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We MUST talk about the discourse

The changing European Landscape. A critical discourse analysis of Danish
law amendments from 2015-2018

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ABSTRACT

The objective of this research is to gain understanding of the contemporary discursive landscape and the legitimization strategies used, when arguing in favour of laws and amendments which is criticized by the human rights community, or which are directly contesting the human rights. The thesis examines to what extent, the contemporary political discourse has an effect on the justification of three amendments implemented in Denmark from 2015-2018. The aim is to get closer to an understanding of why and how policies, which are openly contesting human rights, are being passed by a parliamentary majority in the Danish parliament. Furthermore, the thesis reflects on how these reproduced discourses are gambling with the reputation of human rights. The research examines the political discourses and the legitimization strategies, through a critical discourse analysis of three parliamentary debates in Denmark, in the time frame 2015-2018. A thematic analysis is conducted, and themes are established by thematic coding. The results helped to gain a better understanding of what has led to the discursive status quo in the Danish political landscape. By concentrating on amendments, the thesis emphasized the importance of the political discourse and the power of the policy makers. The findings suggest, that the discourses and legitimization strategies used in Danish parliament justifies policy making which fundamentally goes against the original intention of the human rights and indirectly justifies human rights abuses.

”A bitter hate towards certain other people is being bred here in such a manner, that it is deemed a virtue to avoid helping strangers find their way. Abuse of patriotism and the paternal religion, results in the possibility of retaining one’s decency, while hating and persecuting the ones that is not a part of our society or church. This misanthropy makes us hated and the laughingstock among other nations, because we pursue the national virtue with such an extreme eagerness, that we violate the natural law of love and compassion for all people. “

Ludvig Holberg, *Moralske Tanker*, 1744¹

¹ Ludvig Holberg, *Moralske Tanker*, (Copenhagen, 1744)
Prominent Danish/Norwegian author who is considered the father of Danish literature

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TABLE OF ACRONYMS

CDA – Critical Discourse Analysis
ECHR – European Convention on Human Rights
ECtHR – European Court of Human Rights
UDHR – Universal Declaration of Human Rights
UNHCR – United Nations High Commissioner for Refugees
UNHRC – United Nations Human Rights Council
UNCRC – United Nations Children’s Rights Convention

Danish Political Parties:

SD - Social Democrats
V – Venstre, Denmark’s Liberal Party
DPP – Danish People’s Party
DSLPP – Danish Social Liberal Party
RGA – Red-Green Alliance
SPP – Socialist People’s Party
C – Conservative People’s Party
A – The Alternative
LA – Liberal Alliance

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INTRODUCTION

This thesis does not aim to moralize or to preach and promote a particular behaviour. This thesis aims to analyse the discourse used, when arguing for law enforcement, that violates or threatens the legacy and reputation of human rights in Denmark. This thesis seeks to analyse and understand the discursive patterns and narratives created when arguing for these laws and amendments. Which words and narratives, which worldview lies in the foundation of the discourse and which legitimization strategies are used when defending laws and amendments that within them hold rules, which bend the words and intentional aim of the universal human rights. Rights, that the state of Denmark, amongst many others, agreed upon in the aftermath of the atrocities committed during the second world war. What has driven the state of Denmark to a point where legislation is challenging the boundaries of what the international human rights community will and can tolerate? This thesis seeks, not only to detect a discourse, but also to criticise and explain it, through the tools that critical discourse analysis (CDA) provides.

Chapter I will establish the theoretical framework of CDA and seeks to create an understanding of the events which led Denmark to the current status quo. Thus, it will introduce the theoretical framework and the political landscape. I will dive into the increasingly xenophobic western states, and explain the current political discourses around Europe, through the notions of securitization and new/cultural racism. I'll discuss if Europe has lost its moral values and what happened in the European landscape, especially after 9/11 and the recent migration influx. Europe is experiencing tendencies of extreme right-wing parties emerging, and as Ruth Wodak specifies: "it is obvious that right-wing populism is not a passing phenomenon (...) they have now become a nationwide and transnational, European phenomena".² The rise and success is not only the extreme right-wing parties electoral results, but also their discursive prominence, which is indeed a tendency

² Ruth Wodak, *The Politics of Fear - What Right-Wing Populist Discourses Mean* (London: Sage, 2015), p. 30

which seems to set its roots in the European landscape.³ With prominent voices such as Gert Wilders (Party for Freedom) in Holland, Marine Le-Pen (National Rally) in France, Matteo Salvini (Northern League) in Italy, Andrzej Duda (Law and Justice) in Poland and Denmark with its significantly electoral successful Danish Peoples Party (DDP).

Chapter II will introduce the methodological framework. It will specify why and how discourse theory is relevant for the thesis. It will specify the qualities of the critical discourse analysis, established by Norman Fairclough, and it will clarify why this approach is deemed very effectful when studying and analysing the oppressing and discriminating nature that can be hidden in political discourse. Furthermore, the methodological tools for analysing the legitimization strategies, designed by Theo van Leeuwen and Ruth Wodak, will be presented. This is crucial in order to create an overall understanding of how policies which are criticized by human rights institutions, still pass in Danish parliaments.

Chapter III will contextualise and explain the reasoning behind the selection of the corpus for analysis and explain the reasoning behind the strategic time frame. The thesis will contextualize this European tendency, of increasingly xenophobic and nativist political discourse, illustrated in the case of Denmark. Denmark is an obvious example to examine, as commentators keep questioning why this little welfare state in the northern part of Europe has increasingly tightened its immigration policies, has banned the religious headwear ‘niqab’ and ‘burqa’, has deported criminal refugees, and has denied certain constellations of family reunifications amongst other things – all of which have in common that they have been either criticized or condemned, either by the European Court of Human Rights, by the United Nations Human Rights Committee, or by the international human rights community. The Kingdom of Denmark is a small European country in the North, but is a part of a bigger European tendency, where extreme right-wing parties have become electoral success-stories by criticizing the European Union who are striving to create a more homogenous nation state. Denmark is, as most European states, a part of the international human rights conventions, and has obligations to oblige by the human rights. The small nation in the north has prided itself in doing so and has enjoyed international recognition for the honourable and important work of advocacy and international pressure they put on states who have violated the human rights. As the Danish policies on immigration, integration and religious freedom have become stricter, a political

³ Ibidem., p. x.

clash has appeared in the small kingdom, for the liberal democracy of Denmark suddenly seeks to limit its liberal approach to the so called Others, and politicians in the parliament are openly suggesting withdrawal from, or regulations of, the international human rights conventions, in order to be able to reinforce stronger and stricter anti-immigration laws and limiting the religious freedom as well as being able to deport criminal refugees.

Chapter IV will critically analyse the selected discourses and will highlight the notion of the ‘us’ and ‘them’ dichotomy, where the threat to security is the Other, the Other being a foreigner with other values and security being internalized and being illustrated as a threat to the national identity. Furthermore, it will enlighten the fact, that the extreme right-wing discourses have been mainstreamed, and are currently adopted by mainstream parties, something visible within argumentation during parliamentary debates, when bills and legislation are discussed. Furthermore, it will discuss and assess, how reproduction of the ‘us’ and ‘them’ dichotomy discourse, and subtle racist discourse, can influence the legacy and reputation of human rights around Europe. What makes the approach of this thesis challenging, is that it seeks to analyse the discourse, not only as far as right-parties are concerned, but in mainstream parties as well, used when legitimizing laws, amendments and rules which violate or threatens the implementation and upholding of human rights, in the area of immigration, integration and freedom of religion. Furthermore, it wishes to draw a line between, how and when certain discourses are used, in national legislation, a discriminating and oppressing landscape emerges, ushering into a potential risk to human rights. The thesis seeks to highlight this subject as it is a so called ‘hot topic’ around all of contemporary Europe. The discourses will be detected through three debates and readings on bills, which have later been facing condemnation and critique from the international human rights community. The bills are discussed in the parliament between 2015 to 2018. With help from critical discourse analysis, this discourse will not only be detected, but will also be explained and criticised. The political landscape will therefore be explained, in a bid to understand the context of the discourses.

Language holds within it a power, and the power can be hidden as well as exploited. There are therefore two sides to this study. Firstly, it seeks to map the discourses in question and to capture the main narratives/frames/repertoires operating in them and informing their articulation. In particular the study will focus on the notion of security – the nation state must be protected, but by whom and from what? Secondly, it is crucial to highlight the salience of the discourse, as it can be

traced down as being a political discourse which is threatening the legacy of the international human rights conventions. Thus, this thesis offers an analysis on the discourse used around the law making which has jeopardized Denmark's reputation as a front runner in matters of human rights, analysed within a theoretical framework of securitization and new racism. This thesis does not seek to moralize but wishes to enlighten a tendency which might prove to be a threat to the legacy and reputation of human rights.

CHAPTER I

1. A CHANGING EUROPEAN LANDSCAPE

This first chapter seeks to establish a theoretical framework for the analysis of political discourse, based on the need to illuminate the links between the war on terror, new/cultural racism and xenophobia, the immigration crisis and the academic term of securitization.

1.1. A clash? Terrorism, globalisation and the refugee 'crisis'

In the aftermath of the second world war, many states throughout the world faced significant changes. Not only would democracies need to reshape, laws also needed to be amended and reformed, wrongs needed to be made somehow right, and international cooperation was needed to go from chaos to order. Europe was transforming, and during the 1970s and 1980s, more than 30 countries were transformed from authoritarian regimes to democracies.⁴ The United Nations (UN) were formed of the hopes and most of all, promises, of 'never again'. Never again would the world allow atrocities such as the holocaust, to happen again. The world had suffered enough, and in 1948, the Universal Declaration of Human Rights entered into force. The promotion of democracy and human rights became an increasingly important priority in the foreign policies of the European States, and with the Convention for the Protection of Human Rights and Fundamental Freedom entering into force in 1953, drafted by the Council of Europe, Europe became an important player in the international human rights field.⁵ With the convention establishing the European Court of Human Rights, Europe now had an independent and permanent court, protecting individuals from the power of the states.

The adoption of the UDHR in 1948 was a significant victory, but the success has slowly decreased. The fight for human rights to keep its legitimacy and historic legacy is long and challenging, and the world is continuously meeting challenges, where human rights has to show its strength and worth. The battle is far from won, and since 1948, many events have happened on the

⁴ Samuel P. Huntington, *The Clash of Civilizations* (New York: Simon and Schuster Paperbacks, 1996), p. 192

⁵ Ibidem., p. 193

world scene, which has demanded action and strength from the international human rights community. One episode is especially crucial for this further study: the terror attack at the world trade centres in USA, 9/11. The aftermath has shown to challenge the authority and the clout that human rights had prior to the tragedy, and anti-terror legislation plus an increase of electoral success of extreme right-wing parties and the appertaining discursive prominence in the political arena, has changed the European political landscape. Some would say, for good.

Many would say that the world altered on that otherwise normal restless morning in the midst of an Indian summer in New York City in 2001. At 8:46 am the 11th of September, the world changed, when the first hijacked aircraft flew into one of the world trade towers. When it became clear, that the attack was led by the extreme Islamic organisation of Taliban, the then president Bush declared a war on terror, and stated, when launching his anti-terror programme, these famous words: “Either you are with us, or you are with the terrorists”.⁶ Naomi Klein describes in her international bestseller book *The Shock Doctrine* how the 9/11 attacks “exploded ‘the world that is familiar’ and opened up a period of deep disorientation and regression”,⁷ and elaborates on the opportunities and benefits that follows a crisis with the words of Mao to his people “the newest and most beautiful words can be written”.⁸ One can question though, if this post-9/11 era was written with any beautiful words at all. But indeed, new words had to be written in the aftermath of the horrific event that shook the world. Experts started writing these ‘beautiful’ words, such as “clash of civilisation”, “axis of evil” “Islamofascism” and “homeland security”.⁹ Not only did this event leave the world in a state of shock, it also increased and highlighted the gaps between ‘us’ and ‘them’, and layed the ground work in the Western world for what Wodak would call a political ‘scapegoat’, which is a strong and lightly used tool in the politics of fear and exclusion. This tragedy of 9/11 and everything that followed, still generates changes and consequences on the global scale, and in Europe this, amongst many things, led to new immigration policies and anti-terror laws, as well as “altering notions of identity, belonging and day-to-day relations between majorities and minorities”¹⁰ all around Europe. The process of securitization increased, meaning that state actors would turn subjects into matters of security, for example how immigrants and

⁶ George W. Bush, “Adress to a Joint Session of Congress and the American People, (September, 2001)

⁷ Naomi Klein, *The Shock Doctrine – The Rise of Disaster Capitalism* (London: Penguin Books, 2007) p. 16

⁸ Mao Tse-Tung, “Introducing a Cooperative,” *Peking Review* 1, (June, 1958)

⁹ Klein, *The Shock Doctrine*, p. 16

¹⁰ Marianne H. Pedersen and Mikkel Rytter, “A Decade of Suspicion: Islam and Muslims in Denmark after 9/11,” *Ethnic and Racial Studies* (October, 2012): p. 2305

Muslims were constructed as security threats post 9/11.¹¹ The threat had become internal as it had entered the borders of Europe, and people started to fear. The global conflict had entered the living room of common citizens and lay people in Europe, and the ‘us’ and ‘them’ dichotomy has thrived ever since, both in media and politics. Antagonising and feeding the people’s ever so exposed xenophobia, sold newspapers and made people turn in on channels. Though death by illness, traffic or even climate change is a bigger threat to the common citizen in Europe, terrorism seemed to be the area that lay people feared most, and an area which would get a lot of attention in parliaments around Europe. Media exploited the political weather and aided by media coverage of Muslims and Islam in connection with terrorism, an anti-Muslim racism has risen in Western societies.¹² Muslims have become a so called ‘scapegoat’. According to Werbner, this can end up becoming a ‘spiral of alienation’¹³, as both sides will feel threatened on religion, practises, beliefs, culture, identity and values. This is where the international conventions and treaties has a big role to play, to protect these rights in times of securitization and nationalism as well as the rise of xenophobic illiberal democracies.

As already mentioned, when the Bush administration started the anti-terror campaign, a division took form. Following the ideas of Huntington, this might have been the beginning of a clash of civilisations,¹⁴ and many, both political scientists as well as political discourse analysts, has devoted time to analyse the Bush statement. “Either you are with us, or you are with the terrorist”. Because it was not only a statement, it was a point of no return. Especially in the field of human rights, where an increase of anti-terrorism legislation and restrictions on immigration all over the world, was putting human rights to a test. Politics are first and foremost about the security of the nation, and leaders of nations will prioritize the security of the nation above all.

1.1.2 The troubled relationship between universality and particularity

In the international human rights framework, we will see reservations and limitations within the treaties and paragraphs in the conventions. For example Article 9(2) of the European

¹¹ Clara Eroukmanhoff, “The Remote Securitization of Islam in the US post 9/11: Euphemisation, Metaphors and the ‘Logic of Expected Consequences’ in Counter-Radicalisation Discourse,” *Critical Studies on Terrorism* (June, 2015): p. 246-265

¹² Tariq Amin-Khan, “New Orientalism, Securitization and the Western Media’s Incendiary Racism” *Third World Quarterly* (2012): p. 1595-1610

¹³ Pnina Werbner, “The Predicament of Diaspora and Millennial Islam: Reflections on September 11, 2001,” *Ethnicities* (2004): p. 451-476

Convention on Human Rights (ECHR), the freedom to thought conscience and religion, provides a limitation which states, that the individual has freedom of thought, conscience and religion, and that, that freedom “shall be subject only to such *limitation* as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health and morals, or for the protection of the rights and freedoms of others’.¹⁵ The nations coherence and security can and will come before human rights. What that means in practice, and what dilemmas this can bring with it, will be further elaborated in future chapters. Nevertheless, this has to do with the troubled relationship between universality and particularity, and there is no easy solution.

The main challenge to human rights in the post 9/11 world, were the increased violations on the right of not to be subjected to torture (Article 3 ECHR, Article 5 UDHR) which has no limit to it as it is perceived as a so called *jus cogens* (red: fundamental and overriding principles in international law). It bears with it no limitations or reservations. Even so, examples such as the infamous Guantanamo Bay Prison, which is known to have violated the right continuously in the name of the war on terror, has occurred. The increased focus on terrorism and Islam has meant that a landscape of securitization has bloomed in the western world, especially after the so-called refugee ‘crisis’ in Europe, which we will explore later. This has shaken the legacy of human rights to a point where the validity of the conventions is questioned around Europe.

Thus, in the scope of human rights in the post-9/11 European landscape, the international human rights standards were suddenly on standby; leaders all around the world exploited the situation and restricted measures against refugees and foreigners in the name of anti-terror strategies;¹⁶ a wave of hate crimes emerged in the aftermath;¹⁷ and measures to protect citizens and increase security in general has been criticized of violating human rights¹⁸ all the whilst islamophobia steadily increased in the western world. Though the former US president Barack

¹⁵ Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR), Article 9

¹⁶ Human Rights Watch, “Opportunism in the Face of Tragedy – Repression in the Name of Anti-Terrorism” Accessed May 9, 2019
<https://www.hrw.org/legacy/campaigns/september11/opportunismwatch.htm>

¹⁷ (Human Rights Watch, *United States, We are Not the Enemy – Hate Crimes against Arabs, Muslims and Those Perceived to be Arab or Muslim after September 22* (New York: Human Rights Watch, 2002)

¹⁸ Mila Versteeg and Benedikt Goderis, “Human Rights Violations after 9/11 and the Role of Constitutional Constraints,” *The Journal of Legal Studies*, (January, 2012): p. 131-164

Obama closed the so called ‘war against terror’, it does not seem that the world has gone back to pre-9/11 political landscape. The USA as well as Europe, has intensified its security and anti-terrorism laws,¹⁹ whose outcomes has been everything from restrictions on immigration to compromising the freedom of religion to an increased debate on freedom of speech versus hate speech. Anti-Islamic politics is increasing throughout Europe, and politicians are subscribing on the anti-Islamic rhetoric of the extreme right-wing parties and are encouraging an antagonistic view on the Other. That Other often being the non-western immigrant or refugee. Though the minority of militant Islamic groups is indeed a small group within the religion of Islam, the groups are awarded huge amount of attention in the western media. This has, according to Pedersen, led to a justified antagonistic discourse and rhetoric against Islam as a whole, as being in opposition to democracy, equal rights and freedom of speech.²⁰ In accordance to this perception, Muslim population in western Europe is increasingly seen as ‘potential internal enemies’ and is thus encountered with increased control, suspicion and surveillance, which has created a new security dimension.²¹ This is a matter of securitization, new/cultural racism, the rise of extreme right-wing parties, and the antagonistic discourse which reproduces the discrimination, stigmatisation and alienation of the Other. This landscape, with of course many other things happening too, has led to a situation where, many human rights activists would claim, that human rights are in a crisis.

1.1.3 The Europe of yesterday

Universal Human Rights for everyone is a relatively new idea, and as Professor in the history of Ideas, Hans-Jørgen Schanz underlines “they didn’t fall down to us from the skies”²² – the fight for human rights for all has been, and is still, a continuous battle. After the second world war, the notion of human rights took a strong and renewed topicality. The totalitarian regimes had for too long ridiculed the principles of equality and basic human rights, and there was a new common will, to underline the importance of ‘never again’, to reformulate the human rights internationally, in a modernised and egalitarian manner, hence protect the citizens of the world against regimes committing atrocities against its population within its own borders.²³ A general fog of the sentence

¹⁹ Jocelyne Cesari, “Securitization of Islam in Europe,” *Die Welt des Islam*, (2012): p. 430-449

²⁰ Pedersen and Rytter, “A Decade of Suspicion”, p. 2303

²¹ Ibidem

²² Hans-Jørgen Schanz, “Vi kan ikke klare os uden menneskerettighederne,” *Information*, January 6, 2017

²³ Erik Lund, Mogens Pihl and Johannes Sløk, *De Europæiske Idéers Historie* (Nordisk Forlag A.S., 1962)

‘never again’ had covered the world, and especially Europe, and it became the founding narrative on which, the universal as well as the European constitution of human rights, were drafted.

In the end of the 1770s, Emmanuel Kant gained great significance in Europe, on the question of the moral claim, nature and validity. In this time and era, the realization that other cultures and alien people existed, increased drastically, and for the Europeans, the alien form of life. The observation was made that different acts and matters were recognised as good or rejected as evil, and a reasonable conclusion was that in reality there was no objective good and evil, but that the conceptions of these concepts merely was cultural and a social construction. Kant therefore raised the notion of the validity of the moral life. If ‘good’ were so differently conceived, then the higher goal must be the inner moral and to get rid of the poor motive, which challenges the purity of the moral.²⁴ There is no good and evil, the acts does not determine good or bad, your moral and motives does. Behind this thought lies the idea of the worth of the human being as of being a human being, and in the era of Kant these thoughts gained recognition as a judicial validity in both the American and French constitution on human rights.²⁵ The good lies in the internal moral, and not in external acts. This also illustrates the new way of thinking in Europe – it is not necessarily the acts which should be judged, but the motive, and motives are not determined on culture or social status, as these are merely a social construction. The landscape has changed today, though some of the Kantian thinking has set its footprints in our ways of perceiving rights, when believing that liberty, equality and independence are fundamental rights, which all states needs to apply by, in order to be called a functioning state. But discrimination and racism are creeping in under the European carpet of values.

Thus, a part of the European thought circles around the understanding of the human being, as of being an individual of worth and rights. The respect for fellow human beings and its inviolability, its rights to dignified conditions of life and its right to self-determination are some of the essential thoughts.²⁶ In recent years, dilemmas has risen within the Eurozone, and questions on external-internal politics, security-liberty and human rights and especially the notion of solidarity-

²⁴ Lund, Pihl and Sløk, *Europæiske Idéers Historie*, p. 283

²⁵ Ibidem., p. 284

²⁶ Ibidem., p. 376

deterrence has been heavily debated within the European parliament.²⁷ Solidarity is a principle which is considered an important EU value,²⁸ but since the paradigm shift surrounding 9/11, and especially after the immigration ‘crisis’, this principle has been challenged. The European values are challenged. Should Europe open its borders and open its arms to those who seek help, or should they secure their own nation and its people first and foremost? This is a classic dilemma already discussed by the ancient Greeks. As the king of Argos, Pelasgos, says, in *The Suppliants* of Aeschylus,²⁹ when he faces the fifty daughters of Danaos asking for asylum: “If I help you, I am antagonising the Egyptians who are looking for you. This puts me in danger of going to war with them. Thus, I am jeopardising mine and my people’s security. If I don’t help you, I am picking a fight with my gods who don’t allow me to ignore a beggar.”³⁰ The story of the exiled character in need of asylum, and all the consequences that follows, was a known theme in ancient Greek tragedy, with e.g. Oedipus, Medea and Orestes amongst others seeking asylum, and is in general a tale as old as time. It places big responsibility and moral duty on the recipient nation. Following the refugee influx in Europe, this moral duty has been tested, and following the Dublin treaty, which led the southern states of Europe with an enormously big burden, the question of moral duty spread around Europe. What do we owe the fifty daughters of Danaos?

1.1.4. Immigration waves reaching European shores

The nature of immigration has not changed, but the world indeed has. Immigration is of a dynamic character and is of course not a new phenomenon - human beings has immigrated since the beginning of time. As Huntington claims: “If demography is destiny, population movements are the motor of history”.³¹ Immigrations has historically been conceived both positively and negatively, and during the last two decades, the balance has shifted. Before the oil-crisis and the fall of the Berlin wall in 1989, the so-called guest workers immigrated in 1960s and 1970s, to north Europe, to remedy labour shortages, and was happily welcomed. But as the unemployment increased along with the numbers of immigrant, and with more people from Eastern Europe leaving to pursue better

²⁷ Efharis Mascha, “Solidarity in Europe and the Role of Immigration Policies: A Discourse Theoretical Perspective,” *Dicourse, Culture and Organization – Inquiries into Relational Structure of Power*, ed. Tomas Marttila (Springer, 2019), p. 200

²⁸ Robert Schuman, *The Schuman Declaration*, (May, 1950)

²⁹ S. E. Wilmer, “Cultural Encounters in Modern Productions of Greek Tragedy,” *Nordic Theatre Studies*, (July 2016), p. 15

³⁰ George Drivas, “Greek Pavilion at the Venice Biennale – Laboratory of Dilemmas,” filmed July 30, 2017, *AthensLive*,

<https://www.youtube.com/watch?v=ARnMVmSGTe8>

³¹ (Huntington, 1996, p. 198)

lives in the north, these were perceived as economic migrants, and conceived as a “ubiquitous threat to welfare, the economy and culture”.³² The immigrants, were now conceived more as a burden than as a helping hand. A mix of the above, and the overwhelmingly ‘non-European’ character, created changes in European policy and attitudes.³³ Today European countries are becoming seemingly negative towards immigrants, and anti-immigration policies are gaining increasingly support. This is due to the increasingly xenophobic and anti-Muslim attitudes amongst the European people, and due to the so-called immigration ‘crisis’, which was mainly people from the middle east fleeing war and misery. Wodak and van Leeuwen puts it as follows:

“Immigration is severely restricted in almost all countries of the European Union and elsewhere in Western Europe, and the ‘European Fortress’ is no longer a phrase but a reality. Besides official political measures to ‘curb’ the immigration of unwanted Others, European societies have begun to show signs of deteriorating human rights. Attacks on immigrants have become common and widespread and are no longer routinely covered in the media. More-or-less subtle discrimination and everyday racism in housing, employment, health care, legislation and policing have become general practise.”³⁴

For Europe has changed character since the aftermath of the second world war and the fall of the iron curtain. In the post-9/11 western societies, an increasingly antagonising discourse has been rising, and has further torn apart the harmony of the multicultural societies of Europe, and has created clashes between culture, religion and politics. Wodak also argues that the increasingly inequal European societies, caused by liberal capitalism, is causing social problems.³⁵ A visible elite is created and stands in opposition to the lay citizen. The historian Tony Judt states: “inequality is corrosive. It rots societies from within”.³⁶ Inequality and class barriers will cause disharmony and will be a society less ready to receive newcomers. A new European racism has arrived, and the xenophobia, anti-Semitism and ethnocentrism that follows, is a big threat to the human rights of the

³² Wodak, *The Politics of Fear*, p. xi

³³ Huntington, *The Clash*, p. 199

³⁴ Theo van Leeuwen and Ruth Wodak, “Legitimizing immigration control: a discourse-historical analysis,” *Discourse Studies*, (1999): p. 84

³⁵ Ruth Wodak, “The ‘Establishment’, the ‘Élites’, and the ‘People’ - Who’s who?,” *Journal of Language and Politics*, (2017): p. 562

³⁶ Tony Judt, *Ill Fares the Land*, (London:Penguin, 2011), p. 6

immigrants and aliens in general.³⁷ But are they also a threat to the legacy and reputation of human rights in general? Furthermore, these stances are no longer only a part of extreme right-wing parties but has spread to mainstream parties.³⁸

In addition, myths are spreading about this assumed Other, as a part of the securitization which has happened within European politics. A known prejudice is, that these migrants have higher fertility rates (this is indeed a myth, e.g. in Denmark the fertility rate for immigrants and their descendants is 1,9 compared to ethnic Danes which is 1,8, in 2018³⁹). Even though this perception was and is a myth, the migrants were now in a position where there was a possibility to conceive them as a threat, and westerners feared “that they are now being invaded not by armies and tanks but by migrants who speak other languages, worship other gods, belong to other cultures, and, they fear, will take their jobs, occupy their land, live off the welfare system, and threaten their way of life.”⁴⁰ The argument of higher fertility is especially used by extreme right-wing groups and supporters of theories such as the replacement theory. Disharmony thrives in these multicultural states, and this is showing in the policies. Not only extreme right-wing parties are using the antagonistic, protectionist rhetoric which thrives in these parties, but in Europe, mainstream parties will adopt the rhetoric and promote anti-immigration.⁴¹ And in some instances, these words and this perception, becomes action. As seen in the recent terror attack in Christchurch New Zealand. It gives food to thought how his wordings and ideology resembles a lot of the right-wing rhetoric we see in Europe today. The great replacement theory is an example on anti-Islamic discourse which has gained much attention and recognition and has been referenced by white supremacists when executing their terror attacks, such as Breivik and the New Zealand terrorist. White supremacy seems to have become a social movement with help from the great replacement theory. The New Zealand attacker released a document with references to The Replacement Theory, a theory popularized by a right-wing French philosopher Renaud Camus in 2012. The basic idea of the theory is, that the non-westerners are coming to colonialize the western world. Basics of the theory, as an extension of colonialist theory; fear of demographic erasure; white women aren’t giving

³⁷ Leeuwen and Wodak, “Legitimizing immigration control,” p. 84

³⁸ Teun van Dijk and Ruth Wodak, “Racism at the Top,” *Project Proposal*, (1997)

³⁹ “Statistik Banken,” Danmarks Statistik, accessed May 22, 2019
<http://www.statistikbanken.dk/10018>.

⁴⁰ Myron Weiner, *Global Migration Crisis* (New York: Harper Collins, 1995), p. 2

⁴¹ Huntington, *The Clash*, p. 201

enough births; and that white people around the world will be replaced by non-whites.⁴² “In their minds, in this clash of civilization, white men are in a weaker position because their women are not doing the work of reproducing,” said professor Arun Kundnani. The idea of replacement is spreading throughout the world; the white supremacists in Charlottesville 2017 yelling “you will not replace us”⁴³; the slogan of the neo-Nazi group Identity Evropa; and the name of the released document by the New Zealand attacker called ‘The Great Replacement’ with the first wordings being “It’s the birth-rates”.⁴⁴

This thesis raises the question, when is national security more important than being Kantian “good” and as Mascha and Wilmer raises it, acting in “solidarity” – should we be “saving the Foreigner, or maintaining the safety of the Native”⁴⁵, and how do we work together as a union of solidarity? And how does politicians and discourses argue against this? How is it legitimised? The Kantian thought on moral has long inspired Europe and the European stance on moral and motivation, but as fear is growing, solidarity is decreasing.

1.2 Securitization

“The securitization approach points to the inherently political nature of any designation of security issues and thus it puts an ethical question at the feet of analysts, decision-makers and activists alike: why do you call this a security issue? What are the implications of doing this – or of not doing it?”⁴⁶

Climate crisis, illnesses, traffic accidents and the list go on. Human are surrounded by threats on their lives, which are logical to fear. One would assume, that the word security and security-threat would be dependent on each other. But the character of the word ‘security’ is slightly different in the theory of securitization. Actually, securitization theory claims that there are no threats to security in general, but that communities will deal with certain situations as security

⁴² (Nelly Bowles, “Replacement Theory, a Racist, Sexist Doctrine, Spreads in Far Right Circles,” *New York Times*, March 18, 2019,

<https://www.nytimes.com/2019/03/18/technology/replacement-theory.html>

⁴³ Sarah Wildman and Sasha Polakow-Suransky, “The Inspiration for Terrorism in New Zealand Came from France,” *Foreign Policy*, March 16, 2019,

<https://foreignpolicy.com/2019/03/16/the-inspiration-for-terrorism-in-new-zealand-came-from-france-christchurch-brenton-tarrant-renaud-camus-jean-raspail-identitarians-white-nationalism/>

⁴⁴ Bowles, “Replacement”

⁴⁵ Mascha, “Solidarity in Europe” p. 200

⁴⁶ Ole Wæver, “Securitizing Sectors? Reply to Eriksson,” *Cooperation and Conflict*, (1999) p. 334

problems. Threats to security thus become existential issues, and not just a part of everyday politics. The existential threat that we want to survive, will in this thesis be the threat of the Other or ‘the scapegoat’, who will threaten both security in the classical understanding, but also in a more abstract matter – the threat that ‘we’ lose our values, our Danish identity, and finally our nation as an identity community. Our welfare is threatened by alien values and cultures and security measures are thereby justified. When the relevant audience accepts the alleged threat to be a threat to security, then securitization becomes powerful. The securitization theory also holds an ‘us’ and ‘them’ dichotomy – the problem is ‘them’ out there and ‘we’ are the solution.

As securitization has increasingly been focusing on terrorism, Islamic radicalism and immigration, one of the biggest factors of fear for the European citizen, is the above mentioned. The securitization theory holds that ‘security’ is a social construction and that the apparent threat merely is identified by the speaker or the presenter of the securitized object. “Security is thus a self-referential practice, because it is in this practice that the issue becomes a security issue – not necessarily because a real existential threat exists, but because the issue is presented as such a threat”.⁴⁷ The theory seeks to answer and clarify, why this subject of the Other as being the refugee, people from the middle east or even Muslims as a whole, is such a present subject of fear in current times. According to Martin Beck and other political scientists, the issue of securitization can give us some answers. Securitization is often occurring in speeches and discourses at political platforms and is therefore relevant for this study. Jocelyne Cesari argues, that securitization of Islam has happened in Europe, and that this has happened on the claim that Islamic terrorism is the biggest threat to European states, whom both face an external and internal threat.⁴⁸ She claims that the rising popularity of the anti-Islamic discourse and the limitation of Islamic religious practise is the “most obvious features of the securitization of Islam”.⁴⁹ Though ‘homo Islamicus’ has been the typical ‘Other’, demonstrated by scholars such as Edward Said,⁵⁰ the new feature is, Cesari says, that the homo Islamicus has become an internal threat. Cesari gives examples on trends in the anti-Islamic discourse such as, Islam is not a religion, it is an ideology (or even Arab imperialism). Beck comments on the securitization discourse on middle eastern refugees to Europe, and claims that the “discourse on the refugee influx from the Middle East to Europe has indeed been shaped by

⁴⁷ Buzan, Wæver and de Wilde, *Security*, p. 24

⁴⁸ Cesari, “Securitization of Islam”

⁴⁹ Ibidem., p. 434

⁵⁰ Edward Said, *Orientalism*, (New York: Vintage Books, 1994)

securitization to a rather high degree”.⁵¹ Beck hereby invite us to think about the discourse in a broader sense than just xenophobic attitudes of extreme right-wing parties. According to Beck, “securitizing attempts are also pursued by some conservative, social democratic, and even leftist actors, as well as liberal representatives.”⁵² In order for securitization to be present, a broader landscape needs to be present to fuel the discourse. Right-wing politicians in today’s Europe is seen connecting immigration and organized Islamist terrorism. This is done by politicians like Hungary’s Victor Orban, when describing the recent migration influx as the “trojan wooden horse of terrorism”⁵³. The Muslims are, when entering the borders of Europe, an internal threat, and therefore becomes subjects to securitization. As many perceive that the immigrants in the recent, and ongoing, so called refugee ‘crisis’, are Muslims, it is my claim, that the securitization of Islam, Muslims and refugees can, to some extent, be understood as a whole. Another argument is that immigrants are draining the resources of the respective European countries, this is an economic argument used to cut immigration and remove foreign nationals.⁵⁴ According to Beck, Islam is, in securitization arguments, also a threat to European cultural achievements and national identities.⁵⁵

1.3 Xenophobia and the politics of fear

Europe is currently seeing the rise of a ‘politics of fear’.⁵⁶ It is a deeply founded human attitude to believe that only ones own kind is correct, and that everything else is weird and inferior.⁵⁷ When this attitude turns to fear, the fear can turn into a xenophobic worldview. When this fear and xenophobia becomes politics, it can threaten rights. In the human rights watch annual report from 2016, Executive Director Kenneth Roth details:

“Fear drove many of the human rights developments over the past year. Fear of being killed or tortured or starved to death drove millions from their homes in Syria. Fear of what that massive influx of immigrants would mean for those societies, led many in Europe to raise the gates. Fear of terrorism led governments to compromise rights and

⁵¹ Martin Beck, “Securitization of the Recent Influx of Refugees from the Middle East to Europe,” *News Analysis*, (September, 2017) p. 3

⁵² Beck, “Securitization”, p. 6

⁵³ The Guardian, “Hungary to Detain all Asylum Seekers in Container Camps,” *The Guardian*, March 2017 <https://www.theguardian.com/world/2017/mar/07/-hungary-to-detain-all-asylum-seekers-in-container-camps>

⁵⁴ Beck, “Securitization,” p. 4

⁵⁵ Ibidem., p. 5

⁵⁶ Wodak, *The Politics of Fear*

⁵⁷ Lund, Pihl and Sløk, *Europæiske Idéers Historie*, p. 376

to scape goat the refugees and indeed to fuel a rise of islamophobia that has been unprecedented in recent years.”⁵⁸

As he explains in the report, an ‘us’ and ‘them’ rhetoric has moved from the political debates into society. He further clarifies, that the “the blatant islamophobia and shameless demonizing of refugees have become the currency of an increasingly assertive politics of intolerance.”⁵⁹ Wodak argues, that this politics of fear is a phenomenon that all right-wing populist parties are subscribing to. Wodak emphasizes that this fear is created, and that with the creation of scapegoats, the right-wing populist parties are offering a simple solution and answers, by constructing the Others, the scapegoats, they are often to blame for our current calamities.⁶⁰

1.3.1 The antagonistic Other

Due to globalization and the complex landscapes of pluralist Europe, Zygmunt Bauman claims, that politicians tend to look for simple answers to unsolvable problems. Scapegoats can easily be blamed for being the reason of the current challenges and problems of Europe.⁶¹ ‘Scapegoating’ constitutes an important strategy for the right-wing populist parties throughout Europe and constitutes an important part of their political discourse. Wodak describes the mechanism of scapegoating in European right-wing policies, as “singling out a group for negative treatment on the basis of collective responsibility”.⁶² Wodak describes how the scapegoats takes appearance in different shapes, colours and ethnic background.⁶³ The similarity between the groups is that they are ‘them’, the antagonistic ‘other’, as opposed to ‘us’, most often, ‘the people’. Since the erosion of trust in the political systems in Europe, the right-wing parties has gained support, by opposing the ‘establishment’ who are juxtaposed to the ‘people’, the right-wing becomes the representative who fights the elite, the ‘establishment’ and the betrayal and self-interest, of the political landscape in Europe, and saves the people.⁶⁴ They also become the party who fight for national interests instead of European or global interests as well as fighting for preserving national identity, values and culture, which are threatened by the antagonistic Other. As Anton Pelinka states

⁵⁸ Kenneth Roth, “World Report 2016: ‘Politics of Fear’ Threatens Rights,” *Human Rights Watch* (January 27, 2016) <https://www.hrw.org/video-photos/video/2016/01/27/world-report-2016-politics-fear-threatens-rights>

⁵⁹ Human Rights Watch, *World Report 2016*, (Human Rights Watch, 2016)

⁶⁰ Wodak, *The Politics of Fear*, p. 4

⁶¹ Ibidem., p. 32

⁶² Wodak, “The “Establishment”, p. 553

⁶³ Wodak, *The Politics of Fear*, p. 4

⁶⁴ Wodak, “The “Establishment”

on the right-wing populists: “The populist answer to the complexities of a more and more pluralistic society is not multiculturalism [...] right-wing populism sees multiculturalism as a recipe to denationalize one’s (own) nation, to deconstruct one’s (own) people”.⁶⁵ As mentioned before, this Manichean way of perceiving society, state and culture is not a new phenomenon, e.g. racist societies; colonial societies; Marx’s proletariat and bourgeoisie amongst many.⁶⁶ Themes like fear of change or losing either established belongings or identity is a huge premise in the right-wing populist discourse. ‘They’ are a threat to ‘our’ identity, culture and traditions. With this fear, the extreme right-wing parties legitimize their policy proposals which is usually concerned with restricting immigration, restricting cultural pluralism and increasing national identity, with appeal to the needs of national security.⁶⁷

1.3.2 The rise of the extreme right parties in Europe and the mainstreaming of the extreme right agenda

When the French right-wing party Front National had poor results in the 2007 elections, party member Marine Le Pen did not seem worried about the legacy of her father’s founding party. When asked by a journalist, whether this was the death of his political career, she answered: “I don’t think so. In any case, this is the victory of his ideas!”⁶⁸ Within this citation lays much of the history on how right-wing parties impacts on mainstream politics. Part of the loss of appeal, in the case of the Front National, was linked to the borrowing of their programme by their opponents. Thus, an electoral defeat proved an ideological victory.⁶⁹ What European right-wing populist parties share in contemporary Europe, is amongst many ideas, the anti-immigration policies and the notion of nativism. It is widely believed that these anti-immigration parties have contagion effects. Many established parties are shifting to the right and the main stream parties have co-opted restrictive

⁶⁵ Anton Pelinka, “Right-Wing Populism: Concept and Typology,” in *Right-Wing Populism in Europe: Politics and Discourse*, ed. M. Khrosravinik, B. Mral and R. Wodak (London: Bloomsbury, 2013), p. 8

⁶⁶ Wodak, “The “Establishment,” p. 556

⁶⁷ See S. Boukala and R. Wodak, “Talking about Solidarity and Security in the Age of Crisis: The Revival of Nationalism and Protectionism in the European Union – A Discourse-Historical Approach,” in *EU Foreign Policy through the Lens of Discourse Analysis: Making Sense of Diversity* ed. C. Carta and J. F. Morin (Farnham: Ashgate, 2014)

and S. Boukala and R. Wodak, “European Identities and the Revival of Nationalism in the European Union - A Discourse-Historical Approach,” *Journal of Language and Politics*, (2015): p. 87-109

⁶⁸ Aurelien Mondon, “Nicolas Sarkozy’s legitimization of the Front National: Background and Persepctives,” *Patterns of Prejudice*, (2013), p. 22, (Marine Le Pen interviewed on Clair Plus, broadcasted on Canal+, April 22, 2007)

⁶⁹ Mondon, “Nicolas Sarkozy’s”, p. 24

immigration policies.⁷⁰ Pettigrew states that “while far-right efforts have gained only minimal power directly, they have shifted the entire political spectrum to the right on immigration”.⁷¹ Downs argues that these co-opting strategies are adopted by both right- and left-wing parties, giving the example of the Social Democratic Party in Denmark,⁷² and argues that this is a widespread tendency in the European landscape. Studies show that the left has repositioned itself on the immigration-issue as research on Denmark amongst other western European states shows.⁷³ The far right-wing rhetoric has spread and mainstreamed throughout Europe, and in 2007 French researchers stated, after the Commission Nationale Consultative des Droits de l’Homme (CNCDH) report were published, that ‘a Pandora’s box opened’ – the limits for what was acceptable or not in politics had changed drastically.⁷⁴ According to Glunos & Mondon, this rise, success and impact of the far right populists is not only due to political strategical strategies and electoral achievements, but also because of, what they call the ‘populist hype’.⁷⁵ They argue, among other things, that populism is referred to in apocalyptic terms and how populism signals a threat to democracy. Populism is not the term that I refer to in this thesis, in accordance to the European extreme right-wing parties, as the term populism tend to be perceived within the apocalyptic narrative that media and politicians draw. As late American president Barack Obama says in a speech delivered at a press conference in Canada, commenting on Trump being a populist:”

“They don’t suddenly become a populist because they say something controversial in order to win votes. It’s not the measure of populism. That’s nativism. Or xenophobia. Or worse, just cynicism. So, I would just advise everybody, suddenly attributing to whoever pops up at a time of economic anxiety the label that they’re populists.”⁷⁶

I am arguing, in accordance with the ideas of Stavrakakis, that right-wing parties are not necessarily defined by being populist, though populism might be an element in certain right-wing

⁷⁰ Joost van Spanje, “Contagious Parties – Anti-Immigration Parties and Their Impact on Other Parties’ Immigration Stances in Contemporary Western Europe,” *Party Politics* (2010): p. 564

⁷¹ Thomas Pettigrew, “Reactions Toward the New Minorities of Western Europe,” *Annual Review of Sociology*, (1998): p. 95

⁷² William Downs, “How Effective is the Cordon Sanitaire? Lessons from Efforts to Contain the Far Right in Belgium, France, Denmark and Norway,” *Journal für Konflikt- und Gewaltforschung* (2002): 32-51

⁷³ Tim Bale, “Politics Matter: a Conclusion,” *Journal of European Public Policy*, (2008): p. 453-464

⁷⁴ Mondon, “Nicolas Sarkozy’s,” p. 40

⁷⁵ Aurelien Mondon and Jason Glynos, “The Political Logic of Populist Hype: The Case of Right-Wing Populism’s ‘meteoric rise’ and its Relation to the Status Quo,” *POPULISMUS Working Papers*, (2016), p. 2

⁷⁶ Barack Obama, “Obama: I’m the real Populist, not Trump,” *Politico*, (June, 2016)
<https://www.politico.com/video/2016/06/obama-im-the-real-populist-not-trump-059801>

parties.⁷⁷ Thus, disentangling populism from the extreme right and/or nationalism.⁷⁸ Stavrakakis emphasizes that “characteristics like xenophobia, anti-immigration, exclusionary (ethnic) nationalism, along with versions of enmity against perceived external threats to the nation, are what clearly differentiates the extreme right from most of the inclusionary, progressive and/or left-leaning versions of contemporary European populism”.⁷⁹

1.4 The issue of new/cultural racism

Racism has shifted discursive mode of expression. Classically, it was built around a biological discourse on the human race, which were hierarchal. Today this form of racism is marginal, and instead, a culturally based racism has gained ground. In newer decades, many anti-racist movements and the international human rights, has entailed that the traditional racism is on retreat. Especially the aftermath of the holocaust created strong anti-racist discourses.⁸⁰ When discussing the legitimation of policies of exclusion, it is essential to include the notion of new (or cultural racism). It is so, in order to be able to detect, with the help from CDA, oppressing and racist narratives within a discourse which will undeniably deny itself from being racist. The notion of traditional racism basically means the conception that human being can be divided into different races, with certain and different physical, mental and social characteristics, which makes some races superior to others. Today, many states have agreed to abolish official racism, segregation and racism as it has led to great tragedies and inequality in societies all over the world. The UN was formed on the grounds of the mayor atrocities made against people because of race and religion. Racism is today, unwelcome in most states in the world, but that does not mean that inequality, oppression and racial discrimination has diminished. Because the race term was later refuted, it was mistakenly assumed that racism was abandoned as well. But with this approach, it was overlooked, that racism always has mobilised both racial and cultural differences.⁸¹ Some scholars would argue that racism is still very present, but it does not show itself as the classical racism. The basic idea is that the idea and construct is cultural hegemony and not racial per se, or as Balibar says, its ‘racism

⁷⁷ Yannis Stavrakakis et al. “Extreme right-wing populism in Europe: revisiting a reified association,” *Critical Discourse Studies*, (2017): p. 433

⁷⁸ Ibidem

⁷⁹ Ibidem

⁸⁰ Kim Su Rasmussen, “Hvad er Dansk Racisme?” *Unpublished* (2004)

⁸¹ Alana Lentin, “Racial States, Anti-Racist Responses. Picking Holes in ‘Culture’ and ‘Human Rights’,” *European Journal of Social Theory* (November, 2004): p. 436

without races'.⁸² Potter and Wetherell further elaborate, that 'culture discourse, therefore, now takes over some of the same tasks as race. It becomes a naturally occurring difference'.⁸³ Thus, racism with its many forms of expressions, cannot just be reduced to being founded on biology.⁸⁴ The new racism can be traced in both general structure such as state regulations and even legislation, but also in everyday practise. Racism is often overlooked, because it is normalized and embedded in everyday life and routines, which, by the dominant whites is perceived as normal and natural.⁸⁵

This new/cultural racism will be subtle, covert and grounded in democratic values of equality. It is not possible to call a new/cultural racist, a 'racist', according to social norms. An example is a Danish debate in the Danish parliament. The word 'racist' is banned in Danish parliament. Party member Kenneth Kristensen Berth from DPP claimed that "the integration of people from Muslim countries isn't possible". When reacting, the party member Pelle Dragsted from RGA answered that he still gets shocked by those kinds of "racist statements", causing the chairwoman of the parliament to react and state, that "we don't accuse each other of such things. We have a proper tone". It is clear, that the word 'racist' is taboo and carries narratives of atrocities and tragedies on its shoulders. It is also clear, that the general understanding of 'racist' is leaning against that of the classical and biologically determined version. The problem that the RGA party member faces here is that of lack of term or definition. It is not atypical of politicians of a nation-state who has abandoned racism long time ago, that the term is taboo. But when political institutions uphold and claims, that the state is neutral and anti-racist, but still holds levels of racial discrimination at the level of the state, it becomes a crucial problem. Within the statement, that states are neutral because of cultural values and human rights, this can be a hiding place for racial discriminating policies. We will call it "human rights-washing". Exploiting the human rights foundation, in order to justify subtle racism.

Furthermore, scholars are debating whether 'new racism' is really new, or if it merely "serves as an ideological basis of contemporary white investment in racial inequality",⁸⁶ as the racial discrimination is still present in societies which have achieved the so-called de jure equality. New

⁸² Etienne Balibar, "Is there a 'Neo-Racism'?" In *Race, Nation, Class – Ambiguous Identities*, ed. Balibar and Wallerstein (London and New York: Verso), p. 21

⁸³ Potter and Wetherell, *Mapping the Language*, p. 137

⁸⁴ Les Back and John Solomos, *Racism and Society* (Palgrave Macmillan, 1996) p. 58

⁸⁵ Philomena Essed, *Understanding Everyday Racism*, (London and New Delhi: Sage, 1991) p. 10

⁸⁶ Colin Wayne Leach, "Against the Notion of a 'New Racism'," *Journal of Community & Applied Social Psychology* (2005): p. 433

racism, Leach argues, might not be that new after all, as denying societal discrimination is a long-standing feature in egalitarian democracies around the world.⁸⁷ But what is essential in this notion, is, that is important to include and focus on cultural dimensions of legitimation of exclusionist and intolerant policies. When racism is claimed to be individual, a somehow ignorant person with prejudices against the Other because of little exposure to richness of the culture and ‘ethnic’ qualities, then there’s a risk that institutionalized racism is easier ignored. Racism and discrimination are in many cases still institutionalized, and it is detectable in modern democracies and its legislation, which will be clear in chapter IV. Lentin describes how many western democracies has followed a solution including restriction of the Other in great numbers and meanwhile increase education and knowledge on the Other. But what good is this, if racism, discrimination and oppression is rooted in the discourse, and within national legislation?

Danish society has, as mentioned before, always perceived itself as being a tolerant and liberal society, valuing values such as social equality and social cohesion, all of this functioning through the famous Danish welfare state.⁸⁸ Denmark has long positioned itself as an humanitarian state, which was illustrated in the Danish resistance during the second world war, where Danes helped the Jewish population escape to the neutral territory of Sweden. But the landscape has changed, and Denmark has not escaped the wave of xenophobia, nativism and racism which has swept over Europe’s borders.⁸⁹ Wren describes cultural racism as “relying on history rather than biology or religion to explain the ‘superiority’ of European, who could be defined as ‘modern’ and ‘progressive’, in contrast to non-Europeans as ‘traditional’ and ‘backward’.”⁹⁰ Ålund claims, that this idea has become significantly popular in Scandinavia.⁹¹ Thus, Europeans seems to be culturally superior. Wren elaborates that “[c]ultural racism as a discourse performs the same task as biological racism, as culture functions the same way as nature, creating closed and bounded cultural groups.”⁹² This discourse has the power to legitimize the exclusion of the Other based on the argument that they are culturally different and not integrable into ‘our’ culture, at least not without creating conflicts. An important component of the cultural racism, is the component of nationalist

⁸⁷ (Leach, “Against the Notion” p. 434

⁸⁸ Karen Wren, “Cultural Racism: Something Rotten in the State of Denmark?,” *Social & Cultural Geography* (2001) p. 142

⁸⁹ Ibidem., p. 142

⁹⁰ Ibidem., p. 143

⁹¹ A. Ålund, “The Power of Definitions: Immigrant Women and Problem Ideologies,” In *Paradoxes of Multiculturalism: Essays on Swedish Society*, ed. Ålund and Schierup (Aldershot: Avebury, 1991)

⁹² Wren, “Cultural Racism” p. 144

ideologies, as the nation state can be perceived as a ‘cultural entity’.⁹³ There is a dialectic relationship between nation and race, and Miles asserts that “[r]acism is the lining of the cloak of nationalism”.⁹⁴ National identity nurtures the cultural racism and Wren explains how “[c]ountries such as Denmark, which rely on a perceived culturally homogenous national identity, have therefore provided fertile territory for cultural racism, with immigration being construed as a threat to national identity”,⁹⁵ with the words of Wodak, this is a scapegoat being born. Racism has changed its discourse from being based on biology, to being based on culture, and as Wren states: “[t]he ‘unconscious grammar’ of cultural racism has become so ingrained in Danish society that the damage done over the last decade and a half would take at least a generation to repair, and it is perhaps the subtle and institutionalized nature of cultural racism in Denmark which renders it so damaging”.⁹⁶ When referring to this notion of new and cultural racism, I will address it co-joined as new/cultural racism.

⁹³ Ibidem

⁹⁴ R. Miles, “Recent Marxist Theories of Nationalism and the Issue of Racism,” *British Journal of Sociology* (1987): p. 24-43

⁹⁵ Wren, “Cultural Racism” p. 144

⁹⁶ Ibidem., p. 159

CHAPTER II

2. METHODOLOGY

The following chapter will introduce the methodological framework for the analysis.

2.1 Methodology and research questions

Discourse is an academic concept with a plurality of meanings and therefore a clarification of my discourse concept is necessary. The following analysis will use CDA, an analytical perspective with great salience within discourse studies. Language, both oral as well as written, is approached as a crucial part of social and political life, interaction and relations. Language and society are perceived as having a dialectical relation. Thus, language is a phenomenon which, through CDA, is given the ability to create and recreate action and political power. Language is more than just arbitrary words constructed in a coincidental order. Already in 1953, the Austrian philosopher Ludwig Wittgenstein talked about the 'language-game'⁹⁷ in his 'Philosophical Investigations' and underlined the performative character of language when describing the interconnection between language and action, and how, each social practice entails and presupposes a particular use of language.⁹⁸ More traditional qualitative methodologies analyses social reality as it is, whereas discourse analysis is concerned with social construction processes, and aims to analyse how the social reality was created.⁹⁹

Michel Foucault, influential French philosopher, states, on the phenomena of discourse, that “whenever one can describe, between a number of statements, such a system of dispersion, whenever, between objects, types of statement, concepts, or thematic choices, one can define a regularity (...), we will say, for the sake of convenience, that we are dealing with a discursive

⁹⁷ Ludwig Wittgenstein, *Philosophical Investigations* (Great Britain: Basil Blackwell, 1953)

⁹⁸ Felice Cimatti, “Philosophy and Psychoanalysis: Wittgenstein, on “Language-Games” and Ethics,” in *Interdisciplinary Studies in Pragmatics, Culture and Society* ed. Capone and Mey (Springer, 2016) p. 233

⁹⁹ Nelson Phillips and Kamal A. Munir, “The Birth of the ‘Kodak Moment’: Institutions, Entrepreneurship and the Adoption of New Technologies,” *Organization Studies* (2005)

formation.”¹⁰⁰ These formations are this certain kind of rules which constrain our knowledge and let us give meaning to things. Discourse is so to say, the arena in which these social relations, practices and behaviours are constructed and maintained.¹⁰¹ Political theorist Yannis Stavrakakis and discourse analyst David Howarth further explain the underlying assumptions of discourse theory: “Discourse theory assumes that all objects and actions are meaningful, and that their meaning is conferred by historically specific systems of rules.”¹⁰² Thus, a statement is not simply a matter of personal opinion, but rather a result of a web of semiotics, history, social structures and momentum of the statement amongst other things. There is always a meaning and logic behind a discourse, and if not, Laclau and Mouffe claim that a “discourse incapable of generating any fixity of meaning is the discourse of the psychotic”.¹⁰³ Discourse analysis is an interdisciplinary approach, which allows us to examine this dialectic relationship between language and social reality. Laclau and Mouffe describe discourse as a tool to analyse social constructions: “The fact that every object is constituted as an object of discourse has nothing to do with whether there is a world external of thought, or with the realism/idealism opposition.”¹⁰⁴ Objects do exist outside of thought, what is essential in discourse analysis, is “the rather different assertion that they could constitute themselves as objects outside any discursive conditions of emergence”.¹⁰⁵

2.1.1 Critical Discourse Analysis

However, it was not before the 1980s that scholars in Great Britain and Western Europe started to establish the field of CDA.¹⁰⁶ CDA is a critical approach to discourse analysis, which helps us analyse the role played by language in the construction of power structures, hegemony and social inequality, and the reproduction of the latter in societal life.¹⁰⁷ CDA aims at analysing discourses in the production, re-production of power relations, including oppression and discrimination. CDA carries with it, an interdisciplinary epistemology. CDA takes both the micro-level (language use, discourse, verbal interaction and communication) and macro-level (power,

¹⁰⁰ Michel Foucault, *Archeology of Knowledge*, (London: Routledge, 2001) p. 112

¹⁰¹ Janet M. Cramer, “Critical Discourse Analysis,” in *Encyclopedia of Communication Theory*, ed. Littlejohn and Foss (Sage, 2009) p. 221

¹⁰² Yannis Stavrakakis and David Howarth, “Introducing Discourse Theory and Political Analysis,” in *Discourse Theory and Political Analysis* ed. Norwal, Stavrakakis and Howarth (Manchester: Manchester University Press, 2000)

¹⁰³ Chantal Mouffe and Ernesto Laclau, *Hegemony and Socialist Strategy* (Verso, 1985) p.112

¹⁰⁴ Ibidem p. 108)

¹⁰⁵ Ibidem

¹⁰⁶ Linda R. Waugh et al., “Critical Discourse Analysis: Definition, Approaches, Relation to Pragmatics, Critique, and Trends,” in *Interdisciplinary Studies in Pragmatics, Culture and Society* ed. Capone and Mey (Springer, 2016)

¹⁰⁷ Janne Tienari and Eero Vaara, “Critical Discourse Analysis,” in *Encyclopedia of Case Study Analysis* ed. Durepos and Mills (Sage, 2010) p. 245

dominance and inequality) into account in the analysis. CDA holds within it a critical approach to social problems and political issues¹⁰⁸, and thus allow us to analyse the status quo and marks a difference from descriptive discourse analysis.¹⁰⁹ CDA has been developed by scholars such as Norman Fairclough, Ruth Wodak, Teun van Dijk and Theo van Leeuwen,¹¹⁰ who has applied the tool to themes such as social oppression, discrimination, right wing parties and racism. The approach is critical and therefore the perspective in the analysis will be of a critical nature. “This critique challenges the naturalization of social relationships”.¹¹¹ According to Fairclough, there is a dialectical connection between discourse and social structure, and CDA helps us unveil such power relations, oppression and discrimination lying within the language. Furthermore, CDA holds the crucial notion of contextuality, the language analysed must be placed in a context, as it should also be placed in an intertextual setting. Thus, CDA offers both analytical tools but also holds within it means of change. Fairclough elaborates:

“Although I shall be painting a somewhat depressing picture of language being increasingly caught up in domination and oppression, this will, I hope, be offset by my faith in the capacity of human beings to change what human beings have created. (...) the effectiveness of resistance and the realization of change depend on people developing a critical consciousness of domination and its modalities, rather than just experiencing them.”¹¹²

CDA seeks to explain discourse structures rather than just to describe them,¹¹³ which makes CDA a dynamic tool which can be used for explanations of power relations and can be revealing normative approaches to discourse created by the groups who has the hegemonic power over the discourse. As the Italian philosopher Antonio Gramsci elaborates on Hegemony, the power of dominant groups may be integrated in norms and habits,¹¹⁴ through culture, but also more

¹⁰⁸ Teun van Dijk, “Critical Discourse Analysis,” in *The Handbook of Discourse Analysis* ed. Hamilton and Tannen (John Wiley & Sons Inc, 2015) p. 467

¹⁰⁹ Martin Reisigl, “The Discourse-Historical Approach” in *The Routledge Handbook of Critical Discourse Studies* ed. Flowerdew and Richardson (Routledge, 2017) p. 50

¹¹⁰ Tienari and Vaara, “Critical Discourse Analysis”, p. 245

¹¹¹ Reisigl, “Discourse-Historical”, p. 50

¹¹² Norman Fairclough, “Discourse as Social Practise” in *Language and Power* (Essex: Pearson Education, 1989) p. 3

¹¹³ Van Dijk, “Critical Discourse Analysis,” p. 467

¹¹⁴ Antonio Gramsci, *Selections From the Prison Notebooks* (London: Lawrence & Wishart, 1971)

bureaucratic tools such as laws and amendments, with a less transformative character. Thus, CDA differentiates itself from other analytical tools, by focusing on the relation between text and context.

Wodak states that “[l]anguage is not powerful on its own; it gains power by the use powerful people make of it”.¹¹⁵ This is why CDA is interested in studying the social domain of inclusion and exclusion. Foucault further elaborate that this cultural power of the dominant group is not always obvious, but can take the shape of normative action and thinking.¹¹⁶ On top of that, American linguistic and philosopher Noam Chomsky reminds us about the natural antagonistic approach to the Other, and underlines that the more powerful you are, the stronger justifications you can create for your ideology and ideas.¹¹⁷ It is this ‘other’ that both Fairclough, Wodak and van Dijk talks about. American political scientist Doris Graber further details, that in time of crises, politicians can justify such discourse, on excluding the antagonistic other, in the name of national security.¹¹⁸

As the following analysis will be on political texts, a specification of political discourse analysis (PDA) is presented shortly. PDA is not only interested in how subjects understand their world, more as to how the relational systems of discourse affects the creation of identities, hence the attention is more on the “creation, disruption and transformation of the structures that organize social life”.¹¹⁹ Critical discourse analyst Teun Van Dijk argues that “Discourse plays an important role in the production and reproduction of prejudice and racism”¹²⁰, as discourse is able to reproduce antagonistic narratives. As Van Dijk clarifies: PDA is both about political discourse, and it is also a critical enterprise. In the spirit of contemporary approaches in CDA this would mean that critical-political discourse analysis deals especially with the reproduction of political power, power abuse or domination through political discourse, including the various forms of resistance or counter-power against such forms of discursive dominance”.¹²¹ Furthermore, the analysis deals with

¹¹⁵ Ruth Wodak, *The Discourse of Politics in Action* (Palgrave Macmillan, 2009) p. 35

¹¹⁶ Michel Foucault, *Power/Knowledge - Selected Interviews & Other Writings 1972-1977*, (New York: Pantheon Books, 1980) p. 142

¹¹⁷ Noam Chomsky, “Noam Chomsky on Cultural Hegemony,” interview by Tavis Smiley, February, 2016 <https://www.youtube.com/watch?v=kXYnqRjxEsw>

¹¹⁸ Doris Graber, “Styles of Image Management During Crises: Justifying Press Censorship,” *Discourse & Society* (2003) p. 542

¹¹⁹ Stavrakakis and Howarth, “Introducing Discourse”, p. 6

¹²⁰ Teun van Dijk, “Political Discourse and Racism: Describing Others in Western Parliaments,” in *The Language and Politics of Exclusion: Others in Discourse. Communication and Human Values* ed. Riggins (1997) p. 31

¹²¹ Teun van Dijk, “What is Political Discourse Analysis,” *Political Linguistics* (1997)

that domination, and seeks to clarify how the discursive conditions leads to political and social inequality. And indeed, “most political actions (such as passing laws, decision making, meeting, campaigning, etc.) are largely discursive”.¹²²

2.1.2 Analytical tools

The three stages of CDA (see fig. 1), according to Fairclough, is; the description of text; the interpretation of the relationship between text and interaction; and the explanation of the relationship between interaction and social context.¹²³ Thus, connecting text to the social reality, in a dialectic relation. “The relationship between text and social structures is an indirect, mediated one. It is mediated by the discourse which the text is a part of, because the values of textual features only become real, socially operative, if they are embedded in social interaction, where texts are produced and interpreted against a background of common-sense assumptions ... which give textual features their values”.¹²⁴

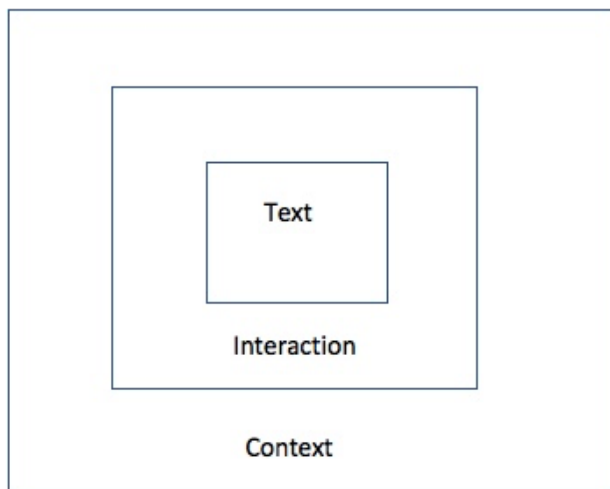


Figure 1 – Discourse as text, interaction and context¹²⁵

These three steps are analysed within situations, institutions and social structures in which the discursive events take place. Thus, there is a dialectical relationship amid the discursive events and the situation, institutions and social structures in which they are rooted. “On the one hand, the

¹²² Ibidem., p. 18

¹²³ Norman Fairclough, *Language and Power* (New York: Routledge, 2015) p. 128

¹²⁴ Ibidem., p. 154

¹²⁵ Ibidem., p. 58

situational, institutional and social contexts shape and affect discourses; on the other hand, discourses influence social and political reality. In other words, discourse constitutes social practice and is at the same time constituted by it”.¹²⁶

2.1.3 Coding/categorical indexing

A crucial reason, as to the importance of coding the discourse corpus selected for the analysis, is that it makes it possible to move further in the area of understanding the material, which otherwise is restricted by the memory and capacity of the analyst. By sorting and coding, you are enabled to retrieve more information from the material than if the analysis was merely depending on the memory of the analyst.¹²⁷ In prolonging of the critical discourse analytical approach which this thesis is founded upon, coding is not based on a literal meaning, but as an interpretive mean. The Code is described as a label that the analyst can attach to the corpus in order to index, rather by issue, theme or subject, which is identified by the researcher, as important to her interpretation.¹²⁸

The job of retrieving and indexing the text is done manually in this text, as the approach is critical and interpretative. The indexing is done with attention to ontological and epistemological matters.¹²⁹ When reading the parliamentary debates with a hermeneutical approach, I have created themes and boxes which touches upon security, identity and new/cultural racism. The themes are found as a reciprocal action.¹³⁰ The main themes are as follows:

1. The construction of ‘the Dane’
2. The battle for Danish values, and the fear of losing them
3. The antagonistic Other
4. Incompatible cultures – the notion of a new/cultural racism
5. Legitimation strategies

¹²⁶ Rudolf De Cillia, Martin Reisigl and Ruth Wodak, “The Discursive Construction of National Identities,” *Discourse and Society* (1999) p. 157

¹²⁷ Jennifer Mason, *Qualitative researching, Second Edition* (London, California and new Delhi: Sage, 2006) p. 152

¹²⁸ G. Cassell and C. Syman, *Qualitative Methods and Analysis in Organizational Research. A Practical Guide* (Sage, 1998)

¹²⁹ Mason, *Qualitative*, p. 153

¹³⁰ *Ibidem.*, p. 159

All the themes are detected in a framework of legitimizing exclusion and discrimination, going against the idea of human rights, and within the theoretical framework of securitization and new/cultural racism.

2.1.4 Research questions

Based on abovementioned contemplations, I seek to examine the discourses, narratives and legitimation strategies used in the chosen amendments, which has been criticized and condemned by important human rights actors, like the UN, EU and various NGO's.

The main questions of the thesis are as follows:

- What discourses and narratives does the Danish amendments engage?
- What legitimation strategies are used when justifying the passing of the Danish amendments?
- To which degree does these discourses and narratives and legitimation strategies gamble with the reputation and legacy of human rights?

2.1.5 Legitimation

Berger and Luckmann describes how all language can be 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".¹³¹

Legitimation of arguments is an important tool to understand the underlying discourse and to analyse the discourse in a critical manner. Berger and Luckmann describes legitimation as follow:

"Legitimation as a process is best described as a 'second-order' objectivation of meaning as it produces new meanings that serve to integrate the meanings already attached to disparate institutional processes. The function of legitimation is to make objectively available and subjectively plausible the 'first-order' objectivations that have been institutionalized".¹³²

Furthermore they elaborate how "legitimation has a cognitive as well as a normative element".

Thus, legitimation is not only based on values, but also on knowledge. How does one legitimize a

¹³¹ Thomas Luckmann and Peter L. Berger, *The Social Construction of Reality* (New York: Anchor Books, 1966) p. 91

¹³² Luckmann and Berger, *Social Construction*, p. 110-111

law that violates the human rights? How does the Danish politicians argue and legitimize their proposals which is jeopardizing the legacy and effectiveness of the international conventions on human rights? Legitimation becomes relevant in this analysis as we seek to uncover how the violations on human rights, within Danish law making, are being legitimized and in prolonging, somehow normalized. “Legitimation is this process of ‘explaining’ and justifying. Legitimation justifies the institutional order by giving a normative dignity to its practical imperatives.”¹³³ In order to detect and analyse the legitimation process, we use the framework consisting of a set of categories developed by Van Leeuwen; *authorization*; *moral evaluation*; *rationalization*; and *mythopoesis*. This will help us understand the underlying legitimation landscape and will help get closer to an understanding of the underlying reality of the discourse. The four main strategies are clarified by Fairclough:¹³⁴ *Authorization* is legitimation by reference to the authority of tradition, custom, law, and of persons in whom some kind of institutional authority is vested. *Rationalization* is legitimization by reference to the utility of institutionalized action, and to the knowledges society has constructed to endow them with cognitive validity. *Moral evaluation* is legitimation by reference to value systems and *mythopoesis* which is legitimation conveyed through narrative.¹³⁵

These strategies can occur unconnectedly or in combination. Wodak adds, that when “analysing right-wing populist rhetoric, we usually detect legitimation by moral evaluation and mythopoesis: the use of specific moral stances and exemplary reformulated historical narratives (myths) to legitimize ‘Othering’ and typically implement ever more restrictive immigration measures”.¹³⁶ Following analysis will not seek to detect the right-wing discourse, but rather seeks to detect the discourses which are mainstreamed in the processes.

Wodak gives us a theoretical vocabulary which allows us to further dig into the world of oppressing discourse in the political landscape of today’s Europe. By introducing the term ‘scapegoat’ and the concept of creating fear and legitimizing politics of fear, she opens up a possibility to approach these forthcoming corpuses of analysis, in a critical manner. She allows us to analyse through the concept of ‘fear’, which she states works with this current normalization in

¹³³ Wodak, *Politics of Fear*, p. 6

¹³⁴ Norman Fairclough, *Analysing Discourse – Textual Analysis for Social Research* (London and New York: Routledge, 2003) p. 98

¹³⁵ Ibidem.

¹³⁶ Wodak, *The Politics of Fear*, p. 6

Europe of phenomena such as “nationalistic, xenophobic, racist and antisemitic rhetoric which most often manifests in fear of change, of globalization, of loss of welfare (...) in principle, almost anything can be constructed as a threat to ‘Us’, an imagined homogenous people inside a well-protected territory”.¹³⁷

CDA has the ability and potential to be able to draw broader conclusions and detect trends based on a narrow corpus. The further study does not suggest that the findings symbolizes the current political and policy making trend in Europe, but it does seek to highlight certain aspects and areas of concerns, which might have an effect on the human rights. Thus, I wish to analyse the political landscape with help from Fairclough’s analytical framework, and with help from Wodak’s methodology and theoretical vocabulary.

¹³⁷ Ibidem., p. x

CHAPTER III

3. CONTEXTUALISING

Some aspects of the corpus to be analysed, must be discussed before proceeding to the analysis. Namely, the Danish political landscape, the strategical framework and the actors producing the discourse.

3.1 Is something rotten in the state of Denmark?

Democracy and the constitutional state has never appeared overnight in any state, and the same goes for human rights, and as in many other European countries, these general principles had to be refreshed in Denmark, in the aftermath of the second world war.¹³⁸ The Danish state has always been a big supporter of the International human rights conventions and corporations. Denmark was a frontrunner on December 10, 1948 when the universal declaration on human rights (UDHR) were adopted in Paris by the then 58 member states of the UN as resolution 217 and were as engaged in 1953 when the European Human Rights system were established with both the convention and the court. In 2018, Denmark, accompanied by Italy and Austria, was elected to be a member of the Human Rights Council as of 2019. Furthermore, Denmark will take over the presidency of the Council of Europe (CoE). But the aims of the engagements are different – a paradox one could say. At a speech at the Parliamentary Assembly of the CoE, the Danish Prime minister Lars Løkke Rasmussen touched upon the role of the European Human Rights convention and court in connection with the increasing strength of the national states in Europe. “We need a system that is tougher on countries that do not fulfil their human rights obligations. At the same time, we need a system that does not interfere too much in countries who take human rights seriously”.¹³⁹ Hence the Danish prime minister is calling the Strasbourg court to abstain from interfering too much in national law-making policies. Why is the Danish prime minister so eager to

¹³⁸ Preben Wilhjelm, *Kampen for Retsstaten – Samfundets Fundamentale Værdier under Pres* (Lindhardt og Ringhof, 2018)

¹³⁹ Lars Løkke Rasmussen, “Statsminister Lars Løkke Rasmussens Tale ved Europarådets Parlamentariske Forsamling,” (Strasbourg, January 24, 2018)

decentralize the power of the Strasbourg court (ECtHR)? Maybe because he has been facing increasingly opposition to the court and towards the Human Rights conventions in general within the Danish parliament and within the Danish population as well. But which discursive landscape does the Danish prime minister come from? Since the adoption of the UDHR, Denmark has been a big supporter and promoter of the human rights, but as Jens Elo Rytter, law professor at the University of Copenhagen says in an interview with Amnesty International in 2018: “At the same time, there isn’t probably any doubts, that it was assumed relatively cost free. One did not assume, that the protection of human rights was a problem for Denmark”.¹⁴⁰ Human Rights were good and important, but there was a broad consensus, throughout the 1950s, 60s and 70s, that they were more relevant outside of Denmark, than inside. This changed during the 80s, where Denmark started to be prosecuted at the Strasbourg court. This was new territory for the little state. Today, Denmark faces challenges when implementing increasingly stricter immigration policies, limiting freedom of religion and when they are trying to deport criminal refugees. The convention places an obligation on the Danish state which is challenging current Danish policy making. Today Denmark has faced lawsuits from the Strasbourg court, recommendation letters from the United Nations Human rights Committee and criticism from human rights NGO’s and activists, external but also internal criticism.

The reputation of the human rights indeed needs nurturing. Denmark has long had a reputation as being a defender of the human rights, an open society with liberal immigration policies, with a strong tradition of looking after each other through the welfare state, and for being equal in matters of access to education as well as hospitals. But something has changed. Denmark’s reputation has gone from being an inclusive and tolerant nation, to being an increasingly exclusionist and immigration-critical state.¹⁴¹ New fears has emerged and especially the horrible 9/11 Al-Qaeda led attack on American soil, was the tipping point for the stigmatization of, and xenophobia and fear against Muslims as a population, and Muslims were, with Wodak’s words “suddenly perceived as an acute danger to security in many Western countries”.¹⁴² The religion of Islam has gained greater attention and that of most often negative character, which according to

¹⁴⁰ Jens Elo Rytter, “Et Lille Lands Visdom,” interview by Bjarke Windahl Pedersen, *Amnesty International*, November 16, 2018

<https://amnesty.dk/nyhedsliste/2018/et-lille-lands-visdom>

¹⁴¹ Pedersen and Rytter, “A Decade of Suspicion”, p. 2302-2321

¹⁴² Wodak, *The Politics of Fear*, p. xi

Rytter and Holm Pedersen, has led to, that ”many politicians, commentators and citizens in Europe today often consider Islam as opposed to democracy, equal rights and freedom of speech.”¹⁴³ Denmark, a homogenous society with common language, heritage and culture, was no different to this. The religion of Islam has been heavily debated, and since 2000, laws and regulations on the area has followed.¹⁴⁴ Much of the newly established and amended Danish legislation has been led by anti-immigration and nativist ideas, more than often coming from the right-wing populist party DPP.

3.1.1 Denmark and the political landscape

Human Rights are violated throughout the world, on a daily basis, and although Scandinavian countries enjoy a good reputation, with strong welfare states and sound democracies, violations of human rights are still happening - also in Denmark. The European Convention of Human Rights (ECHR), formally the Convention for the Protection of Human Rights and Fundamental Freedoms¹⁴⁵, adopted by the Council of Europe in 1950, protects European Citizens from states violating their human rights. Since 1959, when the European Court of Human Rights (ECtHR) were established as on ground of a provision in the convention, the citizens of Denmark have been able to lodge complaints to the ECtHR.¹⁴⁶ The ECHR has great significance in Denmark, and was implemented in national law in 1992, meaning that the Danish courts have a duty to enforce it.¹⁴⁷ Though Denmark has long been the teacher’s pet when it comes to upholding the obligations of the human rights, several complaints have been lodged against the state to the ECtHR throughout time, on the allegations that the state of Denmark has violated the human rights of citizens or aliens within the national territory of the country. The themes of these complaints have been varying, from children’s rights¹⁴⁸ and the complex relation between Article 5 (the Right to Liberty and Security) and Article 8 (the Right to respect for private and family life) of the ECHR, Article 11 (freedom of assembly and association) and the right to not be part of a union¹⁴⁹, to the issue of isolation cells in

¹⁴³ Pedersen and Rytter, “A Decade of Suspicion, p. 2303

¹⁴⁴ Ibidem., p. 2304

¹⁴⁵ As amended by protocol No. 14 as from the date of its entry into force on 1 June 2010, and protocol No. 11 as from the date of its entry into force 1 November 1998

¹⁴⁶ Ditte Goldschmidt and Lene Hansen, *Danmark på Anklagebænken* (Copenhagen: Institut for Menneskerettigheder, 2007)

¹⁴⁷ “About us”, The Danish Institute for Human Rights , accessed June 9, 2019

<https://www.humanrights.dk/about-us/menneskerettigheder-eu/european-convention-on-human-rights>

¹⁴⁸ *Nielsen v Denmark*, App. No 10929/84 (ECHR 28 November 2018)

¹⁴⁹ *Sørensen and Rasmussen v Denmark*, App nos 52562/99 and 52620/99 (ECHR, 11 January 2006)

prison¹⁵⁰ in relation to Article 3 (the Prohibition of torture) of the ECHR. The Danish state has not only been under scrutiny and has been confronted by the obligations of the human rights, concerning the following selected corpus of analysis. It has indeed met many other lawsuits and criticism. The focus in this thesis will be on the process of the policy making concerning the readings of the three selected law amendments, which has, or has the potential to, gamble with the legacy and reputation of human rights, and in the end, threatens its official power. The corpus is selected on criteria explained below.

Since 9/11 and the recent ‘refugee crisis’ there has been a greater focus and attention in Danish media and politics on matters concerning aliens, terror, Islam and immigration. With the mainstreaming of the far-right policies throughout Europe, Denmark has since the increase of the Danish People’s Party (DPP) electoral and public popularity and influence in Danish policy making, realized far right proposals and ideas on policy changes such as; the ban of the ‘burqa’ and ‘niqab’;¹⁵¹ the jewellery law¹⁵² criticized and condemned by the then UN general secretary Ban Ki moon and Kofi Annan as well;¹⁵³ wild boar fences at the border between Denmark and Germany;¹⁵⁴ rules for how we should greet each other by handshake after becoming a Danish citizen; border control;¹⁵⁵ forced nursery care for immigrants; stop of reception of mandated refugees; deportation of children amongst many others controversial amendments and rules. This tendency, on tightening immigration policies and limiting freedom of religion, is not a unique situation, and it is happening throughout Europe.

The Danish debate is still increasingly tightening and is becoming more critical, not only to immigration and the new cultural and religious pluralistic society and globalisation, but also towards the human rights conventions, and the ideas that lie behind them. Especially DPP are outspokenly against the Danish involvement with the human rights conventions, and as they are

¹⁵⁰ *Rahde v Denmark*, App no 69332/01 (ECHR 21 July 2006)

¹⁵¹ Folketinget, “L219 Forslag til lov om ændring af straffeloven (tildækningsforbud),” *Folketinget*, May 31, 2018 https://www.ft.dk/samling/20171/lovforslag/1219/20171_1219_som_vedtaget.htm

¹⁵² Folketinget, “L87 Forslag til lov om ændring af udlændingeloven,” *Folketinget*, January 26, 2016 <https://www.ft.dk/samling/20151/lovforslag/187/index.htm>

¹⁵³ Politiken, “Ban Ki-Moon Kritiserer den Danske Smykkelov,” *Politiken* January 28, 2016 https://politiken.dk/udland/fokus_int/Flygtningestroem/art5609202/Ban-Ki-moon-kritiserer-den-danske-smykkelov

¹⁵⁴ Retsinformation, “Lov om Projektering og anlæg af et vildsvinehegn langs den dansk-tyske landegrænse,” *Retsinformation* June 8, 2018

<https://www.retsinformation.dk/Forms/r0710.aspx?id=201903>

¹⁵⁵ Statsministeriet, “Pressemøde den 4. Januar 2016,” *Statsministeriet* January 4, 2016 http://www.stm.dk/_p_14282.html

gaining influence in policy making processes, the stance is as well. Though Denmark was always a dedicated advocate for human rights, the debate language and rhetoric has been changing, and controversies on human rights have emerged, both in the public but also within the political debate. Some Danish policy makers agitate that Denmark should ignore its international obligations or even argues for the total withdrawal from international conventions. These statements are regularly made by members of the DPP, but lately, examples are also on mainstream party members who express such opinions. A much debated and controversial example is a social democrat from The Social Democrats (SD) Henrik Sass Larsen who stated at national television in 2018 on the subject of the ECtHR, that “the best we could do is to call back the laws to Danish soil, so that they (the international human rights conventions) don’t decide”. He further elaborated that the ECtHR are one of the things that has happened in Denmark which is “the most devastating for human rights”. This statement was made as an extension of a debate on the Austrian activist who called the prophet Muhammad a paedophile and was convicted for blasphemy by an Austrian court, and when taking the case to the ECtHR, the court ruling was that her freedom of speech hadn’t been infringed and thus upholding Austrian blasphemy decision.¹⁵⁶ Since the blasphemy paragraph has been withdrawn from Danish law (2017), this statement by the Austrian activist would not be illegal by Danish standards, and would therefore create controversies between Danish legislation and the ECtHR. Though these statements by Sass-Larsen were later officially withdrawn, and that his statement fails to be the opinion of the party itself, it demonstrates how the debate and discourse in Denmark today, is allowing criticism of the international human rights conventions by politicians from mainstream parties, and how the legacy and reputation of the laws and institutions of international human rights, are being questioned and mistrusted. Thus, radical statements in the scope of human rights are not only represented by the far-right parties, but also by members of the mainstreamed parties such as the aforementioned SD, the second biggest party as of today.¹⁵⁷

There has been a big furore in the Danish debate landscape on this particular topic of the international conventions, and people and politicians are increasingly presenting scepticism towards the obligations that the international conventions are putting upon us. Criticism and scepticism towards the ECtHR have especially been increasing when Strasbourg Court is preventing the

¹⁵⁶ *E.S. v Austria*, App no 38450/12 (ECHR 25 October 2018)

¹⁵⁷ Henrik Sass Larsen, “Henrik Sass vil have Danmark ud af Internationale Konventioner,” *TV” Nyheder*, November 8, 2018
<http://nyheder.tv2.dk/politik/2018-11-08-henrik-sass-vil-have-danmark-ud-af-internationale-konventioner>

deportations of criminal refugees¹⁵⁸, for example the case of expelled Iranian national Amrollahi who lodged his complaint to ECtHR in 2002¹⁵⁹, on grounds of violation of Article 8 ECHR. The ECtHR held unanimously that this expulsion involved a violation on Article 8. Another case which has gained prominence and importance in Danish politics and media is the expulsion case of the gipsy boss Gimi Levakovic. The case has reaped seeds of scepticism towards the ECtHR and the international human rights conventions in general. Big debate rose when the high court of Denmark overturned a judgement on the deportation of the criminal “gipsyboss” Gimi Levakovic,¹⁶⁰ and lately his nephew just avoided deportation to Croatia on the same grounds- Article 8 ECHR.¹⁶¹ The family which colloquially is known as ‘the most criminal family in Denmark’¹⁶² has been shown mercy on the grounds of the human rights manifested in the ECHR, which the state of Denmark has ratified as per being a member of the Council of Europe, but as mentioned before, also manifested in national law. On these grounds, Danish political debate has allowed increasingly questioning and challenging when it comes to judgements from Strasbourg, but also when it comes to recommendations, comments and lifted fingers from the international human rights community such as the United Nations Human Rights Committee, Human Rights Watch and Amnesty International. This is why, the former Danish Prime minister Lars Løkke Rasmussen urges in his speech at the parliamentary assembly of the CoE, that there is need for “a system that does not interfere too much in countries who take human rights seriously”,¹⁶³ referring to countries like Denmark and cases like the abovementioned.

The scepticism towards the human rights framework, illustrated in the cases of expulsions and deportations and the ECtHR, clarifies a tendency in Denmark. Not only has immigration laws tightened, freedom of religion been limited, and extreme right-wing parties gained electoral success, but the scepticism towards conventions which weakens the states superiority in times of increased nativism and nationalistic discourse, has spread in the political landscape. As mentioned in chapter II, language and society hold a dialectical relation, and when scepticism is targeted institutions

¹⁵⁸ Jacques Hartmann, “Jurist: Hvad ville der ske, hvis Danmark opgave menneskerettighederne?” *Altinget*, November 27, 2016

<https://www.altinget.dk/udvikling/artikel/jurist-hvad-ville-der-ske-hvis-danmark-opgav-menneskerettighederne>

¹⁵⁹ *Amrollahi v. Denmark*, App no 56811/00 (ECHR, 11 October, 2002)

¹⁶⁰ Gimi Levakovic, case no. 258/2015, (Danish Supreme Court, 12 May 2016)

¹⁶¹ Jimmi Levakovic, Case no. 221/2018, (Danish Supreme court, 19 March 2019)

¹⁶² “Mød Danmarks mest Kriminelle Familie,” *Ekstra Bladet*, May 8, 2011

<https://ekstrabladet.dk/112/moed-danmarks-mest-kriminelle-familie/4101600>

¹⁶³ Rasmussen, “Statsminister Lars Løkke Rasmussens Tale”

which are made to protect citizens human rights from states, through the power of political voices and in order to secure a nation, a gamble on the legacy and reputation of the human rights is a reality.

3.1.2 The race of becoming the least attractive country

Denmark has as aforementioned, always been perceived as an openminded society where the welfare state thrived, and where foreigners were gladly welcomed. The so-called guest workers from the 1960s and 70s reminisce how they were greeted, and how the hospitality the guest workers experienced from the Danes, from mainly Turkey, Pakistan and Macedonia, was perceived as exceptional and very Danish. The Danes were proud of that. But the Danish political landscape changed slowly as the workforce weren't needed any longer. The welfare state model still has great parliamentary support, but after the global financial crisis (2007-2009), more parties became sceptical to the welfare state model and started focusing on streamlining Danish policies and state model. Today, the welfare state model has difficulties with the principle of inclusion of aliens.¹⁶⁴ This has been conspicuous after the elections in 2001. Denmark's Liberal Party (V) and the Conservatives People's Party (C) formed the government with support from the anti-immigration party DPP. Some called it a change of the political system, some called it a temporary solution, but almost two decades later, it is clear, that the DPP has gained great influence in Danish policy making. Up until today, DPP has significantly influenced Danish politics for nearly two decades,¹⁶⁵ and it has left a visible mark in Danish legislation in general. Commentators correctly point out, that although DPP seemed quite extreme in the beginning, they and their politics have turned mainstream, just like the case of the Front National in France, it's a victory of ideas! Both SD and V have adopted similar stances, such as the strengthening of immigration policies, limitation of religious freedom and stricter approach to cultural diversity. The following analysis will, amongst other things, detect the specific discourse and the legitimization methods used, when the far right is collaborating with mainstream parties on laws and amendments that threaten the legacy and reputation of human rights.

¹⁶⁴ Peter Nannestad, "Immigration as a Challenge to the Danish Welfare State?," *European Journal of Political Economy*, (February 1, 2004)

¹⁶⁵ Herdis Hølleland and Elisabeth Niklasson, "The Scandinavian far-right and the New Politicisation of Heritage," *Journal of Social Archeology* (2018)

The DPP has used its influence in especially the areas of immigration, integration and culture, and has pushed through tougher immigration policies, stricter border control and has facilitated a paradigm shift, which advocated for anti-integration efforts. Refugees shall not be integrated in the Danish society, they ought to be sent back to their countries when their time comes. The claim is, that there are already too many immigrants in Denmark, and that they will ruin Danish society and the vaguely defined Danish values. DPP party member and political spokesman of integration Martin Henriksen elaborates: “Denmark are the Danish people’s country, and it has to stay like that. We will gladly help people in need, but we will not destroy our own country in the process. Thus, refugees shall not be integrated – they will be going home again.”¹⁶⁶ Integration politics have changed direction completely, and are moving away from both the European values, and the idea behind human rights. The paradigm shift is a change in integration policies in Denmark and has in fact changed direction, from seeking to integrate refugees, to seeking to send them back as fast as possible to their home countries. The argument is that the Danish state is overloaded, and that the new alien population is threatening both economy, welfare state and the Danish values. As the aforementioned politician Henriksen claims: “The increased number of refugees has an enormous impact on our culture and traditions.”¹⁶⁷ DPP has, amongst other strategies, gained influence with this discourse which uses an ‘us’ and ‘them’ dichotomy, which is increasingly xenophobic, nativist and nationalistic, and which seeks to preserve the “unique national characters of different peoples”,¹⁶⁸ thus advocating for the incompatible nature of cultures, and feeding the so-called new/cultural racism, which will be further elaborated in the analysis.

The Danish state is tightening its immigration policies, its border control and has increased the symbolic politics which are anti-immigrant and pro-nationalistic. The Danish state has increasingly moved from being inclusive to being exclusionist. This can be perceived as a move within the big so-called European competition of looking least attractive for immigrants, which is a competition that Denmark is not alone in. Denmark, led by V member and former minister of Immigration, Integration and Housing, Inger Støjberg, posted an advertisement in Lebanese newspapers in 2015, announcing tighter immigration regulations in Denmark, complicated

¹⁶⁶ Martin Henriksen, “Martin Henriksen, DF: Flygtninge skal ikke integreres.” *Søndagsavisen*. February 26, 2016 <https://www.sondagsavisen.dk/pol-og-samfund/2016-02-26-martin-henriksen-df-flygtninge-skal-ikke-integreres/>

¹⁶⁷ Henriksen, “Martin Henriksen”

¹⁶⁸ J. Rydgren, “Is Extreme Right-Wing Populism Contagious? Explaining the Emergence of a New Party Family.” *European Journal of Political Research*, (2005) p. 427

procedures and cut regulations for would-be immigrants in Denmark. The advertisement was printed in Arabic and English, and the message was clear: we don't want you here, and you don't want to end up here. The Danish weather, when it comes to refugees, immigrants, and aliens in general, has indeed turned into a thunder storm. Immigrants and alien cultures are not welcome, and it shows, not only in debates, but in law-making too. The following analysis focuses on three law amendments that are criticised or even condemned by international human rights institutions for being discriminating and against the values of human rights. In the framework of securitization and new racism, the analysis of the corpus is offering answers to the questions: How is the Danish law and amendments discriminating and can it be detected through the chosen political parliamentary debates, and the discourse presented? What is the legitimization made when voting for law amendments which are criticised by the international human rights community, and what are the policy makers afraid of? What does these laws hold the Danish state secure from? Who is the 'scapegoat' and which narrative and what discourses can we detect from this law-making which are finally in cringe with the international human rights obligations of the Danish state?

3.2 The Corpus for analysis

The data for this study comes from a corpus of debates, comments and statements made within the timeframe 2015-2018. The corpus consists of the first readings of three Danish amendments, which are as follow: L219 – The ban of covering up (2018); L87 – Amendment of the Aliens Act (2015); and L38 – Amendment of Law on Social Housing etc. (2018). The corpus is strategically chosen as of being made within the period of the V and V, LA and C government. The government was in the first period a minority government, governed by the central-right V and after negotiations, a new government platform was established in November 2016, consisting of V-LA-C, with support from the DPP. Thus, many compromises have been made in the policy making framework, and parties have supported policies which have traditionally been perceived as extreme right by the Danish population and political landscape. The increasing influence of DPP has been consistent since 2001, and in the 2015 elections the party became the second biggest party in Denmark with 21,1% of the electoral votes, gaining significant power. The far-right had won more than fifth of the Danish electoral votes, and it came to show in the policy making. Many of the policy proposals made by the DPP on the immigration and aliens act issue was either unconstitutional or directly against the international conventions and the human rights. Despite the policy proposals has been controversial, some of them has passed. In the following debates, I will

analyse the discourse and the argumentation made by all the parties who are arguing for the amendments, in the law amendments which has been criticised by human rights community, such as the United Nations Human Rights Council (UNHRC), the ECtHR and various human rights NGO's as well as by ombudsmen. Surprisingly (or not?), not only far-right parties support amendments which seems rather radical and nativist, if not new/cultural-racist.

As already mentioned, this thesis will address three amendments made in the timeframe 2015-2018. Further explanation of them will follow in chapter IV. They all share the issue of having been criticised on the matters of human rights violations and they are all made under influence of the extreme right-wing party DPP. The speeches and debates have been made at the first readings at parliamentary sessions, including parliamentary debates and comments, when the three amendments have been discussed, drafted and amended. The reasons as to why specifically the first readings are chosen is, that traditionally in Danish parliamentary debates concerning bills, the biggest part of the discussion is done in the first readings. Importantly, I have chosen statements, comments, debates devoted solely to the laws and amendments which are all devoted to the issue of immigration, integration and refugees, and not dealing with any other issue or theme at the same time. This is done due to the assurance, that all discourse items present, can be analysed within the same narrative. This is also done as a result of an observation, that most laws and amendments which threatens the legacy of human rights committed by the Danish state within the aforementioned time frame, has been done within this theme. Any other violations are deliberately left out, not due to level of importance, but due to level of relevance and consistency of the analysis.

3.2.1 Politicians and their discursive powerful position

Politicians as a group is a powerful group, whom, with their legislative power, plays an important role in the reproduction of the system of dominance and discrimination,¹⁶⁹ as well as xenophobia. Therefore, as mentioned before, this thesis will analyse the discourse within the policy making process. Politicians possess a discursive power, which can, directly or indirectly oppress groups of people. In the landscape of discrimination and racism, this notion is essential and relevant. Especially politicians produce and reproduces discourses which essentially oppresses and discriminates specific groups in society. Van Dijk further elaborates, that the, in this case, predominantly white politicians, who are the majority ethnicity of the nation, have:

¹⁶⁹ Dijk, "Political Discourse", p. 35

“The prerogative to legislate in matters of racism, discrimination, affirmative action, and other aspects of ethnic relations that are of crucial importance for the position of minorities. In sum, their role in ethnic affairs is not marginal, and this also is how we should understand their discourses and the functions of such text and talk in the reproduction of ethnic relations in general and in the reproduction of racism in particular.”¹⁷⁰

The politicians cannot only reproduce a racist or discriminating discourse, but by drawing the racist or discriminating discourse into legislation, they have the power to threaten, or even violate, the human rights, as human rights are based upon principles which are anti-discriminatory. With language comes great power, and as Anton Pelinka states:” Language is an in-put as well as an out-put factor of political systems. It influences politics – and is influenced by politics (...) Language can be an instrument for or against enlightenment, for or against emancipation, for or against democracy, for or against human rights. Language can be used by totalitarian regimes, and it can be used as a means of resistance against these regimes”¹⁷¹ The words and language does not only shape political actions, but political actions also shapes the discourse. The political discourse in law making processes is therefore a crucial area to explore. For, within these word on legislation, lays great power to reproduce discourse and normalize it, which ultimately might oppress a whole group of people. In addition, I will be following Michael Billig¹⁷² in his observations on four factors which often have to be considered when analysing discriminatory and/or exclusionary rhetoric in institutional matters:

- a) Discrimination typically occurs in situations of differential power
- b) The powerful actors need not possess a conscious goal to discriminate against minority group members and, indeed, they may deny that any discrimination has occurred
- c) The powerful actors are likely to consider their own actions ‘reasonable’ and ‘natural’
- d) The actions that lead to the discrimination are typically conducted through language

¹⁷⁰ Ibidem

¹⁷¹ Anton Pelinka, “Language as a Political Category: The Viewpoint of Political Science,” *Journal of Language and Politics* (January 1, 2007) p. 129-131

¹⁷² Michael Billig, ”Discourse and Discrimination,” in *Encyclopaedia for Language and Linguistics*, ed. Brown. (Oxford: Elsevier, 2006)

Many Western democracies will reproduce a discriminatory rhetoric, without using a xenophobic or discriminatory language, but by using complex discourse which Wodak and Reisigl describes as ‘syncretic’. This can especially be seen in political discourses concerning immigration, asylum etc.¹⁷³ This discourse will seek to be justified and legitimized, and tries to be employed “without employing the overt rhetoric of discrimination”.¹⁷⁴ By denying prejudice, and thereby justifying discriminatory practise and legitimizing through various strategies, and by obtaining from using this overt rhetoric of discrimination, the narrative of the criticism will seem ‘factual’, ‘objective’ and ‘reasonable’. With other words, when racism and discrimination is happening in political discourse, it is often tried (successfully) hidden, as racism and discrimination is unconstitutional and taboo in many European democracies thanks to the ECHR and the collective memory of the people. We are thus dealing with a somehow hidden discrimination or a subtle racism, a phenomenon which also goes under the name of the aforementioned new/cultural racism. As mentioned before, far right parties have recently gained increasingly and gradually greater electoral success throughout by using this strategy, not only in Denmark, but also in Europe, and in order to reposition and distance themselves from conservative parties, a more aggressive and direct rhetoric of exclusionism and ‘us’ and ‘them’ dichotomy as well as the argument of the incompatible cultures, is used, meanwhile of course, denying unconstitutional racist tendencies. This is done by “proclaiming their own ethos as echoing the fears and beliefs of ordinary people”.¹⁷⁵ – the fears are reasonably argued, with help from the various securitization efforts in Europe, thus denying prejudice. Exclusionist and racist positions will be based upon arguments of reason, and by reason and rationality in the scope of security, we must protect ‘ourselves’.

3.2.2 *Danish parliamentary debates*

The legislative process of introducing bills in Danish parliament is done within three times of debating in the chamber. All debates are filmed and are available for the public and lay people at the website of the parliament. Thus, the discussion is as much a discussion as a communication to the people. The discussion is also operating at the highest genre levels in the legislature.¹⁷⁶ The social relations we see present here, are those of the formal manner, the formal equality which lies

¹⁷³ Ibidem., p. 698

¹⁷⁴ Ibidem

¹⁷⁵ Ruth Wodak and Martin Reisigl, *Discourse and Discrimination*, (London: Routledge, 2001)

¹⁷⁶ Teun van Dijk, “Analyzing Racism Through Discourse Analysis - Some Methodological Refelctions,” (2004), p.

within the formal genres. In the following texts, argumentation and legitimation will play a big role, as it does in most parliamentary debates, and especially those on bills. The legitimation strategies will be further discussed with the help of a framework originally distinguished by Van Leeuwen¹⁷⁷ and further elaborated by Wodak and Van Leeuwen in collaboration¹⁷⁸, namely the legitimation strategies. As a genre, it is important to highlight the features and strategies of such institutional debates in the parliament, before proceedings with the analysis. Van Dijk elaborates how parliamentary debates mostly are ‘for the record’ and how spontaneous moments in debate only are rare. However, Danish parliamentary debates holds space for questioning and criticism etc., which makes them more dynamic.¹⁷⁹ The party representative will have carefully written down their answer to the respective bill on behalf of the party, and will therefore be careful with wordings, especially when it comes to affairs concerning migration, integration and ethnic-racial affairs. Words are wisely chosen, as wrong words may lead to accusations of xenophobia or even racism. The discussion part of the reading will, of course, carry a more spontaneous character. In the Danish parliament, as in many other parliaments across the globe, discrimination and racism is prohibited. Hence, politicians will refrain from using racist or discriminating expressions,¹⁸⁰ and will use a rather subtle language when arguing for controversial laws and amendments, what Dovidio and Gaertner refers to as ‘symbolic’, ‘subtle’ or ‘modern’ racism,¹⁸¹.

3.3 *The far-right and the mainstream*

Even though some scholars acknowledge differences within the terms far-right and extreme-right, I will in this thesis, use the two as synonyms. According to Mudde, the far-right has their power embodied, not in their direct policy impacts, but by their impact on other parties, on the mainstreamed parties.¹⁸² In other words, one could say that the extreme-right discourse is being mainstreamed. Indeed, scholars have recognized, that the boundary between the extreme-right and the mainstream parties might become increasingly unstable. Minkenberg makes the statement, that one can talk about the ‘de-radicalization’ or ‘taming’ of the right,¹⁸³ but turning it around one could

¹⁷⁷ Theo van Leeuwen, “Legitimation in Discourse and Communication,” *Discourse & Communication* (2007)

¹⁷⁸ Teun van Leeuwen and Ruth Wodak, “Legitimizing immigration control: a Discourse-Historical Analysis,” *Discourse Studies* (1999)

¹⁷⁹ Folketinget, “The Parliamentary System of Denmark,” (September, 2014)

¹⁸⁰ Teun van Dijk, 1997, “Political Discourse and Racism”, p. 36

¹⁸¹ S. Gaertner and J. Dovidio, *Prejudice, discrimination, and Racism* (New York: Academic Press, 1986)

¹⁸² C. Mudde, *Populist Radical Rights Parties in Europe*, (Cambridge: Cambridge University Press, 2007)

¹⁸³ Michael Minkenberg, “From Pariah to Policy-Maker? The Radical Right in Europe, West and East: Between Margin and Mainstream.” *Jornal of Contemporary European Studies*, (2013)

also question whether the mainstream parties are implementing the rhetoric of the extreme-right, as a matter of strategy, but also as a matter of complying with the increasingly normativity of the radical and xenophobic language, which, since the start of rise of extreme right-wing parties throughout Europe some thirty years ago, has coloured the European landscape.¹⁸⁴ This thesis will not seek to detect either the extreme right-wing discourse versus the mainstream discourse, but seeks to detect the discourse, the rhetoric and the legitimization strategies, when the parties are arguing for a bill in collaboration. Because, as mentioned, DPP has since 2001 joined in coalition with the government, or rather, has had an informal form of collaboration with the leading power, making the DPP rather powerful themselves. Minkenberg argues that political actors all over Europe “have reacted to the growing organizational strength of the radical right scene not only by adopting and legitimizing some of its elements but also, in a number of cases, by forging coalitions (official as well as well as unofficial) with them”.¹⁸⁵ Danish political discourse is shifting.

If oppression and discrimination is present in discourse, CDA will help us uncover and analyse. CDA as a tool helps us unveil oppression and discrimination through the language, which can help us criticise conditions and normative conditions and discourses in society and amongst policy makers. Oppression and discrimination become institutionalized and legitimized through law making, which will become clear in the following analysis. The discourse is made into action within this law making and is continuing to hide behind the masks of normalized legitimization within the discourse, a discourse which holds within it new/cultural racism, securitization and xenophobia.

¹⁸⁴ Ibidem., p. 9

¹⁸⁵ Ibidem., p. 20

CHAPTER IV

4. DANISH AMENDMENTS AND HUMAN RIGHTS

The following parliamentary debates are being critically analysed in the theoretical framework laid down in chapter 1, with the methodological tools provided by CDA.

4.1 Introduction to analysis

It does not come as a surprise that nation states will prioritise national security above all - that is indeed the faith of the nation state, and many books have been written on the subject. This also makes the whole relationship between human rights and the nation state complex and paradoxical. Though human rights, as an international legal framework, aim to be prioritized above all, this is simply not possible in a nation state which first and foremost seeks to protect itself and its interests. At best, it sets restrictions and limits to human rights. The notion of security is essential when talking about law making, because this will usually be seen as a valid argumentation for certain laws and amendment being made. Some themes, like the recent immigration influx to Europe, will not only be politicized, but will also be subjected to the politics of securitization. What is especially interesting in this aspect is, how this notion of security and securitization plays a role in the landscape of laws which threatens the legacy and reputation of human rights. Another noteworthy theme in regards of this analysis, is the arguments and means of legitimation on protection of values and culture which draws us to the notion of discussing the issue of new/cultural racism. How does the landscape of increased xenophobia and islamophobia in a Europe which is increasingly moving away from the original idea of a feudal state, affect this discourse in the Danish parliament and what consequences will it have for human rights? Does the discourse and legitimation strategies present new/cultural racism, and if yes, how?

Though human rights always had complications synchronising completely with the concept of the nation state, a Europe damaged by the aftermath of the second world war, agreed to sacrifice some national sovereignty in order to take part of unions created, so that atrocities and wars would be avoided in the future. Are the European policy makers forgetting why the international

community created unions, conventions and treaties such as UDHR and ECHR? Let's dive into the three amendment readings and detect what security means for those Danish policy makers who support the amendments. Which argumentation of legitimation do they use when they are opposing the principles of human rights? What is more important than upholding these international obligations?

When entering into this analysis, keep in mind that this will be an outlining of the mainstreamed discourse within Danish parliament, meaning, that the content is words said by anyone arguing in favour of the law amendments which is later being criticised of violating human rights. These discourses and legitimation strategies I will detect, is therefore not only an illustration of the increased extreme right-wing discourse, but an illustration on how this discourse, is being mainstreamed, and therefore, worth giving even more attention as a human rights analyst and/or activist. For the purpose of this thesis, selected parts of the readings have been translated into English by the author.

4.2 Background and introduction of the three amendments

In order to analyse the readings of the three amendments of the laws, a short historical and political background clarification is needed. Following paragraphs will introduce the background of the three amendments.

4.2.1 "The Burqa Ban" L219

Freedom of religion is protected in the Danish constitution Article 67, Article 9 ECHR and in the UDHR, Article 18. In Denmark, since 2018, the freedom has not included the right to wear the Islamic headwear niqab or burqa. The Danish parliament passed the so called "burqa ban" May 5, 2018 and it became effective August 1, 2018 and is officially an amendment of the criminal law. Thus, thereby joined the European 'burqa banning club' which included, by the time, France (2010), Belgium (2011) and Austria (2017). A ban which has been internationally criticised by human rights institutions, but still hasn't been dismantled. The notion of banning religious headwear has been a controversial dilemma within the human rights field. A controversy has risen between ECtHR and the United Nations Human Rights Committee on the subject. The ECtHR doesn't claim the ban to be violating human rights whilst the Committee does. The case law which initially reasoned for the trend of burqa banning around Europe, was the French 2010 law that

banned full-face veil. In 2014, an anonymous French Muslim woman, brought the case to the ECtHR¹⁸⁶, claiming her rights were violated by Article 3 (prohibition of torture), Article 8 (right to respect for private and family life), Article 9 (freedom of thought, conscience and religion), Article 10 (freedom of expression), Article 11 (freedom of assembly and association) and Article 14 (prohibition of discrimination). The French government defended their case by claiming rights to uphold French values such as equality between genders, respect for human dignity and the notion of living together (*vivre ensemble*). The latter was met by the court, and by the mercy of the margin of appreciation, the argument of living together was deemed reasonable. The argument of ‘*vivre ensemble*’ derives from the limitation of Article 9(2) ECHR which says “[f]reedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others”. Thus, according to the ECtHR, France has not violated the human rights by fining the burqa wearing women. This was later criticised by the Committee who in two landmark decisions, contrary to the ECtHR, found that France had violated the human rights by fining two women wearing the full cover face veil. The committee found that the French law “disproportionately harmed the petitioners’ right to manifest their religious beliefs, and that France had not adequately explained why it was necessary to prohibit this clothing”.¹⁸⁷ Yuval Shany, a member of the committee explained that the decision was made on the general position of the committee which was, that “a criminal ban did not allow for a reasonable balance between public interests and individual rights”.¹⁸⁸ The blanket ban is still not dismantled in France, nor in Denmark.

The law has earlier been suggested, with slightly few differences, within Danish parliament (as early as 2010) but has always had a massive majority against it. However, the Danish weather has changed, and even the liberal, as well as the social democratic party, is torn on the questions on religious freedom, freedom of expression and immigration laws, which all have been tightened in the recent years. The bill, known to the public as ‘the burqa ban’ was introduced by the legal affairs committee and the former minister of justice, Søren Pape, who is also the party leader of the

¹⁸⁶ *S.A.S v France*, App no 43835/11 (ECHR, 1 July 2014)

¹⁸⁷ UNHRC, “France: Banning the niqab violated two Muslim women’s freedom of religion – U. experts,” OHCHR, October 23, 2018

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23750&LangID=E>

¹⁸⁸ *Ibidem*.

conservative party (C) and a part of the government (2015-2019). The law was carried by the majority consisting of S, DPP, V, C and part of LA. Thus, the ban was supported by the mainstream parties. The law goes under the official name “the ban of covering up” and is officially a blanket ban of covers which covers the face, for example, burqas and niqabs. With this law, the act of covering up will be unconstitutional, unless there is a “praiseworthy/creditable purpose” (anerkendelsesværdigt formål) to cover up the face.¹⁸⁹ This can be a confusing and very loaded and subjective term, but it is described and elaborated in the proposal for the law text: “The latter can, pursuant to the preliminary work of the clause for example encompass the compulsory use of safety helmets or covering the face for religious reasons, cf. inter alia count 6.1 in the common remarks for the proposal for the bill nr. L 196 of 9-02-2000 on the amendment of the criminal code (the masking-ban).”¹⁹⁰

As mentioned, the burqa ban is just one out of many in Europe, which has risen in the increasingly nativist, right-winged influenced Europe. When arguing for this amendment, the narrative is mainly about protecting Danish values, which is a part of the newly risen security discourse, and also a part the political securitization in Europe. A remark appealing to the facts concerning the law is made by the political spokeswoman from the green part The Alternative (A), “It might easily sound like, as if we in Denmark have a huge urgent problem with burqas and niqabs, that the social interaction is totally absent, and that the social coherence in our society is a threadbare story. But the facts are, that we merely are talking about less than 200 individuals, who wears burqa or niqab in this country”.¹⁹¹ Notions of the “incompatible cultures” will also be discussed. Though the religion of Islam cannot be perceived as a culture, similar arguments of incompatibility will still be used in the case of the burqas.

4.2.2 “The Jewellery Law” L87

In 1951, Hannah Arendt wrote about refugees and claimed that: “[t]he conception of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships – except that they were still human”.¹⁹² Much

¹⁸⁹ Annex I, p. 56

¹⁹⁰ Folketingstidende, *Tillæg A*, 1999-2000, p. 5459

¹⁹¹ Annex I, Josephine Fock (A), p. 40

¹⁹² Hannah Arendt, *The Origins of Totalitarianism*, (New York, 1973) p. 229

has changed since then, and a comprehensive refugee protection law has been established by the international community, with “[t]he 1951 convention Relating to the Status of Refugees and the 1967 Protocol to the Convention are the modern legal embodiment of the ancient and universal tradition of providing sanctuary to those at risk and in danger”.¹⁹³ However, refugees has, with the ‘refugee crisis’ met challenges and obstacles when facing Europe, though the 1951 Geneva convention outlines the rights of the displaced, as well as the legal obligations of the state to protect.

This parliamentary debate is a first reading the proposal of an amendment of the aliens act, L 87, from 2015, which was later passed by the parliament February 26, 2016 with support from SD, DPP, V, LA and C. The amendment was proposed at a time, where the refugee ‘crisis’ was a hot topic amongst media and politicians. The so called L87 amendment or known publicly as the ‘jewellery law’¹⁹⁴, is in fact an amendment of the Danish aliens act. The law amendment received criticism by international human rights organisations and observers around the world, such as the UN,¹⁹⁵ Human Rights Watch¹⁹⁶ and Amnesty International¹⁹⁷. The law amendment consisted of many individual amendments spread throughout 95 pages and was comprehensive in size and following debates. Among the most controversial new rules was; body search of newly arrived immigrants and refugees in order to detect if they had money or valuables, such as jewellery, reaching the amount of 10.000 Danish kroner or above, in order to confiscate it (thereby the name “‘jewellery law”); decreasing receival of amount of the UN mandated refugees, and sorting them on criteria such as the ability to read and write, in order to avoid less qualified mandates refugees to enter Denmark; tighten the process of receiving permanent residency for already recognized refugees; withdrawing the right for refugee families to live outside of the asylum centre unless

¹⁹³ UNHCR, “Refugee Protection in International Law: An Overall Perspective,” *Refugee Protection in International Law* (January 1, 2003)

¹⁹⁴ (Harriet Agerholm, “Denmark Uses Controversial ‘Jewellery Law’ to Seize Assets from Refugees for First Time,” *The Independent* (July 1, 2016) <https://www.independent.co.uk/news/world/europe/denmark-jewellery-law-migrants-refugees-asylum-seekers-unhcr-united-nations-a7113056.html>

¹⁹⁵ (“France: Banning the Niqab Violated two Muslim Women’s Freedom of Religion – UN Experts.” UNHRC, (October 23, 2018) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23750&LangID=E>

¹⁹⁶ (Human Rights Watch, “Denmark’s Face Veil Ban Latest in Harmful Trend,” *Human Rights Watch*, (June 1, 2018) <https://www.hrw.org/news/2018/06/01/denmarks-face-veil-ban-latest-harmful-trend>

¹⁹⁷ “Tildækningsforbud er et Sørgerligt _Brud med Danske Traditioner of Religions- og Ytringsfrihed,” *Amnesty International*, (May 31, 2018) <https://amnesty.dk/danske-pressemeddelelser/tildaekningsforbud-er-soergeligt-brud-med-danske-traditioner-og-religions-og-ytringsfrihed>

residency is received; and postpone access to family reunification for refugees with temporary protection status, from 1 to 3 years.

The so called “jewellery law” has become globally famous, or infamous according to whom you might ask, since it was first presented by the Danish government in November 2015. The UNHCR submitted its observations on the proposal in 2015, and the message was clear, the proposals were according to UNHCR “evidently aimed at conveying a message to make it “less attractive” to seek asylum in Denmark, and is a deeply concerning response to humanitarian needs”.¹⁹⁸ Furthermore, Amnesty International urged states to press Denmark at the UN’s Universal Review January 2016¹⁹⁹ and Gauri van Gulik, Amnesty International’s Deputy Director for Europe and Central Asia, commented that “[t]he international community must call Denmark out as it enters a race to the bottom. Denmark was one of the first champions of the Refugee Convention, but its government is now brazenly creating blocks to the well-being and safety of refugee families.”²⁰⁰ Thus, Denmark’s policy response to the recent immigration influx and increased cultural and religious pluralism in society, has been condemned by the international human rights community. One of the controversies, presented in this amendment, of the confiscation of refugees’ valuables at the Danish border has received numerous criticisms, one of them being, that one has a human right to property. Although the right to property isn’t included in the ECHR, it is featured in the 1952 Additional Protocol 1 to the Convention. In a letter to the former Danish minister of Immigration, Integration and Housing, Inger Støjberg, the Council of Europe Commissioner for Human Rights, Nils Muiznieks writes that “[r]ecent restrictive changes to asylum and immigration law in Denmark raise serious concerns of conformity with human rights standards. The government should reconsider them and ensure that law and practice fully comply with Denmark’s obligation to uphold refugee protection standards”.²⁰¹ Støjberg writes in her answer that, “in order to preserve a safe and cohesive society in Denmark, the Government also finds that the extraordinary situation requires

¹⁹⁸ UNHCR, *Observations on the proposed amendments to the Danish Aliens Legislation L 87*, The UN Refugee Agency (2015) p. 2

¹⁹⁹ United Nations General Assembly, *Report of the Working Group on the Universal Periodic Review – Denmark*, Human Rights Council (2016)

²⁰⁰ Amnesty International, Denmark: Parliament should reject cruel and regressive changes to refugee law,” *Amnesty International*, (January 21, 2016)

<https://www.amnesty.org/en/latest/news/2016/01/danish-parliament-should-reject-changes-to-refugee-law/>

²⁰¹ Council of Europe, “Denmark: Amendments to the Aliens Act risk Violating International Legal Standards,” (January 15, 2016)

<https://www.coe.int/en/web/commissioner/-/denmark-amendments-to-the-aliens-act-risk-violating-international-legal-standards>

that measures are taken at national level.”²⁰² Hereby, drawing on the before mentioned security discourse with mention to the protection of a healthy and functioning welfare state as well as well as on the concept of a cohesive society (implicitly drawing on the notion of the incompatible cultures).

UNHCR states in the observations made to the Danish state, that “[t]he proposals presented by the Government are evidently aimed at conveying a message to make it “less attractive” to seek asylum in Denmark, and is a deeply concerning response to humanitarian needs”.²⁰³ As mentioned before, the former Danish minister, Støjberg, ran an advertisement in Lebanese newspapers, stating the bad and slow state of the asylum seekers and the increased time for family reunifications. The bad image of Denmark was a signal to refugees, and as UNHCR further stated:

“The signal Denmark’s introduction of restrictions sends to other countries in the world, including the major refugee hosting countries and European countries that need to strengthen their asylum and integration capacity in order to receive higher number of refugees, is worrisome and could fuel fear, xenophobia and similar restrictions that would reduce – rather than expand – the asylum space globally and put refugees in need at life-threatening risks.”²⁰⁴

As mentioned, xenophobia and cultural racism has increased within the European borders recent years, especially towards foreigners, and most often refugees or asylum seekers, and as Türk and Nicholson points out in accordance to earlier arguments made in chapter I: “[c]ertain media and politicians appear increasingly ready to exploit the situation for their own ends”,²⁰⁵ for as Wodak clarifies, the “search for local scapegoats has lent itself, for centuries, to achieving quick electoral success”.²⁰⁶ The case is no different in Denmark, which is a state, by influence of the DPP, that have heavily tightened its immigration policies and publicly has announced its scapegoat – the antagonistic Other.

²⁰² Inger Støjberg, *Letter to Nils Muiznieks, Commissioner for Human Rights*, (Ministry of Immigration, Integration and Housing, 11 March, 2016) p. 1

²⁰³ UNHCR, *Observations on the Proposed Amendments to the Danish Aliens Legislation L 87*, (The UN Refugee Agency: 2015)

²⁰⁴ Ibidem.

²⁰⁵ UNHCR, “2Refugee Protection in International Law: An Overall Perspective,” *Refugee Protection in International Law* (January 1, 2003) p. 4

²⁰⁶ Wodak, *The Politics of Fear*, p. 32

4.2.3 “The Ghetto Law” L38

The idea of a Danish ‘ghetto’ was introduced in 2010, when the government launched its ‘ghetto plan’ which pointed out the ghettos in Denmark. This has been heavily criticised by many intellectuals, scholars and politicians, who claim that the word ‘ghetto’ stigmatizes areas. Danish residential areas are written on the ‘ghetto-list’ if it fulfils three out of five screening criteria; unemployment; criminality; ethnic origin; education; and income. The so called ‘ghetto law’ is officially known as L 38, amendment of law on social housing et cetera, law on rent of social renting and law on renting. The first debate is held the October 3, 2018 and the amendment passes in parliament November 22, 2018, with support from SD, DPP, V, LA, SPP and C. Later on, the ghetto plan has had the consequences that several buildings have been demolished. Amongst other things, the law introduces new criteria for marginalised/vulnerable residential areas and ghetto areas, initiatives for development or winding up of the ghetto areas, tightening of assignment and renting rules and nullification of the renting contract on account of criminality. With the ghetto-plan, housing associations are obliged to demolish fully functional residences in the vulnerable areas which are defined as ‘hard ghettos’.

Most of the vulnerable residential areas in Denmark, many of those which today are labelled ‘ghettos’ or ‘hard ghettos’ was built in the end of the 1960s and beginning of 1970s. The residential areas were popular, and the composition of residents equalled the rest of the Danish population. But throughout the 1980s problems arose in the areas. This was a big surprise, as the buildings were of good quality. One of the reasons was the increased popularity of the so-called single-family houses which, economically speaking, suddenly became available for the common wage-earner family. Meanwhile the buildings in the residential areas started to show cracks in the concrete, and many of the families left the areas. The result was, that many of the residents left in the areas was single people without families and people outside of labour market. The composition of residents in the debated areas, has been given a lot of attention. Throughout the last 40 years, the number of immigrants and descendants has increased from 5% in 1970, to 25% in 2010.²⁰⁷ This growing number is one of many repeated arguments in the reading of the bill. Today, the increased number immigrants and descendants in the areas, makes the areas further vulnerable to targeted amendments like this. When you have different rights according to your address and where you live in the country, then stigmatization and discrimination is unavoidable.

²⁰⁷ Jensen, “Historien”, p. 7

Ellen Jensen, a prominent voice in Danish city planning, states that the word ‘ghetto’ can raise negative awareness on the residential areas that gets labelled and that “the bad image actually is the biggest problem in the everyday lives”²⁰⁸ of the citizens in the so-called Danish ghettos. The Danish ‘ghetto plan’ has been criticised by various human rights institutions, like UN when UN’s Human Rights Commissioner Zeid Ra’ad Al Hussein called the ghetto package, which is a name that the corpus of laws in L38 goes under, for “hugely troubling” in a tweet July 3, 2018, and elaborated that it “risks heightening racial discrimination against people of migrant origin – further ‘ghettoising’ them. Coercive assimilation measures run risk of fuelling racial prejudice, xenophobia and intolerance”.²⁰⁹

4.3 Analysis

Following section will, by help from CDA, analyse the oppressive and discriminating patterns in the discourse (if any) and furthermore detect which discourses are used and why. I will use my coded categorizing, thus, the fundamental basis of the following analysis will be within the categories; The construction of ‘the Dane’; The battle for Danish values and the fear of losing them; The antagonistic Other; Incompatible cultures – the notion of new/cultural racism; and legitimization strategies.

4.3.1 National identity - Being Danish

On democracy and identity, Seyla Benhabib writes: “The global trend toward democratization is real, but so also are the oppositions and antagonisms asserting themselves against this trend in the name of various forms of ‘difference’ – ethnic, national, linguistic, religious, and cultural. Throughout the globe a new politics for the recognition of collective identity forms is resurging”.²¹⁰ The notion of collective identity as national identity is a phenomenon occurring in states all around the globe, and is as Benhabib says, a global trend. To discuss the notion of national identity becomes increasingly relevant in times of xenophobia and (cultural)

²⁰⁸ Ellen Højgaard Jensen, “Historien om de Udsatte Boligområder,” *Byplan* (September, 2011) p. 8

²⁰⁹ Zeid Ra’ad Al-Hussein, (@UNHumanRights), “Denmark’s new “ghetto package” is hugely troubling,” Twitter, July 3, 2018
https://twitter.com/UNHumanRights/status/1014224267439943680?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1014224267439943680&ref_url=https%3A%2F%2Fjyllands-posten.dk%2Fpolitik%2FECE10735277%2Ffn-kritiserer-loekkes-ghettoplan-for-diskrimination%2F

²¹⁰ Seyla Benhabib, “The Democratic Moment and the Problem of Difference,” in *Democracy and Difference* ed. Benhabib (Princeton, New Jersey: Princeton University Press, 1996) p. 4

racism, as the national identity most often is of antagonistic character. The national identity has shown to be of great importance to the Danes, and it is continuously nurtured by media and policy making. An example is the 2014 initiative of crowning and nominating the Danish national dish. The result was the dish of fried pork with parsley sauce. But why is national identity so important for the Danes and why do they keep focusing on the Danish identity? Denmark is a classical European nation states, and as Wodak clarifies: “Nations are perceived as limited by boundaries and thereby cut off from the surrounding nations, because no nation identifies with humanity in its entirety”.²¹¹ For nation states, national identity and coherence is ever so important for its survival and to keep its sovereignty. So how does the Dane identify? We will dig further into the question, however limited by the corpus. When investigating a national identity, some basic assumptions on the subject has to be presented. Following the thoughts of Wodak, first assumption will be that nations are mentally constructed and will be perceived as imagined political communities. Secondly, national identities are discursively produced, reproduced, transformed and destructed. And thirdly, the discursive construction of nations and identities always connect with the construction of difference, distinctiveness and uniqueness.²¹² Furthermore, the collective memory as well as culture has a say in the construction of national identity, the nations and national identity should be perceived as a political construct as well as a system of cultural representations.

Benhabib elaborates on the phenomena of the dialectic relationship between national identity and difference as follows:

“Since every search for identity includes differentiating oneself from what one is not; identity politics is always and necessarily a politics of the creation of difference. (...) What is shocking about these developments is not the inevitable dialectic of identity/difference that they display but rather the atavistic belief that identities can be maintained and secured only by eliminating difference and otherness. The negotiation of identity/difference (...) is the political problem facing democracies on a global scale.”²¹³

²¹¹ De Cillia, Reisigl and Wodak, “The Discursive Construction”, p. 154

²¹² Ibidem., p. 153-154

²¹³ Benhabib, “Democratic Moment”, p. 4-5

An individual needs an opponent in order to define themselves, and one can argue that this individual is only able to describe and define an identity when there is a counterpart. This counterpart will allow the individual to point out certain features which are unique to the character. In macro perspective, this idea of identity becomes a question of nation states and national identities. The antagonistic approach creates challenges, but more so does the notion of the need of elimination of the counter identity. When the urge to save the Danish welfare state and Danish values overrules the notion of tolerance, solidarity and inclusive measures, then the human rights are threatened.

Within the three amendments, the adjective ‘dansk’ (Danish) is mentioned 134 times. 25 times within the burqa ban, 67 times within the jewellery law and 42 times within the ghetto law, mostly connected with nouns such as ‘earth’, ‘citizen’, ‘border’ but especially the nouns ‘society’, ‘welfare state’ ‘culture’ and ‘values’ correlates with the adjective ‘Danish’. This testifies the idea of a nation being an identity community where rather floating and dynamic variables defines the national identity. The notion of being Danish is described within a political discourse and shows how the Danish identity has become a matter of politics. None of the selected amendments are officially about something ‘Danish’, nonetheless it becomes clear that the notion of being Danish is essential to the amendments. The Danish state is not concerned with the Danish identity for random reasons, and the interest and focus has not occurred over night. The Danish state is a unique example of a once great nation which rapidly decreased territory-wise and had to redefine the national strength to honour the legacy of their once powerful sovereignty. The Danish state has experienced devastating losses of territory and these defeats has been essential for the establishment of the Danish identity. Many scholars have researched the national identities, and it is not my aim to account for the studies, but to detect the notion of being Danish within these amendments. But some historical background is necessary. National narratives and conceptions of a national identity do not appear from nowhere and do not operate in a vacuum. More so, they are produced by actors like politicians in policy-making situations amongst others. In the context of Danish national identity, the 1864 war has been significantly important. When the Danish state lost the Second Schleswig War, it lost a great part of its southern territory to Germany, and the Danish people was left with poor perception of the Danish strength. It was not only territory, which was lost, it was also the national confidence. The sentence “what is lost externally, must be won internally” [Hvad udadtil tabes, må indadtil vindes] (Ernesto Dalgas, 1866), was introduced and enthusiastically reproduced

by politicians as well as lay people. The coherence and the perception of togetherness was crucial for the shrunken state. Till this day, the motto still echoes within the Danish people. During the occupation by the Germans during the second world war, the awareness of being Danish was intensified, and the Danish welfare state was finally born in the aftermath of this period. After the liberation from the Germans in 1945, the Danish people has had an increased love for Danish items such as the Danish flag, and today, the Danish flag is an obligatory item for birthdays and Christmas.

Again, after 9/11 a noticeable amplified focus on being Danish has occurred, yet mostly from politicians and media, obviously transmitted to the population. Who is the Dane and what does it mean to be Danish? As mentioned, the national identity is also a matter of culture, and culturally differentiating from the antagonistic other. Often, what ‘they’ are, ‘we’ definitely aren’t. When perceiving the nodal point as being ‘Danish’, many floating signifiers emerges, and different results will often occur, according to the corpus being studied. In this case, matters of values, history and traditions becomes visible. Linguistically, one thing which occurs clearly in the argumentation is the use of the personal pronoun ‘we’ (vi), with all dialect forms and especially the possessive pronoun, ‘our’ (vores). The pronoun is significantly apparent when the discourses are concerned with ‘Denmark’ or ‘Danish’. ‘We’ are mostly connected to nationality, both past, present and future Danes are a part of the ‘we’. “It is the Danish values which have shaped our history (...) which will be our compass in the following years”²¹⁴

4.3.2 The battle over values and the fear of losing them

A signifier which also occurs repeatedly in all readings is the word ‘value(s)’ [værdi(er)]. Often in prolonging with the possessive pronoun ‘our’ or within a nationalistic discourse, with words such as ‘Danish’, ‘Denmark’ and ‘country’. This implies that the values belong to the in-group population – the Danish person and his fellow Danes. A good and thriving Danish society is a society with a certain set of homogenous values. Danish values and Danish identity are what makes Denmark, Denmark. “It’s about the coherence and the values which tie us together – it’s about the freedom, democracy, equality, respect for the community. That is Danish values which have shaped our history, and which will be our compass in the years to come”.²¹⁵ Though the values are not

²¹⁴ Annex I, Søren Pape Poulsen (C), p. 55

²¹⁵ Annex I, Søren Pape Poulsen (C), p. 55

described in detail, it becomes obvious that the values follow a human rights discourse, but also uses the narrative of a functioning democracy as being incompatible with the values in opposition to the Danish values. The opposite values are within the 'parallel society', which is described in an organically matter. "Because, if there's one thing that we oppose, it is a blooming parallel community, it is environments where values, which we have spent years fighting against, because we wish that everyone should have part in those rights and obligations, upon which our society is build, blooms."²¹⁶

Those values are described as 'fundamentally against what generations of Danes has fought for', and that they are a part of 'Islamization and radicalisation' and the values which follows this ideology. Words as 'defend' and 'stand guard' is used, which enters the framework of discursive defence. The values are a phenomenon that should be protected, as when Søren Pape (C) says: "I am convinced, that our values are strong, but we mustn't believe that they will stand by themselves. It is, for me, a set assignment to stand guard on the values, which through traditions, has made us who we are".²¹⁷ These values, when analysing the law amendments, are not; burqas and niqabs; ghettos and parallel communities; or radical Islam, which are values that belong to the Other, the scapegoat. These values should be fought, as to defend the Danish identity, the Danish values and the Danish welfare state.

The notion of the values especially becomes visible in debates on the burqa ban. When analysing the parliamentary debate, the word 'burka' (Danish for burqa) is mentioned 88 times, while the word niqab is mentioned 75 times. Thus, it becomes clear to the reader, that the Muslim female religious clothing is central to this amendment, though the law officially doesn't target a specific religious headwear, but just items covering the face in general. Thus, it is in reality a law on burqas and niqabs, though the law doesn't formulate it in black and white. The law amendment is therefore also known in media and amongst lay people, as the "burqa ban" – as the DPP spokesman Martin Henriksen cheerfully remarks "a dear child goes by many names".²¹⁸ A relevant remark appealing to the facts concerning the law is made by the political spokeswoman from the green party The Alternative (Alt), "It might easily sound like, as if we in Denmark have a huge urgent problem with burqas and niqabs, that the social interaction is totally absent, and that the social

²¹⁶ Annex I, Morten Bødskov (S), p. 14

²¹⁷ Annex I, Søren Pape Poulsen (C), p. 55

²¹⁸ Annex I, Martin Henriksen (DPP), p. 17

coherence in our society is a threadbare story. But the facts are, that we merely are talking about less than 200 individuals, who wears burqa or niqab in this country”.²¹⁹ The issues on burqas and niqabs are not as much an urgent matter as it is symbolic politics, and it becomes prevalent to include the notion of securitization. The burqa ban is a part of the securitization atmosphere, that arguments use the legitimization strategy of ‘security’. As shown before, these arguments are a common strategy for many European parties, in the post 9/11 landscape. This is where the notion of securitization comes into play. And as Cesari claims, a securitization of Islam has happened in Europe. The national security is threatened, but by what? Illustrated within the sentence said by Martin Henriksen (DPP): “The ban will strengthen the security for us all. Both terrorists and other criminals can benefit for the full covering veil to hide their identity, when they commit terrorist acts or other forms of criminality”²²⁰ Thus using a security discourse to argue that the Danish state is threatened by the internalized threat of radical islamists committing terrorism within national borders, by covering up with burqas and niqabs.

When it comes to banning the Muslim clothing, the Danish parliament has following points, which is argued that national security and values are threatened by; radical Islam; oppression of women; different values; loss of social coherence; and dis-integration. When France faced the ECtHR, the argument for introducing a blanket ban on burqa and niqab were ‘vivre ensemble’, the limitation mentioned earlier, that freedom of religion should not be prioritized above social coherence. In the parliament, the argumentation, when arguing why this law will protect the nation, policy makers in favour, is especially fearing loss of values and coherence in society. Thus, the Danish state is also threatened on values, and securitization strategy is repeatedly used when discussing the issue of immigration and refugees within these amendments. The so-called referent objects are both the societal security and the economy.

Furthermore, as Beck points out, the securitization strategy within the scope of immigration, will increasingly be mainstreamed. This is also the case within the Danish landscape. Martin Knuth (V) says on the immigration influx that “I don’t wish to put Denmark in a situation where our welfare state is threatened as a whole. So, this is simply something we do to preserve the Danish welfare system”²²¹ The immigration influx are threatening the national economy and the welfare

²¹⁹ Annex I, Josephine Fock (A), p. 40

²²⁰ Annex I, Martin Henriksen (DPP), p. 18

²²¹ Annex II, Marcus Knuth (V), p. 46

state, and as Beck states, the securitization of the recent middle eastern refugee influx is made by linking migration to terrorism, creating allegations of immigrants draining the resources of European countries, and that immigration is a threat to cultural achievements. “We are up against a totally different set of norms than what we normally operate with, in these parallel societies.”²²² The threatened entity here is a national identity, the values within the Dane. The past described, is a past full of fighting for these values that Danes have today. Danish values are, detected from above mentioned statements: not covering up your face, not living in the parallel societies and preserving the welfare society. Keep in mind, that the burqa law is not presented as a burqa ban, but rather as a full-cover ban, as lawyers has declared a burqa ban for unconstitutional. Even though, the amendment is discussed as the values of the parallel society (where Ku Klux Klan, burqa women and Santa Claus are hanging out together, stigmatising themselves from society?), and the values are the ones, that radical Islam represents. By fighting for ‘Danish values’, the laws impose that you must defend the nation from the antagonistic Other, who might be deemed a security threat.

4.3.3 The antagonistic Other – The scapegoat

The scapegoat, which as Wodak explains, is a strong political tool of fear and exclusion, is essential to detect, in these laws which are criticised for excluding and discriminating certain groups. Wodak explains the global trend of xenophobia and discrimination towards minority religions and immigrants. These two groups are often put in the same category and becomes the antagonistic other. Furthermore, when applying the scope of securitization of immigrants and Islam, the scapegoat as the Muslim immigrant is not a surprise. In this selected corpus, the scapegoat is ‘the greedy immigrant’, ‘the oppressing Muslim man’ and ‘the opponent of anti-democratic values’. Though different amount of emphasis is drawn to these words, the word Islam and parallel community and Danish values is significantly interconnected. It is clear that the narrative is that the Danish state is threatened of a sort of alien invention, which brings upon us different values, which have difficulties co-existing with Danish values. Circumstances which are a threat to Danish values and the coherence of society. The word ‘security’ takes a softer approach. Physical security is not threatened per se, though terrorism is mentioned in accordance to radical Islam, but mental and societal security is threatened, the national economy and identity is threatened, and therefore,

²²² Annex III, Villum Christensen (LA), p. 34

measures are taken in these laws and amendments. Zygmunt Bauman concludes in his 2009 lecture, *Europe of Strangers*,²²³ that:

“In the language of vote-seeking politicians, the widespread and complex sentiments of Unsicherheit are translated as much simpler concerns with law and order (that is with bodily safety and the safety of private homes and possessions), while the problem of law and order is in its turn blended with the problematic presence of ethnic, racial or religious minorities – and, more generally, of alien styles of life.”²²⁴

Wodak elaborates and reminds us, that a quick way to electoral success is through the search of local scapegoats. The plural pronouns ‘they’ and ‘them’ is mentioned repeatedly in all readings. ‘They’ are naturally described by being the antagonistic other in the ‘us’ and ‘them’ dichotomy. They are the ones with different values, those who live in the parallel communities, those who exploit the Danish welfare system, those who wear niqab and burqa or oppress women and those who are religious extremists, most often Muslims. They are portrayed as a threat, a burden and as the source of the problems that the Danish state is experiencing in matters of the welfare state, value systems and economical challenges. Furthermore, there’s a clash of ideology, and the experiential value of words such as ‘democracy’ and ‘equality’ is, in the post 9/11 world, in opposition to the radical Islamist.

Thus, another key element of the amendments is construction of antagonism between the two categories. The out-group being the group of people threatening ‘our’ values, welfare state and security. The ‘in-group’ is characterised by the possessive pronoun ‘our’, which include the politicians themselves and the people they represent. Søren Pape says on the question of the burqa: “We are saying no, because it isn’t consistent with the coherence in Denmark or with the respect for our community, to meet one another with the face hidden. It wears out our confidence to both the society and to one another”.²²⁵ The scapegoat represents values and ideologies opposing the Danish model. It seems that the word ‘other value’ is a euphemism for ‘bad value’, as it is framed as values that the Danish society must fight against. For “what on earth do we do when we meet values which

²²³ Zygmunt Bauman, accessed June 11, 2019

<https://docs.google.com/viewer?url=http://www.transcomm.ox.ac.uk/working%20papers/bauman.pdf>

²²⁴ Ibidem., p. 11

²²⁵ Annex I, Søren Pape Poulsen (C), p. 55

are fundamentally against, what generations of Danes has fought for?”.²²⁶ The values are portrayed as being in opposition to one another, and the cultures are illustrated as being incompatible. Another euphemism used is 'integration' instead of 'assimilation'. Whereas the original meaning of integration is that two parts, often minority and majority population, equally adjusts with and to each other, whereas assimilation is understood as the minority adjusting to the ways of the majority.

The antagonistic other is also clarified, when Martin Henriksen says “[w]e mustn’t think, that Islamisation and radicalisation is decreasing, it is rather increased. In these recent years, many people has come to Denmark from different countries, and it is important, that they’re met by a society, which clearly shows our strong democratic and Danish values, and thereby clearly signals, that life in Denmark is lived with respect for the equality between men and women, why certain thing just can’t be accepted”.²²⁷ Most people in Denmark, Wren says, of course wishes to maintain and strengthen women’s liberation, but the consequence can be that the notion of new racism is neglected.²²⁸ Furthermore, there’s a formality to the situation, which is evident in the wordings, which is hindered by language rule. For example, it is prohibited, like in many other parliaments, to curse and to accuse members of parliament to be 'racist' or to use 'racist' language and narratives. There’s respect for status and position, which makes the language more polite than it would be in an unofficial interview, or in a normal discussion at the dinner table. Thus, the creation of the scapegoat is done with a subtle, and often hidden, cultural racists remarks, such as described within the section of cultural racism.

4.3.4 The incompatible cultures – The issue of cultural racism

Europe is gradually experiencing an increase of religious and cultural pluralism as globalisation is allowing citizens of the world to cross borders. Parallel to the increase of both cultural, religious and ideological pluralism, topics such as globalisation, integration and migration has stubbornly and repeatedly occurred in the European parliaments, and the subjects are here to stay. Religion as a concept has always been positively valued in Europe, an area of the world which has its religious roots in Christianity. Religion has inevitably played a huge role in Europe when it comes to perception of national identity, cultural heritage and the shaping of policies and European

²²⁶ Annex I, Christina Egelund (LA), p. 34

²²⁷ Annex I, Martin Henriksen (DPP), p 18

²²⁸ Wren, “Cultural Racism”, p. 147-48

constitutions in general.²²⁹ Religion is still positively valued in most European democracies, though most are declared secular by today. European secularism is founded on the pillars of centuries of Christian worshipping, but Tim Jensen would argue, that the secular states of Europe are not that secular after all. He argues that European secularism is born within the tradition of Lutheran Christianity. When it comes to the state of Denmark, the Danish constitution is excluded from the club of secular states as it is recognizing a state religion, so, though many scholars would characterize the Danish people as irreligious, is it important to keep in mind, that the state of Denmark is not exactly irreligious or secular. Not officially, nor unofficially.

Some will argue that this new religious pluralist European landscape has fuelled the de-secularization of the states. This is a matter of discussion, and as Tim Jensen states on the Danish example: “The ever so moderate increase in religious pluralism and the at times immoderate debate about aspects thereof must, in its turn, be seen against the backdrop of the thousand years of Christian hegemony and a society, culture, and mentality still most correctly characterized as predominantly mono religious and deeply influenced by five hundred years of a Lutheran-Protestant state church and ethos”.²³⁰ He further elaborates: “The judiciary ends up not being totally nonreligious or secular because the very notions of religion and the secular have been defined by the (hegemony of) the Lutheran-Evangelical church”.²³¹ It is known, that there will be different approaches to, and interpretations of, religion in general. In some religions and traditions, symbols will inarguably be of greater importance than others. Some traditions encourage to practise and worship by an internal matter. Religion occurs to be mostly worshipped internally in Lutheran Europe, where the perception of religion is as of being an internal and private matter. This is relevant as the majority of the immigrants and refugees reaching Danish soil are Muslims, and this internal view on religion is in opposition to what many Muslims interpret from the Quran, where external symbols is of greater religious value, such as clothing, food and worshipping houses. This has been a debated subject, which fuelled the extreme right-wing argument, especially in Denmark. The incompatibility with Islam and Danish values, tradition and religion too. Thus, European Lutheran secularism perceives the internal and external perceptions in different manners.

²²⁹ Renáta Uitz, *Freedom of Religion – in European Constitutional and International Case Law* (Belgium: Council of Europe Publishing, 2007)

²³⁰ Tim Jensen, “When is Religion, Religion, and a Knife, a Knife – and Who Decides? The Case of Denmark,” in *After Secular Law* ed. Yelle, Taussig-Rubbo and Sullivan (Stanford University Press, 2011) p. 342

²³¹ Ibidem., p. 356

In the recent decades, focus has indeed increased on the religious minority of Muslims within Europe. The rise of terrorism and the 9/11 aftermath and the recent migration influx has, as before mentioned, undiscussable led to an increase of xenophobia and islamophobia throughout Europe, both amongst politicians and lay people. This shift of mentality is visible in the policy making of the increasingly polarized European societies. There is indeed an increased tendency in some European states to limit freedom of religion or belief, and Denmark is no exception. Jonathan Fox and Yasemin Akbaba have documented all religious restrictions and limitation of religious practices of 86 religious minorities in 27 western states from 1990 to 2008,²³² and these show that there has been a significant increase of discrimination against Islamic practices, especially post 9/11.²³³

New racism is first and foremost known, to articulate, that different cultures are incompatible, and often in a hierarchical relation to one another, where the European way of living ranks, in the European context, as the highest. Culture is perceived as pseudo biological as something you inherit and is an undeniable part of you. Danishness and other cultures, is envisaged as being nationally bound and retroactive.²³⁴ The notion of culture is indeed a situation of clashes, controversies and a battlefield without comparison in modern Europe. The definition of culture according to the new racism theory, is that it is static. Culture is perceived as an entity that belongs to you from birth. Culture is perceived as a box you can step in and out of, without the box changing shape or content. But scholars do disagree with this stance of culture as being static and inherited or even something that one can learn, which certainly enables the stigmatisation of a group of people on the grounds of culture. According to the well-known anthropologist Ulf Hannerz, culture will always be defined by being anti-essentialist, sociologically based, inconstant and dynamic. Thus, to be a member of a specific culture, does not equal a certain mindset or set of values; all people are multi-cultural, as cultures are defined through social entities, for example nations, political parties, school class etc.; and all cultures are dynamic. Mindsets and sets of values undeniably change over time, as does the way we express them.²³⁵ This is mentioned to clarify how some of the leading scholars within

²³² Yasemin Akbaba and Jonathan Fox, "Securitization of Islam and Religious Discrimination: Religious Minorities in Western Democracies," *Comparative European Politics* (2015)

²³³ Cesari, "Securitization of Islam", p. 439

²³⁴ (Torben Bech Dyrberg, "Racisme som en nationalistisk og populistisk reaktion på elitedemokrati," in *Diskursteorien på Arbejde* ed. Hansen and Dyrberg (Roskilde Universitetsforlag, 2000)

²³⁵ Ulf Hannerz, *Cultural Complexity – Studies in the Social Organization of Meaning* (Columbia: Columbia University Press, 1993)

culture studies, defines culture. Thus, culture, when described in the new racism, is the opposite of the abovementioned. Culture, though still not clearly defined, is not dynamic, it is static and belongs to a group of people from a certain nation, area and/or obeys by a certain religion. By deeming culture as fixed and incompatible, you estimate culture as being a static phenomenon, unchangeable and carved in stone. Martin Henriksen offers examples of the culture perceived as a static entity within a nationalistic and antagonistic discourse: “We should ban religious headwear for public employees, we should phase out halal from our schools and institutions, and we should on the whole, pay more regards to our Danish culture and pay less regards, well actually none at all, to the Muslim culture in our schools and institutions (...).”²³⁶ An interesting aspect is how the religion is presented as a culture in opposition to a cultural or national community. The incompatibility is described in sentences like: “The thing that the burqa symbolizes is simply incompatible with Danish culture, Danish openness and Danish tolerance towards your fellow human beings and when the Danish parliament puts its foot down, it puts its foot down against the most extreme and intolerant that exists, namely political Islam.”²³⁷

Furthermore, the incompatibility is clearly and physically illustrated with the area of social housing – the ‘ghettos’. Although the ghetto law amendment is not officially called a law on ghettos, the word ‘ghetto’ is mentioned 73 times, and it is clear that the amendment circles around the notion of ghettos. Surrounding the word, is another word, ‘parallelsamfund’ (parallel community), mentioned 30 times. Thus, ghettos are a place opposed to the ‘real society’. Surrounding ghettos are also the words ‘norm’ and ‘normsæt’ (norms and set of norms). As earlier mentioned, the key speaker from LA, Villum Christensen says: ‘We are up against a totally different set of norms than what we normally operate with, in these parallel societies’²³⁸, the minister who has proposed the amendment, Ole Birk Olesen says on norms that “I haven’t got anything against, that you are against the prevalent in the society. Many norms exist, which is just traditions and habits, which you can be against. When I talk about norms, which are important, it is the most fundamental norms for our society, namely norms on how to behave in relation to other people, which public spirit one should exercise in a community.”²³⁹

²³⁶ Annex I, Martin Henriksen (DPP), p. 18

²³⁷ Ibidem

²³⁸ Annex III, Villum Christensen (LA), p. 34

²³⁹ Annex III, Ole Birk Olesen (LA), p. 84

As racism has had to adjust itself, more creative methods have been used in order to implement exclusionist and cultural racist policies. One of these creative methods has been to implement human rights discourse in nativist discourse. This interdiscursivity allows an unconventional legitimization and argumentation, which can face challenges for seeming contradictory. How can a liberal democracy ban certain clothing items, how can it allow differential punishment for the same crime, decided by your address? This illustrates the paradox within liberalism and liberal democracies that states all around Europe are facing – The challenges with this inbuilt paradox within liberalism. Concerning the Danish liberal state, Wren reminds us, that it is a discursive tendency in Danish society, that Muslims are perceived as threat to the Danish society as they oppose women's liberation. The notion of perceptions of religion is essential here, and Jensen points on external and internal approach to religion becomes essential. Banning externally expressed religious items won't affect the lay Dane, on the contrary it will equalize Danish values in opposition to the out-group who wears niqab and burqa and plant seeds of other values in Danish society. The values and religion of the antagonistic other becomes the threat to the Danish welfare society and coherence. Thus, giving new racism vent. Though this is not necessarily the normative perception of the lay Dane, the reproduction happens in these amendments. "It is about helping those women, who wants to take part in those rights and obligations, upon which our society is built."²⁴⁰ Thus, drawing on a human rights-oriented discourse mixed with an 'us' and 'them' dichotomy. When discussing the issue of oppressing women, Wren has a point, when she says that "[c]ultural racism can be easily framed within predominant discourses of a highly progressive welfare state, and in a country where relative sexual equality allows the demonization of other 'backward' cultures in their midst which are perceived to oppress their women".²⁴¹

The 'us' and 'them' dichotomy is traditionally known to create inequality and to be anti-democratic, drawing references to apartheid and the Afro-American history in the United States. On the contrary, the human rights-oriented discourse is traditionally circling around inclusivity, equality, citizenship and freedom of speech. This confusing interdiscursivity will undeniably be tried solved creatively, like when said by Simon Emil Amitzbøl (LA) "should we really do something, for the refugees of the world as well as for the integration in Denmark and for the

²⁴⁰ Annex I, Morten Bødskov (S), p. 3

²⁴¹ Wren, "Cultural Racism", p. 147

Danish society, we need other measures. Its strong external borders, extensive help in the neighbouring regions and a revision of the convention for refugees”.²⁴² Thus, bringing the question of the validity of the international conventions to the table, thus gambling the legacy of the international human rights conventions. The interdiscursivity also comes to play when the Danish ‘we’ is set in opposition to the burqa and niqab wearing women and to the parallel communities within the political discursive domain, with words such as “rights”, “duties”, “welfare state” “society” and “equality”. “[c]oncurrently with the increased immigration from countries, that have another religion and culture and view on women, it is our obligation also to ask the question: How do we secure a Denmark, where everyone can enjoy the rights and obligations, that our welfare state is built upon?”²⁴³ When the nationalistic discourse is included, by using words as “Denmark”, it is clear that the opposite views, which are represented above, are not in line with being Danish.

These three amendments have in common that they are made as a consequence of the Other or because of the Other. The cultural difference holds an inferiority, when stating that the values of the Others is not comprehensible with ‘our’ culture. Shoat and Stam reminds us of the consequences of reproducing these discourses and narratives, and says that “(f)luctuating between the emphasis on exotic difference, on the one hand, and supremacist derogation stressing the Others’ intellectual, moral and biological inferiority, on the other hand, such discourses also influenced public opinion and led to broadly shared social representations. It is the continuity of this sociocultural tradition of negative images about the Other that also partly explains the persistence of dominant patterns of representation in contemporary discourse”.²⁴⁴ But what allows these reproductions of discriminating discourses, and how is it legitimized?

4.4 Legitimation strategies

Let’s dive into the nature of these legitimation strategies. Legitimation strategies are important to understand, and as Andrew Sayer states:

“Indeed, it is of interest to understand what kind of arguments are put forward and resonate with the public; for example, when legitimizing further austerity measures,

²⁴² Annex II, Simon Emil Ammitzbøll (LA), p. 58

²⁴³ Annex I, Morten Bødskov (S), p. 3

²⁴⁴ Van Dijk, “Critical Discourse Analysis,” p. 13

governments tend to justify new cuts with necessity or responsibility – arbitrary cuts are then essentialized as necessary in order to protect the nation state and its people.”²⁴⁵

Thus, argumentation and legitimation strategies are indeed important to understand in the context of the corpus of the analysis. The notion of security seems to be the prevailing arguments for legitimizing the law making and has at all times been. Furthermore, anti-immigration parties will often use a language of legitimation for their politics of exclusion, which is often based on fear. But what is it exactly the Other threatening us and our security with? What is the nature of the discourse?

“Legitimation provides the ‘explanations’ and justifications of the salient elements of the institutional tradition. (It) ‘explains’ the institutional order by ascribing cognitive validity to its objectivated meanings and (...) justifies the institutional order by giving a normative dignity to its practical imperatives.”²⁴⁶ Legitimation must be analysed in a context, as the answer to the question ‘why?’ most often has dimensions of discourses within them – discourses standing on the shoulders of history, traditions, ideologies and so forth. The categories used in this research is developed by Teun Van Leeuwen. Four major categories are recognized together with sub-categories. The four main categories are; authorization; moral evaluation; rationalization; and mythopoesis.²⁴⁷ Only the categories found in the readings have been included here.

Authorization

This category of legitimation is characterized by reference to authority. The answer to the ‘why’ will be rather demanding or conclusive. The ‘I’ and the laws, rules, guidelines etc. carries authority,²⁴⁸ depending on whether the authorization is personal or impersonal. The authority of tradition is detected in the readings. There are somethings which can go unquestioned, which we ‘have always done’. As Pierre Bourdieu puts it “(e)ach agent has the means of acting as a judge of others and himself”.²⁴⁹ The rules of tradition are, and should, be enforced by everyone.²⁵⁰ The

²⁴⁵ Andrew Sayer, *Why We Can't Afford the Rich* (Chicago: University of Chicago Press, 2015)

²⁴⁶ Luckmann and Berger, *The Social Construction*, p. 111

²⁴⁷ Wodak, *Politics of Fear*, p. 6

²⁴⁸ Theo van Leeuwen, “Legitimation in Discourse and Communication,” *Discourse and Communication* (2007): p. 94

²⁴⁹ Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977) p. 17

²⁵⁰ Leeuwen, “Legitimation”, p. 96

argument of tradition can be heavy enough to go unchallenged. Christina Egelund (LA) states on the burqas and niqabs that “It is violent to the tradition we have in Denmark²⁵¹ and Søren Pape (C) says that “It is Danish values which has shaped our history (...) For me, it is our duty to stand guard on the values, which through traditions, has made us who we are.”²⁵² This argumentation strategy is mostly used in the accordance with the burqa ban, and includes the perception of the incompatible cultures. As mentioned before, the cultural racism will be rather subtle and grounded on democratic values of equality, and as Wren stated, this new incompatibility between the cultures and values, is relying on history, that European values are superior.

Other forms of legitimation are used as well, such as the ‘conformity legitimation’. The argument of ‘that’s what everyone else does’ is strong in the European contexts of the immigration crisis. Why do we have to close our borders? Because everyone else does. This is a concept also detected in customary law. In the race of seeming least attractive, the argument is used rather implicit. Because we are more attractive than other countries, refugees will come here, therefore, we must decrease our attractiveness. Martin Knuth (V) says: “Those people who seek for asylum here in Denmark, have in most cases travelled from country to country (...) to seek asylum in specifically Denmark. (...) They think that in Denmark, we have the most lucrative conditions. By changing that, we can reduce the number of people who applies for asylum in Denmark.”²⁵³

A ‘normality’ lexis is also used when justifying the confiscation of jewellery from the refugees. Støjberg says: “It is, if you ask me, a reasonable and fair principle, that the public sector shouldn’t pay for those who can pay for themselves, even if it is asylum seekers. The rules are built on the same principles as those rules for those on social security, namely, that those who can take care of themselves, shouldn’t receive help from the public sector.”²⁵⁴

The ‘normality’ principle is also present in the argumentation of the ghetto law, when the Liberal spokesperson says: “We are up against a totally different set of norms than what we normally work with, in these parallel societies”.²⁵⁵ There’s a normal society, which is the Danish, as earlier described, and there is the one working parallel to the ‘normal’, and therefore ‘right’ society, which threatens the Danish values.

²⁵¹ Annex I, Christina Egelund (LA), p. 34

²⁵² Annex I, Søren Pape (C), p. 55

²⁵³ Annex II, Marcus Knuth (V), p. 44

²⁵⁴ Annex II, Inger Støjberg (V), p. 100

²⁵⁵ Annex III, Villum Christensen (LA), p. 34

Moral evaluation

“Moral evaluation legitimization is based on moral values, rather than imposed on some kind of authority”.²⁵⁶ Moral is a versatile concept, and so is moral justifications. Often words such as ‘good’ and ‘bad’ occurs, and as Bush when he declared his war on terror, ‘they, the terrorists’ were the morally rotten, and ‘we’ were the fighters for good. In this case Bush legitimized aggressive counter-terror policies by certificating his enemies with an ‘axis of evil’.²⁵⁷ The moral discourses are most often detected by adjectives such as ‘useful’, ‘healthy’, ‘normal’ and ‘natural’.²⁵⁸ Thus these adjectives are, so to say, the tip of the iceberg of an underwater mountain of moral values. Moral values must be recognized on the basis of our basis common-sense cultural knowledge. Kirsten Andersen (SPP) says on the ghetto law: “I would like, that more (people with other ethnical background than Danish) moves to my neighbourhood, because I believe, that it is healthy for us to live together.”²⁵⁹ ‘Naturalization’ legitimization is another form we see in the readings. A form of legitimization which does in fact ‘denies morality and replaces moral and cultural orders with the ‘natural order’’, as parents obligation to take care of the children and prioritize them above all. Thus argument is especially striving when talking about obligations, and Støjberg (V) says when debating on the rejected asylum seekers, who refuses to go back to their countries, and therefore places themselves and their children in centres, known by the public as being compared to prisons:[t]he parents has an obligation (...) I think they have an obligation to travel back home (...) the parents have a responsibility not to bring their children in this situation²⁶⁰ Morality and nature clearly become entangled here, but it is important to mention, that the Article 3(1) UNCRC clearly intensifies the importance of ‘the best interest of the child’ and therefore these stances are critical to human rights. As a conclusion of a surprise inspection of one of the Danish asylum centres, Sjælsmark, the Danish ombudsman Jørgen Steen Sørensen, stated a concern of the well-being of the children at the center, and concluded that the circumstances in which the children were living in Sjælsmark, was suiting to hamper the upbringing and to limit their possibilities of a natural development and general way of life.²⁶¹

²⁵⁶ Leeuwen, “Legitimation”, p. 97

²⁵⁷ Ibidem.

²⁵⁸ Ibidem.

²⁵⁹ Annex III, Kirsten Normann Andersen (SPP), p. 67

²⁶⁰ Annex II, Inger Støjberg (V), line:

²⁶¹ Jørgen Steen Sørensen, “Uanmeldte tilsynsbesøg i Udrejsecenter Sjælsmark – forholdene for børn” *FOB 2018-19* (Folketingets Ombudsmand, December 20, 2018)

Rationalization

There are two types of rationality, the ‘instrumental rationality’ which legitimizes acts with reference to goals, purposes, uses and effects. These purposes will most often take the shape of ‘moralised activities. The ‘theoretical rationality’ which explicitly legitimizes with reference to natural order and ‘the facts of life’.²⁶² The legitimation will be made in an atmosphere of ‘common sense’ or will be made by specialists, religions or ideologies, who will provide knowledge which can be utilized in the process of legitimation²⁶³. The legitimations which embody moral values, and to some extent social prejudice, will be detached from moral logic, and will be presented as common-sense.²⁶⁴ The legitimation will be “founded on some kind of truth, on the ‘way things are’.”²⁶⁵ What is very interesting within this part, is that the rationalization legitimation can be detected within the securitization strategy. An example of theoretical rationalizations, is when Martin Henriksen (DDP) says:

“It is crucial for Denmark, that we decrease the non-western immigration, including immigration from Muslim countries, and it is crucial that we continue to work towards, that foreigners with asylum status just stays in Denmark temporarily, and that they are sent back again, for the majority of those who come, will unfortunately never be integrated by the simple fact, that we are way too different.”²⁶⁶

Here, the actor presents a reasonable and explicit argument which stems a hidden social prejudice. The morality is not connected to a normative content.²⁶⁷ The statement also presents an example of the cultural racism, where the incompatibility of different cultures is perceived as a given, as ‘the way it is’. Another example is when the truth becomes a security measure, when Martin Knuth (V) says: “That we prolong the period of getting family reunification, is not something that we do because we want to. It is something we do because we are under a historical asylum pressure”.²⁶⁸ This way of legitimizing compliments the securitization strategy, and will legitimize the use of extraordinary measures, thus allowing the state to act against their human

²⁶² Leeuwen, “Legitimation”, p. 101

²⁶³ Leeuwen and Wodak, “Legitimizing”, p. 105

²⁶⁴ Ibidem., p. 107-108

²⁶⁵ Leeuwen, “Legitimation”, p. 103

²⁶⁶ Annex II, Martin Henriksen (DPP), p. 22

²⁶⁷ Leeuwen and Wodak, “Legitimizing”, p. 108

²⁶⁸ Annex II, Marcus Knuth (V), p. 44

rights obligations in exchange of the national well-being. The legitimization is present in all three amendments, when within the burqa ban, we ‘have’ to guard our values, when in the jewellery law it is a fair principle to take belongings from refugees crossing the borders because that’s exactly the same that the Danish state would do to Danish citizens and when stigmatising the ghetto areas, because parallel societies are ‘un-healthy’.

Mythopoesis

A story told within these amendments are mostly stories to create mass panic and are examples of generalisation and comparison. Martin Knuth (V) says:

“Then we risk ending up in a situation like Sweden, where the welfare system is threatened. There is such a big influx of young people, that there – so I’ve heard – has to be established up to 1000 new school classes in order to fit all the unaccompanied and accompanied children who come to the country. I don’t wish to put Denmark in a situation where our welfare state is threatened. So, it is quite simple. We do it to maintain the Danish welfare society.”²⁶⁹

Sweden is often used as an example of worst-case scenario in Denmark, by the right-wing. Sweden let many refugees get asylum and they are today facing challenges with integration. The story of Sweden is told to create fear. The two mainstream parties argue with the story of Sweden. Dan Jørgensen (S) ”Then we risk, that Denmark ends up like Sweden – And not even a lot of Swedes, I believe, does still believe, that their approach was the right (...) Personally, I find it hard to see the humane in bringing your country in a situation as the one which Sweden faces today”²⁷⁰ and ”. Martin Knuth (V) says “And it is the most important, to get those who has come here, integrated, while not being overwhelmed by so many refugees, as we e.g. have seen in Sweden”.²⁷¹ and “[t]hen we risk ending in a situation like Sweden, where the whole welfare system is being threatened”.²⁷² The story telling aspect is also unavoidable when the policy makers talk about Danish values, which are often described as something created by history.

²⁶⁹ Annex II, Marcus Knuth (V), p. 45

²⁷⁰ Annex II, Dan Jørgensen (S), p. 3

²⁷¹ Annex II, Marcus Knuth (V), p. 50

²⁷² Annex II, Marcus Knuth (V), p. 45

4.5 Discussion and findings

As mentioned, politicians have a powerful discursive position, and it becomes relevant, not only when we take into account the policy making, they are doing, but also when taking their powerful position into consideration. They have a significant indirect power when reproducing discourses. What is crucially relevant here, is to notice the power of reproduction. These three amendments are not only powerful because they are binding laws, but also because they feed into a framework of a new European political discourse, which allows subtle and cultural racism to thrive on the excuse of maintaining national security (which might just be a case of securitization). Thus, taking part in planting seeds in the soil of the changing European landscape. When the mainstream parties are subscribing to the increasingly normalized cultural discourse of incompatibility of cultures, feeds the ‘us’ and ‘them’ dichotomy, and creates a public fear of the antagonistic Other, then it has direct affects in society and to individuals – not only as a direct effect of the laws, but also in the increased stigma, xenophobia and even cultural racism which is increasingly becoming prevalent in the European landscape.

Relations of power becomes extremely important when discussing these amendments in the framework of CDA. When explaining discourses in the context of CDA, Fairclough specifies explanation as: “ a matter of seeing a discourse as part of a social struggle, within a matrix of relations of power”.²⁷³ The antagonistic Other is experiencing the social struggle and the power relation is the one between the people and the policy makers. CDA gives us the opportunity to take both the past and the future into account, when looking into both process and structure. What was the struggle leading to the discourses and what structure is reproducing it? The contribution to struggles does not have to be directly constituted in the discourse. When the policy makers use the word ‘ghetto’, they don’t necessarily mean to contribute to the struggle of the people living in those areas, not realizing that the reproduction of this word, makes it become a truth. Thus, the socially constructed truth becomes institutionalized via the laws, and the legitimation finally creates an atmosphere of normalization.

Furthermore, the returning theme of us-and them contributes to the idea that there are certain qualities that defines ‘us’ and certain qualities that define them. The reader should keep in mind, that there is no such official explanation of ‘us’ and ‘them’, neither within the amendments nor an

²⁷³ Ibidem.

official lexical one. Therefore, every time policy making like this is being made, the reproduction only makes the idea stronger by vocalising the issues and even making it a part of national legislation. Fairclough mentions an example which very precisely illustrates how contribution to social struggles can be made, even when all participants arrive at the same interpretation of the situation:

“[a] perfectly ordinary and harmonious conversation between two married people, by virtue of its perfectly ordinary unequal division of conversational ‘labour’ between the woman and the man, both manifests patriarchal social relations within the institution of the family and the society as a whole, and makes a tiny contribution, on the conservative side, to struggles over the position of women in the family and in society.”²⁷⁴

In situational term, this can be seen as a way to show support, but in institutional and societal terms, this can be seen as a tendency of men getting more time to speak as a result of their power position, and therefore tend to ‘mansplain’ (sexist communication norm, when a man condescendingly explains something to a woman). In the example of the three amendments, the discursive normative contributes to sustaining existing power relations and are thus, not transforming them.²⁷⁵ It contributes to further stigmatizing a certain group, Muslim immigrants and refugees, calling them out as scapegoats. The legitimization strategies show us, that the rationalization strategy is frequently used when creating the scapegoat. The logic of ‘that’s just the way it is’ is often linked with the idea of the incompatible cultures, and the notion of the antagonistic Other. ‘They’ are a danger to the welfare society, to the Danish values and to the economy in general. While securitization is argued to be a part of the strategy, one must also keep in mind, that this is also an electoral strategy. With the beforementioned electoral success of the right-wing parties throughout Europe, it must not be ignored, that the strategy is also a part of a symbolic politics which is spreading throughout Europe.

Furthermore, denying racism is easier when racism is perceived as an individual act, driven by intolerance and ignorance, rather than a collective act and addressing the issues becomes more

²⁷⁴ Ibidem., p. 173

²⁷⁵ Ibidem., p. 175

complicated. According to van Dijk, the denial of structural racism and discrimination is due to the mere fact that they are taboo and morally sanctioned all around the world.²⁷⁶ Within the Danish welfare system, which is founded upon notions such as tolerance and equality, the reality and acceptance of racism isn't present. It seems that within the welfare system, racial discrimination and acts following such worldview, is past tense. Racism was abolished within the Danish legislation against racism and discrimination dating back to the Race Discrimination Convention Article 266b which was introduced into the criminal code in 1939. Since then, Denmark has implemented several laws on anti-discrimination and anti-racism. But racism does not disappear overnight, as earlier clarified by the notion of new/cultural racism. "To claim that people and cultures are not inferior initially enables the users of neo-racist rhetoric to deny racism; humans are seen as always part of cultures, and cultures are naturally tied to certain landscapes and climates. If people of different cultures are in the 'wrong place', their culture will be incompatible with the culture of the new context, which inevitably generates conflict and xenophobic reactions."²⁷⁷

The legitimization strategy of moral evaluation shows us, that the idea of the 'natural' affiliation is also present within the amendments. The Danish people are, with the burqa ban, the ghetto law and the jewellery law, just upholding natural laws, which are natural for the common Dane. When the policy makers argue, the ban is not only a ban but also a help for the citizen to be able to enjoy the natural rights, and the amendment symbolises that the policy makers "at the same time reaches out with a helping hand to those women, who live in daily oppression and who are not able to enjoy the freedoms, which are so natural and rewarding for all of us",²⁷⁸ but also to the Danes, who needs a protector of their values and welfare society.

But we must keep our collective memory in mind, and we must not forget the Arendtian notion of the banality of evil, of evil as being committed by people who are terrifyingly normal. One does not have to be evil in order to commit evil, and when evil becomes institutionalized within policies and discourses, perceptions of reality, then the real threat towards human rights occurs. One can commit evil randomly and casually without specific intent of doing so, just like our friend Mersault in the 1942 novel 'The Stranger'. The difference though, is that the evil here is not

²⁷⁶ Teun van Dijk, "Discourse and the Denail of Racism," *Discourse and Society* (1992): p. 87-118

²⁷⁷ Peter Hervik, "Ending Tolerance as a Solution to Incompatibility: The Danish 'Crisis of Multiculturalism,'" *European Journal of Cultural Studies* (2012): p. 214

²⁷⁸ Annex I, Morten Bødskov (S), p. 4

committed directly, but rather implicit. By oppressing a group of people by the power of words. A complication also occurs, when racism isn't addressed directly, but is presented as both subtle and cultural. Racism without races²⁷⁹ allows policy makers to institutionalize racism within these new categories which neo-racism or cultural racism implies, such as immigration, culture and even religion. This form of racism, is with the words of Balibar, a racism "whose dominant theme is not biological heredity but the insurmountability of cultural differences, a racism which, at first sight, does not postulate the superiority of certain groups or peoples in relation to others but 'only' the harmfulness of abolishing frontiers, the incompatibility of life-styles and traditions".²⁸⁰ This form of racism is especially present when the security rhetoric are used, "(...) values that we wish to stand upon and to defend as well"²⁸¹ and with the mythopoesis legitimation of "then we risk to end up in a situation like Sweden, where the welfare state is threatened as a whole".²⁸² The antagonistic Other is made a security threat with the help from a security and anti-immigrant and nativist discourse but also with a human rights discourse, and mostly by the help from legitimation strategies of rationalization, authorization and mythopoesis, naturalization arguments and 'that's just the way it is'.

The consequence of the view on the cultures as being incompatible is that the minority group is oppressed. When the new/cultural racism gets its way, and convinces the Danes and Danish legislators that the natural reaction to other cultures which does not belong naturally to the country, as being xenophobia, then minority groups of non-European heritage and origin, are facing increased alienation and intolerance from the Danish society.²⁸³ When this narrative of the incompatible cultures are implemented within policy making, then the discrimination becomes, not only institutionalized, but legalized.

²⁷⁹ Balibar, "Is there a 'Neo-Racism'", p. 21

²⁸⁰ Ibidem.

²⁸¹ Annex I, Morten Bødskov (S), p. 5

²⁸² Annex II, Marcus Knuth (V), p. 45

²⁸³ Hervik, "Ending Tolerance", p. 211-225

CONCLUSION

My aim with the thesis is to get to a clearer understanding of what discourses, narratives and legitimations strategies are used, when policy makers are justifying and supporting bills which are violating or threatening human rights, and how these specific strategies and discourses is a threat to the legacy but also the reputation and direct impact of human rights. In order to provide answer to the main question, CDA was applied to the selected corpus: the L219 amendment of 2018, the L87 of 2015 and the L38 of 2018. The thesis is limited by the selected corpus, but it is shown that these amendments subscribes to a discursive trend which is visible around Europe. A discourse within a Europe which is slowly losing its founding values. An increasingly nativist, exclusionist and xenophobic discourse mixed with the notion of cultural racism and political securitization acts.

By subjecting a minority group and making them scapegoats, by reproducing an exclusionary ‘us’ and ‘them’ dichotomy within the policy making processes, consequently the subjected group, in this instance minorities, immigrants, refugees and Muslims, will be continuously oppressed with the power of the discourse.

If we want to suppress and fight against inequality and oppression and discrimination of certain minority and religious groups as well as refugees, then we cannot permit the ignorance towards the words and discourses we use. Pelinka has an important point when he says that “Language is an in-put as well as an out-put factor of political systems. It influences politics – and is influenced by politics.... Language can be an instrument for or against enlightenment, for or against emancipation, for or against democracy, for or against human rights. Language can be used by totalitarian regimes, and it can be used as a means of resistance against these regimes”²⁸⁴

The language and discourse in the amendments is feeding into the ‘us-them’ dichotomy and leaves us with a scapegoat to blame, an antagonistic Other. When policy makers are aware of these

²⁸⁴ Pelinka, “Language as a Political Category”, p. 129-131

stigmatizing and discriminating consequences of the amendments, and still legitimises their stances with help from legitimisation strategies, then the reputation and strength of the human rights is indeed threatened.

Human rights has gotten its superiority in Europe, as a result of a collective memory which reminds us of a time of atrocities, towards which our response is 'never again', but when the human rights are gambled with, within the legislation procedures in the Danish parliament, a pioneer within the human rights landscape, then we ought to pay some attention to the subject. Then action is needed, and we must acknowledge the power of words. As Karl Marx famously is known to have said in his Theses on Feuerbach from 1845" The philosophers have only interpreted the world, in various ways. The point, however, is to change it".²⁸⁵ And that is why, we MUST talk about the discourse, so that, in the end, we may be able to change it.

²⁸⁵ Karl Marx, "Theses on Feuerbach," in *Marx & Engels Collected Works Volume 5*, (Lawrence & Wishart, 2010) p. 5

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- Rahde v. Denmark*, ECHR, Application no. 69332/01, 2005
- S.A.S. v. France*, ECHR, Application no. 43835/11
- The Prosecution Service v. T*, Supreme Court of Denmark, Case no. 221/2018
- The Public Prosecutor v. T*, Supreme Court of Denmark, Case no. 258/2015

ANNEXES

As the corpus analysed is comprehensive, I have included the link if the reader wishes to access the readings. Accessed by author July 14, 2019.

Annex 1

The Burqa Ban

<https://docs.google.com/document/d/1-agClzMfiTcL-KlkIxbjuCIvJQeCHAo0EYITp79s3Bc/edit?usp=sharing>

or

<https://www.ft.dk/samling/20171/lovforslag/L219/BEH1-85/forhandling.htm>

Annex 2

The Jewellery Law

<https://docs.google.com/document/d/1rqqqNsPfNJQ2LN01zGyP2d5-IJ8Y92nyrT7Yvgm5gPk/edit?usp=sharing>

or

<https://www.ft.dk/samling/20151/lovforslag/l87/beh3-44/forhandling.htm>

Annex 3

The Ghetto Law

https://docs.google.com/document/d/1vxO-INHBF_ICGfiytsGej2ImqSajfx8aFsf2tAzpB5E/edit?usp=sharing

or

<https://www.ft.dk/samling/20181/lovforslag/L38/BEH3-24/forhandling.htm>