

Border Crimes: Australia's war on illicit migrants,
Michael Grewcock, Institute of Criminology Press,
Sydney Law School, Sydney, 2009 (ISBN 978-0-97519-679-3)

With the defeat of the Howard Government in 2007, many assumed that the dark days of mandatory detention of asylum seekers in Australia were relegated to the past. Activists and researchers in refugee law were a little more sceptical. The new Rudd Labor Government continued many features of the Howard regime: offshore processing circumventing the *Migration Act 1958* (Cth); mandatory detention in prison-like detention centres; and an emphasis on border security at the expense of the right to seek asylum. By 2009 these policies began to catch up with the new Government. Desperate asylum seekers were again taking their chances in rickety boats and demanding processing on the Australian mainland. So, the publication of Michael Grewcock's *Border Crimes: Australia's war on illicit migrants* is timely. Grewcock's book is a welcome addition to the outstanding tradition within criminology of campaigning research. He states unequivocally that his book is 'designed as an intervention ... as an attempt to refocus mainstream debate about border controls onto the actions of states' (p 12). *Border Crimes* sets out to make the case that the Australian Government is guilty of state crime. Grewcock uses Green and Ward's (2004) definition of state crime as 'state organisational deviance involving the violation of human rights' (p 13). However, Grewcock's consideration of routine domestic policy as state crime is a bold and refreshing addition to a literature that is focused primarily on war crimes, genocide and torture.

Border Crimes argues its case for the criminality of government policy relating to illicit migrants on the basis that it amounts to systematic alienation, criminalisation and abuse. The book addresses each of these three criteria in turn. By alienation, Grewcock is referring to the deliberate attempt to separate — physically and ideologically — illicit migrants from the Australian community. He argues:

The construction of the unauthorised migrant as the outsider is perhaps the most powerful legitimising process underpinning the implementation of border controls. (p 271)

[A]lienation superimposes over the legal limits to movement, a generalised lack of authenticity that helps to popularise and legitimise their exclusion. (p 272)

The criminalisation and abuse of illicit migrants under Australian policy needs little introduction. With respect to all three criteria, Grewcock builds a persuasive argument. He does so not only by exposing systematically the detention regime overseen by Howard, but also by tracing the roots of this policy back to the very foundations of the Australian nation. For example, the book documents the first 'moral panics' (Cohen 2002) about 'boat people'. In 1888, in a portent of what was to come over a century later, the *SS Afghan* arrived in Australia carrying 550 Chinese migrants. As Grewcock explains: 'The Victorian government acted immediately and unlawfully to prevent the landing of the 67 passengers due to disembark' (p 80). Local media, such as *The Bulletin*, 'caricatured Chinese immigrants as immoral, sexually rapacious, opium-smoking, disease-carrying, devious and dishonest' (p 86).

From this beginning, *Border Crimes* traces a policy history that has consistently placed border security ahead of the right to seek asylum, and immigration priorities ahead of the need to protect those fleeing persecution. Grewcock documents the long-term prioritisation of resettlement of United Nations registered refugees over onshore asylum applications. He argues that measures such as the fabrication of the refugee 'queue' and the introduction, for

onshore asylum seekers, of a special visa class with dramatically fewer rights, 'formalise [a] hierarchy of legitimacy' (p 157) that effectively curtails the right to seek asylum enshrined in the *Universal Declaration of Human Rights*.

At the same time, successive governments have couched policy relating to illicit migration in terms of immigration priorities or border security. Initially this took the form of prioritising the resettlement of white refugees in line with the 'White Australia' policy. More recently, it manifests itself in deterrence of 'illegal' entry and in border integrity taking precedence over the protection of human rights. Hence, despite repeated findings that Australia's mandatory detention regime breached human rights instruments to which Australia is a signatory, Grewcock quotes then Immigration Minister Amanda Vanstone explicitly rejecting calls to release children from detention on the basis that deterrence of people smuggling was a higher priority (p 225). Such explicit statements consolidated what Grewcock calls 'a culture of policing and removal that was systematically inimical to protecting human rights' (p 185).

By locating recent abuses within a coherent and remarkably consistent policy history, Grewcock aims to convince the reader that the worst elements of Australia's treatment of illicit migrants are 'fundamentally not the result of bureaucratic errors, aberrant behaviour by staff or administrative processes in need of fine-tuning or reform' (p 230). Rather, '[t]he uniformly abusive nature of the detention regime' (p 230) should be seen as the latest chapter in a long history of racism and denial of human rights. *Border Crimes* makes a powerful case in this respect.

The book deserves special praise as one of very few works dealing with this subject that pays close attention to the determined resistance in which detainees have been engaged. Grewcock makes reference to hunger strikes; work strikes; the organisation of detainee committees; coordination of protests between detention centres; escapes; and the connections made between detainees and activists outside detention. As he points out: '[t]he scale of the protests indicated that detainees were able to maintain a sense of collective identity, despite the efforts of the Australian state' (p 232). This is a crucial although often neglected aspect of the recent history of illicit immigration in Australia.

Border Crimes contributes to an important and timely new dimension in state crime literature by focusing on routine policy. However, the book is much more than an academic text and it will appeal to a broad audience interested in the ongoing mistreatment of illicit migrants in Australia. All readers will find the historical dimension Grewcock brings novel and insightful. Crucially, *Border Crimes* makes a convincing case that conditions inside detention are not the result of policy breakdown or rogue guards. Nor are they simply the result of a particularly racist government. Rather they are the latest incarnation of a deeply racist Australian history.

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References

Cohen S 2002 *Folk Devils and Moral Panics* (3rd ed) Routledge Oxford

Green P and Ward T 2004 *State Crime: Governments, Violence and Corruption* Pluto Press London