game" (Bourdieu (1991) as cited in Rojo 2000, 176). With regards to immigration, agents may seek to persuade their audience for or against further restrictions on immigration; they may argue for or against relaxed policies; they may argue for increased or reduced immigration numbers; and so on. It is therefore essential that argumentation be a prominent object of analysis in studying parliamentary debates (van Dijk 2000c, 97). Given the degree of importance attached to argumentation, in the thesis, significant focus will be placed on analysing bias

as well as the types of legitimation strategies that are used to support those arguments. Furthermore, van Dijk (2006, 734) views Othering strategies as a key aspect in immigration discourse, noting that speakers will often focus on emphasizing “our” good things and deemphasizing “our” bad things while emphasizing “their” bad things and deemphasizing “their” good things.

One of the most interesting aspects of these speeches reflects the fact that throughout the debates, there were a number of arguments that were consistently discussed and repeated. Indeed, these arguments, and in particular, their content, may provide important insights regarding underlying opinions about asylum seekers by Conservative, Liberal, and New Democratic parliamentarians. Unlike content analysis, Critical Discourse Analysis places greater emphasis on the implied message; it is a process of analysis that focuses on understanding the ideological moulding of the audience that occurs in a more surreptitious manner (Riggins 1997, 10). In part, I have tried to identify what Fairclough (1995b, 106) has termed *presupposed information* (i.e., information that exists as implication) in order to better understand how immigration discourse is presented by Conservative, Liberal and New Democratic elites. Given that the major function of minority or ethnic group discourse is “persuasive, that is, speakers aim to influence the minds of their listeners or readers in such a way that the opinions or attitudes of the audience either become or remain close(r) to those of the speaker or writer” (van Dijk 1993, 30), it is important to examine how Canadian parliamentary elites communicate their views about asylum seekers. For the government, the goal is to convince the broader public of the necessity of the legislation while for the opposition, the goal is to convince the broader public that the legislation is flawed.

Argumentation, Legitimation, and Othering

This thesis introduces the concepts of argumentation, legitimation, and Othering as examples of the types of text and talk strategies that parliamentarians use “to attempt to justify or refute a certain claim, and aiming to *persuade* an interlocutor (a *reasonable* critic) of the acceptability (or unacceptability) of a claim” (Fairclough and Fairclough 2012, 36; emphasis in original). Hence, analysing parliamentary speeches within this context is important as it not only allows for a better understanding of the role that such semantic strategies play in the overall political process but it also provides for a better understanding of their influence on the broader Canadian social and political framework. The goals for parliamentarians are, therefore, necessarily twofold: to convince listeners that their statements are truthful and second, to try to reproduce their own attitudes and ideologies among the public (van Dijk 1992, 244). Such capabilities not only speak to the overall success of the discursive event but to the need to establish a particular worldview.

Assessing argumentation within the context of parliamentary talk and text is important given that its role is to help identify statements that exhibit “closedmindedness, distortion, misinterpretation, or a lack of a proper balance in argumentation” (Blair 1988, as cited in Walton 1999, xviii). This does not mean that the speech act is morally bad or that the speaker is guilty of some moral transgression of good conduct; rather, it is designed to bring attention to the potential problems with the argument from a purely discursive perspective. Argumentation structures have implications for the way in which refugees are treated in parliamentary discourse. In societal and political terms, the speeches analysed are delivered by so-called *symbolic elites* (i.e., those who have access to and control over mass public discourses). While Khosravini (2009, 479; emphasis in

original) also considers politicians, journalists, and scholars as members of *symbolic elites*, I further categorize the group of politicians into *parliamentary elites*. These individuals are appointed by their leader to speak on behalf of their party in parliament on a particular issue (e.g., Minister and Opposition Critics for a particular portfolio). As such, they “have preferential control over the re/production and re/creation of hegemonic narratives in mass communication events...” (Khosravini 2009, 479).

Secondly, and perhaps more importantly, these speeches are ideologically based, and represent, ipso facto, the position of their respective political parties regarding asylum seekers. Hence their biases, depending on the speaker, may reflect a liberal or conservative discourse. For example, van Dijk (2000b, 73) suggests that traditional liberal discourse on immigration emphasizes such symbolic values as tolerance, a good international reputation, and cultural diversity whereas conservative discourse emphasizes such aspects as the financial burden of immigration, the economic situation of immigrants, and cultural homogeneity. Given the fact that political discourse has a persuasive function, its structure is frequently argumentative; as such, it is likely that bias will appear in these debates.

It is also important to note that assigning these terms singularly to argumentation, legitimization, and Othering is purposeful. Some terminology fits naturally because it is part of a specific conceptual rubric while others are assigned because they represent a “best” fit. This does not mean that these terms could not be employed elsewhere (for example, metaphor could just as conceivably fall under argumentation as under Othering). Moreover, the analysis of these speeches is done within the overall context of Critical Discourse Analysis but their assignment of the terms to specific sentence

fragments does not imply that every instance of these terms represents something potentially objectionable. Rather, readers are reminded that even ordinary conversations are replete with say, implications, that are neither biased nor indefensible. It is only when such strategies are used in a certain way, and in a certain context, that they may be viewed as problematic. Consider Jason Kenney's assertion in his 2012 speech that increasing barriers to border access will prevent the deaths of smuggled migrants. While such a claim is perhaps impossible to prove, there is certainly nothing objectionable or biased about the claim. If a charge of bias is to be made, it will be done so only after careful consideration of the context of the statement. This is especially relevant since partisan advocacy is often viewed as a normal and necessary aspect of parliamentary speeches (Walton 1991, 4).

Argumentation

While an argument is biased when it fails to meet the standards of what constitutes a good argument, there is a caveat. Since bias is found in everyday conversation, its existence in a particular speech act does not necessarily mean that the argument should be viewed as deficient or fallacious (Walton 1999, xix). In contrast, within the realm of parliamentary discourse, bias should be viewed as "dialectical," meaning that the argument to be judged as biased should be based on the standards appropriate for the particular conversational exchange under analysis (Walton 1999, 59). As such, speech fragments are assessed in relation to the normative standards appropriate for that particular verbal exchange, i.e., parliamentary debates. In analysing texts, one must take care with the term "bias" as all texts carry bias in some form. Since there is no neutral

text, assessing the degree of neutrality is invariably a contentious exercise (O'Halloran 2011, 452).

Walton (1999, 2007, 2008) outlines several indicators of bias in argumentation, including, for example: selection of arguments; lip service selection; commitment to an identifiable position; closure to opposed argumentation; rigidity of stereotyping; loaded term; hyperbole; implication; appeals to emotion; inductive errors, fallacies (e.g., *post hoc ergo propter hoc*, strawman, appeals to popularity, etc.), among others. While he notes that the existence of one or more indicator is not necessarily a precursor to a charge of argumentative bias, its existence within a particular text should be treated as a “red flag” (Walton 1999, 91). It is ultimately the listener (or reader) who must critically assess the credibility of the argument against what is actually known, disproven, or documented in a given case. Walton (1999, 114) does note, however, that the indicators are *cumulative*: the more indicators that are found to be present, the greater the likelihood a charge of bias can be supported. It is perhaps ironic that at no point do the speakers challenge the veracity of the opposing claims. Rather, their statements of truth appear to be taken for granted.

Counterfactuals are situated here because they represent cases of possible valid reasoning whose premise is known to be false (Fauconnier and Turner, 2003; Mandel 2005). Presented as “what-if” scenarios, counterfactuals are necessarily based on imaginary situations which are created to express expected negative consequences in order to persuade the audience of the necessity of a particular policy (van der Valk 2003, 320). As van Dijk (2000b, 71) explains, “since immigration has quite unpredictable developments ... [it stands to reason that] policies must be formulated that focus on the

consequences of unknown premises, and these will typically be formulated in (biased) counterfactuals.” Since counterfactuals are presented as imaginary situations, it is often quite difficult to counter them with sound argumentation. There is also a striking similarity between counterfactuals and the slippery slope fallacy precisely because both are based on an unlikely chain of events and are often co-instanced in a single speech act.

Table 5: Argumentation Terminology

Affirming the consequent	Inferring the antecedent of a conditional sentence, given the truth of the conditional and its consequent
Appeal to authority	Invoking the expertise of someone who is biased or unqualified to provide information or an expert opinion
Appeal to the desire to be reasonable	Using reasonableness as a substitute for evidence of a claim
Appeal to emotion	Using emotion as a substitute for evidence of a claim
Appeal to fear	Using fear as a substitute for evidence of a claim
Appeal to pity	Using sympathy as a substitute for evidence of a claim
Appeal to popularity	Inferring merit or truth from popularity
Bias	Opinions or inclinations, offered without reasonable justification, that influences one’s ability to objectively evaluate an argument
Begging the question	Statement in which the truth of the conclusion is assumed by its premise
Commitment to an identifiable position	Occurs when an individual’s specific affiliation, position, or point of view, whether announced by the speaker or attributed by someone else, prevents a persuasive dialogue
Counterfactual	Constructing imaginary situations to persuade the audience of the necessity for specific policy measures
Closure to opposed argumentation	Refusing to consider counter arguments or evidence
Flattering the audience	Attempting to compliment or flatter an individual in order to get him/her to accept the truth of a proposition
Guilt by association	Attempting to discredit an argument based solely upon disfavoured people or groups who are associated with the argument
Error of meaningless statistics	Occurs when a statistical claim uses a term that is so imprecisely defined that the use of a precise statistical figure is meaningless
Error of unknowable statistics	Statistical meaning is clear but the alleged fact is one that no one could possibly know
Faulty premise	Statement or claim that is untrue, thereby rendering the argument unsound or non-cogent
Hasty generalization	Generalizing from a single anecdote or experience, or from a sample too small or unrepresentative to support the conclusion
Hyperbole	Using exaggerated language to create an atmosphere of crisis

Implication	Using statements that while factual – if taken at face value – may also suggest a conclusion or point of view that is highly argumentative or takes one side of a controversial issue
Lip service selection	Utilizing a few contrary arguments that are weak or easy to refute
Loaded term	Using a word or phrase that has a secondary, evaluative meaning in addition to its primary, descriptive meaning
Poisoning the well	Presenting unfavourable information (be it true or false) about an individual in order to discredit what he/she might later claim
Post hoc ergo propter hoc	Erroneous argument that posits that if one event preceded another, the first event was a cause of the second
Pseudo-precision	Expressing information in numerical terms to suggest a level of precision that is not clearly present
Red herring	An irrelevant topic is presented in order to divert attention from the original issue
Rhetorical question	Figure of speech asked in order to make a point
Rigidity of stereotyping	Treating stereotypical generalizations as absolute, giving the argumentation an absolute or rigid quality
Selection of arguments	Selecting arguments on one side of an issue while ignoring others
Slippery slope	An argument's conclusion rests on an unlikely chain of events
Strawman	Substituting a distorted, exaggerated, or misrepresented version of an individual's position in order to make it easier to dismiss
Vagueness	Using expressions that do not have well-defined referents or which refer to imprecise concepts

Legitimation

Legitimation, as a set of structures and strategies, represents a prime example of the types of argumentation strategies that are designed “to invoke *publically shared* and *publically justifiable*, and sometimes even highly formalized, codified, institutional system of beliefs, values, and norms...” (Fairclough and Fairclough 2012, 109; emphasis in original). Max Weber (1964), over one hundred years ago, recognized the importance of legitimacy in establishing authority, while more recently, Peter Berger and Thomas Luckmann (1966, 112), in their influential work, *The Social Construction of Reality*, suggested that language is, in effect, a process used to establish legitimation:

Incipient legitimation is present as soon as a system of linguistic objectification of human experience is transmitted. For example, the transmission of a kinship vocabulary ipso facto legitimates the kinship

structure. The fundamental legitimating ‘explanations’ are, so to speak, built into the vocabulary.

The socio-political act of legitimation is generally, though not always, accomplished through persuasive (or even manipulative) dialogue. In fact, legitimation speaks directly to the perceived truthfulness of a speech act so much so that its inherent believability rests solely with the acceptability of the speaker’s version of the events. In fact, a key aspect of Critical Discourse Analysis is its claims to truth, though those claims may be quite modest (Riggins 1997, 3). The importance of legitimation strategies in Critical Discourse Analysis cannot be underscored; on the one hand, they are designed to describe actions in neutral or positive terms while, on the other, they may describe actions rhetorically in order to emphasize acceptability or de-emphasize unacceptability (Rojo and van Dijk 1997, 532).

Legitimation answers – sometimes explicitly and other times obliquely – why this should be done and why it should be done in a particular way (van Leeuwen 2007, 93). Interestingly, Fairclough and Fairclough (2012, 110; emphasis in original) argue that van Leeuwen does not relate legitimation to argumentation and criticizes him for failing to point out that evaluations of “legitimacy are always *in relation to* a background of norms, beliefs, and values that are *themselves* ‘legitimate’ in some sense, i.e., they can be publically justified, they are ‘worthy’ of being collectively recognized.” The authors view van Leeuwen’s examples as simply explanations (wherein the proposition is already accepted as fact) and argue that legitimation must be linked to argumentation. From their perspective, it is an argument that requires justification. It is precisely due to this concern that I have chosen to assess both argumentation and legitimation.

Van Leeuwen (2007, 2008) and van Leeuwen and Wodak (1999) have identified several strategies of legitimation: first, authorization, which defines legitimation in terms of tradition, custom, law, or as those individuals/groups who have some vested institutional authority (e.g., lawyers, UNHCR). Authority can also be found in role models (e.g., celebrities) or represented impersonally (e.g., regulations, the *Bible*, etc.). This strategy allows the speaker to justify a practice while at the same time deflecting potential criticism. Second, conformity, as a strategy of legitimation, rests on the principle that an action is legitimate when “everybody does it” or “everybody says so.” Van Leeuwen and Wodak (1999) also note that the conformity strategy can be realized through references to the normality lexis, e.g., using such terms as normally, usually, in general, naturally, mostly, etc.

Third, rationalization is described as legitimation that references the goals and uses of institutionalized social action, and as the knowledge society has constructed to endow it with cognitive validity. Van Leeuwen and Wodak (1999) further subdivide rationalization into that which references the utility (i.e., goals, uses, and effects) of the social practice or some part thereof (i.e., instrumental rationalization) or the natural order of things (i.e., theoretical rationalization). In the former, legitimation is subject to a “means process” (i.e., likened to a method, tool, or strategy) or to an “effects process” (e.g., using such terms as achieve, promote, hinder, obstruct, facilitate, etc.). In the latter, legitimation is achieved by reference to definitions (i.e., the activity to be legitimated is first subjected to an identifying process of which a moralized activity is the value) or explanations (the activity to be legitimated is described in relation to the social actor which invariably involves social prejudices).

Fourth, van Leeuwen (2007) describes moral evaluation as legitimation that references value systems though Fairclough (2003, 99) considers these strategies to be value assumptions. Activities are described in such a manner as to moralize them (or to instil a value system on them). Van Leeuwen and Wodak (1999) also identify various domains that are often used to legitimate activities including, for example, the value of objectivity and reason; leadership; economy; and the public interest. With moral evaluation, van Leeuwen (2008, 110) cautions, however, that it is often difficult to “find an explicit, linguistically motivated method for identifying moral evaluations ... as discourse analysts, we can only ‘recognize’ them, on the basis of our common sense cultural knowledge.”

Finally, mythopoesis is described as legitimation conveyed through (and not via reference to) a narrative, vignette, anecdote, or story. Mythopoesis narratives are taken as evidence for the general norm of behaviour and may be described as attempts at relating a moral or cautionary tale. Indeed, one particular compelling type of narrative is the political myth, defined as an “interpretation of what the myth-maker (rightly or wrongly) takes to be hard fact ... what marks a myth as being political is its subject matter ... [and it] is always the myth of a particular group [whether it be] a tribe, a nation, a race, a class...” (Tudor 1972, 17). Similarly, mini-narratives serve an important function in political discourse. These are stories that are not fully explicated, thereby allowing the audience to infer context and relevance based upon their tacit knowledge of history, society, and politics (Mottier 2008, 191).

Narratives or anecdotal evidence are especially compelling in political speech as they allow politicians to link an argument to a specific story. As Riggins (2007, 110)

notes “[a]necdotes are supposed to be factual, or at least plausible, stories of events that happened to the storyteller or some other real person.” From Riggins’ perspective, the telling of anecdotes demands a certain level of trust and, to extend his assessment, political anecdotes should therefore allow the speaker to develop a *positive* relationship with the audience. Given that the storyteller claims to be speaking the truth, such narratives not only add legitimation but also speak to issues related to attitudes, social representations, and societal forces.

In my analysis, I expand upon mythopoesis by identifying and describing three additional subtypes based on emotion, risk, and assistance, which I believe is an original contribution to Critical Discourse Analysis. The *emotion mythopoesis* is designed to invoke a specific reaction among the audience or to convey to the audience the speaker’s emotional state. The reaction can include, for example, such positive emotions as trust, gratitude, pride, or empathy as well as such negative emotions as mistrust, anger, embarrassment, or apathy. The second subtype developed is the *risk mythopoesis*, which I describe as legitimation conveyed through narratives that are based on some perceived societal threat. This mythopoesis is a subtler and veiled form of rhetoric designed to elicit a negative response among the audience towards a constructed or imaginary crisis. Finally, the *assistance mythopoesis* is legitimation conveyed through narratives that are based on internal or external support. This specific mythopoesis is designed to instil confidence in the audience by describing how a potential threat was mitigated or averted. It can, for example, be expressed through references to legal institutions (e.g., law enforcement agencies). This mythopoesis is also juxtaposed against the risk mythopoesis. Rather than focussing on the imminent threat, the assistance mythopoesis instead focuses

on the threat averted. I argue that when using legitimization, parliamentary elites draw upon narratives that have a *specific* social meaning and are likely to perform beyond simply sharing information or presenting an example.

Comparison serves a legitimating function because it suggests that an action is appropriate because it is linked to another (comparable) positive action or alternatively is inappropriate because it is linked to another (comparable) negative action (van Leeuwen 2008, 112). In other words, the claim is deemed to be legitimate because others have engaged in similar actions. Consensus is also found in parliamentary discourse, especially on issues related to national importance. First and foremost, it presupposes group responsibility based on the notion of shared truth criteria, thereby allowing the speaker to include potential critics within actions of culpability (van Dijk 1998, 114). Alternatively, it can be framed to present in-group cohesion or solidarity against outsiders as taking precedence over various political backgrounds, beliefs, or races (van Dijk 2004). In other words, it is a means of persuading others to support a particular perspective or viewpoint.

Following from this, one would expect that consensus is more likely to be expressed in a minority government where the governing party needs to secure opposition support in order to pass legislation. In a majority government, however, one would expect that such strategies would be relegated to the opposition parties as they seek compromise from the government on a particular piece of legislation. While consensus can be viewed as akin to the appeal to popularity fallacy, as a legitimization strategy, consensus instead seeks to elicit support among parliamentarians for a particular cause rather than evoking support of the people.

Table 6: van Leeuwen's Legitimation Typology

		Legitimation used to establish hegemony/dominant discourse	Legitimation used to establish counter hegemony/counter discourse
Category	Subcategory	Why should I/we do it/this (in this way)?	Why should you/we not do it/this (in this way)?
Authorization	Personal authority	I say so so-and-so says so	I say so so-and-so says so
	Expert authority	experts say so Professor X says so	experts say so Professor X says so
	Role Model authority	experienced people say so wise people say so	experienced people say so wise people say so
	Impersonal authority	the law says so the guidelines say so	the law says so the guidelines say so
	Traditional authority	this is what we have always done this is what we always do	this is what we have always done this is what we always do
Consensus		that is what everybody else does that is what most people do that is what is (typically) done	that is not what everybody does that is not what most people do that is not what is (typically) done
Moral evaluation	Evaluation	it is right it is natural/normal it makes sense	it is wrong it is unnatural/abnormal it does not make sense
	Abstraction	it has X (moralized) desirable quality	it has X (moralized) undesirable quality
	Comparison	it is like X that has similar positive values legitimate Others have engaged in similar actions with positive results	it is like X that has similar negative values legitimate Others have engaged in similar actions with negative results
Rationalization	Instrumental	it is a (positively moralized) means to an end	it is a (negatively moralized) means to an end
	Theoretical	it the way things are doing things this way is appropriate for the nature of these actors	it is not the way things are doing things this way is inappropriate for the nature of these actors
Mythopoesis	Moral mythopoesis	look at the benefit/reward for doing it	look at the benefit/reward for doing it
	Cautionary mythopoesis	look at the consequences for not doing it	look at the consequences for not doing it
	Emotional mythopoesis	look at the emotion it evokes	look at the emotion it evokes
	Risk mythopoesis	look at the threat it poses	look at the threat it poses
	Assistance mythopoesis	look at the threat averted	look at the threat averted

Source: van Leeuwen, Theo. *Discourse and Practice: New Tools for Critical Analysis*. London: Oxford University Press, 2008; and Oakley, Lee John. *Strategies of Legitimation in Sex Education*, Unpublished MPhil thesis, University of Birmingham, 2013; adapted by the author.

I have reproduced, though edited, the table from Oakley (2013) in which he offers responses to the questions of legitimation as posed by van Leeuwen (2008), i.e., “Why should we do this?” and “Why should we do this in this way?” I have also augmented the table by adding a separate column related to the development of counter hegemony and counter discourse. I argue that while the Conservatives use legitimation in an attempt to establish hegemony and the dominant discourse, the Liberals and NDP use legitimation as a means not only to counter the Conservative position but also to establish a counter hegemony and counter discourse. These options are outlined in the second column. This approach is informed by Ernesto Laclau and Chantal Mouffe (1985), who linked the concept of hegemony (which is described in the subsequent chapter) to discourse theory. They argue that hegemony involves a struggle between different (particular) discourses (each, of which, contains different, particular representations of the world) that strive to be accepted as universal.

Fairclough’s (2003) understanding of modality is based on Palmer (1986), who divides modality into epistemic and deontic. The former is concerned with “language as information, with the expression of the degree or nature of the speaker's commitment to the truth of what he says” while the latter is concerned with “language as action, mostly with the expression by the speaker of his attitude towards possible actions by himself and others” (Palmer 1986, 121). Elaborating on epistemic modality, Palmer (1986, 51) explains that it should not simply apply “to modal systems that basically involve the notions of possibility and necessity, but to any modal system that indicates the degree of commitment by the speaker to what he says.” In effect, a mode of knowing is applied in order to interpret the meaning of the modal verb. Deontic modality, however, involves

“reasoning from *circumstantial* premises, specifying what the facts are, and *normative* premises, variously relating to what is desirable, what is good, what is morally required, what the law requires, what other people require...” (Fairclough and Fairclough 2012, 42; emphasis in original). In effect, it is a mode that expresses how things ought to be. Analysing modality is especially relevant for parliamentary debates because it not only helps to mark instances of legitimation in discourse but modality also speaks to the level of certainty that elites claim to have about ethnic actions and events (van Dijk 2000a).

Table 7: Legitimation Terminology

Assistance mythopoesis	Narratives based on support
Authorization	Using the authority of an individual, role model, tradition, custom, or law to support an argument
Comparison	Suggesting that credible others have engaged in similar legitimate actions
Consensus	Using attitudinal hegemony to persuade others to support a particular perspective
Conformity	Suggesting that since everyone else has done it, it too must be done
Deontic modality	Commitment to obligation or necessity
Emotion mythopoesis	Narratives based on emotion
Emotive meaning	Words that evoke a feeling or an emotion
Epistemic modality	Commitment to the truth
Force of facts	Using particular information to justify negative decisions
Hegemony	Ability of a dominant group to maintain power over the economic, political, and cultural life of society
Hegemonic positioning	Using the rearticulated meaning that almost always describes a group negatively
Moral evaluation	Appeal to morality (i.e., what is right, correct) or actions that have a particular desirable quality
Mythopoesis	Narratives as legitimation
Narrative	Recounting two or more non-randomly connected events
Risk mythopoesis	Narratives based on some external threat
Rationalization	Legitimation based on how things are done or a moralized means to an end
Rule of three	Using similar items to strengthen, underline, or amplify a message, especially a political message

Othering

Self and external Other are best understood as unique individuals (I and You) or as collectives that share similar characteristics (We and They). As self-identity is predicated on the development of “*discourses of both difference and similarity* and must reject and embrace specific identities ... the external Other should thus be considered as a range of positions within a system of difference” (Riggins 1997, 4; emphasis in original). Following from this, the Other does tend to be viewed by outsiders as a homogeneous category which explains Simmel’s (1971) use of the term “the stranger (singular)” to represent diasporic ethnicity and “the Jew” as a standard term in anti-Semitism. In studying the Spanish conquest of Mexico, Todorov (1982, as cited in Riggins 1997, 5) identified three dimensions of the relationship between the Self and Other: value judgments (i.e., in which the Other is deemed as good/bad); social distance (i.e., the degree of interaction between the Self and Other); and knowledge (i.e., how well the Self is aware of the history and culture of the Other). For my purposes, the first of these three dimensions is the most relevant.

As van Dijk (2006, 738) argues, “the categorization of people into out-groups and in-groups, and even the division between good and bad out-groups, is not value-free, but imbued with ideologically based applications of norms and values.” In his assessment, argumentation strategies clearly establish an opposition between “us” and “them” (van Dijk 2004, 30). For example, from the Conservative perspective, “us” could equate with Canadians, whites, the Conservative Party, legitimate refugees, and ordinary citizens whereas “them” could equate with Liberals, NDP, the “looney left,” asylum seekers, bogus refugees, and criminal middlemen. Additionally, an anti-immigrant sentiment

would likely present the Other as bad or inferior to the Self. As Riggins (1997, 6) nicely generalizes: “Self and Other actually are so intertwined that to stop talking about ‘them,’ one must stop talking about ‘us.’”

Positive self-presentation invariably focuses on “us,” emphasizing the positive aspects of one’s own group, party, or country. In fact, positive self-presentation often manifests itself as national self-glorification, i.e., positive references to or praise for one’s own country, history, or traditions (van Dijk 2006, 738). The alternative is negative Other-presentation, which not only sets up a dialogical contrast to positive self-presentation, but helps to establish a clear external difference between “them” as the “Other.”²⁷ As van Dijk (1997, 36) notes, “[i]mmigration, the multicultural society, or equal rights may be presented in a negative light; immigration is defined as ‘illegal’ (if not ‘threatening’), refugees are defined as ‘economic’ (and hence fake)” There is no balance and, in fact, political talk rarely focuses on the contributions of immigrants or minorities. I also suggest that negative other-presentation (note: lower case “o”) can be used among political parties to set up a discursive contrast between those groups who seek to establish the dominant discourse and those who seek to counter it. By polarizing groups into “us” and “them,” a speaker establishes a sense of mutual exclusivity, which in turn allows speakers to present controversial practices, views, or actions as the norm. Such an approach not only helps to reinforce hegemony but the perceived need for protection against an imagined threat.

²⁷ Given that I also identify examples whereby the parties presents their opponent negatively, I identify this as negative other-presentation (lower case o) to differentiate from negative Other-presentation (upper case O), which are statements that present such groups as visible minorities, immigrants, refugees, ethnic groups, or asylum seekers, etc. negatively.

While Other/other/them is a key concept for many CDA scholars, the concept also plays a crucial role in Elke Winter's (2011) analysis of Canadian multiculturalism and pluralism post-1992 (the date of the pan-Canadian referendum on the Charlottetown Accord) to the end of 2001 (with the early after-effects of 9/11). Her analysis, however, has met with some criticism including from Riggins (2014) and Howard Ramos (2014), who argues that Winter is inconsistent in employing the terms Other/other/them (though Ramos acknowledges that "us" is almost consistently reserved for English-Canada).²⁸ As such, my desire in including Winter in this thesis (beyond the fact that her approach is a good fit as a tool of analysis for Conservative discourse) is to potentially address a key criticism identified by Ramos (though, on this point, Winter (2014) disagrees). In fact, she envisions these concepts as fluid, thereby reflecting the changing social positions in which they are employed.

In order to address Ramos' concern (and add weight to Winter's contestation), I will seek to add a level of conceptual preciseness to her terminology by defining "other" as including legitimate refugees and "them" as including illegitimate refugees. While both constitute the "Other" (proper), legitimate refugees are temporarily bracketed out of the "Other" to be reassigned to "us" in order to serve Conservative purposes. This fits well with her analytical approach given that she defines pluralism "...as changing sets of triangular social relations, where the compromise between unequal groups – 'us' and

²⁸ The Charlottetown Accord was a package of proposed amendments to the Constitution of Canada, proposed by the federal and provincial governments in 1992. Submitted to a public referendum on October 26 of that year, it was rejected. Without going into too much detail, the Accord would have had Quebec patriate the 1981 Constitution, reformed the Senate, and clarified federal-provincial jurisdiction.

‘others’ – is rendered meaningful through the confrontation with real or imagined outsiders (‘them’)” (Winter 2014, 2).

Intertextuality can be a powerful analytical tool in Critical Discourse Analysis precisely because it speaks to how new texts transform existing ones while restructuring existing conventions (i.e., genres, discourses) in order to create new ones (Fairclough 1992a, 270). Similarly, as van Dijk (2000b, 66) points out, discourses do not exist in isolation and may be part of more complex societal and political debates. As such, it is likely that one will find competing or alternative discourses alongside the dominant discourse. Intertextuality also speaks directly to the idea of framing: when incorporating the voice of another into a text, there invariably are choices to be made regarding its “framing,” its contextualization, as well as issues of reporting and authorial account (Fairclough 2003, 53). How a story is told, how an authority is utilized, or even the choice of words to describe an individual or event is therefore rife with meaning. Hence, the use of framing has important implications for immigration discourse precisely because few elites have direct experience with the “Other” (van Dijk 2000a). If intertextuality is focused primarily on “who” is referenced in the text, then it is equally important to note “who” is not. As we shall see, despite the view that each party wishes to demonstrate that they have refugees’ best interest in mind, interestingly neither party directly quotes the views of refugees themselves.

Rhetorical figures (e.g., metaphors, irony, hyperbole, euphemisms, sarcasm, etc.) are often used in a persuasive function “to steer attention, enhance interest and thus reinforce the argumentation of the speaker” (van der Valk 2003, 320). The use of rhetorical devices is relevant for the study of asylum seekers because these devices can be

used to manipulate meaning, the expression of ethnic events, or social representations of the in- and out-group (van Dijk 2000a). For example, some of the more common rhetorical devices found in immigration discourse include the flood metaphor (which describes refugees as arriving in “waves”); the use of exaggerated numbers (which describe asylum seekers as arriving in the “thousands”) or sarcasm (which is designed to minimize and ridicule an opponent’s position).

Table 8: Othering Terminology

Allusion	Figure of speech that makes a reference to a real or imaginary place, person, or occurrence
Counter discourse	Discourse that seeks to challenge or counter the dominant discourse
Crimmigration	Intersection of the discourses of criminality and immigration
Criminal middlemen	References to criminal individuals/groups who exploit refugees and other vulnerable groups
Discourse	Words, images, ideas and practices through which meaning is circulated and power applied
Discourse of criminality	Narratives and social practices that present groups as criminals or law-breakers
Discourse of effectiveness	Narratives and social practices that present actions as effective
Discourse of fraud	Statements or narratives that present groups as seeking or securing unfair or unlawful gains
Discourse of humanitarianism	Narratives and social practices that present actions as humanitarian
Discourse of justice	Narratives and social practices that present actions as just
Discourse of securitization	Statements or narratives that present groups as threats to sovereignty and international borders
Distance marker	Hedges designed to distance a speaker from claims of truth made by others
Dominant discourse	Discourse that produces and reproduces specific knowledge about particular topics or social practices
Euphemism	Substitution of a less offensive or more agreeable term for one considered to be too blunt or harsh when referencing something that is unpleasant or embarrassing
Exclusionary discourse	Discourses that disempower, degrade, or disenfranchise a group through prejudicial statements
Fairness	Firm and difficult decisions mitigated by reference to the principles of humanism, tolerance and equality

Flood metaphor	Words, images, and ideas that present immigration as an unstoppable force that potentially could harm society
Force of facts	Using “facts” to justify negative decisions or to derogate Others
Hedge	Allows a speaker to distance him/herself from responsibility for his/her statement
Intertextuality	Presence within a text of elements of other texts which may be referenced in various ways (most common form is reported speech)
Irony	Using words or phrases in a way that conveys a meaning opposite to its usual or intended meaning
Metaphor	Description of a subject by asserting that it is, on some point of comparison, the same as another otherwise unrelated quality
National self-glorification	Using positive references to praise one’s country
Negative Other-presentation	Presenting Others/them in a negative light
Negative other-presentation	Presenting opposition groups in a negative light
Numbers game	Using numbers and statistics to enhance credibility or to persuasively display objectivity
Othering	Process by which minorities are portrayed as possessing different/undesirable characteristics, values, and/or beliefs than those living in the host society
Positive self-presentation	Presenting self/us in a positive light
Positive other-presentation	Presenting others/them/opposition parties in a positive light
Repetition	Repeating words and phrases enough times to be perceived as true
Rhetoric	Language designed to have a persuasive or impressive effect but is often regarded as lacking in sincerity or meaningful content
Sarcasm	Mode of satirical wit marked by bitter or caustic language usually directed against an individual

Corpus

In this thesis, I assess six parliamentary speeches made during second reading of Bill C-11: *The Balanced Refugee Reform Act* and Bill C-31: *Protecting Canada's Immigration System Act*. The use of a small sample is not completely foreign in social science research. It is important to note, however, that a small sample size (n=6) does limit the types of comparisons that can be made regarding the differences or similarities between parties, speeches, or time periods. To be clear, my goal in this thesis is to

conduct intensive research on a small number of cases in order to examine them in depth, which significantly limits my ability to make generalizations or broad predictions (Ragin et al. 2003). Such an approach, however, does have merit given that contemporary qualitative sociology sees “...small-N comparisons as allowing qualitative research to attain a degree of (what it construes as) scientificity...” (Steinmetz 2004, 372).

Given that this thesis is based on speeches delivered by political elites (i.e., parliamentarians who have been named by their leader to speak in parliament as a representative of a specific portfolio), it follows that speeches delivered by other parliamentarians (i.e., backbenchers) would not run contrary to the view of the leader, minister, or critic. In fact, former Prime Minister Pierre Elliott Trudeau once opined that backbench MPs were nobodies beyond Parliament Hill (as quoted in Sultan 2003, 17). Trudeau’s comment therefore suggests that any speech delivered by a backbench MP would serve only to mimic or reinforce a party’s position. This is especially true for government MPs, who are so tightly controlled by the Prime Minister’s Office (PMO) that their speeches are often subject to review and approval by the PMO.²⁹

As Potter and Wetherell (1987) point out, unlike traditional research methods, Critical Discourse Analysis is not necessarily as concerned with sample size. For example, Every and Augoustinos (2007) studied the construction of racism following Australia’s introduction of its new asylum-seeker legislation in 2001; Wang (2010)

²⁹ For an excellent analysis of the influence of the Prime Minister’s Office over departments, ministers, and parliament from 1970-2000, see Savoie, Donald. *Governing From the Centre: The Concentration of Power in Canadian Politics*. Toronto: University of Toronto Press, 1999. For an analysis of the Jean Chrétien years, see Simpson, Jeffrey. *The Friendly Dictatorship*. Toronto: McClelland and Stewart, 2001. Moreover, a number of Canadian media outlets (including, for example, the CBC, CTV, *The National Post*, *The Globe and Mail*, *The Toronto Star*, etc.) have all reported that the concentration of power in the hands of Harper’s PMO goes well beyond the control exercised by his predecessors.

conducted a Critical Discourse Analysis of Barack Obama's victory speech and inaugural address; Rojo and van Dijk (1997) analysed the speeches of former Spanish Secretary of the Interior; van der Valk (2003) selected two French MP speeches (from different right-wing parties) to evaluate parliamentary discourse on immigration; and Horváth (2009) used CDA to assess Barack Obama's first inaugural speech.

The goal of this thesis then is to examine Conservative, Liberal, and NDP contributions to the debate on refugee reform in 2010 and 2012. The overall corpus consists of debates in the Canadian House of Commons sourced from *Hansard* in April 2010 and in March 2012. Over 20 MPs participated in these debates, of which one from each party in each year (for a total of six) from second reading of Bill C-11: *The Balanced Refugee Reform Act* was selected for a more detailed qualitative analysis. The debate was held on 26 April 2010 and the speakers selected from this debate were:

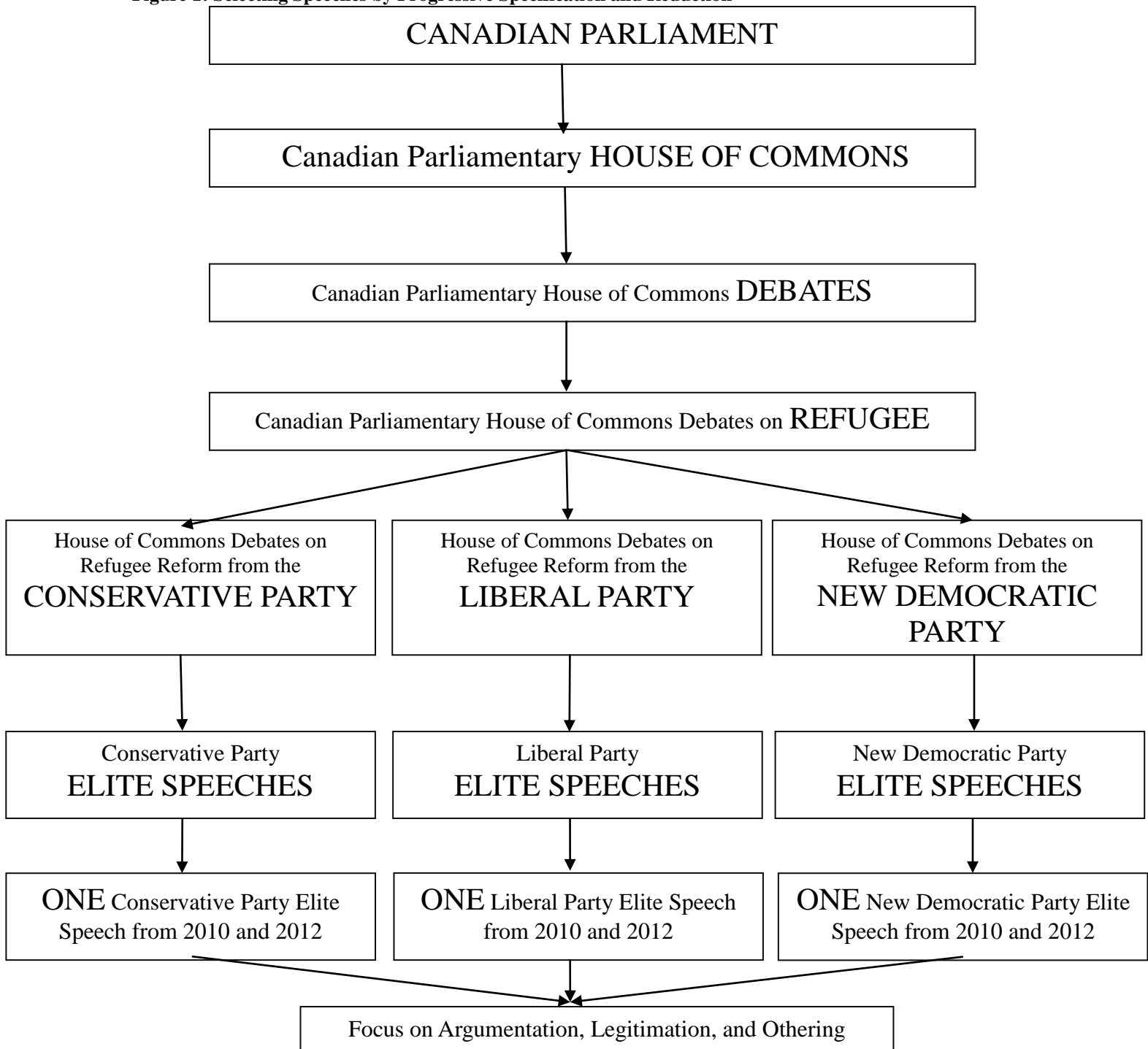
- Conservative Party sponsor and Minister of Citizenship, Immigration, and Multiculturalism, the Honourable Jason Kenney;
- Liberal Party responder and Her Majesty's Official Opposition Critic for Citizenship and Immigration, the Honourable Maurizio Bevilacqua; and,
- New Democratic Party responder and Critic for Access to Information, Government Ethics, and Privacy and Ethics, Bill Siksay.³⁰

The speakers selected from the debate on Bill C-31: *Protecting Canada's Immigration System Act* (6 March 2012) were:

- Conservative Party sponsor and Minister of Citizenship, Immigration, and Multiculturalism, the Honourable Jason Kenney;
- New Democratic Party responder and Her Majesty's Official Opposition Critic for Citizenship and Immigration, Don Davies; and,
- Liberal Party responder and Critic for Citizenship and Immigration, Kevin Lamoureux.

³⁰ While Olivia Chow, MP for Trinity-Spadina, was the NDP Critic for Citizenship and Immigration during debate on Bill C-11, it was Bill Siksay who delivered the NDP response speech.

Figure 1: Selecting Speeches by Progressive Specification and Reduction



Source: Wodak, Ruth and Michal Krzyżanowski, eds. *Qualitative Discourse Analysis in the Social Sciences*. New York: Palgrave Macmillan, 2008; adapted by the author.

Audience

Invested with the power to persuade, transform, and impress, speaking in public is perhaps the most important skill a politician needs to master. A successful speech will not only touch the audience emotionally, but it may also persuade them to a particular point of view. While parliamentary speeches are rarely heard by the general public, the thoughts and machinations of politicians are recorded by *Hansard* for later dissemination and study. The most likely dissemination for public consumption is through the media, where politicians are directly quoted from either their Parliamentary speech or during a “media scrum” prior to, or after, a debate in the House of Commons.

As van Dijk (2000b, 78) notes:

...parliamentary discourse is contextually relevant because it helps shape the minds of recipients, both of other MPs, as well as other (elite) groups and institutions (such as the media... and of the public at large).

As such, parliamentary speeches are generally aimed at the following audiences:

- parliamentary colleagues, who are tasked with supporting or opposing the speech;
- the broader public, who must be convinced that the action is necessary in order to convince them of the need for the legislation;
- the mass media, who are tasked with disseminating the crux of the issue to the general public through news articles, editorials, etc.; and finally,
- political bloggers and commentators, who may or may not have a sway on voters.

The groups identified here are not listed by importance though an argument could be made that the broader public are a politician’s core audience. Alternatively, it could be

argued that the target of the speech is wholly dependent on the speaker. For example, in a majority government, the main audience is more likely to be the Canadian public rather than parliamentary colleagues whereas in a minority government, the opposite may be true (at least in the short term).

While the media remain an important audience if a government has a majority, there has been speculation that the media have diminished as an effective public sphere for political controversies. Habermas (1989) has argued that the media have undergone a “refeudalization” in which audiences are treated as spectators rather than as participants, and are viewed more as consumers than as citizens. Moreover, as Eldridge (1993, 19; emphasis in original) points out, “...the media *mediates*, which means they select and edit, dramatising some and repressing other events according to their own standards and rules. They stand *between* the public, on the one side, and, on the other, the official managers of institutions, organisations, movements, or the society’s hegemonic elites.” As such, actions may place a greater onus on politicians to ensure that their message reaches its intended audience with as little dilution of meaning as possible. Such considerations also speak directly to how these speeches effect change in its intended audience.

One key consideration regarding the transmission of the message from the political sphere to the media sphere en route to the broader public is the ways in which particular communication strategies are repeated and reused. In this regard, the “talk” is perhaps more compelling than the “text,” especially considering its persuasive function. Repetition, however, begets similar messaging so that the message in any form becomes “naturalized in the eyes (or ears) of the reader (or hearer)...” with the result that the true

intent of the message may not be fully noticed until one begins to consciously “unpack” it (Lillian 2006, 79). Indeed, the process of audience “unpacking” (if it even begins) is complicated by a number of factors least of which reflects the fact that “the process of media production is an arena of contest and negotiation in which official sources cannot always take it for granted that they will be able to set the agenda” (Miller and Williams 1993, 127). While the mediation that occurs as the speech act moves from speaker to media-worker to audience will certainly influence any analysis, there are therefore certain benefits (e.g., less interference in the communication process) to be accrued from analysing the unmediated speech act.

Another key consideration reflects the argument that the media represents a crucial vehicle for the transmission of the dominant ideology, hegemonically striving to convince its audience that the existing social order and understandings of the world are correct (Schrøder 2000, 236). In fact, I would argue that when reproducing such terms as bogus refugee, the media are inviting a polysemic reading. By contributing to its “everyday” usage and acceptance among the audience, this reading reinforces the belief that “bogus refugee” is an appropriate term to describe asylum seekers and that there are indeed illegitimate refugees. It also sets up the term with a sociocultural taken-for-granted meaning that serves the interest of the dominant group (Schrøder 2000, 238). The end result is the intentional privileging of a Canadian identity at the expense of a refugee one.

Conclusion

In this chapter, I sought to introduce the methodological framework, specifically Critical Discourse Analysis, to be employed in my thesis. Given that hegemony

(described in the next chapter) is constituted through language, it is therefore quite appropriate to use CDA. I also briefly describe the value of political discourse as a topic of analysis. As I noted in the introductory chapter, there are potentially thousands of properties to be analysed and given the limited time to do so, I restrict my analysis to three broad areas: argumentation (i.e., bias), legitimation, and Othering. I believe these three areas will make for an interesting and thought-provoking thesis. In the section on Othering, I briefly introduced the work of Elke Winter, whose most recent scholarship will be discussed in greater detail in Chapter Five. I conclude with a review of the corpus to be used in this thesis as well as a brief discussion on the effect of political discourse on the broader public.

Chapter Three - “You Shall Not Pass!”: Power, Language, and Mobility

verum et factum convertuntur

[the criterion of truth is to have made it]

– Vico (1710, 45-46)

Introduction

Antonio Gramsci’s writings on language have been long recognized as an important contribution to the development of a sociology of language (Showstack Sassoon 2000, 42). As such, in this chapter, I outline the Gramscian notion of hegemony in order to assess how Conservative talk and text is used to establish a specific worldview regarding asylum seekers. This model informs my thesis in at least two key ways: first, I argue that language use (specifically, the negative portrayal of asylum seekers) is manipulated for the sole purpose of presenting them as criminals, frauds, and security threats; and, second, by criminalizing certain groups, the Conservatives are able to put forward a particular worldview that portrays certain types of refugees as legitimate and therefore deserving of protection. I also argue that the development of this Conservative worldview is best explained by Zygmunt Bauman.

Bauman represents an ideal scholar to link to Gramsci precisely because Bauman was so heavily influenced by *The Prison Notebooks*. In fact, for Bauman, Gramsci demonstrated clearly that the world did not have to be “this” way, and unlike the lament of Margaret Thatcher, believed that there was always an alternative. Critiquing the prevailing common sense is not only a pursuit of fundamental significance but one of the guiding principles of Bauman’s conception of the value and purpose of sociology (Tester 2004, 51-52). In fact, without common sense assumptions about the way the world “must

be,” there can be no sociology that seeks to show that things could be different (Bauman 1976). Assessing common sense understandings of how the Conservatives restrict entry (and by extension limit the mobility of certain groups) is of sociological importance, precisely because mobility becomes the praxis upon which asylum seekers are systematically denied the right to asylum, despite the fact that it is an internationally recognized treaty right. Unfortunately, these “vagabonds” are increasingly finding their destinations “locked” (Elliott 2007a, 54) as Western politicians do not want these individuals and will do everything in their power to prevent their entry. So what has precipitated this view?

This perspective has partly resulted from the triumph of capitalism over communism and the transfer of economic decision-making to the business elite. With the withering of the neo-liberal politician, elites now have little to do of significance; thus, they turn their attention to the various vulnerable groups (including, for example, asylum seekers), whose threat they exaggerate for political purposes. It is therefore about managing fear *while* controlling spaces. Referencing David L. Altheide (2003), Bauman (2007, 9) states that “...it is not fear of danger that is most critical, but rather what this fear can expand into, what it can become.” States fear what they cannot control so they must “control” something; hence, they create a target in asylum seekers by defining them as a threat – criminal, fraudulent, security, or otherwise:

The spectre of social degradation against which the *social* state swore to insure its citizens is being replaced in the political formula of the ‘personal safety state’ by threats of ... a serial killer, an obtrusive beggar, a mugger, stalker, poisoner, terrorist, or better still by all such threats rolled into one in a figure of an illegal immigrant, against whom the modern state in its most recent avatar promises to defend its subjects (Bauman 2007, 15; emphasis in original).

States – including Canada – are becoming increasingly fearful, thereby prompting defensive action. For Canada, the continued assault on its border from unwelcomed groups is a fear that demands action. Unfortunately, this action is legitimated through the unsubstantiated and prejudicial derogation of asylum seekers.

From Ideology to Hegemony

Ideology is quite a curious concept because it can hold a wide range of useful meanings none of which ironically are compatible with one another. There is a very long list of definitions of ideology that, when invoked, can pretty much serve any interest. Terry Eagleton (2007, 1-2) has attempted to summarize many (if not all) of these definitions by suggesting that ideology can be defined as “the process of production of meanings, signs and values in social life,” “false ideas which help to legitimate a dominant political power” and “forms of thought motivated by social interests” to “the conjuncture of discourse and power,” “the medium in which conscious social actors make sense of their world,” and “the process whereby social life is converted to a natural reality.” In discussing the discursive influence of political elites on the broader public, one cannot be faulted if one becomes confused over the use of the term ideology. This is especially true given that the few definitions listed here could equally help explain the relationship between parliamentary discourse and ideology.

If a particular ideology is to be influential or effective, then it must be the *dominant ideology*. While this does not preclude the fact that counter-ideologies exist, it is neither diffuse enough nor as broadly accepted to influence the public on a massive scale. Abercrombie and Turner (1978) no doubt agree that dominant ideologies exist for

the purpose of unifying the dominant class but contend that its ability to infiltrate the consciousness of the subordinate class is highly suspect. They note that an effective dominant ideology demands at the very least “a common culture in which all classes share and that the content and themes of that common culture are dictated by the dominant class” (Abercrombie and Turner 1978, 153). They question this likelihood, however, by noting that there is little evidence to support the view that the subordinate classes ever straightforwardly adopted the dominant ideology in either feudal, early capitalist, or advanced capitalist societies. They argue that this is also true for post-capitalist societies. Even Stuart Hall (1996, 29) questions this logic when he maintains that the “ruling-ness” of a class is no guarantee of the dominance of their ideas.

This is not to discount the effect of ideology on the broader public as it “...can be seen as more or less systematic attempts to provide plausible explanations and justifications for social behaviour which might otherwise be the object of criticism” (Eagleton 2007, 52) Perhaps we need to speak about multiple dominant ideologies that are at work in society. Because they are so intertwined and no doubt reinforce one other, it becomes very difficult, if not impossible, to pinpoint *the* dominant ideology at play in society. Furthermore, a significant distinction must be made between those ideas which serve and those which help to legitimate social interests in the sense that they are not necessarily one in the same though Eagleton (2007, 55-56) contends that ideology can achieve legitimacy if its promoters make their values and interests appear both universal and eternal. In other words, the beliefs and values specific to a particular time and place become accepted as the beliefs and values of all humanity. These values and beliefs

become not only the purview of the ruling class but of the entire society. This is precisely the effect of Thatcherism. As Hall (1996, 35) points out,

In short, our ideas of “Freedom”, “Equality”, “Property” and “Bentham” (that is, Individualism) – the ruling ideological principles of the bourgeois lexicon, and the key political themes which, in our time, have made a powerful and compelling return to the ideological stage under the auspices of Mrs. Thatcher and neo-liberalism – may derive from the categories we use in our practical, commonsense thinking about the market economy. This is how there arises, out of daily, mundane experience the powerful categories of bourgeois legal, political, social and philosophical thought.

To be effective, ruling ideologies must engage with the lived experience of the subordinate classes and, in turn, the ways in which these classes live their world will be typically shaped and influenced by the dominant ideologies (Eagleton 2007, 101). So, for example, by presenting asylum seekers as criminals taps into subordinate classes’ lived fear of crime. In fact, as Eagleton (2007, 58) contends, successful ideologies seek to render their beliefs natural and self-evident so that those beliefs become the common sense of a society. In order to reduce the likelihood of critique, an ideology must create as tight a fit as possible between itself and social reality. Hence, asylum seekers are portrayed as criminals precisely because they are guilty of some conceived illegal transgression (so, for example, abusing Canada’s generosity though such an act is not criminal) and they are guilty of this conceived transgression precisely because they are asylum seekers. This conceptualization speaks to the relational aspect of ideology as posited by Poulantzas (1973) who contends that ideology, like social class, expresses its conditions of experience in relation to the lived experience of others. In other words, for an ideology to hold prominence within a society, it must create the “Other.” Perhaps there is irony in the fact that there is the illusion that an ideology must be coherent, fitting

together like a philosophical investigation when, in reality, ideology “does not reflect, it constructs a ‘unity’ out of difference” (Hall 1988, 166).

Ultimately, ideology remains an abstract general theory with varying contesting definitions whose usage could serve almost any theoretical purpose. It is therefore important to move away from the abstract to a “...more concrete analysis of how, in particular historical situations, ideas ‘organize human masses, and create the terrain on which men move, acquire consciousness of their position, struggle, etc.’” (Gramsci (1971) as cited in Hall 1996, 41). To help explain the way in which specific ideas about asylum seekers gain prominence while others remain marginal, I turn to the Gramscian notion of hegemony, which was heavily influenced by Marx.

From Hegemony to Banal Hegemony: Reimagining “Common Sense” in the Age of Crimmigration

Antonio Gramsci agreed that in the long run capitalism was doomed to fail because it would eventually create inequalities that could not be accommodated (Cox 1983, 165). While Gramsci accepted Marx’s belief that class struggle was the driving force that moved history forward – and which would ultimately lead to the defeat of capitalism – he ultimately rejected the Marxist view that economic crises would automatically produce the conditions for systemic change (Routledge 2009, 15). Instead, he argued that social change would result from the terrain of economic crises. Gramsci also disagreed with accepted Marxist orthodoxy that activities in the superstructure could be deduced from the economy and flatly rejected the notion that “history would take care of itself” (Femia 1981, 9). He also believed that change was created through historically situated “purposive human action” and, having witnessed several failed revolutions

himself, became increasingly convinced of the adaptability of capitalism (Boggs 1976, 16).

Based on this assessment, Gramsci (1971) identified two distinct forms of political control: coercion and consent. While the latter referred to direct physical force, or the threat of it, as exerted by the police or military, the former referred to the voluntary assimilation of the dominant groups' ideology within a society. Ideology, here, is defined as shared ideas or beliefs that justify the interests of a dominant group (Giddens 1997, 583). It is through ideology that differential power is legitimated, distorting the "real" situation in which individuals find themselves. In fact, perhaps Gramsci's greatest contribution was his assertion that the possibility or threat of coercion – as well as its subtle uses – were integral to shaping and organizing consent (Ives 2004, 64).

Gramsci's assessment therefore elevated the discussion of ideology within Marxist theory. Not only did he recognize a dialectal relationship between the economy and the superstructure but he divided the operation of the state it into two areas: political society and civil society (Gramsci 1971, 262-3). Collectively, these two halves are defined as the integral state. In defining this dialectical relationship, Gramsci (1971, 12) drew a distinction between the use of force or domination by the state (i.e., political society) and the use of ideological means to achieve hegemony (i.e., civil society). While political society is the express domain of the state (specifically, such overtly coercive institutions as government, police, armed forces, and the legal system), civil society is the express domain of private life (specifically, such non-coercive institutions as churches, schools, and trade unions) (Forgacs 1999, 420).

Unbridled by the constraints of economic determinism, Gramsci sought to examine the ways in which the ruling class exercised power. While traditional Marxist teaching argued that the dominance of the ruling class was based on force, in reality, Gramsci believed that advanced capitalist countries were actually inhibited from using it (Boggs 1976, 17). Rather they utilized a combination of repressive and ideological means over all other classes in order to fully dominate society. From this perspective, hegemony becomes the ideological means through which elites rule by manipulating and controlling consent (Gramsci 1971, 80). Consent, in effect, is constituted through language.

Gramsci's work produced a more nuanced understanding of power in which consensual control can be viewed as leadership, though it does have its coercive aspects (Hall 1986, 16). While liberal democracies might resort to coercion and domination during periods of insurgency or crisis, in the long run, even oppressive authoritarian regimes would require popular support and legitimacy to maintain stability (Boggs 1976, 38). With this observation in mind, Gramsci was the first Marxist to recognize that bourgeois values could be a site for class struggle – and the result was a new area of study related to ideological hegemony. From the Gramscian perspective, a key failure of Marxism was its insistence on explaining power relations through a capitalist lens and the inconsistency that resulted from its inability to explain why the masses accepted things as they were without question.

For Gramsci, civil society represented the domain in which the dominant social group primarily organized consent and hegemony, with hegemony defined as:

...the permeation throughout civil society – including a whole range of structures and activities ... of an entire system of values, attitudes, beliefs, and morality, etc. that is in one way or another supportive of the

established order and class interests that dominate it. Hegemony in this sense might be defined as an “organizing principle,” or world view ... that is diffused by agencies of ideological control and socialization into every area of daily life (Boggs 1976, 39).

Boggs (1976) contends that the internalization of the prevailing consciousness led to what is generally considered to be “common sense” and whose primary goal is the perpetuation of elite power, wealth, and status. Gramsci theorized that this would be achieved by popularizing a particular philosophy, culture, or morality while seeking to render all others unchallengeable. Stuart Hall (1986, 14), however, argues that the unity of the classes is necessarily a complex phenomenon; thus, it has to be created based on specific economic, ideological, and political practices. As such, Gramscian common sense is viewed as “thought in common” – i.e., common to a social group or society as a whole (Jones 2006, 54). To quote Gramsci (1971, 198-199): “The ‘spontaneous’ feelings of the masses ... have been formed through everyday experience illuminated by ‘common sense,’ i.e., by the traditional popular conception of the world....” In this regard, Gramscian common sense not only drew its influence from “official” conceptions of the world circulated by the ruling bloc but also from the practical social experience of individuals. Common sense therefore is not only socially constructed but constitutes what is accepted as “truth.”

Rejecting the problems associated with false consciousness, Gramsci (1971, 328) believed that discourse was nothing more than the articulation of interests, though it did contain both elements of truth and misrepresentation (Forgacs 1999, 421). This preoccupation with practical consciousness led him to argue that, within the consciousness of the subordinate classes (and particularly the proletariat), two

conceptions of the world emerge: one affirmed in words and the other displayed in effective action (i.e., class struggle) (Gramsci 1971, 368). As such, all action is therefore political:

Hence the reason why philosophy cannot be divorced from politics ... the criticism of the conception of the world is also a political matter. And one can show furthermore that the choice and criticism of a conception of the world is also a political matter (Gramsci 1971, 327).

For Gramsci (1971, 331), common sense is the child of politics, as politics assures the relation between common sense and philosophy. Perhaps what was most interesting was his observation of the intricate and delicate relationship between the Catholic Church and the “simple masses.” Gramsci suggested that to influence the masses, the Church did not need to create “truth,” as its “truth” is constituted by faith – that which cannot be proven. Politicians, however, cannot rely on faith; instead, they must rely on common sense to influence the masses. Truth, however, is the great usurper of “common sense,” so to maintain control of the masses, politicians manufacture “truth.” Here, Gramsci makes an important analytical distinction between those who create knowledge – intellectuals – and those who do not know but merely “feel” – the “people-nation.” As Benedetto (2005: 101) argues “[t]o know something politically and socially, as opposed to abstractly or purely intellectually, is to understand with feeling and with passion.” Hence, the knowledge of intellectuals becomes life and politics only when linked to the passion of the masses. From this perspective, hegemony always involves “practical activity” as well as the ideas by which inequality is justified and normalized (Crehan 2002, 174). This is crucial for it helps to explain Gramsci’s vision regarding the relation between knowledge

and politics. Truth is constructed as opposed to discovered; it is contextual as opposed to foundational.

Gramscian common sense is constituted by ideology but it is not reducible to it despite resembling both the dominant and subordinate class views of ideology (Williams 1977, 109). Hegemony, however, is not only the upper level of ideology whose express outcome is manipulation or indoctrination; it is also the entirety of practices and expectations that help shape the perceptions of an individual's life and world. Gramsci tended to use hegemony "...to mean the ways in which a governing power wins consent to its rule from those it subjugates – though it is true that he occasionally uses the term to cover both consent and coercion together. There is thus an *immediate difference* (my emphasis) from the concept of ideology, since it is clear that ideologies may be forcibly imposed" (Eagleton 2007, 112). This is precisely the reason I choose not to equate ideology with hegemony, which is much broader than ideology.

As Eagleton (2007, 113) asserts, ideology reflects the way power-struggles are fought at the level of signification – and though it is found in all hegemonic processes, it is not necessarily the dominant level by which rule is sustained. Hegemony, on the other hand, can be found in non-discursive as well as discursive practices. While Hall (1996, 35-36; emphasis in original) points out that "language is the medium *par excellence* through which things are 'represented' in thought..." language nonetheless is multi-referential in the sense that "it can construct different meanings around what is apparently the same social relation or phenomenon." Thus, as Mark Stoddart (2007, 201) rightly points out, "[h]egemony [as constituted through language] appears as the 'common sense' that guides our everyday, mundane understanding of the world."

If we accept Eagleton's contention regarding hegemony as true (i.e., that it can be both a site for consent and coercion), then what could account for hegemony as represented solely through consent. This is especially important given that Hall (1988, 168) notes that hegemony must be constructed, contested, and won on many different sites – including the site of discursive struggle. To explain hegemony as consent, I argue that elites use what I have termed, to borrow from Billig (1995), *banal hegemony*. In effect, elites achieve consent by rearticulating meaning in such a way that it becomes viewed as the “everyday” natural meaning. Taking a page from Hall's (1988, 9) discussion on Thatcherism, a specific term like asylum seeker can be “discursively rearticulated to construct new meaning, connect with different social practices, and position social subjects differently.”

Through banal hegemony, the meaning and definitions of such terms as criminal, immoral, deviant, and illegal are represented as “common sense” and “incontestable” although they are continually redefined and reinvented. For example, freedom fighters are redefined as terrorists; asylum seekers are reinvented as criminals, etc. When politicians or journalists use, for example, the term “bogus” to refer to asylum seekers, they are practicing banal hegemony. The value of banal hegemony as a framework for studying Critical Discourse Analysis rests with elites' (e.g., state, media, politicians, etc.) ability to impose definitions on certain words, i.e., their ability to state, name, and label (though elites may not be able to force the population to accept those definitions or use those words). In fact, there are some imposed words, phrases, and definitions that carry more power than others and any contention over them will be viewed as a threat to the dominant order (Roseberry 1994, 361). In order to minimize this threat, however, the

ruling group imposes a direction on social order wherein “subordinates are manipulatively persuaded to board the ‘dominant fundamental’ express” (Jackson Lears 1985, 568). I further theorize that banal hegemony is constituted through, and created by, what I have termed *hegemonic positioning*. When elites use or reference the rearticulated meaning, which almost always has a negative connotation, they are employing hegemonic positioning. Such usage, however, is not without consequence since, as Gramsci (1971 as cited in Hall 1988, 8) argues, common sense, as expressed through banal hegemony, “...holds together a specific social group, it influences moral conduct and the direction of will.” In effect, elites seek to re-create asylum seekers in the image of a Folk Devil – such manifestations represent the bearer of all of society’s social anxieties who would receive society’s wrath of indignation (Hall et al 1978, 161).

The key tenet of banal hegemony rests with the notion that, as a form of social power, it draws its essence from manufactured truth. As such, ruling groups are able to secure the consent of the ruled by framing meaning in a particular manner; in this sense, elites practice a *rearticulation of meaning* which creates a false and/or self-serving conceptualization of the “truth.” In effect, concepts are re-defined to present the definition as the normal, accepted common sense understanding. Hence, actual definitions become irrelevant as the “truth” of the new definition lies in the re-articulated meaning. Through banal hegemony, these representations are reconstituted with the “new” meaning, thereby accepted as the new “norm.” In fact, the only way such hegemonic forms of politics can genuinely be contested is through the development of a counter-hegemonic strategy (Hall 1988, 11). Since the counter-elites are unable, unwilling, or ineffective in challenging this re-articulation, the new definition stands. Hence, successful subordinate manipulation

then is constituted by banal hegemony: it is the ability to “...define the boundaries of common sense reality either by ignoring views outside those boundaries or labeling deviant opinions ‘tasteless’ or ‘irresponsible’” (Jackson Lears 1985, 572). As such, discourses of truth become powerful precisely because they reinforce larger-scale patterns of inequality that are often taken for granted (Stoddart 2007, 206). In this sense, truth begets common sense and common sense begets truth.

To link Gramsci and Bauman, I consider Bauman’s discussion of power through mobility. Mobility (and immobility) for certain groups is a reflection of power relations since some groups (such as elites) have the privilege (and right) to travel lightly through liquid modernity while others (such as asylum seekers) do not. The interesting point of convergence, as I see it, is in demonstrating the intersection between these two forms of power: hegemony (i.e., cultural power, as articulated through discourse) and mobility (i.e., mobility power, which determines who is free to move and who has power to prevent movement). Through the use of Gramsci and Bauman, I draw out the theoretical point that the asylum debate in Canada – and perhaps elsewhere – is a key junction for these two modes of power.

The Wandering Refugee: Mobility and Immobility in the Liquid Modern World

Zygmunt Bauman was, in his early career, heavily influenced by Gramsci, which makes this conceptual linkage all the more apt (although he eventually abandoned Gramsci, it can be argued that the Italian still influenced Bauman’s later writings). This is especially applicable to Bauman the critical sociologist. Gramsci provided Bauman with an “honourable discharge” from orthodox Marxism, thereby avoiding the anti-Marxist

label.³¹ Like many other twentieth-century sociologists, Bauman began to question the common sense knowledge of the social world believing that no interpretation of truth could be solely viewed as the only one (Ray 2007, 68). Indeed, Bauman believed that sociology represented a strong counter to common sense. While common sense draws its strength from its own self-belief, thereby confirming the world and its arrangements, sociology, however, demands validation in order to successfully “defamiliarise the familiar” (Tester 2004, 51). Bauman’s vision for sociology as a counter to common sense reflected his desire to “stay close to ordinary men and women, injecting a critical perspective on the deeply conservative and potentially oppressive conventions of ‘common sense’” (Smith 1999, 186). Hence, he challenged individuals to meet in their personal behaviour the standards of individual responsibility, equality, and justice.

Bauman’s view on inequality, especially poverty, his belief in freedom, and his sense of justice were no doubt western Enlightenment values carried over from the “old world.” As a utopian and humanistic thinker, he routinely championed the poor and downtrodden in his works, perhaps owing to his experiences as a young intellectual unceremoniously exiled from Poland. In fact, his forced exit was partly due to his desire to disassociate the more humanistic and utopian socialism from the practical and economic determinist socialism as practiced in his abandoned homeland. Bauman’s Marxist contemporaries, however, treated him with suspicion, especially with regard to his vision for a utopian sociology. Many scholars (both Marxist and non-Marxist) viewed the idea of a utopian sociology trepidatiously given its conflict with the notions of value-

³¹ Bunting, Madeleine. “Passion and Pessimism,” *The Guardian*, April 5, 2003, <http://www.theguardian.com/books/2003/apr/05/society>.

neutrality and the norms of scientificity (Hviid Jacobsen 2007). Challenging the iron-clad Marxian ideological approach to utopianism, Bauman instead embraced utopia as an essential part of humanity as opposed to its prevalent understanding as reflecting order, conformity, and coercion. Utopian socialism, for Bauman, was “something that critically challenged common sense, habit, the present state of affairs, heteronomy and obsessive order...” (Hviid Jacobsen 2007, 220-221).

No doubt this approach to sociology played an instrumental role in Bauman’s definition of poverty. Viewing it as much more dynamic than just those without adequate means of subsistence, Bauman articulated a belief that social suffering would never be overcome, though it would be possible to continue to push down its threshold (Tester 2004). Bauman soundly rejected the functionalist view of poverty as something that was inevitable or necessary, thereby challenging the common sense contention that social suffering was simply the way things are or the way things are for certain Others. It is here that we see the influence of Gramsci on the Pole, who describes Gramsci’s influence as “...opening up the possibility of a Marxism that connects with the humanistic interpretation of human being...” (Tester 2004, 68). From this perspective, humanism allowed for a society unconstrained by determinism.

To be poor meant much more to Bauman than just going without or having less than another. The “poor” are those individuals kept out of sight and therefore out of mind. As such, Bauman’s goal, according to Tester (2004, 59; emphasis in original), was “nothing less than put the sufferers of poverty *back* into the public mind....” Perhaps more importantly is Bauman’s seriousness of moral purpose, which permeates his approach to sociology. It is here that we can link Bauman the socialist to Bauman the

humanist. Socialism is an ethical commitment which emphasizes the issue of social suffering; it is, in effect, "...a sharp knife pressed against the blatant injustices of society as it is" (Bauman and Tester 2001, 154).

For Bauman, injustice and freedom are intrinsically linked, with one begetting the other. Regarding freedom as a social construction (ostensibly borne out of capitalism, power, and privilege), freedom is therefore relational: freedom for some can only exist in relation to a lack of freedom for others. He writes: "If being free means to be allowed to go anywhere ... it also means that there are people who are tied to their abode and denied the right to move freely" (Bauman 1988, 9). Freedom (like common sense) is an illusion; it exists only as a relational condition within the social structure. As a testament to his role as a humanist, concern for the "suffers of poverty," and perhaps informed by his experience living through "unfreedom," Bauman questioned the motives of politicians who disregarded the needs of the unfree. To explain politicians' decision to ignore these voices, he proposed the median voter theorem: since the role of a politician is to get re-elected, public policy focuses on the majority, leaving the needs of the minority and unfree behind (Bauman 1988, 83). The resulting paradox is a system in which politicians find reward in excluding a certain group while ensuring that those in that group who require help in becoming free remain unable to do so. It is the unfree that he terms "wasted lives."

While Bauman (2004, 5) argues that the production of "wasted lives" is an inevitable part of modernity, and one that will continue to accompany it, the concept is nonetheless an ideal type. For Bauman, the goal is not to attend to the "voice" of individuals in suffering but to bring moral resonance to the abstract aspects of modernity

through the ideal type of “wasted lives” (Wilkinson 2007, 250). As such, the asylum seeker/refugee represents but one example of the ideal type of wasted life. In fact, Bauman (2005, 2) argues that economic progress in the modern world is at the heart of the asylum problem; as modernity moves forward, third world countries are brought along but at their own peril. In effect, liquid life – i.e., modern life – is both precarious and uncertain, especially for those who cannot – or do not – control their own movement.

The term refugee has become a category on whose basis international organizations and individual states engage in a process of worldwide triage. While the *Convention and Protocol Relating to the Status of Refugees* offers an operational definition, there is a movement among some scholars, including Bauman, to define refugees on a sociological basis; that is, according to criteria grounded in observable social realities, independent of any determination by official bodies or by a refugee’s own claim (Zolberg, Suhrke, and Aguayo 1989, 4). Unfortunately, the reality of states utilizing such a definition is highly unlikely, as to do so would be to recognize refugees as the direct casualties of modernity. In other words, the ability of the state to limit a refugee claim to the 1951 Convention/1967 Protocol would be undone. Since states are increasingly defining who they want to admit, the refugee issue is no longer about *who* is a refugee; rather, it is about *which* refugees are allowed to enter. By controlling mobility, states are in the enviable position of determining freedom – the freedom to move, the freedom to choose, and, more importantly, the freedom to become that which one is currently not – a citizen. Such freedom is especially pertinent to asylum seekers. For these marginalized individuals, joining “the mobility game” is not a realistic option, especially when “the game” is rigged against them (Bauman 2005, 5).

Modernity, according to Bauman, brings the privileged, the powerful, and the elites on a voyage in which their destination is known. It has allowed them to fulfil their life chances, or, at the very least, the ability to try. For the asylum seeker, however, their voyage is marked by a feeling of redundancy, signalling a loss of self-esteem, powerlessness, or life purpose (Bauman 2004, 13). While they embark on a journey that promises safe passage, the road remains full of unmitigated risk and little, if any, reward. In fact, for those who are excluded and assigned to waste, there is no return to “full-fledged membership” nor are there any other paths to an alternative title of belonging (Bauman 2004, 16).

Asylum seekers are therefore representative of, what I term, the *waste state*, i.e., states whose citizens are, in effect, unfit to serve or no longer able to serve (Bauman 2005, 11). They are the unwanted and the unwashed masses. Citizens of waste states are no longer protected by their home state nor are they welcomed by others – they are *persona non grata*. Their individuality robbed, they are labelled criminal, fraud, threat, or risk. They are, what I term, the *waste water* of liquid life: “in an age when all the grand ideas have lost credibility, fear of a phantom enemy is all the politicians have left to maintain their power” (Bauman 2007, 16). Breeding fear of the other and the unknown is the only weapon left in the politician’s hegemonic arsenal.

While the enforcement of international law is at the will of those who have the power to do so, states are increasingly unable to address the uncertainty associated with it. Since states are no longer fully in control of their economy, security, culture, etc., they cannot promise their citizens the whole-life protection from cradle to grave. Desperate to do so, however, they look to the vulnerable as a scapegoat. States therefore refocus their

attention to the objects in reach. Refugees, asylum seekers, immigrants, Temporary Foreign Workers – the *waste water* of liquid modernity – fit the bill perfectly. These are the groups that are clearly visibly, and clearly not beyond the reach of the state. They are ignored when in need; slandered when required; expelled when appropriate. They are viewed as nothing more than “a harbinger of ill tides” (Bauman 2004, 67).

States define those who are legal by defining those who are not. It is a simple matter of separation; this is modernity’s “trade secret” (Bauman 2004, 21). In fact, one must eliminate that which is undesirable, leaving in its place that which is desirable. States determine entry based on what is desirable – education, knowledge, skills, or abilities. The asylum seeker, at least in the view of the state, brings nothing with him/her that is desirable. Bauman (2005, 10) argues that only as a commodity can individuals demonstrate their own use-value – in liquid life, however, the distinction between consumers and objects of consumption is momentary, fleeting, and conditional. If one cannot demonstrate their use-value, one will not be admitted entry. In order to counter charges of prejudice, xenophobia or discrimination, however, elites must demonstrate some degree of humility. They must “reconcile the irreconcilable: the overwhelming wish to dispose of the noxious human waste while gratifying one’s own poignant desire for moral righteousness” (Bauman 2007, 40). Hence some are allowed entry – despite their unapparent use-value – but on terms dictated by the elites, and *only* if they are deemed to be legitimate. Thus elites use banal hegemony to articulate which groups are legitimate and which are not, which groups are allowed entry and which are not, and which groups

are deserving of protection and which are not. Political elites stand ready, like Gandalf before the Balrog, to declare “You shall not pass!”³²

Elites use hegemony then to create the illusion of freedom of choice and to instill the belief that they control their own lives. The reality, according to Bauman, is much more surreptitious: by controlling freedom, elites are, in effect, controlling movement. For the state, the asylum seeker has become such a terrifying concept because the fiction of modern sovereignty is placed in crisis (Agamben 1998, 128). To maintain some semblance of sovereignty, states must enhance their ability to determine who are permitted entry and who are denied it. While the fear of huge influxes or floods of asylum seekers has contributed to a rush to erect protective barriers, the spectre of a world of closed borders has, in turn, stimulated awareness that there are special international migrants who urgently need protection and assistance (Zolberg et al. 1989, 7). These are the legitimate refugees; they are the ones granted entry.

Bauman's conceptualization of surplus population is yet another variant of the mobility crisis. Asylum seekers are the “lives unworthy of living;” they are the unintended and unplanned “collateral casualties” of economic progress (Bauman 2004, 39). These individuals are a population that must be controlled, directed, or removed. They are the global poor in flight chased away not by wealth but evicted from an

³² While this command is given in the 2001 *Lord of the Rings* movie, it does not appear in Tolkien's text; instead, Tolkien writes “You cannot pass.” Both statements, however, are an allusion to the words spoken by French General Robert Nivelle at the Battle of Verdun during the First World War. “They shall not pass” was used as a slogan to express determination to defend a position against an enemy. Hence, it is used here to describe how asylum seekers are portrayed as “the enemy.”

exhausted, transformed hinterland (Bauman 2005, 22). Their movement is both restricted and controlled. As Bauman (2007, 45; emphasis in original) poignantly observes:

They [asylum seekers] are expelled by force or frightened into fleeing their native countries, but refused entry to any other. They do not *change* places; they *lose* their place on earth and are catapulted into a nowhere, into Augé's 'non-lieux' or Garreau's 'nowheresville', or loaded into Michel Foucault's 'Narrenschiffen' ... or (as Michel Agier suggests) into a desert, by definition an *uninhabited* land, a land resentful of humans and seldom visited by them.³³

Such framing also speaks directly to the power of banal hegemony. Reframed as a societal danger, asylum seekers offer a "convenient alternative focus" for politicians (Bauman 2004, 55). For example, the attacks of 11 September 2001 sowed the seeds for British elites to instil fear into the masses by focussing on the threats presented by gypsy travellers (i.e., the Roma) and homeless immigrants though neither group was in any way responsible for 9/11 (Bauman 2007, 16). Perhaps more importantly, this terrible tragedy has been used as the *raison d'état* to deny entry and to control mobility. This, despite the fact, that none of those behind the attacks were either refugees or asylum seekers. This moral panic has created a scenario whereby the undesirables in society are categorized as criminals and threats to Western security. Indeed, this re-articulation has allowed states to deny asylum seekers entry by presenting them as "security risks."

Borrowing a playing card from the same deck of British Conservative discourse on asylum seekers, Canadian Conservatives, make similar, unsubstantiated claims. The

³³ Foucault (1965) describes the Narrenschiffen or Ship of Fools as resulting from the uneasiness that emerged during the Middle Ages in which madmen were viewed as dangerous and ambiguous figures. As such, villages dealt with madmen by expelling them – they were, in effect, excluded and enclosed. Modern asylum seekers can be viewed as a contemporary version of the Narrenschiffen, often portrayed as a danger or threat that must be expelled or detained.

“asylum problem” seems to appear whenever political elites require a topic that will resonate with the public, especially when other issues begin to cloud the debate. It is much easier to shift the focus away from the problem and onto the victim. Unfortunately, asylum seekers find it difficult to cast off the wholesale charge of the terrorist conspiracy while fighting against those who would accuse them of sponging off Western society and sticking to their wicked and disreputable habits and creeds (Bauman 2004, 57). Such claims-making has had serious, unforeseen consequences.

The key point here is that both economic migrants and asylum seekers may be painted with the same brush. Their paths, however, are wholly different. Economic migrants are individuals who choose to leave their country of origin, seeking a better life elsewhere. They are the product of economic modernization and are wholly in control of their destination. They are willing – and able – to pay the price of admittance. Asylum seekers, however, are forced to leave their homes based often on circumstances beyond their control. They cannot return to their country of origin without fear of reprisal. They are the unwelcomed and the unwanted. As Bauman (2005, 34) writes:

No one asked them to choose and no choice was given. If they tried nevertheless to declare and pursue their preferences, they would be promptly stopped, rounded up and returned to ‘where they came from’: that is, to the fixed identity that is imposed on them by others by force if they themselves don’t meekly and placidly accept it as their non-negotiable fare.

This is the liquid modern definition of the twenty-first century asylum seeker.

Unfortunately, the asylum seeker and the economic migrant are inseparable in the eyes of the political elite. Both stand for wasted humans and, whichever of the two is used

to raise resentment and anger, the resentment remains the same (Bauman 2004, 58).³⁴ The goal, as Bauman quite rightly argues, is to reinforce the differences in order to maintain the distinction between “us” and “them” – those on the “inside looking out” versus those on the “outside wanting in.” In essence, states’ borders have become “asymmetric membranes” – allowing the exit of the desirables while denying entry to the undesirables (Bauman 2004, 68). While I suggested earlier that states are unable, or unwilling, to find a place for the undesirables, it is becoming increasingly clear that they do not even want them at their door. Where Canada once stood as a safe haven for refugees and asylum seekers, under the Conservative’s watch, the country has slowly become “Fortress Canada.” With its emphasis on security, biometrics, and surveillance, it is less a welcoming community and more a gated one. While many refugees and asylum seekers are stateless, these individuals have been raised to an entirely new level by the non-existence of state authority. They are the forever mobile, yet constrained in their movement: “They are on the move because *move they must*. They move because they cannot stop” (Bauman 2005, 133; emphasis in original). They are the epitome of the *Wandering Jew*, cursed to roam the earth for forever and a day.

Conclusion

Whereas Gramsci argues that language can be used surreptitiously and Bauman argues that refugees, as *the* casualty of modernity, are effectively denied the right of mobility, I argue that the point of convergence between these two theorists is exemplified

³⁴ As an aside, as of this writing, the Temporary Foreign Worker Program is being assailed by politicians, media, and others despite the fact that the program (and its problems) have existed for several years.

through a Conservative defence that uses language to present asylum seekers as a threat in order to legitimate restrictions on their entry. This assessment, however, produces an inconsistency. How can politicians both embrace and avoid the ambivalence associated with contemporary society? One possible avenue of reconciliation reflects politicians attempt to integrate the modernist need to establish boundaries (e.g., controlling border entry) and classifications (e.g., legitimate versus illegitimate refugees) with the postmodern tolerance for plurality (e.g., multiculturalism) (Elliott 2007b, 8). As this is perhaps the point that Elke Winter (2011) makes, it serves to link her work to both Gramsci and Bauman.

Beyond the inconsistency associated with understanding Conservative discourse through the lens of Gramsci and Bauman, my theoretical approach does produce two key tensions. One that immediately emerges follows from the two theorists' conceptualization of "common sense." Bauman, for example, views it as the ideas that individuals have to enable them to live their lives – it is this tacit knowledge that allows us to live as humans (Bauman and May 2001, 6). Describing common sense as rich, though oftentimes inarticulate, non-systematic, and disorganized, it orients individual conduct, though the way in which it operates is not entirely known (Bauman and May 2001, 21). As such, common sense is by definition habitual and, as habits become routinized, the familiar is seen as self-explanatory. For Gramsci, however, common sense is the embedded, incoherent, and spontaneous beliefs and assumptions characterizing the conformist thinking of the masses (Brooker, 2003, 39). While it does contain elements of practical tacit knowledge, it is mainly composed of superstition, folklore, religious beliefs, as well

as elements of previous philosophies (Gramsci 1971, 323-326). Common sense penetrates deeply within society though it is not unchanging.

It is Gramsci's and Bauman's treatment of intellectuals that leads to another theoretical inconsistency. Broadly conceived, intellectuals are "distinguished by the capacity to define themselves as the arbiters of 'universal' moral, political and philosophical precepts" (Martin 1998, 67). The ambiguity of their role oftentimes lies in the privileged position granted to them as bearers of universal knowledge; by defining intellectuals as agents of hegemony, however, Gramsci challenged the liberal-bourgeois assumption that power and knowledge are separate entities (Martin 1998, 67-68). It is the task of intellectuals, writes Gramsci, to criticize the disparate conceptions that comprise common sense in order to instil new popular beliefs and create a new common sense (1971: 422).

Gramsci viewed intellectuals as those who have the ability and responsibility to produce knowledge and instil it into others while Bauman viewed them solely as products of Enlightenment values and modernity (Crehan 2002, 131). Hence, their authority is rooted in the social world and while attempting to determine "apodictically correct resolutions to the questions of truth, judgement, and taste" (Bauman 1992, 12). As the conditions of modernity change, however, these intellectual "legislators" become disposed of their authority, as political techniques require less the services of ideological legitimation (Martin 1998, 68-69). As the intellectual's legislative function diminishes, Bauman argues that, in its place, arises an interpreter role. Hence, "[w]hat remains for the intellectuals to do, is to interpret such meanings for the benefit of those who are not of the community..." (Bauman 1987, 197). While in general this appears to create tension, I

believe that my conceptualization of banal hegemony helps to resolve it. There is no doubt that a vital role of elites is to produce “common sense,” though the product is no longer ideological but conceptual. Politicians remain committed to establishing hegemony and perpetuating their own understanding of the world by rearticulating meaning rather than through blatant ideological rhetoric.

Chapter Four: Canadian Immigration Policy Post-Second World War

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless,
Tempest-tost to me,
I lift my lamp beside the golden door!
— *The New Colossus*, Emma Lazarus

Introduction

In this chapter, I review Canadian immigration and refugee policy post-Second World War as well as some of the issues that the Hungarian Roma (as an ethnic group and as asylum seekers) face when seeking asylum in Canada. While the majority of the chapter provides a general overview of immigration and refugee policy, the 2010 and 2012 changes to immigration legislation (Bills C-11 and 31 respectively) are discussed in greater detail. Indeed, these pieces of legislation were supposedly designed to reform the asylum system, to address human smuggling, and to incorporate biometric data as a means to screen temporary residents.³⁵ This is contrary to what many critics believed to be the true intent of the legislation – that is, to target specific groups of asylum seekers from a specific country, notably the Hungarian Roma. It is that discussion which will conclude this chapter.

Ever since the Peace of Westphalia (1648) codified into law the concept of sovereignty, the most fundamental issue for a state has been to determine who it admits and does not admit as a member. For Canada, as a country of immigrants, membership

³⁵ Citizenship and Immigration Canada, “Harper Government introduces the *Protecting Canada’s Immigration System Act*,” news release, February 16, 2012, <http://www.cic.gc.ca/english/department/media/releases/2012/2012-02-16.asp>.

then is fundamentally linked to immigration policy; yet, following Confederation, no government felt it necessary, even in the short term, to articulate clearly the goals and objectives of Canadian immigration. As Whitaker (1991, 3) explains, “the persistent lack of clarity, reflecting deep divisions of interest and ideology within the community, has been matched by a diffusion and fragmentation of responsibility for formulating, executing and enforcing immigration policy....” The lack of vision in establishing a coherent immigration policy would continue well into the late-twentieth century.

The Immediate Post-War Period: 1945-1957

Following the Second World War, there were tremendous demands on Canada to reduce barriers to immigration given the hundreds of thousands of displaced persons residing in Europe. Despite pressure from those at home and abroad to help address the refugee crisis, Prime Minister Mackenzie King stubbornly rejected an increase in immigration, citing the possibility of a post-war recession and the lack of suitable passenger transportation (Knowles 2007, 156). Even the newly formed Senate Standing Committee on Immigration and Labour urged a sustained policy of immigration, one that would reflect the absorptive capacity of the Canadian economy and society (Whitaker 1991, 14). Prime Minister King, however, refused to relent, and in a 1947 speech, “affirmed some of the key principles of early immigration policies, admission was a privilege, and therefore properly left to the discretion of government, with few due protections; immigrants were to be viewed in terms of their potential contribution to the economy; and immigration was not to change the fundamental demographic character of the community...” (Kelley and Trebilcock 2010, 317-8). In other words, Canada would

continue to severely restrict immigration (especially from Asia) and only to promote white European immigration.

For the remainder of the 1940s, immigration policy rarely attracted serious parliamentary debate nor did it play an important role in the federal elections of 1945 or 1949. That would change, however, with the adoption of the 1952 *Immigration Act*, the first major update of immigration policy since 1910. While many observers hoped that the new act would usher in a period of coherent immigration policy, they were sadly mistaken. The new act merely codified into law long-standing immigration practices that had developed administratively over the previous four decades. While the new legislation was viewed merely as a framework, it nonetheless provided the Minister and the Special Inquiry Officers with substantial powers over the selection of immigrants to address particular economic and social needs or “to prohibit or limit the admission of persons by reason of such factors as nationality, ethnic group, occupation, lifestyle, unsuitability with regard to Canada’s climate, and perceived inability to become readily assimilated into Canadian society” (Knowles 2007, 170). Following a 1956 Supreme Court of Canada decision, however, the Court found that the discretion given to Special Inquiry Officers exceeded the provisions in the 1952 *Immigration Act*. As a result, the government was compelled to develop regulations to divide various countries into areas of preferred status (Kelley and Trebilcock 2010, 333).

Accordingly, a 1956 Order-In-Council kept as preferred classes British subjects, French citizens, American citizens and provided for family reunification of Asian Canadian citizens and their immediate overseas relatives. The same Order-In-Council also established small quotas for immigrants from India, Pakistan, and Ceylon (now Sri

Lanka). According to Jack Pickersgill, then Minister of Citizenship and Immigration, these quotas, which were established by treaty, were viewed as a “gesture for the improvement of commonwealth relations” (quoted in Kelley and Trebilcock 2010, 334).³⁶ While the 1952 Act did not explicitly discriminate against any specific group of immigrants, the power of the Special Inquiry Officers to deny entry on cultural, climactic, and social bases provided for it de facto. This power then allowed the federal government to escape international criticism while at the same time keeping Canada white.³⁷

Refugee issues were clearly not at the forefront of Canadian immigration policy in the 1940s or the 1950s. For example, in 1947, there were approximately eight hundred thousand refugees in European camps alone, with approximately 50 per cent of those Jewish (Adelman 1991, 189). While Canada resettled approximately 10 per cent of displaced persons through special programs, it was done begrudgingly and under intense international pressure. Much like its refusal to accept Jewish refugees prior to and during the Second World War, Canada rejected requests to resettle Arab families uprooted in Palestine during the Arab-Jewish War. In addition, Canada was unwilling to accept any of the more than one million refugees outside Europe (i.e., Africa and Asia). Canada’s rationale: both groups were alien and considered unacceptable for adaption to Canada (Adelman 1991, 189). Such thinking continued to mirror King’s view that the “racial and

³⁶ The Right Honourable John (Jack) Pickersgill was Minister of Citizenship and Immigration from July 1954 to June 1957. He also represented the Newfoundland and Labrador riding of Bonaville-Twillingate.

³⁷ “1952 Immigration Act,” Immigrant Voices, last modified 2000, accessed April 23, 2011, <http://www.canadianhistory.ca/iv/1945-1967/act/index.html>.

national balance of immigration would be regulated so as not to alter the fundamental character of the Canadian population” (Knowles 1992, 124).

In fact, it was during this period that Canada’s refugee policy came under intense criticism in the House of Commons. Members of Parliament accused immigration officers of selecting only healthy candidates, and charged that the government was not interested in accepting those who were injured, sick, or old (Kelley and Trebilcock 2010, 344). Clearly, Canada’s refugee policy in the 1940s and 1950s reflected its immigration policy; as a less noble and pragmatic motive to address “Canada’s need for additional workers to serve the unquenchable needs of its expanding economy” (Knowles 2007, 167). This view was further reinforced, when in 1951, Canada chose not to sign the *Convention Relating to the Status of Refugees*, viewing them as individuals fleeing persecution to whom a country gave temporary asylum. Canada wanted no part of being a country of asylum; rather, it viewed itself as a country of permanent residents (Adelman 1991, 189-190).³⁸ Moreover, the RCMP was concerned that the adoption of the Convention would restrict Canada’s ability to deport refugees on security grounds (Kelley and Trebilcock 2010, 345). Ironically, these concerns still resonate nearly 60 years later.

Michael Lanphier (1981, 114) described Canada’s response to the refugees produced by the Soviet repression of the Hungarian uprising in 1956 as “the first ever crisis to demand Canada’s participation in the international resettlement effort.” The brutal Soviet response left many Hungarians homeless and without a means to support themselves — but, surprisingly, the Liberal government responded without haste. While

³⁸ For details of the 1951 Convention and the 1967 Protocol, see: <http://www.unhcr.org/3b66c2aa10.pdf>.

the decision to respond was clearly based on humanitarian grounds, the Cold War and anti-Communist ideological undertones could not be ignored (Adelman 1991, 193). As Laura Madokora (2013, 2) notes “the rhetoric of humanitarianism became a glossy veneer that couched the messier reality of selecting people in need who could contribute to national economies and integrate easily in the national body politic.”

It was also quite clear that anti-Semitism was still rampant in the Immigration Branch. One Director argued that many refugees were not bona fide but were “Hebrews who had taken advantage of the situation” (quoted in Kelley and Trebilcock 2010, 347). During this crisis, the influence of the mass media may have also played a role, as a media campaign emerged to help champion the cause of the Hungarian refugees (Lanphier 1981, 114). While it is unlikely that the government response resulted from any media pressure, it certainly did not harm it.

Eliminating Racial Discrimination: 1958-1975

The late 1950s and 1960s had the potential to usher in a new era in immigration policy. With the election of John Diefenbaker in 1958, there was once again cautious optimism. Referring to the illiberal 1952 *Immigration Act*, Prime Minister Diefenbaker announced his government would “overhaul the act’s administration to ensure that humanity will be considered and put an end to the bureaucratic interpretations which keep out from Canada many potentially good citizens” (Knowles 2007, 179). Unfortunately, the Prime Minister’s statement was more pomp than circumstance, and little effort was made to overhaul the Act during his short tenure.

Diefenbaker's new Minister of Citizenship and Immigration, Ellen Fairclough, and her Deputy Minister, George Davidson, resolved instead to introduce new regulations that would eliminate racial discrimination as a major feature of Canadian immigration policy — effectively ending Mackenzie King's vision of Canada as a country of white Europeans (Hawkins 1991, 39).³⁹ This change was not borne of parliamentary or popular demand; rather, it originated with the bureaucracy, who recognized that Canada's role on the world stage would be hindered by an overtly racially discriminatory immigration policy. When the United Nations declared 1959/60 as World Refugee Year, Canada finally put into action a true humanitarian response. Not only did Canada agree to exempt refugees from age and occupational criteria under its humanitarian commitment, but Canadian officials also agreed to accept persons infected with tuberculosis. The initiative was so successful that by year's end, Canada had admitted 300 infected refugees, along with 526 of their dependents (Dirks 1977, 225). Unfortunately, Canada's overall refugee intake fell short of its international expectations. While overall annual immigration admissions increased approximately threefold, from 76,000 in 1962 to 222,000 in 1967, the proportion of refugees was relatively small, averaging about 3,600 per year (Kelley and Trebilcock 2010, 353).

Prior to this period, the largest group targeted for discrimination were the Chinese. In fact, the restrictions on this group between 1947 and 1962 reflected not only a racial bias of Canadian immigration policy against Asians but against other non-white immigrants. While maintaining Canada's right to discriminate, King, in deference to the

³⁹ Ellen Fairclough was Minister of Citizenship and Immigration from May 1958 to August 1962.

United Nations Charter, did agree to repeal the 1923 *Chinese Immigration Act* in 1946. While historian Patricia Roy (2010, 7) described this action as “...little more than a token gesture,” it did allow Chinese residents of Canada, who were not already citizens, to apply for naturalization (Knowles 1992, 124). Such Sinophobia was perhaps driven by three factors emanating from the 1950s and 1960s: first, the Korean War (1950-53) in which Canada, the United States of America, and others fought against North Korea and China; second, the fear of Communism created by the Cold War; and third, the potential for Communist infiltration by Chinese immigrants (Li 1998, 93).

Perhaps recognizing the political benefits of stirring an anti-Communist sentiment during a tight election campaign, Diefenbaker announced that “Canada would set an example to the world by resettling one hundred refugee families [from Hong Kong]” (Madokoro 2013, 7). While the announcement was applauded by Canadian church leaders, the level of Sinophobia within the civil service remained high. As Madokoro (2013, 8) notes “officials viewed Chinese refugees as a migration problem based on their decades-long attempts to limit the overall size of Chinese migration flow to Canada.” Moreover, immigration officials immediately restricted eligibility under the Chinese Refugee Program fearing that Chinese Canadians would use the Refugee Resettlement Program to sponsor relatives who had previously been deemed inadmissible (Madokoro 2013, 9). This decision created much resentment among the Chinese-Canadian community, who felt their contribution to Canada was being disregarded in favour of those with no ties to the country. Despite the suggestion that the program was designed to select refugees, in reality, the majority of individuals admitted under the program were

selected based on their potential as workers and future citizens — economic and citizenry interests was subsumed under the rhetoric of humanitarianism.

The restrictions on Chinese immigration invariably resulted in some Chinese entering Canada illegally. Li (1998, 93) notes that some children of Chinese-Canadians would misrepresent their age in order to qualify for admission while others would secure real or fictitious birth certificates indicating a Chinese-Canadian parent. While illegal Chinese immigration was investigated by the Canadian government, Citizenship and Immigration Minister Ellen Fairclough announced in Parliament that the government had no intention “to prosecute or deport ... any Chinese presently in Canada who have not themselves engaged in assisting other Chinese, apart from their own relatives, to enter Canada illegally...” (quoted in Li 1998, 93). The Minister also introduced the *Chinese Adjustment Statement Program* which provided limited amnesty to those Chinese who entered Canada illegally, resulting in over 11,500 Chinese availing of the program between 1960 and 1970 (Li 1998, 93). While Canada broadened its categories of admission in 1962, the family reunification category still discriminated against the Chinese by restricting which relatives could be sponsored; the first two categories, however, did permit Chinese who had no relatives in Canada to apply as independent immigrants for the first time since 1923 (Li 1998, 95).

The explicit racism experienced by the Chinese in Canada had terrible and unforeseen consequences. Peter Li (1998, 72) rightly argues that despite the fact that the Canadian-born Chinese population increased from 20 per cent in 1941 to 40 per cent in 1961, the restrictions nonetheless prevented them from replacing its aging population. In 1971, for example, the Canadian-born Chinese population was only 20 per cent while for

the Japanese, who had faced no restrictions on bringing their spouses to Canada, it was 76 per cent (Li 1998, 73). Such a policy is interesting given that China was allied with Canada during the Second World War while Japan was a belligerent.

With the defeat of Diefenbaker, and the rise of Liberal Prime Minister Lester Pearson, Canadian immigration policy in the late 1960s underwent a dramatic change. No doubt inspired by Fairclough's move to eliminate racial discrimination from the 1952 *Immigration Act*, Deputy Minister Tom Kent recognized the need for a measure to evaluate, in a fair and objective manner, the suitability of immigrants seeking entry into Canada. The response was the points system, which assigned values up to a fixed maximum in nine categories including, for example, education, age, fluency in French or English, employment opportunities, and personal characteristics (Knowles 2007, 195). While the system was not without controversy, it did eliminate much of the subjective aspect of immigrant selection. Critics maintained, however, that the system was now indirectly racist, as the new system had the unintended effect of eliminating from consideration many poor immigrants from Third World countries (Whitaker 1991, 19). Despite the criticisms, the system was lauded by the media and ethnic groups alike. In the *Montreal Gazette*, for example, the response was highly enthusiastic: "Canada needs more immigrants, and it has needed more humane methods for selecting them. These changes in the rules should help to meet both needs" (quoted in Kelley and Trebilcock 2010, 362).

The largest group influx of refugees to arrive in Canada in the 1960s resulted from the Soviet repression of the "Prague Spring," and the flight of Czechoslovakian refugees. As in 1956, Canada's response to this refugee influx was not a coordinated effort nor was

it the result of any legislatively created category. Rather, the entry of some 12,000 Czechoslovakians was facilitated by the mass issuing of ministerial permits (Whitaker 1991, 18). As in 1956, those refugees who were accepted for admission were screened, not for their security risk, but rather for their potential economic contribution to Canada. As a result, the Czechs (and Slovaks) selected were predominately young (nearly 70 per cent were between the ages of 15 and 44), well-educated (19 per cent had more than 12 years of formal education), and most had technical or professional training (nearly 33 per cent were highly skilled) (Dirks 1977, 234-5). The end of the second phase of Canada's post-war refugee policy saw not only a geographic shift toward Eastern Europe but also a decline in security issues, although the Cold War ideology remained an important factor. As Adelman (1991, 193) points out, however, "the battle was no longer being fought to save a portion of Europe from Soviet domination, but instead, to embarrass the Soviet Union in the face of its behaviour in the areas already under domination."

Immigration policy in the 1960s was clearly marked by Canada's desire to seek managerial solutions to key immigration problems. Successive Liberal governments viewed immigration as merely an aspect of employment, so it is not surprising that in 1967, the old Citizenship and Immigration Department was absorbed into the new Department of Manpower and Immigration (Whitaker 1991, 19). Canada's immigration policy throughout the 1950s and 1960s focused on admitting those who could address immediate labour market needs, and who could contribute best to Canadian society. Sadly, this self-interested and short-sighted policy would continue well into the 1970s and 1980s.

By the end of the 1960s, Canadian society was evolving. The country had just celebrated its centennial, and its role on the international stage was gaining respect. The fear of Communist infiltration that had so consumed the RCMP in the 1950s had become somewhat subdued. With their protests muted, Canada finally acceded to the 1951 United Nations Convention Relating to Refugees and the 1967 Protocol (Kelley and Trebilcock 2010, 365-66). The era of a liberal approach to immigration, spearheaded by Prime Minister Pierre Elliott Trudeau, had begun.

The New Points System: 1976-1984

Trudeau recognized the need to overhaul the sorely outdated 1952 *Immigration Act*, and in 1972, tasked his Minister, Robert Andras, with that goal.⁴⁰ Despite the inevitable roadblocks to such an undertaking (even Diefenbaker recognized the difficulties ten years prior), Andras would bring to fruition one of the most lauded and innovative pieces of immigration legislation in Canada's history (Hawkins 1991, 70). The process began with the development of a Green Paper titled *A Report of the Canadian Immigration and Population Study*. Unlike the 1966 White Paper, which was merely viewed as the government's statement on immigration, the 1974 Green Paper was designed to provide "factual background on policy issues and [to] present policy options with a view to forging a consensus on new legislation" (Kelley and Trebilcock 2010, 374). As with previous attempts of immigration reform, however, a key criticism of the report remained; that is, its failure to promote an active or coherent immigration policy. Dirks (1975, 63) further criticized the paper for its positive portrayal of Canada's refugee

⁴⁰ Robert Andras was Minister of Manpower and Immigration from 1972 to 1976.

record, arguing that while racism had disappeared from Canada's refugee policy, it was now appeared to be driven by ideological considerations.

Criticism of the Green Paper did not subside, and even its recommendations evoked controversy. While the level of consultation was quite broad (with over 1,400 submissions from across Canada), following its publication, the report generated much public response (Whitaker 1991, 19). One of the key recommendations stemming from the Green Paper was the suggestion that refugees be recognized as a separate category; however, it strongly rejected the idea that the definition of refugee, as outlined in the 1951 Convention and 1967 Protocol, be codified in any new legislation. The Committee's preference was to leave the definition of who qualified as a refugee squarely within government regulations (Kelley and Trebilcock 2010, 376). Moreover, many ethnic groups who testified before the 1975 Joint Senate-House Committee took issue with the report's pessimistic tone and argued that the report was, in fact, racist (Kelley and Trebilcock 2010, 377).

The final report issued by the Joint Senate-House Committee was viewed as an excellent contribution to the immigration and population debate (Hawkins 1991, 57). The Joint Senate-House Committee report made explicit its opposition to many of the conclusions in the Green Paper report and soundly rejected the argument that the problems faced by rapidly growing cities was due to immigration (Kelley and Trebilcock 2010, 378). Despite some key recommendations (including a focus on immigration for humanitarian reasons), Hawkins noted that, unlike the Green paper, the Joint Senate-House Committee report received little attention in the print or electronic media (Hawkins 1991, 59). As a credit to the efforts of the committee, however, fully 60 of the 65

recommendations were accepted by the Trudeau government, and those recommendations formed the basis of the new legislation.

In terms of immigration policy, the 1976 *Immigration Act* represented a bold directional shift. The act was passed following extensive public debate that led to an unprecedented consensus on such issues as family reunification, transparent admission criteria for independent immigrants, a revised point system, due process in deportation hearings, and a reasonably generous refugee policy (Kelley and Trebilcock 2010, 382). More importantly, for the first time in Canadian immigration history, an immigration act contained both a statement of principles and objectives related to immigration policy and law (Whitaker 1991, 20).

The act itself was quite well received, not only for its clarity, but also for its vision. It also established three immigrant classes: family (immediate family and grandparents); refugee (including Convention refugees or members of designated classes); and independent immigrants (selected based on the points system) (Knowles 2007, 209). The Act also codified into law Canada's international obligations under the 1951 Convention and the 1967 Protocol, and for the first time, established humanitarianism as a fundamental principle of Canada's immigration policy (Hawkins 1991, 72). Furthermore, the act recognized the growing role of the provinces in immigration. This was especially prevalent in Québec where a number of political events at the provincial level necessitated its entry into immigration policy and planning.

These changes culminated in the adoption of the 1978 *Cullen-Couture Agreement*, which provided for the joint selection of immigrants who wished to immigrate to Québec (Whitaker 1991, 21). This milestone agreement declared that immigration to that province

must contribute to the province's cultural and social development and provided the province with input in the selection of independent-class immigrants and refugees abroad.⁴¹ In 1970, new guidelines for the admission of refugees were introduced based on the 1951 Convention and the 1967 Protocol. These guidelines made explicit the role of the public and private sector in providing refugee support while adopting an important policy change: i.e., refugees would no longer have to be outside their country of origin in order to make a claim (Adelman 1991, 193). This somewhat minor change represented a watershed moment in Canadian refugee policy.

Whereas Mackenzie King had heralded in 1947 that large-scale immigration from the Orient would not be permitted to change the fundamental composition of the Canadian population, the revised guidelines, however, bore out the new non-racist policy (Whitaker 1991, 14). In response to the occupation of Tibet by Communist China, Canada accepted several hundred supporters of the Dalai Lama, despite protests from immigration officials who felt that these self-described nomads would not adapt well to Canadian society (Knowles 2007, 212). The next refugee crisis to involve Canada resulted from the expulsion of Ugandan Asians by Idi Amin's 1972 decree. Given the education and skills of these refugees, the Ugandan expellees were quickly resettled. While there was no doubt that Canada's response was born out of humanitarian concerns and allegiance to Great Britain (who felt obligated to resettle their former Commonwealth citizens), Canada's quick response enabled immigration officials to admit the best and brightest while failing, once again, to accept the less desirable or least skilled refugees (Adelman

⁴¹ "Forging Our Legacy: Canadian Citizenship and Immigration, 1900-1977," [cic.gc.ca](http://www.cic.gc.ca/english/resources/publications/legacy/chap-6b.asp), last modified January 7, 2006, <http://www.cic.gc.ca/english/resources/publications/legacy/chap-6b.asp>.

1991, 194). In this instance, humanitarianism and self-interest briefly coincided. By the end of 1973, more than 7,000 Ugandan Asians had been resettled in Canada (Kelley and Trebilcock 2010, 367).

The final major refugee crisis in the 1970s followed a military coup in Chile, which replaced the democratically elected Marxist government of Salvador Allende. Almost immediately, General Pinochet began a brutal crackdown on Allende supporters. Many fled to neighbouring countries or sought asylum in embassies (Kelley and Trebilcock 2010, 367). Under pressure from various church groups, the Canadian government instituted a special program for Chilean refugees, and, in a surprise move, authorized the evacuation of 100 political prisoners who were technically not refugees since they were not outside their country of origin (Adelman 1991, 195). The slow response to the Chilean crisis was not without controversy. Based solely on ideological considerations, and perhaps foreign policy relations, Canada appeared unwilling to risk alienating Chile's new administration or upsetting the United States, whose indirect role in the coup would come to light in the 1990s (Knowles 2007, 215). Although nearly 7,000 Chilean refugees were ultimately admitted, Dirks (1977, 258) again correctly surmised that ideological considerations "...replaced racial criteria as a discriminatory factor in determining Canada's refugee admission policy."

The end of the 1970s ushered in a decade of refugee influx, beginning with the arrival of the "boat people" from such countries as Vietnam, Laos, and Kampuchea. This period easily could be characterized as more of the same – as with previous refugee crises, Canada's response had less than honourable undertones. The decision to accept 5,000 Vietnamese refugees was no different; it appeared to have been motivated more by

an obligation to express token solidarity with the United States than by any real desire to demonstrate Canada's humanitarian commitment (Adelman 1991, 198). The period also marked the election of a minority Conservative government under Prime Minister Joe Clark, effectively ending sixteen years of consecutive Liberal rule. It was during his short lived government that the Vietnamese refugee crisis reached a breaking point.

Canadians from coast to coast were moved by the plight of the boat people who were at a constant risk from the weather, pirates, unseaworthy boats, or unsympathetic vessels that would not rescue them (Hawkins 1991, 173). In fact, media coverage of the exodus of Indochinese refugees undoubtedly helped to overcome any indifference about admitting them, and the graphic images spurred Canadians to volunteer to help resettle the largest refugee movement Canada had witnessed since the end of the Second World War (Hawkins 1991, 180). The plight of these refugees, extensive media coverage, as well as intense lobbying from church and volunteer groups pushed the Clark government to respond. Secretary of State for External Affairs, Flora MacDonald, was successful in obtaining approval for 50,000 refugees to be admitted to Canada.⁴² By the end of 1980, Canada had increased its intake by another 10,000 (Li 1998, 95). With the assistance of private sponsorships, however, that number grew to over 77,000 (Knowles 2007, 217). Of the over 60,000 Indochinese refugees that Canada accepted for resettlement, about 30 per cent was linguistically Chinese and another 20 per cent was Cantonese-speaking Chinese (Li 1998, 95).

⁴² Flora MacDonald was Secretary of State for External Affairs (now Minister of Foreign Affairs) from 4 June 1979 to 2 March 1980. Prime Minister Clark's government was defeated on a confidence motion and, in the subsequent election, was defeated by Pierre Trudeau.

Clark's government lasted for less than nine months before it was replaced by a Liberal majority again led by Pierre Trudeau. The 1980s was a period of increased refugee intake as well as a number of Supreme Court decisions that redefined refugee rights in Canada. In the 1980s, the refugee question grew to proportions never envisioned by the framers of the 1978 *Immigration Act*. The sheer volume of refugee claimants threatened to engulf the entire immigration process. As it stood, the process created an enormous backlog which became a bureaucratic and political nightmare for successive governments (Whitaker 1991, 22). In Canada, the number of persons seeking refugee status increased from around 500 claims in 1977 to nearly 7,000 in 1983; by 1988, there was a backlog of over 60,000 (Hawkins 1991, 190). The backlog resulted not only from administrative changes but from a key 1985 Supreme Court of Canada decision.

Responding to the Supreme Court: 1985-1993

As early as 1981, the Task Force on Immigration Practices and Procedures recommended several changes to the system to ensure procedural fairness. Key among these changes was the creation a new refugee determination system with a centralized, independent tribunal, a full hearing at the earliest level of refugee determination, and the imposition of visas for those arriving from countries deemed to be responsible for a significant volume of unsubstantiated refugee claims (Kelley and Trebilcock 2010, 402). In 1985, the new Conservative government under Prime Minister Brian Mulroney commissioned another report, *Refugee Determination in Canada*. The Plaut Report garnered much attention, having been subjected to both an examination by legislative committees as well as commentary from academics, journalists, lawyers, and refugee

organizations (Kelley and Trebilcock 2010, 402). While the report outlined a number of models for refugee determination, it strongly advocated for oral hearings and a full appeals process. Another key aspect of the Plaut Report was whether Canada would allow the entry of Convention refugees as a matter of right or as a matter of privilege.

The procedural fairness section of the 1978 Act was the central focus of a 1985 landmark decision by the Supreme Court of Canada in *Singh v Minister of Employment and Immigration*. In their ruling, the Justices declared that the appellants should be allowed the review they sought based on the liberty clause in the *Bill of Rights* and the *Charter of Rights and Freedoms*. All six justices agreed that a refugee claimant's credibility should be determined by a full oral hearing at some stage of the refugee determination process (Knowles 2007, 226). The immediate consequence of the *Singh* decision was a partial amnesty for the already 63,000 refugee claimants in the system (provided they met certain requirements), the introduction of oral hearings on appeals to the Immigration Appeals Board (IAB), as well as an expansion of the maximum number of IAB members from 18 to 50, and the number of vice-chairs from 5 to 13 (Kelley and Trebilcock 2010, 403).

Amid public and media pressure in 1987, the Conservative government finally decided to respond to the growing refugee crisis. Only one year earlier, the Secretary of State for Immigration, Gerry Weiner, vowed never to turn back boatloads of refugees; and, in fact, granted the Tamils a ministerial permit.⁴³ In the wake of the arrival of East Indian Sikhs off the coast of Nova Scotia less than a year later, however, the government

⁴³ Gerry Weiner was Secretary of State for Immigration from 1989-1991.

recalled parliament in a rare summer session to introduce Bill C-84: *The Refugee Deterrents and Detention Act* as companion legislation to Bill C-55: *The Refugee Reform Act* (Knowles 2007, 222-23). The media response to the arrival of various refugee claimants was virulent. A *Globe and Mail* editorial referred to the then Junior Minister of Immigration as a “helpless croupier” due to his failure to require visas for Brazilians while a *Toronto Star* headline heralded that “refugees flooding Canada’s borders could hit 30,000” (quoted in Adelman 1991, 209). By the first six weeks of 1987, over 6,000 refugee claims were made, and by the end of the year, it was estimated to be nearly 18,000 — with two-thirds of them described as illegitimate (Hawkins 1991, 192).

Bill C-55, and its companion legislation, Bill C-84, was introduced not only to address the concerns arising from the *Singh v. Minister of Employment and Immigration* decision two years earlier but to also surreptitiously reduce the number of legitimate and illegitimate refugees making claims in Canada (Adelman 1991, 207). Bill C-55 established the Immigration and Refugee Board (IRB), an independent, quasi-judicial tribunal, consisting of an Immigration Appeal Division (IAD) and a Convention Refugee Determination Division (CRDD), each of which conducted oral hearings, provided for the disclosure of evidence as well as the right to submit documentation, to be heard orally, and to written decisions (Kelley and Trebilcock 2010, 405). Not surprisingly, the new tribunal process invariably led to processing delays as well as an enormous backlog of claims.

Although both bills addressed many of the issues related to the refugee determination process, they nonetheless spurred significant controversy. A key issue was a provision in the proposed legislation that would allow immigration officers the right to

refuse entry to a claimant who arrived from a safe third country; critics argued that the so-called safe third country could simply deport these claimants to their country of origin (Knowles 2007, 228). As it turns out, this particular provision was never implemented, perhaps due to the potential for Canada to be implicated under the doctrine of *refoulement*.⁴⁴ Still, the most complicating factor arose not from the legislation itself but from delays in implementation. By the time the act came into force in 1989, some 125,000 refugee claimants were in the backlog (Knowles 2007, 228).

While the refugee crises of the 1980s dealt more with illegitimate refugee claims than with legitimate ones, there were nonetheless some programs that warrant review. In 1982, a special program was introduced for Sri Lankan refugees; ironically, the same year, visa restrictions were placed on travellers from that country (Adelman 1991, 214). It is quite evident that the decision to accept the Tamils was based solely on humanitarian grounds given that the majority of those who arrived were generally not well educated nor did they have a strong command of the English language. By 1982, many El Salvadorians had fled their country due to the threat of persecution, ending up in the United States of America. Canada decided to expand its program to include those facing deportation as the American government did not consider them to be bona fide refugees (Kelley and Trebilcock 2010, 399). In fact, the Canadian special measures helped about 3,000 El Salvadorans in 1982 and several thousand more afterwards (Adelman 1991, 216). The

⁴⁴ The principle of *refoulement* means the expulsion of persons who have the right to be recognized as refugees. It is important to note that the principle of *non-refoulement* not only forbids the expulsion of refugees to their country of origin but also to any country in which they might be subject to persecution. “UNHCR note on the Principle of Non-Refoulement,” [refworld.org](http://www.refworld.org/docid/438c6d972.html), last modified November 1997, <http://www.refworld.org/docid/438c6d972.html>.

Iran Program was also introduced in 1982, which focused on providing protection for members of the Baha'i faith who were severely persecuted under the Ayatollah Khomeini regime. Indeed, most of those who arrived to Canada were privately sponsored by members of the Canadian Baha'i community (Adelman 1991, 215). Finally, in 1989, in response to the Tiananmen Square Massacre, the Conservative government agreed to relax immigration rules for Chinese citizens in Canada. As a result, some 8,000 individuals took advantage of the program to acquire permanent resident status (Kelley and Trebilcock 2010, 399).

In order to further attract business immigrants to Canada, the Conservative government expanded its Business Immigration Program to "allow entrepreneurs, self-employed persons, and investors to immigrate to Canada mainly on the basis of their capacity to invest in a business or create jobs" (Li 1998, 95). To qualify for the program required a significant net worth – at least \$500,000 – and the financial resources to invest at least \$250,000 in Canada. Of the nearly 14,000 principal applicants admitted as investors under this program, 47 per cent were from Hong Kong and 36 per cent were from Taiwan. In addition, 49 per cent of the nearly 33,500 admitted as entrepreneurs, and 25 per cent of the over 9,100 admitted as self-employed persons, were also from these countries (Li 1998, 95).

The influx of illegal immigrants in the 1980s served notice to Canada that the changing immigration landscape would demand a redefinition of Canada's immigration policy. The potential global population increase predicted that many of these individuals would attempt to improve their economic lot by migrating to Canada, Australia, Great Britain, or the United States of America. This likelihood was highlighted by sociologist

Morton Weinfeld, who stressed that population pressure from various Third World countries was likely to be intense (Knowles 2007, 234). He further argued that should Canada's immigration policy remain restrictive and selective, Canada would have to expend significant resources to ensure the integrity of its borders (Knowles 2007, 234). In fact, the events in Eastern Europe portended Canada's possible future. The collapse of communism and subsequent fall of the Union of Soviet Socialist Republics (USSR) in 1989 led to a mass exodus of Eastern Europeans, many of whom arrived in Canada seeking asylum. As Table 9 indicates, a little more than seven per cent (7.28 per cent) of accepted arrivals from 1989-1993 were from the Soviet Bloc or the USSR/Russia. The majority, however, were from Sri Lanka (33.9 per cent), most likely members of the Tamil minority.

Table 9: Accepted Refugee Claims by Geographic Area, 1989-1993

	1989	1990	1991	1992	1993
Former Soviet Bloc	239	241	948	242	0
USSR/Russia	0	0	432	715	707
India/Pakistan/Sri Lanka	1015	2363	4472	4984	4366
China	128	480	554	296	179
Middle East	1219	2514	3717	1379	980
Africa	923	2411	3918	3385	2211
South America	508	1152	1377	351	0
Total	4032	9161	15418	11352	8443

Source: *By the Numbers: Refugee Statistics*, University of Ottawa; adapted by the author.⁴⁵

In 1990, the Conservative government departed from historic government practice, which followed a "tap-on/tap-off" approach to immigration admission.⁴⁶

⁴⁵ Human Rights Research and Education Forum. "By the Numbers: Refugee Statistics," [uottawa.ca](http://www.cdp-hrc.uottawa.ca/projects/refugee-forum/projects/documents/REFUGEEESTATSCOMPREHENSIVE1999-2011.pdf), last modified 2012, accessed August 28, 2013, <http://www.cdp-hrc.uottawa.ca/projects/refugee-forum/projects/documents/REFUGEEESTATSCOMPREHENSIVE1999-2011.pdf>.

Canada's first ever five year immigration plan was relatively well-received, and represented the most extensive consultations undertaken by a government. Some 4,000 individuals and groups were consulted, culminating in a report that strongly advocated moderate increases in immigration over a five year period. Indeed, this report was another watershed moment in immigration policy, as it represented for the first time in Canadian immigration history, that a government had "committed itself to a longer term view of immigration less influenced by current stages in the business cycle, and to a significant increase in immigration at a time of serious economic recession" (Kelley and Trebilcock 2010, 385).

One of the key goals of the plan was to increase immigration to 250,000 persons per year, an increase of 50,000 from the current threshold (Knowles 1997, 236). Another key aspect of the Conservative plan was to impose a made-in-Canada definition of family class, which would effectively restrict those who qualified as family members. Under the new regulations, a prospective immigrant deemed to be a dependent would be admitted under the family class while a non-dependent would be required to apply as an independent immigrant (Knowles 1997, 236). The intent of the policy change was quite evident. The government wished to shift immigration policy away from family-sponsored immigrants, where it had little control, towards independent immigrants, who had to qualify under the points systems. Not surprisingly, the changes were met with significant criticism, but for different reasons. Some accused the government of placing economics

⁴⁶ The "tap-on/tap-off" approach to managing immigration suggested that during times of economic growth, Canada would accept many immigrants; in times of recession, it would severely restrict immigration.

before families while others questioned the wisdom of increasing immigration levels whilst Canada was in the midst of an economic downturn (Kelley and Trebilcock 2010, 386).

If the Conservative Government's five-year plan for immigration was viewed as merely contentious, the introduction of Bill C-86, however, was divisive. Tabled in 1992, it represented the most far-reaching amendments to immigration since the introduction of the 1976 *Immigration Act*. As passed, the legislation added restrictions on the processing of potential refugee/immigration applications and increased substantially the discretionary powers of immigration officials (Abu-Laban 1998, 193). Moreover, the new regulations raised eligibility criteria, increased measures to deter the arrival of refugee claimants, and prohibited claimants from seeking employment until after a final determination of their claim (Kelley and Trebilcock 2010, 408).

The most controversial provision was one that the Conservative government had tried to implement previously, that is, the *Safe Third Country Agreement*. The government argued that the provision was needed in order to prevent asylum shopping (wherein potential refugee claimants move from country to country looking for the best benefits); critics, however, condemned it as nothing short of racist and discriminatory (Knowles 2007, 241). While bureaucrats recognized that such a provision would take time to implement, it was not until 2004 that Canada became a signatory. The majority of opposition surrounding Bill C-86 arose from various legal, church, labour, and refugee groups who argued that the bill effectively eroded the protections and appeal rights of refugees, with one commentator characterizing it as "the introduction of the Reform Party's immigration policy" (quoted in Abu-Laban 1998, 192). Prior to calling a federal

election in 1993, Prime Minister Kim Campbell also introduced a sweeping reorganization of government departments. The most notable, and perhaps controversial change, was to shift most immigration functions to the newly created Department of Public Security (Knowles 2007, 242). Critics derided the move as overtly racist, and many observers noted that “such dramatic shifts in Tory policies illustrate how quickly immigrants moved from being portrayed as potential Canadian citizens, voters and contributors to Canada to being portrayed as potential security threats to the Canadian political community and the citizens that comprised it” (Abu-Laban 1998, 193). Following the 1993 election, however, new Liberal Prime Minister Jean Chrétien tabled legislation creating the Department of Citizenship and Immigration.

Towards a More Humanitarian Immigration Policy: 1994-2006

Immigration policy under Chrétien (1993-2003) was a highly political affair due, in part, to concerns over the value of multiculturalism and immigration as well as the implementation of the Liberals’ neoliberal agenda (Abu-Laban 1998, 190). This new policy era emerged alongside significant changes to the political landscape: for example, the former Progressive Conservative Party was decimated and two key protest parties gained significant political traction, the Reform Party in the west and the Bloc Québécois in Québec. While the 1980s witnessed partisan dissension over refugee policy, there was nonetheless a general consensus on the value of immigration. During the Chrétien years, however, immigration was very much a politicized affair as immigrants’ contribution to Canada was under constant scrutiny to an extent exceeding that of any other period post-Second World War (Abu-Laban 1998, 191).

One of the key planks of the Liberal's immigration policy (and perhaps one that generated the most controversy) in the 1990s was their announcement that Canada would accept 225,000 immigrants – a target nearly identical to the previous Conservative government but somewhat less than the one per cent of the population called for in the pre-election 1993 *Red Book* (Abu-Laban 1998, 196). This decision, however, seemed at odds with the Liberal Party's neo-liberal commitment to reducing costs and bringing the deficit under control. Moreover, critics of the plan were concerned that it lacked the necessary financial supports and would place significant economic and social demands on an already stressed infrastructure (Knowles 2007, 249). When pressed, the Liberal government offered no clear rationale for maintaining the high immigration numbers.

Against the backdrop of increased criticism and attacks (including mounting problems with the refugee determination and the refugee claimant system), the Department of Citizenship and Immigration released *Into the 21st Century: A Strategy for Immigration and Citizenship*. Much like previous papers, the document reflected a greater emphasis on encouraging economic immigrants (Kelley and Trebilcock 2010, 419). Following the release of the report, the Liberal government appointed a three member advisory panel to examine Canada's immigration system. The final report, *Not Just Numbers: A Canadian Framework for Future Immigration*, provoked much controversy as it recommended a massive overhaul of Canada's immigration system.

Despite being “designed to restore public confidence in what was widely perceived to be a flawed and highly bureaucratic system” (Knowles 2007, 256), the 1998 Report concluded that “those who came to Canada were those who could best adapt, prosper, and ‘help Canada grow’” (Kelley and Trebilcock 2010, 420). The controversy

was not about whether Canada should admit the most desirable candidates rather the means by which this would be accomplished (e.g., using standardized tests, requiring minimum education levels and work experience, etc.). For many, this harkened back to the racist admission policies of the 1950s and 1960s. Still, the report represented the first full-scale review of immigration since 1976 and provided recommendations on every aspect of immigration policy. The document included recommendations that would place an annual cap on the number of newcomers; a greater emphasis on proficiency in English or French; close monitoring of refugee claimants; introduction of a new refugee system that shifted selection decisions from the ability to resettle to humanitarian grounds; and the creation of an agency, staffed by professionally trained public servants, to screen refugee claimants (Knowles 2007, 256).

During the 1990s, media coverage of immigration tended to be generally positive. As Mahtani and Mountz (2002, 29) point out, between 1995 and 1997, much of the news coverage in British Columbia, for example, focused on the “perceived costs and benefits of immigration ... [and that] much of the discussion revolved around the [return of] Hong Kong ... to China and the economic opportunities therein.” With the arrival of the Chinese migrants by boat, however, there was a significant shift in coverage, resulting in a doubling of stories and significant shift in content, tone, and language. Hier and Greenberg (2002, 151-2) noted that, following a seven-page exposé in *Maclean's*, the debate shifted from a discussion on the illegality of the migrants to the state of Canada’s immigration and refugee system. Similarly, Frances Henry and Carol Tator (2002) noted during the same period that the majority of the coverage in the *National Post* tended to portray the Tamil community as terrorists and criminals, to link the alleged criminal

activities of Tamil youth gangs to Tamil community organizations, and to suggest that Tamil-Canadians were sympathetic to the militant Tamil Tigers. This analysis was especially important given the number of Sri Lankan refugees (many of whom were Tamils) that had been admitted to Canada (see Table 9) as well as perception that the Tamil community was a front for the Sri Lankan separatist group Tamil Tigers.⁴⁷

Harald Bauder (2008, 299), in his study of immigration in newspapers from 1996-2004, found that immigration coverage tended to focus on “danger,” with the danger topos used in arguments against immigration in the majority of cases. He also found that newspapers tended to focus on humanitarian considerations, political utility, and economic benefits. While Bauder (2008, 301) concluded that the “high frequency of danger illustrates the prominence of the viewpoint in the media that immigration constitutes a threat to Canada and its population,” he also found that “the Canadian media use the economic utility topos for and against immigration....” From his observations, he concluded that immigration was viewed as both an economic opportunity and liability, though the lack of frequency of the economic utility topos suggested that the economic considerations related to immigration were not a significant concern for the media. Overall, the late-1990s and early-2000s news coverage of immigration tended to be highly inflammatory – which is noteworthy given that it would foreshadow similar discourse within the Canadian House of Commons less than twenty years later.

⁴⁷ The Liberation Tigers of Tamil Eelam [LTTE] or the Tamil Tigers were a separatist militant organization that was based in northern Sri Lanka. Founded in 1976, it waged a violent secessionist and nationalist campaign to create an independent state in the north and east of Sri Lanka for Tamil people. This campaign evolved into the Sri Lankan Civil War, which ran from 1983 until 2009, when the LTTE was defeated by the Sri Lankan Military.

The greatest refugee crisis in the 1990s followed from the war in Serbia, which saw Canada mount its first large-scale refugee aid effort since the mid-1980s. Following an appeal for assistance from the UNHCR, Canada immediately offered to provide temporary safe haven for 5,000 ethnic Albanians.⁴⁸ It was the first time that “Canada had participated in an emergency humanitarian evacuation program designed to offer temporary protection to persons from a place of mass exodus” (Knowles 2007, 245). The support from Canadians was overwhelming, with many agreeing to undertake Private Sponsorship Agreements. From March 1999 to February 2000, over 7000 Kosovar refugees arrived in Canada, 5,051 under the Emergency Evacuation Program and 2,192 under the Family Reunification Program (Knowles 2007, 245). The plight of the Kosovar refugees attracted widespread media coverage, and, on the whole, it was generally positive and without much controversy. While Mahtani and Mountz (2002, 28) noted that Kosovar refugees were looked upon favourably, the same was not true of the Chinese arriving as asylum seekers. They found that newspaper coverage tended to portray Chinese migrants as “problem people” to the general populace. Unfortunately, immigration policy in the first decade of the twenty-first century would paint a similar bleak picture.

Immigration policy as envisioned by the Liberal government in the early 2000s underlined a clear demarcation between independent immigrants (i.e., those deemed by immigration officials as good) and family class immigrants (i.e., those deemed by immigration officials as bad). It was clear that such a distinction was not only invidious

⁴⁸ Government of Newfoundland and Labrador, “Ministerial Statement – Kosovo Refugees,” news release, May 25, 1999, <http://www.releases.gov.nl.ca/releases/1999/exec/0525n05.htm>.

but would also have significant consequences for immigrants and refugees arriving in Canada post-millennium (Abu-Laban 1998, 205). Following a 1998 report on immigration, Elinor Caplan, Minister of Citizenship and Immigration, introduced Bill C-11: *The Immigration and Refugee Protection Act* on 21 February 2001.⁴⁹ She characterized the legislation as “enabling the government to close ‘the back door on those who would abuse the system’ thereby allowing it to ensure ‘that the front door will be open’” to genuine refugees and the immigrants Canada needs to grow and prosper (Kelley and Trebilcock 2010, 425). Throughout the process, the government received over 150 submissions during cross-country hearings, resulting in a series of changes to the legislation.

Key among these changes was the inclusion of a reference to multiculturalism, viewed by the committee as “integrally linked to immigration and therefore a defining characteristic of Canadian society” as well as the establishment of a revised Immigration and Refugee Board [IRB] (Knowles 2007, 257). In order to make the process as efficient, fair, and, in accordance with the law as possible, the act allowed for the establishment of an appeals division, one for refugee claimants and one for immigrants. Unfortunately, the provisions relating to the Refugee Appeals Division were never implemented, leaving Canada as one of the few refugee receiving countries without a merit-based appeals process (Kelley and Trebilcock 2010, 441). Furthermore, the act expanded the definition of protected persons, acknowledging the criteria identified in the 1984 *Convention*

⁴⁹ Elinor Caplan was Minister of Citizenship and Immigration from 1999 to 2002.

Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Knowles 2007, 260).

The adoption of the act, however, was not without criticism. One of the key concerns levelled against it related to whether seventy-two hours was sufficient time to run security checks on refugee claimants before their claims were referred to the IRB (Knowles 2007, 260). Moreover, groups such as Amnesty International, the Canadian Council on Refugees [CCR], and the UNHCR criticized the government for not immediately implementing the Refugee Appeals Division. In fact, from 1996-2006, 80 per cent of the cases heard by the Federal Court focused primarily on refugee and immigrant appeals (Knowles 2007, 261).⁵⁰ One final criticism resulted from the Liberal government's failure to replace IRB appointees with qualified public servants – this issue only came to light after a RCMP investigation revealed that IRB appointees were accepting bribes from criminal organizations in exchange for favourable decisions (Knowles 2007, 248). While Prime Minister Paul Martin quickly moved to replace the IRB members, and to make their selection based on recommendations from an independent advisory panel, this process fell well short of the 1998 recommendations.

Near the end of this period, the American and Canadian governments signed two key bilateral agreements – the *Multiple Borders Strategy* (2001) and the *Safe Third Country Agreement* (2004). The former document was designed to enhance border security and border control but it effectively re-charted Canada's borders. Key among its provisions was to “push the border out” – beyond the formal edge of Canadian territory –

⁵⁰ It is interesting to note that the appeals division was again introduced into *The Balanced Refugee Reform Act*, some eight years after it was originally promised by the then Liberal Government.

to allow Canada to “identify and intercept illegal and undesirable travellers as far away from North America as possible” while keeping the border open to “legitimate” travellers and goods (Arbel and Brenner 2013, 25).

Stemming the “Illegal” Asylum Flow: 2007-2012

The mid-2000s witnessed the end of thirteen years of consecutive Liberal rule. Following a unite-the-right movement between the old Progressive Conservative Party of Canada and the Canadian Alliance (formerly Reform) Party of Canada in 2006, Stephen Harper was elected as Prime Minister, albeit with a minority government. Almost immediately, the new Conservative government’s approach to immigration was under attack. While appointments to the IRB were always made under the purview of the Minister of Citizenship and Immigration, reforms introduced in the late 1990s and early 2000s were meant to make the appointment process more merit- rather than politically-based. Shortly after the election, however, the Conservatives introduced changes that would give the minister more control and discretion over the appointment process. These changes, however, were not well received with many speculating that it led to the IRB Chair’s resignation (Kelley and Trebilcock 2010, 445). Another issue was the backlog. While in 2006 there was none, by 2008, it had grown to over 62,000 cases. Critics accused the government of deliberately creating the backlog (some 35 per cent of IRB positions remained vacant in 2006-08) in order to justify eliminating the IRB altogether (Kelley and Trebilcock 2010, 446). Following intense media coverage and criticism, however, the government relented and proceeded to appoint new members.

Media coverage of immigration at this time escalated with the arrival of 79 Tamil refugees off the coast of British Columbia. Bradimore and Bauder (2011, 646), in their review of newspaper coverage of the arrivals, found that reporting tended to echo the debate of the Chinese migrants' arrival ten years earlier – similar themes included those related to illegality, security, economics and, as they describe it, “a notable obsession with the migrants’ boats....” In their analysis, the authors found that the *Vancouver Sun* and the *National Post* (which Henry and Tator (2002) had previously studied) tended to be highly explicit in the racialization and criminalization of the Tamil refugees, branding them as terrorists and/or criminals. Moreover, the authors noted that many articles dealt with, what they described as, “the spectacle of the ‘Mystery Ship’,” which came to symbolically embody illegality and criminality which was then transposed upon its passengers (2011, 652). Indeed, such coverage helped to legitimate the Conservative government desire to overhaul the refugee system; in fact, Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism,⁵¹ in commenting on the arrival of the Tamils, cited it as an example of a failing immigration system.⁵²

Following the 2008 election, in which Harper was once again returned with a minority, his government proceeded to place greater emphasis on addressing problems with Canada’s immigration policy. No doubt this decision was fuelled by a desire to court the immigrant vote in his bid to secure a majority government. In early 2010, Kenney introduced Bill C-11: *The Balanced Refugee Reform Act*. The act was intended to address

⁵¹ Jason Kenney was Minister of Citizenship, Immigration and Multiculturalism from 2008 to 2013. Chris Alexander became the new Minister on July 15, 2013.

⁵² Sinowski, Kelly. “Detention Hearing Detains Two Migrants: Immigration Board Concerned the Men who were on Board Rogue Ship Wouldn’t Reappear.” *Vancouver Sun*. October 21, 2009, A9.

key issues arising from criticisms of the *Immigration and Refugee Protection Act* [IRPA] as well as to adopt legislation that would bring it in accordance with several Supreme Court of Canada decisions. One of the key changes was the inclusion of a Refugee Appeals Division, whose role was to “provide all claimants with an opportunity to establish on appeal that the RPD [Refugee Protection Division] decision was wrong in fact or law or both, allow for the introduction of new evidence that was not reasonably available at the time of the RPD decision and, in exceptional cases, allow for an oral hearing at the newly-created RAD.”⁵³ The amendments to IRPA would also strive to address issues related to the designation of countries of origin, the removal of failed asylum claimants, pre-removal risks assessments, Canada’s resettlement program, permit provisions, as well as manifestly unfounded claims. The Conservative government also introduced Bill C-35: *The Cracking Down on Crooked Consultants Act* as companion legislation to Bill C-11. The amendments under Bill C-11 were designed to “strengthen the rules governing those who charge a fee for immigration advice, close immigration system loopholes currently exploited by crooked consultants, and improve the way in which immigration consultants are regulated.”⁵⁴

Bills C-11 and C-30 were the first major pieces of immigration legislation since the introduction of IRPA in 2001, and like its predecessor, was controversial. Almost immediately critics derided the establishment of visas for countries with above average

⁵³ “Department of Citizenship and Immigration and Immigration and Refugee Board: Regulatory Impact Analysis Statement,” Citizenship and Immigration Canada, last modified October 1, 2011, accessed April 23, 2011, <http://www.gazette.gc.ca/rp-pr/p1/2011/2011-07-02/html/reg2-eng.html>.

⁵⁴ Citizenship and Immigration Canada, “Minister Kenney Introduces Legislation to Crack Down on Crooked Immigration Consultants,” news release, June 8, 2010, <http://www.cic.gc.ca/english/department/media/releases/2010/2010-06-08.asp>.

refugee claims (i.e., Mexico and the Czech Republic), and likened it to the racist policy of the 1980s. Another key criticism reflected Minister Kenney's oft repeated statement that real refugee claimants were to be found in overseas refugee camps while labelling "claimants at port of entry as 'fake,' and consequently less worthy or unworthy of protection" (Gilbert 2011, 39-40). Concern was also raised over the Minister's discretionary power to develop a list of designated safe countries of origin, thereby dictating the admissibility of claimants. As Gilbert (2011, 40) explains "the problem with ministerial approval to determine allegedly 'safe' countries is that such an approach infringes on international law that requires individual (rather than collective/national) assessment of protection needs." Moreover, asylum seekers who arrived from countries on the list of so-called safe countries of origin – Western and European democracies, for example – would be denied the right to appeal.

Against this backdrop, the Liberal caucus revoked their support, which could have potentially defeated the proposed legislation. Minister Kenney, however, sought to save the legislation by agreeing to change "safe countries of origin" to "designated countries of origin," a point that appeased both the NDP and Bloc Québécois and forced the Liberals to acquiesce. Despite opposition, the Conservative, Liberal, New Democratic, and Bloc Québécois Parties compromised to deliver a piece of legislation that many pundits believed would formally address key problems with Canada's refugee determination system. The legislation, as approved, would see applicants from designated countries have the right to appeal (but with expedited timelines and the prospect of speedy deportation); humanitarian and compassionate decisions would not be restricted, and the

maximum time that false refugees were in Canada was expected to drop from four years to four months.⁵⁵

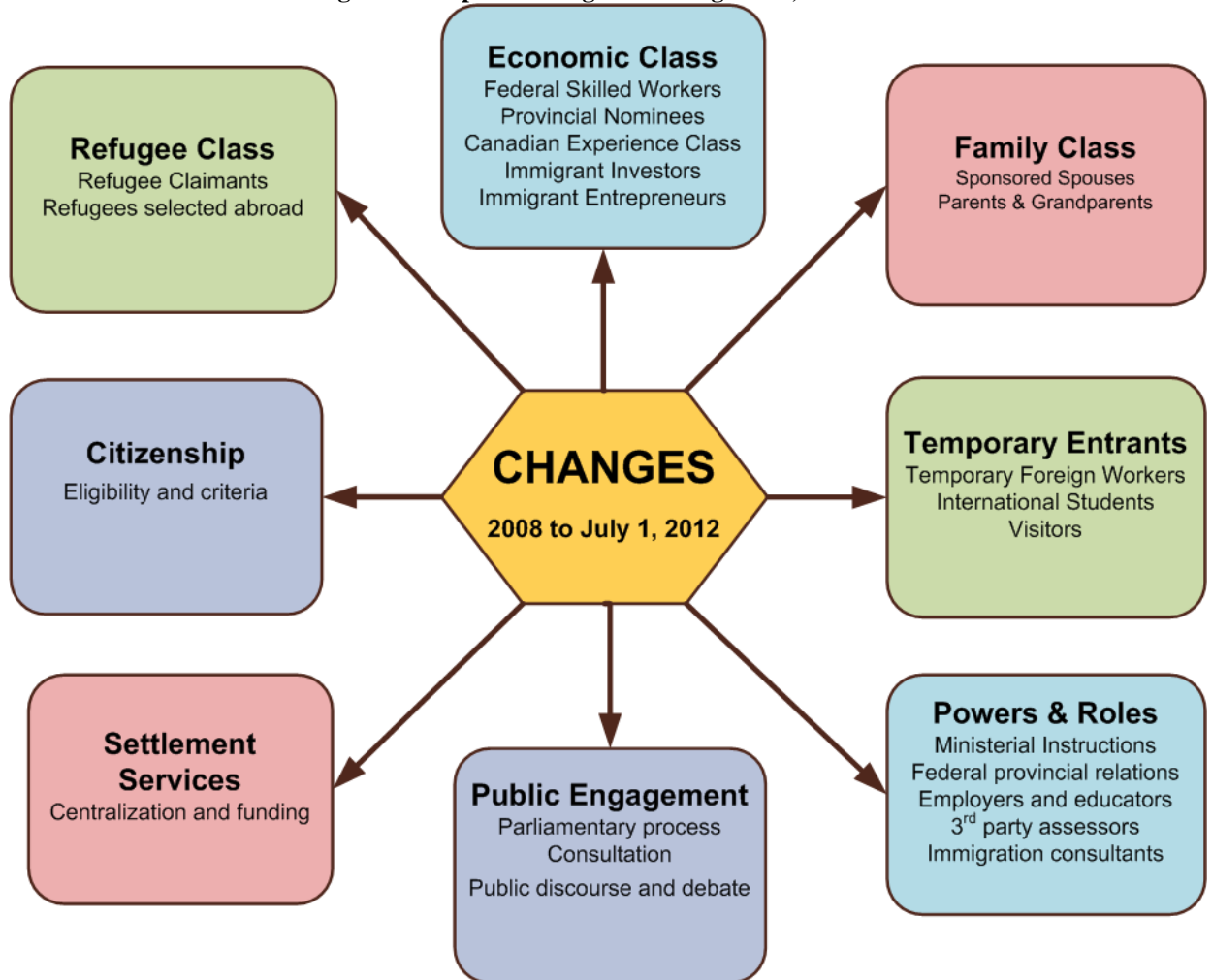
Unfortunately, the compromise that was heralded by political pundits, government officials, refugee and immigration advocates, politicians, and the media came to a quick end. On 2 May 2011, the Conservative Party of Canada won a majority government which also resulted in a significant and unexpected drop in support for the Liberal Party of Canada. It also witnessed the rise of the New Democratic Party as Her Majesty's Official Opposition, whose success was predicated on the decimation of the Bloc Québécois. Almost immediately following the election, Minister Kenney gave notice that he intended to re-introduce legislation to prevent human smugglers from abusing Canada's immigration system. On 16 February 2012, Kenney introduced Bill C-31: *Protecting Canada's Immigration System Act*. The new bill was designed to address perceived gaps in the *Balanced Refugee Reform Act*, and by introducing the new bill, Kenney was effectively reversing the 2010 compromises. He stated that "...we need stronger measures that are closer to the original refugee bill we tabled back in March 2010."⁵⁶ Figure two outlines the scope of the changes to immigration 2008 – 2012.

⁵⁵ "Miracle Deal on the Hill" *The Star* (Toronto) June 14, 2010.

<http://www.thestar.com/opinion/editorials/article/822543--miracle-deal-on-the-hill>.

⁵⁶ Citizenship and Immigration Canada, "Harper Government Introduces the *Protecting Canada's Immigration System Act*," news release, February 16, 2012, <http://www.cic.gc.ca/english/departement/media/releases/2012/2012-02-16.asp>.

Figure 2: Scope of Changes to Immigration, 2008-2012



Source: Alboim and Cohl 2012, 1.

Immediately, there was trepidation about the proposed legislation. As Naomi Alboim and Karen Cohl (2012, 2) point out, “[s]ome of the changes are potentially positive ... [while] other changes are more problematic, such as restrictions in family sponsorship and new categories of refugee claimants, especially when the potential cumulative impact is taken into account ... a weakening of traditional democratic processes, and a less welcoming environment for the people Canada needs to attract.”

Indeed, the new legislation was far-reaching in its intent and effect for refugee claimants. Most notably, it also “provided that refugee claimants from designated countries and those who arrived in a group and were designated as ‘irregular arrivals’ would be denied the new appeal rights granted to other refugee claimants” (Alboim and Kohl 2012, 5). In addition, mandatory detention would be imposed for those over the age of 16 deemed to be an “irregular arrival,” and that these individuals would be unable to access permanent residency, family reunification, or travel documents even if the IRB declared them to be bona fide refugees.

In mid-December 2012, the Canadian government brought the Designated Country of Origin [DCO] policy into effect, described as “...a restrictive measure applicable to asylum seekers from thirty-seven different countries” including, for example, Hungary and the Czech Republic (Arbel and Brenner 2013, 43). It had been speculated that the policy was implemented in order to facilitate the removal of existing visa restrictions while preventing claims from specific countries. Critics, however, condemned the DCO policy as “arbitrary, unfair, and unconstitutional” (Arbel and Brenner 2013, 44). The implications of these changes will be far-reaching and will no doubt have many unintended consequences. By politicizing refugees, the Conservatives have clearly demonstrated that the legislation falls well within conservative discourse – that is, the promotion of a security agenda while criminalizing the most vulnerable individuals within society.

The Hungarian Roma and Surreptitious Legislation

The Romani diaspora has its origins during the Second World War whereby hundreds of thousands of Romani (much like the Jews) were specifically targeted by the Nazis for extermination (Law 2010). Following the end of the war, many Central and Eastern European Socialist governments sought to assimilate the Romani in a concerted effort to repress their culture and nomadic lifestyle. The resulting marginalization, discrimination, exclusion, and persecution has not only defined Romani social life for over 700 years but has also placed them at the apex of those most vulnerable to prejudice in Europe (Law 2010).

Following the break-up of the USSR, many Romani found themselves in a state of flux while experiencing renewed anti-gypsyism, especially in “European countries that were facing the prospect of increased numbers of Roma asylum seekers” (Law 2010, 182). In fact, such attitudes were prevalent in France, Italy, and Hungary. As Nacu (2012, 1324) explains, “it was the first time in decades that French authorities explicitly designated one ethnic group as a supposed threat to French identity, using the rhetoric of xenophobia against it and thus adopting positions on immigration close to those of the extreme right.” In Italy, the murder of an Italian woman by a Romani immigrant resulted in “a systemic racist backlash by both the authorities and the Italian society, where the Roma communities in particular became the target for hate crimes” (Costi 2010, 105). Law (2010, 184) has noted that while anti-Romani hostility in Hungary was decreasing, it was still reported to be around 37 per cent of the population. Vanja Ljubic and her colleagues (2012, 142) have suggested that “the discursive representation of Roma has been somewhat ambiguous, oscillating between a sympathetic image of a ‘troubled’

European minority and a pariah pan-European ‘troublemaker,’ prone to immorality and criminal behavior.” Given the negative attitudes held by Europeans coupled with the forced expulsion of the Romani from many European countries, it is understandable that Europe’s largest minority would want to seek refuge elsewhere. Unfortunately, the Romani have faced similar problems in Canada as they have in Europe – specifically targeted for systemic expulsion and denied entry.

As Walsh et al. (2011, 599) note, since 1999, the number of Romani seeking refugee status (especially from Hungary, where they are the largest and oldest minority) has steadily increased, with Toronto as the most frequent destination. It is difficult to determine with accuracy, however, the size of the Romani population residing in Canada, though it is estimated to be close to 80,000 (Walsh et al. 2008). The Hungarian Romani are perhaps the most victimized of the European Romani, having faced varying forms of segregation and persecution including the removal of their children, the ghettoization of Roma settlements, as well as various attempts at assimilation (Ljubic, et al. 2012, 142). Moreover, unlike other former communist countries, Hungary did not grant the Roma minority status. This resulting “pariah status” within Europe created a scenario whereby most Hungarian Roma were poorly educated, had little employment prospects, lower health status, and whose standard of living was well below the European norm (Walsh et al. 2008, 903).

In order to stem the flow of illegal asylum seekers arriving in Canada, the Conservative government introduced Bill C-11 in 2010 and Bill C-31 in 2012. While the stated aim of the legislation was to protect legitimate refugees, many believed that it was actually an attempt to prevent an increase in Hungarian Roma refugees whose claims

were perceived to be fraudulent.⁵⁷ Initially, the Conservative government introduced visas as a stopgap measure, since Hungary had become one of the top source countries for Roma refugee claimants. According to a report prepared by the Canada Border Services Agency [CBSA], the total number of Hungarian refugee claims in 2011 was 4,442, surpassing the previous high of 3,946 set in 2001.⁵⁸ In fact, Canada's earlier imposition of visa requirements on the Czech Republic was viewed as simply an attempt to stem the flow of Roma refugees from that country until a more permanent solution could be devised (Arbel and Brenner 2013, 41). The CBSA Report further concluded that approximately 40 per cent of Hungarians who entered Canada did so for the purpose of making a refugee claim. As such, it is important to understand the driving force behind the increase in Roma refugee claims to Canada.

There are a several possible explanations. First, there is the well-documented (see Law 2010) real and perceived threats against the welfare of the Romani people that seem to go unheeded by their home country. For example, according to Walsh et al. (2008, 903), the Roma "are routinely denied access to housing and live in segregated housing" which is in direct "violation of international anti-discriminatory laws." Second, and related to the first point, is the fact that no European Union country will entertain refugee claims made by the Hungarian Roma since "Hungary has in place the institutional

⁵⁷ Ayed, Nahlah and Ed Ou. "Hungarian Roma Hope for Sanctuary in Canada," cbc.ca, last modified December 13, 2012, <http://www.cbc.ca/news/world/hungarian-roma-hope-for-sanctuary-in-canada-1.1169996>.

⁵⁸ CBSA. "Project SARA: International and Domestic Activities Report," accessed July 28, 2013, <https://www.documentcloud.org/documents/470868-cbsa-project-sara.html>.

framework to ensure that Hungarian nationals are not persecuted in their homeland.”⁵⁹

Third, there is the perception (positive or negative) within some political circles that the Hungarian Roma are seeking asylum only to abuse Canada’s health and social system. This argument is one that has been made on several occasions by Jason Kenney. For example, in the 17 February 2012 edition of the *National Post*, Kenney is quoted as saying: “[t]o be perfectly honest with you, we have people showing up at ... the airport where they make their asylum claim, asking where they can get their cheque from, their welfare cheque....”⁶⁰

Fourth, as many Roma live below the poverty line, regularly collect welfare in their home country, and experience systemic employment discrimination, they are viewed as economic immigrants rather than refugee claimants seeking asylum from a government who cannot, or will not, ensure their protection. This is certainly the view of the CBSA.⁶¹ Fifth, the discourse on the Roma unfairly portrays them as having a high propensity towards criminality: “[w]hile no evidence of organized crime has been found regarding the Roma movement into Canada, a criminal element amongst the claimants is present. They are known to engage in petty theft, break and enter, possession of property obtained by crime, fraud and forgery, and assault, and many engage in similar activities in

⁵⁹ CBSA. “Project SARA: International and Domestic Activities Report,” accessed July 28, 2013, <https://www.documentcloud.org/documents/470868-cbsa-project-sara.html>.

⁶⁰ “Tories’ Sweeping Immigration Reforms Target Influx of Claims from Roma Gypsies” *National Post* (Toronto), last modified February 16, 2012, <http://news.nationalpost.com/2012/02/16/conservatives-to-announce-further-barriers-to-deter-bogus-refugee-claimants-report>.

⁶¹ CBSA. “Project SARA: International and Domestic Activities Report,” accessed July 28, 2013, <https://www.documentcloud.org/documents/470868-cbsa-project-sara.html>.

Canada.”⁶² Finally, there is concern that a strong Roma community would develop in Canada that potentially could demand recognition as a separate ethnic group with special rights under Canadian law.⁶³ This judgment is based on the CBSA’s assessment that not only do the Hungarian Roma comprise the most politically integrated of the Eastern European Romani but that a seed community of Hungarian Roma has been established in Canada.⁶⁴

Conclusion

It is evident that Canada’s immigration system post-Second World War has gone through significant changes. It has moved from an overtly racist model to one that sought to promote humanitarianism to one that now restricts individuals’ right of mobility. The legacy of Canada as a “place of refuge,” however, is in serious jeopardy. While the changes to the *Immigration and Refugee Protection Act* appear, on the main, to address problems with Canada’s asylum system and to protect refugees from criminal organizations, many of the new regulations have the potential to criminalize perhaps the most vulnerable group to flee Europe since the Jews during the Second World War. In speaking of Jewish refugees, Frederick Blair, Canada’s top immigration bureaucrat during the war, stated that: “I often think that instead of persecution it would be far better if we more often told them frankly why many of them are unpopular If they would divest themselves of certain of their habits I am sure they could be just as popular in Canada as

⁶² CBSA. “Project SARA: International and Domestic Activities Report,” accessed July 28, 2013, <https://www.documentcloud.org/documents/470868-cbsa-project-sara.html>.

⁶³ Such concern speaks to what Charles Taylor (1994) calls “the politics of recognition” in which the demand for recognition from minority groups may lead to nationalist movements.

⁶⁴ CBSA. “Project SARA: International and Domestic Activities Report,” accessed July 28, 2013, <https://www.documentcloud.org/documents/470868-cbsa-project-sara.html>.

our Scandinavians.”⁶⁵ While he was specifically referencing the European Jews, there is no doubt that his comment could just as easily describe twenty-first century elite opinions of the European Roma.

⁶⁵ “Hate at the Top,” cbc.ca, last modified 2001, accessed May 17, 2013, <http://www.cbc.ca/history/EPISCONTENTSE1EP13CH4PA2LE.html>.

Chapter Five: A Multicultural “Other” – Argumentation, Legitimation, and Othering in Bill C-11: *The Balanced Refugee Reform Act*

We must seek to keep this part of the Continent free from unrest and from too much intermixture of foreign strains of blood. — Mackenzie King, Prime Minister of Canada, 1935-1948.⁶⁶

Introduction: Locating Multiculturalism within the Other

In a very compelling article, Nick Lynn and Susan Lea (2003) argue that over the last 50 or so years, there has been a move within Britain to refocus attention on British national identity by utilizing narratives that develop a “common British heritage.” They further suggest that British Conservatives frame asylum seekers as a threat to this socially constructed common British heritage, thereby presenting their arrival as a serious social threat to core “Britishness.” They write: “Predominately negative portrayals have presented asylum-seekers as a threat to the stability of society: a challenge to ‘British cultural distinctiveness’ and therefore, by implication, a ‘serious social problem’” (Lynn and Lea 2003, 426).

I believe that an analogous link can be made using Elke Winter's (2011) examination of multiculturalism from the period 1992 to 2001. In my reading, she argues that immigrants, in opposing Québec separatism during the referendum, shifted from being defined as the “Other” to being temporarily defined as “we.” To curb the separatist movement, Canada’s “common or multicultural heritage” was redefined around a new multiculturalism – one that was constructed to include only a specific type of newcomer. This “new multiculturalism” presented immigrants as part of the Canadian national

⁶⁶ Note that this quote was made when King was Deputy Minister of Labour and not Prime Minister. “Hate at the Top,” cbc.ca, last modified 2001, accessed May 17, 2013, <http://www.cbc.ca/history/EPISCONTENTSE1EP13CH4PA2LE.html>.

identity in order to create an imagined or mythic bond between the “multicultural we” (i.e., English Canadians) and the non-English immigrant population. I argue that since 2006 (the year the Conservatives came to power), this rearticulation has been utilized by the Conservatives in order to portray asylum seekers (defined here as a non-refugee [i.e., bogus]) as taking advantage of Canada's “common heritage” (i.e., one that is multicultural, welcoming, generous, etc.). This presentation, much like Lynn and Lea’s (2003) argument regarding British Conservatives, provides their Canadian cousins with the opportunity to frame asylum seekers as a threat to Canada and Canadian society. Hence, they are undeserving of protection.

Winter (2011, 3-5) argues that ethnic diversity is primarily achieved through pluralism, which, in turn, becomes meaningful only through the presence of real or constructed outsiders. In other words, there must be a constructed “they” to compare against the pluralist national “we.” Problems arise, however, when multiculturalism (which by definition is meant to be inclusive) is defined in relation to national identity. If Canada’s national identity is located within multiculturalism, this leaves little room to disparage the “Other” without compromising the integrity of multiculturalism and therefore Canada’s national identity. As Québécois nationalists, Aboriginal peoples, and immigration-derived ethnic groups slowly acquired a greater voice within Canadian political and cultural affairs, it therefore became increasingly difficult to portray them as the “Other” (Winter 2011, 25). Enter the asylum seeker, whose geography and origins not only define them as being on the margins of the Canadian “multicultural we” but ensure that political elites have their “Other.”

As Canada is viewed – nationally and internationally – as the bastion of refugee support, to present any refugee as the “Other” would not only call into question that image but also conflict with the idea of Canada as a welcoming nation. The Conservatives, however, need to restrict asylum claims from certain source countries but to do so they cannot disparage all refugees. They still need to maintain the fiction that Canada remains a humanitarian and multicultural nation. This is the importance of banal hegemony, as it allows the Conservatives to distinguish between those who are deemed to be “good” or “legitimate” refugees (i.e., those who selected to come to Canada by the UNHCR) and “bad” or “illegitimate” refugees (i.e., those who arrive in Canada seeking to “abuse Canada’s generosity”).

Whereas cultural hegemony focuses on perpetuating a particular ideology (which would in all likelihood result in a negotiated or oppositional reading), banal hegemony focuses on perpetuating a particular meaning (which is less likely to result in a negotiated or oppositional reading). This occurs precisely because both the opposition and the media, intentionally or unintentionally, employ these terms. By controlling the discourse on who exactly is eligible for protection and defining who are considered to be a legitimate refugee, the Conservatives are able to convince the broader public of the need for the legislation. Ironically, the opposition and the media reinforce this articulation (i.e., legitimate versus illegitimate refugees) when they employ such terms as “bogus,” “illegitimate,” etc. to differentiate between the socially constructed refugee categories. The result is a much more surreptitious way to propagate a particular worldview.

Like their British counterparts, Canadian Conservatives present these arrivals as a serious social threat to core “Canadian” values. Following from Winter (2013, 131-132),

my argument is predicted on the belief that "...the attributes that have come to 'mark' these opposites are constructed in unequal power relations, where the dominant group constitutes itself as the norm ... and projects 'difference' and usually all bad or 'exotic' attributes onto the subordinate group." In effect, I argue that certain discourses help to define and mark unequal power relations between "us" and "them." By projecting positive attributes (e.g., vulnerable, fleeing persecution) onto Convention refugees, the Conservatives portray these individuals (at least temporarily) as part of the accepted "multicultural we." By projecting negative attributes (e.g., criminality, fraud, security threats) onto asylum seekers, however, the Conservatives portray these individual as abnormal, part of the unaccepted "they."

Overview of the Speeches

In this chapter, I analyse the exchange between the Conservative Minister of Citizenship, Immigration, and Multiculturalism; the Liberal Opposition Critic for Citizenship and Immigration Canada; and the New Democratic Critic for Access to Information, Government Ethics, and Privacy and Ethics. Bill C-11: *The Balanced Refugee Reform Act* was introduced on 30 March 2010 as an act to amend the 2001 *Immigration and Refugee Protection Act* (IRPA) and the *Federal Courts Act*. The amendments were intended to address key issues arising from criticisms of IRPA as well as to adopt legislation that would bring the act in accordance with several Supreme Court of Canada decisions. One of the key changes was the implementation of the Refugee Appeals Division, whose role was to provide an opportunity for claimants to establish that their decision was wrong in fact or in law or in both, allow for the introduction of new

evidence and, in exceptional cases, allow for an oral hearing.⁶⁷ The amendments to IRPA were also designed to address issues related to designated countries of origin, the removal of failed asylum claimants, pre-removal risks assessments, Canada's resettlement program, permit provisions, as well as manifestly unfounded claims.

The debate regarding Bill C-11 is an excellent topic for analysis. Not only was it the first major piece of immigration legislation since 2001, but the implementation of the Refugee Protection Division can only be described as a contradiction.⁶⁸ Key changes to the legislation were not introduced by the supposed "defenders of immigration" but by a party (the Conservatives) whose base, less than ten years ago, was calling for a radical reversal in immigration policy (Abu-Laban 1998; Kelley and Trebilcock 2010). In introducing the legislation Kenney stressed that: "The truth is this. Too many people try to use our asylum system as a back door to gain entry into Canada, rather than wait patiently to come here through the immigration process. The result is that too many people abuse our system in an effort to jump the immigration queue. There are a number of problems with the current system, which encourage unfounded claims."

Kenney's statement clearly demonstrates that the goal of Bill C-11 was to address the number of illegitimate refugee claims. But statements made by Bevilacqua contradict this argument:

⁶⁷ "Department of Citizenship and Immigration and Immigration and Refugee Board: Regulatory Impact Analysis Statement," Citizenship and Immigration Canada, last modified October 1, 2011, accessed April 23, 2011, <http://www.gazette.gc.ca/rp-pr/p1/2011/2011-07-02/html/reg2-eng.html>.

⁶⁸ The implementation of a Refugees Appeals Division had been considered as early as 2001, when the Liberal Party of Canada introduced the *Immigration and Refugee Protection Act* [IRPA]. Unfortunately, the provisions relating to the refugee appeals division were never implemented, leaving Canada as one of the few refugee-receiving countries without some form of merit-based appeals process (Kelley and Trebilcock, 2010, 441).

...before any refugee reform legislation is implemented, we will ensure that it meets our standards of procedural fairness, that it is just, fast and efficient and that it does not undermine the trust many people place in our system The government's justification for the bill is focused on streamlining the system to deal with the growing application backlog, providing further flexibility to the minister to deal with the unusual spikes in refugee claims from democratic source countries and streamlining the removal process for unsuccessful applicants.

The Liberal position suggests that the backlog is the result of the Conservative government's inaction and that those with legitimate claims have to wait nearly two years to have their claim processed. The NDP position, however, was much more accusatory of the Conservatives and the Liberals, stressing that:

Conservative and Liberal governments have also shown great disrespect to the existing immigration and refugee law, and that is primarily for their refusal to implement the refugee appeal division which is a feature of the current Immigration and Refugee Protection Act. This act ... contains a provision for a refugee appeal division, something that the minister described as "dormant." Well the reality was that the Liberals and Conservatives refused to implement that part of the law that had been debated and passed here in the House of Commons and in the Senate. It was never implemented.

The NDP position presents the problem as one created by both the current Conservative and former Liberal governments. This approach is not surprising given that the NDP have never held government federally and therefore can accuse both parties of being disrespectful towards refugees without worrying about any potential political backlash. In effect, they can take the political and moral high ground.

Debate on the bill was held in April 2010, with final reading occurring on 15 June 2010. In the House of Commons, there were 40 individual speakers to the Bill, including four major speeches (one was by Bloc Québécois MP Nicole Demers) at Second Reading as well as two major speeches given in the Senate: the sponsor, Conservative Senator

Judith Seidman; and the respondent, Liberal Senator Mobina Jaffer. This debate occurred on 26 April 2010 following first reading of *Bill C-11: The Balanced Refugee Reform Act*. The following section outlines the Conservative Party of Canada's position (leading a minority government) related to refugee reform as well as the responses given by the Liberal Party of Canada (as Official Opposition) and the New Democratic Party of Canada.

Balanced, Fair, and Fast: Jason Kenney's Speech

The legitimization strategies used in Jason Kenney's speech are typical of speeches related to immigration and refugees given that a key aspect of the exclusionary discourse is predicated on the belief that immigration reforms are "for their own good." As van Dijk (1993, 95; emphasis in original) explains, "limiting immigration would not be better for *us*, but for *them*, because that would be good for their [asylum seekers'] country." In the conservative discourse on immigration, there is the belief that by denying individuals asylum, the host country is performing an act of altruism – requiring them to return to their *poor* country in order to help build it. Moreover, by denying status to *mala fide* claimants, Canada is able to focus on providing better supports to *bona fide* refugees. As such, Kenney frequently references the need for "faster protection" for bona fide refugees to ensure that those who are "truly" in need of protection will receive it.

It is equally important that Kenney link the traditional discourse of humanitarianism with protection in his speech, though his comments are predicated on such values as tolerance, equality and hospitality. For example, he states:

This bill and related reforms would reinforce Canada's humanitarian tradition as a place of refuge for victims of persecution and torture....

There can be no doubt that this government is committed to continuing Canada's proud humanitarian tradition of protecting those in need....

Such references are an important part of impression management and are designed to avoid implicit or explicit accusations of prejudice by the opposition (van Dijk 1997, 44). Regardless of the sincerity or truth of such claims, they are always made with a real or imagined *but*; such arguments are designed to reinforce both firmness and fairness, and, as such, these reforms *must* be “balanced,” “fast,” and “fair” (at least from the perspective of the Conservative government). Such phrasing is often used to either legitimate immigration restrictions or to limit/restrict the rights of refugees, immigrants, or other resident minorities (van Dijk 1993, 93). Indeed, each of these words appears several times throughout his speech, and is used in both the opening and closing paragraphs. The term “balanced” is repeated three times in one paragraph, and more importantly, appears in the title of the bill.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC) moved that Bill C-11: An Act to amend the *Immigration and Refugee Protection Act* and the *Federal Courts Act*, be read the second time and referred to a committee.

He said: Madam Speaker, I am pleased to rise here today to speak to Bill C-11: *The Balanced Refugee Reform Act*.

This bill and related reforms would reinforce Canada's humanitarian tradition as a place of refuge for victims of persecution and torture, while improving our asylum system to ensure that it is balanced, fast and fair. The bill would ensure faster protection of bona fide refugees, reinforce procedural fairness by implementing a robust refugee appeals division at the IRB and ensure faster removal of those who seek to abuse Canada's generosity by making asylum claims.

Canada has always been a place of refuge for victims of persecution, warfare and oppression. English Canada was founded by refugees fleeing the American Revolution, the United Empire Loyalists. Canada was the north star

of the Underground Railroad for escaped slaves from the southern United States.

In 1956, Canada welcomed some 40,000 refugees of Soviet communism fleeing the invasion of Budapest. In 1979 and 1980, Canadian churches and families welcomed some 50,000 Vietnamese or Indochinese boat people, creating the magnificent foundations of our privately sponsored refugee program.

Having said that, there have been moments when we turned our backs on those most urgently in need of our help. We think, of course, of the example of the European Jewish refugees during the Second World War who Canada refused to accept, detailed in the great historical work *None is Too Many* written by Harold Troper and Irving Abella.

We must learn from the mistakes of that period so that we never repeat them. I believe we have learned from those mistakes, because Canada has welcomed some one million refugees to make a new start here in Canada in security and with our protection since the Second World War.

In this speech fragment, Jason Kenney's statement that asylum claimants abuse Canada's generosity is an example of the *commitment to an identifiable position* bias. In this strategy, the speaker's position tends to function as an indicator of argumentative bias, and thus his "commitment to a specific view, once it is known, functions as a way of attributing a particular bias to the speaker's argument on that issue" (Walton 1999, 99). Since we can surmise that Kenney's position is to restrict those who are able to make asylum claims, his position will likely interfere with a persuasive dialogue. From Kenney's perspective, the majority (if not all) of asylum claims are without merit; therefore, they need to be dealt with expeditiously. As such, his statements strive to conceal the most controversial aspects of his conclusions, that is, the bill will expedite the removal of (supposedly illegal) refugee claimants. In fact, two previous pieces of legislation, specifically the *Multiple Borders Strategy* and the *Safe Third Country Agreement*, were designed to "deter, deflect, and block asylum seekers from lawfully

making refugee claims in Canada” (Arbel and Brenner 2013, 16). Interestingly, these pieces of legislation were passed and implemented during a Liberal administration.

Kenney also uses *moral evaluation* and *national self-glorification* to legitimate the need for refugee reform. Specifically, he references the value of humanitarianism and objectivity when he states: “[these] related reforms would reinforce Canada's humanitarian tradition as a place of refuge for victims of persecution and torture, while improving our asylum system to ensure that it is balanced, fast and fair.” Hence, he is portraying the proposed reforms as something natural and perfectly normal. He goes on to invoke *rationalization* when he describes how the process will “ensure faster protection ... reinforce procedural fairness ... and ensure faster removal....” The legislation is, therefore, a means to an end. He is also setting up for the audience the argument that Canada has a humanitarian tradition to uphold, which falls squarely within pluralism.

In employing the *loaded term* fallacy, Kenney uses the term “bona fide refugees” to refer to legitimate refugees while certain Asian refugees are framed as the pejorative “boat people.” Kenney also uses the term “boat people” to refer to all Asian immigrants when it is conventionally used to describe Vietnamese refugees (or Chinese refugees from Vietnam). Here, Kenney is utilizing the *emotive meaning* to trigger a negative response in an audience (Walton 2006a, 220). Kenney again invokes the idea of *national self-glorification* when he suggests that Canada “has always been a place of refuge for victims of persecution, warfare and oppression;” and that “Canada was the north star of the underground railroad.” It is also evident when he later references the role that Canada and its citizens played in accepting refugees from Budapest, Vietnam and Indo-China. Interestingly, it is quite likely that the *allusion* to “the north star” is a reference to its

usage in a speech delivered by Martin Luther King Jr., as part of the CBC Massey Lectures series in 1967.⁶⁹

Kenney also introduces the *selection of arguments* bias when he tempers the role that Canada played in ignoring the plight of Jewish refugees during World War Two while, at the same time, suggesting that English Canada was founded by American refugees (which, of course, is historically inaccurate). Selection of arguments is, as Walton (1999, 95) suggests, a sin of omission – while the speaker states the truth, it is not the whole truth. In this case, Kenney downplays Canada’s failure to support Jewish refugees during the Second World War while highlighting the contribution of American “refugees” during the American War of Independence. While Walton (1999, 108) suggests that emphasis and hyperbole can be used to create an atmosphere of crisis, I argue that it can also be used to shift focus away from the negative and instead to certain positive aspects of an argument. For example, Kenney makes use of *hyperbole* when describing the origins of Canada’s Privately Sponsored Refugee Program (PSRP) (“magnificent foundations”). By using the laudatory term “magnificent” to describe the program, Kenney is not only making a positive value assumption about the program but is also framing a positive statement immediately before a negative one. As such, this may serve to draw attention away from a controversial statement made later in his speech.

⁶⁹ As part of the 1967 Massey Lectures, Dr. King stated “Canada is not merely a neighbor to Negroes. Deep in our history of struggle for freedom Canada was the North Star. The Negro slave, denied education, de-humanized, imprisoned on cruel plantations, knew that far to the north a land existed where a fugitive slave if he survived the horrors of the journey could find freedom. The legendary underground railroad started in the south and ended in Canada” (The Lost Massey Lectures, 2007, 165).

While Kenney notes how Canada has supported refugees, he only offers one example of how Canada has failed them — that is, Jewish refugees prior to, and during the Second World War. His decision to reference only one example is an attempt to cloud the issue using *lip service selection* in order to reduce or eliminate potential accusations of bias. This may reflect a desire by Kenney to cover up his bias by pretending to consider all sides of an argument and to make the speech appear balanced (Walton 1999, 98). In this case, he offers one example (arguably the most egregious one) of Canada's failure to support refugee claimants.

Kenney also admits that Canada's response to specific refugee crises has been problematic. He shifts from using "Canada" as a social actor to the more inclusive "we" — which suggests that all Canadians had a role to play in rejecting Jewish refugees. This *consensus* strategy is an attempt at, what Rojo and van Dijk (1997) describe as, attitudinal hegemony: if Canadians agree that the rejection of legitimate refugees is wrong (and uses the most grievous case to demonstrate it), then criticizing the rejection of illegitimate refugees is unacceptable. Moreover, since all Canadians supposedly were part of the problem, all Canadians now must bear the burden of the solution. Kenney also uses *euphemism* to describe those actions ("there have been moments" and "we turned our backs"). The use of "our" is also designed to link Canadians' role in the decision and to reinforce attitudinal hegemony. In using the *emotion mythopoesis*, Kenney aims to frame Canada as a historically welcoming and open country. He likens the United Empire Loyalists as well as Black slaves to refugees despite the fact they would unlikely meet contemporary standards of "refugeeness" as neither group was outside their country of origin. He also references the Hungarian and Indochinese refugees despite the obvious

ideological overtones associated with providing refuge to both these groups (see, for example, Adelman 1991).

While the goal is to instil a sense of pride in Canada's treatment of legitimate refugees (therefore mitigating any criticism of the proposed legislation), by using well-known examples, Kenney is reinforcing *banal hegemony*. By using *hegemonic positioning*, he is reminding the audience exactly who are historically legitimate refugees in the view of the Conservative government. Ironically, such revisionist history runs contrary to the historical treatment of immigrants pre- and post-Second World War. In order to reinforce the statement, Kenney invokes *authorization* (specifically expert authority) when he references the work *None Is Too Many* to describe Canada's response to the Jewish refugee crisis. The goal here is to remind the audience that there are legitimate refugees and Canada cannot disregard its obligation to legitimate refugees as it did during the Second World War. Kenney's repeated references to the plight of Jewish refugees might also serve a political purpose given that there is a substantial Jewish community in Montréal, an area where the Conservatives would need to make in-roads in order to win seats in Québec in the subsequent election.

Kenney is also guilty of using a *hasty generalization*. In this fallacy, an individual generalizes from a single anecdote or experience to support his/her conclusion (Govier 2010, 382). As such, Kenney generalizes that Canada has "learned from those mistakes" when he notes that Canada has accepted "some one million refugees" (also *vagueness*, *numbers game* and *positive self-presentation*) following Canada's rejection of Jewish refugees during the Second World War. To generalize that Canada has learned its lesson based on its past treatment of Jewish refugees is therefore hasty. In fact, it could be

argued that over the last twenty years Canada has rejected as many refugees. For example, from 1993 to 2011, the IRB rejected over 95,000 claims (this number does not include those withdrawn or abandoned) while accepting a little more than 122,000 claims.⁷⁰

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): There remain an estimated 10.5 million refugees, according to the UN High Commissioner for Refugees, around the world. Every year, some 20 developed democracies resettle about 100,000 refugees, and from that number Canada annually resettles between 10,000 and 12,000 or 1 out of every 10 refugees resettled globally, second only to the United States with 10 times our population.

The government is also active with our international partners to help those in need. Take, for example, the government's commitment to resettle up to 5,000 Bhutanese refugees from Nepal over several years. We have already welcomed more than 850 Bhutanese refugees in several communities across Canada. In addition, we have also completed the resettlement of more than 3,900 Karens from Thailand.

I was very proud last year to announce a special program to welcome to Canada over the course of three years some 12,000 refugees from the conflict in Iraq. I visited some of these families in Damascus, Syria, last May and I must say I still remain touched and deeply moved after hearing their stories of violence and persecution, often on religious grounds.

Everywhere I go across the country, I encourage community groups, church groups, faith groups and others to participate in our privately-sponsored refugee program to help rescue those Iraqi refugees and other people in need of our support around the world.

In addition to all those things, we have increased our support for the UNHCR in its important work to help displaced populations on the ground. In fact, to quote Abraham Abraham, the UNHCR representative to Canada, "Canada, a major settlement country and a major donor to UNHCR activities worldwide, has for the time in its funding of UNHCR's global operations worldwide

⁷⁰ Human Rights Research and Education Forum. "By the Numbers: Refugee Statistics," [uottawa.ca](http://www.cdp-hrc.uottawa.ca/projects/refugee-forum/projects/documents/REFUGEEESTATSCOMPREHENSIVE1999-2011.pdf), last modified 2012, accessed August 28, 2013, <http://www.cdp-hrc.uottawa.ca/projects/refugee-forum/projects/documents/REFUGEEESTATSCOMPREHENSIVE1999-2011.pdf>.

reached a new level of over \$51 million, making this the highest ever annual Canadian grant to the UN refugee agency.”

I am proud that happened under this government.

In spite of our many achievements, I believe that in the context of balanced reform to our refugee system, Canada can and should do more to help those in need of our protection. That is why, as part of this broader package of reform to our refugee systems, including our asylum system, I have announced our intention to increase the number of resettled refugees welcomed to Canada by 2,500 individuals, to 14,000. We would continue to lead the world and set an example for other countries.

I propose, in the context of refugee reform, that we increase by some 20% or \$9 million the refugee assistance program to provide initial assistance for the successful integration of government-assisted refugees typically coming from UN camps. I have also announced, as part of these increases and targets, an increase of some 2,000 positions for people to come through the very effective, privately sponsored refugee program.

In this speech fragment, we see the first example of implication, described as statements that are not explicitly stated or a conclusion/point of view that is highly argumentative (Walton 1999, 110). For example, by referencing “developed democracies,” there is the *implication* that there is a specific type of state that participates in refugee resettlement. There is also the *implication* that Canada is doing more than its fair share with regard to refugee resettlement – as such, there is a clear need to forestall illegitimate refugees. In other words, Canada does not need to hear claims from illegal refugees since it accepts more than its fair share of legitimate ones.

Kenney also uses *authorization* (specifically expert authority, when citing the UNHCR), *intertextuality*, and the *numbers game* to make his argument: “there remain an estimated 10.5 million refugees;” and “some 20 developed democracies resettle about 100,000 refugees.” By referencing the significant number of refugees, as well as the few countries that do resettle them, Kenney is attempting to frame the situation favourably.

Given that there are so many legitimate refugees and so few countries willing to resettle less than ten per cent, the need to forestall illegitimate refugees' claims becomes more apparent. He also utilizes *national self-glorification* when he states that Canada is "second only to the United States" in terms of the number of refugees resettled despite the fact that the US has ten times Canada's population. By juxtaposing Canada against the United States, he is using *comparison*. In this case, Canada is holding its own against a country with a much larger population and significantly more resources.

Using *national self-glorification*, this section of Kenney's speech is mostly devoted to highlighting the supposed important contribution that Canada has made in resettling refugees, with Kenney specifically mentioning the Bhutanese and Karen. By using the pronoun "we" in each sentence, Kenney is again using it as a means to connect with his audience, to demonstrate that the statements reflect not only his view but the views of Canadians in general, and to temporarily include these individuals as part of his vision of Canada. His narrative about his visit to the Middle East is an example of the *emotion mythopoesis* as well as *positive self-presentation*. It is designed to emphasize the positive aspects of a program that accepts Iraqi refugees. Kenney states: "I visited some of these families in Damascus, Syria, last May and I must say I still remain touched and deeply moved after hearing their stories of violence and persecution, often on religious grounds." Having met these refugee families, he demonstrates humility and fully understands their plight. As such, the "special program" for Iraqi refugees is the right and proper course of action. By using *hegemonic positioning*, he is reinforcing banal hegemony since it is clearly designed to remind the audience exactly who are legitimate

refugees in the view of the Conservative government – legitimate refugees are those fleeing “...violence and persecution, often on religious grounds.”

By suggesting that he “encourage[s]” groups to avail of the Privately Sponsored Refugee Program (PSRP), Kenney is using the strategy of *rationalization*. Doing things this way (i.e., encouraging use of the PSRP) is an appropriate course of action because this program only supports legitimate refugees. To reinforce banal hegemony, Kenney follows this statement with *authorization*, specifically a quote by an expert authority, Abraham Abraham, the UNHCR Representative in Canada. Using this particular authority is designed to convey to the audience the contribution that the Conservative government has made regarding legitimate refugees in order to forestall any criticism of their actions. This point is reinforced by his use of “balanced” and is another example of *moral evaluation*. It is perfectly normal for Canadians to expect “balance” in their refugee system, and while “Canada can and should do more,” there is a limit to Canada’s ability to provide refugee assistance – and that limit is legitimate refugees. Finally, by using *hyperbole* (“very effective”) to describe the PSRP, Kenney is making a positive value assumption about the program. This is also an example of *national self-glorification* and *moral evaluation*. Kenney is suggesting that the program has the desirable quality of effectiveness; hence, the program is legitimated in terms of the *discourse of effectiveness*. In fact, his emphasis is clearly on supporting legitimate refugees.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Bizarrely, these huge increases in Canada's generosity that I announced were criticized by one individual claiming to speak on behalf of refugee organizations, demonstrating that there are some in this debate who are neither objective nor balanced in their approach. However, I must say that I was gratified to see the overwhelmingly positive

response from those who actually work with refugees, not just issue press releases but actually do the practical work with people who need a new start.

For example, Mr. Abraham of the UNHCR said, “This is an encouraging move in the right direction that yet again demonstrates the humanitarian commitment of Canada to provide protection to needy refugees for whom resettlement is the only solution enabling them to rebuild their shattered lives with respect and dignity.”

Mr. Tsehai of Canadian Lutheran World Relief expressed his “sincere appreciation and deep gratitude for your announcement to increase the PSR target to a 6,500 annual level.”

A coalition of sponsorship agreement holders, groups that bring the refugees to Canada, said they were “thrilled with the news.”

There can be no doubt that this government is committed to continuing Canada's proud humanitarian tradition of protecting those in need, but let me turn my attention to the asylum system.

This section of Kenney’s speech contains various examples of bias. For example, the first sentence includes a *loaded term* (“bizarrely”) and *hyperbole* (“huge increases”). In the first example, using a loaded term places a certain slant on the disputed statement in order to question the legitimacy of the alternate viewpoint. In the second example, it is evident that the use of hyperbolic language is designed to create an atmosphere of crisis. When he argues that the increases were quite generous, he is using *moral evaluation*. From his perspective, increasing access through the Privately Sponsored Refugee Program is the correct approach; therefore, it should not be open to criticism. This is also an example of the *strawman* fallacy since it is obvious that the individual is not criticizing the increase, rather the focus on the PSRP (in which the federal government is under no financial obligation to support refugees upon arrival). The use of *vagueness* and *numbers game* (“huge increases”) helps to reinforce bias and Othering. Owing to a lack of distinctiveness, vague language is problematic when the use of a word or phrase “is not

sufficiently clear to convey the necessary information in that context of use” (Govier 2010, 68). On this point, an increase of 2,000 may not be viewed as “huge” depending on the context in which it is used. In fact, as the increase is to the PSR Program, the increase may be large but the actual uptake by individuals or groups has been consistently below target (see Table 11).

In an attempt to appear unbiased, Kenney chooses those criticisms that can be easily dismissed. He does this by first delegitimizing the individual’s position by suggesting that he/she is “claiming to speak on behalf of refugee organizations” and second, by *implication*, suggests that those who “just issue press releases” are not to be taken seriously. Using “actually” as a *hedge*, Kenney is calling into question the motives of those who have criticized the reforms. Moreover, by suggesting that any criticism of the increases to the PSR Program is neither objective nor balanced, Kenney is questioning the individual’s objectivity. As such, both statements are examples of the *poisoning the well* fallacy. In the latter example, the individual’s criticism cannot be taken seriously because no one would criticize an increase in government funding, especially for such a vulnerable population as refugees. The poisoning the well strategy is designed to attack “the trustworthiness and the intellectual honesty of the arguer as a credible source, undermining her sincerity or objectivity in a way that makes an audience discount the worth of her arguments” (Walton 2006b, 276).

There is also the *implication* that since those who criticize the bill do not work directly with refugees, their criticisms are less valid. Indeed, Kenney’s attack on his unnamed opponent suggests the *commitment to an identifiable position* bias, given his negative reaction to the criticism. As Walton (1999, 99) points out, “it is one thing to

have a particular bias or point of view. But it is another thing to resist modifying, revising, or developing that point of view when good arguments criticizing it are encountered in a dialogue.” In order to counter those unnamed critics, Kenney uses *authorization* (specifically expert and role model authority) and *intertextuality*. Kenney quotes Abraham Abraham, the UNHCR Representative in Canada; Fikre Tsehai of the Canadian Lutheran World Relief; as well as a coalition of unnamed Sponsorship Agreement Holders (SAH). No doubt that the use of authorization is designed to reinforce legitimation but its usage is suspect.

Alternatively, it could be viewed as an *appeal to authority*. Hence, the issue is “that there is a sort of halo effect with experts. If someone is acknowledged to be a prestigious expert in one particular field of specialization, then the halo of authority often carries over into any pronouncement made by the expert, even if it is in a totally unrelated field” (Walton 2008, 223). Using Abraham and Tsehai as authorities, who are perhaps knowledgeable on refugee affairs, is questionable given that their expertise is not public policy. Moreover, there is no guarantee that the statements have not been taken out of context or specifically chosen to support Kenney’s point. Using such vague phrases as “according to experts,” or in Kenney’s case stating “a coalition of sponsorship agreement holders,” should be treated with caution, as “it would be a serious error to accord it much weight in an argument” (Walton 2008, 224). Using this particular statement by Abraham Abraham is not only an example of *national self-glorification* but also *moral evaluation* since providing “...protection to needy refugees for whom resettlement is the only solution” is the right thing to do. By referencing “Canada’s proud humanitarian tradition” as a preface to his statements on the asylum system, Kenney is again using *national self-*

glorification and *authorization* (specifically traditional authority) to counter any suggestion that he or the government are derogating immigrants or refugees.

The sentence fragment “there can be no doubt” serves as an example of *rationalization* and *closure to opposed argumentation*, since it serves to forestall disagreement over the government’s commitment to protecting refugees. As van Leeuwen (2008, 114) argues, “expressions like ‘it is useful,’ ‘it is effective,’ and so on are themselves legitimating, descendants of philosophical traditions such as utilitarianism and pragmatism, which explicitly argued for purposefulness, usefulness, and effectiveness as criteria of truth and foundations for norm-conformative, ethical behavior.” Such statements suggest that this is the way things are done. Kenney also utilizes both *epistemic* and *deontic modality* to reinforce his position regarding Canada’s refugee system: “[t]here can be no doubt that this government is committed to continuing Canada’s proud humanitarian tradition of protecting those in need.” In this instance, Kenney is intentionally choosing not to be vague so that the audience knows that the commitment is from “this government” – not Parliament, not the opposition, not MPs, and not Canadians.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): We also have, as all members will know, a very robust, highly regarded and extraordinarily fair charter-compliant legal system for the consideration of asylum claims made by refugee claimants arriving in Canada. Unfortunately the system has many serious, longstanding problems and everyone knows it.

I would like to credit the member for Vaughan, the official opposition immigration critic, for having raised this issue as early as 18 months ago and doing so in a non-partisan fashion. I would also like to commend the Leader of the Opposition for having pointed to the problems in our asylum system, which must be addressed.

One of the problems is that we have had long, very large backlogs in asylum claims as a permanent feature of the system. The average size of the asylum backlog in our system over the past 10 or 15 years has been 40,000 people waiting for a hearing on their applications for asylum protection in Canada.

That means that, typically, people have been waiting about a year to get even a hearing. Right now the backlog is as high as 60,000 people waiting for a decision or a hearing on their applications, meaning that people have to wait 19 months for a hearing. This is not acceptable. We must do better.

If someone manages to escape one of Ahmadinejad's prisons in Iran and he arrives at one of our airports with the scars of torture fresh on his back, we do not offer him a quick pathway to security and protection in Canada. We give him a form and say we will check back with him in 19 months.

That is not good enough. Frankly, those who defend the status quo, who say that these permanent, huge backlogs and the large number of false claims, which contribute enormously to those backlogs, are acceptable, have taken the wrong position with respect to our moral obligation to provide speedy protection to those in need of it.

In making his argument to reform the current refugee system, Kenney utilizes *hyperbole*, *national self-glorification*, and *loaded term*: “[w]e also have, as all members will know, a very robust, highly regarded, and extraordinarily fair charter-compliant legal system.” The hyperbolic nature of the text, the use of laudatory terms, as well as the use of *consensus* (“as all members will know”) results in a positive value assumption about Canada’s legal system and is designed to forestall disagreement. Such arguments appeal to popular sentiment and invite “people’s unthinking acceptance of ideas which are presented in a strong, theatrical manner” (Engel 1976, 113, as cited in Walton 1992, 2). In other words, no parliamentarian (certainly no Liberal parliamentarian) would consider questioning Canada’s legal system, especially the *Charter of Rights and Freedoms*. Moreover, as Fearnside and Holther (1959, as cited in Walton 1999, 101) note:

Many expressions such as “it is obvious,” “everybody knows,” “clearly,” “of course,” “as anyone can see,” serve the double purpose of assuring the

audience that it is not necessary to think about the problem and cowing those with the temerity not to go along.

Hence, Kenney's suggestion that "as all members will know" is a discursive attempt at forestalling criticism. Furthermore, the *rule of three* plays an important role in facilitating argumentation. Max Atkinson argues (1984, 60) that lists of three are successful political speech strategies because "listing similar items can work to strengthen, underline, or amplify any kind of message." Since lists of three tend to have an air of unity or completeness to them, its usage helps to reinforce argumentation.

When making his argument to change the current refugee system, Kenney uses the *appeal to popularity* fallacy to infer truth from the fact that "all members" know what he says to be true. Such discursive strategies are designed to appeal to popular sentiment to support its conclusion and are fallacious because they "steer us toward a conclusion by means of passion rather than reason" (Engel, 114, as cited in Walton 1992, 2). Kenney also utilizes *authorization* (specifically impersonal authority) when he references Canada's charter-compliant legal system. This particular usage is designed to demonstrate that these changes are not only above reproach but also criticism. If Canada's legal system is not the problem (as all members will attest), by default, it must be the refugee system. He concludes by again invoking the *appeal to popularity* fallacy when he states that the system "has many serious, longstanding problems and everyone knows it." Illegitimate refugee claims are a problem for Canada, and since it is supposedly a well-known fact, his point is designed to reassure the audience that there is no need to think about his claim.

Kenney reinforces his point by employing *intertextuality* and *authorization* (specifically personal authority) when referencing comments made by the opposition immigration critic and the Leader of the Opposition (who remains unnamed owing to parliamentary tradition). When Kenney states that “I would like to credit the member from Vaughn ... for having raised this issue as early as 18 months ago ... [and] I would also like to commend the Leader of the Opposition for having pointed out the problems in our asylum system, which must be addressed,” he is using a *moral evaluation*. This quote suggests that it is perfectly normal to want to address the issue and to do so in the manner outlined in his speech. Moreover, by *flattering the audience*, Kenney’s goal is to forestall disagreement since the bill is addressing the Liberal’s concerns. In sum, he is suggesting that the government and Official Opposition are both in agreement when it comes to refugee reform. Again, there is an attempt to legitimate his argument by seeking *consensus*. Kenney’s statement is also an example of the *closure to opposed argumentation* bias, since it serves to forestall disagreement over the government’s commitment to protecting refugees. Such biases are marked by statements that seek (“as all members will know”) or invoke *consensus* (“everyone knows it”). In the latter example, there is the *implication* that illegitimate refugee claims are a problem for Canada, and since it is an accepted truth, the audience is reassured that the issue will be appropriately addressed.

It is at the midpoint of the speech that Kenney identifies the problem that must be solved, suggesting that the backlogs have been a permanent feature of the asylum system. This is an example of *rationalization* since he is suggesting this is the way it has been for several years. On this point, purposefulness is something that turned out to exist in

hindsight rather than something that could have been seen beforehand (van Leeuwen 2008). To emphasize his point, Kenney uses the pronoun “we” to reinforce the argument that the issue is not just the result of the current government – despite comments made later by the opposition parties. He also uses the *numbers game* to reinforce the severity of the issue and the length of time to process applications. As such, there is an immediate need to address the problem. Using *epistemic* and *deontic modality* respectively, he suggests that such backlogs are “not acceptable. We must do better.” Emphasis is again placed on the pronoun “we” – a source of *consensus* and *moral evaluation* since it is the right thing for “us” to do.

He follows this with a mini-narrative which is an example of a *counterfactual*, *sarcasm*, and the *emotion mythopoesis*: “[i]f someone manages to escape one of Ahmadinejad’s prisons in Iran and he arrives at one of our airports ... we do not offer him a quick path to security and protection ... we give him a form.” The consequences of non-action under the current rules suggest an inappropriate wait-time for legitimate refugees. Here we see the use of *hegemonic positioning* as a means to subtly reinforce exactly who is defined as a legitimate refugee. He utilizes *deontic modality* to emphasize that backlogs are unacceptable for legitimate refugee claimants: “[t]hat is not good enough.”

This portion of his speech also contains elements of *vagueness* in that he does not identify clearly who disagrees with him (“those who defend the status quo, who say that these permanent, huge backlogs”) and concludes with *rationalization* – that there is a moral obligation to assist legitimate refugees while no such obligation exists for illegitimate claimants. It is, in effect, a moralized means to an end. It is also an example of the *strawman* fallacy insomuch that Kenney appears to be misrepresenting the views of

the unknown individual/group regarding refugee reform. It is highly unlikely that anyone would seriously argue that the backlogs are acceptable. Kenney's use of *hyperbole* ("huge backlogs;" "contribute enormously") is also an example of bias as such dramatic appeals to emotion are often used by politicians to invoke a sense of crisis (Walton 1999, 108). The use of this strategy is designed to convince the audience of the need for reform and to call into question the legitimacy of those who would disagree with the proposed legislation. There is also the *implication* that those who disagree with the bill are in favour of the status quo and that false claims are contributing to the backlog.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): The truth is this. Too many people try to use our asylum system as a back door to gain entry into Canada, rather than wait patiently to come here through the immigration process. The result is that too many people abuse our system in an effort to jump the immigration queue. There are a number of problems with the current system, which encourage unfounded claims.

How do I make this assessment that there are many unfounded claims? In the last two years, we have seen that some 58% of the claims for asylum made in Canada were subsequently deemed to be unfounded or not in need of our protection. Many of those claims are actually withdrawn by the claimants. I will give one example.

I suspect if we went to any of our constituencies and asked people what they think is the most likely source of refugee claims in Canada, they might say Iran, North Korea, Somalia or Iraq. In point of fact, it is an EU democracy, Hungary. Last year, there were 2,500 claims. Subsequently, 97% of claimants from that European democracy went on to withdraw or abandon their own claims, indicating to us that they do not need our protection. Why they came and went through the asylum system is a good question. A clue may be found in a criminal investigation into allegations of human trafficking involving many of these claimants who are being victimized, allegedly, by a human trafficking ring.

However, of the 2,500 claims made from that EU democracy, only 3 claims were found to be in need of our protection. Therefore, with six out of ten claims being made, which were subsequently found not to be in need of Canada's protection, and with Canada receiving one of the highest levels of

asylum claims in the world with a 60% increase in the number of claims filed between 2006 and 2008, all of this to me indicates that Canada has become, regrettably, a country of choice for those who seek to migrate, not through the normal legal system, but by inventing claims often facilitated by unscrupulous agents and third parties in the immigration industry.

These problems are serious. Even the Auditor General has pointed to the backlogs creating this pull factor for false claims. What we seek to do in these reforms is to create and reinforce balance that respects our obligation to provide due process that is compliant with the charter and with the United Nations conventions on torture and refugees to asylum claimants, balance that does not restrict access to the asylum system for those who believe they have a need for our protection but balance that will provide faster protection decisions for legitimate refugees while providing faster removals for the many who actually come here seeking to abuse Canada's generosity.

The first paragraph in this section of Kenney's speech is perhaps the most definitive – clearly identifying what he perceives to be “the truth.” Using *negative Other-presentation, hegemonic positioning, metaphor, hyperbole* and *vagueness*, he argues that “many people” (i.e., asylum claimants) use the system as a “backdoor” to gain illegitimate entry into Canada. Indeed, the use of the possessive pronoun “our” is notable since it suggests that illegitimate refugees are abusing “Canada's system.” As such, it is Canadians who will ultimately pay the price. Such a decisive statement can be likened to Immanuel Kant's (1800, trans. 1885, as cited in Walton 1999, 17) concept of prejudices which are “provisional judgments [i.e., presumptions] that are taken as principles, or judgments that are absolutely true, without qualification.” Prejudices become problematic, however, when they are no longer recognized as provisional, and therefore no longer defeasible (Kant 1800; trans 1885, as cited in Walton 1999, 17). Kenney's question to the audience “[h]ow do I make this assessment that there are many unfounded claims?” is the first example of the *begging the question* fallacy. In this example, Kenney is requesting that his audience assume as true that there are many unfounded claims. As

Walton (1989, 39) notes, “the purpose of questioning in dialogue may be to extract commitments that can later be used as concessions to persuade....”

In order to support “the truth,” Kenney uses the fallacy of *pseudoprecision* (“some 58% of the claims”) to reinforce to the audience the gravity of the situation. Such a number presents an “illusionary exactness,” especially since Kenney provides no context or evidence for the statistic (Govier 2010, 271). For example, does the statistic exclude/include claims that were withdrawn, abandoned, initially denied but approved on appeal, positive decision later nullified, or just denied?

Table 10: Withdrawn Refugee Claims, 2000-2011

Year	Withdrawn Claims	Withdrawn Hungary	Finalized Claims	% Withdrawn
2000	2034	333	28916	7.03%
2001	2820	829	28436	9.92%
2002	3308	N/A	33404	9.90%
2003	2914	N/A	42400	6.87%
2004	2432	N/A	40259	6.04%
2005	1682	N/A	27421	6.13%
2006	1501	N/A	19901	7.54%
2007	1804	N/A	13907	12.97%
2008	2733	N/A	18112	15.09%
2009	4410	208	26878	16.41%
2010	4873	967	32457	15.01%
2011	3396	838	34257	9.91%
Total	33907	2208	346348	10.24%

Source: By the Numbers: Refugee Statistics, University of Ottawa; adapted by the author.⁷¹

While Kenney suggests that “many of those claims are actually withdrawn by the claimants,” data from the Immigration and Refugee Board of Canada suggest that from 2000-2011, the percentage of refugee claims that were withdrawn was approximately ten

⁷¹ Human Rights Research and Education Forum. “By the Numbers: Refugee Statistics,” [uottawa.ca](http://www.cdp-hrc.uottawa.ca/projects/refugee-forum/projects/documents/REFUGEESTATSCOMPREHENSIVE1999-2011.pdf), last modified 2012, accessed August 28, 2013, <http://www.cdp-hrc.uottawa.ca/projects/refugee-forum/projects/documents/REFUGEESTATSCOMPREHENSIVE1999-2011.pdf>.

percent, though arguably the highest rates did occur in the two years preceding the debate on Bill C-11 (and conveniently the two years Kenney cites as evidence). As a result, Kenney is making a *hasty generalization* by choosing the two years in which withdrawn claims were the highest. By using data from only two years (when data for the past years are readily available), his conclusion that many claims were withdrawn is questionable. Such high percentages, therefore, legitimate the need for immediate action. When Kenney suggests that “[m]any of those claims are actually withdrawn by the claimants,” there is the *implication* that claimants withdrew their case knowing that a negative decision would result. It is also an example of *negative Other-presentation*.

Kenney uses *rigidity of stereotyping* and *hegemonic positioning* to further make his point that legitimate refugees do not come from democratic countries: “I suspect if we went to any of our constituencies and asked people what they think is the most likely source of refugee claims in Canada, they might say Iran, North Korea, Somalia or Iraq. In point of fact, it is an EU democracy, Hungary.” Kenney is clearly contrasting what Canadians would perceive as legitimate refugees (those from Iran, North Korea, Somalia or Iraq) with those Canadians would perceive as illegitimate refugees (those from democracies, specifically Hungary). In addition, by explicitly referring to Hungary as a European democracy, he uses *rationalization* to suggest that refugee claims do not come from such countries. It is simply the way things are – democratic countries do not produce legitimate refugees. This is important since Hungary has a large Roma population, who presumably make claims based on political persecution. By using *hegemonic positioning*, it reinforces banal hegemony.

Kenney continues by asking a *rhetorical question*, “[w]hy they came and went through the asylum system is a good question.” Since he provides only a partial answer, it is left to the listener to discern. By using the word “allegedly” as a *distance marker*, Kenney is able to distance himself from any inaccuracies in his statement. There is also the *implication* that the rejected claimants are linked to human trafficking and are not actual victims. As such, Kenney is attempting to establish *guilt by association*. It is also an example of *negative Other-presentation*.

In supporting “the truth,” Kenney states that he will provide one example, which again represents a *hasty generalization*. He is using one example to support his conclusion that there are “many unfounded claims.” It is possible that the abandoned claims resulted not from the belief that claimants do not need Canada’s protection (as Kenney suggests) rather that Canada would not grant status due to their ethnic origin (which violates UNHCR protocols). There is also the *implication* that these claims are without merit and are therefore illegitimate. Kenney uses the *numbers game*, *hegemonic positioning*, and *hasty generalization* to reiterate his argument that democracies, like Hungary, do not produce legitimate refugees: “of the 2,500 claims made from that EU democracy, only 3 claims were found to be in need of our protection.” The goal is to demonstrate to the audience the degree to which unfounded claims are made – however, since Kenney does not specifically state why the remaining 2497 claims were unsuccessful, the *implication* is that they are illegitimate. Kenney also uses the strategy of *criminal middlemen*, who supposedly exploit refugees for their own financial gain (van Dijk 1997, 46). By linking refugee claimants to crime and fraud, the *implication* is that their motives are economic (i.e., fake) rather than humanitarian. It is also an example of

hegemonic positioning. The latter part of this section is also an example of *authorization* (specifically impersonal authority) and *rationalization* when he invokes the appropriate legal means to migrate to Canada and suggests that this is the method of choice for illegal migrants to enter the country: “Canada has become, regrettably, a country of choice for those seeking to migrate, not through the normal legal system....”

By stating that asylum seekers are “inventing claims often facilitated by unscrupulous agents and third parties in the immigration industry,” Kenney is using *negative Other-presentation*, *guilt by association* fallacy, *hegemonic positioning*, and the *commitment to an identifiable position* bias. By labeling the claims as invented, and attributing those claims to unscrupulous agents who have something to gain, Kenney runs the risk of appearing biased. In fact, the entire paragraph could be likened to Jeremy Bentham’s (1824, as cited in Walton 1999, 16) “interest-begotten prejudice.” In this particular fallacy of political argumentation, the argument reflects more the speaker’s personal interest despite being rooted in fact. While Bentham suggests that it is quite difficult to discern what one’s interest is, in this case, it can be surmised that Kenney’s desire is not to prevent unwarranted or illegitimate asylum seekers coming to Canada, or to prevent the criminalization of immigration but rather to reduce the number of applications from a particular ethnic group in a particular source country.

The minister again uses *authorization* (specifically expert authority) to further support his claim: “These problems are serious. Even the Auditor General has pointed to these backlogs creating this pull factor for false claims.” While Kenney is attempting to link the backlogs to the increase in claims, he fails to provide an explanation. The next sentence utilizes *repetition* and *authorization* (specifically impersonal authority): “create

and reinforce balance that respects our obligation to provide due process ... balance that does not restrict access to the asylum system ... but balance that will provide faster protection decisions for legitimate refugees while providing faster removal for the many who actually come here seeking to abuse Canada's generosity" (also *negative Other-presentation*). The use of *repetition* ("balance") has the effect of reinforcing argumentation.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): How do we propose to do that? First, there would be an initial information gathering interview that would provide earlier contact with an officer from the IRB than claimants now have. Although these officers would not decide on claims, they would be able to identify claims that appear well founded and could recommend expedited processing for them. What this means for people who have managed to escape persecution is that they would not have to wait a year and a half for protection but could receive it in a matter of weeks.

I understand that some claimants may be too traumatized to explain what prompted their claim. That is why during an interview if the officer determines that a claimant is in this situation, he or she could have the discretion to postpone the interview until the claimant could receive the appropriate guidance and support.

The information that officers would gather, coupled with solid facts about the nature of their claim, would lead to hearings at the refugee protection division, staffed by a highly trained, independent public servant, within 60 days. In cases where there is a good reason for delay, there would be that flexibility, but an information gathering interview within eight days and a hearing at the IRB within sixty days would be the norm.

The proposed new system would also include, and this is very important, a full appeal for most claimants. Unlike the appeal process proposed in the past and the one dormant in our current legislation, this refugee appeal division, or RAD, would allow for the introduction of new evidence and, in certain circumstances, provide for an oral hearing.

By the way, that is responding to a demand from some of the opposition parties for a very long time. I should point out that when the Liberal government was in office, three subsequent immigration ministers and the government took the position that they could not implement the RAD until

there was a streamlining of the overall asylum system. We are now providing that streamlining. It is time to say yes to the appeal division in the context of a more efficient but still fair system.

I will now turn my attention to one of the more contentious aspects of the legislation, which would be to allow for the designation of certain countries as being safe. The nationals from those countries, under these reforms, would still, and I emphasize still, have the same access they currently do to our asylum system. They would still have access to an appeal by our independent judiciary at the Federal Court. They would still have access to a fully charter compliant process that actually exceeds our international obligations but the consideration of those unfounded claims from designated safe countries would move somewhat more expeditiously, reducing the process by about four months by not allowing them to make two appeals, the first one being to the refugee appeal division.

Someone said that this is unfair or inappropriate. No less authority than the UN High Commissioner for Refugees, Antonio Guterres, said here in Ottawa on March 24, “there are indeed safe countries of origin. There are indeed countries in which there is a presumption that refugee claims will probably be not as strong as in other countries.”

He went on to say that we could not deny access to the initial hearing, which we do not in our proposed reforms, and that it was important to have a fair and transparent process for designating these countries, as do most western European asylum systems whose example we are emulating in these reforms.

I want to be absolutely clear that the proposition is not to create a comprehensive list of all countries designated as safe or unsafe. To the contrary. The criteria would be the following. A country would need to be designated as safe. We propose that this designation process would be in the hands of a panel of senior public servants who would make consultations with UNHCR and would refer to independent human rights supports by NGOs. The criteria would be, if a country is a principal source of asylum claims to Canada, the overwhelming majority of which are unfounded; and if such a country is a signatory to and in compliance with international human rights instruments, which has a strong human rights record and which offers state protection to its citizens, including vulnerable individuals.

The first four paragraphs in the above section are mostly explanatory as Kenney outlines how the bill would address issues related to speeding up legitimate applications.

The suggestion that individuals may be too intimidated to explain their case has the

implication that only traumatized individuals are legitimate refugees. This is designed to reinforce legitimation. Through *hegemonic positioning*, it also has the effect of reinforcing banal hegemony. Kenney further states that “[t]he information that officers would gather, coupled with solid facts about the nature of the claim, would lead to hearings.” It is also important to suggest that the officer would be a highly trained, independent public servant since a lack of training among Immigration Officers was a key criticism levelled against the department by the Liberals. Kenney also notes that a full appeals division will be created – a key aspect of the 2001 legislation that, he argues, was not implemented.

By using the term “solid facts,” Kenney is using the *force of facts* strategy which is designed to justify negative decisions. The *implication* is that claims made without evidence cannot be substantiated, and therefore, will be rejected. In reality, many refugees often flee their country without proper documentation. As the Canadian Council for Refugees (CCR) note, “refugees are frequently forced to travel using false papers both because they need to hide their identity from their persecutors and because countries such as Canada use restrictive measures to prevent refugees from seeking asylum.”⁷² It is another example of the effect of banal hegemony since it reinforces the belief that those without proper documentation are guilty of some illegality and, as such, are illegitimate. It also speaks to issues of border control and the means by which states can restrict mobility. If an asylum seeker does not have proper documentation, states can use the regulations to deny entry. As a result, they need not even have to deal with determining

⁷² “Refugee and Identity Documents,” ccrweb.ca, last modified October 1996, accessed May 28, 2012, <http://ccrweb.ca/id.htm>.

the legality of a claim because a claimant will not have had the opportunity to do so in the first place.

While the speech is meant to serve as an introduction to the bill, it would not be a political speech without partisan rhetoric. Kenney, using *sarcasm*, references the new appeals division when he notes that “when the Liberal government was in office, three subsequent immigration ministers and the government took the position that they could not implement the RAD until there was a streamlining of the overall asylum system.” Not only does this serve as *negative other-presentation*, but the statements are also designed to evoke *consensus* from the Liberal opposition. It would be quite difficult for them to argue against an appeals division when they, while in government, did not implement one. The use of these discursive strategies helps to forestall criticism while reinforcing legitimization. The Liberal opposition could not possibly criticize this action lest they be accused of applying a double standard.

By stating that he believes the safe country of origin issue is contentious, Kenney is employing a *hedge*. In order to reinforce the legitimacy of the safe country section of Bill C-11, he invokes *authorization* (specifically impersonal authority) and *national self-glorification* by stating that claimants “still would have access to a fully charter compliant process that actually exceeds our international obligations.” The use of “our” reinforces *consensus* and emphasizes that since “we” are all part of the problem, “we” must also contribute to the solution. Since Kenney suggests that illegitimate claimants would no longer have access to a dual appeals process, such statements help to set up a discursive contrast between “us” and “them.” He states: “...the consideration of those unfounded claims from designated safe countries would move somewhat more expeditiously,

reducing the process by about four months by not allowing them to make two appeals, the first one being to the refugee appeal division.” The *implication*, of course, is that those countries deemed to be safe do not create legitimate refugees. As such, it is yet another example of banal hegemony.

Kenney uses *vagueness* to discuss his critics. He suggests that an unnamed source (“someone”) suggested that eliminating the dual appeals process “is unfair or inappropriate.” In order to counter that criticism, he uses *intertextuality* and *authorization* (specifically expert authority) by directly quoting António Guterres, the UN High Commissioner for Refugees. He even identifies Guterres as an authority in order to reinforce the point that such criticisms are unfounded. In the authorization strategy, the audience is led to believe that the action is legitimate because the quoted individual is a recognized authority. Guterres’ statement, however, says nothing about the dual appeals process; rather he merely points out that there are safe countries of origin and that claims from such countries may not be as strong as from other countries (which is a reasonable expectation). It does not necessarily follow that safe countries of origin do not produce legitimate refugees.

This example could be considered as an example of the *appeal to authority* fallacy. Kenney uses the quote to support the elimination of the dual appeals process for rejected claims. In paraphrasing Guterres, Kenney further supports his argument through a *moral evaluation* and *comparison*: “it was important to have a fair and transparent process for designating these countries, as do most western European asylum systems whose example we are emulating in these reforms.” Here, the legislation is presented as having the desirable qualities of fairness and transparency similar to other European

states. There is, of course, the *implication* that western European asylum systems are “fair and transparent.”

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Why do we need this? The reason is that periodically we see huge spikes in unfounded claims from democratic countries. Twenty-five years ago, it was Portugal, not under a dictatorship, but a social democratic government. Thousands of claims were received and almost all of them were found to be false. What did Canada do? It imposed a visa.

In 2000, it was Chile, not under Pinochet, but a social democratic government, the most stable and prosperous democracy in South America. We received thousands of claims and almost all of them were found not to be in need of Canada's protection. How did we respond? We imposed a visa on Chile. In 2003 and 2004, it was Costa Rica, the most stable and prosperous democracy in Central America. We received thousands of claims and almost all of them were found to be not in need of our protection. Canada imposed a visa. In 1997, it was Hungary and Czechoslovakia. Thousands of claims were received and almost all were unfounded. We imposed a visa. Now I mention the situation with respect to Hungary.

When we see these spikes, it is important to understand that these are not just happening spontaneously. We have solid reason to believe that behind these waves of unfounded claims from democratic countries, there are often networks encouraging, facilitating, advising people, commercial networks, the bottom feeders in the immigration industry or sometimes there is evidence of even criminal networks.

All we are saying is that we need a tool other than the imposition of visas to address those spikes in unfounded claims. I appreciate the support and agreement of the Leader of the Opposition in this respect. Last August, in Saint John, New Brunswick, he said, “I want a legitimate, lawful refugee system that to get to the openness point welcomes genuine refugees.” He then said, “Look, there are a number of countries in the world in which we cannot accept a bona fide refugee claim because you do not have cause, you do not have just cause coming from those countries. It is rough and ready but otherwise we will have refugee fraud and nobody wants that, including bona fide refugees.”

The Leader of the Opposition may have gone a little bit too far in suggesting that we deny access to the asylum system to claimants from safe countries, but his general concept is entirely sensible and has been endorsed by virtually

every newspaper in the country, for example, that has editorialized on this matter.

As I said, these reforms have been broadly endorsed. Eighty-four percent of Canadians say that the government should take steps to reform the refugee determination system. Eighty-one percent of Canadians agree that refugee claims should be dealt with more quickly so that genuine refugees can settle in Canada faster and bogus claimants can be sent home more quickly. By a margin of four to one, Canadians agree that more needs to be done to quickly remove from Canada people whose refugee claims are unfounded and rejected.

The *Toronto Star* has said, “the government deserves credit for showing the political will to act on an issue ducked by many of our predecessors.” The *Globe and Mail* says, “Canada has a crying need for a revamped refugee determination system.” The *Montreal Gazette* says, “these reforms are a solid and a sensible attempt to reform the system.” Peter Schowler, former IRB chairman and head of the refugee think-tank at the University of Ottawa says, “the Conservative government has managed to propose a system that is both fast and fair, striking a reasonable balance between the two.” The *Canadian Lawyer Magazine* says, “the lawyers in the immigration field probably support these reforms.”

These are balanced, reasonable reforms that I believe all members in all parties can support. I will be open to reasonable amendments that achieve the objective of a fast and fair system when this bill gets to committee. I hope that on this urgent issue we will all put aside partisan politics to some degree to allow our humanitarian tradition to prevail so that we can improve and protect the important humanitarian tradition of providing protection to those in need of it.

In this final speech fragment, Kenney uses *repetition* (“[t]wenty-five years ago, it was Portugal;” “[i]n 2000, it was Chile;” and “[i]n 2003 and 2004, it was Costa Rica;” and “[i]n 1997, it was Hungary and Czechoslovakia”) throughout the first two paragraphs to reinforce his argument. Here, the examples noted presuppose that democratic countries produce only illegitimate refugees; hence, it reinforces banal hegemony. These are also examples of the *risk mythopoesis* since Kenney provides a series of mini-narratives that portray inaction as a threat to Canada. The intent is to clearly elicit a negative reaction

from the audience to a constructed crisis. Such mini-narratives can be likened to the process of claims-making, with Kenney as the “moral entrepreneur” (Becker 1963), though as minister he is in the enviable position of being able to address his own claim.

Using *hyperbole* and *metaphor* (“huge spikes;” “these spikes”) to describe the number of unfounded claims, Kenney is attempting to create a sense of crisis. In this example, by using the *loaded term* fallacy, Kenney has labelled the increase in illegitimate claims in non-neutral terms in order to distract his audience from the real argument – that there is no legitimate reason to curtail those who seek asylum in Canada. Moreover, Kenney is using the *affirming the consequent* fallacy when he links the situation in Hungary to other countries. In this particular fallacy, an individual attempts to infer the antecedent of the conditional (Govier 2010, 378-9).⁷³ Kenney is attempting to distract his audience from his argument by suggesting that democratic countries do not produce legitimate refugees. Since Hungary is a democratic country, it does not produce legitimate refugees. Kenney is therefore presenting the argument as logical when, in fact, it is not. While Hungary may be democratic, it does not follow that it is incapable of producing legitimate refugees, especially if these refugees are a persecuted minority as in the case of the Roma. It therefore helps to reinforce banal hegemony.

Kenney also uses the well-known *flood metaphor* (“these waves of unfounded claims”) to describe the increases in claims. It is another example of *negative Other-presentation* as well as an example of *hyperbole*, helping to reinforce a sense of crisis and

⁷³ An argument having the form $P \supset Q$; Q , therefore, P is an instance of the fallacy of the affirming the consequent. For example, if Costa Rica, Chile, and Portugal are democratic countries, they do not produce legitimate refugees. Hungary is a democratic country. Therefore, it does not produce illegitimate refugees.

the need for immediate action. Kenney again suggests that democratic countries do not produce legitimate refugees and argues that such claims are being facilitated by criminals. On this point, he again references the *criminal middlemen* argument and the *guilt by association* fallacy. By referring to criminals *metaphorically* as “the bottom feeders in the immigration industry,” there is the *implication* that illegitimate claims have a basis in the criminal underworld. As such, Kenney is seeking to frame the refugee problem in a particular manner so as to justify their exclusion. It therefore helps to reinforce banal hegemony.

The comments that follow are designed to evoke *consensus* among the parties (or at least from the Liberal opposition). Using the *appeal to the desire to be reasonable* fallacy, Kenney states that “[a]ll we are saying is that we need a tool other than the imposition of visas to address those spikes (again *hyperbole*) in unfounded claims.” Unable to control the flow of “illegal migration,” the Canadian government imposed a visa as a means to address the issue. As William K. Carroll (2006, 18-19) points out, as disparities widen, “the state trades consent for coercion, disciplining the less-favoured nation, whether interpellated as welfare cheats, illegal migrants, old labour, or violent anarchists.” Hence, the imposition of visas on states that supposedly do not produce legitimate refugees. It is perhaps interesting to note that Canada has long imposed visa requirements on refugee-producing countries when arrivals from those countries increase substantially. In fact, statements from senior Citizenship and Immigration Canada officials “suggest this [the increase in claims from certain countries] is a central motivating factor in deciding when to impose visa requirements” (Arbel and Brenner 2013, 40).

While the remainder of his speech is designed to reinforce the idea of *consensus* (as Kenney directly quotes the Leader of the Official Opposition), it is also an example of the *poisoning the well* and the *strawman* fallacies as well as *intertextuality* and *authorization* (specifically personal authority). On this point, Kenney is attempting to misrepresent his opponent's position, when he states that former Opposition Leader Michael Ignatieff “may have gone a little bit too far in suggesting that we deny access to the asylum system to claimants from safe countries....” In fact, Ignatieff makes no reference to asylum seekers from safe countries. Rather he points out that there are some countries where claims would be less likely to be legitimate but nowhere does he suggest that asylum claims from safe countries should be denied. Indeed, a similar point was made by Guterres, which Kenney appears to have misrepresented.⁷⁴

One interpretation is that Kenney is attempting to frame the reforms in such a way as to prevent the Liberal opposition from challenging the government’s position. Such a strategy would forestall disagreement by *appealing to the desire to be reasonable*. The government could not be accused of being unreasonable (or prejudiced) if the Conservatives present the Liberal position – the so called “defenders of immigration” – as radical. While the text from Ignatieff is indirectly reported, Kenney uses the *appeal to popularity* fallacy and *moral evaluation* when he states that “the general concept is entirely sensible and has been endorsed by virtually every newspaper in the country.” The

⁷⁴ Interestingly, in 2012, a Florida woman, convicted of sexual assault against a 16-year old male and sentenced to a 30-year term, was granted refugee status in Saskatchewan. In its ruling, the IRB stated that “her sentence was indeed cruel and unusual punishment and the crime she was convicted of is not a crime in Canada.” The government appealed the decision but it was upheld by the federal court. “Florida sex offender granted asylum in Canada,” cbc.ca, last modified May 16, 2014, <http://www.cbc.ca/news/canada/saskatchewan/florida-sex-offender-granted-asylum-in-canada-1.2646061>.

idea that “it is entirely sensible” presents the position as natural and normal. It also has the effect of reinforcing banal hegemony.

Kenney supports his statement that broad support exists for the reforms by invoking the *error of unknowable statistics* fallacy and *numbers game*. Kenney states that “eighty-four per cent of Canadians say that government should take steps to reform the refugee determination system.” The paragraph continues with additional statistical references. Unfortunately, Kenney does not provide information on the origin of those statistics nor are the questions known. Using *authorization* (specifically expert authority), he also directly quotes various publications including *The Toronto Star*, *The Globe and Mail*, *The Montreal Gazette*, and the *Canadian Lawyer Magazine* as well as Peter Schowler, former IRB chairman and current Director of the Refugee Forum at the University of Ottawa. As Walton (1996, 65) notes, “the argument from expert opinion, so conceived, is an inherently presumptive type of argumentation that, when used correctly, shifts a burden of proof from a proponent to a respondent in a dialogue.” Alternatively, using these examples (especially the newspapers) illustrates the *appeal to authority* fallacy since the newspapers and magazine are well-respected despite their inability to provide an expert opinion.

Kenney concludes his speech by evoking *authorization* (specifically personal authority), *consensus*, *moral evaluation*, and *epistemic modality*: “[t]hese are balanced, reasonable reforms that I believe that all members in all parties can support.” He also references *consensus*, *national self-glorification*, and *authorization* (specifically traditional authority) when he states that: “we all put aside partisan politics to some degree to allow our humanitarian tradition to prevail so that we can improve and protect

the important humanitarian tradition of providing protection to those in need of it.” It is somewhat ironic that his phrasing suggests that the reforms should protect Canada’s humanitarian tradition when that tradition invariably involves protecting refugees (including asylum seekers).

Fair, Efficient, and Just: Maurizio Bevilacqua’s Speech

Maurizio Bevilacqua’s speech often utilizes legitimation strategies. Similar to Kenney and Siksay, there is an emphasis on authorization, specifically expert authorities (e.g., UNHCR, Auditor General, etc.) but there is also significant use of impersonal authority (e.g., references to legal procedures, Charter of Rights and Freedoms, etc.). This suggests that the Liberals seek to legitimate their arguments through fact-based claims and by referencing individuals, groups, and procedures that are above reproach.

Perhaps what is most interesting is the limited use of national self-glorification or positive self-presentation in his speech. Unlike Kenney and Siksay, Bevilacqua does not initially focus on Canada’s historic contribution to refugees. Perhaps this is intentional, in that such references would not serve a legitimating function for the Liberals. Consider, for example, Kenney’s approach: by identifying historic examples of who exactly constitutes a legitimate refugee, he is able to draw comparisons later in his speech. This helps to reinforce the Conservative discourse on refugees. For the NDP respondent, as we shall later see, such references provide him with the opportunity to counter Kenney’s assertions by describing groups that have historically been identified as refugees but who have arrived from so-called “democratic” countries. As a result, Siksay is able to establish a legitimating counter discourse to the Conservative’s established worldview. It is

possible that given the Liberals precarious position (i.e., having lost the 2008 election), Bevilacqua sought to avoid the topic and instead focuses on the technical aspects of the legislation with a view to reinforce the Liberal brand as the “defenders of immigration.”

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Madam Speaker, it is critical that we examine the legislation before us and ensure that the refugee system reform measures will fix the refugee system challenges our country faces. Let us put the system into its proper context.

Today we have a backlog of 63,000 refugee claims. People in genuine need of protection wait about 19 months for processing claims. We have witnessed the drastic 50% decrease in the number of finalized claims and an almost 50% increase in the cost to finalize a single claim. The estimated cost to taxpayers is approximately \$29,000 for processing each claimant.

There was a delay by the Conservative government in filling vacancies at the Immigration and Refugee Board which negatively affected the performance of the board. The minister's 2009-10 report on planning and priorities states that the shortfall in decision makers has contributed to the growth of the pending case inventory and to increased average of processing times. In addition, the Auditor General, in the March 2009 report of the Auditor General of Canada, chapter two, asserts her concern for the need to timely and efficiently appoint and reappoint decision makers to the IRB.

These facts and others made the case for comprehensive refugee reform very obvious and an absolute priority. Although reform of the refugee system is needed, we must ensure that it is fair, efficient and just. While the reform package incorporates some Liberal recommendations such as the refugee appeal division, we have to do due diligence on the bill. After all, there are concerns about what has occurred in the past four years, such as slow processing times and longer wait periods for persons claiming refugee status so, caution is in fact warranted.

Therefore, before any refugee reform legislation is implemented, we will ensure that it meets our standards of procedural fairness, that it is just, fast and efficient and that it does not undermine the trust many people place in our system. Obviously, as the minister alluded to, Canadians cannot afford further poorly implemented Band-Aid solutions like the imposition of visas on individuals from countries such as Mexico and the Czech Republic as happened last summer. This is the reason we will seek assurances that this reform package is going to meet the highest standard of public policy-making.

In 2004, the former Liberal government implemented changes to the appointment process for the Immigration and Refugee Board. Changes included an advisory panel made up of lawyers, academics and others involved in the refugee process which screened all applicants for the IRB. When the present government came to power, unfortunately it delayed appointments. Everyone knows the result of that has been a ballooning refugee backlog. This is what the bill is also trying to address.

In addition to the growing backlog of applications, there has been concern expressed about the integrity of our system. As I said earlier, recent spikes in claims from certain countries have resulted in an ad hoc use of visa restriction to constrict application volumes. As mentioned earlier, significant examples of this occurred last summer when in response to a spike in claims from Mexico and the Czech Republic, the Minister of Citizenship and Immigration imposed visa restrictions on both countries. When we impose visa restrictions, we can jeopardize or strain relationships with countries, in the case of Mexico with one of our North American economic partners. In the case of the Czech Republic, there were also bad feelings created in the European Union as a result.

The government's justification for the bill is focused on streamlining the system to deal with the growing application backlog, providing further flexibility to the minister to deal with the unusual spikes in refugee claims from democratic source countries and streamlining the removal process for unsuccessful applicants.

When Maurizio Bevilacqua states at the outset the need to place the system in its “proper context,” he is planting the idea that Kenney’s arguments are perhaps incorrect or incomplete. It will be through his speech that the audience will know the “truth,” and the “truth” is situated within the important background information that Kenney has omitted. By referencing “our country,” there is the *implication* that this is an issue for all Canadians; it is therefore important to ensure the process is properly addressed. Using the *numbers game* three times (“63,000 refugee claims;” “drastic (*hyperbole*) 50% increase;” and “approximately \$29,000”), he creates an atmosphere of crisis while demonstrating the significant costs associated with the Conservative government’s inaction – a point he

makes explicit in the next paragraph. As a result, he (perhaps unintentionally) reinforces the Conservative position and therefore banal hegemony.

Using *negative other-presentation* and the *poisoning the well* fallacy, Bevilacqua situates this failure squarely with the Conservative government. He states: “[t]here was a delay by the Conservative government in filling vacancies at the Immigration and Refugee Board which negatively affected the performance of the board.” Yet the argument here is based on a *faulty premise* as no evidence is presented that the government is responsible for the backlog or the associated costs. Hence, his comments are designed to imply causation when, in fact, there was a backlog well before the Conservative government took power. Moreover, it is also an example of the *post hoc ergo propter hoc* fallacy. Bevilacqua is arguing that due to Conservative delays, the backlog increased; yet, there is no evidence presented to suggest one caused the other. In order to reinforce his premise, Bevilacqua uses *authorization* (specifically impersonal authority) and *intertextuality*. He indirectly quotes the Minister’s Report as well as the 2009 Auditor General’s Report. While the former suggests that the “shortfall (also *euphemism*) in decision makers has contributed to the growth” of the backlog, at no point does the report suggest that delays caused the backlog.

Bevilacqua employs *vagueness* when he states “[t]hese facts and others...” as he does not explain the “other” facts and utilizes the *rule of three* (“it is fair, efficient and just”) to reinforce his point. While using the pronoun “we” in the statement “we must ensure that it is fair, efficient and just,” there is the *implication* that only the Liberal Party can create such a system. It is also an example of *authorization* (specifically, personal authority). This argument is reinforced by the *allusion* to former Prime Minister Pierre

Trudeau's "just society." Bevilacqua uses *positive self-presentation* when he stresses that proposed legislation "...incorporates some Liberal recommendations such as the refugee appeal division." He concludes with a *hedge*, perhaps cognizant of the fact that successive Liberal governments did not implement their own recommendation while in government: "[a]fter all, there are concerns about what has occurred in the past four years ... so, caution is in fact warranted." He is expressing reservation in his criticism since the backlogs were present well before the Conservatives took power, a point the current government can, and does, point out.

Positive self-presentation and *moral evaluation* is evident when Bevilacqua asserts that "before any refugee reform legislation is implemented, we will ensure that it meets our standards of procedural fairness." Here, these statements are held as representing a desirable quality that should be present in the reforms, despite his failure to define "procedural fairness." By using "our," there is the implication that the Conservatives cannot be trusted to ensure that the legislation meets the criteria set by the Liberals. There is a danger in offering such observations as the Liberals may come across as arrogant, especially since they view themselves as Canada's "natural governing party" and the supposed "defenders of immigration" (Brooke 2010). The next sentence is critical, as it expressly establishes a discursive contrast between "us" and "them" by using *comparison*, *metaphor*, and *authorization* (specifically personal authority): "...as the minister alluded to, Canadians cannot afford further poorly implemented Band-Aid solutions like the imposition of visas...." Using *moral evaluation*, he argues that "we (i.e., the Liberal Party) will seek assurances that this reform package is going to meet the highest standard of public policy-making." Here, we again see the potential danger of

appearing arrogant since there is the *implication* that only the Liberals will ensure such standards are met. In fact, from the Liberals' perspective, this is the correct and proper course of action in order to see the reforms properly implemented. The statement is also unintentionally *ironic* given that the Liberal party lost the 2008 election based, in part, on the Sponsorship Scandal.⁷⁵ Despite having been humbled by the electorate, the party is now suddenly the bastion of integrity and is able to ensure that the "highest standard of public policy-making" is met.⁷⁶

In noting specific changes that the Liberal government made under the auspices of refugee reform, Bevilacqua fails to note that successive Liberal governments did not implement the RAD. This is an example of the *selection of arguments* bias for two reasons: first, he focuses solely on the changes his government made while ignoring a key recommendation they did not implement. Second, in referencing the advisory panel, he obviously avoids stating that it was only created following an RCMP investigation which found that IRB appointees were accepting bribes from criminal organizations in return for favourable decisions (Knowles 2007, 248). It was certainly not borne out of any sense of altruism, which is the way Bevilacqua presents it. It is thus an example of *positive self-presentation*. By suggesting that the current government delayed appointments, he is using *negative other-presentation*.

⁷⁵ The Sponsorship Scandal was a result of a Canadian federal government "sponsorship program" in the province of Quebec and involving the Liberal Party of Canada. The program ran from 1996 until 2004, when broad corruption was discovered in its operations. Illicit and even illegal activities within the administration of the program were revealed, involving both the misuse and misdirection of public funds. Firms that received contracts under the program either maintained Liberal organizers/fundraisers on their payroll or donated back part of the funds received to the Liberal Party.

⁷⁶ There may also be a method to this madness. Given that this parliament is a minority, it is likely the Liberals view their defeat as a temporary setback. By the next election, they would be back in power.

Using the *appeal to popularity* fallacy, *metaphor*, and *closure to opposed argumentation*, Bevilacqua stresses that “everyone knows the result of that has been a ballooning refugee backlog.” Such phrases as “everybody knows” are designed to ensure that the speaker remain unchallenged by forestalling disagreement. If everyone knows it to be true, then there is nothing to argue. By juxtaposing the positive actions of the Liberal Party against the negative actions of the Conservative Party, there is the *implication* that the Conservatives are responsible for the backlog. Such statements also reflect the *poisoning the well* fallacy. When he states that “this is what (*deontic modality*) the bill is also trying to address,” the *implication* is that the Conservatives are trying to fix a problem of their own making.

While Bevilacqua offers criticism of “the system,” his assessment is *vague* (“there has been concern expressed about the integrity of our system”) inasmuch that he does not describe the concern or identify who has expressed it. Moreover, his use of *hyperbole*, *metaphor*, and *euphemism* (“to constrict application volumes;” “bad feelings created;” “significant examples;” and “spike in claims”) help to reinforce the point that the Conservatives are unfit to address refugee reform or perhaps even govern. Moreover, describing the increase in claims from the Czech Republic and Mexico, coupled with his statement that Kenney’s actions could “jeopardize or strain relationships with countries” or create “bad feelings” within the European Union serves as examples of the *risk mythopoesis* and the *appeal to fear* fallacy. The use of such fallacies is important in argumentation since creating a sense of fear does not constitute evidence for a claim (Michalos 1970, 58). In fact, it appears that Bevilacqua is using the fear of possible retaliation as reasons to blame the Conservative government for the problem. There is

also the *implication* that imposing visas on Mexico will have negative economic consequences for Canada. Bevilacqua also uses the *lip service selection* bias when he references only Mexico and the Czech Republic as countries in which visa restrictions have been implemented. Clearly, there are others but Mexico and the Czech Republic serve a particular political purpose. The former example is relevant given Canada's economic ties through the North American Free Trade Agreement while the latter example is relevant due to concerns over angering a large trading partner in the European Union.

Hon. Maurizio Bevilacqua (Vaughan, Lib.): The bill proposes changes to almost every stage of the in-Canada process. Currently, people with successful claims are waiting an average of 19 months for a decision and it takes an average of four or five years to process and remove an unsuccessful claimant.

Information is currently gathered within 28 days through a personal information form. Under this bill, personal information would be gathered within eight days of a claim through an interview process. It is hoped that this will avoid delays related to incomplete forms and late paperwork. However, there have been significant concerns that this timeline is unrealistic and will result in claimants being unable to get appropriate counsel.

Possible changes around timelines and appropriate legal aid protection should be considered. We cannot afford to have a system where legal counsel is effectively denied and where a poor decision will lead perhaps to a number of time-consuming adjournments.

In the current system, a first-level decision is made by a governor in council appointee within about 18 months. Under the new process, the first-level decision would be made by an IRB public servant within about 60 days. Other countries that have public servant first-level decision makers tend to have higher rates of successful appeals. This can make the process less efficient overall and undermine trust in the refugee determination system.

For instance, the UNHCR has expressed concerns that administrative decision makers in the United Kingdom are inadequately trained and are not producing quality credibility assessments at hearings. Although CIC officials claim that the decision makers in the new system would be senior level and would be highly trained, there is no guarantee of that in this package. The fact that

decision makers are housed in the independent IRB may alleviate some concerns regarding their independence, but close assessment of their qualifications, training and hiring processes will be required.

Concerns have also been raised about the 60 day timeline, whether it is realistic and whether it will limit a claimant's ability to obtain representation and compile a proper case within this timeline. Review of these timelines and possible further legal aid support will be required.

There is currently no appeal within the IRB and review is left to the Federal Court. It should be noted that the concept of a refugee appeals division was part of the initial Liberal plan for the Immigration and Refugee Protection Act.

The bill would create a new refugee appeals division, RAD, staffed by governor in council appointees to review negative first-level decisions. The target for the appeal process in this case would be within four months. Most of the appeals would be paper based, but there would be an opportunity for an oral hearing and the introduction of new evidence that was not available at the time of the first hearing.

In the United Kingdom, 89% of the initial 2007 decisions were appealed and 23% of those initial refusals were overturned. This has led to a huge court backlog of 450,000 cases as of 2008 in the United Kingdom, which may take between 10 to 18 years to resolve. By comparison, in Canada only 1% of asylum appeals are currently successful.

Guidelines are expected to clearly set out when an oral hearing is necessary and when an appeal should proceed in writing. The adjudicator's decision to proceed in writing or not would create an additional administrative decision that could be appealed to the Federal Court.

The primary concern about the introduction of the RAD would be to ensure that the first-level decision is conducted in a way that protects procedural fairness and fundamental justice sufficiently to avoid the RAD becoming another bottleneck in the process.

Bevilacqua attempts to interpret the government's justification for the legislation and repeats information he stated earlier. There is only one piece of new information (the wait time for unsuccessful claimants), and, using *repetition*, reiterates the point that successful claimants wait approximately 19 months for a decision. Again, he uses the

numbers game to reinforce the crisis with the current process. Moreover, these statements collectively represent *authorization* (specifically impersonal authority).

Bevilacqua notes that the legislation is designed to reduce the data collection process from twenty-eight days to eight; however, his statements suggest that he is unconvinced that the process will improve as “there have been significant concerns (*hyperbole* and *vagueness*) that this timeline is unrealistic and will result in claimants being unable to get appropriate counsel.” Using a *hasty generalization*, he states that “...we cannot afford to have a system where legal counsel is effectively denied and where a poor decision will lead perhaps to a number of time-consuming adjournments.” The use of “perhaps” is also an example of a *hedge*.

Bevilacqua further states that under the current system, first-level decisions are made within 18 months by a Cabinet appointee but under the new legislation, those decisions would be made by an IRB public servant within two months. While he suggests that the latter system may not be as effective, he uses *comparison* to legitimate his concerns over the use of first-level decision makers to assess refugee claims: “other countries (also *vagueness*) that have public servant first-level decision makers tend to have higher rates of successful appeals.” This statement is designed to refute Kenney’s argument by referencing the authority from his speech.

In drawing attention away from his argument, he uses *authorization* (specifically expert authority) in citing the UNHCR. He also employs *comparison* when he references the British experience. Bevilacqua also attempts to undermine Kenney’s argument when he states: “[a]lthough CIC officials claim that decision makers in the new system would be senior level and highly trained, there is no guarantee of this in this package.” On this

point, there is no evidence to suggest that Canada's experience will be similar to Great Britain's nor is there evidence to presume that Canada's civil servants will be ill-equipped to produce quality assessments. Hence, it is an example of the *rigidity of stereotyping bias*.

Using *vagueness*, he reasserts that "concerns" were raised but he does not identify by whom, and using *repetition*, reiterates the point that the RAD was part of the initial Liberal plan for refugee reform. By again stressing that a refugee appeals division "was part of the initial Liberal plan for the Immigration and Refugee Protection Act" (also *positive self-presentation*), he fails to mention that the Liberals had nearly six years to implement it but chose not to do so. As such, it is an example of the *selection of arguments bias*, specifically related to the fallacy of special pleading. In this particular fallacy, "instead of presenting all the evidence or information one has about some view, one presents only a *special part* of it ... [that is] only the information that is *favorable* to his own position" (Michalos 1970, 95; emphasis in original).

After outlining the Conservatives' new refugee appeals division, and in the subsequent assessment of its potential effectiveness, Bevilacqua uses the *numbers game*, *hyperbole*, and *comparison* to highlight the UK experience: "[i]n the United Kingdom, 89% of the initial 2007 decisions were appealed and 23% of those initial refusals were overturned. This has led to a huge court backlog of 450,000 cases as of 2008." This is again an example of the *risk mythopoesis*, and the *appeal to fear* fallacy. There is also the dire *implication* that should Canada adopt this process, it will have similar unfortunate results. Bevilacqua further argues that a key concern is to ensure the appeals division does not become an administrative burden. While it appears that he agrees with the intent of

the RAD, Bevilacqua uses *authorization* (specifically impersonal authority) and *moral evaluation* to reaffirm his point. He states that there is a need to “ensure that the first-level decision is conducted in such a way that protects procedural fairness and fundamental justice ... to avoid the RAD becoming another bottleneck (*metaphor*) in the process.”

Hon. Maurizio Bevilacqua (Vaughan, Lib.): The system does not currently include a designated country of origin list. The bill would provide the minister with discretion to create designated countries of origin. This is one of the most contentious proposed changes.

The UNHCR has already expressed concern that any such process must take into account the gender and sexual orientation persecution issues in many democratic countries. This may also create diplomatic problems as countries lobby to be put on the list or may be insulted that they have been left off.

UNHCR has previously indicated that safe countries of origin practices are acceptable as a procedural tool provided we have safeguards in place. The bill would remove access to the RAD for individuals from designated countries of origin. However, claimants can still have a negative decision reviewed by the Federal Court.

There are still unanswered questions about the process for adding countries to the designated country of origin list. Although we have been assured that this will be used as a last resort to avoid the imposition of visas in countries with good human rights records, issues of fairness and fundamental justice will have to be addressed.

Legal experts are pointing to a major difference between Canada's proposed legislation and that of European countries. The word “safe” does not appear anywhere in the relevant section of Bill C-11. This omission, they say, places too much legal discretion in the hands of the minister and raises serious questions about the law's potential use. It may be appropriate to look at the process by which countries are designated and incorporates some level of independence for selection or parliamentary oversight through amendments.

Currently a claimant has access to multiple appeal processes, including the Federal Court, after each additional rejection. The bill would restrict access to other avenues of appeal for one year following the last negative decision. That means that once the IRB, or RAD, if triggered, has rendered its decision, post decision processes will be barred for one year to allow for removal within that year. Applicants would retain the ability to appeal to the Federal Court. For the

information of members, barred avenues include pre-removal risk assessment, section 25, a humanitarian and compassionate grounds application, applications for temporary residence and administrative deferrals of removal.

There would also be a ban on concurrent applications under the refugee protection system and under section 25 of the Immigration and Refugee Protection Act on humanitarian and compassionate grounds. Prior to the first level decision, applicants in the refugee system would be required to select which stream they would like to pursue. Unsuccessful refugee applicants would be banned from section 25 applications for one year from their final IRB determination. After one year from the final IRB decision, the section 25 avenue would again be reopened or open to the applicant. Any time bars to accessing pre-removal assessment or humanitarian and compassionate applications would still need to be reasonable and procedurally fair, as the life, freedom and security of the applicant could be at stake pending the outcome of these decisions.

The humanitarian and compassionate review process operates as an avenue of last resort for persons who do not fit into any of the categories in IRPA to appeal directly to the minister. Limiting access to humanitarian and compassionate grounds could lead to people being deported in the face of humanitarian injustices and safeguards. This will require close review. This issue will require further study to assess the practicality of closing all these avenues of recourse.

The reform package proposes \$540.7 million over five years and \$85.4 million in ongoing funding. The \$540 million is broken down into \$324 million over five years for the development of the new refugee system, \$126 million to address the backlog and \$90 over five years to increase the number of refugees resettled from abroad.

The concern we have, and I have stated this to the minister, is that these funds were not set out in budget 2010 and the Conservatives told us program spending was frozen for the next several years. The minister has stated that these funds are in the fiscal framework, so it will have to be determined what will be cut to take into account these new expenditures. For instance, according to budget 2010, CBSA was actually identified as a source of savings of \$54 million in 2011 and \$58.4 million in 2012-13 through streamlining and cuts, but had been allocated \$142 million in new money under this plan. Questions about transparency and accountability of funding are of concern. We want to ensure that the investment Canadian taxpayers make actually goes where it is supposed to go.

In this section of his speech, Bevilacqua states that the current system does not include the designated country of origin list and, in discussing the changes, uses *epistemic modality*: "...system does not...;" "[t]he bill would provide...;" and "[t]his is one of the most contentious (also *euphemism*)...." He also uses *authorization* (specifically expert authority) and *deontic modality* to support his argument that the list is contentious. He states: "[t]he UNHCR has already expressed concern that any such process must take into account the gender and sexual orientation persecution issues in many democratic countries." The *implication* in this statement is twofold: first, the proposed process does not take into account those issues; and second, that democratic countries can be a source of legitimate refugees. Here Bevilacqua is attempting to introduce a *counter discourse*. Furthermore, the latter point speaks directly to the evidence presented by the Minister regarding refugees from Hungary.

Bevilacqua utilizes *authorization* (specifically expert authority) when he states that the: "UNHCR has previously indicated that safe countries of origin practices are acceptable as a procedural tool provided we have safeguards in place." Two key mechanisms Bevilacqua uses to frame his criticism are *vagueness*: "[t]here are still unanswered questions..." and *authorization* (specifically expert authority): "legal experts." Yet, he does not specify the questions nor does he quote specific legal experts. The use of *vagueness*, *comparison*, and *intertextuality* suggests unwillingness on his part to link his party to any criticism. He states: "[t]his omission, they say, places too much legal discretion in the hands of the minister and raises serious questions about the law's potential use."

He shifts his commentary to discuss the existing appeals process, noting that claimants currently have multiple avenues of appeal, adding that the new bill would restrict access to appeals and a ban on concurrent applications. His statement that “[l]imiting access to humanitarian and compassionate grounds could lead to people being deported in the face of humanitarian injustices and safeguards” is an *appeal to fear* and he uses *deontic modality* to make his point.

Bevilacqua shifts his discussion from the costs associated with refugee reform to one regarding the lack of funding allocated for the proposed changes in the 2010 budget. While this is done under the guise of being relevant to the cost of refugee reform, it is in fact not. As such, it is an example of the *red herring* fallacy. This is especially evident when Bevilacqua introduces the issue of savings from the CBSA and makes reference to the fact that “[q]uestions about transparency and accountability of funding are of concern.” As a result, the topic of refugee reform (and its associated costs) is abandoned. Further, the use of the pronoun “we” in this particular context suggests that the issue is of particular concern to the Liberal opposition and thus an example of *positive self-presentation*: “[w]e want to ensure that the investment Canadian taxpayers make actually goes where it is supposed to go.” This statement is again *ironic* given the Liberal’s misuse of taxpayer dollars following the Sponsorship Scandal.

Hon. Maurizio Bevilacqua (Vaughan, Lib.): There has been a wide variety of reaction to the tabling of Bill C-11 and even prior to the introduction of the bill. For example, the UN High Commissioner was concerned prior to the introduction of the bill about the countries of origin idea. He stated that the new measures must recognize such things as “sexual preference”, are “grounds for persecution even in democracies.” He also noted other potential issues about gender.

Another individual, Professor Peter Showler, notes that the requirement that the first hearing take place within 60 days after a very quick interview is too quick and impractical. It is impractical in the sense that the refugee will not be able to find a lawyer, inform the lawyer, let the lawyer gather the evidence and present that evidence at the hearing. If that first hearing is not a good hearing, the entire system will unravel fairly quickly. He suggests that 120 days would be a more realistic time frame.

Lastly, the Canadian Council of Refugees does not agree with any of the major changes in the bill, stating that the introduction of a list of “safe countries of origin” is a mistake and has basically criticized the entire approach.

The Liberal Party and the Auditor General of Canada have noted the need to reform the refugee system for a while now. We must address some of the flaws that I have stated, however, there are some positive steps in this bill regarding needed refugee reform.

We must examine the effectiveness and fairness of the timelines for the first decisions so that they are realistic and ensure that the refugees are adequately represented. Refugees may face logistical challenges in acquiring the necessary materials to support their cases due to poor infrastructure in source countries or translation requirements. We must ensure the fundamental justice of vulnerable people involved in the system and ensure a flawed first-level process does not result in a backed up system at the appeal level, like they are struggling with in other jurisdictions such as the United Kingdom. It is important that we ensure that all claimants have equal and fair access to the appropriate legal representation.

In the case of the quality of first level decision-makers, it is important that the government provide more specific details about the independence and qualification of the proposed first line decision-makers.

Clause 12 of Bill C-11 would give the minister the authority to designate a country, or part of a country, or class of nationals of a country, according to criteria to be established by regulation. Persons from designated areas or classes may not appeal negative refugee protection decisions to the Refugee Appeal Division. Nor may the minister appeal cases involving these people. Instead applicants and the minister would need to seek leave to appeal the first level decision from the federal court. The designated authority of origin clause may be problematic in its design, as it may present concerns of transparency and accountability.

Several lawyers and academics have raised concerns about the specific wording of the provision in Bill C-11, which refers to “designated countries of origin”

rather than “safe countries of origin.” They argue that the current wording provides the minister with too much discretion in designating countries and that it is susceptible to politicization.

Bill C-11 would make several changes to the humanitarian and compassionate grounds for foreign nationals in Canada. For instance, according to subclause 4(1), the minister may not examine requests to remaining Canada's permanent residents on humanitarian and compassionate grounds if less than 12 months have passed since the final negative IRB decision.

It is obvious that we have presented a credible case for changes to a number of elements of Bill C-11. As Canadians, we take pride in the fact that our country offers a safe haven to so many who are victims of fear, discrimination or persecution in their home countries. Throughout this parliamentary debate, our focus must be on creating the best possible refugee system.

In order to counter Kenney’s argument related to the designation of safe countries of origin, Bevilacqua uses *authorization* (specifically expert authority), when he cites the UN High Commissioner. Using *intertextuality*, he reports that the High Commissioner stressed that “sexual preference” is “...‘grounds for persecution even in democracies’.” He again uses *intertextuality* and *authorization* (specifically expert authority), when he cites Professor Peter Showler.⁷⁷ In describing the process, Bevilacqua is using the *slippery slope* and *appeal to fear* fallacies when he concludes “[i]f that first hearing is not a good hearing, the entire system will unravel fairly quickly.”

He again uses *intertextuality* and *authorization* (specifically expert authority) when he cites the Canadian Council of Refugees (CCR) who noted their objection to the introduction of a designated safe country of origin list. He unintentionally undermines the legitimacy of the organization’s criticisms, however, when he states that the CCR “...has

⁷⁷ Bevilacqua does not identify Showler in his speech. According to his biography, he is a professor of law and the Director of the Refugee Forum at the Human Rights Research and Education Centre at the University of Ottawa. He is also a former chairperson of the Immigration and Refugee Board of Canada.

basically criticized the entire approach.” This statement appears to reinforce Kenney’s argument that there are groups “...who are neither objective nor balanced in their approach.” Bevilacqua again uses *intertextuality* and *authorization* (specifically personal authority) in noting that the Auditor General and the Liberal Party have noted the need for reform “...for a while now.” His reference to his own party is also an example of *positive self-presentation*. When he states that “[w]e must address some of the flaws that I have stated...” he is employing *authorization* (specifically personal authority).

Bevilacqua uses a *moral evaluation* when he comments that the timelines need to be re-examined. He does this by invoking the desired qualities of fairness, effectiveness, timeliness, and representativeness. He invokes the *discourse of justice* when he states: “[w]e must ensure the fundamental justice of vulnerable people involved in the system...” and uses *rationalization* to argue that assurances are needed in order to avoid “...a flawed first-level process does not result in a backed up system at the appeal level, like they are struggling with in other jurisdictions such as the United Kingdom.” As both “flawed” and “struggling” are evaluative, non-neutral terms, they are examples of *loaded terms*. Furthermore, by referencing that others (specifically, Great Britain) have engaged in similar actions with unfortunate results, he is using *comparison* in order to legitimate his criticism of the bill.

Bevilacqua shifts discussion to the so-called “designated countries of origin list” clause, suggesting that it would inhibit the appeals process for specific classes of nationals from particular types of countries. The discriminatory and prejudicial undertones of this comment are evident. Further, there is the *implication* that the minister would be able to restrict access to the appeals process to specific groups from a specific

country. Based on the framing of Bevilacqua's criticism, it is interesting that he did not suggest this clause could be deemed discriminatory (although such language may be considered unparliamentary). While he notes that the "...designated authority of origin clause may be problematic in its design," his final point is not about the discriminatory implications rather that it "...may present concerns of transparency and accountability." Such an approach may be an understated attempt to highlight discriminatory aspects extant in the legislation.

Using *vagueness*, Bevilacqua suggests that "several expert lawyers and academics" (also *authorization*, specifically expert authority) have commented on the wording of the provision related to "designated" rather than "safe countries of origin," and, using *intertextuality* and *euphemism*, concludes that it provides too much ministerial discretion and "...is susceptible to politicization." In beginning his statement with "[i]t is obvious..." Kenney is using the strategy of *closure to opposed argumentation* in order to forestall potential disagreement to his speech. While it is clear that his use of the pronoun "we" in this context refers to the Liberal Party, he nonetheless invokes *positive self-presentation*, *national self-glorification*, and *appeal to popularity* when he states, using the *rule of three*, that, "...as Canadians, we take pride in the fact that our country offers a safe haven to so many who are victims of fear, discrimination and persecution." In fact, his reference to discrimination may be a subtle attempt to remind the audience of the contentious aspects of the legislation. He concludes with a *moral evaluation* and, using *deontic modality*, reinforces his point that Parliament's focus ("our focus") "...must be on creating the best possible refugee system."

Effective, Fair, and Streamlined: Bill Siksay's Speech

Siksay's use of metaphor is one of the more interesting aspects of his speech. Beard (2000) argues that metaphors are deeply embedded in the way we construct the world and oftentimes are used to help us to better understand society. In fact, he specifically notes that two powerful political metaphors are those based on sports and war, both of which involve physical or mental contests. As such, these types of metaphors attempt to convey the idea of enemies and opponents such that governments are unable – or unwilling – to work toward compromise or seek cooperation. As Carver and Pikalo (2008, 2) point out, metaphors are valuable in political discourse because they help to “describe a social reality by using a ‘stand-in’ word or phrase different from the one usually taken to be literal.” It is thus the epitome of “language-in-use.”

While all three speakers utilize metaphors to varying degrees, Siksay is the only speaker to make reference to sports metaphors. For example, he twice describes the current refugee system as being used as a “political football” while accusing his opponents of “playing games” with the refugee system. In the organism metaphor, the Privately Sponsored Refugee System is described as the “backbone” of refugee policy. It is a natural phenomenon and human interference will only serve to disrupt the delicate balance (Mio 1997). In invoking the container metaphor, Siksay describes the backlog as “ballooning,” thereby describing an action that is out of control and needs to be contained. There is also the “blank cheque” metaphor, which describes a situation that is open to abuse and the “revolving door” metaphor, which describes a situation that has no end. Metaphors are integral to human communication and essential for political

communication as without them, abstract concepts would be difficult, if not impossible, to convey to the audience.

While I have not categorized Siksay's reliance, especially toward the end of his speech on such authorities as the Canadian Council for Refugees [CCR] and Amnesty International, as appeals to authority, I do believe it warrants some discussion. Trudy Govier (2010, 125) argues that the reliability of an authority is undermined (or at the very least called into question) when an individual or group referenced has a vested interest in the issue. It is certainly true that the CCR and Amnesty International have an interest in refugee affairs. Siksay's reliance on such groups, however, may have more to do with policy than ideology as these organizations tend to support a more open and robust refugee system. Their position, however, is wholly consistent with leftist ideology and perhaps explains why his counterpart does not utilize them in the 2012 speech.

Mr. Bill Siksay (Burnaby-Douglas, NDP): Madam Speaker, I am pleased to speak in this debate on Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act.

The Conservatives, in their penchant for giving bills nicknames, have called this the "balanced refugee reform act." I am hoping beyond hope that this will be the case with this legislation but there have been some serious concerns raised about the bill and I hope to speak to some of those.

Canada has always been a haven for refugees. We as a country have done very well by those refugees who have arrived here and made Canada their home. Whether it was the United Empire Loyalists at the time of the American revolution, Hungarians in 1956, people from the United States who resisted the Vietnam War, the Vietnamese boat people after the end of the Vietnam War, or people from the People's Republic of China after the events of Tiananmen Square, Canada has benefited greatly from these significant refugee movements. Those are just some of the movements of political refugees that have seen people come to Canada.

There have also been significant refugee movements fleeing economic problems and other social problems in their country of origin. We saw the Irish

in the 19th century at the time of the potato famine. We saw Scottish emigration, eastern European emigration and emigration from Asia and Italy. In fact, my own family and probably many of our families came to Canada as economic migrants. All of these groups and many others have contributed greatly and continue to contribute greatly to building our country.

Hon. Jason Kenney: Hear, hear!

Mr. Bill Siksay: I appreciate the minister's applause. He did speak about that in his remarks as well. However, there have been failures of our immigration refugee policy that left people unprotected. One of the most egregious of those cases was the Jewish refugees who came to Canada during World War II and were not welcomed and were turned away. There were also the people on board the *Komagata Maru* who arrived in Vancouver at the turn of the last century and were returned to India.

Our failure to welcome refugees has had terrible consequences as well for those individuals. When we turn away someone whose life is in danger, the possibilities are not very positive, to say the least.

However, Canada overall has been known as a country that welcomes refugees and does it in a way that most other countries do not, which is something that is very significant. We were recognized by the United Nations for our efforts in refugee resettlement in 1986 with the Nansen medal. Canada is the only country to have been recognized in this way. Other individuals and agencies have been recognized but Canada remains the only country to have received the Nansen medal.

In opening his speech, Bill Siksay uses *irony* to bring attention to the nomenclature tendencies of the Conservative government by suggesting that they have a "...penchant for giving bills nicknames..." and questions whether the bill will be truly balanced. Siksay's statement that he is "...hoping beyond hope that this will be the case with this legislation..." suggests, via *implication*, that the bill will not be at all balanced. He also utilizes the *emotion mythopoesis* and *national self-glorification* to argue and emphasize that "Canada has always been a haven for refugees." He cites examples from Kenney (i.e., the United Empire Loyalists, the 1956 Hungarian Crisis, and the Vietnam War) and notes those who sought asylum following the uprising at Tiananmen Square in 1989.

Using *hyperbole* and *moral evaluation*, he states that Canada has “benefited greatly” from these “significant refugee movements.” Siksay’s intent is to demonstrate that both political and economic refugees/migrants have made, and can make, a contribution to Canada. The *implication* is that by placing barriers to individuals seeking asylum, Canada may lose in the long run – a point he makes explicit in the next paragraph.

He uses the *emotion mythopoesis* again to demonstrate that there is a precedent for Canada accepting “economic migrants.” He cites examples from the Irish potato famine, as well as immigration from Northern, Southern, and Eastern Europe as well as Asia. He uses a *hedge* and *authorization* (specifically personal authority) when he notes that his family and “probably” the families of other parliamentarians came to Canada as economic migrants. The goal here is not only to express pride in Canada’s role as a place of refuge but to identify the types of refugees that are viewed as legitimate. Ironically, and perhaps unintentionally, Siksay reinforces banal hegemony when he cites these examples, despite the significant ideological undertones. This is clearly established when Kenney applauds his comments. He also attempts to establish a *counter discourse* by demonstrating that legitimate refugees can come from democratic countries.

In yet another example of the *emotion mythopoesis*, Siksay highlights the failure of Canada’s refugee system when he references the plight of Jewish refugees during the Second World War as well as the *Komagata Maru* incident in 1914.⁷⁸ In this mini-

⁷⁸ The *Komagata Maru* incident involved a Japanese steamship, the *Komagata Maru*, which sailed from Hong Kong to British Columbia carrying 376 passengers from India. Three-hundred and fifty-six of the passengers were not allowed to land in Canada, and the ship was forced to return to India. A significant majority of the passengers were Sikhs, but the ship also included Muslims and Hindus. All passengers were British subjects.

narrative, the intent is to convey embarrassment and to demonstrate that Canada's treatment of refugees is not as honourable as some would suggest. It also reinforces *counter discourse*, given that in both examples, the asylum seekers are identified as arriving from "democratic" countries but denied entry despite having a legitimate refugee claim.⁷⁹

In describing the failure of Canada's refugee policy, Siksai uses *hyperbole* and *moral evaluation* ("terrible consequences"). Such language use may be an indicator of argumentative bias, especially when its usage is designed to appeal to emotion. In this case, an *appeal to pity* brings attention to Canada's failure to support a specific group of refugee claimants. He also uses a *counterfactual*: "[w]hen we turn away someone whose life is in danger, the possibilities are not very positive, to say the least." Using *national self-glorification*, he quickly moves to again highlight Canada's role in protecting refugees, noting that, in 1986, Canada received the Nansen Medal from the United Nations.⁸⁰ In fact, he uses *repetition* by twice noting that Canada is the only country to have received the award.

Mr. Bill Siksai (Burnaby-Douglas, NDP): One of the successes of Canada's refugee policy has been the fact that there has been a significant grassroots and community involvement in refugee resettlement. We have seen that in most of our communities. There are individuals who participated in the resettlement of a refugee and worked with a family, for instance. Many agencies and community organizations work on these issues. Many of them are related to the private sponsorship program, which has been an inspired part of Canada's refugee legislation, where groups of Canadians can get together and participate directly

⁷⁹ Given that Siksai represents a riding with a significant visible minority population (nearly 50 per cent according to the 2001 Census), it is not surprising he would bring attention to the plight of the *Komagata Maru*.

⁸⁰ The Nansen Medal (now known as the Nansen Refugee Award) is awarded annually by the UNHCR to individuals or groups in recognition of outstanding service to refugees. It was awarded to "the people of Canada."

in helping the resettlement of refugees and refugee families in Canada. That was a brilliant policy decision and continues to be a backbone of our refugee policy.

Canadian churches have been very active in sponsoring and resettling refugees in Canada and they remain one of the key players in our refugee policy.

All of this has led to the fact that there is considerable ownership of our refugee policy at a grassroots level in Canada. Because so many Canadians have been directly involved in the refugee process, they believe they have an important interest in the policies and in legislation of the kind we are debating today.

Canadians recognize that the job is not done and far from it. Millions of people still languish in refugee camps near trouble spots around the world. That number is not reducing in a significant way and continues to be very troubling. The conditions in those refugee camps are also very difficult.

Far too many people are still persecuted, even to death, for their political views or for their race, religion, ethnicity, sexual orientation or gender identity around the world. Steadily, in many ways, we have been making it harder for those people to escape their own country and find a safe haven here in Canada.

We did things like the safe third country agreement with the United States that said that if a refugee came through the United States before making a claim in Canada they could be returned to the United States. I think that was abandoning Canada's responsibility to those people when Canada's policy was different from that of the United States when it came to offering people protection.

We introduced things like documentation requirements before people board airlines to fly to Canada ensuring they had documentation when often many refugees and people who are escaping persecution do not have the required documents.

Using *national self-glorification* and *authorization* (specifically personal authority), Siksay notes the important role individuals have played in the refugee resettlement process under the Private Sponsorship Program. Using *hyperbole* and *moral evaluation*, he describes the program as "...an inspired part of Canada's refugee legislation." His reference, however, is *vague* as he does not provide a specific example. He describes, again using *hyperbole*, the Private Sponsorship Refugee Program (PSRP) as "...a brilliant

policy decision” and uses a *metaphor* to emphasize its importance by noting that it “...continues to be a backbone of our refugee policy.” This is perhaps a distortion of social facts, as the majority of refugees who arrive in Canada are government – rather than privately-sponsored. In fact, from 2008-2010, the number of GAR arrivals was 21,984 and PSRP arrivals was 13,381 (as such, nearly 65 percent of the arrivals during that period were GARs).⁸¹ He also notes the role churches have played in sponsoring refugees, stressing that “...they remain one of the key players in our refugee policy.” Siksay invokes *conformity* when he states that there is “considerable ownership” of Canada’s refugee policy at the grassroots level: “[b]ecause so many Canadians have been directly involved in the refugee process....”

Using the *appeal to popularity* fallacy, he states that “Canadians recognize that the job is not done...” and, utilizing *numbers game*, *metaphor* and *euphemism*, stresses that “[m]illions of people still languish in refugee camps near trouble spots around the world.” Using *vagueness* and *appeal to pity*, he adds that “[f]ar too many people are still persecuted, even to death, for their political views....” Siksay uses *rationalization* to describe how Parliament (presumably, as the use of “we” is *vague*) has responded to the refugee crisis: “[s]teadily, in many ways, we have been making it harder for those people to escape their own country and find a safe haven here in Canada.” Here we see the value of discussing Bauman since his focus is on how states seek to restrict mobility and use the various tools at its disposal to do so.

⁸¹ “CCR decries dramatic drop in refugees resettled in Canada,” ccrweb.ca, last modified 2013, accessed April 12, 2014, <https://ccrweb.ca/en/bulletin/13/03/07>.

He uses *authorization* (specifically personal authority) and *comparison* to suggest that policy was wrong: “I think that was abandoning Canada’s responsibility to those people when....” He again invokes *authorization* (specifically impersonal authority) when he notes the imposition of documentation requirements when boarding an aircraft destined for Canada. Siksay makes an important point regarding the problem with this policy. Many individuals making refugee claims do not have proper documentation, and, in order to comply with the law, resort to using falsified documents. If discovered, it is viewed as proof positive that the individual is not a legitimate refugee claimant. This, despite the fact, that the UNHCR expressly forbids signatory states like Canada from imposing sanctions on asylum seekers who use false documents or no documents to escape persecution (Arbel and Brenner 2013, 32).

Mr. Bill Siksay (Burnaby-Douglas, NDP): In recent years, our refugee determination system has been a mess, frankly, because we have used it as a political football. We have seen many political considerations given, political appointments in terms of people who were sitting on the IRB, and other ways that we have played games with our refugee system at the cost of protecting people. That has resulted in huge backlogs in our refugee determination process.

Our previous governments, both Liberal and Conservative, have allowed this backlog to grow. At the end of the last Liberal government, the Liberals had taken some important steps to improve the situation. They had made progress with regard to the backlog and the Immigration and Refugee Board, the IRB, was at a point where it was almost caught up in a sense when the Conservatives came to power in 2006. There was still a backlog but there will always be a backlog situation in any of these agencies. However, the IRB was to the point of believing that the backlog was manageable and one that would not have produced many serious delays at that point.

Unfortunately, when the Conservatives came to power I think they played politics with the IRB. They refused to reappoint board members who had been appointed by the Liberals and they also refused to appoint new board members. The result was that the backlog ballooned back to where it had been in earlier years. As a result of that backlog, the unfairness also grew. We lost many

experienced people from the IRB in that period. The IRB lost that experience, that ability to do an effective and fair job.

The Auditor General even became involved when she warned that the system was collapsing under the huge backlog. This is another situation where the IRB and refugee process as a political football came back into play. I believe the crisis today was created by the Conservatives, by the current government, and now they are creating a solution to the problem that they created. It is a bit of a revolving door and one that continues to concern me.

Conservative and Liberal governments have also shown great disrespect to the existing immigration and refugee law, and that is primarily for their refusal to implement the refugee appeal division which is a feature of the current Immigration and Refugee Protection Act. This act was brought in and debated in 2001, given royal assent in 2002 and contains a provision for a refugee appeal division, something that the minister described as “dormant.” Well the reality was that the Liberals and Conservatives refused to implement that part of the law that had been debated and passed here in the House of Commons and in the Senate. It was never implemented. I think the refugee appeal division would have brought a measure of fairness to our refugee determination system.

The refugee appeal division, RAD, came about through negotiation when the government of the day wanted to move from two member boards at refugee hearings to one member boards. The compromise to ensure fairness was the refugee appeal division. It was not an expensive proposition. It would have cost \$8 million to \$10 million to establish and \$2 million a year to run, not a significant sum in terms of our overall expenditure in the refugee program, but it would have added a measure of fairness to that process.

There was a distinct lack of respect for the process in the past and I wonder if the current legislation before us has a provision for a refugee appeal division, but I do not know. My expectation of fairness of actually seeing that implemented, I have to say, I am a little cynical given our experience with the existing RAD and the fact that it was never implemented.

Siksay continues his criticism of the refugee determination system using *euphemism* to describe it as a “mess” and suggests, using *metaphor*, that the system has been used “...as a political football.” His reference to those who have “played games” (*metaphor*) with the system “...at the cost of protecting people...” is an indirect reference to the Liberal scandal involving the IRB (see Chapter 4). It is perhaps due to parliamentary

tradition that Siksay cannot directly accuse the Liberals of any wrongdoing. There is also the *implication* that Parliament failed to act responsibly in this situation resulting in “huge (*hyperbole*) backlogs.” Despite having surreptitiously attributed the problem to the Liberals, Siksay now asserts that the backlogs resulted from both Liberal and Conservative inaction. Ironically, he uses *positive other-presentation* when discussing the Liberal response to the refugee crisis noting that “they [the Liberal government] had made progress ... [whereby] the IRB was at a point where it was almost caught up” despite the veiled comment made earlier. He also uses *rationalization* when he comments that “[t]here was still a backlog but there will always be a backlog situation in any of these agencies.” From his perspective, this is the way things are with regard to the operations of bureaucracies.

Using *intertextuality* and *authorization* (specifically expert authority), Siksay stresses that the IRB believed the backlog would be manageable following the actions of the previous Liberal government. In noting the failures of the Conservative government, he uses *hyperbole* and *metaphor* to describe the situation, suggesting that “...the backlog ballooned back to where it had been in earlier years.” There is the *implication* that this action, or rather inaction, resulted from “petty politics” as many qualified individuals, though Liberal, were not reappointed by the Conservatives. This is also an example of *negative other-presentation* and *poisoning the well* fallacy.

Siksay uses *authorization* (specifically expert authority), *vagueness*, *intertextuality*, *metaphor*, and *hyperbole* to suggest that the Auditor General indicated the system was collapsing under the “huge backlog.” This is also an example of the *appeal to fear*, as he seeks to create an atmosphere of crisis which he attributes to inaction by both the Liberal

and Conservative governments. He repeats the “political football” *metaphor* and uses *authorization* (specifically personal authority) to remind the audience that the “crisis” was one created by Conservative inaction. Interestingly, he is the only respondent to directly suggest that the Conservative bill was introduced in response to a situation of their own making, though Bevilacqua implied it earlier. Using the “revolving door” *metaphor*, and *authorization* (specifically personal authority), there is the *implication* that the bill would do nothing to address “real” refugee issues.

This section of his speech is perhaps the most definitive. Siksay begins by using a *moral evaluation* to suggest that the primary reason for successive Liberal and Conservative governments not implementing the Refugee Appeal Division was due to their “disrespect” for existing immigration law. Here we see an important distinction in how legitimization strategies are used by Conservative speakers. While Kenney’s use of moral evaluation focusses on actions that are “right,” “natural,” or “normal,” in establishing a *counter discourse*, Siksay’s desire is to present these actions as “wrong,” “unnatural,” or “abnormal.” Given that the legislation contained provisions to establish a RAD, there is no legitimate reason not to have done so, though Kenney did suggest in his speech that the Liberals did not implement the RAD due to a lack of a streamlining. Since Siksay does not support his criticism of these parties, it is an example of the *poisoning the well* fallacy and *negative other-presentation*.

The next paragraph clearly identifies what Siksay perceives to be “the truth.” Using *closure to opposed argumentation*, he explains that while part of the legislation was “dormant,” he stresses that “[w]ell the reality was that the Liberals and Conservatives refused to implement that part of the law It was never implemented.” In order to

support “the truth,” he uses the *numbers game* to argue that the budget associated with implementation would not be costly. Using the *poisoning the well* fallacy, he reiterates his point that there was a distinct “lack of respect” and, using *sarcasm*, questions whether the current debate will ever result in the implementation of an appeals division.

Mr. Bill Siksay (Burnaby-Douglas, NDP): The NDP has always called for an effective, fair and streamlined refugee process and we have said that there are some principles that need to be the foundation of our refugee determination process. We believe that each case should be assessed on its individual merit. We believe in the need to invest in high quality initial decisions and that we need to get it right the first time. It needs to be a non-political process and the decisions need to be made by an independent body. It needs to be a simple system that avoids unnecessary rules. The necessary resources to ensure that the system functions appropriately need to be in place so that backlogs can be avoided. We also need to remember at all times that human lives are at stake and that we need to uphold human rights standards throughout this important process.

New Democrats have long proposed some specific measures for a fast and fair refugee process. These include that all appointments of IRB board members should be done by an independent appointment commissioner with set criteria for expertise in refugee matters. Such a merit-based appointments process was championed by our former leader, Ed Broadbent. We believe that there needs to be a crackdown on unscrupulous immigration consultants by banning them from the Immigration and Refugee Board hearing room and providing legal aid for proper representation. A provision for appropriate legal representation for refugee claimants continues to be a real issue in our refugee determination system.

We believe that we need to hire more permanent refugee protection officers to clear the backlog. We have seen this done in the past with some success. We also believe that we need to set up the refugee appeal division so that consistent decisions can be made based on fact and law. Parliament mandated, as I mentioned, this refugee appeal division in 2001 but the Liberals and Conservatives chose to ignore the law and not put it in place.

Using *epistemic modality*, *moral evaluation*, *authorization* (specifically personal authority), *rule of three*, and *positive self-presentation*, Siksay introduces the NDP position on refugee reform stating that his party “has always called for an effective, fair

and streamlined refugee process.” Using *deontic modality*, he argues that the process needs to be “non-political,” “simple,” and have the “...necessary resources to ensure that the system functions appropriately....” He concludes, using *rationalization*, that throughout the process, human rights standards need to be upheld. From his perspective, doing it Kenney’s way is inappropriate for these particular actors. As such, there is the *implication* that the current process has not upheld the standards of human rights.

He also utilizes *authorization* (specifically role model authority), and *positive self-presentation* when he highlights the measures long proposed by his party and its former leader Ed Broadbent. He then suggests the need for a crackdown (*metaphor*) on unscrupulous immigration consultants – the *implication* is that the majority of immigration consultants are unscrupulous while arguing that appropriate access to legal counsel during the claimant process is the “real” issue.

Using *epistemic modality* and *positive self-presentation*, Siksay states the NDP’s primary beliefs: there is a need to retain more refugee protection officers and a refugee appeals division needs to be established “...so that consistent decisions can be made based on fact and law.” Hence, there is the *implication* that past decisions have been inconsistent. He again utilizes *authorization* (specifically impersonal authority), when he references Parliament and invokes both *negative other-presentation* and *poisoning the well fallacy* when he concludes that successive Liberal and Conservative governments ignored the legislation by failing to implement an appeals division.

Mr. Bill Siksay (Burnaby-Douglas, NDP): Bill C-11 has some serious flaws. Some of the key organizations that have an interest in the refugee process have outlined some of the problems.

Whenever I look for information on our refugee process, I look to the work of the Canadian Council for Refugees, which is an umbrella organization of many Canadian refugee serving organizations. It has delineated its concerns with this legislation, which I believe merit close attention. One of its key concerns is the designated countries of origin list. This bill would empower the minister to designate countries whose nationals would not have access to the refugee appeal process. This is the so-called safe countries of origin list. The council points out that the word safe does not appear anywhere in Bill C-11, which seems somewhat problematic given the intent of this legislation.

The council also believes that this is an unfair proposal because treating claimants differently based on country of origin is discriminatory. It believes that each case must be assessed individually. It believes that some claimants will be particularly hurt, including women who are making gender-based claims and persons claiming on the basis of sexual orientation. In many countries that are otherwise considered peaceful or safe, there can be serious problems of persecution on these grounds.

Claimants from designated countries will face a bias against them even at the first level since decision-makers will be aware of the government's judgment on that country. There will be an overall presumption of safety in certain countries that will affect the process.

Some claims from countries that are generally seen not to be refugee producing are among those that most need appeal due to the difficult issues of fact and law, such as the availability of state protection. The denial of fair process to these claimants may lead to their forced return to persecution, a violation of human rights law.

The Canadian Council for Refugees says there are other concerns as well about designated countries of origin. It says:

Having a list of "safe countries of origin" politicizes the refugee system. There will be new diplomatic pressures from countries unhappy about not being considered "safe."

As currently drafted, the amendment would give the minister a blank cheque to designate any country, part of a country or groups within a country without reference to the principles of refugee protection. Those are serious issues that have been raised by the Canadian Council for Refugees.

The council goes on to note that it has problems with the eight day interview and hearing process after 60 days. The government has proposed that claimants be interviewed by the Immigration and Refugee Board after eight days and that their hearing take place 60 days later. The council believes that eight days after

arrival is too soon for a formal interview. The interview is used to take the claimant's detailed statement about his or her claim. It would be unfair to the most vulnerable claimants, such as those traumatized by experiences of torture or women unaccustomed to speaking to authority figures.

Some claimants are ready for a hearing after 60 days, but others are not, including refugees who need to build trust in order to be able to testify freely, such as persons who have experienced sexual assault. Other refugees need more than 60 days to gather relevant documentation to support their claim, especially those whose claim relates to a newly emerging pattern of persecution or those who are in detention.

Again, there are very serious concerns about holding hearings before claimants are ready to deal with that important part of the process.

Canadian Council for Refugees also raises concerns about decision makers and who is making the decisions in this process. It notes that first-instance decision makers would be civil servants rather than cabinet appointees. Members of the refugee appeal division would be appointed by the cabinet.

It says that this does perhaps go in some way to dealing with problematic political appointments, but it also raises some concerns, noting that assigning refugee determination to civil servants is fundamentally problematic because they lack the necessary independence

It also notes that limiting appointments to civil servants will exclude some of the most highly qualified potential decision makers, from a diverse range of backgrounds such as academia, human rights and social service. It believes that will affect the quality of decisions.

The question of appointments to the RAD remains unresolved. Under the bill they would be political appointments, which will affect the quality of decision making.

The CCR notes problems with the appeal and pre-removal risk assessment. It notes that the pre-removal risk assessment still exists but that it is an ineffective and inefficient system. Also it believes that, for some claimants, this will continue to be an issue because of its inefficiency requiring a whole second structure to do the same work as the immigration and refugee board, something that is not fully addressed in the bill.

The Canadian Council for Refugees is also concerned for the humanitarian and compassionate consideration provisions of the bill. The bill would bar refugee claimants from applying for humanitarian and compassionate consideration while their claim is in process and for 12 months afterwards.

Applicants for H and C consideration would also be barred from raising factors related to risks here and in the country of origin. The CCR believes that H and C consideration is necessary as a recourse to consider human rights issues including the best interests of children and potential risk to persons. Closing off this recourse may be contrary to the Canadian Charter of Rights and Freedoms. Those are some of the concerns raised by the Canadian Council for Refugees.

Amnesty International, another well-respected organization that has a key interest in refugee policies, also has very serious concerns about the safe country of origin list. It says that such lists constitute discrimination among refugees that is strictly prohibited by article 3 of the refugee convention. Article 3 of the United Nations Convention relating to the Status of Refugees is about non-discrimination. It states:

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Amnesty International also notes in a statement on this new legislation:

...over the course of nearly fifty years of human rights research around the world we have consistently highlighted it is not possible to definitively characterize countries as safe or unsafe when it comes to human rights. We are very concerned that decisions about which countries to include on any such “safe country of origin” list will almost inevitably be influenced by considerations other than human rights, including trading relationships and security cooperation with other governments.

One of the other organizations that has taken a very key interest in this is the Canadian Bar Association. Its citizenship and immigration law section is very concerned about the bill and asked that it be subject to a referral before second reading so that the committee could deal with the very serious concerns that are raised in it.

Yesterday I met with a refugee activist in British Columbia who is also very concerned about this legislation. She was very concerned that safe countries do not necessarily mean that all the people of those countries are safe and that the legislation needs to talk about safe people. She was also concerned about the language around bogus claims and abuse of the system, which she thinks was not particularly helpful in all of this.

There are many concerns about this legislation. I hope we can have a very fulsome debate on it and one at committee as well. I would have preferred that

we got there before second reading so it could be a really extensive debate at committee.

The final part of his speech is devoted to a review of the legislation's flaws. Using *authorization* (specifically expert authority) and *intertextuality*, he directly and indirectly references the issues that the CCR has identified with the legislation. In establishing a *counter discourse*, Siksay utilizes *moral evaluation* by suggesting that "...some claimants will be particularly hurt, including women who are making gender-based claims and persons claiming on the basis of sexual orientation." From his perspective, introducing this aspect of the legislation is wrong. When he suggests that "[t]here will be an overall presumption of safety in certain countries...", there is the *implication* that vulnerable individuals will be at risk.

He also suggests that denying claims from these individuals would be "...a violation of human rights law" which is an example of *authorization* (specifically impersonal authority). In criticizing the legislation, Siksay uses a *metaphor* stating that, as drafted, the legislation would give the minister a "blank cheque" to designate safe countries of origin. In one key comment, Siksay states that "[t]he council (also *authorization*, specifically expert authority) believes that eight days after arrival is too soon for a formal interview." In this use of *rationalization*, Siksay is establishing a *counter discourse* by suggesting that doing things this way is inappropriate for these particular individuals. Siksay, using *repetition*, notes that the CCR believes that the safe country of origin list "...politicizes the refugee system" (also *euphemism*).

Near the end of his speech, Siksay again uses *authorization* (specifically expert authority) and *intertextuality* when he cites Amnesty International. Using *intertextuality*

again, he directly cites the UN Convention relating to the Status of Refugees which is also another use of *authorization* (specifically impersonal authority). He also notes the Canadian Bar Association, again using *authorization* (specifically expert authority), though when speaking to their criticisms of the legislation he is *vague*: “[i]ts citizenship and immigration law section is very concerned about the bill....” Siksay concludes his speech by using the *emotion mythopoesis*, specifically, a conversation Siksay had with a BC refugee activist (also *authorization*, specifically role model authority) who remains unnamed) noting her concern with the legislation. This mini-narrative is designed to communicate to the audience a sense of mistrust inasmuch as there are those who believe the legislation unfairly targets certain groups. The use of this story, however, appears quite unconvincing given the degree of *vagueness* associated with it.

In referencing “bogus claims,” Siksay reinforces banal hegemony and unintentionally adds credibility to Kenney’s arguments while reinforcing the belief that such a category exists. The power of banal hegemony is in its ability to surreptitiously create and recreate social categories where none had existed before. By referencing “bogus claims,” even if it is done to counter an argument, the speaker is nonetheless giving power to and legitimating the term. If political elites choose not to use these social categories – as Bevilacqua does in his speech – the power attributed to these categories is not only reduced but the legitimacy accorded to them is also diminished.

Conclusion

This chapter set out to answer my first research question: How does the concept of a multicultural “Other” influence the development of Conservative discourse on asylum

seekers? I argue that, like their British counterparts, Canadian Conservatives have usurped multiculturalism to temporarily allow part of the “Other” to be included in an expanded definition of “multicultural we” to suit their own political ends.⁸² From this perspective, Canadian Conservative discourse on immigration, as evidenced by the speeches on refugee reform, is articulated in such a manner as to include a “legitimate Other” (in this case legitimate refugees) but only in opposition to, and juxtaposed against, the “illegitimate them” (in this case, illegitimate refugees). Invoking Elke Winter’s (2011; 2013) model of triangular relations, I posit that Conservative discourse on immigration is designed to utilize “socio-ethnic leveraging, where the dominant group [i.e., Conservative elites] uses one minority (Others) [i.e., legitimate refugees] to further distance another (them) [i.e., illegitimate refugees] while not including either into a pluralist definition of [a] shared identity [i.e., We]” (Winter 2013, 146). In other words, while Conservative discourse on immigration depicts Canada as welcoming and generous (which are key tenets of multiculturalism), it, at the same time, presents asylum seekers as a threat to national identity, social cohesion, and multiculturalism.

I contend that the Conservatives accomplish this in three ways: first, by presenting Canada as having a long history and tradition of accepting refugees; second, by presenting contemporary Canada as a nation of refuge for *legitimate refugees* only; and third, by presenting asylum seekers as *illegitimate* and a problem that needs to be solved. By juxtaposing legitimate refugees against illegitimate ones, the Conservatives establish a

⁸² I want to clarify that my usage of “we” differs from Winter’s inasmuch that I treat the uppercase “We” as only including English-Canada while the lowercase “we” includes both English-Canada and legitimate refugees (though only temporarily, hence the distinction).

particular worldview of what constitutes a “real” refugee while, at the same time, framing that worldview within the historic context of “refugeeness.” As such, Kenney is able to leverage the plight of legitimate refugees against illegitimate ones by temporarily placing the former as an established part of Canada’s national character.

To be able to claim that legitimate refugees should hold a privileged position within Canadian society, Kenney must first define legitimacy within the context of refugeeness. He does so by describing examples of those groups who have historically constituted refugees: the United Empire Loyalists fleeing the American Revolution; Black slaves fleeing persecution in the southern United States; Jews fleeing Nazi Germany during the Second World War; Hungarian refugees fleeing Soviet domination; and so on. Here we see how the narrative of the (refugee-accepting) nation places emphasis on tradition, continuity, origins, and timelessness (Winter 2001, 77). These groups are, in effect, the *epitome* of the “victims of persecution, warfare, and oppression.” Against this historical backdrop, these are the truly destitute who need, and deserve, Canada’s protection.

Having established this particular group as those who have historically constituted the “real” refugee, Kenney identifies the contemporary legitimate refugee. From his perspective, legitimate refugees are those defined as such by the UNHCR, and he reinforces this point when he comments that: “[e]very year, some 20 developed democracies resettle about 100,000 refugees, and from that number Canada annually resettles between 10,000 and 12,000, or 1 out of every 10 refugees resettled globally....” This statistic is deliberate as it demonstrates that Canada is meeting (and perhaps exceeding) its international obligations as regards refugee resettlement. In the

contemporary context, legitimate refugees, include, for example, the Bhutanese, Karens, Syrians, and Iraqis. These individuals are fleeing persecution in their homeland and can no longer count on their government to protect them. In the case of the Bhutanese, for example, it was their own government that forced their expulsion (Baker, Martin, and Price forthcoming). Kenney concludes by suggesting that “Canada can and should do more to help those in need of our protection ... [but] [t]he result is that too many people abuse our system in an effort to jump the immigration queue.” Here we see the effect of normative pluralism, focusing on what is desirable and what role the state should take in addressing the refugee issue (Winter 2011, 35). Unfortunately, from the Conservative perspective, there is to be no accommodation for those who supposedly “abuse the system,” i.e., asylum seekers.

Having framed the legitimate refugee within a historical context and established their contemporary counterparts, Kenney outlines the problem that asylum seekers pose for Canada and Canadian society: “One of the problems is that we have had long, very large backlogs in asylum claims as a permanent feature of the system.” He attributes these “huge backlogs” to the “large number of false claims” – in other words, the refugee system is broken because “...too many try to use our asylum system as a back door to gain entry to Canada...” This is “the truth” as espoused by the Conservatives. As Winter (2011, 63-64) suggests, minority groups (in this case asylum seekers) “...are constituted in a social relationship where they are socially constructed as ‘different’ with respect to a referent [in this case legitimate refugee], a dominant category that remains unmasked or vaguely defined by the positive equivalent of each of the marks that draw the boundaries of minority groups.” By positively framing legitimate refugees as those who are

deserving of protection, asylum seekers are implicitly framed as undeserving of protection.

For Kenney, however, a key problem arises from the fact that so-defined illegitimate refugees (i.e., the Roma) may actually have a legitimate argument for asylum but granting it to all has serious policy implications. It would also serve to de-legitimize the Conservatives arguments for the legislation. In order to maintain the fiction that there are indeed illegitimate refugees unworthy of Canada's protection, the Conservatives present them as criminal, fraudulent, and security threats. Through the rearticulation of meaning, these characterizations defining the illegitimate refugee are ultimately accepted as the "truth" and "common sense."

The "truth," however, can only be sustained for so long before other mechanisms (for example, the Supreme Court of Canada) begin to deconstruct and challenge the legitimacy of Conservative claims.⁸³ As a result, the Conservatives require another means in which to prevent the arrival of illegitimate refugees. By restricting mobility, controlling the border, and discouraging arrivals from considering Canada as a nation of refuge, the Conservatives do not need to rely as much on creating a particular worldview as regards refugees. This is the value of considering Bauman in this research. By limiting mobility and preventing entry, the Conservatives need not worry about the issue and it has

⁸³ In July 2014, the Federal Court ruled that the changes to the Interim Federal Health Plan (IFHP) amount to "cruel and unusual" treatment of asylum seekers and "outrage Canadian standards of decency." In responding to the decision, Citizenship and Immigration Minister Chris Alexander stated that "We remain committed to putting the interests of Canadians and genuine refugees first." Janus, Andrea. "Court: Gov't Cuts to Refugee Health Care 'Cruel and Unusual' Treatment" *ctvnews.ca*, last modified July 4, 2014, <http://www.ctvnews.ca/canada/court-gov-t-cuts-to-refugee-health-care-cruel-and-unusual-treatment-1.1898922#ixzz381wZFVnH>.

effectively “taken care of itself.” If asylum seekers never reach Canada’s borders, then they no longer represent a threat to its security or generosity.

In presenting legitimate refugees as an integral part of the Canadian “national identity,” however, Kenney is practicing an ideology of containment which promotes the ethnicization and racialization of a particular group, thus reifying asylum seekers’ subordinate place within the existing social order (Winter 2011, 43). By temporarily presenting legitimate refugees as a core part of the multicultural “we,” Kenney is obscuring the deeper structural relations of power, using a particular group as a means to an end. While the “other” is presented as more preferable to, and legitimate than “them,” the “We” remains as a privileged category over the “we.” As such, I conclude that Kenney’s approach has the effect of not only establishing a dominant discourse as regards asylum seekers (thereby legitimating the need for the proposed reforms) but also maintaining the fiction of multicultural pluralist society that is inclusive of the “Other.”

Chapter Six: Reproducing Prejudice – Argumentation, Legitimation, and Othering in Bill C-31: *Protecting Canada’s Immigration System Act*

Obviously the Roma community in Europe has always faced difficulty, there's no doubt about that. But whether it reaches the level of persecution is another question. – Citizenship and Immigration Minister Jason Kenney.⁸⁴

Introduction: Conceptualizing Prejudice

Contemporary scholarly debates that focus on the discursive nature of prejudice are relatively new despite the fact that both discourse analysis and prejudice studies have a long tradition within their respective fields. In fact, most recent scholarship on the analysis of exclusionary discourse, especially among minorities, ethnic groups, refugees, and asylum seekers has tended to focus on “the proliferation of the subtle and slippery nature of the new racism [which] has made it increasingly difficult to define racism [among elites]” (Every and Augoustinos 2007, 411). Identifying instances of racism within a text, however, is especially problematic given that its identification is invariably based on one's perception of a situation and/or interaction (Ying Lee 2008, 1119). It is further complicated by the fact that most associate racism with its traditional definition, that is, negative views or opinions based on skin colour, culture, nationality, or religion.

In the 1980s, however, cultural theorist Martin Barker described a new form of racist ideology, one that presupposed that it is natural for those who share a common culture “to form a bounded community, a nation, aware of its differences from other nations” (Barker 1981, 2). This “new racism,” as he termed it, found its clearest expression in Britain’s New Right. It was argued that former British Prime Minister

⁸⁴ Elliott, Louise and Laura Peyton, “Refugee Reforms Include Fingerprints, No Appeal for Some,” cbc.ca, last modified February 16, 2012, <http://www.cbc.ca/m/touch/politics/story/1.1191505>.

Margaret Thatcher's tough stand on immigration was not racist as it "did not encourage hatred or prejudice but is based on the facts of Britain's economic and political situation and from the reactions of ordinary people" (Kirkham 1998, 246). My goal in this chapter then is not to focus on old or "new racism;" rather my intent is to focus on identifying exclusionary discourses and instances of prejudice.

While many scholars often associate prejudice with stereotyping (which nonetheless is a key component), as Lynn Jackson (2011, 10) argues, it "...can also include emotional responses to people or concerns about ways in which groups may violate one's values." In fact, perceived abuses of, or threats against, societal values are but one way that individuals can express prejudicial views (Rokeach and Rothman 1965). As we saw in the last chapter, Kenney explicitly states that "[t]oo many people try to use our asylum system as a back door to gain entry into Canada, rather than wait patiently to come here through the immigration process. The result is that too many people abuse our system in an effort to jump the immigration queue." By presenting asylum seekers as "jumping the immigration queue," these individuals are presented as not only violating the impersonal social value of waiting in line but are also guilty of disrespecting the Western norm of fairness (Every and Augoustinos 2007, 413).

Whereas traditional racists exhibit a direct and overt pattern of discrimination, prejudicial discourse does not have to be explicitly racist to create circumstances that have discriminatory, exclusionary, or oppressive effects (Wetherell and Potter 1992). Indeed, this is precisely the effect of banal hegemony. If elite use of prejudicial language instils within ordinary people the belief that asylum seekers, as a group, are criminal, fraudsters, or represent a threat, then the effect will be real in its consequences. Ordinary

people may begin to treat these individuals with suspicion based solely on the belief that they *might be* a criminal, a fraud, a terrorist, etc. At a minimum, if they are presented as violating “our” social norms and values, then via the principle of least effort, it becomes quite easy to categorize, demonize, and accentuate the negative characteristics of a particular group (van Dijk 1984, 15).

For van Dijk (2000, 33), prejudicial discourses “are expressed, enacted and, confirmed by text and talk, such as everyday conversations, board meetings, job interviews, policies, laws, parliamentary debates ... movies, TV programs and news reports in the press, among hundreds of other genres.” Moreover, prejudicial viewpoints are masked in racially neutral language and rearticulated to make it more acceptable in public discourse (Barker 1981). As Phil Fontaine (1998) notes, “particularly in politics, racism and prejudice are always founded on seemingly rational, strategic arguments, designed to appeal to “common sense” and so-called logical thinking.” His assessment implies that prejudice, and the arguments upon which they are based, are presented as acceptable. It is also likely that such perspectives owe their origin to the Gramscian notion of cultural hegemony, since racist ideology is almost always produced and reproduced through language.

Prejudice can also be expressed within a “socio-political context” as described by Shelly Harrell (2000, 43), who argues that it “...is manifested in the nature of political debate and public discussion about race, race ideology, policies and practices within institutions (both stated and unstated), and legislative processes.” By way of example, she suggests that prejudice affects political processes through elites’ need to maintain the status quo of the dominant culture and to juxtapose actions in order to perpetuate

dominant norms and values. Hence, we see the juxtaposition of legitimate versus illegitimate refugees, a dicotomy that Bauman (2004) describes as a matter of separation. It is important, however, to recognize that prejudice cannot simply be reduced to a singular event. It is a systemic process that works through multiple interactions, situations, discourses, and experiences.

Overview of the Speeches

In this chapter, I analyse the exchange among the Conservative Minister of Citizenship, Immigration, and Multiculturalism; New Democratic Opposition Critic for Citizenship and Immigration Canada; and the Liberal Critic for Citizenship and Immigration Canada.⁸⁵ As with the previous chapter, my main focus will be to identify examples of argumentation, legitimation and Othering. In the conclusion, however, special attention will be given to discussing how prejudicial language manifests itself within the Conservative speech.

Bill C-31 was introduced on 16 February 2012 as an act to amend the *Immigration and Refugee Protection Act*, the *Balanced Refugee Reform Act*, the *Marine Transportation Security Act* and the *Department of Citizenship and Immigration Act*. The bill was designed to “...fight human smuggling and to protect Canada’s immigration system.”⁸⁶ Other key changes included:

⁸⁵ Due to parliamentary tradition, a party must have at least twelve seats to be given official party status and thus have the opportunity to officially respond to a bill. As such, both the Bloc Québécois and the Green Party did not participate as official responders.

⁸⁶ Citizenship and Immigration Canada, “Amendments to *Protecting Canada’s Immigration System Act*,” news release, May 9, 2012, <http://www.cic.gc.ca/english/department/media/releases/2012/2012-05-09.asp>.

- Establishing the mandatory detention of participants in an irregular arrival for up to one year, or until a positive decision is made on their refugee claim by the IRB;
- Preventing those who come to Canada as part of a designated irregular arrival from applying for Permanent Resident status for a period of five years, should they successfully obtain refugee status;
- Preventing individuals from sponsoring family members for five years;
- Ensuring the health benefits that participants receive are not more generous than those received by the Canadian public; and
- Enhancing the ability to seek a review of the protected person status of those who return to their country of origin.⁸⁷

Critics, however, argued that its true intent was to “turn back the clock” on *The Balanced Refugee Reform Act*, such that the compromises the Conservatives agreed to in 2010 would be eliminated. In addition, the CCR argued that the legislation would result in “refugee protection in Canada [being] dangerously vulnerable to political whims, rather than ensuring a fair and independent decision about who is a refugee.”⁸⁸ Interestingly, the CCR also expressed concern over the Conservative discourse on immigration, noting that:

The CCR is deeply concerned at the negative way in which refugee claimants are discussed by the government. Making a refugee claim is a legitimate way, in both Canadian and international law, for a person fleeing persecution to seek asylum. Nor is it fair to characterize refused claims as false or abusive. The refugee definition is restrictive and technical. Many people making claims who do not meet the definition nevertheless have a genuine fear of persecution. Their search for protection is genuine. Constant negative references to refugee claimants undermine the independence of Canada’s refugee system and the support of Canadians for those who come to Canada hoping for safety and freedom, and to be treated with dignity.⁸⁹

⁸⁷ Citizenship and Immigration Canada, “Overview: Ending the Abuse of Canada’s Immigration System by Human Smugglers,” backgrounder, last modified February 16, 2012, accessed May 18, 2012, <http://www.cic.gc.ca/english/departement/media/backgrounders/2012/2012-02-16d.asp>.

⁸⁸ “Refugee Reform – Bill C-31 Changes to the Refugee Determination System,” ccrweb.ca, last modified December 2012, accessed May 18, 2013, <https://ccrweb.ca/en/refugee-reform>.

⁸⁹ “Concerns About Changes to the Refugee Determination System,” ccrweb.ca, last modified December 2012, accessed May 18, 2013, <http://ccrweb.ca/en/concerns-changes-refugee-determination-system>.

It is quite evident that the CCR believed the government had a particular agenda as regards asylum seekers but their statement also speaks to issues related to prejudice, border control, and banal hegemony.

The debate regarding Bill C-31 is an excellent topic for analysis. Not only did it replace legislation that had been proclaimed less than six months earlier but it fully demonstrated the “law and order” agenda of the Conservative government. Moreover, the Conservatives, fresh from a new mandate and a majority government, were no longer bound by compromise within the House of Commons. They were free to implement their legislative agenda as they saw fit. As such, this chapter represents an excellent opportunity for researchers interested in discourse analysis: first, rarely do scholars have the opportunity to compare legislation that is so similar in scope; second, rarely do researchers have the opportunity to analyse comparable legislation from the perspective of a minority and majority government. Perhaps more importantly, this chapter will provide readers with one of the first scholarly assessments of speeches made by a party who, for the first time in its history, is Her Majesty’s Official Opposition (i.e., the New Democratic Party) as well as for a party who, for the first time in its history, is neither government nor the official opposition (i.e., the Liberal Party).

In introducing the legislation on second reading, Jason Kenney stated: “[w]e need to create some doubt in the minds of would-be smuggled migrants that they would be able to benefit from such provisions as family reunification. That is what the bill seeks to do.” In this one statement, Kenney sums up the intent of the bill – the goal is not to try to deter human smugglers but to deter individuals from making asylum claims. In responding to Kenney, Don Davies, the NDP Critic for Citizenship and Immigration, clearly outlines

the political, if not ideological, differences between the NDP position and the Conservative position: “[w]hile I am on this subject, a fundamental difference between the Conservatives and the New Democrats is that New Democrats believe that every country in this world is capable of producing a refugee. There are cases where some countries are more or less likely, but every country is capable of that.”

The Liberal response, however, was more virulent in its assessment of the Conservative approach to refugee reform. On two separate occasions in his speech, Kevin Lamoureux accuses Kenney of “demonizing the refugee.” While such obvious ad hominem attacks tend to focus on the traits of an opponent as a means to invalidate their argument (in this case, Kenney’s continued references to asylum seekers as bogus claimants), Walton (2008, 170) argues that ad hominem reasoning is not always fallacious. For example, in some instances, questions of personal conduct, character, or motives are legitimate and relevant to the issue as when it directly involves hypocrisy, or actions contradicting the subject’s words. Based on this assessment, I believe that Lamoureux’s “attack” is justifiable.

Debate on the bill was held in March 2012, with final reading occurring on 11 June 2012. In the House of Commons, there were nearly 40 individual speakers to the Bill, including three major speeches at second reading. There were also two major speeches given in the Senate: the sponsor, Conservative Senator Yonah Martin; and the respondent, Liberal Senator Mobina Jaffer. Following second reading, Bill C-31 was sent to Committee for review. The committee met 16 times (nearly twice as long as for Bill C-11) and tabled its final report on 14 May 2012. Bill C-11 was introduced for third reading and was subsequently adopted by the House on 11 June 2012. Following passage, the bill

was forwarded to the Senate for further debate. On 28 June 2012, the Bill received Royal Assent.

The particular debates analysed here occurred on 6 March 2012 following first reading of Bill C-31: *Protecting Canada's Immigration System Act*. The following section outlines the Conservative Party of Canada's position (as a majority government) regarding proposed reforms to the Canadian refugee asylum system as well as the responses given by the New Democratic Party of Canada (as Official Opposition) and the Liberal Party of Canada.⁹⁰

We Stand for the Protection of Real Refugees: Jason Kenney's Speech

A key dominant discourse found throughout Kenney's speech is one focused on securitization. While the bill is supposedly aimed at curbing illegal smuggling, the underlining issue is border control. This observation is interesting given that Arbel and Brenner (2013) found that the various pieces of Canadian legislation designed to protect the integrity of the U.S.-Canada border have, in fact, prompted a rise in human smuggling and unauthorized border crossings while heightening security concerns for both Canada and the United States. Additional dominant discourses found within his speech focus on criminality and fraud. Indeed, it appears that the Conservative government is seeking to reduce the number of refugee claimants arriving in Canada by enforcing a strict interpretation of the 1951 UNHCR Convention and the subsequent 1967 Protocol. Such

⁹⁰ In the 2011 federal election, the Conservative Party won a majority government with 166 seats while the NDP formed the Official Opposition for the first time in its history (winning 103 seats). The Liberals won only 34 seats, which was their lowest seat total in their history. The BQ won only 4 seats (their support shifted primarily to the NDP) and the Green Party won one seat (Leader Elizabeth May) in British Columbia.

discourses speak to the idea of legitimacy – if refugee claimants are framed as criminals, then it is easier to legitimate some of the more questionable aspects of the proposed legislation (e.g., detention and biometrics).

There is an obvious shift in the Conservative discourse towards asylum seekers from the 2010 speech. The language in that speech was much less vitriolic and, in fact, tended to laud refugees. The discourse of fraud, while present, was not as identifiable, and the discourses of criminality and security were nearly non-existent. So what could account for this blatant shift in discourse? The most obvious explanation is that the Conservatives, having a newly minted majority, are secure in their ability to pass contentious legislation. They are now “free” to portray the “subjects of discourse” in a negative light in order to help legitimate their actions. It also adds a very important dimension to the study of parliamentary speeches and lends further credibility to the argument that minority governments are more effective than majority ones.

Legitimation strategies are an important aspect of political discourse, especially discourses related to immigration. Political elites seek “*normative approval* for [their] policies or actions. They do so through strategies that aim to show that such actions are consistent with the *moral order* of society, that is within the system of laws, norms, agreements or aims agreed upon by (the majority of) the citizens” (Rojo and van Dijk 1997, 528; emphasis in original). Kenney achieves this legitimation by using authorization and rationalization as such strategies help to counter potential opponents’ acts of de-legitimation. This is evidenced later when the opposition parties accuse the government (and Kenney) of having violated international treaties as well as the human rights of refugee claimants.

Another key aspect of the Conservative discourse on refugees is the ready use of moral evaluation. Fairclough (2003, 46) has argued that assumptions that reduce difference are the least dialogical, and have the effect of allowing the speaker the opportunity to shape what is perceived to be the “common ground.” In fact, such tactics may be employed by using banal hegemony. Hence, there is a direct link between assumptions, banal hegemony, and legitimization strategies within political discourse. The ability to shape the audience’s perception has significant implications for how they interpret the speech and, as such, how effectively public opinion related to the proposed legislation is influenced. Moreover, the assumptions made by Kenney are often directly or indirectly related to issues of law and order, which is a key aspect of neo-Conservative ideology. Such assumptions have the effect of bridging the gap between ideology and discourse while allowing the audience to interpret the debate in ideological terms.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC) moved that Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act, be read the second time and referred to a committee.

Mr. Speaker, I am pleased to have the opportunity to begin debate on Bill C-31, an act to protect Canada's immigration system.

Canada has a proud tradition as a welcoming country. For generations, for centuries, we have welcomed newcomers from all parts of the globe.

For more than four centuries, we have welcomed new arrivals, economic immigrants, pioneers, farmers, workers and, of course, refugees needing our protection. We have a humanitarian tradition that we are very proud of. During the 19th century, Canada was the North Star for slaves fleeing the United States. We accepted tens of thousands of black Americans and offered them freedom and protection.

Throughout the 20th century, we welcomed more than one million refugees, including those who fled communist governments, like the people of Hungary

in 1956, when we welcomed 50,000 Hungarian nationals. In 1979, we accepted 60,000 Vietnamese nationals, refugees who were fleeing that decade's communism. We are very proud of our tradition. With this bill, this government is going to reinforce and enhance our tradition of protecting refugees.

I am pleased to say that our government is increasing by some 20% the number of resettled refugees, UN convention refugees who are living in camps in deplorable circumstances around the world. We will now accept them and give them a new life and a new beginning here in Canada. We are also increasing by some 20% the refugee assistance program to assist with the initial integration costs of government assisted refugees who arrive here.

We continue to maintain the most generous and open immigration program in the world since our government came to office, welcoming more than a quarter of a million new permanent residents each year, the highest sustained level of immigration in Canadian history, adding 0.8% of our population per year through immigration, representing the highest per capita level of immigration in the developed world.

However, for us to maintain this openness, this generosity toward newcomers, both economic immigrants and refugees, we must demonstrate that our immigration and refugee programs are characterized by fair rules and their consistent application.

Canadians are a generous and open-minded people but they also believe in fair play. Canadians insist, particularly new Canadians, that those who seek to enter Canada do so in a way that is fully respectful of our fair and balanced immigration and refugee laws.

That is why Canadians are worried when they see large human smuggling operations, for example, the two large ships that arrived on Canada's west coast in the past two years with hundreds of passengers, illegal migrants who paid criminal networks to be brought to Canada in an illegal and very dangerous manner.

Canadians are also worried when they see a large number of false refugee claimants who do not need Canada's protection, but who file refugee claims because they see an opportunity in Canada's current refugee system to stay in Canada permanently and have access to social benefits even though they are not really refugees in need of our country's protection.

Canadians want Parliament and this government to take strong and meaningful action to reinforce the integrity and fairness of our immigration and refugee systems, which is why we tabled Bill C-31.

In beginning this speech, Kenney uses *moral evaluation* to describe Canada as having “a proud tradition as a welcoming community” and using the *emotion mythopoesis* describes Canada’s response to the people of Hungary and Vietnam. Beyond serving as an example of *national self-glorification*, the reference to Hungary also has a political motive, given that many refugee claimants, specifically Roma, are from Hungary. He describes legitimate Hungarian refugees as having “fled communist governments” (which references the ideological undertones of immigration policy in the 1950s and 1960s). The *implication* is that refugees from “communist Hungary” are legitimate while refugees from “democratic Hungary” are not.

In referencing Canada’s response to American slavery, Kenney is invoking *national self-glorification*. He also uses *numbers game* to remind the audience of Canada’s commitment to legitimate refugees from Hungary (“welcomed 50,000”) and Vietnam (“accepted 60,000”). As such, there is historical precedent for having accepted a significant number of refugees from those countries, though the emphasis is on those fleeing Communist regimes. Here we can again see how Kenney is establishing legitimacy by defining the “ideal type” of refugee (Cohen 2006, 128). These refugees are given a privileged, though temporary, position within Conservative discourse becoming the standard to which all other refugees (and asylum seekers) will be compared. Those who do not meet the standard are deemed to be illegitimate.

Kenney again uses *national-self-glorification* as well as *repetition, authorization* (specifically traditional authority) and *positive self-presentation* when he states: “[w]e are very proud of our tradition. With this bill, this government is going (also *deontic*

modality) to reinforce and enhance our (*vague*, perhaps Conservative? or Canadian?) tradition of protecting refugees.” This is also an example of *moral evaluation* and *positive self-presentation*. For Kenney, protecting these particular refugees remains the right and moral approach. By focusing only on the positive aspects of Canada’s response to refugees, Kenney is practicing the *selection of arguments* bias. For example, he fails to mention Canada’s response to the Jews during the Second World War (although he did reference them in his 2010 speech).

In describing the government’s plan for refugee reform, Kenney stresses that the number of resettled refugees would increase “by some 20%.” This is an example of *positive self-presentation*, the *selection of arguments* bias as well as the *error of meaningless statistics*. First, Kenney fails to note that these increases would result from increases in the Privately Sponsored Refugee Program (PSRP) as opposed to government sponsorship. As such, there is no way to know whether the 20 percent threshold would ever be met. Such a statement places the government in a positive light without having to be held accountable for achieving the target. It also gives a false impression that the government is increasing overall refugee numbers. In fact, the increase is perhaps suspect given that, on only one occasion since 2003, did the PSRP exceed its annual target. It is interesting to point out that in his 2010 speech, Kenney suggested that Canada would increase the number of resettled refugees by 2,500 to 14,000 (20 per cent of 11,000 target is 2,300 not 2,500) though his use of *vagueness* may help explain this discrepancy.

Table 11: Private Sponsorship Program Target and Actual Numbers: 2003-2011

	2003	2004	2005	2006	2007	2008	2009	2010	2011
Lower end of target	2,900	3,400	3,000	3,000	3,000	3,300	3,300	3,300	3,800
Higher end of target	4,200	4,000	4,000	4,000	4,500	4,500	4,500	6,000	6,000
Actual arrivals	3,252	3,115	2,975	3,337	3,588	3,512	5,036	4,833	5,582

Source: Annual Report to Parliament on Immigration 2004-2012, CIC; adapted by the author

Kenney reinforces his point by using *deontic modality*: “we will now accept them and give them a new life and a new beginning here in Canada.” It is also a clear distortion of social facts since it is not the Government of Canada that gives refugees “a new life and a new beginning” but those groups availing of the Private Sponsorship Refugee Program. He also combines *national self-glorification* and *positive self-presentation* when he comments on his government’s action: “we continue to maintain the most generous (also *hyperbole*) and open immigration program in the world since our government came to office....” Hence, there is the *implication* that the system was not as generous or open prior to the Conservatives coming to power.

Kenney continues with the *numbers game* and *positive self-presentation* when he references the “more than a quarter of a million new permanent residents each year, the highest sustained level of immigration in Canadian history....” The intent is to communicate to the audience that the Conservative government is doing more for immigrants than any other government in Canadian history (which is also untrue and thus a distortion of social facts). It is also an example of *selection of arguments bias* since about fifteen percent of Canada’s new permanent residents are refugees.⁹¹

⁹¹ Citizenship and Immigration Canada, “Annual Report to Parliament on Immigration, 2012,” last modified October 31, 2012, accessed June 23, 2013, <http://www.cic.gc.ca/english/resources/publications/annual-report-2012/index.asp>.

Using a *hedge* (i.e., however), *positive self-presentation*, and *rationalization*, Kenney states that “to maintain this openness, this generosity toward newcomers ... we must demonstrate that our ... programs are characterized by fair rules and their consistent application.” By referencing “fair rules,” Kenney is again using the well-known strategy of *fairness*. While decisions are based on humanitarian and compassionate grounds, “political realities” are such that difficult decisions must be made. To ensure the government will not be accused of prejudice, such policies are described as “firm but fair” (van Dijk 1997). It is also another example of *authorization* (specifically impersonal authority).

Kenney uses *moral evaluation* and *appeal to popularity* to reinforce the point that Canadians, particularly new Canadians, insist that those who enter Canada do so “in a way that is fully respectful (also *hyperbole*) of our fair and balanced refugee laws.” Doing it this way is therefore the right and only way. Kenney’s use of *repetition*, especially the phrase “fair and balanced” is a recurrent theme throughout this and his 2010 speech. Similarly, *consensus*, *fairness*, and *moral evaluation* are evident when Kenney argues that “Canadians want Parliament and this government to take strong and meaningful action to reinforce the integrity and fairness of our immigration and refugee systems, which is why we tabled Bill C-31.” By invoking Canadians via the *appeal to popularity* fallacy, Kenney is presenting his argument as that which is supported by its citizens. It is therefore the appropriate approach to achieve refugee reform.

Kenney combines both the *emotion mythopoesis* and the *risk mythopoesis* in order to secure sympathy as well as to bring attention to an emerging crisis. With regard to the former, he suggests that Canadians are worried and uses the mini-narrative of large

smuggling operations to underscore the threat. As an *appeal to fear* fallacy, the anecdote also utilizes *vagueness* and the *numbers game* (“two large ships”; “hundreds of passengers”) as well as *hyperbole* (“very dangerous manner”). It also reinforces banal hegemony by communicating to the audience the belief that individuals arriving via “criminal networks” are illegal. He extends the narrative – and accentuates “the threat” – by stating that refugees make false claims in order to access Canada’s social benefits. In fact, Kenney is able to use these mini-narratives to reinforce the *discourse of criminality*, the *discourse of fraud*, and the *discourse of securitization*. These anecdotes are also used to support his point that Canada and Canadians are accepting of refugees but such acceptance must be tempered (also *appeal to popularity* and *national self-glorification*). Not only is it as a means to an end (hence *rationalization*) but it is also a variation of the firm but fair argument.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): The bill has three principal elements. First, it includes essentially all of the provisions of the bill currently on the order paper known as Bill C-11, a bill designed to combat human smugglers from targeting Canada and treating this country like a doormat; second, it includes important revisions and improvements to our asylum system to ensure that we grant fast protection to bona fide refugees who need Canada's assistance, but that we remove from Canada false asylum claimants who seek to abuse our generosity; and third, it would provide for the legislative authorities for the creation of a new biometric temporary resident visa program which would be the single-most important advance in immigration security screening and the integrity of our system in decades.

With regard to the first question, as I was saying, the destination for major voyages organized by criminal networks in Southeast Asia and human smugglers was Canada. Only two major voyages have reached Canada in the past two years. Thanks to the efforts of our intelligence and policing agencies and the co-operation of the countries of transit of the illegal migrants from Southeast Asia, we managed to prevent a number of other human smuggling voyages from reaching Canada.

Thanks to the strong investigatory police and intelligence operations of our agencies in Southeast Asia and in West Africa, we have succeeded in preventing several large planned voyages of illegal smuggled migrants to Canada. I know some members of the opposition categorize these as humanitarian missions of hapless refugees but we need to be clear on what we are talking about. The networks targeting Canada were typically gunrunners running illegal armaments and weapons into the Sri Lankan civil war. They were profiteering from one of the deadliest civil wars around the world in recent decades. When the war ended, they needed a new commodity to move so they took on people. Every year around the world, thousands of people die in dangerous illegal human smuggling operations, whether they are marine migrants off the coasts of Australia, or people being smuggled in cargo containers who suffocate to death as they cross the British Channel, or people who are dying while trying to cross the Mexico–U.S. border under the guidance of coyotes of illegal smugglers.

Every year, thousands of people die as a result of human smuggling networks. We therefore have a legal and moral obligation to put an end to these dangerous human smuggling operations and prevent the deaths that occur each year.

I do not want to be the Minister of Citizenship, Immigration and Multiculturalism on whose watch we have a large vessel of illegal smuggled migrants headed to Canada in a leaky vessel that goes down in the Pacific Ocean at the great cost of human life if we have not done everything within our power to prevent human smugglers from targeting this country.

In this section of his speech, Kenney briefly reviews the key aspects of the proposed legislation, noting that it contains three segments: Bill C-11: *The Balanced Refugee Reform Act*; “important revisions” to the asylum system; and the creation of a new biometric Temporary Resident Visa Program. There is the *implication* that these “important revisions” are the changes agreed to in the 2010 legislation and the changes that the Conservatives seek to rescind. Using a *metaphor*, he notes that Bill C-11 is designed to combat human smugglers and to prevent them from “treating this country like a doormat.” The *implication* is that since Canada’s borders are too open, access must be restricted if Canada is to be protected from these criminal groups.

By using *hegemonic positioning*, it becomes easier to justify such measures if, first, those refused entry or detained are not regarded as legitimate refugees and; second, are linked to criminal networks. As such, it helps to reinforce banal hegemony. There is also the *implication* that such measures will protect Canada, even if it results in barring “smuggled migrants,” who may have a legitimate refugee claim. Perhaps even more interesting is a recent Supreme Court of Canada decision in which the justices rejected a guilt-by-association approach, arguing that in order to reject an asylum claim, there must be proof that a claimant made a significant contribution to the crime or to the criminal purpose of a criminal group.⁹² Unlike his 2010 speech, the focus is increasingly on maintaining border control, which speaks directly to the liquid modern state’s new preoccupation with smuggled asylum seekers (Bauman 2005, 22).

Negative Other-presentation is evident, and *hegemonic positioning* employed, when Kenney states that “important revisions and improvements [will be made] to our asylum system to ensure that we grant fast protection to bona fide refugees who need Canada’s assistance, but that we remove from Canada false asylum claimants who seek to abuse our generosity.” *Authorization* (specifically impersonal authority) is evident when Kenney referenced “legislative authorities” when discussing the new biometric temporary resident visa program.

In the only instance of the *assistance mythopoesis*, Kenney outlines the efforts of law enforcement agencies in mitigating the threat to Canada and Canadians. He reminds the audience that “the threat” still exists but the agencies “managed” to prevent the

⁹² *Ezokola v. Canada* (Citizenship and Immigration, 2013 SCC 40 (Can.).

voyage from reaching Canadian shores.⁹³ The concept of management is one Bauman (2005, 53; emphasis in original) notes as having specific connotations. He writes:

To manage, in a nutshell, meant to get things done in a way people would not follow on their own and unattended. It meant to *redirect* events according to one's own design and will. In other words, "to manage" (to control the flow of events) came to mean the manipulation of probabilities ... in the last account, "to manage" means to limit the freedom of the managed.

Bauman's interpretation is perhaps ironic given that managed not only means the control of goods and people but also of information. Here, Kenney is not only determining who can come to Canada but also is controlling the flow of information. Clearly, there is a link to be made to mobility and hegemony.

Using *hegemonic positioning*, Kenney demonstrates that smuggled humans are not a legitimate group that demands protection. Discussing the "voyages organized by criminal networks" is a clever use of *irony*, as he attempts to link human smuggling with a vacation cruise. He uses *repetition* to reinforce his point. "Voyages" is reiterated three times in the same paragraph. Furthermore, "voyages" and "countries of transit" are both examples of *euphemism*. By using "managed," there is also the *implication* that the authorities were barely successful; hence, these regulations are needed in order to fully ensure Canada's protection from criminal networks. As such, it is another example of *rationalization*. Using *hyperbole* and *authorization* (specifically impersonal authority), Kenney again references the work of law enforcement agencies "in preventing several

⁹³ The practice of intercepting vessels in transit is known as maritime interception and is often used as a means to prevent would-be asylum seekers from reaching a states' border. Interestingly, Canada does not directly engage in maritime interception but does regularly collaborate with other countries on joint interception activities (Arbel and Brenner 2013, 53).

large planned voyages of illegal smuggled migrants.” This statement is *vague* in that he speaks of “several large planned voyages” without indicating how many or how large (also *pseudo-precision*) or confirmation that they were actually “planned.” The use of the phrase “planned voyages” is perhaps an unintentional use of *irony* given that most vacations are “planned.” It is interesting to note that none of these issues was a concern during the 2010 debate.

Rationalization, negative other-presentation, hegemonic positioning, and irony are evident when he states that: “I know some members of the opposition categorize these as humanitarian missions of hapless refugees but we need to be clear on what we are talking about.” It is, in effect, the way illegal migrants arrive in Canada so action must be taken to prevent their arrival. Such statements speak to politicians’ need to control, despite their continued loss of control, so they manufacture the “phantom enemy” as that which ought to be controlled (Bauman 2007, 16). This *implication* is also designed to ensure that the audience knows that “We” (i.e., Canada) are not dealing with “hapless refugees” but “criminal migrants.” Lisa Marie Cacho (2012, 23) makes an important observation regarding racialized minorities arguing that unlike their white counterparts, whose crimes are judged individually on the basis of their conduct, illegal migrants are more likely to be criminalized without regard to their actions or intentions. Here Kenney is attributing criminality to a group of individuals who have not committed a crime – it is their actions, and intention to seek asylum in Canada, that is criminalized.

Using *vagueness*, Kenney states that: “every year around the world, thousands of people (also *numbers game*) die in dangerous (also *hyperbole*) illegal human smuggling operations.” Furthermore, this extended narrative is also an example of the *risk*

mythopoesis. Kenney skillfully shifts the discussion away from human smuggling to gunrunners. The goal here is to communicate to the audience that these so-called “hapless refugees” are, in actuality, utilizing criminals who are “profiteering from one of the deadliest civil wars around the world in recent decades.” The intent is to demonstrate to the audience that these measures are needed in order to prevent smuggling. As an example of *rationalization*, the government must ensure that these individuals are stopped and the proposed legislation is the way to achieve it. Unfortunately, the reality of the situation is that the measures do little to address smuggling but instead punish the smuggled – a point Kenney accedes later in his speech.

He further supports his point by noting that the former gunrunners in the Sri Lankan civil war have turned to human smuggling as a “new commodity” (also *metaphor*).⁹⁴ The *implication* is that the former Sri Lankan gunrunners are human smugglers targeting Canada. Using *comparison*, the minister notes examples from Australia, Great Britain and Mexico to suggest that similar credible countries have engaged in similar legitimate actions. Kenney uses *negative Other-presentation* when he refers to those smuggled as “marine migrants” – they are never referred to as “refugees,” or “asylum seekers,” since doing so would convey legitimacy. Kenney also uses a *metaphor* when he refers to the smugglers as “coyotes.” Interestingly, “coyote” is derived from the Aztec word *coyōtl* meaning trickster; however, in contemporary slang, it is used to refer to a person who smuggles Mexican nationals across the American border for a

⁹⁴ Such a reference is interesting given that less than 20 years prior, Canada was accepting refugees from Sri Lanka en masse.

fee.⁹⁵ Such terminology helps to reinforce the illegitimacy of the claimants. Here the processes of criminalization, as constituted through discourse, are highly evident: by dehumanizing and categorizing asylum seekers as unworthy of protection, the Conservatives are intentionally presenting them as ineligible for sympathy, compassion, or support from the audience. It is a clear example of the effect of banal hegemony.

Kenney repeats the argument that “every year, thousands of people (*numbers game* and *vagueness*) die as a result of human smuggling networks.” Kenney uses *moral evaluation* and *authorization* (specifically impersonal authority) when he states that “we therefore have a legal and moral obligation to put an end to these dangerous smuggling operations and to prevent the deaths that occur each year.” This legislation is needed because it is the right thing to do to prevent unnecessary deaths. There is also the *implication* that by increasing barriers to access, Canada will be in a position to prevent the deaths of the smuggled migrants. Kenney further states that he does not want “to be the Minister of Citizenship, Immigration and Multiculturalism on whose watch we have a large vessel ... headed to Canada in a leaky vessel that goes down in the Pacific Ocean at the great cost of human life....” This is an example of the *cautionary mythopoesis*, which involves describing the “bad” things that would happen if one does not do what is expected (Fairclough 2003, 98-99). Therefore, by implementing this legislation, it is expected to prevent human trafficking. In each of these examples, Kenney is attempting to appeal to the dominant population’s sympathies (hence the *emotion mythopoesis*) and their sense of morality – though squarely framed as a mechanism of “control.”

⁹⁵ Dictionary.com, s.v. “coyote,” accessed August 25, 2013, <http://dictionary.reference.com/browse/coyote>.

As asylum seekers are the embodiment of “human waste,” politicians must strive to “reconcile the irreconcilable.” While there remains a desire to “dispose of the noxious human waste” by denying it entry, there remains, at the same time, a need to gratify politicians’ own moral righteousness (Bauman 2007, 40). As such, asylum seekers are framed as victims of criminal middlemen whose exploitation results in lives lost. To prevent this suffering is to deny entry – the fact that it serves states’ interests is merely serendipitous. In fact, states are increasingly using “humanitarian grounds” as a means to seal off access to the state while doing little, if anything at all, to address the root cause (Bauman 2007, 52).

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): The anti-smuggling provisions of Bill C-31, which were previously included in Bill C-11, would give us additional tools to combat the smugglers. First, it would impose stronger penalties, both in financial fines and prison sentences, on the ship owners and the smugglers, although, admittedly, it is very hard to prosecute the smugglers because they typically operate offshore.

Second, the bill would enhance detention provisions for smuggled migrants who arrive in an operation that would be designated by the Minister of Public Safety as a designated irregular arrival or smuggling event. This is because when hundreds of people arrive in such an operation without documents, without visas, having arrived illegally in violation of several immigration and marine laws or other statutes, we need the time to be able to identify who they are. We need to know whether they are admissible to Canada and whether they constitute a security risk to our country. We cannot practically do that for a large number of smuggled migrants overnight.

We have to be able to keep illegal immigrants in custody, in a completely humanitarian way, so that they can be identified. However, let us be clear, Bill C-31 continues to give migrants, even illegal and smuggled migrants, the right to file a claim for refugee protection with the Immigration and Refugee Board. We will therefore not refuse anyone access to our asylum system, even in cases where people arrive in the country in illegal ways.

The bill proposes humanely detaining migrants who arrive through illegal smuggling operations for up to 12 months without review.

That again would allow our intelligence agencies to do the necessary background checks on such individuals.

I should mention that these provisions are far more modest than those used in most other liberal democratic countries like Australia, New Zealand, the United States, the United Kingdom and most European countries.

Finally, we would disincentivize illegal migrants from paying often tens of thousands of dollars to criminal gangs in order to be smuggled to Canada by indicating that even if they get a positive protection decision at the IRB, if they arrived in a designated irregular smuggling event, they would not receive permanent residency for at least five years. They would receive protection.

They would not be refouled to their country of origin. We would be fully respectful of our legal and moral obligations under the United Nations universal conventions on refugees and torture, as well as our obligations under the Charter of Rights and Freedoms, as defined by the Supreme Court of Canada in the Singh decision and other jurisprudence.

We would fully respect our absolute obligation of non-refoulement of people deemed to be facing risk to their lives or persecution in their country of origin, but we are not obliged to give immediate permanent residency to such individuals. With immediate permanent residency comes the privilege, not the absolute right but the privilege, of sponsorship of family members. The reason is that many smuggled migrants, we know from our intelligence, calculate that they will be able to pay the \$40,000 or \$50,000 obligation that they have made to the smuggling network by sponsoring subsequent family members to help them pay off the debt. We need to create some doubt in the minds of would-be smuggled migrants that they would be able to benefit from such provisions as family reunification. That is what the bill seeks to do.

Using *rationalization*, Kenney notes that the bill would provide the government with the “tools” to combat smugglers. While he states that the bill would impose stronger penalties (in the form of fines and prison sentences), he acknowledges that prosecution will be “very hard.” This is an example of the *lip service selection* bias. While Kenney notes a key problem with the legislation, it is done in such a fleeting manner to give the impression that alternate options were considered and weighed (Walton 1999, 98). He also indicates that the bill would “enhance detention provisions for smuggled migrants”

and, using *euphemism* and *negative Other-presentation*, describes the arrival as an “operation,” a “designated irregular arrival,” and a “smuggled event.” Moreover, using the phrase “designated irregular arrival” has the effect of dehumanizing refugees. He also indicates that such actions are necessary “when hundreds of people (*numbers game* and *vagueness*) arrive in such an operation, without documents, without visas, having arrived illegally in violation of several immigration and marine laws or other statutes.” The use of such terms is designed to place the activities within a legal context (hence *authorization*, specifically impersonal authority) thereby conferring legitimation. Here, we see how asylum seekers are presented as a new form of statelessness. They are portrayed as “outlaws,” flaunting their illegality by simply presenting at a border to make a claim. In fact, these individuals are in a constant state of precariousness and “liminal drift” since their destination often remains unclear and the places where they seek refuge remain inaccessible (Bauman 2007, 38).

It is also an example of *rationalization*, as the blame is being placed on the smuggled rather than the smuggler. Again, the issue is the fact that the UNHCR expressly forbids signatory states from imposing sanctions for falsified documents. This provision was further recognized in a 2013 British Columbia Supreme Court decision (Arbel and Brenner 2013, 32). These issues are complicated by the fact that, in many cases, asylum seekers arrive without documentation or money because they have been abandoned by the smugglers (Vayrynen 2003, 15). Using *hegemonic positioning*, Kenney focuses on the legality of the actions, arguing that such actions must be taken to protect Canadians. He reiterates the point that illegal immigrants must be detained and reinforces the idea that it must be done in a “completely humanitarian way” (*rationalization*). As the origins of

these individuals are unknown, it is appropriate to detain them in this manner. This must be done in order to protect Canadians. He augments his argument by using *comparison*, noting that “these provisions are far more modest than those used in other liberal democratic countries like Australia, New Zealand, the United States, the United Kingdom, and most European countries.” The minister’s goal is to forestall argumentation by comparing similar states with Canada – if other “liberal democratic states” (who presumably are above reproach) are taking similar actions, then the government cannot be accused of being prejudicial. There is perhaps the epitome of controlling mobility. For asylum seekers arriving in Canada, freedom – the right of mobility – is not an entitlement but a gift (Cacho 2012, 92). Because freedom is viewed as a gift, it therefore can be revoked.

Kenney further states that the goal is to “disincentivize (sic) illegal migrants (*negative Other-presentation*) from paying tens of thousands of dollars (*numbers game*) to criminal gangs (also *euphemism*) in order to be smuggled to Canada....” The *implication* is that the bill would dissuade refugee claims rather than address smuggling as a criminal enterprise. Hence the discussion is not about who is a refugee but rather whether they should be allowed to enter in the first place. If smuggled migrants know they will be denied entry, they are unlikely to seek out smugglers. Unfortunately, it is more the fear of the migrant than concern over his/her safety that prompts defensive action. The threat posed is, in fact, a “fantasy that has been exaggerated and distorted by politicians” (Bauman 2007, 15).

By using the term “gangs,” there is also the *implication* that there is a certain level of organization and that criminal gangs are behind these events, thereby reinforcing the

discourse of crimmigration. Perhaps the key point here is that this legislation is designed not to punish current crimes but future ones that asylum seekers are likely perceived to commit. These are crimes “...premised upon and justified by the attribution of ‘affectability,’ as a contagion or condition carried by people who come from places where race, cultural difference, persistent poverty, and criminality cannot be disentangled” (Cacho 2012, 95). When the state marks humans in this manner, the threat of deportation or restricting mobility is not perceived as exceptionally severe punishments; rather they are viewed as pre-emptive measures of social protection.

Kenney uses *euphemism* and *negative Other-presentation* when he refers to the arrival of refugees as a “designated irregular smuggling event.” This *rationalization* strategy demonstrates that despite receiving protection, these individuals would have their rights curtailed (e.g., they could not apply for Permanent Resident status for five years). From Kenney’s perspective, doing this in this manner is an appropriate course of action because it would act as a disincentive for “illegal migrants.” While he notes using *authorization* (specifically impersonal authority) that the government would fully respect its “legal and moral obligations under the United Nations universal conventions,” he fails to note the realities of denying an individual Permanent Resident status and qualifies it using a *hedge* when he states that the government is under no obligation to grant Permanent Resident status. His statement regarding the proposed legislation is the only direct example of discrimination in his speech given that other individuals who arrive under “normal” circumstances would not be barred from receiving Permanent Residency. Moreover, without such status, these individuals would be denied access to key social services, a point van Dijk reiterates throughout his scholarly works.

Using *authorization* (specifically, impersonal authority), Kenney notes that “migrants, even illegal and smuggled migrants (also *negative Other-presentation* and *hegemonic positioning*), [will have] the right to file a claim for refugee protection...” *Repetition* is evident when Kenney reiterates that “the bill proposes humanely detaining migrants who arrive through illegal smuggling operations for up to 12 months without review.” The use of “humanely” and “completely humanitarian way” seem to be at odds with Kenney’s earlier comments regarding Canada’s humanitarian tradition. If we accept that Canada has a “long tradition of humanitarianism,” then Kenney’s use of these terms may call into question the legality of the proposed detentions. The discourse of humanitarianism is much less prevalent in this speech than in his 2010 one, and in fact, appears to have been supplanted by the criminality discourse. He attempts to further legitimate his position by arguing that such actions are necessary to ensure that law enforcement agencies can do proper “background checks,” which is an example of *rationalization*.

Kenney further argues that these individuals would use their status to sponsor their family members to pay off their “\$40,000 or \$50,000 obligation” (also *numbers game*). Hence, there is the *implication* that those who become Permanent Residents would immediately seek to sponsor their family members. Kenney also fails to note that his own department has placed a two-year embargo on parent and grandparent sponsorship applications. Moreover, those who sponsor family members must agree to be “...responsible for supporting their relative financially when he or she arrives. As a sponsor, they must make sure their spouse or relative does not need to seek financial assistance from the government” (Bassel, 2012, 100). There is also a minimum income

requirement to sponsor a family member. This point helps to demonstrate *selection of arguments* bias and calls into question the legitimacy of Kenney's argument. He concludes by stating that the measures are designed to "create some doubt in the minds of would-be smuggled migrants (again *negative Other-presentation* and *hegemonic positioning*) that they would be able to benefit from such provisions as family reunification." The *implication* is that the bill is designed to curb refugee claims rather than combat human smuggling. Such statements also add to the *discourse of criminality* and *fraud*. From the Conservative perspective, if asylum seekers can afford the fee to be smuggled to Canada, they cannot be legitimate refugees. Hence, it serves to reinforce banal hegemony.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Second, let us look at the changes to the asylum system proposed in the bill. I would first like to remind the hon. members that, in June 2010, this House approved important and balanced reforms to the asylum system in order to make it fair and effective, but the current system is broken. It is not working. It takes almost two years for refugee claimants to get a hearing before the IRB. That means the real victims of persecution must wait almost two years to be certain that they have Canada's protection. That is unacceptable.

However, we are seeing an increasing number of false claims for refugee protection in the system. More specifically, since the bill on balanced reforms to the asylum system passed in 2010, there has been a rising tide of false asylum claims filed by nationals from countries that are completely democratic, liberal and respectful of human rights. I am speaking specifically about countries in the European Union. Frankly, I find it a bit strange that we are receiving more refugee claims from the European Union than from Asia or Africa. It does not make any sense.

Last year, we received 5,400 refugee claims from European nationals, almost none of whom attended their hearings before the Immigration and Refugee Board. That means that almost all European claimants abandon or withdraw their own refugee claims.

Virtually all of these European asylum claimants are abandoning or withdrawing their own asylum claims. They are not even showing up for the hearing. However, what almost every single one of them does show up for is the initial interview that is required to get the status document as an asylum claimant which qualifies them for an open work permit, full interim federal health care benefits, which are better than the health benefits available to most Canadians, provincial welfare payments, and several federal cash grants for programs.

We stand for the protection of real refugees. We stand against the abuse of Canada's generosity. That is why these measures are necessary. They take a balanced approach. I regret to see members of the opposition turn a blind eye to what is widespread abuse of the system. That is not my opinion. That is a reflection of the fact that in too many cases the applicants do not show up for their hearings, but they do show up to collect Canadian social benefits.

What we seek to do is strengthen the reforms adopted in 2010 by allowing the minister to more quickly designate certain countries which are known not normally to produce refugees, which countries would see an abandonment rate at the IRB of 60% or more, or a rejection rate by the IRB of cases heard of 75% or more, and/or which countries are respectful of human rights and are signatories to the UN convention on refugees, which have an independent judiciary and allow independent NGOs to operate. These are the kinds of countries we are talking about. Claimants from those countries would receive a hearing at the IRB in a delay of about 45 days and that is it. They would receive no further appeals.

Kenney shifts discussion to the proposed changes to the asylum system, noting that while Parliament approved changes to IRPA in 2010, the changes did not address all issues with the system. Using *moral evaluation*, he references the values of fairness, balance, and effectiveness. He writes: “this House approved important and balanced reforms to the asylum system in order to make it fair and effective, but the current system is broken.” Using *deontic modality*, Kenney states that “[i]t is not working” though he fails to explain how the system is not working. Using *rationalization*, he suggests that the “real victims of persecution” (also *negative Other-presentation* and *hegemonic positioning*) are disadvantaged by illegal claims, concluding, using *deontic modality*, that

“[t]his is unacceptable.” In effect, such language use justifies the ways in which immigration legislation is being repurposed to function like criminal law, i.e., to mete out punishment.

By referring to legitimate refugees this way, the *implication* is that illegitimate refugees are not real victims, and therefore, do not deserve protection. Using *vagueness*, he indicates that “we (presumably government) are seeing an increasing number of false claims for refugee protection in the system.” He also uses the well-known *flood metaphor* when he describes the “rising tide of false asylum claims” and uses *negative Other-presentation* and *hegemonic positioning* when he refers to refugee claimants as “nationals from countries that are completely democratic, liberal and respectful of human rights.” The *implication* is that democratic countries do not produce refugees (hence the term “nationals”). It is also an example of the *risk mythopoesis*, as he describes the threat by referencing the metaphoric overwhelming “tide” of false claims.

Using *negative Other-presentation*, Kenney refers to refugee claimants from the European Union as “European nationals” and uses the *numbers game* to argue that the large number of illegitimate claims warrants action. Using *hegemonic positioning*, he makes the point that legitimate refugees do not come from the EU, concluding that “[i]t does not make any sense.” This is also an example of *moral evaluation* since it is supposedly natural to assume that legitimate refugees are more likely to come from countries other than those in Europe. Using *negative Other-presentation*, he states that “almost none attended their hearings” and, as such, employs a *faulty premise*. He uses *repetition* and again employs *negative Other-presentation* when he states that “[v]irtually all of these European claimants are abandoning or withdrawing their own asylum claims.”

The *implication* is that “European nationals” are illegitimate refugees. Here asylum seekers are being subjected to the type of power-knowledge that enables Kenney to implicitly “know” that European nationals are both criminals and frauds.

Kenney also uses *sarcasm* and *negative Other-presentation* when he states that “...what almost every single one of them does show up for is the initial interview that is required to get the status document as an asylum claimant which qualifies them for an open work permit, full interim federal health care benefits ... provincial welfare payments, and several federal cash grants for programs.” It is also a *hasty generalization* when he concludes that the benefits refugee claimants receive under the Interim Federal Health Program [IFHP] are better than “the health benefits available to most Canadians.” This is also a distortion of social facts as the Conservatives in early 2012 moved to severely restrict access to support under the IFHP.⁹⁶ These statements speak directly to the *discourse of fraud*. It is in this section of his speech that Kenney fully derogates asylum seekers by presenting them as criminals and frauds. Using *hegemonic positioning*, he frames them as unworthy of protection based solely on the fact that they avail of programs and services which they are legally entitled to under Canadian law. By juxtaposing asylum seekers against refugees, the Conservatives are not only able to convince the broader public of the need for the legislation but that illegitimate and legitimate refugees are appropriate social categories.

⁹⁶ Citizenship and Immigration Canada, “Reform of the Interim Federal Health Program ensures fairness, protects public health and safety,” news release, April 25, 2012, <http://www.cic.gc.ca/english/department/media/releases/2012/2012-04-25.asp>.

Kenney uses *epistemic modality*, and *authorization* (specifically personal authority) when he states: “[w]e stand for the protection of real refugees. We stand against the abuse of Canada’s generosity. That is why these measures are necessary.” There is the *implication* that only Conservatives will protect “real refugees;” Conservatives will ensure that Canada’s generosity is not abused; and that the other parties will not be as vigilant. Kenney also argues that by strengthening the system, they will be better positioned to protect “real refugees.” As such, it is an example of *rationalization*. There is the *moral evaluation* that the measures outlined in the bill will have the effect of “protecting real refugees [or preventing] ... abuse of Canada’s generosity.” Kenney’s repeated accusation that asylum seekers are abusing Canada’s generosity is interesting given that there was only one such accusation in his 2010 speech. He also uses *negative Other-presentation* to describe “real refugees” as those who are entitled only to protection.

Kenney uses *metaphor* and the *poisoning the well* fallacy when he refers to the opposition as “turn[ing] a blind eye to what is widespread abuse of the system.” The *implication* is that the opposition is oblivious to the abuse. He also suggests that such statements are true (though which statement he is referring to is unclear), and using *repetition* and *negative Other-presentation*, argues that “in too many cases the applicants do not show up for their hearings, but they do show up to collect Canadian social benefits.” It is thus an example of the *rigidity of stereotyping bias*. He could have easily referenced the number of refugee claimants who get jobs or who have contributed to Canadian society. Despite offering no evidence to support his claim, Kenney presents asylum seekers as *de facto status* criminals – these are individuals who do not need to do

anything to commit a status crime because their status as an asylum seeker is the offense (Cacho 2012, 43). A de facto status crime is one that "...does not refer to illegal activity; rather it refers to others' perception that a person of a certain status is certain to commit future crimes and may well have already committed crimes unwitnessed" (Cacho 2012, 43).

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Under the current system, with the redundant administrative appeals and post-claim recourses, a manifestly unfounded asylum claimant is able to stay in Canada often for up to five or six years or longer and claim benefits that whole period of time. This is a positive incentive for false claimants to abuse and clog up our system, while delaying protection for the bona fide refugees who do need our protection.

I reiterate that the bill would also create the new refugee appeal division. The vast majority of claimants who are coming from countries that do normally produce refugees would for the first time, if rejected at the refugee protection division, have access to a full fact-based appeal at the refugee appeal division of the IRB. This is the first government to have created a full fact-based appeal.

I find it ironic to hear members of the opposition complain that this government is insufficiently concerned about the procedural rights of refugees when the Liberals in particular refused to create the refugee appeal division. We are putting it in place because we want to ensure that real refugees get Canada's protection. That is why we are actually strengthening this dimension of the system.

Finally, the bill includes legislative authorities to allow the government to require foreign nationals to submit biometric data, particularly fingerprints and a digital quality photo, when applying for a temporary resident visa. In doing so, we would be adopting the same approach as Australia, the United States, the United Kingdom, and increasingly the European Union to harness new technology to facilitate the movement of legitimate visitors, travellers, business people and students to Canada, yet we would be able to better detect those who intend to do this country harm. I have a long list of criminals who have come back to Canada, some as many as 10 times, on fake documents and fake passports. One was deported eight times on more than 30 counts, including theft and fraud, and kept coming back to Canada on fake documents. With biometric visas, that would no longer be possible.

I hope this bill will lead to serious consideration of these important measures to protect our proud humanitarian tradition of refugee protection and our large and open immigration system, but also to maintain the integrity and fairness of that system. That is something we owe all Canadians and new Canadians now and in the future.

Using *negative Other-presentation* and the *discourse of fraud*, Kenney refers to asylum claimants as “manifestly unfounded” and suggests that they “stay in Canada often for up to five or six years or longer and claim benefits the whole period of time.” He also suggests that this is a “positive incentive for false claims to abuse and clog up the system...” (also *metaphor*). The *implication* is that individuals only make claims in order to access Canada’s social system and that legitimate refugees do not make such selfish claims. As such, it serves to reinforce banal hegemony.

Using *positive self-presentation*, Kenney also notes that the Conservative government was “the first government to have created a full fact-based appeal.” This is an example of *selection of arguments* bias. He uses *negative other-presentation* and *poisoning the well* fallacy when he reminds the audience that the “...Liberals in particular refused to create the refugee appeal division.” While the previous Liberal government included an appeals division in its *Immigration and Refugee Protection Act* (IRPA), the division, however, was never implemented, a point that very few outside politics would know. Until the current bill is adopted, and the appeals division implemented, there is no difference between this bill and IRPA.

Kenney further argues that the legislation is designed to strengthen the reforms implemented in 2010 by “allowing the minister to more quickly designate certain countries which are known not normally to produce refugees....” This is perhaps the key part of his speech and nicely sums up the intent of the legislation. During the 2010 debate,

the opposition refused to pass the legislation until certain language was removed from the proposed bill – now that the Conservative have a majority, they will reinstate the contentious language surrounding the “safe countries of origin.” Using the *numbers game* and *authorization* (specifically impersonal authority), he suggests that the criteria for designation would be based on countries with withdrawn asylum claims greater than 65 per cent, or a rejection rate by the IRB of more than 75 per cent, and/or countries which are “respectful of human rights and are signatories to the UN Convention on refugees, which have an independent judiciary and allow independent NGOs to operate.” The intent is to convince the audience that only a few countries would fit such stringent criteria and to ensure that the measures are not prejudicial. As an example of *rationalization*, it serves a legitimating function. Kenney goes on to argue that by strengthening the system, the government will be better positioned to protect “real refugees” – which includes both *euphemism* and *negative Other-presentation*. It is therefore an example of banal hegemony.

Kenney begins his conclusion by briefly discussing the collection of biometric data. He uses the term “foreign nationals” (also *euphemism* and *negative Other-presentation*) to describe those who are subject to the regulations. Using *comparison*, he notes that such data collection is already in use in the United States, Australia, the United Kingdom, and parts of the European Union. The intent is to deflect criticism away from the regulations by pointing out other immigrant-receiving countries that are using it. He further suggests that it will be used to track “legitimate visitors, travellers, business people, and students to Canada.” The *implication* is that the system will also track refugee claimants, a group not referenced in his list, in order to potentially limit their entry.

Using *rationalization*, he argues that the system will allow Canada to “better detect those who intend to do this country harm.” Of course, who “those” are is left intentionally *vague* though there is the *implication* that they are asylum seekers. Kenney concludes by referencing “a long list (also *vagueness*) of criminals who have come back to Canada, some as many as 10 times, on fake documents and fake passports.” The *implication* is that those who use fake documents and fake passports are criminals. Kenney is also conflating criminal use of fake documents with those employed by asylum seekers. Since no legitimate refugee would need to resort to such “trickery,” those who do so must be criminal. It therefore reinforces banal hegemony as asylum seekers are rearticulated as criminals. Using a combination of the *emotion mythopoesis* and the *risk mythopoesis* as well as the *hasty generalization* fallacy, he notes that one individual returned to Canada eight times having been charged with 30 crimes. Such a vignette is designed to defend the general point about the need for biometric visas and to highlight the threat Canada faces in the twenty-first century. It also has the effect of linking asylum seekers to criminality thereby reinforcing the discourse of *crimmigration*.

Every Country is Capable of Producing a Refugee: Don Davies’ Speech

One of the more compelling aspects of Don Davies’ speech is his use of intertextuality to counter Kenney’s arguments. Davies’ use of intertextuality is important here as he is the only speaker to quote Kenney: first, noting that he disparaged refugees when he suggested that they were criminals, bogus and queue jumpers; second, noting that Kenney suggested an independent advisory board for determining safe country of origin lists would make the process more transparent; and third, noting that Kenney felt

the panel had merit. Since Fairclough's (1992) main interest with regard to intertextuality rests with understanding its relationship to power relations, it follows that intertextuality is a place of contest and negotiation within these debates. Clearly, Davies' use of Kenney's own words provides the minister with a privileged position within this speech and such usage would not only have the most influence on the audience, but also serve to delegitimize Kenney's position.

Negative Other-presentation, at least as a semantic macro-strategy within immigration discourse, is designed to present Others, especially migrants, refugees and asylum seekers, as illegitimate or illegal in order to legitimate particular actions against them (van Dijk 2006). Another key aspect of the use of negative other-presentation (emphasis on the lowercase o), which is perhaps inherent in political and parliamentary debates but is rarely discussed within Critical Discourse Analysis, is the negative portrayal of one's parliamentary opponent. While CDA scholars perceive such usage as relegated to discussions of "the Other" (e.g., minorities, ethnic groups, asylum seekers, refugees, etc.), I maintain that it can also be used as an effective means of delegitimizing one's opponent or serve to delegitimize a particular party as a potent political force. For example, I argue that Davies utilizes negative other-presentation as a semantic strategy to delegitimize the positions of both the Conservative and the Liberal Parties. While criticism of these particular parties has the effect of weakening the overall opposition to the Conservatives, it also has the political effect of strengthening the NDP position in relation to the Liberal Party position.

Furthermore, Davies' use of negative other-presentation against the Conservatives (specifically Kenney's approach to framing refugee claimants as well as their part in

contributing to the backlog) and toward the Liberals (specifically the Liberals' failure to implement the RAD and their responsibility for creating the backlog) is designed to strengthen the NDP's position as the Official Opposition. By attacking the legitimacy of the traditional government parties, Davies is ipso facto delegitimizing that speaker's position. It is interesting that neither the Conservatives nor the Liberals use negative other-presentation against the NDP in their speeches – perhaps both believing that an NDP Official Opposition is an anomaly that will rectify itself in due course.

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I am pleased to stand and debate this bill and present the position of the official opposition, the New Democratic Party of Canada, on Bill C-31, improperly and inaccurately named “protecting Canada's immigration system act”, because this bill would do damage to Canada's immigration system legally, socially, morally and internationally.

I want to talk about the omnibus nature of this bill which, just from a structural point of view, is something that is a disturbing feature of the Conservative government. Canadians saw already in this Parliament, the government take nine separate pieces of serious and complex crime legislation and put them into one omnibus bill and then put that before parliamentarians to discuss and debate. Now we see the minister take two separate major pieces of legislation, as well as another serious issue, which is that of biometrics, and combine those into one bill.

For Canadians who may be watching this, I want to explain a bit about what those bills are. By introducing this bill, the minister has taken Bill C-11, which was introduced in the last Parliament, debated, went through committee, was amended and passed in this very House, went through all three readings at the Senate committee and passed there, received royal assent and was waiting to be implemented this June, and the minister has stopped that bill from being implemented this June. I will tell members a bit more about what the minister had to say about that bill in a few moments. That bill was geared toward reforming Canada's refugee system.

About that bill, in June 2010 the minister said:

We have, in good faith, agreed to significant amendments that reflect their input, resulting in a stronger piece of legislation that is a monumental achievement for all involved.

These amendments, I am happy to say, create a reform package that is both faster and fairer than the bill as it was originally tabled.

Those were the comments by the Minister of Citizenship, Immigration and Multiculturalism on Tuesday, June 15, 2010. The Minister has now taken the original bill that he had tabled in the previous Parliament, before those amendments that made it fairer and faster, and has thrown the amendments in the garbage and reintroduced the original bill, the very bill that he said was inferior to the amendments that were made by all parties of this House. The minister has, not unsurprisingly, neglected to explain that.

In addition, one of the first bills the Conservatives introduced in this Parliament was Bill C-4, again inaccurately and unconscionably titled a bill concerning human smuggling. It has been going through debate in this place but the minister has taken that bill and put it into this current Bill C-31. There is no explanation as to why he would take a bill, which has already been introduced and is moving through the system, slow it down and put it back into this legislative process, basically putting us behind where we would have been. I have a theory as to why that may be the case. Bill C-4 has been roundly condemned by virtually every group and stakeholder involved in the immigration system in this country, from lawyers, refugee groups, churches and immigrant settlement services across the board. I cannot name any group that has sent any message that it supports Bill C-4.

As well, the government has taken another issue, biometrics, and put that into the bill. What is puzzling about that is that approximately 30 days ago we commenced a study in the Standing Committee on Immigration and Citizenship on biometrics. We have had a handful of meetings and are in the middle of our study of biometrics and the government introduces legislative steps on the very thing we are supposed to be studying. I wonder what that says about the government's view of the work of standing committees and the experts and witnesses who appear before our committee when it actually comes to a conclusion before we have heard all the evidence.

In responding to Jason Kenney's sponsor speech, the Official Opposition Critic for Citizenship and Immigration, NDP MP Don Davies, states that the bill is "...improperly and inaccurately named." As such, there is the *implication* that the proposed legislation will not protect Canada's immigration system. Davies continues by criticizing the omnibus nature of the bill, and using *authorization* (specifically impersonal

authority), *moral evaluation*, and *hyperbole* describes the actions of the Conservative government as “disturbing.” Furthermore, using *comparison*, he links the current omnibus immigration to the previous crime legislation. Hence, there is the *implication* that if Canadians were concerned about the omnibus crime legislation, then they should be concerned about the omnibus immigration bill. He also makes the *moral evaluation* that the bill would “...do damage to Canada’s immigration system legally, socially, morally and internationally.”

Davies describes the crux of the changes, noting the extensive process that Parliament went through to pass the *Balanced Refugee Reform Act*. Using *intertextuality* and *authorization* (specifically impersonal authority), he reminds Canadians of Kenney’s statements regarding Bill C-11, and, using a *metaphor*, queries why the government felt obliged to throw “...the amendments in the garbage.” Using *moral evaluation* and *comparison*, he reiterates his issue with Bill C-4’s title, describing it as “...inaccurately and unconscionably titled a bill concerning human smuggling.” The *implication* is that the bill does nothing to address the issue of human smuggling and similarly, Bill C-31 does nothing to protect Canada’s immigration system. It is also an example of the *poisoning the well* fallacy.

Using a *rhetorical question*, Davies reiterates his confusion over the fact that a bill that had been previously passed was reintroduced: “I have a theory as to why that may be the case.” Through *authorization* (specifically expert authority) and *vagueness*, Davies stresses that the bill “...has been roundly condemned by virtually every group and stakeholder ... from lawyers, refugee groups, churches and immigrant settlement services across the board.” The *implication* is that the bill will unfairly target asylum seekers and

does nothing to address issues related to human smuggling. Using *repetition*, he introduces his concerns regarding biometrics and criticizes the actions of the Conservative government by using the *begging the question* fallacy. He states: “I wonder what that says about the government’s view of the work of standing committees and the experts and witnesses who appear before the committee....” The *implication* is that the government does not hold the work of parliamentary committees, the Parliamentary process, or the efforts of various groups in high regard.

Mr. Don Davies (Vancouver Kingsway, NDP): I want to talk about the substance of Bill C-4. Bill C-4 was hastily drafted by the government when Canadians witnessed the spectre of two boats coming to the shores of British Columbia carrying some of the most damaged and wounded people on earth, people fleeing, as the minister has rightly pointed out, one of the worst civil wars in the world in Sri Lanka.

Some 550 people were on those boats. And, never ones to pass up a good photo op, the Minister of Immigration and the Minister of Public Safety were there doing news conferences outside accusing the people on those boats of being bogus and of harbouring terrorists. They said that publicly. They also accused them of queue jumping.

What anyone going through the immigration system knows up to now is that there is no queue jumping. It is a normal part of our refugee system for people to make their way to a country by regular means and make a refugee claim, and the Minister of Immigration knows that. No queue is being jumped. The Minister of Immigration actually went into immigrant communities where they were suffering long delays in their applications for permanent residency to sponsor their parents and preyed on their frustrations at his government's inability to deal with that backlog and wait time and tried to foster resentment from those immigrants toward these refugees.

We always want to be careful with our analogies but we need to consider the Jews when they were fleeing Nazi Germany during World War II. When they made their way into a neighbouring country through the dark of night, they did not arrive with a visa. They did not come through any UNHCR process because there was none at the time. They just made their way to safety. Those people were not bogus. They were not jumping any queue. They were escaping for their lives. That is what people do and that is what those people were doing on those boats.

To make the claim that those people were terrorists before there was an adjudication is as incendiary and as inflammatory as it is wrong. To this day, of 540 people, none have been deemed to be terrorists. Also, if anyone has any kind of question about their origin, there are less than a handful.

Davies uses *hyperbole* and *metaphor* to describe the actions of the Conservatives:

“Bill C-4 was hastily drafted by this government when Canadians witnessed the spectre of two boats coming to the shores....” He also uses *negative other-presentation*, *poisoning the well* fallacy, and *intertextuality* when he notes that Kenney was “...doing news conferences outside accusing the people on the boat of being bogus and of harbouring terrorists ... [and] of queue jumping.” The use of such terminology helps to reinforce *banal hegemony*, as he is perhaps unintentionally acceding to the Conservative position that there are indeed two distinct categories of refugees. This vignette is also an example of the *emotion mythopoesis* inasmuch as he attempts to invoke sympathy among the audience by referring to the claimants as “the most damaged and wounded people on earth.” The use of the metaphorical “spectre,” however, might unintentionally invoke a sense of threat. Davies also uses the *numbers game* (“some 550 people”) to highlight the number of individuals labelled by the Conservatives as either terrorist or criminal. Using *sarcasm*, he admonishes Kenney as well as the Minister of Public Safety for using the opportunity as a “good photo-op.”⁹⁷ By reporting the comments made by each minister, Davies is using *intertextuality* and *negative other-presentation* to establish the *poisoning the well* fallacy. Moreover, these references again unintentionally underpin the *discourse of securitization*, *discourse of fraud*, and *discourse of criminality*.

⁹⁷ The Honourable Vic Toews, MP Provencher, was Minister of Public Safety from January 2010 to July 2013.

Using *conformity*, *appeal to popularity*, *moral evaluation*, and *closure to opposed argumentation*, Davies stresses that those who go through the immigration process know that the accusations of queue jumping are untrue. His statement, however, helps to reinforce banal hegemony. By suggesting otherwise is wrong, as making a refugee claim is a relatively normal process. He also uses *negative other-presentation*, the *emotion mythopoesis*, and *poisoning the well* fallacy in recounting Kenney's actions: "...the Minister of Immigration actually went into immigrant communities (also *vagueness*) where they were suffering (also *hyperbole*) long delays (also *numbers game* and *vagueness*) in their applications for permanent residency ... and preyed (*metaphor*) on their frustrations at his government's inability to deal with that backlog ... and tried to foster resentment from those immigrants towards those refugees." Here Davies is attempting to communicate to the audience the tactics that the Conservatives used to create a sense of resentment between these two supposed likeminded groups. This observation speaks directly to my discussion in the previous chapter wherein I argue that Kenney makes the "Other" (i.e., immigrants, legitimate refugees) a temporary part of the "multicultural we" in order to legitimate the need for refugee reform against an illegitimate "them."

Using *comparison* and a *hedge*, Davis attempts to link the Jewish plight during the Second World War with the experiences of the refugee claimants fleeing Sri Lanka. The *implication* is that since the Jews, who arrived without documentation, were clearly legitimate refugees, it should also hold true for those refugee claimants who arrive in Canada. He also uses a *metaphor* when he describes the Jews as making their way "...into a neighbouring country through the dark of night...." Using *epistemic modality*, he states

that: “[t]hose people were not bogus. They were not jumping any queue. They were escaping for their lives. That is what people do and that is what those people were doing on those boats.” Employing terms such as “bogus” helps to reinforce banal hegemony. As an example of the *cautionary mythopoesis*, it is meant to communicate to the audience the consequences of non-action or rejecting those without proper documentation; as an example of the *emotion mythopoesis*, it is designed to invoke sympathy among the audience and to remind them that not all asylum seekers are criminal or illegal migrants. Furthermore, there is the *implication* that these individuals can be viewed in the same way as Jewish refugees from the Second World War. The irony is that both groups were rejected based on issues of “security” and were denied entry at Canada’s border.

Davies again uses *negative other-presentation*, the *poisoning the well* fallacy, and *euphemism* when he suggests that the Conservatives were branding the arrivals as terrorists. It is also a *moral evaluation* given that he argues that it is wrong for the Conservatives to use such branding techniques as a means to legitimate the proposed legislation. He uses *epistemic modality* when he states that such a claim is “...as incendiary and as inflammatory as it is wrong.” There is also the *implication* that the arrivals are viewed as terrorists. Using the *numbers game* and *closure to opposed argumentation*, Davies reinforces his argument when he states that, “...to this day, of 540 people, none have been deemed to be terrorists.” While such statements are designed to counter the criminality discourse prevalent in Kenney’s speech, by employing *vagueness* and *metaphor*, Davies nonetheless discredits his own point in the process by stating that only a “handful” of claimants may have issues about their origins. Such an acknowledgment has the effect of reinforcing banal hegemony. There is also the

implication, however, that Kenney is exaggerating the effect the arrivals will have on Canada's refugee system in order to legitimate the need for the legislation.

Mr. Don Davies (Vancouver Kingsway, NDP): What would Bill C-4 do? It would allow the minister to concentrate his power. The Minister of Immigration wants the power to designate people as irregular arrivals. Under the bill, it just says a group. It does not define how many. We presume it is two or more. What happens to those people? Those people could be detained for up to a year without review.

I will talk about the legality of that. The identical provision has gone to the Supreme Court of Canada in the security certificate cases and it has been deemed unconstitutional, yet the government puts it right back into this bill. Moreover, the minister says that they can come out if they are deemed to be refugees. That is true but that assumes that we have a refugee determination system that would make that determination in under a year. If it does not, people could be stuck in detention for up to a year. Even if those people are deemed to be bona fide refugees, this part of the bill would still prevent those people from being able to make a permanent residency application for five years or sponsor their family for five years. I will say right now that that is a violation of the UN convention on refugees and a violation of the UN Convention on the Rights of the Child.

I will explain for the minister why that is the case. I put the question to him and he avoided answering the question. It is because the UN convention on refugees says that signatories, which Canada is, are not to put penalties on people who arrive at our shores by irregular means. If people who are deemed to be refugees are then prevented from sponsoring their families for five years or prohibited from making a permanent residency application for five years, they are absolutely being penalized because of their irregular entry.

The minister said that if they make a successful refugee claim they would be let out within the year. That is true but what about the five year bans? The minister refuses to answer that. That is the differential treatment of someone who comes through in the other process and it is a violation of the UN convention on refugees.

In terms of the rights of the child, the *Ocean Lady* and the *Sun Sea*, the two boats came to Canada's shores, included children who were travelling unaccompanied. The UN Convention on the Rights of the Child obligates signatories, of which Canada is one, to put the best interests of the child first and foremost in our determination, and that includes in the immigration system. If we have a 14-year-old or a 12-year-old child who comes to our country and is deemed by the minister to be an irregular arrival, he or she would be

prohibited from sponsoring his or her parents for five years. That is not in the best interests of that child. I say that there is a violation there.

Lawyers across the country from the Canadian Bar Association to the Canadian Association of Refugee Lawyers have all said that the detention without review process will be attacked as a violation of the charter in three different ways. The act will go to the Supreme Court of Canada, mark my words.

In introducing a *rhetorical question*, Davies seeks to understand the effects of Bill C-4 (though the debate is supposedly about Bill C-31). Using the *poisoning the well* fallacy, Davies notes that Kenney wants to increase his ministerial discretionary power. In questioning the language of the legislation, he introduces a *slippery slope* by concluding that certain individuals "...could be detained for up to a year without review." Using *authorization* (specifically impersonal authority) and *intertextuality*, Davies references the ruling of the Supreme Court of Canada regarding security certificates. *Repetition*, *authorization* (specifically personal and impersonal authority), *epistemic modality*, and *intertextuality* are utilized when he concludes: "I will say right now that this is a violation of the UN convention on refugees and a violation of the UN Convention on the Rights of the Child."

In explaining why he believes the issue is a violation of two key UN Conventions, he invokes *authorization* (specifically personal authority) and *sarcasm*: "I will explain for the minister why that is the case." The *implication* is that the minister is supposedly unaware of the violations or unwilling to acknowledge them. Using *authorization* (specifically impersonal authority) and a *counterfactual*, Davies states that under the current proposal, bona fide refugees would be penalized based on the nature of their arrival. In suggesting that Kenney refused to answer questions regarding the five year ban, he is using a *rhetorical question* and the *poisoning the well* fallacy. In fact, the term

“differential treatment” is perhaps a *euphemism* for discrimination. By stating that “...it is a violation of the UN convention on refugees,” Davies is employing *authorization* (specifically impersonal authority).

He also uses the *emotion mythopoesis*, *authorization* (specifically impersonal authority), as well as a *counterfactual* to bring attention to the issue of children arriving in Canada who are prevented from making a sponsorship claim for five years. When he states that “I say that there is a violation here,” he is again invoking *authorization* (specifically personal authority). Davies concludes this section of his speech by using *intertextuality* and again *authorization* (specifically expert authority), references both the Canadian Bar Association and the Canadian Association of Refugee Lawyers. Using the *appeal to fear* fallacy and *epistemic modality*, he states: “The act will go to the Supreme Court of Canada, mark my words.”

Mr. Don Davies (Vancouver Kingsway, NDP): Let us talk about the Bill C-11 component. All parties in the House in the last Parliament worked in good faith to reform Canada's refugee system. I will grant the minister that there was need for reform. The minister is correct when he says that the old system is not working. People make a refugee claim, they are denied, they appeal. Then they make a H and C application and they are denied the appeal. Then they make a pre-removal assessment application and they are denied the appeal. It can take too long to remove people who do not have valid claims.

That is why the parties rolled up our sleeves last Parliament and worked on a streamlined quick process to make those determinations. The New Democrats proposed, as we have for a long time, through our hard work, that the government actually put in place a Refugee Appeal Division, which I will give the minister credit for doing. The Liberals never did do it and the current minister did. However, it was pushed by the New Democrats all the way.

The problem with the bill is that the minister then wanted to deny access to the appeal division of people that he determined to come from so-called safe countries. The minister wanted the sole power to determine what was a safe country. Again, that is too much power concentrated in the hands of one person. The opposition asked why he did not have an independent panel of

experts to guide him with firm criteria and the minister accepted that change. In fact, he praised it. He said that it made the process of designation more transparent. Those are not my words, they are the minister's words in the last Parliament. Now today, the minister has thrown that panel out and he wants to go back to the original proposals so that he alone determines what is a safe country.

As well, the minister wanted to deny access to the appeal division to people who came from what he deemed to be safe countries. In the last Parliament, we persuaded the minister and we said that everyone had a right to appeal. We cannot have a justice system where some people have a right to appeal and some do not. Imagine how Canadians would feel if we said that if they went to court, their neighbour could appeal the decision, but they could not, depending on where they came from. We were successful in saying that everyone had a right to appeal no matter where they came from.

In beginning this section of his speech, Davies references Bill C-11, and using *consensus*, concedes the need for reform while agreeing that the old system was not working and that the multiple avenues of appeal is unsustainable. As such, his comments may unintentionally support the *dominant discourse*. Using *positive self-presentation*, *consensus*, and *metaphor*, he notes that “the parties rolled up [their] sleeves” to address the issue. Davies also uses *positive self-presentation* when he states that it was the NDP who proposed a refugee appeal division. There is also the *implication* that only the NDP proposed this change and that they are the only party to work hard in Parliament. Here we see the dual usage of *positive self-presentation*, notably applied to parliament as a whole to present the institution in a positive light but it also is used to present a particular party positively. Such practice is then juxtaposed against the use of *negative other-presentation* and the *poisoning the well* fallacy by reminding the audience that the Liberals never implemented such a system, though he oddly offers credit to the Conservatives for seeking to implement the RAD. As such, it represents an *appeal to the desire to be*

reasonable fallacy and *positive other-presentation*. Davies returns to *positive self-presentation* by reiterating the supposed role the NDP played in the process.

In discussing the safe country of origin provision, Davies offers a *moral evaluation* when he states that it "...is too much power concentrated in the hands of one person." He also uses *intertextuality*, to support his argument, noting that the minister (also *authorization*, specifically personal authority) stated that an independent panel of experts, who could advise on such designations, would make the process "more transparent." Again utilizing *intertextuality*, Davis further criticizes the proposed legislation by noting that, in the previous Parliament, "...the minister wanted to deny access to the appeal division..." Evoking *consensus*, he states that the opposition parties persuaded the minister to allow all claimants the opportunity to appeal a negative decision. He then introduces a *counterfactual* to describe how Canadians would feel if they were unable to appeal a court decision "...depending on where they came from." This is perhaps another veiled attempt to reinforce the prejudicial nature of the proposed legislation. Davies uses *consensus*, *positive self-presentation*, and *intertextuality* when he notes: "[w]e (the opposition or the NDP?) were successful in saying that everyone had a right to appeal no matter where they came from." Hence, it is an attempt at establishing a *counter discourse*.

Mr. Don Davies (Vancouver Kingsway, NDP): While I am on this subject, a fundamental difference between the Conservatives and the New Democrats is that New Democrats believe that every country in this world is capable of producing a refugee. There are cases where some countries or more or less likely, but every country is capable of that. In particular, on the LGBT community, 100 countries have some form of legal discrimination against the LGBT community. Governments change.

The minister said that there were EU countries that had refugees and they had to be safe. Right now the far-right government of Hungary is currently passing laws before its parliament to have the power to pass laws in 24 hours, with 6 minutes of debate accorded to the opposition parties. It is amending the constitution. There is the situation of the Roma in Europe. Everyone knows in World War II that Jews were rounded up because of their faith and ethnicity. Roma were rounded up because of their ethnicity as were disabled and communists. These were historically discriminated against, including Roma. There is a long history of established discrimination against Roma, and those people come from Hungary. They come from the Czech Republic, from Romania, from countries that are members of the EU in some cases and those people have a right to make their claim.

The minister has thrown out the panel of experts to advise him. I ask why? If the minister is so confident that he can choose which countries are safe countries, why would he not want the benefit of advice from experts in human rights, the very idea he praised and thought was a good idea 18 months ago?

The Minister of Citizenship, Immigration and Multiculturalism may have great faith in his own judgment, but to have one person make such important determinations as to what country is safe or not, which country is or is not capable of producing refugees and who is an irregular arrival who will be subject to detention for up to a year without review and penalties that might keep their families apart for a decade. That is too much power for one person. We should build in checks and balances and that would be the case no matter who would be the minister of immigration, including a New Democrat. I do not know who would make the argument that the system is not better served by having that kind of check and balance.

In terms of the biometrics, biometrics is a system whereby this legislation would have people who apply for a visa to come to this country provide their fingerprints and pictures. That is a model we should be looking at, but there are significant privacy considerations and the Standing Committee on Immigration is looking at those very considerations right now.

The privacy commissioner has already testified and she says that providing a fingerprint for the purposes of identification to ensure that people presenting at our borders are who they say they are is fine. However, taking that fingerprint and comparing it to a wide database for other purposes or sharing that information with other countries or other bodies raises serious privacy concerns. We are in the middle of looking at those and those are issues that the government would be well advised to pay attention to before we proceed down that path.

I want to talk about a few other things that the bill would do.

The bill would prevent someone who has been convicted of a jail sentence of more than 10 years from making a refugee claim. I have raised this issue as well. Nelson Mandela was convicted of a crime for which he received a sentence of more than 10 years. Under the legislation, were that to happen today, Nelson Mandela could not make a refugee claim in Canada. He might be able to make a humanitarian and compassionate claim but no refugee claim. I have not heard the government explain that.

The bill would also, for the first time, give the minister the power to refer to the IRB the case of a refugee who had now become a permanent resident. The minister would have the power to strip that refugee of his or her permanent resident status if it were determined that circumstances had changed in the country from which the refugee escaped. That is unacceptable. People come to this country seeking safety and yet they find themselves, under this legislation, perhaps looking at being stripped of that status.

I would like to move the following amendment. I move:

That the motion be amended by deleting all of the words after the word “That” and substituting the following:

This House declines to give second reading to Bill C-31: An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act, because it:

- (a) places an unacceptable level of arbitrary power in the hands of the minister;
- (b) allows for the indiscriminate designation and subsequent imprisonment of bona fide refugees for up to one year without review;
- (c) places the status of thousands of refugees and permanent residents in jeopardy;
- (d) punishes bona fide refugees, including children, by imposing penalties based on mode of entry to Canada;
- (e) creates a two-tiered refugee system that denies many applicants access to an appeals mechanism; and
- (f) violates the Canadian Charter of Rights and Freedoms and two international conventions to which Canada is signatory.

The most definitive section of Davies’ speech is the point where he describes the ideological and political differences between the New Democratic Party of Canada and the Conservative Party of Canada. Using *authorization* (specifically personal authority),

he states: “[w]hile I am on the subject, a fundamental difference between [the NDP and the Conservatives] ... is that the New Democrats believe that every country in this world is capable of producing a refugee. There are cases where some countries are more or less likely, but every country is capable of that.” His statement is thus an attempt at establishing a *counter discourse* as it directly challenges the Conservative position regarding asylum seekers. While the Conservatives argue that the bill is intended to curb human smuggling, the intended effect is actually to reduce refugee claims from those who do not meet a strict interpretation of the 1951 Convention and 1967 Protocol.

As such, those arriving from countries defined as “democratic” would be denied refugee status. Davies uses the *numbers games*, noting that “100 countries have some form of legal discrimination against the LGBT community.” While this is true, the majority of the countries where same sex sexual activity is illegal are in Africa, Southern/Western Asia, and the Middle East (Itaborahy and Zhu 2013). These countries are certainly not the pillars of democracy and, in fact, are likely to produce both gender- and sexuality-based claims. The *implication*, however, is that there may be “democratic” countries that may discriminate against LGBT individuals, and these individuals would not be eligible for refugee status. Interestingly, the Canadian government recently indicated that it would favour refugee claims from LGBTQ Russians.⁹⁸ Moreover, using LGBTQ claims as an example has obvious moral connotations.

⁹⁸ Bitonti, Daniel and Campbell Clark. “Canada to favour refugee claims by gay Russians.” *The Globe and Mail*. August 12, 2013, <http://www.theglobeandmail.com/news/national/canada-to-favour-refugee-claims-by-gay-russians/article13724670/>

Davies continues by employing *moral evaluation*, *negative other-presentation*, and *hyperbole* to highlight the draconian measures introduced by the “far-right government” in Hungary. The *implication* is that the actions of the Hungarian government are not those of a democratic country. He then uses *appeal to popularity*, *closure to opposed argumentation*, and *comparison* to link the Roma in Hungary to the Jews during the Second World War. He states: “[e]veryone knows in World War II the Jews were rounded up (also *metaphor*) because of their faith and ethnicity. Roma were rounded up (also *repetition* and again *metaphor*) because of their ethnicity. ... There is a long history of established discrimination against Roma, and those people come from Hungary.” The *implication* is that the actions of Hungary mirror those of Nazi Germany; as such, using Hungary as an example of a “democratic country” holds little weight, especially since Nazi Germany, at least in its earliest years, was a “democratic” country. It is also an example of the *emotion mythopoesis* as Davies attempts to invoke sympathy for the Roma by linking their experience to the historical experience of the Jews.

Davis uses a *euphemism* (“thrown out”), *intertextuality*, *rhetorical question* (“I ask why?”) and a *counterfactual* in his attempt to understand Kenney’s actions: “[i]f the minister is so confident that he can choose which countries are safe ... why would he not want the benefit of advice from experts in human rights, the very idea he praised and thought was a good idea....” Using *authorization* (specifically personal authority), and veiled *sarcasm*, he comments on the ability of the minister “...to make such important determinations as to what country is safe or not....” Using *repetition* and *deontic modality*, and invoking an *allusion* to the American system of checks and balances, he

states that “[w]e should build in checks and balances I do not know who would make the argument that the system is not better served by having that kind of check and balance.” This last statement is an example of *appealing to the desire to be reasonable*.

In discussing the biometric system that was added to the bill, he uses *epistemic modality* when he notes, “[it] is a model we should be looking at....” Using *authorization* (specifically expert authority) and *intertextuality*, Davies references the Privacy Commissioner, who expressed concern over the potential misuse of biometric data. Davies also references other issues he has with the proposed legislation, specifically the criminal aspect of the legislation (which again unintentionally reinforces the *discourse of crimmigration*). Using the *selection of arguments* bias and *comparison*, he lists Nelson Mandela as an example of an individual who would be disadvantaged by the proposed legislation, though he *hedges*, when he suggests that “[h]e might be able to make a [H and C] claim....” Davies states that the proposed legislation would give the minister “the power to strip (*metaphor*) that refugee of his or her permanent resident status...” and concludes with *epistemic modality*: “[t]his is unacceptable.” While he introduces an amendment to address the perceived flaws in the legislation, it is defeated.

Demonizing of the Refugee: Kevin Lamoureux’s Speech

Given that the Liberal Party is relegated to third party status in the House of Commons, it is likely that Kevin Lamoureux would use such discursive strategies as national self-glorification to remind the audience that the Liberals are the “traditional defenders of immigration.” Interestingly, he does not. Rather his main focus is on using the poisoning the well fallacy and negative other-presentation. For example, he suggests

that the Conservatives are returning to their anti-immigrant and anti-refugee Reform roots. Such strategies reflect an important shift in the Liberal discourse on immigration. In the 2010 debates, for example, the Liberals did not have to resort to such extensive strategies to remind the audience of their anointed role. In fact, in that speech, the Liberals made no reference to the historic treatment of refugees (unlike the Conservatives and the NDP), and interestingly, national self-glorification only appears once during the 2010 speech. Again, in this speech, there are no references to historic refugee movements.

Perhaps as interesting are the interruptions by the Conservative Party, specifically the parliamentary secretary and the minister, insomuch as they openly violate the natural turn-taking aspect of the parliamentary system. In the first instance, the parliamentary secretary seeks to take credit for a highly successful immigration program in Manitoba (despite the fact that Dykstra represents an Ontario riding and has no obvious connection to the Gary Filmon government); while in the second instance, Kenney suggests that the Liberals are supporting lawyers (whose interests are supposedly in conflict with or in opposition to the government's proposed legislation). Both examples demonstrate that the Conservatives view the Liberals as opportunistic (which fit with previous Conservative discourse on the Liberal Party). These interruptions may also suggest that the Conservative Party still perceives the Liberals as their natural political enemy while relegating the NDP to third party status (despite being the Official Opposition). This is especially evident when Davies mentions immigration lawyers in his speech but there is no reaction from the minister or his colleagues. As such, these interruptions by the Conservatives serve to de-legitimize the Liberal position.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Madam Speaker, I would like to start by making reference to what the minister started his speech with, that there has been great value from immigration. We in the Liberal Party have recognized over the years the importance of developing a balanced approach to dealing with immigration. We believe it is important to get not only good numbers but also the right mixture. We believe there is value in refugees. We believe there is value in families and family reunification. We see the value in terms of economic development. It is about getting the right mixture, and this is something on which we have been very successful in the past in what we have been able to achieve.

One of the greatest programs in the province of Manitoba has been the provincial nominee program.

Mr. Rick Dykstra: The member is welcome.

Mr. Kevin Lamoureux: Madam Speaker, I will inform the member that it was actually a Liberal government that brought it in, but if the member for St. Catharines wants to try to take the credit for that, I will give him some credit.

What the government can take credit for is the huge backlog of refugees that has been generated. Remember that it was the Conservatives who did not fill the necessary positions at the refugee board to hear the numbers, and that is what started the backlog in the refugee system. Yes, improvement has been needed but members will find that through the years there has been movement, with a good mixture of immigrants and a progressive immigration policy that includes refugees.

We in the Liberal Party value the contributions that refugees make to our country. We have had refugees who have made it to Governor General of Canada, and to every economic, business, societal, non-profit and for-profit organization. Ninety-five per cent plus of refugees who settle here in Canada go on to contribute immensely to our country and nation. We recognize that and are not scared to talk about it. The government and this minister in particular, on the other hand, have a totally different objective, an objective that demonizes the refugees in our great country.

The Liberal Party does not support Bill C-31, and for a good reason. Bill C-31 is in essence Bill C-4 and Bill C-11, with one major compromise in Bill C-11. The compromise took out the idea of an advisory group that would determine and advise the minister on which countries would be on the safe list. That was good enough when the Tories had a minority government but now that they have a majority government, they are going back to the Reform ways in how they are trying to deal with refugees in our country.

The minister wants to say what is a safe country. Think of the consequences of that. The minister wakes up one day and says that country X is no longer a safe country. As result, someone who comes from that country and claims to be a refugee will in all likelihood be gone before any sort of an appeal can be heard. That person will not even be in Canada but will have had to leave the country in order to make any sort of appeal.

The minister also wants to say who is an irregular arrival. That goes back to Bill C-4. There have been arguments about that. I know the minister will often write off the Liberal Party or the New Democrats as just being the opposition speaking. I would like to provide a specific quote about the government's behaviour on that particular line, and this comes from lawyers across our country.

Hon. Jason Kenney: Immigration lawyers who rally to the cause of immigration lawyers, you have to love that.

Mr. Kevin Lamoureux: Well, I am listening to some lawyers, Madam Speaker. The Minister of Citizenship, Immigration and Multiculturalism would do well if he also listened to some lawyers periodically. Maybe he should be listening—

Hon. Jason Kenney: Stand up for immigration lawyers.

The Deputy Speaker: Order, please. I would like the hon. member to direct his comments through the Chair and all members to wait until questions and comments before intervening.

The hon. member for Winnipeg North has the floor.

In introducing his speech, Kevin Lamoureux uses *positive self-presentation*, *repetition*, and *deontic modality* (“we believe”) to highlight the core beliefs of the Liberal Party of Canada. Implicit in these statements is the *moral evaluation* that the Conservative approach is wrong as well as the *implication* that only the Liberal Party of Canada can achieve “the right mixture.” Again using *positive self-presentation* as well as *authorization* (specifically personal authority), he states that “...this is something on which we (i.e., the Liberals) have been very successful in the past in what we have been able to achieve.” Using *hyperbole*, he references the success of the Provincial Nominee

Program in Manitoba which is designed to remind the audience, via *implication*, of the Liberal's contribution to immigration.

At this point Lamoureux is interrupted by Rick Dykstra, Parliamentary Secretary to the Minister of Citizenship, Immigration and Multiculturalism, who thanks Lamoureux for referencing the program.⁹⁹ Lamoureux corrects Dykstra by suggesting that it was a Liberal government that introduced the program, but, using *sarcasm*, states that "...if the member ... wants to try to take credit for that, I will give him some credit." Again using *sarcasm* and *irony*, Lamoureux suggests that the Conservatives can take credit for the backlog, a point repeated from the Liberals' 2010 debate. The framing of this argument is quite interesting. The Manitoba Provincial Nominee Program was officially signed in 1998 between the federal Liberal government and the provincial Progressive Conservative government. In fact, it has been noted that "Manitoba has been a leader in program development ever since" (Carter, Pandey, and Townsend 2010, 9). Based on this assessment, the Manitoba Progressive Conservative Party certainly could take credit for the success of the program (and certainly for its introduction). The *implication*, however, is that the Liberals seek to take credit to reinforce their commitment to, and support for, immigration.¹⁰⁰

Using *consensus* and *poisoning the well* fallacy, Lamoureux reminds the audience that the Conservative government failed to fill IRB appointments which "...started the backlog in the refugee system." This is also an example of the *selection of arguments*

⁹⁹ Rick Dykstra, MP for St. Catharines, was Parliamentary Secretary to the Minister of Citizenship, Immigration and Multiculturalism from 2008 to 2013.

¹⁰⁰ As an aside, less than a month after this debate, the federal Conservatives cancelled the agreement with Manitoba and sought to have the Provincial Nominee Program administered by Ottawa.

bias, as he fails to note that the backlog originated with the Liberal government and that such a process was only instituted after the appointment process was called into question. It is also an example of the *red herring* fallacy. While criticizing the Conservatives for the backlog, he introduces new information regarding the need for the right mix, abandoning the issue of the backlog entirely. Lamoureux continues to promote his party's virtues using *positive self-presentation*, and using *repetition*, *deontic modality*, and *authorization* (specifically personal authority), he reinforces his party's role as the supposed "defenders of immigration." Again using the *selection of arguments* bias, he notes that refugees have become Governor General and leaders in Canadian business and society (though his statement employs *vagueness* since he does not provide any specific examples beyond the Governor General, who remains unnamed).¹⁰¹

Lamoureux then uses *numbers game*, *positive self-presentation*, *pseudo-precision*, and *hyperbole* to make evident to the audience the contribution the Liberals believe that refugees have made to Canada: "[n]inety-five per cent plus of refugees who settle here in Canada go on to contribute immensely to our country and nation." It is also an example of the *error of meaningless statistics* since such statistics are, in Walton's (2008, 248) words, "misleadingly precise." While the statement is perhaps well-intentioned, it would be extremely difficult to measure the full contribution of refugees. Lamoureux also states that the Liberals "are not scared to talk about it" – the *implication* is that the Conservatives do not want to talk about refugees' contributions as doing so would likely undermine their argument. It is perhaps ironic that he makes this point but only offers one

¹⁰¹ We assume he is referring to the Right Honourable Michaëlle Jean, who fled Haiti as a refugee during the regime of François Duvalier.

concrete example to counter Kenney's claims. Indeed, by talking about the positive contribution of refugees, this may lead Canadians to change their perception of refugee reform (as least as envisioned by the Conservatives). By stating that the Conservatives' objective in introducing the proposed legislation is to "demonize the refugees in our great country," Lamoureux is utilizing *metaphor*, *negative other-presentation*, and *poisoning the well* fallacy.

In this section of his speech Lamoureux states, using *epistemic modality*, that the "Liberal Party does not support Bill C-31...." This is their "truth," which rests on their apprehension regarding the safe countries of origin list. He further admonishes Kenney for reneging on the compromise made in 2010 (which ironically the Liberals refused to support until forced to acquiesce), and using *sarcasm*, suggests that the compromise was "good enough when the Tories had a minority government," but now, with a majority, are "...going back to the Reform ways in how they are dealing with refugees in our country." As such, this is another example of *negative other-presentation*, the *appeal to fear* fallacy, and *poisoning the well* fallacy. In fact, there may be some truth to Lamoureux's accusation regarding the Conservative Party returning to its Reform roots given that the Conservative Party's predecessor seemed to have a preoccupation with illegal immigration and Canada's inability to control its own borders (Kirkham 1998, 249). Indeed, in one of its earliest manifestos, the Reform Party stated that:

Genuine refugees should be welcomed. Bogus refugees and other illegal entrants should be deported immediately, and any person who encourages or promotes such activities should be subject to severe penalties without exception. The Constitution may have to be amended to ensure that Parliament can ultimately control entry into Canada, and, in the interim, the "notwithstanding" provision of the Charter should be used to ensure this is the case (as reproduced in Kirkham 1998, 249; emphasis in original).

Lamoureux uses a *cautionary mythopoesis* and *slippery slope* when he explains what potentially could happen should the minister have the power to determine safe countries of origin. In referring to refugees as an “irregular arrival,” Lamoureux is unintentionally employing *negative Other-presentation* which also has the effect of reinforcing *banal hegemony*, i.e., that it is normal and appropriate to refer to refugees as irregular arrivals. He also uses *negative other-presentation*, *poisoning the well* fallacy, and *metaphor* to suggest that the government dismissed the criticisms of the opposition parties. In order to address that criticism, he uses *authorization* (specifically expert authority) when he seeks to quote lawyers regarding the government’s behaviour.

It is at this point that he is interrupted by Kenney who, using *sarcasm*, ridicules Lamoureux. Kenney states: “[i]mmigration lawyers who rally to the cause of immigration lawyers, you have to love that.” Such an act is an attempt at delegitimation. While Lamoureux uses authorization to try to support his point, Kenney immediately dismisses the authority by *implication* – as lawyers are supposedly biased and self-interested. In order to counter Kenney’s delegitimizing act, Lamoureux responds that he is listening to such authorities while Kenney is not, as evidenced by his statement that Kenney would “...do well if he also listened to some lawyers.” Using *sarcasm*, Kenney interrupts Lamoureux again, thereby implicitly accusing him of bias since there is the *implication* that he is supporting lawyers rather than refugees.

Mr. Kevin Lamoureux: Madam Speaker, I do not blame the Minister of Citizenship, Immigration and Multiculturalism for getting a little excited about that particular statement. Here is a response to the government on Bill C-31, a quote that makes reference to Bill C-4:

[The] proposed mandatory, unreviewable, warrantless, year-long detention

is patently unconstitutional. The Supreme Court of Canada decided this issue in the clearest of terms.

This is not coming from the Liberal Party but a third party stakeholder that is trying to give advice to the Minister of Immigration. It is like talking to a brick wall. The minister has his own personal agenda and it is one that I do not think most Canadians would support.

I would like to read some comments made about Bill C-4 in some letters from Faith Academy School:

I urge you to take a tremendous stand against this bill.

Another reads:

You have to understand that the main reason refugees leave their countries is because they seek shelter from abuse, persecution and civil unrest. However, under this bill, refugees—including children—are only subjected to more persecution, fear of authority and denied rights.

If Canada's main concern truly is catching smugglers, why create a bill that only appears to punish refugees? Instead, let us join together in creatively seeking a way to deter smugglers without victimizing legitimate refugees.

That is a profound statement that the minister should really listen to.

I will read some more: “The bill forces refugees to be detained and they have come from their poor quality of life only to enter a similar one. Surely we have more integrity than that. There must be a more efficient way to keep track of them. Also the rule that the family can't come for five years after the refugee is allowed is absolutely absurd.” Another says, “I think let them come but make them wait for a certain time to gain residence, but the time should be reduced. Like what if you had to be put in that situation? Think it's still right?” A further one states: “The protection they wanted for Canada is great, but making other people and even innocent children feel like they are criminals or are committing something wrong is unfair.” Finally, “Bill C-4 is a punishment to refugees and is discriminatory since they will serve a mandatory sentence of one year and they will be denied the right to family reunification for five years.”

These are letters by young adults at Faith Academy School who have actually taken the time to read Bill C-4 and to voice their concerns regarding it.

I could go back to some of those statements by the Canadian Association of Refugee Lawyers. I mention the word “lawyers” and the minister laughs. I

would suggest again that the minister would do well to listen. The association states:

Refugee claimants who are put on the designated safe country list are subjected to even shorter deadlines to submit a written claim, and will not have access to an appeal.

The Minister need not justify why he deems a country safe, nor does he have to take account of the differential risk faced by certain minorities in a country that is “safe” for others. Refugees will be vulnerable to the political whims of the Minister and the government.

The last time I had the opportunity to speak to the bill, I challenged the government in my question to the minister. It was a very telling picture for me when I saw in a newspaper the minister, along with the Prime Minister, standing on the back of a ship, the *Ocean Lady*, making a statement.

He did it again today. At the beginning of his speech, he made reference to the fact that illegal immigrants pay to be brought here on two large ships, with a high number of bogus claims. He likes to refer to those queues, which is, I argue, the demonizing of the refugee.

He went on a boat with the Prime Minister and he talked about profiteers and how the government would get tough on human smugglers. This bill would have more of an impact on refugees. In essence, individuals are leaving their countries and putting their lives in danger by getting on some of these crafts to come to Canada. They leave for a wide variety of reasons. Their lives might be in danger. Who knows? At the end of the day, they are putting their lives at risk in order to land on our shore. The minister said he does not mean just boats. It could be people arriving by plane or car. The minister said the first thing to be done is to put these people in detention.

The last time I spoke on this bill, there was a lot of discussion about how to justify putting a 14-year-old or an 8-year-old in detention. To the minister's credit, and I do not give him very much credit, but in this case I will give him some credit, he said people under 16 years of age will not be detained. I am not 100% clear. I think he attempted to address it in his remarks. How does that apply if it involves a family? I believe he said it is only youth who are 12 or 14 years old and might not have a parent who would not be held in detention.

I was a little clearer going into this debate than I am now, because of the minister's remarks. I would look to him to provide some clarification. In terms of the legislation, the government is still saying one year of detention. That is fairly strong in terms of charters, constitutional rights, et cetera. We believe the government is moving in the wrong direction and there has to be an alternative.

The minister is often quoted as referring to or implying the notion of bogus refugees. I have had the opportunity to speak with refugees. Many people come to Canada with genuine fears. Just because they might not necessarily meet the criteria of refugees does not mean that they come to Canada wanting to commit fraud. When we start to label people by saying bogus, it is to the detriment of the refugee community. The minister needs to seriously consider how he chooses his photo ops when he talks about human smuggling, for example, or when he makes general statements about bogus refugees. His definition might not necessarily be the same definition as the many individuals who come to Canada fleeing persecution.

Using *sarcasm* and *hyperbole*, Lamoureux compliments the minister on his excitement and, using *authorization* (specifically expert authority) as well as *intertextuality*, argues that there is opposition to the proposed omnibus legislation. His statement, however, is *vague* as he does not indicate the source, only referring to him/her as "...a third party stakeholder trying to give advice to the Minister of Immigration" though, in all likelihood, his reference was to a lawyer. Again, there is the *implication* that the minister does not accept advice well, as evidenced by the *metaphorical* statement: "[i]t is like talking to a brick wall." Using the *poisoning the well* fallacy and *negative other-presentation*, Lamoureux accuses the minister of having "his own personal agenda," with the *implication* that the "agenda" is anti-refugee and anti-immigrant. Lamoureux also invokes the *appeal to popularity* fallacy and *authorization* (specifically personal authority) when he states that Kenney's agenda "...is one that I do not think most Canadians would support." The *implication* here is that the Conservative Party is "out of touch" with Canadians, a common accusation among politicians.

In order to support his argument, Lamoureux uses *intertextuality* and *authorization* (specifically personal authority) when he quotes several young adults from the Faith Academy School, a private, conservative, evangelical, Christian, revival-based

educational institution, providing education to students in K to Grade 12 in Winnipeg, Manitoba.¹⁰² It is also interesting to note that this school resides in a federal Conservative district that borders Lamoureux's Winnipeg riding. By using this particular school, Lamoureux is attempting to embarrass the minister by citing examples from youth (and specifically youth who are likely to share his values). He also uses *hyperbole* when he suggests that a student's comment is "...a profound statement...." Such accusations are akin to what some pundits and scholars have described as the Conservatives' "policy-based evidence" approach.¹⁰³ He also uses *intertextuality* and *authorization* (specifically expert authority) when he directly quotes the Canadian Association of Refugee Lawyers. He further notes that when "lawyers" are mentioned, the minister laughs – an example of *guilt by association* which is designed to delegitimize Lamoureux by associating him with a group viewed by the minister as biased. Using *repetition*, Lamoureux reiterates the point that Kenney does not listen to or is willing to accept outside criticism.

Lamoureux uses a *metaphor* when he states "...it was a very telling picture..." when the minister and prime minister used the arrival of the *Ocean Lady* to highlight the need for the proposed legislation.¹⁰⁴ Indeed, Lamoureux's line "[h]e did it again today" is an *allusion* to former American Republican President Ronald Reagan's statement "[t]here you go again" during the 1980 presidential debate with Jimmy Carter. This particular phrase is designed not only to disarm Kenney but as a way to quickly refer to his

¹⁰² "Our Mission Statement," [faithacademy.ca](http://www.faithacademy.ca/), last modified September 2013, <http://www.faithacademy.ca/>.

¹⁰³ "Policy-based evidence" is a pejorative term which refers to the commissioning of research in order to support a policy which has already been decided upon; it suggests working back from a predefined policy to produce the required evidence.

¹⁰⁴ The *Ocean Lady* was a freighter which brought 76 Sri Lankan refugee claimants to British Columbia in 2009.

propensity to repeatedly bring up certain points as regards asylum seekers. Using *intertextuality* Lamoureux states that Kenney referenced "...two large ships, with a high number of bogus claims." Again, he uses *repetition*, *metaphor*, *poisoning the well* fallacy, *negative other-presentation*, and *authorization* (specifically personal authority) when he suggests that Kenney's comments are akin to "the demonizing of the refugee." Moreover, the reference to "bogus claims" has the effect of reinforcing banal hegemony.

Using *moral evaluation* and *euphemism* ("profiteers"), Lamoureux describes the impact that the minister's approach could have on refugees. He also utilizes a *rhetorical question* ("[w]ho knows?") to make the point that there can be no way to know why these individuals choose to use human smugglers and to presuppose that their asylum claims are unjustified is wrong. His comment references the point made by Davies earlier and reinforces the *counter discourse* (i.e., that asylum seekers are not criminals). When Lamoureux states that "...the first thing to be done is to put people in detention...", there is the *implication* that asylum seekers who have a legitimate refugee claim, regardless of their mode of arrival, will be detained. By referencing this point, Lamoureux is calling attention to a particular *exclusionary discourse*. Continuing with a similar argument, Lamoureux uses the *strawman* fallacy when he substitutes what appears to be a distorted version of Kenney's position as regards the detainment of families.

Lamoureux states, using *positive self-presentation* and *epistemic modality*, that: "we [Liberals] believe the government is moving in the wrong direction and there has to be an alternative." He also uses *authorization* (specifically role model authority) and *vagueness* when he states that he has spoken to refugees (also *positive self-presentation*), though he does not provide any examples. As such, there is the *implication* that refugees

oppose the legislation. He also makes an important point regarding the minister's argument. Lamoureux argues that one cannot assume an individual who comes to Canada to seek protection is here to commit fraud. Such a statement is designed to establish a *counter discourse*. He further suggests that "[t]he minister needs to seriously consider how he chooses his photo ops...." The *implication* is that the minister is using the event to further stigmatize the refugee community while suggesting, using the *appeal to popularity* fallacy, that the definition used by the minister may not be the one used by asylum seekers.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): There was another issue that the critic for the New Democrats raised that I want the minister to comment on. It is incorporated in this particular bill and it is the biometrics.

We have been looking into this issue at the citizenship and immigration committee. Individuals have come before the committee to make presentations. Now the minister has brought this in out of nowhere and put it into the legislation. Some might argue that he undermined the work of the citizenship and immigration committee. There is some very strong merit in that argument.

We had another review to deal with the backlog of immigration. On November 4, halfway through it, the minister announced a freeze so that people could not sponsor their mom and dad from India or the Philippines or any other country for at least two years. He said we were not to worry because the government has this super visa program, which would compensate for the freeze.

The government has abandoned the whole concept of family and the valuable role that plays in the mixture of immigrants to Canada. We oppose this. What amazed me was that the minister announced the 10 year super visa, and then on December 1 he provided the details of the program.

Initially I was quite supportive of the concept of the super visa. However, the details of it probably excluded the parents of over 80% of immigrants because of the financial and health requirements put into place by the government. I would argue it was ultimately a manipulation. Much like with biometrics, this was another attempt by the Minister of Citizenship, Immigration and Multiculturalism to undermine what the citizenship and immigration committee was doing.

I look to the government, and in particular this Minister of Citizenship, Immigration and Multiculturalism, to reassess what it is actually doing within the immigration department. There is a need for change. We recognize that. When asked, for example, about the role biometrics could play, we believe that biometrics can play a role. We were quite willing to discuss this, and to hear what other Canadians and other stakeholders had to say on the issue. That is why we ultimately supported the committee to deal with that issue.

There is strong merit for biometrics. The minister himself has made reference to them, in terms of individuals who were able to come to Canada, put in a claim, leave and re-enter. There is no doubt biometrics would deal with issues such as that. There is no doubt that countries around the world are trying to get a better sense of the role of biometrics in a nation's security and the integrity of our immigration system, not only for refugees but also for temporary visas for visitors, students or possibly workers. We are open to that.

We are surprised that the minister would have taken this time to bring in that legislation when in fact we have a committee that is supposed to be studying the issue. One could ultimately ask why we are looking at that issue if in fact the minister seems to be going in a certain direction.

That brings me right back to some of my opening comments.

We in the Liberal Party believe that there has to be due process. We need to ensure that there is an appeal mechanism that would enable people to be in Canada while that appeal is being heard. That would not happen under Bill C-31.

We would like to see the minister make the change that he previously agreed to. He acknowledged that there was value to it. We would like to see that change.

In the final section of his speech, Lamoureux references the issue of biometrics. Like the NDP, he notes that the issue was being discussed at committee, and using *metaphor*, argues that "...the minister has brought this [biometrics] in out of nowhere...." Using the *poisoning the well* fallacy, *negative other-presentation*, and *vagueness*, he states that "[s]ome might argue that he [Kenney] undermined the work of the ... committee." He also notes that the committee had been looking at the immigration

backlog (with the *implication* that it had been undertaking this review) and states that the minister announced a freeze on family sponsorship.

By using the kinship terms “mom and dad,” he is attempting to personalize his argument. Moreover, by noting the Philippines, he is directly referencing a large (~20 percent) visible minority community in his district.¹⁰⁵ From a sociological perspective, it is important to note that the concept of family is highly valued in Filipino culture and that social life generally revolves around their extended family.¹⁰⁶ By referencing “mom and dad,” Lamoureux is making a specific social statement about his constituents and, via *implication*, suggesting that Kenney does not care about the Canadian Filipino community. Using *authorization* (specifically personal authority) and *intertextuality*, he states that the minister indicated “not to worry” as the new super visa program would compensate for the freeze.¹⁰⁷

Using a *moral evaluation* and *metaphor*, he accuses the Conservative government of having “abandoned the whole concept of family,” and, using *epistemic modality*, states that, “we (Liberals) oppose this.” The *implication* is quite clear – the Conservative Party does not support immigrant families, which is perhaps designed to call into question Conservative ideology. Unfortunately, it is not exactly clear what the Liberals oppose either – the abandonment of the concept of family, the valuable role that it plays in the

¹⁰⁵ Federal Electoral District Profile of Winnipeg North, Manitoba (2003 Representation Order), 2006 Census, last modified 2010, accessed April 23, 2011, <http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-595/P2C.cfm?TPL=RETR&LANG=E&GC=46012>.

¹⁰⁶ Shapiro, Marsha E. “Asian Cultural Brief: Philippines,” hawaii.edu, last modified 2012, http://www.hawaii.edu/hivandaids/Asian_Culture_Brief__Philippines.pdf.

¹⁰⁷ The new Parent and Grandparent Super Visa will be valid for up to 10 years and will allow an applicant to remain in Canada for up to 24 months at a time without the need for renewal of his/her status.

mixture of immigrants to Canada, or both. Moreover, his reference to family again has specific sociological significance as regards the Filipino community.

Lamoureux notes that he was initially supportive of the ten year super visa (his support was included in a press release issued by the Conservatives in December 2011). Using a *hedge* as well as the *strawman* and *pseudo-precision* fallacies, however, he withdraws his support when he states "...the details of it probably excluded the parents of over 80% of immigrants because of the financial and health requirements put in place by the government." Again, the direct reference to parents has obvious sociological connotations. Using *negative other-presentation* and *hyperbole*, he suggests the minister's statement "...was ultimately a manipulation." Using *comparison* and *poisoning the well* fallacy, Lamoureux suggests that Kenney's statements regarding the super visa program, like the issue of biometrics, was meant to "...undermine what ... the committee was doing."

Ironically, Lamoureux reinforces the *dominant discourse* when he states, unequivocally using *epistemic modality*, that "[t]here is a need for change. We recognize that." In fact, using *repetition*, he makes repeated references to the merits of biometrics. Moreover, by using "[t]here is no doubt..." twice in the same paragraph, not only is Lamoureux practicing *closure to opposed argumentation* but is also *appealing to the desire to be reasonable*. He attempts to redeem himself, however, when he uses the *begging the question* fallacy: "[o]ne could ultimately (*hyperbole*) ask why we are looking at that issue if in fact the minister seems to be going in a certain direction." The *implication* is that the direction is not a good one.

Using *epistemic modality*, Lamoureux concludes his speech by affirming that the Liberals “believe that there has to be due process” (also *positive self-presentation*). As such, there is the *implication* that there has not been due process – though it is also unclear as to what “due process” represents. He states that “we (Parliament? Liberals?) need to ensure that there is an appeal mechanism that would enable people to be in Canada while that appeal is being heard.” The *irony* is, of course, that the Liberals had plenty of time to implement an appeal process while they were in government. As such, it is an example of the *selection of arguments* bias.

Conclusion

In this chapter, I sought to answer my second research question: What role do elite Conservative parliamentarians play in the production of prejudice? As Every and Augoustinos (2007, 411) note, “[t]he categorical denial of racism and the simultaneous exclusion, oppression and demonization of minorities is a defining feature of contemporary responses to out-groups such as asylum seekers.” The expression of negative views of others, coupled with various discursive strategies designed to present such views as “not prejudiced,” has been termed “new” or “modern” racism (Barker 1981). In effect, those who wish to express negative views against out-groups do so in a manner that appears to present those views as legitimate, rational, and warranted. For example, Lynn and Lea (2003) note that the differentiation of asylum seekers into “genuine” and “bogus” is but one way to criticize asylum seekers while at the same time appearing reasonable. In the conclusion, my focus will be on specific examples that demonstrate that Kenney’s comments reinforce prejudice. It has the effect of reinforcing

banal hegemony since such usage (by politicians, media, etc.) presupposes that there exists two distinct categories of refugees when, in fact, they are social constructions.

Kenney's stance on immigration is carefully framed as a positive feature of Canada's long history. Suggesting that this "openness" is an idea rooted in core Canadian values of fairness, tolerance, generosity, humanitarianism, freedom, and protection, these ideals both "reinforce and enhance [Canada's] tradition of protecting refugees." As Billig (1988, 93) points out, prejudicial attitudes now hide behind and become justified by references to such traditional values as equality and fairness. Kenney's appeal to "fair and effective" resonates with a claim made earlier in his speech that "Canadians want Parliament and this government to take strong and meaningful action to reinforce the integrity and fairness of our immigration and refugee system." Within this context, the failure, for example, to prevent the sinking of "a large vessel of illegal smuggled migrants headed to Canada" is portrayed as irresponsible, as a "legal and moral obligation," and therefore un-Canadian. In fact, the failure to act on the supposed abuse is presented to the audience as the opposition "turn[ing] a blind eye."

Both the discourses of discipline and regulation are found throughout Kenney's speech, which is especially relevant when seeking to manage immigration. Such a perspective is clearly evidenced when Bauman (2005, 70; emphasis in original) articulates that:

Like the liquid cash ready for any kind of investment, the capital of fear can be turned to any kind of profit, commercial or political. And it is. Personal safety ... has become a major, perhaps *the* major selling point in political manifestos and electoral campaigns.

In emphasizing the need for refugee reform, Kenney's speech is replete with references to such values as balance, firmness, fairness, and integrity – with a view of taking control of immigration and limiting the ability of so-called “illegal immigrants” to enter Canada. Phrases such as “large human smuggling operations,” “large number of false refugee claims,” and “several large planned voyages,” clearly evoke attack imagery. Canada is portrayed as a country under siege and the current immigration system is constituted as a threat to Canada's “generosity” – hence, there is the imminent need to establish “Fortress Canada.” Beard (2000, 22) in citing Gibbs (1994) notes that war metaphors are “not just rhetorical devices for talking about politics, for they exemplify how people ordinarily conceive of politics ... [and] often delude people into believing that negotiation and compromise are forbidden by the rules.” By highlighting the supposed preventable attacks, Kenney's speech underscores the claim that under the current policy Canada is vulnerable. We now witness the spectre of the *enemy within* (Lyn and Lea 2003): “when hundreds of people arrive in such an operation without documents, without visas, having arrived illegally in violation of several immigration and marine laws ... we need to know whether they are admissible to Canada and whether they constitute a security risk to our country.” Unfortunately, such beliefs breed fear – not only is it a fear of danger but a fear of what they might become (Bauman 2007, 9). It is this fear that prompts defensive action.

Throughout his speech, Kenney refers to “false refugee claimants,” “illegal migrants,” “false asylum claimants,” “gunrunners,” “smugglers,” and “criminal networks.” Thus, immigration and crime are constituted as complementary threats to Canada by positioning asylum seekers as discursively linked to criminality and human

smuggling. Politicians therefore seek substitute targets on which to unload that surplus fear. In the liquid modern world, asylum seekers have become that substitute (Bauman 2007, 11). The interplay of the discourses of criminality and immigration has resulted in what Guia, van der Woude, and van der Leun (2013) term the “discourse of crimmigration.” Accordingly, an immigration approach that is “fair,” “consistent,” and “respectful,” is more than a reasonable approach to those who “arrive in the country in illegal ways” or who file asylum claims “from countries that are completely democratic, liberal and respectful of human rights.” This is not prejudiced but simply Kenney “stand[ing up] for the protection of real refugees.”

The repeated use of “we” and “us” throughout Kenney’s speech is done in order to construct “specific, but inclusive, boundaries around the ‘us’ who comprise the audience” (Capdevila and Callaghan 2008, 7). In the first instance, it reinforces the belief that Canada’s refugee system is more than generous and an acceptance of a “legal and moral obligation” to support “legitimate” refugees; in the second, the use of the word “real” mitigates any arguments that might be raised around the need for these measures. These reforms are designed to support “real” refugees – those who have been selected abroad from UNHCR camps. From the Conservative perspective, real refugees do not seek asylum. This may help explain Kenney’s repeated reference to the Privately Sponsored Refugee Program.

Kenney’s speech further sets up a discursive contrast between good and bad on two key fronts. First, it is constructed related to immigration: the “good” relates to protecting those in need; those with legitimate refugee claims; those who are victims of persecution, torture, warfare, and oppression; the “bad” relates to those who have no regard for

Canada's asylum system, are alleged victims of human traffickers, and who arrive via "large human smuggling operations." Second, it sets up a contrast between "good" and "bad" government: a "good" government ensures "fair rules and their consistent application" while a "bad" government "turns a blind eye" to the problem of immigration and refugee reform or who are duped by supposed "hapless refugees." Those who do not take such issues as refugee reform, crime, fraud, and immigration seriously are positioned as ignoring the problem. As Capdevila and Callaghan (2008, 7; emphasis in original) point out, "this does not suggest that they [the opposition] *cannot* see the problem rather that they *refuse* to see it...." The implication is thus: since the NDP and Liberals do not see the issue of asylum and immigration in the same way as Kenney does, they are wilfully blind and, as such, are making an irrational choice. By rearticulating asylum seekers as illegitimate, fraudulent, and criminal, Kenney is using banal hegemony to present his view as common sense, common knowledge, and the accepted norm. Not thinking of immigration from this perspective is therefore irrational and irresponsible, threatening Canada's overly generous, humanitarian, and exceedingly fair refugee system.

To reinforce key Canadian values, Kenney invokes Canada's historic tradition of supporting refugees which draws upon common sense conceptions of national character in order to justify asylum restrictions. By presenting Canada and Canadians as welcoming, tolerant, and generous, he is able to defend against any accusations of prejudice. At one point in his speech, he offers a criticism while appearing reasonable and sympathetic toward asylum seekers:

...for us to maintain this openness, this generosity toward newcomers, both economic immigrants and refugees, we must demonstrate that our immigration

and refugee programs are characterized by fair rules and their consistent application.

The reference to “fair rules and consistent application” reinforces the liberal trope of equality. In Canadian society, the rules have to apply equally to everyone and anyone who violates those rules is guilty of transgressing “our” social norms. Further in his speech, Kenney again comments on the generosity of Canadians and reinforces his belief that everyone must be treated equally. Bauman (2005, 106) makes an interesting point regarding values, noting that “no argument, however, refined or elegant can prove or refute the ‘truth’ of a value; values are neither true nor false – only embraced or rejected.” By invoking such core values, Kenney masterfully manipulates the debate to focus attention on the “blatant” abuse of these values by so-framed “illegal immigrants.”

Such statements are not only designed to legitimate the need for the legislation but to simultaneously suggest that anyone who enters the country illegally is automatically guilty of transgressing Canadian law and therefore circumventing Canada’s “fair and balanced refugee system.” Kenney’s statement implicitly suggests that these individuals cannot – and should not – be trusted. It is these everyday, supposed common sense statements – e.g., illegal migrants are illegitimate refugees; illegal migrants are criminals; democratic countries do not produce legitimate refugees, etc. – that eventually form the basis of prejudice while reinforcing banal hegemony. As such unsubstantiated claims invariably become the norm, preventing asylum seekers’ access to Canada’s borders and Canada’s refugee system is fully legitimized.

To conclude, I want to offer an interesting observation regarding the actions of the opposition, especially the NDP. During the NDP speech, Davies (and indeed Siksay

during the 2010 speech) makes several statements about refugees and, in particular, their negative portrayal. These statements are presented in a very delicate manner, which suggests an orientation to the difficulties associated with making accusations of prejudice or discrimination (Goodman 2010, 10). In particular, instead of stating “what is” prejudicial or discriminatory, Davies subtly makes reference to “what can be” prejudicial or discriminatory by drawing parallels to the historic treatment of refugees, which are now generally considered to have been prejudicial and discriminatory. This may be attributable to parliamentary procedure as perhaps identifying “what is” prejudicial might be construed as using unparliamentarily language.

Chapter Seven: Discussion and Conclusion

The people did not cross the turnstiles of customs at Ellis Island. They were already citizens. But where they came from, they were not treated as such.
– Isabel Wilkerson, *The Warmth of Other Suns*

Introduction

In 2013, Prime Minister Harper stated that following a string of terror incidents, it was “no time to commit sociology,” a statement that not only galvanized sociologists from across the country but brought our discipline to the fore of Canadian politics.¹⁰⁸ It also reminded us of the impact that words and language use can have on an individual, a group, or even society as a whole. A similar sentiment was echoed over 60 years ago by George Orwell (1981), who, in *Politics and the English Language*, lamented that “[i]n our time, political speech and writing are largely the defense of the indefensible...” and that “political language ... is designed to make lies sound truthful, murder respectable, and to give appearance of solidity to pure wind.” It is precisely these sentiments that have informed this thesis.

While the Conservative government argued that Bill C-11: *The Balanced Refugee Reform Act* and Bill C-31: *Protecting Canada’s Immigration System Act* were aimed at refugee reform and designed to target “criminal middlemen,” I argue that their intent was actually aimed at restricting refugee asylum from specific countries, despite the fact that it is an internationally recognized treaty right. Expanding upon Theo van Leeuwen's (2007, 2008) strategies of legitimation, Teun A. van Dijk's (1993, 2006, 2008) strategies of

¹⁰⁸ Fitzpatrick, Meagan. “Harper on Terror Arrests: Not a Time for ‘Sociology’,” cbc.ca, last modified April 25, 2013, <http://www.cbc.ca/news/politics/harper-on-terror-arrests-not-a-time-for-sociology-1.1413502>.

Othering, and Douglas Walton's (1989, 1999, 2008) argumentation strategies, I argue that the Conservative defense is one that is fallacious, untenable, and prejudicial, designed to portray asylum seekers as criminals, fraudsters, and security threats.

While this represents the primary basis of my thesis, I also sought to explain how hegemony, specifically, what I have termed, banal hegemony, is used to propagate this particular Conservative worldview while explaining how Bauman's observations of mobility influence this worldview. To augment my analysis, I adapt Elke Winter's (2011) thesis to explain how the Conservatives juxtapose legitimate refugees against asylum seekers in order to further legitimate their desire for reform. Finally, I utilize the concept of prejudice to investigate and demonstrate how Conservative talk and text mirror the strategies used by other right-wing European parties. In order to address these issues, I identified five key questions. The first, how does the concept of a multicultural "other" influence the development of the Conservative approach to asylum seekers, was addressed in chapter four; the second, what role do elite Conservative parliamentarians play in the production and reproduction of prejudice, was discussed in chapter five. In this concluding chapter, I address the remaining three, specifically how can the theories of Gramsci and Bauman be used as useful lenses to assess Conservative discourse on refugee reform, what specific discourses are produced by Conservative elites, and how do elite parliamentarians use argumentation, legitimation, and Othering strategies to argue their respective position.

From Cultural to Banal Hegemony

There's a sign on the wall but she wants to be sure...
'Cause you know sometimes words have two meanings.
– Led Zeppelin, *Stairway to Heaven*¹⁰⁹

The Gramscian notion of cultural hegemony suggests that the struggle for power in capitalist societies is dependent upon consent rather than force, with particular emphasis paid to the production of ideology as a means to sustain relations of power (Fairclough 2003, 45). I argue, however, that ideology, as a means to sustain power relations, is at an end. As cultural historian Christopher Lasch (1991, 21) observed, “old political ideologies have exhausted their capacity either to explain events or to inspire men and women to constructive action.” Given the supposed “end of ideology,” how do elites – politicians, media, etc. – manage to convince the masses that certain groups are a threat to be solved? Borrowing from Michael Billig (1995), I contend that rather than employing cultural hegemony, which has its basis in ideology, I propose that elites use banal hegemony. From my perspective, banal hegemony is everyday representations of rearticulated meaning. The focus here is not on producing or reproducing the shared ideas or beliefs to justify the interests of the dominant group (which occur regardless of who is in power); rather, it is to explain how the rearticulated meaning of words and phrases are unintentionally or unconsciously propagated by elites and non-elites alike. The end result is a formulation that has specific social and political consequences for asylum seekers.

As elites, politicians hold a privileged position in society in that they are able to use their position to define what constitutes “common sense.” For example, Foucault

¹⁰⁹ “Stairway to Heaven Lyrics,” about.com, accessed October 21, 2013, <http://classicrock.about.com/library/Lyrics/blstairwaytoheaven.htm>.

(1978) argued that sexuality, as a bourgeois invention, was developed for the benefit and propagation of that class. As such, the bourgeois elite were able to define sexuality in a particular manner that benefited them. I argue that Conservative elites practice a similar rearticulation as regards asylum seekers; the key difference, however, is that these elites can no longer rely on ideology to propagate their position. It must be done more surreptitiously; hence, the value of banal hegemony. Drawing upon Billig's (1995) banal nationalism, I contend that in modern capitalist societies, there is a continual reminding of the rearticulated meaning so much so that the reminding becomes so innocuous that it does not even register as reminding or, more importantly, as a redefinition.¹¹⁰

In chapter three, I stated that the key tenet of banal hegemony rests with the notion that, as a form of social power, it draws its essence from manufactured truth. As such, ruling groups are able to secure the consent of the ruled by framing meaning in a particular manner; in this sense, elites practice *rearticulation of meaning* which creates a false conceptualization of the "truth." Through banal hegemony, a concept is redefined so as to imbue it with a new meaning to serve a particular social and political purpose. Hence, asylum seekers must be presented as a "problem" to be "solved." By rearticulating asylum seekers as illegal, criminal, bogus, fraudulent, security threats, etc., it becomes much easier to legitimate the need for reform. Perhaps even more unpalatable is the fact that the new definition is attached to asylum seekers before they even arrive, thereby supporting Bauman's observations regarding mobility and immobility. When news

¹¹⁰ Billig (1995, 6) introduces the term banal nationalism to cover the ideological habits which enable the established nations of the West to be reproduced and argues that, unlike what other observers have suggested, these habits are not removed from everyday life. As such, banal hegemony, like banal nationalism, far from being an intermittent mood in modern capitalist nations, is the endemic condition.

articles, political blogs, letters to the editor, Facebook posts, etc. use these terms to define or describe asylum seekers, these individuals are unconsciously reproducing a particular worldview. As such, they are employing banal rather than cultural hegemony.

In both Conservative speeches, asylum seekers are rearticulated as criminals, fraudsters, or security threats. This is not surprising. The successful legitimization of his proposed reforms is wholly dependent on portraying asylum seekers negatively. By not doing so would call into question the need for reform. Banal hegemony, however, is invoked precisely because the Liberals and the NDP use Kenney's rearticulation to describe asylum seekers. More troubling, however, is how easily the opposition repeat the same terminology not only instilling it with cognitive validity but presenting the articulations as irrefutable. For example, Bevilacqua references "recent spikes in claims;" "a spike in claims;" "unusual spikes in refugee claims;" while Siksay references "claimants from designated countries;" "some claims from countries that are generally seen not to be refugee producing;" "bogus claims and abuse of the system." In the 2012 opposition speeches, similar language is invoked. For example, Davies states: "Canadians witnessed the spectre of two boats;" "people on those boats of being bogus and harbouring terrorists;" "accused them of queue jumping;" "those people were terrorists;" and Lamoureux: "irregular arrival;" "illegal immigrants pay to be brought here;" "high number of bogus claims;" "general statements about bogus refugees."

Since these descriptors are employed by the three parties under very different contexts, I argue that their usage nonetheless reinforces banal hegemony precisely because they are presented as an acceptable way to describe and define asylum seekers. To instil cognitive validity is to use these terms without considering the overall effect on

the audience or, more importantly, the effect it will have on those defined as such. To be cognizant of its effect is perhaps analogous to those scholars who choose not to spell out racial slurs in their research, thereby challenging the “acceptability” and “normality” of its usage (see, for example, Essed 1991). By invoking banal hegemony, the dominant worldview that asylum seekers are bogus or illegal is sustained and the conceptual linkage between asylum seeker and illegality/criminality/fraud/bogus/threat is continually reproduced.

The Promise of Bauman: Asylum Seekers and their Relationship to the State

Imagine all the people
Sharing all the world
– John Lennon, *Imagine*¹¹¹

Bauman (1989) suggests that modernity reflects that which is rational and that rationality potentially can become evil. By way of example, Bauman notes how the Holocaust represented the true face of modernity, one that can be used for foul purposes and as an ally of evil. As such, we can see how almost any action can be rationalized using the modernist reason. For Bauman, however, modernity is an unreasonable, reckless approach for society to follow. It potentially can lead humanity down a very dangerous path. Hence, Bauman’s promise is based somewhat on his vision for humanity inasmuch that he believed that individuals should strive to meet the standards of responsibility, equality, and justice. There are, however, challenges to meeting these minimum moral standards.

¹¹¹ Lennon, John. “Imagine,” [azlyrics.com](http://www.azlyrics.com/lyrics/johnlennon/imagine.html), accessed July 15, 2014.
<http://www.azlyrics.com/lyrics/johnlennon/imagine.html>.

Bauman (1989) identifies three conditions that erode moral inhibitions enough to allow humans to venture down that ill-advised path: authorization, routinization, and dehumanization. For the purposes of this thesis, it is the last condition that is perhaps most relevant in eroding any moral inhibitions about restricting entry to asylum claims. Dehumanization is a process of moving a person from outside an actor's "moral universe." Bauman argues that there are those for whom moral laws apply, and, if a person is renamed or reframed such that they do not fit within that universe, then the moral conundrum of denying these individuals asylum/support/help can be legitimated. This is the value in considering Gramsci's focus on language, as it "...is crucial to understanding how we interpret the world and create meaning.... [and is therefore] central to politics..." (Ives 2004, 71-72).

My overall analysis rests on the argument that Conservative discourse on asylum seekers is designed to dehumanize this group. Through, what I term as "banal hegemony," I argue that the goal is not only to convince Canadians, using every day, common sense language, that it is normal and appropriate to prevent asylum claims from so-called "illegal migrants" but that illegal migrant is a category in itself. The ultimate goal is to ensure that only legitimate refugees – as determined by the government – are admitted to Canada. But it also speaks to the broader issue of social suffering and the contention that certain groups hold (as in the case of Canadian citizens) or are given (as in the case of so-called legitimate refugees) a privileged position within Canadian society.

Unfortunately, political realities (if there even is such a thing) demand that difficult decisions have to be made regarding who should and should not be allowed to enter the state. As a key tenet of sovereignty, it gives states the right to restrict mobility in

order to “protect” citizens from some imagined or created fear. Asylum seekers not only represent those objects to which states can and are able to control but are the “public enemy” (Bauman 2004, 66). By presenting asylum seekers as a threat to social order, states are able to legitimate restrictions on their entry without appearing discriminatory or prejudicial.

Rather than address the issue directly, for politicians, it is politically expedient to avoid an issue completely. If asylum seekers cannot access a border, then they cannot make a claim. The desire to “push the border out” becomes a means to deny entry and restrict mobility. Such thinking harkens back to Reform policy when one of its key policies was an emphasis on tighter border control as a means to stem illegal immigration flows (Kirkham 1998, 248). In fact, during his 2012 speech, Kenney compliments the work of law enforcement agencies in preventing “several large planned voyages of illegal smuggled migrants.” During this part of his speech, at no point does he acknowledge the possibility that these individuals may have a legitimate claim, instead using it to counter the opposition’s contention that they are “hapless refugees.” These individuals are Bauman’s “poor,” a group so unwanted that they are kept out of sight in order to be kept out of mind.

There is a clear link to be made between Gramsci and Bauman. In fact, the concept of banal hegemony reinforces the Janus nature of the term “refugee:” on one side are those deemed to be legitimate while on the other are those deemed to be

illegitimate.¹¹² Bauman's free/unfree dichotomy meshes well with my discussion on who is permitted entry (refugees) and who is denied it (asylum seekers). To be able to rationalize and legitimate the decision to deny entry, however, the unfree must be presented negatively. Such a position not only eerily describes the approach taken by the Mackenzie King government towards the Jews prior to and during the Second World War but also the approach taken by the Conservative government during the 2010 and 2012 debates on refugee reform.

Conservative Discourses of "Crimmigration"

In the realm of securitization applied to immigration, the immigrant ... ceases to be punished for committing an offence and starts being punished because he is "a part of" or "one of them" (Guia 2013, 20).

Discourse, as a terrain of struggle, is never conducted on a level playing field with the dominant discourse, no doubt, serving dominant social interests. The arrival of asylum seekers could be alternatively portrayed in discourse (e.g., positively, or as a group seeking refuge), but as Fiske (2006, 5) rightly points out "[e]ach word [or phrase] has a set of appropriate images to go with it in a discursive repertoire that makes a particular sense of the events that serves particular social interests and that has particular material effects." To portray asylum seekers as criminal, fraudulent, or security risks serves Conservative interests not only bringing to the fore their underlying prejudices but also acting as a legitimating force for their controversial and discriminatory policies. The NDP and Liberals are also guilty of using discourse to serve their broader political aims; their

¹¹² To use Janus to describe this situation is quite apt as in Roman mythology he was the god of beginnings, transitions, gates, doors, and passages.

language portrays refugees as victims of a Conservative “agenda.” Such processes nonetheless have the effect of excluding social agents in the social representation of events thereby “obfuscating their agency and responsibility” (Fairclough 2003, 230).

Australian scholar John Fiske (1996) has argued that the way in which individuals experience social life, and the events that constitute it, is communicated through discourse, which is almost always determined by the social power that imbues it with a particular set of meanings. In other words, one’s understanding of an “event” is often constructed by others — and that event can potentially be constructed differently:

[t]he continuity between the event and discourse produces a “discourse event” or “media event,” not a discourse *about* the event. No discursive event is ever complete in itself but always carries traces of the other competing, discursive events that it is not (Fiske 1996, 4-5; emphasis in original).

Events do happen, but the ones that are not mediated do not count, or at least, only count within a particular locality. By way of example, consider the arrival of two “illegal migrant” boats to British Columbia. This was a media event and, even though a few weeks later, Kenney was in the House of Commons making similar accusations, the image was nowhere as compelling. While the derogation of refugees within the House of Commons matters intensely within its own immediate conditions, in the final analysis, it counts for less than the spectacle itself, i.e., making the same accusations on the deck of an illegal migrant ship. The difference, in effect, is in the mediation.

Discourse analysis differs from linguistic analysis in focusing on what statements are made rather than how they are, where the emphasis is oftentimes on analysing what statements were made and what ones were not, who made the statements and who did not, etc. In fact, as I noted earlier in the thesis, at no point are the “voices” of refugees given a

privileged position within Conservative, Liberal or NDP talk and text. In fact, these voices are non-existent. Here, intertextuality (e.g., direct/indirect reporting) is especially relevant as it speaks directly to issues of legitimacy and argumentation.

According to Fairclough (2003, 49), intertextuality, specifically direct reporting, is a more valid form of argumentation because it purports to be relatively “faithful” to what was reported whereas indirect reporting is more of a summary. Since it does not capture the actual words used, it may result in recontextualization (see Wodak 2009). While Kenney does make use of direct and indirect reporting, it is the voices that are omitted that are perhaps most relevant. Such an omission has important implications since the inclusion of such text speaks not only to the relevancy of the voices that are included but also those that are excluded or intentionally omitted (Fairclough 2003; Riggins 1997). Clearly, the voices of refugees are omitted (whether intentionally or unintentionally is unknown) but perhaps even more significant is the absence of any supporting voices (for example, lawyers, churches, or immigrant settlement agencies). The omission of such key voices lends support to the criticism made by the NDP in their 2012 speech that the proposed legislation was “roundly condemned by virtually every group and stakeholder involved in the immigration system in this country.”

Discourse is generally used to designate the forms of representation, conventions, and habits of language that produce specific fields of culturally and historically located meanings (Brooker 2003, 78). Put more simply, discourses are the language used to represent a given social practice from a particular point of view (Fairclough 1995b, 56). Discourse works in the shadows, emerging occasionally as text, speech, or conversation, to help make sense of social life and “the discursive patterns of domination,

subordination, and contestation ... where the weaving of the social fabric is politicalized” (Fiske 2006, 6-7). Indeed, based on my analysis, these patterns are realized in Conservative talk and text through three key discourses: securitization; criminalization; and fraud.

Here, we see the value of again considering the works of Zygmunt Bauman, especially his contribution to the discourse of mobility. In liquid modern life, asylum seekers are viewed as “waste water” whose contribution to a state is under constant attack. Using words and images to present asylum seekers, for example, as a threat to border security legitimates the need for border control and to implement policies and practices designed to restrict their entry. Governments, not content to control direct access to their border, seek now to “push the border out” to a point where the asylum seeker is unable to claim refugee status. In fact, such discourses are common, and appear frequently in debates on immigration and asylum seekers. As Sedlak (2000, 139) notes:

In the course of the last few years, the negative representation of asylum seekers as abusers of asylum has also become established in political [immigration] discourse. It is assumed that an increasing number of foreigners make consciously false statements and obtain asylum by devious means — for instance, by adopting false identities or by inventing false stories about persecutions and discriminations they had to endure in their home countries. Simultaneously, it is presupposed that the real motives for their applications for asylum are either economic reasons or in involvement in criminal affairs.

Asylum seekers are predisposed to criminal behaviour or, at least, to a behaviour deviating from the principles of Canadian and international law. They are therefore presented as a threat to national security. Negative qualifiers such as “irregular arrival” reflect the negative out-group representation of these individuals while such phrases as “smuggling event” tend to criminalize and normalize the arrival process. They are no

longer asylum seekers but security threats arriving without documentation and in violation of legitimate migration norms. In the discourse put forth by the government, however, references to legal statutes and international laws can only be interpreted as a means to legitimate the course the government is pursuing with regard to refugee reform. As these individuals are “clearly” violating established legal norms and procedures, their violations must be addressed. This is achieved, among other methods, by presenting these individuals as “lawless” and a “security risk.”

The Conservatives also portray asylum seekers as products of criminal enterprises and therefore unworthy of protection in Canada. The criminalization of asylum seekers is a consistent discourse on matters of immigration (see, for example, Wodak and van Dijk 2000). Indeed, specific denominations are used for categorizing asylum seekers by virtue of their ethnic or geographic origin, their status as legal or illegal persons, and their use of illegal means to seek refuge. The use of such semantic moves as “illegal immigrants” is interesting given that only actions can be “illegal” not people – this rearticulation not only further criminalizes immigrants but heightens the negative subtext associated with its usage. It is banal hegemony at its finest.

Finally, Conservative discourse typically expresses the view that most asylum seekers actively and consciously engage in fraud – as such, there is the implied conclusion that “illegal migrants” are only in Canada to abuse its “generous” social and healthcare system. Vague quantifiers are often used to reinforce the depth of the fraud while metaphorical language is designed to emphasize the “fraudulent” nature of the asylum seeker: using the “back door” and “[jumping] the immigration queue.” In fact, the flood metaphor constructs an image of Canada as potentially under siege.

It is precisely through these discourses that the polysemic nature of words is most evident. This is especially true given that any story is considered to be a selection, interpretation, and a dramatization of events. In effect, “all representations of events are *polysemic* – that is, ambiguous and unstable in meaning – as well as a mix of ‘truth’ and ‘fiction’” (Riggins 1997, 2; emphasis in original). Against this polysemic backdrop, Kenney is attempting to “naturalize” his statements in order to make them appear as common sense, legitimate, and apolitical (van Dijk 1993).

Argumentation in Political Discourse

I have yet to see a piece of writing, political or non-political, that does not have a slant. All writing slants the way a writer leans, and no man is born perpendicular. – E. B. White¹¹³

Perhaps determining bias in political talk and text is somewhat tautological in that the average Canadian would view political debates as inherently biased – the art of persuasion is a politician’s best asset in convincing his/her audience that their position is the right and proper one. The issue, however, is when does bias become a concern; in other words, at which point does the speaker cross the threshold from mere political posturing to outright misrepresentation. It is deciphering the latter that forms a key part of this thesis. As I noted previously, Walton (1999, 114) suggests that bias is cumulative inasmuch that the more instances of bias found within the speech, the greater the likelihood that the speech will be described as biased.

¹¹³ “Quotes About Bias,” goodreads.com, accessed October 21, 2013, <http://www.goodreads.com/quotes/tag/bias>.

To determine the degree of bias, it is important to review and discuss the most relevant indicators found in the Conservative, Liberal, and NDP speeches. Based on the cumulative distinction as purported by Walton, Conservative argumentation appears to be more unsound and fallacious than either Liberal or NDP arguments. Furthermore, it appears that the argumentation found in Kenney's 2010 speech contains more examples of unsound and fallacious arguments than in his 2012 speech. It is perhaps likely that in a minority government, there is a greater onus on convincing the audience of the need for reform.

Table 12: Argumentation in C-11 and C-31¹¹⁴

	Conservative Speeches		Liberal Speeches		NDP Speeches	
	2010	2012	2010	2012	2010	2012
Commitment to an identifiable position	3	-	-	-	-	-
Loaded Term	4	-	1	-	-	-
Appeals to emotion (Fear, Pity, Authority, Popularity, Desire to be reasonable, Flattering the audience)	8	4	6	4	4	5
Selection of arguments	1	5	2	3	-	2
Hyperbole	10	5	4	6	7	4
Statistical Fallacies (Unknowable statistics, Meaningless statistics, Pseudo-precision)	2	2	-	3	-	-
Lip service selection	1	1	2	-	-	-
Logical fallacies (Guilt by association, Red herring, Strawman, Begging the question, Poisoning the well, Post hoc ergo propter hoc, Faulty premise, Rhetorical question, Slippery Slope, Hasty generalization)	15	6	7	14	4	13
Implication	16	16	8	16	9	14
Affirming the consequent	1	-	-	-	-	-
Closure to opposed argumentation	2	-	2	1	1	3
Rigidity of stereotyping	1	1	1	-	-	-
Vagueness	4	10	8	4	6	4
Counterfactual	1	-	-	-	1	4
TOTAL	69	50	42	51	32	49

¹¹⁴ The tables presented in this chapter are not meant to be quantitative measurements of concepts but are included to provide the reader with a useful summary.

Implication

A key aspect of Critical Discourse Analysis is the examination of what is not said or what is said indirectly (i.e., what is implied). Implication represents a more subtle sign of argumentative bias, whereby presumptions are not explicitly stated (Walton 1999, 110). While a statement may be reported as a fact, it may also suggest a conclusion that is highly argumentative, thereby giving the discourse a bias toward a particular viewpoint. In other words, what is left unsaid "...can give insight into the commonly shared knowledge of events and the issues that the speakers possess" (Jones 2000, 302). Indeed, an audience's understanding of an utterance requires them to accept certain assumptions about the utterance that may not be explicitly stated. As philosopher John R. Searle (1978, 210) argues "... the notion of the literal meaning of a sentence only has application to a set of relative background assumptions, and furthermore these background assumptions are not all and could not all be realized in the semantic structure of the sentence in the way that ... the sentence's truth conditions are realized in the semantic structure of the sentence." Consider this example from *The Simpsons*:

Lisa: B-E-D! BED!

Bart: Ohhhhhh, bed! Ohh! Anything you say, sis!

Lisa: [growls; twitches her eye]

[Lisa finds Bart jumping on her bed]

Bart: You didn't say which bed!

Lisa: Go to your bed!¹¹⁵

It is supposedly evident that when Lisa is babysitting Bart, and tells him to go to bed, it is implied that she means *his* bed; Bart, however, being the malcontent that he is, chooses to interpret it as being *her* bed. Accepting an utterance at "face value" demands that the

¹¹⁵ The Simpsons. "My Sister, My Sitter." *The Simpsons* wiki, accessed October 21, 2013, http://simpsons.wikia.com/wiki/My_Sister,_My_Sitter/Quotes.

assumptions implied by the speaker regarding it are in line with the assumptions made by the hearer. As this example demonstrates, this is not always the case.

The types of implication found in all speeches delivered by the three parties on the topic of refugee reform show a high degree of homogeneity. In other words, the implications drawn from the speeches can be easily categorized, and in some places, are mirrored by the other parties. For example, one of the implications emanating from Conservative talk and text is the tendency to delegitimize those who question the intent of the proposed legislation:

...those who defend the status quo, who say that these permanent, huge backlogs and the large number of false claims, which contribute enormously to those backlogs, are acceptable, have taken the wrong position with respect to our moral obligation to provide speedy protection to those in need of it.

Perhaps drawing upon Kenney's own criticism of others, both the Liberals and the NDP imply that Conservative text and talk have a tendency to delegitimize those who do not agree with their position. These acts of delegitimation have important connotations as regards the effect on the audience. The speaker, imbued with the authority as minister and as a representative of the government, "...seeks to enhance the relevant power differences by discrediting his opponents and their discourses, in addition to other strategies. By thus delegitimizing his opponents through the discursive strategies that authoritatively establish truth and falsity, the [minister is] also monopoliz[ing] the truth" (Rojo and van Dijk 1997, 531).

Kenney's lack of sound argumentation as regards refugee reform is partly demonstrated through implication. Obviously, these beliefs are not stated directly as this

might result in accusations of prejudice. Such an approach is politically strategic, allowing the audience to draw their own conclusions regarding the need for reform:

In the most persuasive kind of commercial ad or political message, the speaker does not come right out and say what he means. Instead, he draws a picture in the form of a sketch with missing parts and lets the audience fill in the missing parts ... the speaker has plausible deniability. If confronted with having made a damaging or controversial allegation, he can deny that he meant to say anything like that at all (Walton 2007, 186).

In fact, such an approach allows the speaker to argue that his statements are taken “out of context.”

Logical Fallacies

Fallacies “are forms of argument that represent weak inferences, or even deceptive argumentation tactics ... [they] are not just arguments that are logically incorrect [rather they are logically incorrect arguments] that appear to be correct” (Walton 2007, 21). Such arguments can either be (persuasively) erroneous arguments or (rationally persuasive) deceptive arguments.

Table 13: Logical Fallacies in C-11 and C-13

List of Logical Fallacies	Conservative		Liberal		NDP	
	2010	2012	2010	2012	2010	2012
Appeal to authority	3	-	-	-	-	-
Appeal to the desire to be reasonable	2	-	-	1	-	2
Appeal to fear	-	1	4	1	1	1
Appeal to pity	-	-	-	-	2	-
Appeal to popularity	3	3	2	2	1	2
Begging the question	1	-	-	1	-	1
Error of meaningless statistics	-	1	-	1	-	-
Error of unknowable statistics	1	-	-	-	-	-
Faulty premise	-	1	1	-	-	-
Flattering the audience	1	-	-	-	-	-

Guilt by association	3	1 ¹¹⁶	-	-	-	-
Hasty generalization	4	2	1	-	-	-
Poisoning the well	2	2	2	8	4	8
Post hoc ergo propter hoc	-	-	1	-	-	-
Pseudo-precision	1	1	-	2	-	-
Red herring	-	-	1	1	-	-
Rhetorical question	1	-	-	1	-	3
Slippery slope	-	-	1	1	-	1
Strawman	4	-	-	2	-	-
TOTAL	26	12	13	21	8	18

While there are numerous instances of fallacy identified in these speeches, the two most relevant are the poisoning the well and appeal to popularity fallacies.

The overall effect of the poisoning the well fallacy is to try to discredit what an opponent might later claim by presenting unfavourable information (be it true or false) about the opponent. Given that these are political speeches, it is not surprising to find that all speakers use this fallacy to varying degrees. These fallacies are particularly damning (and perhaps politically useful) since their usage not only impugns an individuals' credibility relative to a specific case but creates a general sense of doubt (Walton, Reed, and Macagno 2008, 157). It is not surprising that both opposition parties invoke the poisoning the well fallacy more often than the Conservatives, especially during the 2012 debates. This may be a reflection of the Conservative majority government, as both opposition parties have more to gain by challenging the Conservative position.

One particular example of the poisoning the well fallacy assails both opposition parties. Kenney states: "I regret to see members of the opposition turn a blind eye to what is widespread abuse of the system. That is not my opinion." This example of the

¹¹⁶ It should be noted that this fallacy was made as an interruption by Kenney during Lamoureux's speech.

poisoning the well fallacy is quite dangerous as it “has the effect of shutting down rational discussion on an issue” (Walton 2006b, 280). Not only are his opponents presented as being ignorant of the issue but they are portrayed as having no regard for the truth whatsoever. As a result, they are incapable of participating in a rational argument.

Like the poisoning the well fallacy, the appeal to popularity fallacy is used uniformly across all speeches. Appeals to popularity are fallacious because they do not provide evidence to support an argument but rather seek to convince the audience of an argument’s acceptability because everyone else (supposedly) does. Irving Copi (1986, 96, as cited in Walton 1999, 164) describes appeals to popularity as attempts to win or convey popular support for a conclusion by referencing the populace as opposed to relevant facts. In Copi’s view, such tactics are the last resort of the “propagandist, the demagogue, and the advertiser” (1986, 96, as cited in Walton 1999, 164).

The Conservative use of the appeal to popularity reinforces the belief that while Canadians are “worried” about false claims, they also want “strong and meaningful action.” Here the focus is primarily on what Canadians know to be the right and proper course of action. The Liberals, however, focus on what “everyone” supposedly knows – i.e., that the system is broken and the Conservatives are at fault. Alternatively, the NDP demonstrate, through popular opinion, the argument that the refugee process is highly politicized and successive Liberal and Conservative governments are at fault.

Hyperbole

As Walton notes (1999, 108), hyperbole is often an indicator of argumentative bias, especially when a claim is exaggerated to the point that it creates an atmosphere of

panic. Much of the NDP's use of hyperbole is designed to highlight Canada's immigration system while, within Conservative text and talk, hyperbole is designed to invoke a sense of crisis in order to legitimate the actions of the government. The Conservatives often exaggerate numbers to heighten expectations regarding the severity of the threat (e.g., when they describe illegal migrants as arriving in the "thousands"). More importantly, Conservative use of hyperbole is discursively linked to metaphor inasmuch that arrivals are often described as coming in "waves" or presented as "rising tides" and to vagueness, when patterns of arrivals are described as "large" or "too many." The use of hyperbole is especially relevant for van Dijk (2000b, 75) who notes that the out-group's negative characteristics tend to be expressed in hyperbolic language. In fact, the trend among the Conservatives' use of hyperbole is consistent with what others (such as van Dijk, 2005) have found among other right-wing based parties.

In analysing these speeches, there is sufficient evidence to sustain a charge of bias against the speakers. But there is a very important caveat. Walton (1999, 207) argues that bias must be evaluated using contextual and normative judgements associated with the type of genre being analysed. As such, it would be expected that most, if not all, political speeches are one-sided arguments that generally amount to partisan advocacy. As politicians, it would not be politically expedient for them to make concessions to their opponents, lest they fail to legitimate their position. If we concede, as Walton (1999, 79) does, that bias is one-sided arguments that advocate a particular proposition but fails to be balanced, then these political speeches are certainly biased. But that, of course, is not all that surprising.

So what can we say about the particular type of bias contained in these speeches? Blair (1988, as cited in Walton 1999, 81) makes a distinction between good and bad bias, with the latter described as unbalanced advocacy normatively inappropriate in argumentation. In effect, bad bias occurs in a dialogue situation where an arguer is supposed to be balanced on a disputed issue. For instance, spot news articles are expected to be balanced whereas political speeches, or partisan advocacy, are not necessarily held to the same standard. By way of example, consider the June 2014 news story from *The Toronto Sun* regarding the recent Supreme Court of Canada's decision regarding Internet privacy. In the story's opening sentences, it quickly becomes apparent that this story will likely be biased: "Civil libertarians herald it as a huge victory for Internet privacy. Rather, it's a boon for child predators."¹¹⁷ This occurs despite the fact that normative expectations for news articles demand that it be balanced.

In assessing bias in a speech, there has to be the potential for a "critical doubter" to evaluate an opponent's standpoint and, if the individual finds it plausible, is willing to accept the interlocutor's view (Walton, Reed, and Macagno 2008, 155). In other words, an individual has to be open to be persuaded an alternative is true. Bad bias represents a failure of the proper exercise of critical doubt and represents the "failure in argumentation of openness to new evidence or legitimate critical doubts that have arisen in dialogue" (Walton 1991, 14 as cited in Walton et al 1998, 155). It is important to point out that a

¹¹⁷ Mandel, Michele. "Supreme Court Decision on Internet Privacy Puts Kids at Risk," *torontosun.com*, last modified June 14, 2014, <http://www.torontosun.com/2014/06/14/supreme-court-decision-on-internet-privacy-puts-kids-at-risk>.

charge of bias rests not with speakers' partisanship to their own viewpoint; rather, it is the reaction to the other party's position or critique.

To place this discussion in broader context, I have found that elite parliamentarians communicate their beliefs through the following key arguments:

Conservative Party of Canada: A “balanced, fast, and fair” refugee system?

- Refugee claimants are illegal entrants into Canada
- Illegal migrants are a risk to Canada's security
- Legitimate refugees do not withdraw their claims
- Democratic countries do not produce legitimate refugee claimants
- Illegal migrants pay criminal networks to be brought to Canada
- Illegal migrants only make false claims in order to access Canada's social system
- Asylum seekers abuse the system in order to jump the immigration queue

Liberal Party of Canada: A “fair, efficient, and just” refugee system?

- Those in need of protection wait an inordinate amount of time for processing
- The Immigrant and Refugee Board (IRB) is broken and the Conservatives are at fault
- The Liberal Party believes in the value of refugees
- The Conservative Party is returning to its anti-immigration Reform roots
- Backlogs are unacceptable for legitimate refugee claims
- There must be accountability in the system
- The reforms provide too much ministerial discretion

New Democratic Party of Canada: An “effective, fair, and streamlined” refugee system?

- Canada has been a bastion for refugees seeking asylum
- Canada's refugee system is successful due to grassroots and community involvement
- Canada continues to fail many non-traditional refugees
- The politicization of Canada's refugee determination system has led to unreasonable delays
- Successive Liberal and Conservative governments have created the refugee backlog
- European Union countries can produce legitimate refugees
- The refugee process is highly politicized

Here we see that Conservative (representing the political right) arguments are highly normative: focusing on what they perceive Canadians want (or should want) while

negatively focusing on asylum seekers. Liberal (representing the political centre) and NDP (representing the political left) arguments focus mainly on the plight of refugees or minorities. Interestingly, similar results have been found in other research on immigration and refugees (see, for example, van Dijk 1997; Wodak and van Dijk 2000; van der Valk 2003).

The arguments noted above demonstrate that the Conservative response to criticism of the proposed legislation is quite clear (they do not accept it). Perhaps equally important, it reflects the fact that in the minority government situation, the Conservative government is more open to criticism than when they have a majority. This, of course, is not unexpected given that in a minority the government will invariably need to rely on at least one opposition party to support their legislation. No such expectation is required when they hold a majority. It is important to note that one key difficulty with charging a speaker with bias is intentionality. Do the speakers intend to be biased or are their statements merely unintentionally biased? This is extremely hard to evaluate. The litmus test appears to be based on the given information in a particular case (Walton 1999, 188). In other words, a charge of bias in argumentation remains valid as long as no evidence surfaces which would refute the charge of bias. In each speaker's defense, however, it is perhaps unlikely that they wrote their own speeches. Thus, while it can be concluded that there are elements within the *speech* itself that are biased, there is no evidence to support the conclusion that Kenney, Bevilacqua, Siksay, Davies, or Lamoureux, as parliamentarians are biased. It can be maintained, however, that the argumentation presented in these speeches is unsound.

Legitimizing Border Control

“A nation that cannot control its borders is not a nation”
– American President Ronald Reagan (1981-1989).¹¹⁸

As Rojo and van Dijk (1997, 528; emphasis in original) point out, “the crucial element in most forms of social and political legitimation is that a powerful group or institution (often the State, the government, the rulers, the elites) seek *normative approval* for its policies and actions.” Such legitimation is generally accomplished through persuasive (or manipulative) discourse whereby the actions and policies to be legitimated are typically framed as beneficial for society as a whole. Framing can be considered a key aspect of legitimation given that it “denotes an active, processual (sic) phenomenon that implies agency and contention at the level of reality construction” (Benford and Snow 2000, 614). It entails agency in the sense that what is evolving is the work of elite parliamentarians and it is contentious in that it involves the creation of interpretative frames that not only differ from one another but may also challenge them. In other words, legitimation frames render activities meaningful, thereby functioning to organize experience and guide action (Benford and Snow 2000, 614).

¹¹⁸ Reagan, Ronald. “Ronald Regan Quotes,” goodreads.com, accessed July 15, 2014, <http://www.goodreads.com/quotes/112295-a-nation-that-cannot-control-its-borders-is-not-a>

Table 14: Legitimation in C-11 and C-31

	Conservative		Liberal		NDP	
	2010	2012	2010	2012	2010	2012
Authorization	17	10	15	10	18	17
Comparison	2	3	6	1	1	5
Consensus	11	1	-	1	-	4
Conformity	-	-	-	-	1	1
Moral evaluation	10	7	5	3	6	7
Rationalization	7	13	1	-	5	-
Mythopoesis	4	10	2	1	4	6
TOTAL	51	43	29	16	35	40

Collective action frames are an important part of legitimation because they not only define what is in need of change (e.g., the asylum process) but they also make attributions to those who are to blame (e.g., asylum seekers and, to a lesser degree, criminal networks), articulate alternate arrangements (e.g., reform, visas, biometrics, restrictions on access to health benefits, detention) while seeking attitudinal hegemony (e.g., “Canadians believe...,” “as everyone knows...”) mainly through consensus mobilization. A key point about the “grammar of legitimation” reflects the fact that the discourse tends to frame actions neutrally, positively, or rhetorically in order to emphasize an action’s acceptability or deemphasize its unacceptability (Rojo and van Dijk 1997, 532). Such framing may occur through such strategies as authorization, moral evaluation, conformity/consensus, mythopoesis, and/or modality.

Authorization

In parliamentary speeches, authorization is used to demonstrate to the audience that experts in a particular field (or a particular individual/group held in high regard) support the politician’s position by reference to statements made by them (Reyes 2011). It is important to note that authorization is different from the appeal to authority bias in that

authorization provides no consideration regarding the vested interest the authority may have in supporting the position – rather authorization is used to strengthen the argument of the speaker. Accordingly, Philips (2004, 475) notes that the use of authority helps to promote the speaker as “more persuasive, more convincing, and more attended to.”

Table 15: Authorization in C-11 and C-31

Authorization type	Conservative		Liberal		NDP	
	2010	2012	2010	2012	2010	2012
Expert authority	7	-	8	3	6	3
Personal authority	3	1	5	6	6	7
Role model authority	1	-	-	1	2	-
Impersonal authority	4	8	2	-	4	7
Traditional authority	2	1	-	-	-	-
TOTAL	17	10	15	10	18	17

As Table 15 indicates, authorization is used more frequently by the New Democratic Party than by either the Conservative or Liberal Party. While in their 2010 speech, the NDP often cited the Canadian Council of Refugees and Amnesty International, in their 2012 speech, there are no references to either of these groups. One possible explanation for this discrepancy may result from their position as Official Opposition, and as a potential “government-in-waiting.” Cognizant of being labelled “left wing,” they recognize that in order to achieve government in 2015, they need to avoid referencing other “left-wing” groups lest their opponents use the guilt by association tactic.

With regard to the Conservative Party, the general trend in their 2012 speech places greater emphasis on using impersonal authority while in their 2010 speech, there is a tendency to rely on expert authority (as a minority government) to support their position. One possible conclusion suggests that, under a minority government, there was a greater political need to legitimate the reforms by citing experts as they are in a weaker

political position. Having a newly minted majority government, however, the focus shifts to authority based on what Kenney says needs to be done. This shift is perhaps highly relevant given that expert authorities tend to be those who are above the “fray of party politics, or who are generally recognized experts or moral leaders” (van Dijk 2006, 735).

Moral Evaluation

Moral evaluation is simply legitimation based on moral values (van Leeuwen 2007, 97). While some moral evaluations are explicit (e.g., when a speaker uses terms like “good” or “bad”), in general, they tend to be more obscure. Furthermore, moral evaluation, with its attendant value systems, can be linked to ideology. From the Canadian perspective, then, we would expect Conservative use of moral evaluation to be discursively linked to conservative ideology, which typically combines pro-market liberalism with a view towards maintaining stability and continuity. As ideologies are social, there is the expectation that they would be reproduced by the social practices and discourse of a particular group (van Dijk 2006). Social conservatives, like Jason Kenney, however, tend to support limited government and their policies are influenced by family values, traditional morality/authority, and an emphasis on *noblesse oblige*, that is, a paternalistic responsibility for those who are less well-off (Eberle et al. 2003, 15). Indeed, as Farney (2012, 119) states “...as both party leader and prime minister, Harper has departed from the previous practice of brokerage [politics] ... in Canada by positioning the party on the socially conservative side [of most debates].”

Given that one of the main philosophical claims of social conservatives is the fact that “relations between persons are the stuff of morals; and morals, through the shared

concept of ‘justice,’ seek dramatic confirmation and support in law...” (Grant 2000, as quoted in Farney 2012, 22), one would expect that current Conservative discourse on immigration would focus on legitimization strategies with a strong moral undertone. For the most part, such an assessment is true, especially in regard to the 2010 sponsor speech.

While it is expected that Conservative use of moral evaluation would be greater than either the Liberal or NDP speeches, the fact that Conservative talk and text utilize rationalization more than moral evaluation across both speeches is perplexing. Certainly, one would expect that moral evaluation would be more prevalent in their 2012 speech rather than their 2010 speech, especially given that with a majority government there would be few consequences (at least compared to a minority government) in making morality-based claims.

Consensus

Consensus is a political strategy in which parliamentarians insist on cross-party or national agreement on a particular issue (van Dijk 2006, 736). Given that the Liberal Party views itself not only as the defender of immigration but also as Canada’s natural governing party, one might surmise that they would be most likely to present themselves as the “parliamentary peace maker” by promoting cross-party consensus. As such, the main focus would be between questions of cooperation versus questions of conflict. As Table 14 points out, however, the opposite is true: it is the Conservatives during the 2010 debate who were more likely to seek consensus to support the legislation. The fragment below is typical of the type of consensus strategies used by the Conservatives to legitimate their position:

We also have, as all members will know, a very robust, highly regarded and extraordinarily fair charter-compliant legal system Unfortunately the system has many serious, longstanding problems and everyone knows it.

Here we see the significance of consensus as a strategy of legitimation. If “everyone knows” that there are problems, then the Conservatives are right in seeking a solution (however defined). The considerable use of consensus in the 2010 speech suggests that the Conservatives, cognizant of their minority government position, wished to portray themselves to the Canadian public as conciliatory rather than confrontational – with the immediate goal of passing the legislation and the longer term goal of forming a majority government. This conclusion may have some validity as use of consensus drops off significantly in the 2012 speeches (after the Conservatives had secured a majority government).

Mythopoesis

Mythopoesis is best described as legitimation conveyed through anecdote, mini-narrative, vignette, political myths, or story-telling. These stories are taken as evidence for the general norm of behaviour and are often described as moral or cautionary tales. There is, however, an important caveat regarding the use of mythopoesis in political discourse. Donna Lillian (2006, 76) contends that stories and anecdotes are designed to serve a persuasive function, oftentimes appealing to the speaker’s self-interest as opposed to the common public good. Quoting Mehan (1997), Lillian further asserts that this self-interest strategy was often employed by anti-immigrant opponents who wish to portray Mexican immigrants as the enemy. Not surprisingly, a similar sentiment is expressed in Conservative examples of mythopoesis.

Table 16: Mythopoesis in C-11 and C-31

Mythopoesis type	Conservative		Liberal		NDP	
	2010	2012	2010	2012	2010	2012
Assistance tale	-	1	-	-	-	-
Cautionary tale	-	1	-	1	-	1
Emotional tale	3	4	-	-	4	5
Moral tale	-	-	-	-	-	-
Risk tale	1	4	2	-	-	-
TOTAL	4	10	2	1	4	6

In assessing the use of narrative in political debates on refugee reform, I extend van Leeuwen's (2007, 2008) conceptualization of mythopoesis to include narratives based on emotion, risk, and assistance. The emotion mythopoesis is designed to invoke a specific emotion in the audience or to convey to the audience the speaker's emotional state. The second type, based on risk, conveys legitimation through narratives that highlight some external social or political threat. The third mythopoesis is based on assistance, whereby legitimation is conveyed through the threat averted.

Cautionary Mythopoesis: As a type of mythopoesis, cautionary tales focus on the unhappy endings that come to those who will not follow social norms or who engage in non-conforming behaviour. Consider Aesop's fable *The Boy Who Cried Wolf*. Such a narrative is designed to delegitimize the act of lying and, in fact, classical literature is replete with other cautionary tales. In the 2010 and 2012 speech, I identified only one example of the cautionary mythopoesis:

I do not want to be the Minister of Citizenship, Immigration and Multiculturalism on whose watch we have a large vessel of illegal smuggled migrants headed to Canada in a leaky vessel that goes down in the Pacific Ocean at the great cost of human life if we have not done everything within our power to prevent human smugglers from targeting this country.

In this example, there is the suggestion that by continuing with the non-confirming behaviour (in this case, allowing unchecked migration), it will ultimately lead to “bad” things happening. In this case, the expected norm is to prevent the loss of human life. This particular mythopoesis, however, is troublesome as it suggests as means to an end. While the goal is supposedly to protect vulnerable groups from exploitation, it is highly doubtful that by restricting access to asylum, it will prevent human smuggling. In fact, it may actually exacerbate it.

Emotion Mythopoesis: On a macro level, emotions are constitutive of, embedded in, and manipulated by social institutions, discourses, and ideologies. Hence, the use of an emotionally-laden political myth is but one tool at politicians’ disposal that can be used to reinforce legitimation and manipulate the audience. In the Conservative speeches analysed, their narratives attempt to evoke several key emotions among the audience. In this example, Kenney evokes generosity (while framing it in relation to respectfulness):

Canadians are a generous and open-minded people but they also believe in fair play. Canadians insist, particularly new Canadians, that those who seek to enter Canada do so in a way that is fully respectful of our fair and balanced immigration and refugee laws.

In this example, the reference to “fair and balanced immigration and refugee laws” reinforces the liberal trope of respectfulness. In Canadian society, the rules have to apply equally to everyone and anyone who violates those rules is guilty of transgressing “our” social norms. Statements that reference respectfulness, balance, and fairness are designed to legitimate the need for the legislation while simultaneously suggesting that anyone who enters the country illegally is automatically guilty of violating Canadian law and therefore circumventing Canada’s “fair and balanced” refugee system. Implicit in Kenney’s

statement is a desire to present all asylum seekers as potentially illegitimate while, at the same time, appearing to demonstrate concern about those considered genuine. As such, Kenny's statement indirectly suggests that all asylum seekers cannot – and should not – be trusted.

Risk mythopoesis: The idea of threat is a well-used topos in Conservative talk and text on asylum seekers. In fact, it is a common theme among many right-wing speeches on immigrants and refugees (see, for example, Rojo and van Dijk 1997; van der Valk 2003; Every and Augoustinos 2007). Indeed, threat and uncertainty, which are the focus of risk analysis, applies to nearly every aspect of migration, from the decision to leave (voluntary or involuntary), to crossing borders (legally or illegally), or to society's fear of refugees (documented or undocumented) residing in their community. In fact, the presentation of risk information, as communicated by political elites or the media, has led to what Kasperson et al. (2003, 15) have termed the "social amplification of risk." Thus, it seems almost fated that asylum seekers would be presented as a societal threat. In the example below, we see the epitome of the mythopoesis of risk:

That is why Canadians are worried when they see large human smuggling operations, for example, the two large ships that arrived on Canada's west coast in the past two years with hundreds of passengers, illegal migrants who paid criminal networks to be brought to Canada in an illegal and very dangerous manner.

It is evident that Kenney believes that illegal migration is an issue for all Canadians and, by making a display of concern for these individuals and their safety, Kenney is able to deflect any accusations of prejudice. While these reforms are presented as supposedly protecting these individuals, the narrative actually conveys a sense of threat to Canada's borders and the safety of Canadians (with his emphasis on "criminal networks" though he

provides no evidence in his speech to support this assertion). Indeed, such strategies are often utilized by the far right to counter accusations of prejudice (Goodman and Johnson 2013).

Despite his observation that these individuals were “brought to Canada in [a] ... very dangerous manner,” Kenney expresses no concern for the safety of the migrants. Rather, his focus is solely on the illegality of their actions. Lisa Marie Cacho (2012, 23) makes an important observation regarding racialized minorities such as illegal immigrants, noting that unlike their white counterparts, whose crimes are judged individually on the basis of their conduct, illegal migrants are more likely to be criminalized without regard to their actions or intentions. Here Kenney is attributing criminality to a group of individuals who have not committed any crime – seeking asylum in Canada is, however, portrayed as criminal.

Ronald Jacobs and Sarah Sobieraj (2007, 22), in their analysis of narrative and legitimacy in Congressional debates about the non-profit sector, contend that there are likely certain types of narratives that are more politically powerful than others. This is perhaps not surprising given that political narratives are generally designed to convey to the audience the stakes associated with implementing (or not implementing) a specific policy action (Farwell 2012, 157). Telling a story or recounting a political myth are important ways of conveying information, especially for political speeches, whose primary role is to convey to the audience the purpose of achieving specific objections. Stories, anecdotes, political myths, mini-narratives, etc. not only serve an information relaying function but are instrumental in conveying either a subjective, objective, or constructed reality (McNair 2007, 11). As such, both the content and function of the story

are relevant. The types of narratives frequently utilized by the Conservatives are centred on risk and emotion, which are important repertoires for politicians.

Modality

As Theo van Leeuwen (2005, 160) notes, “‘modality’ is the social semiotic approach to the question of truth.” Simply put, what is considered truth in one social context is not necessarily regarded as truth in another. For those who study discourse, modality is not an “either-or” matter; rather, it can be represented as matters of degree ranging from low (“may”) to medium (“will”) to high (“must”) (van Leeuwen 2005, 162). Indeed, the degree of modality has certain connotations in political talk – the use of high/strong modal verbs, for example, suggest certainty while the use of low/weak modal verbs suggests uncertainty (Sulkunen and Törrönen 1997, 49). While at the semantic level epistemic and deontic modality may not have much in common, they do share two key features: subjectivity and non-factuality (Palmer 1986, 96). Within Critical Discourse Analysis, modality is understood as more than just counting the occurrence of modal verbs; rather, it communicates the speaker’s attitude toward, and/or confidence, in his/her proposition (Lillian 2008, 2).

Table 17: Modality in C-11 and C-31¹¹⁹

	Conservative		Liberal		NDP	
	2010	2012	2010	2012	2010	2012
Deontic Modality	3	1	4	2	1	1
Epistemic Modality	3	1	1	5	2	6
TOTAL	6	2	5	7	3	7

¹¹⁹ It is important to note that I have not attempted to identify every instance of modality in these texts. Rather the goal is to identify particular key instances.

Clearly, all speakers utilize modality to some degree; however, the most interesting use of epistemic modality can be found in Kenney's 2010 speech:

The truth is this. Too many people try to use our asylum system as a back door to gain entry into Canada, rather than wait patiently to come here through the immigration process. The result is that too many people abuse our system in an effort to jump the immigration queue. There are a number of problems with the current system, which encourage unfounded claims.

This speech fragment perhaps best exemplifies the Conservative commitment to truth and certainly there is little doubt as to what "the truth" represents – in one key statement, he clearly identifies the intent of the proposed legislation. It is not intended to provide a "balanced, fast and fair" refugee system but rather to ensure that asylum seekers do not use the system "as a back door to gain entry into Canada" – that is the social power of modality. With regard to the Liberals and NDP, it is likely they would rely on modality more so than the Conservatives precisely because they have something to gain. As opposition, they are in the unenviable position where commitment to "truth" is perhaps deemed to be higher as there would be a greater onus on them to convince the audience as to why they ought to be in government and not the Conservatives.

Othering Asylum Seekers

I think that perhaps the provinces, some of the provinces who are raising this, have put their priority in the wrong place. They should be more focused on their own citizens and residents than people who are, in many cases we're talking here about illegal immigrants – that is to say, rejected asylum claimants who are under removal orders from Canada.

– Jason Kenney, Minister of Citizenship and Immigration Canada (2008-2013)¹²⁰

¹²⁰ Fitzpatrick, Meagan. "Refugee Health Wrong Priority for Provinces, Kenney says," cbc.ca, last modified June 29, 2012, <http://www.cbc.ca/news/politics/refugee-health-wrong-priority-for-provinces-kenney-says-1.1193757>.

The idea of Othering represents an important strategy in political discourse: parliamentarians, regardless of their political orientation, will emphasize their own and deemphasize their opponents' perceived good ideas while deemphasizing their own and emphasizing their opponents' perceived bad ideas. Such positive/negative framing has the effect of influencing the audience toward their position and away from their opponents. The end result is an audience that will (hopefully) identify with the speaker, his/her position, and ultimately his/her political party.

The use of rhetorical figures (e.g., metaphor, irony, euphemism, sarcasm, etc.) is relevant for the study of parliamentary debates on immigration precisely because it can function to manipulate the social representations of the out-group (Wodak and van Dijk 2000). As such, rhetorical devices are often used to either steer attention to, or enhance the interest of, a speech in order to reinforce the speaker's point. As van der Valk (2000, 233) notes, metaphors contribute to the construction, definition, and understanding of social reality because they are often concrete and visual. The flood and forceful entry metaphors, for example, may symbolize the loss of control over immigration. In Conservative text and talk, flood metaphors such as "waves" and "rising tide" and house metaphors such as "back door" and "doormat" can be termed "negative metaphors" because they can be discursively linked to the Other (i.e., "them"), especially within the context of negative Other-presentation.

Table 18: Rhetoric in C-11 and C-31

	Conservative		Liberal		NDP	
	2010	2012	2010	2012	2010	2012
Euphemism	1	5	4	1	3	3
Hedge	2	2	2	1	1	1
Irony	-	3	1	2	1	-
Metaphor	3	5	4	6	10	10
Sarcasm	2	1	-	6	1	3
TOTAL	8	16	11	16	16	17

Alternatively, Liberal and NDP use of “negative metaphors” focuses on damaging the Conservative image. In their text and talk, for example, constraint metaphors such as “bottleneck” and “ballooned” as well as political metaphors “played games” and “political football” are used to highlight Conservative inaction on refugee reform. Surprisingly, Conservative, Liberal and NDP discourse on immigration rarely avails of so-called “positive metaphors,” which are discursively linked to national self-glorification and positive self-presentation. The use of such metaphors as “place of refuge” and “safe haven,” however, does present Canada positively and is perhaps designed to counter accusations that Canada is unwelcoming to refugees. It is interesting to note that the NDP reverse the animal metaphor in order to describe Conservative actions (e.g., “preyed on”) while the Conservatives use it (“coyote”) to describe illegal migration. In its traditional usage, the animal metaphor symbolizes the depersonalization of asylum seekers.

Negative Other-presentation

Parliament is a prime site for espousing nationalist rhetoric. As such, it is important to show that “Our party,” “Our country,” and “Our people” are humane, benevolent, hospitable, and/or tolerant (van Dijk 1993, 72). He further contends that statements and comments related to national self-glorification are expected when groups

are faced with attacks to their civic virtue though such statements can also occur when no attacks are present. As such, comments that can be identified as examples of national self-glorification serve a very important function – as a defence against potential doubts, possible objections, or as a defence against accusations of prejudice (van Dijk 1993, 72). In contrast, negative Other-presentation serves a much more virulent function given that the derogation of refugees, immigrants, or asylum seekers forms the core of prejudicial attitudes and beliefs. While statements of national self-glorification are meant to act as a buffer against charges of prejudice, they nonetheless reinforce exclusionary discourses. Negative Other-presentation, however, is much more overt.

Table 19: Othering in C-11 and C-31

	Conservative		Liberal		NDP	
	2010	2012	2010	2012	2010	2012
National self-glorification	9	5	1	-	3	-
Positive self-presentation	2	7	7	7	3	5
Positive other-presentation	-	-	-	-	1	-
Negative Other-presentation	6	17	-	1	-	-
Negative other-presentation	1	2	2	7	3	6
TOTAL	18	31	10	15	10	11

Interestingly, both the Conservative and New Democratic Parties utilize national self-glorification for two different, but ideologically linked reasons, the Conservatives so as not to appear prejudicial, the NDP so as not to appear radical. The Liberals – as Canada’s “naturally governing party” and the traditional “defenders of immigration” – do not appear to need to resort to using national self-glorification. Within the context of national self-glorification, it is likely that the Liberal Party of Canada does not need to resort to such tactics to convince Canadians (or perhaps immigrant voters) that they support refugees.

One of the most emphasized uses of negative Other-presentation when designating the out-group is to call attention to their origin, either ethnic or geographic. The naming of one's country, places, "more than any other feature of an individual, the fact that s/he has a specific origin..." (Rojo 2000, 191). This naming process is further intensified when ethnonyms are used instead of adjectives. In one section of Kenney's 2012 speech, he refers, multiple times, to asylum seekers as originating from "Southeast Asia;" and "West Africa." This demonstrates a stereotypical image of immigrants and their supposed area of origin. Unfortunately, in Conservative discourse on immigration, asylum seekers are rarely portrayed positively – and those refugees that are portrayed positively are presented as "perfect" or "ideal."

The use of negative Other-presentation by the Conservatives far outweighs either Liberal or NDP talk individually or combined. This is not unexpected given that other researchers including van Dijk (1997, 1993), Wodak and van Dijk (2000), Rojo and van Dijk (1997), van der Valk (2003) and Rojo (2000) have found similar results in their analysis of Conservative discourse on asylum seekers. Van Dijk (1993, 84) also argues that one well-known discourse strategy is to "tell the truth about minorities." While norms and attitudes may have changed, he argues that in order to maintain ethnic inequality, immigrants, refugees, and minorities need to be represented in negative terms. This is well evidenced from Jason Kenney's 2010 and 2012 speeches.

Further Studies

To better understand the contextual and discursive features of Critical Discourse Analysis, the analytical framework employed in this thesis could be implemented in other

discourse communities or in other genres. Although this study focused on elite parliamentarians within a minority and majority government, further research could be conducted to examine Conservative, Liberal and NDP talk and text in a larger corpus in Canada and also within broader regions including the United States of America, Great Britain, and Australia. The United Kingdom may be an especially interesting analysis given that the Conservative government introduced a new Immigration Bill in October 2013.¹²¹ As a result of these potential analyses, different socio-cultural factors that influence political talk and text toward asylum seekers could be explored and a clearer understanding of immigration discourse might emerge. Furthermore, the new terms that I have identified including, for example, banal hegemony, negative other-presentation, as well as emotion, risk, and assistance mythopoesis could be further explored in any new analysis of parliamentary talk and text. Especially useful would be to assess media stories for the production and reproduction of banal hegemony and how such uses differ from parliamentary talk and text.

To serve different goals of discourse analysis, alternate genres such as news stories, newspaper editorials, letters to the editor, blogs, government news releases, ministerial speaking notes, and sector responses (such as Canadian Council of Refugees) could be explored by adopting different research approaches. Potential approaches could include a content or quantitative analysis which involves a corpus linguistic approach or a discourse analysis that considers the broader social, political, and ideological forces that shape the texts. In addition, a historical analysis of Canadian, American or British

¹²¹ "UK Immigration Acts Through the Ages," [bbc.co.uk](http://www.bbc.co.uk/news/uk-politics-24463873), last modified October 9, 2013, accessed October 21, 2013, <http://www.bbc.co.uk/news/uk-politics-24463873>.

legislation post-Second World War using CDA to determine the *historical* discursive nature of social relations of power may prove to be especially interesting. Such an analysis might allow for a better understanding of how the social relations of power change over time, and especially how those relations affect the conceptualization of the “Other.”

The movement of talk from the political to the public sphere, especially through media-workers, is particularly interesting. Media research contends that communication is, to a significant degree, mediated en route to the broader public, though there appears to be a paucity of research on determining the level or degree of mediation within the Canadian context. As such, further research might consider assessing how Canadian parliamentary speeches differ from their reporting in Canadian newspapers or on Canadian television – for example, one key question that comes to mind relates to context and, specifically, the oft-repeated charge by politicians that their statements are taken “out-of-context.”

Another area of inquiry is related to the production and re-production of counter prejudice. There is little doubt that anti-immigration or anti-refugee discourse in any society, however subtle, is a serious problem especially when espoused by leading politicians. But the reverse is also important: when elites critique intolerant or discriminatory remarks, they are using their “symbolic power” (Bourdieu 1991) to positively influence public opinion. Such articulations will hopefully have the effect of reducing anti-refugee views. As political elites control access to public discourse, it is “precisely by virtue of their symbolic power that these elites have discursive power, and hence play a central role in the discursive reproduction of prejudice and racism [as well as

potentially counter-prejudice] in society” (van Dijk 2000a, 17). As a result, further research could assess the formulation of oppositional, dissident, or counter-prejudicial discourses.

The above suggested approaches are certainly not meant to be conclusive or exhaustive. They simply highlight potential approaches that could not only add to the existing literature on Critical Discourse Analysis but also enhance scholars’ understanding of immigration, asylum, and media. Different approaches will invariably have its strengths and weakness, its proponents and opponents. Indeed, the specific knowledge generated by any or all of these approaches will vary across disciplines and in different social contexts.

Conclusion

This thesis not only adds to the extant literature on Critical Discourse Analysis from a Canadian parliamentary perspective but also describes how politics is constituted by, and through, language use, discourse, and hegemony. To some degree, there is an inevitability to political discourse insomuch that the goal of an elected political party is to implement their policies with as little resistance as possible. Given the antagonistic nature of the Westminster system, implementing policy without resistance, however, is a near Herculean task so the best way to accomplish it is to convince their audience of the need for the policy.

This thesis does attempt to assess whether the Conservative policy as regards asylum seekers is the appropriate course of action. I do contend, however, that the ways in which they seek to legitimate their policy is problematic especially given their reliance on

the derogation of asylum seekers. As such, should or can political discourse be changed? I believe so. The Conservatives could have legitimated the need for their legislation without resorting to portraying asylum seekers as criminals, frauds, or security threats. Their language use speaks directly to their vision for Canadian immigration, and unfortunately, this vision appears not to have evolved since the Reform Party presented immigration as a system out of control (Kirkham 1998, 253).

Despite the vitriolic language used to legitimate their policies, in general, there was a marked shift in the tone and style from the 2010 to 2012 speeches. This shift has resulted in a more adversarial and combative parliamentary process, one that was not wholly evident in the 2010 debate. Indeed, in comparing the speeches, the change in strategies may speak to the fact that the speeches were delivered against the backdrop of a minority and majority parliament. Overall, the tone of the 2010 speeches was much more conciliatory among all three parties with the appearance of a genuine desire to address long-standing issues with Canada's refugee system as well as to work collaboratively to achieve that goal.

The Conservatives – perhaps recognizing their unenviable position as a minority government – were willing to work within the confines of a minority parliament in order to pass legislation that, at least on the surface, appeared to be based on consensus. The tone of the 2012 speeches, however, was much more combative. Not only were the NDP and the Liberals accusing the government of failing refugees but, perhaps more alarmingly, the Conservatives' description of asylum seekers, in contrast to their 2010 speech, was much more virulent.

In terms of style, Kenney appears much more forceful in using words and phrases that labelled asylum seekers as criminal or illegitimate than he was during his sponsor speech regarding *The Balanced Refugee Reform Act*. This suggests that the Conservatives, confident that their proposed legislation would pass even against the most ardent opposition, were able to be more forceful in their statements but nonetheless still conceal the prejudicial undertones of their speeches. In fact, the talk and text employed to disparage asylum seekers in the 2012 speech sometimes shockingly mirrors the talk and text employed by other far-right European parties (see, for example, Wodak and van Dijk 2000).

The New Democratic Party, which, in 2012, was in the unlikely position as Canada's Official Opposition, perhaps felt the need to "tone down" the leftist rhetoric of their speeches and to reduce their emphasis on strategies that perceive them as such (for example, relying on authorities like the CCR or Amnesty International). By doing so, they sought to be taken more seriously as a potent political force and as a legitimate contender for government. The Liberals, however, were in the unenviable and unexpected position as neither the government nor the official opposition. As such, their language use is designed to remind the audience of their accomplishments with a view to re-establish the "old political order."

This debate (and perhaps others) goes beyond the traditional political strategies that have dominated Canada for the last 50 years and now transcend the normal parliamentary system. I argue that debates such as the ones analysed in this thesis have taken on greater political meaning not only within the larger framework of refugee and political discourse but also within the larger Canadian political system. As the May 2011

election may represent a watershed moment in Canadian political history, the Conservative Party and the New Democratic Party will no doubt want to maintain this new political structure. The Liberal Party, however, will want to see a return to the “old political order” where they reigned as Canada’s “natural governing party.” As such, the manner in which each party presents their arguments on refugees reflects not only their respective ideologies but also their desire to preserve current political realities (as in the case of the Conservatives and NDP) or revert to old ones (as in the case of the Liberal Party).

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