

The Politics of Accounting for Refugees

by

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Abstract

Refugees are presented to citizen-subjects in ambivalent terms. They are included within national systems of meaning as subjects that are desired; as subjects innocent of wrongdoing and who maintain the legal right to seek and to enjoy asylum where they see fit. Yet at the same time material and symbolic opportunities to exclude refugees abound. I analyze the furore at the arrival of the *MV Sun Sea*, a boat of Tamil asylum-seekers, to the shores of British Columbia, to argue that in this case, subjects that would normally be recognized as refugees with little difficulty, were rendered absolutely other; embodiments of an inhumanity that provided citizen-subjects with the sense that their rights could be casually forgotten. I ask the reader to consider the constitutive exclusions necessary to think and practice the refugee as a subject of the law and examine lay and advocate attempts to resignify the refugee with different values; to make the refugee of value to the nation as a productive body and as one that shared a being-in-common with the “fictive we” of the nation. My work with Refugee Community Organizations in London, England, calls into question the value of likeness for the political practice of relating to refugees, arguing that an attempt to become like refugees is bound to be inattentive to the very important ways in which unlikeness anchors all practices of becoming. Finally I engage with refugee storytelling to ask what must be left unexplained to promote a non-violent ethics of relation.

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Chapter 1: Introduction

The impetus for this writing began with the problem of injustice because I do it in response to injustices I sense are done to refugees. Sense is an operative word here because it references the impossible dimension of the aspiration to justice. While an injustice may be done – and witnessed, through feeling indignation or sensing suffering – the workings of formal justice that might remedy that *injustice* are, in an epistemic sense, injustices themselves; they represent substitutions which never reclaim exactly what was lost by the initial injustice. There is something lost when justice is done because, as a unitary resolution, it asks us to suspend out disbelief about the multiplicity of truth claims which *could* have come to matter, yet which were necessarily muted by the workings of justice. Deleuze¹ argues thus: justice must provide itself with “the One”; an artificial perspective to pronounce an act right or wrong. It is the ending of ethical profundity, whose sin is the loss of that potential fullness. Judith Butler argues similarly that ‘[w]e sometimes rely on judgements of guilt or innocence to summarize another’s life, confusing the ethical posture with the one who judges’. In doing so the arbiter may fail to ‘suspend judgement in order to *apprehend* the other.’² In that vein, while being motivated by sensing injustice, I am keen not to settle on a comfortable judgement and in doing so fail to apprehend forms of life that my very judging may silence.

The dynamic of this writing – by one, “for” others – calls for the ethics of representation to be centred. I am very aware that my sense of injustice, while it might appear to be made in

¹ See Butler, J., 2005: 43, note 4. *Giving an account of oneself*, Fordham Univ Pr.

² Butler, J., 2005:45, my emphasis

the name of others, is, in fact, made with concrete empirical involvement of only a few refugee subjects, and emanates from circuits of relation in which the politics and sensibilities of the writer may be at odds with those subjects that fall under the sign “refugee.” Thus, I situate a two-fold *difference*, the first generated in the space between the author’s sense of, and conviction in, injustice and the knowledge of the impossibility of an ethically fulsome justice and the second between the attempt to write and represent a subject position ‘refugee’ that always and already fails the subjects it purports to represent. Being responsible in the midst of such peril entails attempting to account for (rather than to suture) those perpetual failures of the politics of truth as constitutive of the practice of becoming.

To prefigure the different areas of empirical focus that compose this thesis – the legalization of the refugee subject; understanding refugees from in academic research; the practise of the refugee in refugee storytelling – I begin by outlining the production of injustices committed against refugees through the production of the economic migrant as a subject that is amoral with respect to the law, and through the production of the idea of an orderly national space – exemplified by the image of the queue – which is unfairly disturbed by asylum-seeker arrivals that are not controlled by the state. I identify that indignation is a common response from the consumers of refugee stories that portray refugees as taking very reasonable action to save their lives and from advocate groups that see the injustice of producing the refugee in the mould of the economic migrant; as a subject that can be *rightfully* excluded. Yet such indignation is difficult to sustain because it is often articulated through arguments that make the refugee a subject of value. The problem with that formulation is that the refugee can only emerge as a subject to be valued

against a national population and territory (which means that when economic and cultural conditions change she may lose that value) and via her congruence with the idealized subject of the human rights discourse (which provides little protection to the refugee unless she is *within* a national territory that has the inclination to allow her to become known as a rights-bearing subject). I situate an attempt to craft a globalized empathy that would seem to transcend those parochialisms and self-interests to point out the danger in creating abstract and idealized tropes that seem to portend justice, but in fact encourage an inattention to difference. I then consider refusal to centre my dominant methodology which is to centre the question of the ethics of research; that is, I ask what it can mean to refuse the terms upon which the refugee and the citizen-subject can be known. It is important to begin with an outline of global refugee affairs by explaining some of the widespread features and recent changes in refugee politics, and to introduce the two contexts, the UK and Canada, with which I am most familiar and which will therefore be subject to most empirical elaboration.

1.1 Getting to Know the Refugee

That refugees can both be adequately known under the terms of reference that exist, and receive adequate justice is contested by a gaping contradiction: the very same states that drafted the documents used to protect refugees (the 1951 Convention Relating to The Status of Refugees and the 1967 Protocols which removed the geographical restrictions from the original document); that drafted the Universal Declaration of Human Rights; and that construct themselves as acting in accordance with ideals of humanitarianism are also those states that act in disrespect of those very rules and regulations. Such injustices span

the local, the global and the intimate and are not merely functions of states' acting in their own interests and *against* the interests of those documents, but are also *foundational* to the discursive regimes by which the refugee can be known.

On the website of Public Safety Canada is found a segment urging the viewer to consider that 'Canada's Generous Program for Refugee Resettlement Is Undermined by Human Smugglers Who Abuse Canada's Immigration System.' The Canadian Government is characterized as one committed to fairness, valiantly managing a system that is being made 'less fair, and less balanced' by virtue of the arrival of refugees who refuse to wait in camps, and instead propel themselves to Canadian shores by using the services of 'human smugglers.' Such claims, made by the office of Vic Toews, Minister for Public Safety, contour strong truth claims by making recourse to partialities that do injustices to the reality of refugees' situations. Statistics are used that compare Canada's resettlement programme favourably with other developed states' programmes: "Canada resettles 10,000 to 12,000 refugees through its government-assisted and privately sponsored refugee programs...which means that Canada takes 1 out of every 10 refugees resettled." Canada appears as a beacon of light, yet the self-presentation conveniently forgets to mention that, as recognized by the UNHCR's³ report detailing global refugee trends in 2010, there persists a deep inequity in international support for the world's displaced, with four-fifths of the all refugees being hosted by developing countries. The world's poorest nations host huge refugee populations, both in absolute terms and in relation to the size of their economies. Germany, the industrialized country with the largest refugee population has 17

³ Anon, UNHCR - UNHCR Global Trends 2010:12. Available at: <http://www.unhcr.org/4dfa11499.html> [Accessed August 30, 2011].

refugees for each dollar of per capita GDP. Pakistan has 710; the Congo 475; Kenya 247. A global perspective surely provides a wake-up call to first-world petitions at the unfairness of unauthorized arrivals:

Among the 20 countries with the highest number of refugees per 1 USD GDP per capita, all are developing countries, including 12 Least Developed Countries. Moreover, more than 4.4 million refugees, representing 42 per cent of the world's refugees, resided in countries whose GDP per capita was below USD 3,000.

Public Safety Canada argues that 'It is unfair to those seeking to come to Canada through *legitimate, legal* means when others pay human smugglers to help jump our immigration queue. When this happens, Canada's immigration system becomes less fair, and less balanced.'⁴ The ability to construct asylum-seeker movement as unfair, given that it would immediately seem to redress a wider unfairness, points to a distribution of differential regimes of justice across space and scale. Such construction is present on the global scale and is widely recognized representing a 'war on humanitarianism':

"...The rich countries in the West have started in the 1980s to defend themselves against immigration" in what Nobel has described as an "arms race against humanitarianism" and an "escalation of unilateral measures against refugees" (Nobel, 1988: 29-30)⁵ The same tendencies are even more evident in the 1990s. If said rich countries do not have "a refugee problem" within their borders, this fact is clearly not a simple accident of geography or history⁶

⁴ Backgrounder: Canada's Generous Program for Refugee Resettlement Is Undermined by Human Smugglers Who Abuse Canada's Immigration System. Available at: <http://www.publicsafety.gc.ca/media/nr/2011/nr20110616-3-eng.aspx> [Accessed September 1, 2011]. *Emphasis added.*

⁵ Nobel, P., 1988. Refugees and other migrants viewed with a legal eye—or how to fight confusion. *See Ref*, 122, pp.18–31 in Malkki, L.H., 1995. Refugees and exile: From "refugee studies" to the national order of things. *Annual Review of Anthropology*, 24, p.495–523.

⁶ Malkki, 1995

The war on humanitarianism is evidenced in studies such as Hyndman and Mountz⁷ which polemically – insofar as the concept built is not congruent with accepted governmental definitions of the term – situates those deterrence measures as a form of *refoulement*; the forced return of asylum-seekers to places in which their lives would be in danger or in which they would be subject to torture; exactly that which those countries' roles in drafting international refugee conventions and protocols was supposed to pre-empt. This '*neo-refoulement*' includes British desires to police the Mediterranean with war ships to turn back ships of potential asylum-seekers⁸; the annexation of Australia's Christmas Island in order to process asylum-seekers outside of the protection of domestic law; and the detention of asylum-seekers in the US⁹ and Australia as a matter of course. In the UK children's charities have recently received criticism for complicity in the Government's detention of the children of failed asylum-seekers¹⁰.

The notion of asylum-seekers jumping unfairly subverting a queue designed in their interest brings them to mind as fraudsters and tricksters and can be situated, as Pratt and Valverde do, in a long history of attempts by the neo-liberal state to cast aspersions on the petitions of legitimate rights holders¹¹. The creation of figures that function as moments for collective problematization – from welfare queens to “bogus” asylum-seekers to disability

⁷ Hyndman, J. & Mountz, A., 2008. Another Brick in the Wall? Neo-Refoulement and the Externalization of Asylum by Australia and Europe. *Government and Opposition*, 43(2), pp.249–269.

⁸ A “secret” action-plan which was never implemented was leaked by the British government in 2002 which mooted the idea of using Royal Navy warships to patrol the ‘Mediterranean to intercept boats carrying illegal immigrants [sic.] from Africa and the Middle East to Europe.’ RAF “to fly out asylum-seekers” | Mail Online. Available at: <http://www.dailymail.co.uk/news/article-116034/RAF-fly-asylum-seekers.html> [Accessed August 31, 2011].

⁹ In 1996 the US introduced ‘mandatory detention for asylum-seekers until they could show a “credible fear of persecution”’ (Gibney, M., 2005:4. Beyond the bounds of responsibility: western states and measures to prevent the arrival of refugees. *Global migration perspectives*, pp.1–23.)

¹⁰ Our Kingdom: Power and Liberty in Britain., 2011, ‘Barnado’s Please quit the child detention business’. Available at: <http://bit.ly/nfflbi> [accessed 25/08/2011]

¹¹ Pratt, A. & Valverde, M., 2002. From deserving victims to ‘masters of confusion’: Redefining refugees in the 1990s. *Canadian Journal of Sociology/Cahiers canadiens de sociologie*, pp.135–161.

fakers – binds citizen subjects to the cause of government – it governmentalizes them – to marshalling them in a defence of the queue, the system, or order in general, at the expense of a critique of those ordering strategies. That form of rationality runs contrary to preserving asylum-seeking as a universal human right because it does not allow for the freedom to actualize the right to seek and to enjoy asylum as laid out in Article 14 of the Universal Declaration of Human Rights.¹² In most developing countries, in light of common visa restrictions and the chaotic nature of flight from persecution, “illegal” entry is the only option.¹³ A study of Germany’s border control in 2000 estimated that for 98 percent of asylum-seekers the only possible means of entry were illegal.¹⁴ In 2002 British Minister of State for immigration, Lord Rooker, was asked whether there existed legal avenues for refugees to enter the UK. He replied bluntly, “No.”¹⁵ The Convention Relating to the Status of Refugees states that ‘subject to specific exceptions, refugees should not be penalized for their illegal entry or stay. This recognizes that the seeking of asylum can require refugees to breach immigration rules.’ In this light the blanket statements that Canadian and British officials make which at best acquiesce to the criminalization of asylum-seekers seem to evidence their desire to evade responsibility. I now begin to ask what it means that the asylum-seeking subject can be constructed as acting unfairly when he or she attempts to actualize her own flight (subvert the “queue”) while in the same moment stories about asylum-seekers portray them as acting thoroughly reasonably, in ways that most would agree are appropriate to their situations.

¹² Assembly, U.N.G., 1948. Universal declaration of human rights, article 14.

¹³ I put the illegality of the entry in doubt because the very fact of claiming asylum retrospectively renders the entry legal, and this the act of entry rests in a zone of indistinction which is only resolved *ex-post*.

¹⁴ Bosswick, W., 2000. Development of asylum policy in Germany. *Journal of refugee studies*, 13(1), p.43.

¹⁵ House of Lords, January 23, 2002, cited in Gibney, 2005:9

Stories such as Najeeba Wazefadost's¹⁶ who 'fled Taliban attacks when she was 12-years-old' portray refugees' plights as characterized by a lack of volition and, most importantly in this case, as demonstrating choices that would seem to appear thoroughly reasonable. Such stories regularly achieve recognition in the West, either through their circulation by advocacy groups,¹⁷ quasi-governmental institutions,¹⁸ and "progressive" media channels.¹⁹

She justifies her flight by boat:

I knew going on that boat, getting into that big Pacific Ocean, I am signing the contract of death for me or for my family. But I said it's better for me to die in this ocean peacefully rather than dying or getting killed by the Taliban back in my country.

With respect to the queue that is summoned to cast aspersions on irregular arrivals she argues, 'With UNHCR, it's not even accessible or approachable to the Afghans anywhere. They don't even know what it is, they don't even know where it is. If you need to survive, if you want to live, you will take any opportunity that comes your way.' While her justification for flight would appear eminently reasonable to all but the most callous individuals, governmental and public intolerance affront at the arrival of subjects like her persists. This could point to an affective dimension to refugee arrivals that challenges the

¹⁶ Anon, Refugee queue jumping: Myth or fact? World News Australia on SBS. Available at: <http://www.sbs.com.au/news/article/1561161/refugee-queue-jumping-myth-or-fact> [Accessed September 13, 2011].

¹⁷ A British charity, 'refugeestories.org' portrays refugees' stories (both of flight and of integration) in an effort to demonstrate their contributions to the country. Anon, Refugee Stories - About. Available at: <http://www.refugeestories.org/about/> [Accessed September 14, 2011]. Iraqirefugeestories.org presents stories of Iraqi refugees. Anon, IRAQI REFUGEE STORIES: First person accounts of war and exile. Available at: <http://www.iraqirefugeestories.org/> [Accessed September 14, 2011], and the University of Melbourne maintains a website that portrays the stories of refugees to Australia in order to highlight their positive contributions. Anon, Refugees' Australian Stories. Available at: http://www.ras.unimelb.edu.au/Refugees_Australian_Stories/index.html [Accessed September 14, 2011].

¹⁸ The different national branches of the UNCHR all have sections of their website devoted for first-hand testimony from refugees about their journeys. See for example, Anon, Refugee Stories - USA for UNHCR. Available at: http://www.unrefugees.org/site/c.lf1QKSOWFqG/b.4950721/k.9B5E/Refugee_Stories.htm [Accessed September 14, 2011].

¹⁹ *The Guardian* in Britain and SBS in Australia regularly portray testimony from refugees or provide coverage on refugees in a positive light.

very good reasons that appear to justify arrivals. Or it could point merely to different discursive regimes that constitute the refugee body, on one scene, as perfectly legitimate, and on another, out-of-place; that call for him or her to be known as such on one scene, and alternatively on another. I situate as a key area of intervention a question about the law: through interdictory measures that I will go on to detail (chapter 2) laws stop asylum-seeker movements. If the consumer of stories like Najeeba's is affected by her to the effect of an elicitation of an emotional response (perhaps an emotion like sympathy) and also feels that the impossibility of her remaining should justify her specific goals – (an empathetic relation) – then that subject logically finds herself at least partially “against” the system of order that Canada's Ministry for Public Safety invokes. That subjective orientation would seem to set itself in a relation of critique of governmental powers that deny self-propelled refugee movement *tout court*.

The relationship between governmental power (seemingly able to easily deride refugee movements) citizen-subjects (agents capable of lobbying for refugees and of challenging that derision) and refugees themselves (or their “proxies” in the form of the stories that are circulated about them in lieu of their presence) would seem an important dynamic to consider. It would not be possible for Toews' office to casually deride asylum-seekers if it were not for at least a partial public assent to such views. And if it is wrong to limit the right to seek asylum then mobilizing citizen-subjects via subjectively aligning them with the plight of refugee-subjects who face no option but to attempt to travel to their states would seem a means of combating that limitation. In that picture the subject position “refugee” emerges as that which must be delimited so that the apparent mistake of governmental action that would exclude her can be sutured by creating positive sentiment.

Yet one problem with that formulation is that seemingly anti-refugee policies (which I outline below) may not necessarily emanate from specifically anti-refugee *sentiment* but from wider concerns about immigration and from those that surround the presence of non-white subjects in the West. Gibney and Hansen identify a surge in restriction on immigration into Western Europe since the 1980s²⁰ which is not limited to the interdiction of asylum-seekers. The preference for white immigration in states such as Canada and Australia only formally ended recently, and was longstanding. Such “anti-outsider” sentiment may explain why it is possible to reject asylum-seeker movement, not on the basis that they have no *right* to seek asylum, but because of their congruence with other unwanted subjects.

The restriction of immigration and the preference for subjects that are “like” national-subjects (which justified immigration preference for Europeans) while publically challenged when taking an explicitly racist form, is widely tolerated. Catherine Dauvergne argues that the UK, the US, Australia and Canada all propagate as the rarely stated foundation of their sovereignty the *right* to exclude outsiders (but not refugees) and thus to uphold that very feudal privilege. Joseph Carens argues birth in a Western nation is the equivalent of feudal privilege²¹ - it is an entitlement which is not earned – but that it is tolerated. The tolerance of that privilege clearly represents the maintenance of an inequality, yet it is not felt as such. Those nations, to varying degrees, laud an idealized refugee as the *legitimate* recipient of inclusion (even as they deter many of them in

²⁰ Gibney, M.J., Hansen, R. & Research, W.I. for D.E., 2003. *Asylum policy in the West: Past trends, future possibilities*, World Institute for Development Economics Research, United Nations University, Helsinki.

²¹ See Dauvergne 1999: 598, note 1

practice) and must balance that glaring contradiction. I focus on the UK and Canada empirically, and draw liberally on secondary sources from Australia and the US because all of those countries' migration laws are founded on a conception of liberalism which makes migration an *amoral* (not immoral) issue; it is beyond the bounds of normative justice and thus maintaining the *right* to migrate only makes sense when the need to move follows from persecution, not desire. Most assent to the idea that the obligation to accept refugees operates only at the margins of an otherwise 'justifiably closed community.'²² The construction of a territorial community would seem to be in contravention of liberalism's central *ethos*; equality among individuals. Liberal theorists such as Donald Galloway demonstrate that equality appears not as important as maintaining the right to exclude by asserting that one could never assert a *right* to movement because that movement would impinge on the right of others to 'actualize their freely chosen imperatives.' Such an assertions clearly privileges the national subject/population as one whose "freely" chosen imperatives supersede those of the outsider. Yet as Dauvergne²³ argues, there remains a public sense that to end *all* migration would represent an *injustice*, even as such policy would be permissible within the law; it would technically be "just" (as long as it did not return subjects to persecution and respected asylum-determination procedure). This dynamic features as an example of the way in which justice-as-ideal haunts the actual workings of justice²⁴.

²² Dauvergne 1999: 603

²³ Dauvergne 1999

²⁴ See Derrida, J. & Dufourmantelle, A., 2000. *Of hospitality*, Stanford Univ Pr.

In Canada, the US and Australia the institutionalization of racism took the form of the imposition of white administrators who, to varying degree, radically altered the non-European ways of life and epistemologies they were charged with managing and subduing. Britain's role in that enterprise was central. All benefited from slavery and other forced migration, and all have apologized (some more fulsomely than others) for their parts in those endeavours. With such apologies comes the possibility that complicity in the forced movement of poor migrants might be falsely located in a past that has gone, rather than a present that is still operative, and that an apology might stand in as a poor excuse for justice²⁵. Resting under the signifier "metropolitan" they define themselves against a poorer fringe whose inhabitants provide labour, but also angst insofar as they disrupt national economies and imaginaries. The North American countries situate themselves against a Latin American and East Asian fringe that produces much of their consumerables, yet which also produces migrancy that poses a professed threat. Europe against North Africa and the Middle East; Australia against East and South East Asia. Di Giorgio²⁶ situates the increase in punitive measures used against migrants in the West as part of a distinct lineage of measures used by the capitalist state to mitigate against the production of the "dangerous classes" constantly generated by capitalism itself as a by-product of its moments and movements of creative destruction'²⁷ which includes everything from "taking land..., enclosing it and expelling a resident population to create a landless proletariat" (Harvey, 2005: 149) to the consolidation of a global economy based on de-

²⁵ Schaffer, K. & Smith, S., 2004. *Human rights and narrated lives: the ethics of recognition*, Palgrave Macmillan.

²⁶ De Giorgio, A., 2010. Immigration control, post-Fordism, and less eligibility. *Punishment & Society*, 12(2), p.147.

²⁷ Schumpeter, J.A., 1942. *Socialism, capitalism and democracy*, Harper and Bros. cited in Di Giorgio, 2010: 149

territorialized fluxes of production and consumption.'²⁸ The physical incarceration of migrants and the virtual closing of the border to them enforce a geographical split between centre and periphery, discouraging other citizens on impoverished regions from taking it upon themselves to move. Yet it also produces docility in the national population insofar as the spectre of a society to be defended through the imprisonment or interdiction of subjects who are the victims of an accident of birth marshals those citizen subjects to the cause of the nation, installing a convenient split between inside and outside; a dynamic that has led David Theo-Goldberg to term the modern state 'the Racial State. '; the crystallization of a liberalism which normalizes and naturalizes racist exclusions.²⁹ In the presence of a history and present of undeniable exploitation, revisionist histories are important in all countries. The US and Canada propagate the myth that they logically cannot practice European racisms because their countries were built on an openness to immigration; the UK, as Sarah Ahmed points out, engages in the myth that the country is, and always was, always-already multicultural because of the presence of non-white bodies in its societies and its participation in the internationalization of labour³⁰. What none of those states acknowledge publically (or at least, very rarely) is the possibility that selective immigration policies (which undeniably prejudice refugees, both materially in terms of interdiction, and symbolically in that the poor, Southern body is constructed as waste) produce regimes of inhumanity by their producing the body from the Global South as one who will do the jobs that are constructed as not good enough for citizens of the Minority World. For evidence of this one only need to consider the permissibility in all of those societies of attempting to

²⁸ Di Giorgio, 2010: 150

²⁹ Goldberg, D.T., 2002:1. *The racial state*, Wiley-Blackwell.

³⁰ Ahmed, S., 2008. Multiculturalism and the Promise of Happiness. *New Formations*, 63, p.121-137

attract skilled migrants and ensuring that the unskilled are not welcome. In that dynamic the violence that is implicit in producing the value that follows from keeping low-skilled bodies in place is rarely accounted for. In all those societies national subjectivity is made on this basis: that the exclusion of migrants that do not augment national productivity or who actively threaten it is *right*, and that the exclusion of genuine humanitarian refugees is *wrong*. This “central myth” is only tenable at the level of idea, because injustices are created via the exclusion of low-skilled migrants, and refugees are comfortably excluded from those states in the interests of order; often with little concern with what is *right*.

The British scene – with which I am most familiar – sees stark inequalities emerge for refugees throughout the asylum-determination procedure and beyond³¹. Asylum-seekers in the UK wait around six months for a decision on their claim and during this time are prohibited from working. Matthew Gibney argues that since the 1990s a raft of measures have been introduced to make the lives of asylum-seekers in the UK uncomfortable.³² In 1996 the Asylum and Immigration act ‘removed welfare benefits from asylum-seekers who made their claim for asylum only after their arrival in the UK,’ thus penalizing individuals who often arrive amidst confusion. The act also enabled the easy deportation of asylum-seekers who had passed through a safe third-country but had not made their claim there, thus disavowing refugees’ choices in attempting to move where they desire. The 1999 Immigration and Asylum Act ensured that asylum-seekers only receive welfare at 70% of the rate for a British national and replaced cash benefits with a voucher system which

³¹ Melanie Gower, senior Researcher in the Commons Library covering asylum, immigration and nationality issues argues that ‘People who have exhausted the asylum and appeal process but have not left the UK (often referred to as ‘failed’ asylum-seekers) have very limited support options and may become homeless and destitute in the UK.’

³² Gibney, Matthew J. *The Ethics and Politics of Asylum*. Cambridge: Cambridge University Press, 2004.

immediately identifies asylum-seekers as such when they pay for groceries and limits the shops they are permitted to patronize³³. The 2002 Nationality, Immigration and Asylum Act removed the right of asylum-seekers to work and to receive statutory English tuition, and removed government support to ‘those asylum-seekers who had failed to make an asylum claim “as soon as reasonably practicable” after arriving in the UK.’³⁴ The British government no longer pays asylum-seekers with back-dated benefits cheques, instead replacing that system with an “integration loan.”³⁵ The ‘Still Human, Still Here’ group, a coalition of 40 organizations, of which is the British Refugee Council (the ‘leading charity in the UK working with asylum-seekers and refugees’³⁶) is one, argues that British policy regulating asylum-seekers enforces destitution and ‘is inhumane and ineffective.’ If asylum-seekers’ claims fail and they are still unable to return home they have no legal right to work, to receive free healthcare, or to receive housing unless they exhibit a willingness to return home as soon as possible, the demonstration of which takes the form of submitting oneself and one’s family to residence in a detention centre. “Thousands of people from Zimbabwe and Sudan have been...refused asylum [and] left destitute, prohibited from working and unable to safely return.’³⁷

³³ Stewart, E., 2005. Exploring the vulnerability of asylum-seekers in the UK. *Population, Space and Place*, 11(6), pp.499–512.

³⁴ Clements, “Asylum in Crisis, An assessment of UK Asylum law and policy since 2002: Fear of Terrorism or Economic Efficiency” [2007] 3 Web JCLI. Available at: <http://webjcli.ncl.ac.uk/2007/issue3/clements3.html> [Accessed August 29, 2011].

³⁵ Wren, K., 2004. Building Bridges: Local responses to the resettlement of asylum-seekers in Glasgow. *Scottish Centre for Research and Social Justice*.

³⁶ Anon, Refugee Council | Home | About us. Available at: <http://www.refugeecouncil.org.uk/about> [Accessed August 30, 2011].

³⁷ Still Human, Still Here, 2009:4

Attempts to stop asylum-seekers arriving and their characterization as manipulators of a system (and subverters of a queue) that is fair seems a harshness seems manifestly unjust under conditions in which ‘the asylum determination system still gets a quarter of its initial decisions wrong...[I]n 2008, more than 40 per cent of Eritreans and Somalis appealing against the refusal of asylum won their case.’³⁸

1.2 Indignation

Perhaps that disparity explains why for some being tough on asylum makes no sense. Melanie McFadyean³⁹, asylum-seeker advocate and regular contributor to *The Guardian* on asylum issues, writes of an attitude pervasive within British government and administrative institutions which is hardened to the plight of refugees:

Imagine starting from the position that a small number of the world’s refugees are arriving here, fewer all the time, and many from countries the UK has a hand in screwing up. Let’s do everything we can to accommodate them and find them roles in our community. If you sat the policy makers and politicians round a table and put this to them they’d think you were away with the left wing fairies, it would be clouds and cuckoos.⁴⁰

McFadyean’s exasperation with policy makers derives from the sense that it seems far more *sensible* to welcome refugees than to treat them badly especially when one considers the role of the UK in producing refugee flows via its misadventures in the Middle East. Moreover, her dissatisfaction makes with the war on humanitarianism makes perfect sense under a contemporary ethos which professes the triumph of the human rights paradigm, at

³⁸ Still Human, Still Here, 2009:3 ‘At the end of the line: Restoring the integrity of the UK’s asylum system’, assessable at: <http://stillhumanstillhere.files.wordpress.com/2009/01/at-the-end-of-the-line-2010.pdf> [accessed 30/08/2011]

³⁹ ‘Melanie McFadyean’ *The Guardian*, 2011 <http://bit.ly/pQblQZ>

⁴⁰ Poliblog: Refugee Council Online ‘Melanie McFadyean: the challenge of changing public and political attitudes to asylum’. Available at: <http://bit.ly/fsaOlo> [accessed 25/08/2011]

least in those developed countries commonly imagined as refugee-receiving (yet which actually receive less than their fair-share of refugees). What makes sense as an idea – we should welcome refugees – cannot make sense in practice for two reasons. Firstly, Western governments find political gain in being tough on migration in general, and facilitating asylum-seeker movement provides access routes to economic migrants who would present themselves as asylum-seekers. A by-product of that toughness is that asylum-seekers appear as criminal because they must arrive in covert fashion to avoid governmental interdiction. Though individuals petitioning the state are participating in a process *created* by the law, their housing in detention centres which closely resemble prisons can hardly be expected to convince the public of their legality. Secondly, as Bonnie Honig⁴¹ argues, deliberating on the place of outsiders – how many, of what “type” – has a rhetorical effect in that it situates the nation-state as the entity to be protected *par excellence*; it nationalizes democracy to the extent that focussing on including the right individuals and excluding the illegitimate allows the character of the society that is being defended to fall away; it allows a deliberation on the political valence of the defended object to fall away. Ghassan Hage⁴² notes the subjective effects of such a focussing around the nation, arguing that national subjects – typically white ones in the settler society, Australia, he studies – are asked to embody that nation through calling them to deliberate on the issues of inclusion and exclusion. The subjective formation that emerges is one of the *super testis* – the national subject emerges as one implicitly morally absolved because of his or her abstraction from

⁴¹ Honig argues that perpetuating a myth that America is welcoming to immigrants situates the immigrant as implicitly enriching America and this ‘serves to secure the very identification of democracy with the nation-state that widespread immigration might otherwise call into question.’ Honig, B., 1998:3. Immigrant America? How foreignness “solves” democracy’s problems. *Social Text*, (56), pp.1–27.

⁴² Hage, G., 1998. *White nation: Fantasies of white supremacy in a multicultural society*, Psychology Press.

the situation – rather than one attendant to his or her complicity in affecting the lives of others.

Population lobby groups legitimate such anti-poor migrant and anti-refugee sentiment by portraying them as the logical position to take in light of the science of demographics⁴³. On the websites of such groups, such as the UK's Migration Watch the desire is exhibited to reduce immigration to 'sustainable' levels and to efficiently eject those in the UK 'illegally.'⁴⁴ Such injunctions appear not to be associated with a xenophobic will. While such groups generally make little explicit challenge to the *right* to seek asylum they use the unfettered immigration they see to argue for the adoption of an "Australian style asylum-policy"; one associated with the evasion of national law and of the detention of asylum-seekers during their claims. The *demographic* worth of the poor-migrant allows such groups to argue for restrictions on the right to seek asylum. Well-meaning attempts by advocates to include refugees on the same basis – "they do the jobs we don't want to do!" and the such-like – play a dangerous game in tying the respect of a right (a universal human right no less) to economic value.

When apparent asylum advocates argue that refugees are, in fact, good for the economy, they run the risk of making value the criteria for inclusion, rather than challenging the construction of refugees as individuals that should be subject to economic rationality. Calls for contribution do, however, speak to the practice of hospitality in societies in which ownership of property functions as a foundation of political subjectivity. If any subject is

⁴³ From the website of the UK's *Migration Watch*. <http://bit.ly/cLpwd> What this means, is even stronger deterrence via detention, and the off-shore processing of asylum-seekers to avoid the state's legal obligation to them.

⁴⁴ <http://bit.ly/p17tbk>

given a symbolic position as 'owner' of the national house, and told that its resources are finite and crucial to her existence, exclusion becomes a virtual *fait accompli*.⁴⁵

I am thus keen to shift the political terms of this inquiry away from an argument *for* refugees to an argument that asks what the refugee *can be*; how the refugee is made to appear to the subjects that are summoned to welcome or to exclude her. If the refugee is known through the inconsistencies and over-laps between legalistic, academic, and popular modes of knowing, then he or she is not the self-same subject in reference to those apparatuses and the spaces they constitute. To illuminate the material foundations of those apparatuses may allow their reconfiguration without portending to transcend them; they do, after all, provide the means for the self-constitution of the citizen, a category to which most of us find ourselves either belonging to, or wanting. Through that method, the question will be shifted away from one that is "about" the refugee herself and instead the refugee – as the product of relationalities *between* subjects and through the mediums of incongruent fields of knowledge – will *become* a relentless question itself; a question neither confined to the refugee body or the refugee subject position, but found in the relation between nationals and the idea of the outsider.

The question of what to give to, or how to treat the refugee, is always-already a question of the national economy vis-à-vis *the outsider*; the one who is not yet known; the one who may be a potential threat or benefit to the nation. The question of the refugee is a difficult one to contour precisely because the practices by which we relate to refugees are the practices of relating to the unknown; of giving value to subjects that, in the moment, are but

⁴⁵ Derrida, J. & Dufourmantelle, A., 2000.

potentialities. One might argue that “*refugees* are deserving” yet that statement would only to a great extent, aspirational, because the reality of interdiction attests to the *negative* valuation of the refugee (and to the greater value of securing the border from unknown others than ensuring openness for refugees). Liberals such as Michael Waltzer would have is that the construction of such exclusions – the reticence to opening up the nation(al body) to the unknown Other – is the result of natural national affiliations,⁴⁶ yet geographers working on issues of race, entitlement and national space situate that defence of community quite differently. For Hubbard in the UK there exists a resistance to the presence of asylum-seekers in communities that are marked as quintessentially British. Such resistance commonly erases differences between asylum-seekers and refugees, constructing them as members of an undifferentiated group ‘with an invisible history...culturally unsophisticated, sexually backward and impure.’ Hubbard⁴⁷ argues that such constructions work to create an unmarked culture, implicitly foregrounding the white-British population as the opposite of the alien other; civilized, pure and unmarked. In this spirit in chapter 2 I attempt an examination of the constitution of the refugee summoned by Canadians in response the arrival of nearly 500 asylum-seekers to their shores. The case highlighted the importance of the *appearance* of refugees rather than their characters in modulating the response which belies the myth that natural affiliations are at the root of the disavowal of asylum-seeker rights. In the panic that followed support for the right to seek asylum evaporated. That moment showed how a fear at impingement by

⁴⁶ Walzer argues that access to the nation must be controlled because if it were not, the nation, and the values it stands for would cease to be. National subjects are justified in exercising their free will to include subjects that seem more like them, and to exclude those most different. See note 14, p612 in Dauvergne, C., 1999. Amoralism and humanitarianism in immigration law. *Osgoode Hall LJ*, 37, p.597.

⁴⁷ Hubbard, P., 2005:63. Accommodating Otherness: anti-asylum centre protest and the maintenance of white privilege. *Transactions of the Institute of British Geographers*, 30(1), pp.52–65.

the unwelcomed other precipitated a rescripting of the law, not in the interest of justice, but in the interests of the population.

The summoning of the population necessarily implicates the citizen in the future of the refugee and thus a deconstruction of the possible relations that I, as a citizen-subject, can have with refugees is of central importance. It seems important to consider that a reluctance to include refugees is accompanied by a faith that in the West the human rights culture has prevailed.⁴⁸ It is possible to make allusions to the generosity of a people⁴⁹ when that generosity is predicated on *not* being generous to the masses; when the feudal privilege identified by Joseph Carens proceeds.⁵⁰ A restricted geographical imagination allows governmental actors to portray the border as effecting security, without accounting for the necessary precarity produced outside and within⁵¹. In this light I would like to ask what a grounded, materialist empathy would look like with respect to refugees. That is, not a feeling measured by the strength of its emotion (something like sympathy with which empathy is routinely confused) but in terms of its ability to account for the materialities of exclusion which because they produce us in relation to the “insecuritization” of unknown others, render us *responsible* in a way that verges on culpability. Expressing an understanding without concurrent changes in action can clearly represent an affront to the victims of injustice, yet when unknown others (partially) emerge as objects of concern –

⁴⁸ Ignatieff, M., cited in Ong, A., 2006:197. *Neoliberalism as exception*, Duke University Press Durham, NC.

⁴⁹ See Home Office, 2001. *Secure Borders, Safe Haven: Integration with diversity in modern Britain*, and Home Office, 2004. *Integration Matters: A national strategy for refugee integration*.

⁵⁰ Carens, J.H., 1987. Aliens and citizens: the case for open borders. *The Review of Politics*, 49(02), pp.251–273. Cited in Dauvergne, C., 1999. Amoralism and humanitarianism in immigration law. *Osgoode Hall LJ*, 37, p.597.

⁵¹ James Sidaway (p4) points out that securing the safety of citizens of the ‘Atlantic Powers’ that use the logic of security to justify their interventions in their ‘arc of extremism’ is coupled with enhanced ‘insecurity for many: those non-combatant victims on the receiving end of the war on terror in Afghanistan, Iraq and elsewhere’. Sidaway, J.D., 2008. The dissemination of banal geopolitics: webs of extremism and insecurity. *Antipode*, 40(1), pp.2–8.

especially when situated within the machinations of bureaucracies that are *necessarily* impersonal – a “full” understanding will never be possible. Thus empathizing with – in the case of the excluded migrant at least – must come with a critique of self, and in the knowledge that it is unethical to situate the answer to empathy as one of the accumulation of knowledge in the pursuit of a final understanding. It must be tentative. I read an attempt to craft a positive global empathy that seems to situate the outsider – the one with whom we have no bonds of kinship or nation – as its archetypal subject, to ask after its potential to provide an ethic of care along those very lines. This ethic of relation seems to transcend the parochialisms that inform British and Canadian “NIMBYism”⁵² and evaluating its portention to unlimited *inclusion* will provide a lens for better evaluating exclusion.

1.3 Empathy

In the Royal Society of the Arts (RSA) ‘Animate’ video, *The Empathetic Civilization*,⁵³ ‘social and ethical prophet’ Jeremy Riskin provides a view of empathy as a panacea for society’s ills. This rallying call is interesting for those concerned with refugee matters for two reasons. Firstly his vision of political futurity rests on the abandonment (or at least the diminished importance of) national, kinship, and ethnic affiliations, while calling for a globalized empathy with a subject that remains largely unclear. As such the discourse seems to offer a palliative to the xenophobia and self-interestedness that underpins the anti-outsider sentiment which allows for the exclusion of refugees. Riskin’s decision not to

⁵² *Ibid*: 52 ‘Simply defined, NIMBY (‘Not in my backyard’) protests are locally organized campaigns opposing a locally unwanted land use...[A]n emerging literature suggests such campaigns of opposition are often intended to maintain the privilege of *white* spaces...As such NIMBYism has been identified as a significant manifestation of ‘environmental racism’ – the series of structures, institutions and practices which may not be intentionally or maliciously racist, but which serve to maintain the privileged status of white spaces (Cutter 1995; Pulido 2000).’

⁵³ Anon, 2010, *RSA Animate - The Empathic Civilisation*, Available at: <http://bit.ly/aBp6Bn> [Accessed August 25, 2011].

precisely contour the subject of his discourse signals the second importance. The subject without a content parallels the subject of human rights that is criticized by post-humanists for reproducing the conceit that we can know ourselves *outside* of signification and of our mutual construction. This subject is also critiqued by theorists of political subjectivity such as Hannah Arendt, Giorgio Agamben, and Slavoj Žižek for failing to provide an ‘element which...disturbs the balance of all’⁵⁴ where the “all” is the universality of the *nationalization* of political subjectivity. In their view the notion that more effort is needed to uncover the ontology of the human is an absolute misnomer because it is precisely the giving of content to the human which enables an outside to be violently purged. Following Lisa Malkki⁵⁵, constructing the ahistorical subject “human” in this regard bears all of the problems of constructing the ahistorical character “refugee”: all that is specific slips away and we are conditioned instead to respond to subjects’ apparent congruence with fictive tropes rather than in networks that implicate us in the specificity of the suffering of others.

Riskin asks us to move away from localized empathies towards a biospheric empathy so that no less than the destruction of the planet may be averted. He crafts his argument with powerful recourse to science: a research primate seeing a human eating a nut has the same neurological response as if it were eating it. Thus, we are ‘soft-wired...with mirror neurones’ which demonstrates that we are not ‘soft-wired’ for ‘aggression, violence, self-interest [and] utilitarianism...we are actually soft-wired for sociability, attachment, affection, companionship and that the first drive is the drive to actually belong – it’s an

⁵⁴ Slavoj Žižek - Human Rights and Its Discontents. Available at: <http://www.egs.edu/faculty/slavoj-zizek/articles/human-rights-and-its-discontents/> [Accessed September 2, 2011].

⁵⁵ Malkki, L.H., 1996. Speechless emissaries: refugees, humanitarianism, and dehistoricization. *Cultural Anthropology*, 11(3), pp.377-404.

empathic drive.’ Just as the figure of the human as a subject of rights allows us to feel that we are part of a community in common, rather than experience the reality of difference – of ideological contestation and the presence of wildly variant forms of life – I argue that simply *feeling* that we are in the shoes of another should be rejected as of essential good. It requires thorough contextualization. One might point out, for example, that alternative popular theories of relationality argues that *too much* empathy with the subjects of violent video games, or with the actors in misogynistic pornography, leads to the undesirable replication of such behaviours. Riskin gives no rationale for why such an empathetic neurological response might be more ‘primary’ than the neurological response achieved when exerting *power* over another; when enacting *violence* against another or when *misunderstanding*.

Mindful of changes to forms of consciousness through history he asks whether ‘we can extend our empathy to the entire human race as an extended family and to our fellow creatures as part of our evolutionary family and to the biosphere as our common community.’ If we can’t imagine that, ‘we’re not gonna make it.’ Here civilization and empathy are virtual synonyms; more empathy, more civilization; undeniably positive. For him, the problem of inter-tribal conflict *before* mass communication owed to the lack of widespread communication, for when it was only possible to empathize with people of a small area, the next tribe in the ‘next valley’ was the ‘alien other.’ What would be easily conceived of as racist if argued with respect to violence enacted during Western colonization of Africa and the Americas – “we didn’t know enough; they were alien; violence naturally ensued” – is, because anchored to virtual pre-history, given a veneer of respectability. Riskin contends that the development of script allowed ‘us’ to extend our

empathy and 'detritalize'; replacing those blood-ties with civilizations of empathy based on religion. While clearly "real" those empathies are named 'fictions.'

Next the extension of markets following industrialization created the empathetic units of nation-states. 'Why stop here?' he asks: Couldn't our technologies allow us to 'connect out empathy to a single race writ large in a single biosphere?' We need not fret, for this is already happening: After a recent earthquake in Haiti 'within three hours the entire human race was in an *empathic embrace coming to [their] aid*' He argues that if we were, as the '*enlightenment philosophers suggested materialistic, self-interested, utilitarian, pleasure-seeking, it couldn't account for the response to Haiti.*'⁵⁶

Yet training the viewer to respond to the subject on the verge of death risks desensitizing her to other problems⁵⁷. As Jenny Edkins points out we have a proclivity to construct those we help as *uniformly* innocent and deserving⁵⁸. Implicit is that we only *naturally* relate to those that we share common features with – nation, race, blood etc – and thus a discourse of bare humanness is necessary to mitigate against the violence that such exclusivities entail. Riskin's discourse both conceals tangible relations of mutual co-constitution that entangle us in the lives of others in far more complex and interesting ways than a notion of abstract shared humanity portends, *and* acts to block the development of ethical paradigms that might craft responses that are attentive to others *in spite of* the absence of commonality. The idea of an abstract humanity as the basis of a universal empathetic civilization is impoverished at effecting regimes of care when compared with thoroughly

⁵⁶ My emphases

⁵⁷ Marcy Corps. 2005. The Pitfalls and Consequences of Development 'Pornography'. Available at <http://bit.ly/pZB2pb>. [Accessed 25/08/2011]

⁵⁸ Edkins, J., 2003:256. Humanitarianism, humanity, human. *Journal of Human Rights*, 2(2), pp.253–258.

acknowledging that the exclusion of unknown outsiders directly contravenes normative equality and that the exclusion of those outsiders is not done because of natural affiliations but because of a desire to maintain the status quo of the inside at the expense of the outside. Against such acknowledgement, the search for a universal human condition resembles exactly what it is; an excuse. Excuse it is, because it portrays the maintenance of inequality as the result of not being privy to the facts; of unfortunately residing “in the next valley.”

The imperative must be to subject Riskin’s discourse to empirical validation. With respect to refugees, circulating stories of suffering in order that we might empathize can surely only solve a rare and narrow problem; the problem of the subject ignorant of the fact that refugees need help. Yet we already *know* this⁵⁹. Riskin situates empathy as liable to increase following the improvement and extension of communication networks. Yet such an instrumentalist view of communication does not address the problem of *ideology*; that it is not a failure to know the unknown that allows violence and abandonment, but the way in which we “know the known.” A specific example of national subject-refugee relation brings this problem into stark relief.

A recent Australian documentary sent six Australians, four of whom were self-professed advocates of accepting fewer refugees and who viewed the arrivals of boat-people as especially problematic, to experience a refugee’s journey in reverse. They began in

⁵⁹ Cf Zizek’s critique of the apparently revelatory moment of Wikileaks: what we already knew was portrayed as hitherto unknown to the detriment of critical examination. Slavoj Žižek · Good Manners in the Age of WikiLeaks: Gentlemen of the Left · LRB 20 January 2011. Available at: <http://www.lrb.co.uk/v33/n02/slavoj-zizek/good-manners-in-the-age-of-wikileaks> [Accessed September 3, 2011].

resettlement areas in suburban Australia, travelling next to areas where refugees await transit; to Jordan, Indonesia, and Kenya, and ending in the refugee-producing states of Iraq and The Congo. Raye, a horse-breeding country dweller is introduced to the viewer in the expansive grounds of her farm overlooking a refugee detention centre. She gleefully tells the camera that she could walk over “and shoot every one of them.” Later, when introduced to a refugee family who she stayed with on the first leg of her journey and hearing of the wife’s loss of a child due to poverty in a Kenyan refugee-camp she breaks down crying, telling us that “I had no idea that it was so bad.”⁶⁰ Apparently her *idea* has changed. The refugee that she thought she knew, and who she marked as a legitimate target for violence, has been replaced by the “*real*” refugee who suffers for the lack of what we all take for granted. The viewer readily attributes her lack of empathy in the former instance to the deficiency in her *ideas* about refugees’ plights in the latter: If only she had *known* about such tragedy, she would not have held such despicable views about refugees in the first place. While both responses to refugees seem to have been made in good faith, their stark difference cannot be explained by her lack of *knowledge*; of an absence of the right idea, for if there is one thing we know in this era, it is the cliché that “there are starving children in Africa”. While Raye’s change in attitude is immediately positive, marshalling refugee stories that evidence great suffering to affect the citizen-subject is problematic because it promotes the idea that it is legitimate to hold anti-refugee sentiment unless and until one has been enlightened via intimate experience of refugees’ plight. Interestingly it is the tragic loss of the woman’s child in relation to Raye’s difficulties conceiving that convinces Raye, not just that *this refugee* is deserving, but that the *situation* that refugees find

⁶⁰ SBS, 2011. ‘Go Back to Where You Came From’ Part 1. 6:18 and 21:30 respectively

themselves in warrants a different attitude (by the end of the show she cannot believe that she expressed violent attitudes towards *those* refugees located in the detention centre that borders her property). Her apparent enlightenment mirrors the subject that Riskin summons; one gradually being awakened to his or her common humanity through incremental increases in information that enable our empathy. Yet if we all *know* that babies just like hers die every day for lack of medication then is not the search for empathy with such subjects not a barrier to justice in the sense that it does not address why that knowledge is not enough? Is not the most pertinent issue to understand why knowledge has such little effect on us when our interests are served by ignoring it? That would seem the more ethical option, for the alternative is to enlist third-world subjects to ceaselessly perform their depravation for us. And then, of course, there is the remainder; the mothers whose babies did not die; who had *just* enough. The question of what we feel others should endure still remains in a world populated by a few exceptionally innocent victims. Smith and Schaffer argue that ‘the purposeful repetition of stories of suffering often produces what might be called an “ur” narrative of victimization’⁶¹ because the stories that garner the most affect – that effect the most empathy – are necessarily the ones where the subjects are *clearly* victims; have experienced the greatest suffering; and can be *identified-with*.

Perusing affective experiences as the foundation of our coming politics forgets that the subject is not a representation of individuals but an articulation of power; there *always* exists a mismatch between any claim about a category of person (subject position) and

⁶¹ Schaffer, K. & Smith, S., 2004:45. *Human rights and narrated lives: the ethics of recognition*, Palgrave Macmillan.

subjectivity (the way we feel we were, are, and will be).⁶² Asking the refugee to speak the truth of herself to Western subjects lacking in empathy forgets that it is the structures of knowing employed by those subjects that renders the truth so difficult to tell. Moreover, it implies that the interested machinations of sovereign violence which are tolerated by Western subjects are caused by a failure of knowledge rather than as acts for which those subjects must admit culpability and which happen *inspite* of knowledge that they should not. A more productive approach, I will argue, is to ask what can be done to provoke empathy with outsiders *without* having to know stories of them that confirm them as refugees. This question of empathy resonates with problems of defining refugees. It is *easy* to empathize with the refugee who has experienced suffering that resonates with the objective materialities of the west which stand ready to be affected by it. Yet the problem of whether to empathize with the poor, Southern migrant who *chooses* to travel to the West is a much more difficult question; a question intrinsic to the future of the refugee because when the emptiness of human rights without nations to guarantee them is revealed the discourses that rush to value the refugee body are precisely the same discourses that produce the outsider as unwanted; as waste. The key means by which we are called to relate to outsiders – the rubrics of value (refugees are worthy) and volition (they did not

⁶² I think here of Foucault who in the first volume of *The History of Sexuality* (Foucault, M., 1978. *The History of Sexuality, Volume 1: An Introduction*, trans. Robert Hurley. *New York: Pantheon.*) furnishes us with a number of categories; subjects, he calls them. Take the hysterical woman. He shows us that we cannot *but* think of women who possess the characteristics of that category through the rubric of the singular. By virtue of the circulation of that powerful trope *particular* women are called into discourse as hysterical women. Thus 'the hysterical woman' is not exactly the property of the woman it names, yet neither is it fully divorced from her, for by virtue of the opportunities for living it gives, it sustains her. In this sense the power of the category is not as a 'held' *idea*, but arises in the instance of citation. Thus the trope may be more or less operative in different times, and in different spacings. There may be zones in which it is queered through parodic redeployment, or displaced by another, more powerful figuration (See Butler, J., 1990. *Gender trouble: Feminism and the subversion of identity*, Theatre Arts Books.)

choose to come) – cannot provide universal inclusion because of the constitutive outsiders that they must maintain.

Refugees that appear to represent the positive sides of those different schemas of valuation do not trouble the national symbolic are of value to the advocate because they marshal exactly the empathy that is desirable and those who display their desire not to have desired to move garner the most public sympathy. As Valentino Achak Deng tells us in Dave Egger’s book, *What is the What?* once the “Lost Boys” of The Sudan realized the affective capital garnered when some of their number (the minority) told stories of their being stalked by lions during their walk to refuge in Kenya, *every* young man realized that he should tell such a story to justify his place in the US. As such, the accomplishment of advocates (and refugees themselves) in imbuing the refugee body with value by lauding her as a worthy subject works to the detriment of the migrant that chooses to move and of the refugee who feels that her suffering is matter that is best not divulged.

1.4 Value

The European Council for Refugees and Exiles (ECRE) demonstrates the necessity of exclusion within any statement of inclusion. ‘ECRE is a pan-European Alliance of some 70 organisations in 30 countries, working to protect and promote respect of all individuals seeking asylum in Europe.’⁶³ It promotes ‘the protection and integration of asylum-seekers, refugees and internally displaced persons (IDPs) based on values of human dignity, human

⁶³ ECRE Website <http://bit.ly/pF37KD>

rights and an ethic of solidarity.’⁶⁴ Their ‘Refugee Stories Project’ appears as a key part of their effort to promote solidarity, featuring stories of the journeys, and difficult settlement, of some 40 asylum-seekers and refugees.

Each story is unique but is told against the background of the EU's efforts to develop a Common European Asylum System (CEAS). *The Council* supports the creation of [a common system], but only if it leads to good standards of protection that are in line with international and European refugee and human rights law. For this reason, we wish to present these stories to the public, to raise awareness and spark an informed and balanced discussion on the issues.

The stories bear a common theme; the absence of *choice* as a factor in their subjects’ movement. Subjects appear as having had no desire to flee to Europe especially (indeed, two of the 40 thought that Europe represented one country), but as having done so because of the availability of passage or because of the presence of family. Demonstrating the lack of volition in orchestrating flight is done either through a direct quotation from the refugee in question, or through giving a description of the terrible conditions from which he or she fled. Following Sidonie Smith⁶⁵ one might argue that circulating stories of suffering contributes to ‘the reification of the universalized subject position of innocent victim, and the displacement of historical complexity by the feel-good opportunities of empathetic identification.’ The peril in circulating the position of the non-volitional refugee as the legitimate subject for inclusion is that it creates a public appetite to respond to refugees in that image. All of the stories also reiterate the refugee as a subject willing to contribute and work hard. Yet focusing on individual stories of willingness to work is problematic if not accompanied by an examination of the structures that allow some individuals to partake in

⁶⁴ EurActiv Jobsite <http://bit.ly/qEwBMS>

⁶⁵ Schaffer, K. & Smith, S., 2004. *Human rights and narrated lives: the ethics of recognition*, Palgrave Macmillan.

the formal economy. Stressing refugee self-reliance and tenacity offers up the refugee subject who has no *special* need for state-assistance; stating that refugees are no burden and *thus* should be accepted reinforces the idea that the ideal subject is *not* a burden on the state; that self reliance is desirable. As such, such positions are complicit with the retraction of state service provision liberal-democracies. Lauding the tenacious refugee who easily fits in contributes to the myth that everyone *can* and *should* fit in; that not-fitting-in can be a viable praxis. The politics of reading such stories must be central and thus they do not only 'inform debate' but lead it in politicized directions. The story of Roza, a tenacious Chechen refugee who, instead of moving to the more prosperous Western Europe remains in Poland, the first European country she arrived in, and who works hard in gratitude of what that state has to offer immediately refutes the common negative stereotyping of refugees in Europe as motivated by self-interest to travel to the state with the softest "touch." Yet stories such as hers do damage to the refugee who arrives and appears ungrateful; who cannot (or does not want to) work hard⁶⁶. We are left with no examination of the "ingenuine" refugee; the one who scams the system. Yet stressing the presence of a multitude of ingenuine asylum-seekers "at the gate" is a common means of justifying the very immigration and asylum laws that lead to public confusion about the right of asylum-seekers to move in clandestine fashion to the West. But the presence of such bodies is at least in part the function of the poverty of a periphery that provides attractive locations for the recycling of Western capital; the poverty that this produces finds itself returned to the metropole in the form of economic migrants. Under such

⁶⁶ Though refugees portrayed in ECRE's stories are often exasperated by the seeming immovability of European Asylum-Bureaucracy, none are critical of Europe's peoples, or of individual nations. James DerDerian points out that new-immigrants are unlikely to challenge state authority especially if gaining refugee status is dependent on portraying oneself as the state's ally. Derian, J.D., 1998. God Is an American. *Social Text*, (56), pp.37-40.

conditions, training the inhabitants of Europe to be on the look-out for refugees whose journeys were forced by flight from terror conveniently trains them to recognize that apparently volitional movement illegitimate. It is the logical necessity of the exclusion of *this* outsider, squarely within the terms of the law that allows for the “genuine” refugee to be given a seat at the table – indeed, for genuineness as a concept to be produced – and thus refugee advocacy groups and anti-migrant groups (as long as not voraciously anti-refugee) make logical bedfellows. The common refrain about refugees, “they do the jobs we don’t,” surely gives the ultimate lie to the fantasy of a global empathetic community: if they’re just like us, why are we happy for them to do what we would never?

1.5 Approaching Research With Refugees

My focus is always to ask what will to knowledge evidenced in particular proclamations of knowing the refugee, and to identify what subsequent remaking of national subjects and refugees becomes possible by virtue of that claim. As such, this approach is part of turning the Orientalist gaze “within”; a part of deconstructing the Occidentalism that structures the gaze ‘out’ towards the Other. I do not want to excavate the truth of refugees, but ask how the refugee as such comes to matter in any particular subject-summoning. Edward Said and Joan Scott⁶⁷ assist me to ask after the constitution of my occidental gaze and to consider what lies ‘behind’ an apparent revelation of the “truth” of experience. Both theorists show that in understanding systems of thought, the subject of concern cannot be, strictly speaking, the content of individual consciousnesses; because the content of any mind is a

⁶⁷ Scott, J.W., 1991

function of 'the experience of an objective materiality'⁶⁸. To change those beliefs must be a *material* concern, for to change negative stereotypes about refugees – to challenge the perceptions of the individual who appears intolerant of refugees – when national law contrives to exclude as many of them as possible, and where even politicians lament their arrival seems a largely futile endeavour.

Moreover, with respect to subjects who often have little or no agency in affecting their representation (as is the case for refugees who do not manage to arrive; who are subject to detention and marginalization) there remains an element of truth that is not coterminous with the *facts*; the period; the *space* from which it appears to have emanated⁶⁹. The word “refugee” seems to signal a mass of people who “fit” particular well-circulated definitions, yet it must be borne in mind that if all those who would have themselves “refugees” were allowed to materially presence themselves as such, our formulation of the category would change. There is a truth of the boat people that is not “on” the boat (as, for Agamben, it is not “in” Auschwitz, and as for Scott, it is not “in” the bath-house) and thus it is necessary to constantly return to both the relationality that produces the facts of the situation, and the interests of any speaking subject claiming to narrate a happening. As a mass of concepts that produce an imaginative geography, “the refugee” comes to be at hand to the speaking subject is a map like any other; an interested and partial power articulation; a claim to territory and to dominion. That map is not simply the sovereign production of the speaker, of one place, or of the referred to “object,” but is a coproduction, whose agential force of its

⁶⁸ Castro-Gómez, S., 2008:266 (Post)Coloniality for Dummies: Latin American Perspectives on Modernity, Coloniality, and the Geopolitics of Knowledge. In M. Moraña, E. D. Dussel, & C. A. Jáuregui, eds. *Coloniality at Large: Latin America and the Postcolonial Debate*. Latin America otherwise. Durham, NC: Duke University Press

⁶⁹ Agamben, G., 2002. *Remnants of Auschwitz: The witness and the archive*.

making cannot be known in advance of examining those circuits, repetitions and connections. Neither can those vectors be resolutely and absolutely accounted for: we know the figure of the refugee through the exclusion of subjects who are not allowed to claim that position in discourse: the drowned at sea, the starved in the desert, the persecuted to death, the never to leave the camp. This is why Agamben argues that a central part of reconfiguring humanism⁷⁰ rests in bearing witness to the drowned; to the inhuman. In this work he means *both* a resistance to an absolute categorization of what lies beyond the pale of humanity – so that the abandonment of humans that embody that undesired ideal may not be so easily subject to death – and an attempt to witness what never appears – but could *have* - in any particular articulation of truth in order to give presence to the exclusions wrought by historical movement.

By positioning the person practicing the refugee as an *interested* reading subject connections can be made between already-held structures of meaning that anticipate the refugee, and the form of the invocation. This approach allows me to ask how it is possible to know the refugee or asylum-seeker as in some instances, promising something of *advantage* to the nation (for example, the skilled refugee-doctor) and in other cases as heralding a drain or waste (the welfare-dependent, large, single mother headed asylum-seeking family). In this sense groups are arguing about ostensibly the same “thing” may in fact be summoning very different parts of the archive to make very different connections.

⁷⁰ Jean-Phillipe Deranty argues that the central task of continental philosophy is to craft a ‘posthumanst humanism’ which, without wholly abandoning the subject ‘human,’ would attempt to bear witness to the inhuman, refusing to purge it. This is no simple task because the witnessing summoned by theorists such as Giorgio Agamben asks us to embrace the ‘negative side of positive witnessing’: to the seemingly impossible (from the vantage point of the self) and bear witness to the impossibility of bearing witness as such; to respond to the certainty that a “full” account will never be given. Deranty, J.P., 2008:166. Witnessing the Inhuman: Agamben or Merleau-Ponty. *South Atlantic Quarterly*, 107(1), p.165-186.

Arguing about the phenomena of “migration” on the basis of inclusion and exclusion, type, or right can have appear to be addressing the same objects – “the nation” and “migrants” – yet that appearance can elide claims of *being*. The refugee desired by the advocate on the basis of her *right* is different from the refugee desired on the basis of her character, and both are different from the one rejected by the anti-migration group because of either her lack of right and/or her mal-character. “I want them here/I don’t want them here” can obscure the kind of “hereness” envisioned in that call. This is especially the case when it comes to *right*, for though the law proclaims the legality of the situation, it gives little clue to its truth; we know that refugees have the *right* to seek asylum, but yet we are given little clue as to how we should *feel* about this right; whether we should its respecting it as a burden or as a privilege.

From the position of the advocate, the morally ‘good’ position is that which portends to desire the *inclusion* of the refugee⁷¹ yet as I have already remarked, that desire to include an ideal can demand unreasonable performances from the refugee and – insofar as it demands victimhood – can leave little space to examine culpability; guilt.

1.6 Evaluating the Politics of Refusal

In light of the problematic means citizen-subjects are given to relate to refugees it is important for this project to examine the possibilities of refusing aspects of the

⁷¹ The citizen-implications of becoming a Convention refugee are various. In Canada, to be granted status comes with automatic permanent residency. In the UK, the granting of asylum as entailing one’s position as a virtual ‘citizen-in-waiting’ is, sadly, gone. Now, unless one’s asylum claim is rejected, the maximum amount of time granted to remain is five-years, after which, more time may be granted, or, depending on whether conditions in the ‘home’ country have changed, a refugee may be sent ‘home.’ See Kissoon, P., 2010. From persecution to destitution: A snapshot of asylum seekers’ housing and settlement experiences in Canada and the United Kingdom. *Journal of Immigrant & Refugee Studies*, 8(1), pp.4–31.

relationality that is engendered between those subjects. Often one seems faced with a decision; use the “given” category, or refuse it. Of course, nothing is so simple. My suspicion of the yes/no logic of acceptance and refusal comes from readings conducted within the Queer Theory canon, which predominantly examine the categories of gender and sexuality, serving to refute the possibility either to seamlessly reproduce ourselves as we would wish, or to radically alter the conditions of our materialization in discourse. Because of the impossibility of *literal* reproduction – mimesis – it follows that the political affectivity of refusal might be abandoned as hopeless. Yet, following work conducted to further elaborate Foucault’s theorization of repression, I would like to situate refusal as a productive capacity in itself, *not* as a negation that would seem to follow from its rhetorical structure. Hannah Arendt⁷² asks us to consider that part of the being of refugeeness, as she saw it in post-War America, consisted of a symbolic and material disavowal of refugeeness itself; a positive assertion contains a negation; an articulation contains a repression.

In the first place, we don’t like to be called “refugees.” We ourselves call each other “newcomers” or “immigrants.” Our newspapers are papers for “Americans of German language”; and, as far as I know, there is not, and never was any club founded by Hitler-persecuted people whose name indicated that its members were refugees.

The *phenomenology* of being a refugee may consist in trying to distance oneself from that category, thus an important part of the archaeology of the refugee subject must entail a catalogue of those movements that seek *distance* from that subject; in their pointing towards other norms, the terms of their own subject’s presencing are corroded from within. In this way, a naming bears constitutive un-namings. This leads me to consider how

⁷² Arendt, H., 1943. We refugees. *Menorah Journal*, 31(1).

people advocate for refugees, for if they summon a stable identity “refugee” they may run the risk of failing to account for this “constitutive un-naming.”

If advocacy works to construct a stereotypical image of the refugee in order to affect inclusion then it calls refugees to embody it. As such, it may formally mimic the demand for refugees to perform in the ways that Nick Lynn and Susan Lea,⁷³ deem anti-democratic after their discourse analysis of the letters sent by readers to British newspapers. In those letters asylum-seekers are commonly positioned in moral economies that expect certain performances from them, in ways that disregard ‘some of the central tenets of British democracy’; as subjects that owe a debt that no recognized *national* subject would be expected to bear. The refugee is scripted as a subject who must do more than would be expected of a citizen to gain social and formal inclusion, and the citizen – positioned as *testis*⁷⁴ to such performance – gains the sense that the refugee is performing for her; a relationship of inequality that feels good.

Knowing refugees as subjects of value and of volition is intensely problematic, thus it is tempting to enact a symbolic refusal of those ways of knowing; to deride every attempt to give the refugee value apropos the nation; to decide upon whether or not she was forced to flee. Agamben does just that⁷⁵, creating a transhistorical subject – the refugee – from whose position a critique of the nation-state can be launched. His refugee is a refugee that refuses citizenship to accrue an ‘inestimable advantage’ that Arendt named as the impetus for a coming, non-national community. When refugees refuse to be the refugee crafted in the

⁷³ Lynn, N. & Lea, S., 2003. A phantom menace and the new Apartheid’: the social construction of asylum-seekers in the United Kingdom. *Discourse & Society*, 14(4), p.425.

⁷⁴ Derrida, J. & Dufourmantelle, A., 2000.

⁷⁵ Agamben, G., 2000. *Means without end: notes on politics*, Univ Of Minnesota Press.

state's image – the one aping structures of recognition in order to attain citizenship – they challenge the link between nativity, nationhood, and citizenship; subject asks for a different kind of political belonging. To evaluate that call to action, oriented around a theoretical subject, we must contextualize it by asking how, and where, it might appear. Is it merely an aspiration or a subject position realizable within the coordinates of the present? And should its tenets thus become a framework to judge whether a political act, made under the banner of refugeeness (whether that be by a subject recognizable as a refugee, or by other subjects on their behalf), is a positive political articulation, or merely an entrenchment of the logic of citizenship which produces its outside? While Agamben's politics of refusal would seem to offer a 'solution' to the debasement of the refugee through her construction as waste, if the call for refugees to refuse in the name of a critical politics does not acknowledge that sometimes refusal is impossible it risks demanding unreasonable performances from refugees. Moreover, one asks a subject to do what the self could never do; to abandon the circuits of citizenship and of belonging that sustain the self. In chapter 4 I examine critical novelistic attempts to situate the role of refusal in disrupting bureaucratic – seemingly entrenched – power relations with respect to subjects that are both like and unlike refugees, identifying what other stories (and in the name of what other politics) it is possible to tell "about" refugees which put the subject of concern, "the refugee" in enough question to engender more egalitarian ways of knowing. In chapter 3 I use my experiences in the field with a refugee NGO to critique the possibility of empathizing with a generalized *type* of refugee in favour of situating materialities of belonging that make possible empathy and understanding predicated on local networks of interest. I find that the idealized types of the refugee that are given to us via the discourses

of humanitarian empathy and the law work as a barrier to equality, rather than its enabler. In this light in chapter 2 I ask after the historical foundations – and contemporary enactments – of the legalized refugee to question the mal-effects of that legalization, and to understand the realistic agential possibilities for refusal. While the law is often seen as that which can negate “unreasonable” anti-refugee sentiment, I situate it differently, engaging with the problematics of legalized modes of knowing the refugee through both an excavation of the founding precepts of the drafting of the 1951 Convention on the Status of Refugees and an examination of the arrival of the *MV Sun Sea*, a boat of Tamil asylum-seekers to the shores of British Columbia in the summer of 2010. I interpret public responses to the arrival as evidence of the inefficacy of the law in the face of a public desire to submit the refugee to an economy of value. I examine advocates’ responses to refugee derision in order to demonstrate that advocates and those seemingly interested in the exclusion of refugees employ understandings of refugees that are counterintuitive to normative justice. It is to the law that I now turn.

Chapter 2: Challenging the Legalization of the Refugee Subject

This chapter while the guiding principle for international refugee relations and national law – the 1951 Convention⁷⁶ – is commonly portrayed as the solution to the problem of the exclusion of the refugee, it is in fact a part of the justification for exclusion in a general sense: the structure of the document in allows the evasion of responsibility allows a fixation on the humanitarian entrant to the detriment of thinking refugee politics in a wider matrix of justice questions about the relation of Western states and individuals to unknown outsiders that wish to claim what they already enjoy. I consider how the CTV reporting pertaining to the arrival of the *MV Sun Sea* demonstrated little concern with what the Convention is often situated to guarantee – *justice* for the refugee – and instead focussed on finding avenues to justify the exclusion of manifestly vulnerable subjects. Illegitimacy was summoned by virtue of the *disorderly* nature of their arrival, rather than via casting aspersions on the likelihood of their suffering in Sri Lanka.⁷⁷ Though The Convention allows for the moral distancing of the refugee from the economic migrant it does anticipate and normalize irregular entry yet, perversely, governmental actors sought to portray that arrival as an affront to the proper workings of asylum-processing: this hints at a disjuncture between the spirit of The Convention and its implementation. In the spirit of asking what more egalitarian relations it is possible to have with refugees I conduct a reading of a pedagogy on responsibility from Britain’s largest Refugee Advocacy

⁷⁶ Hereafter, ‘The Convention’

⁷⁷ Geddes (2005) argues similarly that in the British context, a repertoire of contention exists surrounding the figure of the third-world migrant which leads to the elision and confusion of migrant categories, especially the irregular migrant and the asylum seeker. Geddes, A., 2005. Europe’s Border Relationships and International Migration Relations*. *JCMS: Journal of Common Market Studies*, 43(4), pp.787–806.

Organization, *The Refugee Council* to ask after the possibilities for national subjects to become responsible for refugees through implicating them in refugees' plights.

2.1 Understanding the Injustices of the Convention

The 1951 UN Convention Relating to the Status of Refugees defines a refugee as,

A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

While the above is apt to be taken as foundational to the governance of states' relations to refugees, called, as they are, to actualize it in their laws, other laws also provide for the implement of visa restrictions and offshore processing. David Blunkett⁷⁸ would have it that the answer to the problems of migration in Britain is to understand the nation's obligations in international law⁷⁹. Yet laws are that which constitute the organized defence against the refugee: Australia's "Pacific Solution," whereby asylum-seekers could be detained without access to the appeals processes of domestic law may be judged wrong, but it was made legal.

⁷⁸ Home Office 2002

⁷⁹ Žižek makes the same argument with respect to 'human rights.' Saying that one supports human rights *in toto* – rather like saying 'I support *the law*' – engages in the fantasy that there exists a universal order that can be deliberated upon in neutral fashion. This leads him to argue that we can only support *qualified* human rights, i.e. ones that advance whatever political version of equality, or concrete utopia, we are attempting to advance at the time (<http://bit.ly/mlwLCE>) The quest to articulate the *right* of the refugee to be present must recognize that rights-talk is also the means by which oppression is *denied*. Sherene Razack suggests that a fixation on rights-talk leads us to forget that we are already implicated in systems of oppression that create relating subjects. If we prioritize teaching and implementing *rights*, we need not ask how our very subjective formations and our relations with others, *already* undermine the liberatory impulses of rights talk (Razack, S., 1998. *Looking white people in the eye: Gender, race, and culture in courtrooms and classrooms*, Univ of Toronto Pr.)

If 'power is not homogenous, but can only be defined by the particular points through which it passes'⁸⁰ – through its microphysics⁸¹ -- it follows that entities like the State or apparently fixed documents like The Convention are not the source of power, but an attempt to codify those ever shifting relations which constitute power's operation. Thus, while we might attempt to distil the ethos of the Convention from its form, there are elements of an artefact's operation that cannot be deduced from that form. James Hathaway provides an analysis of the drafting of The Convention which shows that there was no attempt to ground refugee law in the promotion of international human rights, the scope of protection being limited to those fearing persecution in the sense of being denied basic civil and political rights⁸². This allowed individual states to develop their own criteria of what constituted persecution. It will come as no surprise that in this post-war era, the US asserted that all persons living in Communist countries were at risk of persecution. There was no danger of a mass influx of Soviet refugees by virtue of the difficulty of leaving the bloc, yet high profile defectors could be welcomed as evidence of American commitment to freedom. If that definition were still operative, any person living in a communist country could seek asylum in the US. The denial of human rights in the absence of persecution was not considered sufficient to found a claim, not because such denial did not have the character of persecution, but because many of the western nations that drafted The Convention had poor records in this regard.

⁸⁰ See p xxvi Deleuze, G. & Guattari, F., 1988. *Foucault*, Univ Of Minnesota Press.

⁸¹ which 'must not be thought of as power's miniaturization, but as another domain – a dimension of thought irreducible to knowledge – mobile and non-localizable relationships.' *ibid*

⁸² Hathaway 1990: 149

The Convention calls for states' asylum-processing procedure to recognize the refugee it denotes when subjects *within* their borders make an asylum-claim, but does not regulate their actions with respect to asylum-seekers who have not yet reached those borders. In this regard James Hathaway argues that The Convention has a far greater efficacy in 'rationalizing the decisions of states to *refuse* protection'⁸³ than effecting protection: an orderly system by which signatory states would have to give asylum to all refugees, rather than merely the ones able to present themselves at the border, would allow the thorough protection of *all* those defined a refugee by The Convention. He argues that there is a persistent belief that The Convention represents the best of Western humanitarianism and adherence to the human rights paradigm. Yet neither of these impulses are straightforwardly embodied in it: if a humanitarian impulse were responsible for The Convention, its machinations would seek only to ask after the *extent* of suffering in the individual, not the "how and why" of that suffering's *cause*. And if a human rights impulse stood behind The Convention, the question of the refugee would be a question about only the "how and why": it would seek to determine whether a human rights violation was at the root of the compulsion to move and would not be concerned with whether that violation qualified as *persecution*. Thus 'modern refugee law...rejects the goal of comprehensive protection for all involuntary migrants and imposes only a limited duty on states, far short of meeting the needs of refugees in a comprehensive way.'⁸⁴ Adherence to The Convention is an act that balances a range of competing interests; that maintains a narrow geographical reach; and which represents no particular universal aspiration.

⁸³ *Ibid.* p132 emphasis mine

⁸⁴ Hathaway (1990) p132

It is important to consider the spatial ethic implicit in the proclamations of The Convention. While having one's human rights violated or suffering material deprivation cannot found an asylum claim unless persecution is the cause (or likely outcome if returned) humanitarian and human-rights based failings have functioned to legitimate international intervention; when there were no "WMD's" found in Saddam Hussein's Iraq, the war was justified on the basis that it was in the interests of an oppressed people. While the material deprivation of the Iraqi people could not have founded valid asylum claims, it *could* found a pre-emptive war *against* their state. When the resisters of dictatorial power in Libya (whose actions provided the impetus for foreign intervention) attempted to *leave* in order to exercise their apparently universal right to seek asylum, the leaders of those European nations – apparently fighting a war "for" them – casually and seriously expressed their desires to *stop* them leaving Libya.⁸⁵ If intervention is "for" the Libyan people, it must be remembered that it is also "for" the system of sovereign states that keeps those people separate; not for a Libyan people that could be anywhere but for one that must remain *there*.⁸⁶ In one moment the poor oppressed third-world body becomes a rallying call for intervention – a rallying call for saving (and this intervention is then used to *prove* the good character of those subjects in the West yet *in general* interdiction serves to ensure that such subjects' "saving" happens when politically conducive to Western states' interests, rather than when desired by individuals.

⁸⁵ See <http://bit.ly/iX4USu> and <http://bit.ly/q5nF45> and <http://bit.ly/eSDIKj>

⁸⁶ When it was shown that there were no Weapons of Mass Destruction (WMDs) in Iraq the second Gulf war was quickly post-rationalized as being moral because of its role in improving the lives of 'the Iraqi people' via its effective removal of a tyrant. It almost seems, from a point now distant enough in time from the start of that war that *if* we could prove that regular Iraqis *are* indeed now 'happier' or more 'well-off' we might begin to be happy about a war conducted, quite literally, for the wrong reasons. The logics of intervention in the name of care for the impoverished and persecuted body are implemented selectively. One need only consider the acquiescence to violent death on an astonishing scale in the Congo for evidence.

Those failings are well illustrated by the case of the so-called “Environmental Refugee.” The term signals the popular expectation that displaced subjects deserve the label “refugee”⁸⁷ in the manifest lack of persecution recognizable in The Convention sense. In 1995 there were 25 million “environmental refugees” compared to 27 million “traditional refugees”⁸⁸, yet to name those two groups with a common denominator bears little relation to the differing claims each group has to entitlement. The problem of environmental refugees – people who have not been persecuted, do not fear specific violence, and are not readily sense-able as members of a particular social group – is as old as the drafting of The Convention, and as even older notions of international responsibility. There is little consensus on what to do with people driven to move internationally because of the widespread attrition of their means of subsistence, whether that be owing to climactic change, governmental mismanagement of resources, loss of jobs following mechanization, loss of subsistence modes of living following “modernization,” or the failures of governments to ensure basic standards of living in the broadest sense for its most vulnerable populations. The definition of being a refugee does not apply to all of those *forced* to move, nor to all those who display a *will* not to return.

As a response to the Convention’s false universalism – it’s failure to provide avenues for forced migrants to make themselves present in signatory states – we might attempt to make visible concrete ‘geographies of responsibility’; we might point out, with theorists such as Doreen Massey, that our unknown others are always-already implicated in our self-

⁸⁷ At the time of writing the front page of *The Guardian*’s website leads with the image of starved black faces beneath the headline, ‘Somalia famine refugees tell their stories – interactive’

⁸⁸ Myers, N., 2002. Environmental refugees: a growing phenomenon of the 21st century. *Philosophical Transactions of the Royal Society of London. Series B: Biological Sciences*, 357(1420), p.609.

constitution in symbolic and material ways so as to render the fantasy of geographical isolation implicit in the notion of state sovereignty impossible to maintain⁸⁹. We might point out that as regimes of citizenship have departed from their apparent container, the nation-state, there is no justification for conceiving of an inherent *right* to exclude others: if *our* citizenship is becoming globalized, why not the reverse⁹⁰? We might assert the immorality of using the labour provided by poverty and state violence elsewhere to provide us with guest-workers whose rights are often ignored or severely restricted and who are given few opportunities for citizenship⁹¹. And a broader historical gaze might be taken informed by postcolonial theorists such as Franz Fanon's and Eduardo Galeano's⁹² Marxian critiques of colonial exploitation in order to situate the giving of asylum in the West as a *repatriation* in light of historical injustices:

Europe has stuffed herself inordinately with the gold and raw materials of the colonial countries: Latin America, China and Africa...Europe is *literally* the creation of the Third World. The wealth which smothers her is that which was stolen from the developed peoples. The ports of Holland, the docks of Bordeaux and Liverpool were specialized in the Negro slave-trade. So when we hear the head of a European state declare with his hands on his heart that he must come to the help of the poor underdeveloped peoples, we do not tremble with gratitude. Quite the contrary; we say to ourselves: 'It is just a repatriation which will be paid to us.'... This help should be the result of a double realization: the realization by the colonized peoples that *it is their due*, and the realization by the capitalist powers that in fact *they must pay*.'⁹³

⁸⁹ Massey, 2004

⁹⁰ See Ong, A., 2006. *Neoliberalism as exception*, Duke University Press Durham, NC for a discussion of contemporary mutations in citizens that exceed the territorial logic of the nation-state.

⁹¹ See Pratt, G., 2004. *Working Feminism*, Temple University Press: Philadelphia for a discussion of the Canadian state's use of its Live In Care Giver programme, a temporary worker program which operates to the detriment of both a nationalized system of child-care provision, and to Filipina workers who are afforded difficult pathways to citizenship, are sometimes abandoned to perilous working conditions, and are commonly separated from their families for many years while working in Canada.

⁹² Galeano, E., 1997. *Open Veins of Latin America*, Monthly Review Press New York.

⁹³ 81

It might be argued, for instance, that the states that inaugurate, and benefit from, the current wars in Afghanistan, Iraq, and Libya should bear “more” of a responsibility for the refugees produced by them. It might also be argued, especially with respect to climate change refugees that because environmental degradation in the South is taken to be in large-part caused by the industrialization of countries in the North, those states should bear a responsibility for them. Yet making the argument that *specific* relations of causality should lead some states to accept some refugees over others opens the opportunity for yet more evasion of the kind of responsibility that The Convention (albeit imperfectly) ascribes *ex-post*. It leaves the space for states to argue that the facts of colonial exploitation are best left in the past; that the science supporting the location of responsibility for climate change among industrialized countries of long-standing is shaky; that they have already done enough. To enact those relations of responsibility immediately raises questions of ideology and calls for an excavation of exploitation. While necessary to end exploitation, this kind of inquiry seems immediately inefficient to the task of deciding upon who gets to be admitted. Thus Fanon’s central point; that the recognition of colonial injustice should lead to colonizing powers ceding their right to decide; to their allowing the colonized to extract their due.

Making the loosely culturalist argument that refugees and asylum-seekers bear economic value superficially perhaps appears to give those subjects the ability to presence themselves; to say “I, of value, should be admitted” yet of course that value emerges in relation to the backdrop – the nation; the national body; the economy – in relation to which it comes to be. Beverley Honig notes that to argue that outsiders seeking to gain acceptance to the state (the USA in her study) are of value opens the possibility for xenophobia

because stressing the economic resilience of the new-migrant threatens the national subject when times are lean and cultural enrichment is generally only seen as positive until it threatens to overturn the hegemony of the national symbolic.⁹⁴ Moreover, as Fanon argues, the welding of the colonized body to the metropole – the production of that subject’s value – is accomplished through means *literal* and *material*: her body may be speakable as “valuable,” yet her criminalization, interception, and the labour power she provides while elsewhere, bears witness to her negative value in the West and positive value when at home.

The problem with such ideals of justice that would situate historical injustices between West and East as facts and then attempt to actualize equality is that the rubrics through which subjects are known are surely always-already characterized by inequality; meaning is produced through power relations that necessarily do not provide for universal self-assertion; that constrain the way we live. With respect to refugees those rubrics are the stuff of the law and of value.

2.2 Competition: The Refugee as a Subject of the Law, and of Value.

The position of the British government evidenced in the governmental white paper *Integration Matters* brings to light those relations. It is that it is a source of pride that Britain is a space where those ‘fleeing harsh treatment for their political or religious views can find safe refuge and build a new life’⁹⁵ and that The Convention is a document of *principles* to which signatory states are *bound*. That binding is intended to ensure safety

⁹⁴ Cf Honig, B., 1998. Immigrant America? How foreignness “solves” democracy’s problems. *Social Text*, (56), pp.1-27.

⁹⁵ Home Office, 2004: 10

and the opportunity for prosperity for refugees. The refugees that are identified by The Convention have, by definition, experienced great suffering; they have problems,

[b]ut it would be wrong to think of them as a *problem in themselves*. They bring a wide range of experience and skills, many of which are much needed, and the process of integration will enable them to use these to benefit themselves and our communities.⁹⁶

The portrayal of the state as an entity subservient to higher ideals which ensure a space for refugees to build new lives is a powerful governmental articulation; it provides an image of state, not operating on selfish reasons of economies prosperity or to ensure the hegemony of its national people, but on the basis of what is *right*. Yet the subservience of the state as such is a fantasy, for the aforementioned patterns of interdiction make a mockery of the desire to see refugees *in general* provided for. The refugee may be defined by the law as one deserving of protection, but receiving that protection comes down to being able to *reach* a signatory state. That reach is proscribed by the very states who signed – nay drafted – the Convention. Neumayer⁹⁷ highlights that Western states have persistently been against extending the refugee definition to all those whose ‘personal integrity is threatened by other causes, for example, people fleeing from war, political violence not directed specifically at against them, natural disasters, famine, and the like.’ Roberts has no doubt that this reticence emanates “because of a refusal to accept the consequent duty to provide asylum.”⁹⁸

⁹⁶ *Ibid.* emphasis mine.

⁹⁷ Neumayer, E., 2005. Bogus refugees? The determinants of asylum migration to Western Europe. *International studies quarterly*, 49(3), pp.389–410.

⁹⁸ Roberts, A., 1998:381. More refugees, less asylum: A regime in transformation. *J. Refugee Stud.*, 11, p.375. cited in *ibid.* p390

Refugees as a totality are not desired because if they were simply so there would be no need to have drafted a convention to *force* their admittance. The story that is being told here is that The Convention, if followed with concerted effort by the states that designed and signed it, can deduce what a refugee is from all the non-refugee seeking people that arrive, and that *those* refugees can then be adjudged to be resources. In this story states either wait for refugees to arrive, or, if alerted to them in conditions of need elsewhere, facilitate their arrival. The *reason* for this is twofold. Firstly, signatory countries, as liberal-democracies, find a positive value in respecting the universal right to seek asylum. The refugee in this sense is desired because of her character as *emblematic* of a universal value attached to the respect of human rights. Secondly, the refugee is also of value to the nation in a less specific sense. As *Integration Matters* points out, refugees are a resource. If those 'reasons' are true facts we must ask why such efforts are made to stop refugees travelling to signatory countries in the first place. I outline instances of exclusion to begin to suggest that it is "true" that the refugee "has" rights, is desired, and is valuable only in a thoroughly idealistic sense, but that those economies cannot be born out materially because to do so would challenge Western hegemony and the scared place of the national subject, the Canadian variety of which Sunera Thobani has termed 'exalted' in reference to its unimpeachable status at the heart of the national body.

2.3 Material Inclusion, Symbolic Exclusion

Gibney and Hansen⁹⁹ detail a litany of exclusionary measures designed to pre-empt asylum-seeker movement. In 1986 the UK imposed visa restrictions on Sri Lankans displaced by civil war, and France did the same for Algerians. More recently, in 2001, Canada introduced visa restrictions for Hungarians. Bancroft identifies that in 1998 when the Czech government began providing Roma Gypsies with one-way flights to Britain to claim asylum, the British government conveniently chose to portray them as moving because of pull factors, such as a favourable welfare system, while failing to mention the systematic racism they faced at home.¹⁰⁰ All of those impositions came following large increases in the number of asylum-seekers from those countries. Most EU states require visas from citizens of those countries that produce large numbers of asylum-seekers, for example Afghanistan, Somalia, The Sudan and Iraq.¹⁰¹ Travellers from Dublin, Montreal and Toronto all 'enter' the US while in those cities' airports and thus can be stopped from flying for lack of a visa, and monetary penalties are imposed on carriers that transport individuals without the correct documentation, regardless of whether or not they are likely to be Convention refugees or not. The most offensive instance of the evasion of the 'resource' remains Australia's excised Christmas Island from its territorial zone in order to avoid Australian domestic law giving asylum-seekers fulsome rights of appeal. The refusal to rule out sending British warships to the Mediterranean to send back boatloads of asylum-

⁹⁹ Gibney, M.J., Hansen, R. & Research, W.I. for D.E., 2003. *Asylum policy in The West: Past trends, future possibilities*, World Institute for Development Economics Research, United Nations University, Helsinki.

¹⁰⁰ Bancroft, A., 2001. Closed spaces, restricted places: marginalisation of Roma in Europe. *Space and Polity*, 5(2), pp.145–157.

¹⁰¹ Sianni, 2003 p26, cited in Gibney, M., 2005. Beyond the bounds of responsibility: western states and measures to prevent the arrival of refugees. *Global migration perspectives*, pp.1–23.

seekers, and persistent calls to send members of persecuted minorities back to warzones after “mass arrivals” evidence the refugee as the possessor of a negative value; one not present in most state-speak.

While the rights of refugees appear to be guaranteed *by* states, states are also the entities that deny people their right to seek-asylum. While efforts are made to situate those refugees as *resources*, the figure of the refugee as thus desirable to the nation cannot emerge as a coherent subject of discourse because the multitude of very-probably “deserving” refugees are *de facto* excluded even as the idea of the universal right to seek asylum is included in the law. John Major outlines his government’s stance on poor and needy migrants which also functions to cast aspersions on the apparent value of the refugee stated in other governmental rhetoric.

John Major brought to light the ease at which the exclusion of needy migrants is justified when he said that “we must not remain open to all comers simply because Paris, Rome and London seem more attractive than Algiers”.¹⁰² Thus feeling just about our exclusion of the “self-serving” migrant is rendered permissible; movement that is not precipitated by persecution as an unjust affront to the nation. We appear to be given a binary – the economic migrant that can be justly excluded at one pole and a refugee that it would be *unjust* to exclude at the other. Welch and Schuster¹⁰³ argue that

¹⁰² See Dauvergne (1999) for a synopsis of the differing liberal positions which all rest on the presumption of the sovereign right to exclude any migrants other than the strictly humanitarian.

¹⁰³ Welch, M. & Schuster, L., 2005. Detention of asylum-seekers in the US, UK, France, Germany, and Italy. *Criminal Justice*, 5(4), p.331.

successive British governments have not only led and legitimated public hostility, but spoken with a voice indistinguishable from the tabloid press...For instance, in response to a rabid and concerted campaign in the tabloids, the Labour government in 2002 reacted to a fictional crisis by shutting down the Sangatte refugee camp on the French side of the English Tunnel, intercepting boats transporting illegal migrants, and expediting deportation.

Thus the reality of refugee policing and of rhetorical wrangling often bears witness to the refugee as *negative value*; as constituted by the same discourses as the unwanted economic/undocumented migrant; otherwise, why go to such great lengths to stop her arriving?

Zizek¹⁰⁴ argues that anti-immigration policies have proliferated in Europe because they have been allowed to appear as “reasonable” apropos “unreasonable” anti-immigration positions which make explicit recourse to racist and xenophobic tropes. Hence the formal similarities between the policies of the European centre-right governments and their far right “fringe”; both groups think it permissible to accept the negative value of outsiders to ensure the prosperity of the inside. Exclusion appears so reasonable that the critical scholar must to more than simply reject the subjective reproduction of such views as ‘good old-fashioned’ racism that can be comfortably bracketed as the preserve of the pathological mind. Such othering is comfortable, yet exclusion is most often done in resigned recognition of a *realpolitik* that necessitates it, rather than in the gleeful spirit of a hateful desire. It is found in banal repetitions of messages that appear thoroughly reasonable and non-violent such as the recent campaign by the *Globe and Mail* newspaper. One bill-board

¹⁰⁴ Anon, Liberal multiculturalism masks an old barbarism with a human face | Slavoj Zizek | Comment is free | The Guardian. Available at: <http://bit.ly/bpT2lQ> [Accessed August 28, 2011].

close to my house asked whether Canada's immigration policies were working to attract the *brightest minds* to the country. The question was followed by the slogan, 'Our Time to Lead.' Thus Canadians were placed as deserving of "leadership" on an international scale by virtue of their positioning as experts on question that is inattentive to the morality of using the state's wealth as a means of attracting the cream of the global crop. Canadian leadership is summoned by a question that constructs the *presence* of the low-skilled immigrant as *undesirable* for the nation and the national subject. The phenomenology of the relation between national subjects is essential to address because public approval of exclusion legitimates governmental interdiction and because a worryingly classist politics exists whereby the subjective repetition of such governmental discourses is conveniently portrayed as the evidence of "intolerance"; purging government of the discursive foundations of its actions.

In 2010 while campaigning for a bye-election seat and thinking he was "off-mic." Gordon Brown referred to a constituent, Gillian Duffy who had displayed her worry about the scale of immigration to Britain as a "bigot." Duffy's worry about the size of the resident alien population and its relation to the national body very *precisely* mirrored the state's assertion of its right to cherry-pick immigrants to suit its populous' needs and its construction of the national population into a body that is proper to defend. Constructing a reluctance to accept large numbers of immigrants as bigoted - '*unreasonably* prejudiced and intolerant'¹⁰⁵ - allows the state apparatus to distance itself from the uptakes of its *own* ideology where that ideology appears under the sign of the working-class body. Thus the

¹⁰⁵ *Canadian Oxford Dictionary* (2004) Ontario:Oxford 2nd edition

state is purified as *rationaly* anti-immigration.¹⁰⁶ Such instances are powerful (if the furore that the incident provoked is anything to go by) means by which subjective racism appears to be remediated through the hand of pastoral governance while that very same appendage has a hand in continuing more material modes of racial practice.¹⁰⁷

2.4 The Arrival of the MV Sun Sea

Though the Convention defines the refugee, there remain heterodox spaces of relation to refugees which are only partially defined; which are decidedly incoherent. As Foucault pointed out in the second volume of *The History of Sexuality*, even the clear adherence to moral norms may create variant subjective formations and may be subject to contested significations¹⁰⁸: that which is *obliged* may be alternatively figured as burden or a virtue, or both. Even if it were practiced “perfectly” and *to the letter*, it would still not guarantee the inclusion of all with a need for it; it maintains a constituting power¹⁰⁹ that exceeds its form, and which is demonstrated in the ambivalence evidenced in the case of the arrival of the *MV Sun Sea*.

¹⁰⁶ Such distancing is all the more ironic when considering that it was Brown himself whose unfortunate promise of ‘British jobs for British workers’ landed him in such hot-water with the ‘Old Labour’ sections of his party. Anon, British workers for British jobs says Brown - Telegraph. Available at: <http://tgr.ph/blp59w> [Accessed August 28, 2011].

¹⁰⁷ See Žižek’s *Violence* on the distinction between objective and subjective violence. Žižek, S., 2009. *Violence: Six sideways reflections*, Profile books Wendy Brown portrays the tolerance discourse similarly by arguing that a professed desire to include queerness in the nation through its *toleration* leads queer dissatisfaction with structures of nationhood to be discounted as mere “sour-grapes”: “we’re including you, stop complaining!” Brown, W., 2008. *Regulating aversion: Tolerance in the age of identity and empire*, Princeton Univ Pr.

¹⁰⁸ Foucault distinguishes between morality and ethics by arguing that while morals are strict rules we may have any number of types of relationships to them. For example, the prohibition of adultery may be assented to grudgingly, or in good faith. Thus a moral code involves various ethosos which result in various subjectifications. Foucault, M., 1985. *The use of pleasure: The history of sexuality*, Vol. 2 (R. Hurley, Trans.). *New York: Vintage*.

¹⁰⁹ Foucault described how a notion of the law as strictly repressive – as carving out a space to be protected from imposition – is continually challenged by relations of governmentality that constitute the world, not in terms of what is *right*, but in terms of what is most conducive to the effective operation of national economic relations. He does not argue that the law has been supplanted, yet points out that the law increasingly works as *norm*. In considering the practicing of the refugee as a legal subject, we can begin to identify such practices – more concerned with affecting “economy” in the Foucauldian sense – than normative justice. See Foucault, M. ‘Governmentality’ in (eds.) Burchell, G. et al., 1991. *The Foucault effect: studies in governmentality: with two lectures by and an interview with Michel Foucault*, Harvester Wheatsheaf. See also Deleuze, *Foucault* xvi

Dijk¹¹⁰ contours the possibility for that ambivalence by arguing that global entry-criteria for refugees are primarily concerned with affecting a state of control, but because of the importance of being tolerant in nations such as Canada, the discursive practice is framed as *humanitarian*. Here I analyze two weeks of CTV television news reporting on the arrival of the *Sun Sea* for its potential to shed light on the ambivalent place of the law and of national subjectivity in crafting a response to an arrival of outsiders whose status could not be easily decided upon. The emergent discourse offered a portal into understanding a response to the outsider who was not yet refugee, not yet economic migrant, and certainly not yet citizen from Canada's largest private broadcaster of the most widely watched national TV news programme.

It might have been expected that the arrival be figured as a chance offer up care with little condition especially given the institutional portrayal of Canada as a humanitarian nation, and bearing in mind the well-documented injustices experienced by Tamils during the civil war including widely available video evidence of summary executions¹¹¹ and the accusation from the UN that the Sri Lankan government may have committed war crimes during the final phases of the civil war.¹¹² Yet we saw a competing discourse that figured the arrival as an *affront* to the Canadian nation; as an *injustice* to the people of Canada. The legitimation of individuals' desires to send the boat back to Thailand mirrored suspected

¹¹⁰ In Razack, S., 1998: 101

¹¹¹ Anon, 2010. *RAW EXECUTION: Sri Lanka Genocide of Tamils - Footage Obtained By CNN, BBC, AL JAZEERA, CHANNEL 4 NEWS*, Available at: http://www.youtube.com/watch?v=ohRUz02sT3U&feature=youtube_gdata_player [Accessed August 28, 2011].

¹¹² 'Report of the Secretary-General's Panel of experts on Accountability in Sri Lanka' http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

Canadian Governmental complicity in its pre-empting movement from that country.¹¹³ Gary Anandasangaree, CTV reporter, speculated on the reasons for and implications of the arrival stating that “there are 490 stories out there that need to be heard.” While he may have been referring to the need for authorities to hear the passengers’ stories in order to determine the veracity of their asylum claims, he also raised the question of on what basis we hear stories. Though it was possible to say that the stories needed to be told, stories of Tamil migrants’ were conspicuous in their absence from the subsequent reporting. The story told would be the story of the *event*.

Vic Toews, Canada’s Public Safety Minister argued that “the passengers may not be as innocent as they appear” and that “we are very concerned that there are elements of the LTTE and the Tamil Tigers on board this vessel and indeed, may well be coordinating this activity as part of a larger enterprise.”¹¹⁴ While giving no clue as to the crime he suspected the event to be indicative of. Toews conjured competing visual economies that summon three different senses of innocence, and thus of justice. On the one hand the image of the impoverished third-world migrant is the absolute embodiment of the innocent, where innocence is figured as meaning *helpless*: he implies that they may not be as helpless as they appear and this challenges their innocence. Yet on the other hand their appearance at the border marks them with criminality because if they are are subsequently found not to have valid asylum-claims, they will be subject to deportation and to the legalized exclusion from the Canadian welfare-state. Moreover, their irregular arrival situates them within a

¹¹³ Anon, Canada’s role in Thailand arrests queried - World - CBC News. Available at: <http://bit.ly/nFeija> [Accessed August 28, 2011].

¹¹⁴ <http://watch.ctv.ca/news/news/latest/seeking-asylum/#clip337291>

criminal imaginary because irregular arrival, though explicitly permitted by the Convention, is criminalized through its subjection to global police-action.¹¹⁵

These annunciations are examples of the way in which both ambivalent and certain facts are used to garner such strong affect (some individuals on the boats, having probably originated from areas of Sri Lanka long under LTTE administration, *probably* have some connection with the LTTE, and they have *certainly* been “smuggled”). CTV cited an Angus Reid poll which informed the viewer that 63% of Canadians thought the boat should have been turned back before arriving – effectively expressing a desire to deny the passengers their right to seek asylum – and that 83% believed those refugees were “jumping the immigration queue and should be forced to apply like other foreigners who want to come to the country.”¹¹⁶ Astoundingly the same poll showed that *fifty percent of Canadians would send back the passengers even if they had valid asylum claims.*¹¹⁷ The idea of a queue for desperate refugees fleeing a civil war runs contrary to the figuration of asylum-seeking as a human right. Yet the *majority* of Canadians felt that such subjects should be forced to wait; to apply; to migrate *like any other*. While The Convention exists to ensure that the persecuted are not subject to the migration market, these asylum-seekers apparently deserved no *exceptional* treatment. How can we explain such injunctions that effectively negate both the human right to seek asylum, and Canada’s cherished self-characterization

¹¹⁵ For example, the Australian tax-payer currently finances five high-powered speed-boats that the Malaysian border services use to intercept asylum-seekers attempting to use its Mangrove swamps as staging areas to depart to Australia. This mimics a global pattern of asylum-seekers subject to police action without exactly engaging in criminal activities, for all signatory national – by implication and often explicitly – recognize that irregular arrivals are compelled by the desperation of refugees’ circumstances.

¹¹⁶ CTV British Columbia - Canadians want migrants deported, poll finds - CTV News. Available at: <http://bit.ly/a0cRTh> [Accessed August 28, 2011].

¹¹⁷ Canadian view of immigration sours in wake of Tamil ship - The Globe and Mail. Available at: <http://bit.ly/crSmbQ> [Accessed August 28, 2011].

as a bastion of the human rights culture and a proponent of humanitarianism? Angus Canseco, vice-president of Angus Reid Public Opinion helps to explain with respect the poll's findings: "The idea to let people come here without going through the regular paths isn't something that is palatable to Canadians. It leaves a bad taste in the mouth."¹¹⁸ If Canadians do not find their path palatable, they might be reminded that they help to construct the pathway in the first place.

The bad taste wasn't just a function of the asylum-seekers' disruption of a Canadian sense of orderly decorum. Persistent negative references to the asylum-seekers' links with 'The Tamil Tigers' and 'the LTTE' also featured. We are told that if this were the case, we should be "concerned"; a concern about their *legality* apropos a thoroughly dubious assumption that *if* their journey had been facilitated by the LTTE then it would somehow become legally dubious itself; a subject for Canadian concern; worry; panic. After a civil war it seems reasonable that the LTTE, responsible for so long for jurisdiction over many of Sri Lanka's Tamils might have had a role in facilitating the flight of Tamils from those internment camps that perturbed the international community so¹¹⁹. Other asylum cases have shown that even *membership* of a terrorist group (much less, having one's journey facilitated by them) is not sufficient grounds to reject an asylum claim.¹²⁰ In this case, an

¹¹⁸ Anon, CTV British Columbia - Canadians want migrants deported, poll finds - CTV News. Available at: <http://bit.ly/a0cRTh> [Accessed August 28, 2011].

¹¹⁹ Anon, Sri Lanka plans to hold displaced Tamils in "concentration camps" - Telegraph. Available at: <http://tgr.ph/AmZb6> [Accessed August 28, 2011].

¹²⁰ 'See Canada (A.G.) v. Ward, [1993] 2 S.C.R. 689 ... One of the most important Canadian cases on refugee law, Ward involved a refugee claimant who was a former member of the Irish National Liberation Army, a paramilitary terrorist group the appellant described in his testimony as "more violent than the Irish Republican Army." Mr. Ward was held not to be a refugee because his dual nationality meant he had an alternative home. His former terrorist activities were not considered a bar to his claim of refugee status.' (Dauvergne, 1999: 618 note 57)

imaginative geography, which codes arrivals that disrupt *control*, and which are associated with a group defined as ‘terrorist,’ is operative in constructing the event as criminal.

While public confusion about the legal place of the asylum-seekers is understandable, ministerial confusion about Canada’s legal responsibility is less so. Toews speaks favourably of *detering* such arrivals, yet the minister is surely aware that, owing to Canada’s long-standing visa restrictions, mass and clandestine arrivals are often the only ways to reach a safe country (the Tamils came via Thailand, a country that is not a signatory to The Convention) In this case, suggesting that the boats contained a terrorist presence seemed to function as the justification for the deterrence of arrivals that are a thoroughly normal (but not normalized) part of global refugee movements. When talk of deterrence occurred it was justified by the asylum-seekers connection to the LTTE (and, strangely, with “people smuggling” which, though the only possible means of arrival, seemed to engender moral panic). The fact that membership of the LTTE could very well function as the *reason* for a valid asylum-claim went unsaid.¹²¹ The need for the Canadian Border Services (CBC) to distinguish refugees from terrorists was often repeated with no consideration that those categories are not mutually exclusive¹²² In Sri Lanka those categories cannot be separated, for members of the LTTE were apparently subject to summary execution without trial, surely making them *at least* candidates for a valid asylum-claim. In the presence of such confusing conceptions of guilt and innocence it is

¹²¹ Considering the professed need to hear those refugees’ stories there were no such contextualizing stories given by CTV to allow the viewer to understand the conditions in Sri Lanka for Tamils, or to understand the situation that might drive an individual to join the LTTE, nor any discussion about whether a member deserved asylum if he or she felt unable to return to Sri Lanka.

¹²² CTV British Columbia - Hundreds of Tamil migrants arrive at B.C. base - CTV News. Available at: <http://bit.ly/raxMBw> [Accessed August 28, 2011].

perhaps unsurprising that so many myths and misconceptions¹²³ exist about refugees and asylum-seekers in Canada.

After all, while in transit they are subject to police action to *stop* them arriving, yet after they do arrive they are mandated to be allowed to exercise their right to seek-asylum. This ambivalence was shown on August 13th when the anchor argued that there are two ways to see the arrival, 'either as *humanitarian*, or like the conservatives, as a *security threat*.'¹²⁴ In fact, the arrival must be seen as both. Security as an apparent constant rests on the logic of population – making *us* safe – and thus a large arrival of humanitarian dependents is very *precisely* that which endangers “security” in its modern figuration. The dependent and the security risk can be one and the same; the stopped from arriving is also the one who, once arrived, must be assisted. As such, the refugee cannot emerge as a unitary subject.

The arrival has a proximate precedent. The previous October another ship, *The Ocean Lady*, carrying 76 Sri Lankan asylum-seekers arrived on the same coast with far less fuss. All passengers sought asylum and, though it was *claimed* that one third had “links” to the LTTE, the hearings to prove this ‘were abandoned and the agency [CBS] never produced any evidence to support their suspicions.’¹²⁵ Canada has an *85 percent* acceptance rate of Tamil asylum-seekers¹²⁶ making them one of the most likely groups to be granted status.

¹²³ Myths abound which centre on Canada’s respect of asylum-seekers’ rights; that ‘real’ refugees don’t ‘jump the queue; refugee ‘claimants pose threats to Canada’s security; and that Canada does more ‘than its share to assist refugees and asylum-seekers when compared to other countries.’ ‘Facing Facts: Myths and misconceptions about refugees and immigrants in Canada’, *Canadian Council for Refugees*, <http://ccrweb.ca/files/FFacts.pdf> [accessed 19/07/2011]

¹²⁴ Anon, CTV British Columbia - Hundreds of Tamil migrants arrive at B.C. base - CTV News. Available at: <http://bit.ly/raxMBw> [Accessed August 28, 2011].

¹²⁵ Anon, CTV British Columbia – BC migrant ship arrives - CTV News. Available at: <http://bit.ly/q4lhj3> [Accessed August 28, 2011].

¹²⁶ Anon, Canada’s Role In Thailand Arrests Queried - Immigration Watch Canada. Available at: <http://bit.ly/qlljWY> [Accessed August 28, 2011].

My point here is that the refusal to view the passengers of the *Sun Sea* as genuine is not based on a historical precedent; there have been no terrorist attacks on Canadian soil from asylum-seekers Sri-Lankan Tamil or otherwise and the overwhelming majority of that national group is found genuine under even the narrow structures of the Convention. Public disavowal of the refugees' rights to make their petition came in the knowledge of this legitimacy (or at least the absence of knowledge to the contrary) and in light of well-documented human-rights abuses in Sri Lanka¹²⁷; the kind of which any one of us would flee from. The known was not as important as the feelings engendered at the invocation of the unknown.

This is evidenced by the figuration of human smuggling. What is known about smuggling is that it is the response to the closure of legitimate means to arrive. What is wrong with it is that people make profit from desperate need. We know that the problem with *trafficking* is that it is forced upon the migrant¹²⁸. In this light it makes no sense for Toews to speak of fining the crews of boats such as the *Sun Sea*, a move that would *further* increase the cost of transit for Canada's Convention wards. Making this case of smuggling into an event that should lead us to abrogate the right to seek asylum, as Toews suggests makes no sense if the inclusion of the needy refugee is important to the state.

CTVs editorial stance left assertions of migrant criminality unchallenged. In a segment in which Carmen Cheung of the BC Civil Liberties Association highlighted the illegality of

¹²⁷ Anon, US embassy cables: Sri Lankan government accused of complicity in human rights abuses | World news | guardian.co.uk. Available at: <http://bit.ly/pd5Ejz> [Accessed August 28, 2011].

¹²⁸ In Canadian law, organizing human smuggling for profit is illegal. The facilitation of movement across a border is not. New immigration law targets human smuggling | Canada | News | Toronto Sun. Available at: <http://www.torontosun.com/news/canada/2010/10/21/15776466.html> [Accessed September 6, 2011].

“investigated detention” we were told by the reporter that the government is “ready to beef-up immigration and refugee laws *if* this turns out to be a case of human smuggling.” That statement represents a clear double speak: if anything is certain it is that the passengers have been smuggled. What remains to be interrogated is the nature of the “beefing up” and justification for it in the light of the fact that the *strength* of immigration law and policing creates the very conditions for human smuggling.

The experts enrolled to speak of this case afforded us little clarity. Richard Kurland, an immigration lawyer from Vancouver, discussed the morality of detention, and of human smuggling. The anchor pointed out to him that “the government has made it clear that they believe that *human smuggling* was involved.” Kurland correctly points out that the *event* of smuggling – that is, the payment to third parties for passage to Canada – becomes illegal in *retrospect*: “A delicate application of morality retroactively is involved.” If the *individual* is a refugee – he points out – you “forgive” the smuggling. And if they are “queue jumpers” or economic migrants, or *worse*, then this will result in a “frog march” to the airport and deportation to a third-country. The subsequent confusion is illustrative: He argues that we cannot decide whether any particular asylum-seeker is safe to “walk among us” unless we establish her identity. Yet in qualifying this assertion he says, “and that is going to take time for the Canadian government to liaise with intelligence partners globally who have the technology and the appropriate databases that may indeed identify potential suspects of err, of err, terror.” For him, this is all about sorting the wheat from the chaff¹²⁹; the refugee from the terrorist; the guest from the parasite. Yet his search for the right term for that

¹²⁹ Anon, CTV British Columbia - B.C. jails prepare for passengers on migrant ship - CTV News. Available at: <http://bit.ly/r3mdPg> [Accessed August 28, 2011].

Other could as well serve as allegory for the persistent *conflation* of the two groups of subjects he separates. For even the legitimate refugee is criminalized, unwanted, parasite; stopped from arriving if at all possible.

When asked as to the legitimacy of the Canadian concern with security, Kurland excitedly justifies the control of Canadian borders by stating, “We control our borders!” as if the simple *fact* of control were its own justification¹³⁰. While it might be sensible to situate the interests of the Government in stopping mass arrivals, it should not be forgotten that analysis of violent conflicts shows that violence has its own ‘intrinsic semantic [and] causal character’¹³¹; relations of force have a social function aside from their *rationality*; they may feel good for those who enact the ontological spilt between subject and object.

It is possible that the comfort of the ontological spit between legalized inside and criminalized outside can explain why seven months after arrival the event was *still* being constructed in public as criminal even as the retroactive “forgiving” (in the form of the passengers’ complicity with the workings of the Canadian asylum-system) that Kurland invoked was well under-way. Consider the opening sentence of a report for Canada’s most prestigious and liberal national newspaper, *The Globe and Mail*:

¹³⁰ Responding to the needs of unknown others requires a *necessary* abrogation of sovereignty in recognition of the fact that the resettlement programmes only attend to a tiny proportion of the world’s refugees.

¹³¹ I use the words of Alan Feldman who, though not exactly speaking of *state* sovereignty argues with reference to sectarian violence in Northern Ireland, that violence is traditionally thought of as the *result* of socio-economic factors, and not as a generative force in its own right. Feldman, A., 1991:19. *Formations of violence: The narrative of the body and political terror in Northern Ireland*, University of Chicago Press.

“It was one of the largest shiploads of *illegal migrants* to land in Canada. The arrival of the MV Sun Sea’s 490 Tamil passengers last August sparked a national debate over whether Canada was too easy a mark for human smugglers¹³².

Still the *shipload* was ‘of’ illegal migrants. There has been no retroactive ascription of criminality; this entry has not been pronounced “illegal,” yet the passengers and their arrival are casually referred to as if they were synonymous with the popular understanding of the illegal migrant which rests atop an idea of a subject whose movement is propelled through self-interest and whose presence is illegitimate. While illegality *can* be applied retrospectively is certainly cannot be applied before the fact, yet on July 16th, before they arrived, they were referred to as “illegal Tamil migrants¹³³”. Manne and Corlett argue that a similar portrayal haunts asylum-seekers’ arrivals in Australia where they are persistently referred to in a similar way. While it is reasonable to refer to such passengers as “asylum-seekers” or “unauthorized arrivals,” to speak of them ‘as “illegal immigrants” or simply as “illegals”’ defies ‘the spirit of the UN convention and encourage[s] popular misunderstanding and hostility.’¹³⁴ In Australia, where the public debate about “boat people” is intensely charged¹³⁵ they have no doubt that this characterization represents governmental intent, rather than misinformation.

Reading Canada’s obligations to asylum-seekers as written in law, and considering that it is a universal human right to seek asylum, it perhaps makes more sense to laud the tenacity of these subjects; to praise them in their search for the freedom that the law and the human

¹³² Anon, How Canada laid a hard welcome mat for the Sun Sea - The Globe and Mail. Available at: <http://bit.ly/gBHUN6> [Accessed August 28, 2011]. My emphasis

¹³³ Anon, CTV British Columbia - Migrant ship could be headed to B.C. - CTV News. Available at: <http://bit.ly/q1TOLk> [Accessed August 28, 2011].

¹³⁴ Manne, R. & Corlett, D., 2004:10. *Sending them home: refugees and the new politics of indifference*, Black Inc.

¹³⁵ Dr. Corlett went on to create a reality television program, ‘Go Back To Where You Came From’ on the subject of boat peoples which demonstrated the pervasiveness of the idea in Australia that boat arrivals were less legitimate refugees than those who wait in camps for resettlement.

rights paradigm seem interested in securing. Yet that potential attachment is impinged upon by a contradiction. On the one hand, the passengers were quite readily understandable as likely Convention Refugees – thus, they seemed legitimate subjects for inclusion. Yet the strength of the nation is built upon the idea of a strictly regulated border. Thus the unauthorized, unregulated arrival, even as it embodies the universal aspirations of the Convention (it allows the persecuted to seek asylum), cannot be approved; it troubles the national symbolic. There is little doubt that these passengers were likely to have experienced persecution, yet to avow their *arrival* – their *passage* – is to beg the question of why that movement cannot be made easier; why it cannot be *facilitated*. Even more, to say that the arrival should have been made easier undermines the Canadian governmental rationality that places visa restrictions on Sri Lankans *precisely* to exclude them. If these immigrants' arrival is *right* what of all the others that are prevented from doing so, and thus implicitly constructed as *wrong*; what of the material investments continually made to ensure that they do not arrive; what of the welfare restrictions that imposed to deter future arrivals; and what of the rhetorical commitment to label them illegals? ¹³⁶

The limitations of the law must be recognized – the rights it guarantees are subject to a strict spatialization at the *border*, effectively abandoning the refugee in transit. The abandonment of potentially “genuine” refugees is publically legitimated via national subjects being given contradictory figures of the refugee to relate to: on the one hand, the genuine one whose inclusion is foundational to a commitment to the human rights

¹³⁶ Honig, B. 1998

paradigm and the rule of law; on the other, the one who may be summarily excluded in the interests of a cluster of concerns with demography, security, and economy. Much of the expertise summoned to explain the arrival failed to challenge such a split, indicating that the smooth functioning of the law had a value which superseded the achievement of ideals of justice.

2.5 Expertise

Enlisted to make sense of the passengers' presence, the former Canadian High Commissioner to Sri Lanka, Martin Collacutt, made refugees' arrivals to Canada exceptional and of the order of gift, rather than a mundane exercise of their right: "making your claim in Canada's like winning the lottery¹³⁷ in terms of the benefits and the changes of getting to stay." Chuckling, he tells us that Australia used to be considered an attractive place to seek asylum "until they toughened up." He makes these refugees the recipient *fortune* (for who *deserves* to win the lottery?) rather than of justice; of what they merely deserve. If Collacutt is right and gaining asylum really *is* like winning the lottery (in its signification; if not its experience) then markedly competing discourses constitute the refugee subject; one of exceptionality and excess; the other of rule and right.

The High Commissioner qualifies: "at least get *control* of the system so that *most of the people* we take-in are *real* refugees and aren't simply using the system either to get around the immigration system 'cause they don't qualify."¹³⁸ Given his professional position,

¹³⁷ One has a 1 in 13,983,816 chance of winning the jackpot in the Canadian lottery.

¹³⁸ Anon, Database: Refugee acceptance rates by country - Canada - CBC News. Available at: <http://bit.ly/q0MvoK> [Accessed August 28, 2011]. Emphasis added

asserting most of the people taken-in are not genuine refugees (in relation to Sri Lankan *Tamils* of all peoples) reads as cynical. His comments are also absolutely inattentive to the facts of the situation. (Canada has a 58% acceptance rate of asylum-seekers¹³⁹). In the next programme, “terrorism expert” Rohan Gunaranta, argued that Canada’s reputation would be “blackened” by accepting people who had been brought by human smugglers¹⁴⁰. His opinion bears absolutely no attendance to the material conditions under which the persecuted actualize their flight. As subjects who have engaged in significant personal sacrifice to flee from likely persecution why not construe taking in those “victims” of smuggling as *laudable*? Yet lauding the arrivals implicitly *disavows* Canadian and international efforts to curtail smuggling. In another segment, broadcast august 12th, Canada is *chastised* for not turning back the arrival by the current High Commissioner for Sri Lanka, Chitranganee Wagiswara, because “these are criminals. Most of them, or some of them, are criminals” yet Chief Political Correspondent Craig Oliver also claimed that the *individuals* on the boat are almost certainly innocent of any wrong-doing. They are probably “pawns in a larger game.”¹⁴¹

Oliver states, “through intelligence, the government knows that it has become a target for international people smugglers, *trafficking in human beings if you like*, and in this case, they believe that the *trafficking* has been done by the Tamil Tigers.”¹⁴² He makes trafficking, an activity associated primarily with sexual slavery and bonded labour, synonymous with

¹³⁹ Anon, Amnesty International Canada - Priority Concerns - Refugees. Available at: <http://www.amnesty.ca/Refugee/myths.php> [Accessed August 28, 2011].

¹⁴⁰ Anon, CTV British Columbia - Hospital readies for migrants as ship approaches B.C. - CTV News. Available at: <http://bit.ly/aeTcxK> [Accessed August 28, 2011].

¹⁴¹ Anon, CTV British Columbia - Canada a choice target for Tamil migrants: diplomat - CTV News. Available at: <http://bit.ly/pbMDEf> [Accessed August 28, 2011].

¹⁴² <http://bit.ly/oUaUTe>

people smuggling, a behaviour that is undertaken to actualize a human right to seek asylum, and which would virtually disappear if travel restrictions on citizens of the Majority World were relaxed. His discourse is again fractured, a characteristic of the debate, when in the next moment he synonymised the trafficked with subjects popularly figured as “economic migrants” arguing that this *instance* “is not dissimilar...to thousands of illegals crossing the American border from Mexico to the United States.” I suspect that, in comparing Mexican ‘illegals’ to Tamil refugees, Oliver is *not* radically refiguring the popular conception of illegal migrancy to point out its often-forced nature. Instead, he is synonymising the “trafficked”¹⁴³ the “the illegal” and “the refugee”, where the common denominator is the illegitimacy of the subject.

With strange cheer, the anchor asks of Oliver a saddening question: “Can we not just meet them at the edge of our territorial waters and say ‘nope, you can’t come here’?” After translating the arrival of nearly 500 refugees from a war-torn country into *trafficking* and thus positing the passengers as *victims*, still it was possible to ask the question of whether we *could* return those victims. Oliver replies that, no, it is “too late” for that. The *law* (he imagines that they are now within Canadian waters) stops the enactment of a decision that appears to be morally permissible. But then he realizes his mistake. The problem is not that we are “too late” because he realizes that in fact the asylum-seekers (smuggled? trafficked? terrorist?) have *not yet* entered Canadian waters. They are merely in Canada’s exclusive economic zone. The certainty that the law’s spatialization brings is gone – by implication, we thus *could* send them back. Yet Oliver still points out that we cannot send them home.

¹⁴³ As yet, there has been no evidence that any of the ship’s passengers were transported against their will.

Why? The “*problem*” he says, is that “we are signatories to the UN Convention on Refugees so once anybody gets on Canadian land and says – holding his hand aloft – ‘I am a refugee’ the government is legally obligated to take them in, to look after their care.” His answer doesn’t entirely make sense (the migrants cannot yet hold their hands aloft and say “we are refugees”) yet he clearly senses that the *spirit* of the Convention limits Canadian action in a way that transcends the strict spatialization of the law. Those refugee *could* still be subject to interdiction – as many are who find themselves confronted with state-power outside of that state’s territory – yet he recognizes that to do so would be to undermine the spirit of The Convention, if not its letter. Amidst all the confusion over the search for legalized resolution on what *could* be done to those bodies, what stood as perfectly legitimate was the expressing of a *desire* to exclude them (Oliver next argued that represented a “*problem*” that Canada did not possess an island that it could annex in order to subject the passengers to police action outside of the remit of Canadian law)

Part of the explanation for the uncertainty about the appropriate response to these passengers, and for the persistent criminalization in the absence of any specific crime must derive from the inhumanity found in the poor-migrant body when it is brought into relation with the national subject. Oliver brings that inhumanity to light when, responding to a question from the anchor which pointed out the lack of hospitality implicit in housing the asylum-seekers in prisons he pointed out that

It seems to me like they’ll [the government] have to do more than that. These people are desperate. Many of them wouldn’t mind ... (a hefty pause) ... A Canadian prison is never going to be that bad. They’re gonna be well fed and get good medical care and they will be in better shape when they leave than when they arrive so if it takes a few years and a pretty easy Canadian prison before they get in as refugees, who knows?

The ease at which the simple fact of the body being alive and safe can be elevated to all that a refugee should expect speaks to a discourse that resides at a great distance from the one that constructs Canada as a country that treats refugees well; that respects and upholds human rights; that *leads* the international community. The migrant body – as long as *alive*, and *relatively* better fed, clothed, and watered than before – can be denied virtually *all* of the freedoms that traditionally define states such like Canada as “free.” In this case, favouring the denial of the human rights of the migrant body was publically iterable with no concurrent consideration of whether Canada’s status as a liberal-state might thus need to be rethought; hardly evidence of a human rights culture that Michael Ignatieff argues has “prevailed.”¹⁴⁴

Though the passengers were constructed as “trafficked,” they were afforded little of the sympathy usually reserved for victims; though readily acknowledgeable as refugees, the idea that they could be sent back was not challenged; though the arrival was *named* “illegal”, no due legal process was identified that could possibly adjudge them as such. The only *manifest* illegality would have been to turn the boat away, yet this was an action apparently favoured by the majority of the populous, and spoken favourably of by the expertise summoned by the channel. Under such conditions, where order seems paramount, we must ask how knowledge that does not do violence to refugees can come to matter.

¹⁴⁴ Ignatieff in Ong, A., 2006:197

2.6 Explaining the Response: Ordering the Nation

A difference between the norm and the normalized begs explanation. What is normal for the asylum-seeker (finding passage to a signatory state) is abnormal for the state because it disrupts the appearance of control over the border and because it poses various demographic challenges. Thus irregular movements are abnormalized.

Stephen Harper's speech to 72 new citizens at their citizenship ceremony soon after the arrival of the *Sun Sea* explains. He began his speech by telling us of his inspiration at meeting people "with deep roots in another land...who, with the whole world to choose from," have settled in Canada. He proclaims that he *knows* "that Canada is the best country in the world" and thanks them for affirming this. Their *choice* is a good thing. And his construction of their choice as made *freely*, in the face of other nations beckoning them, makes him (and should make *us*) proud. With his caricature of the world he neatly sweeps away questions about the structural determination of agency in praising the *presence* of the immigrant body in Canada as if it were there because of an *individual* desire for Canada *above any other*. Through ascribing an unrealistic agency to the immigrant body, the exalted status of the nation is remade; the *strength* of her desire *bolsters* our opportunity to desire the nation.

Next he directly opposes those citizens' status as desirable subjects of the nation with the passengers of the *Sun Sea* as undesirable subjects, arguing that such arrivals are "designed

unfortunately...to jump the *queue* and *work around the system*.”¹⁴⁵ Of Harper’s speech, Donald Galloway¹⁴⁶ points out that the rhetorical persuasion is subtle. Mindful of the fact that the majority of the passengers will be found to have the *legal* basis to remain in Canada, Harper takes umbrage at their failure to submit themselves to a due process that is simply not an option for people fleeing persecution. Control over the minutiae of the system appears at least as important as the end of justice being served. What was initially portrayed as an issue of “illegals,” “terrorists,” and “smugglers” – courtesy of government spokespersons like Toews and lackadaisical media coverage – has become an issue of *order*, and of *fairness*:

We are a land of refuge, but at the same time I think Canadians are pretty concerned when a whole boat of people comes, not through any *normal* application *process*, not through any normal arrival channel, and just simply lands and obviously¹⁴⁷ this leads to significant security concerns¹⁴⁸

Yet this is not about fairness to the refugee – about Canada’s obligations to The Convention – issues that *are* of the law. It is about fairness to the nation; “this phenomenon calls into question the most basic obligation of a sovereign country to control its own borders.”¹⁴⁹ Calling us to “to act and act strongly”¹⁵⁰ is not linked to securing justice, but because failing to do so “will invariably lead to a massive collapse in public support for our immigration

¹⁴⁵ Canada News Centre - Statement by the Prime Minister of Canada on a Citizenship Ceremony in Ottawa. Available at: <http://bit.ly/pPiSjv> [Accessed August 28, 2011]. My emphasis.

¹⁴⁶ Galloway, D. speaking at Who’s Steering The Ship? Refugees, Smugglers, Government Policies, and International Commitments, public forum, Vancouver 14/03/2011.

¹⁴⁷ The inference is not as obvious as he would like. In fact all 76 men who arrived (in the midst of a civil war) followed the stipulations of the refugee determination process to the letter, were granted status, and were found to have no links with the LTTE. Anon, CTV British Columbia - Gov’t prepared for arrival of Sri Lankan migrant ship - CTV News. Available at: <http://bit.ly/od30qp> [Accessed August 28, 2011].

¹⁴⁸ Canada News Centre - Statement by the Prime Minister of Canada on a Citizenship Ceremony in Ottawa. Available at: <http://bit.ly/pPiSjv> [Accessed August 28, 2011].

¹⁴⁹ *ibid*

¹⁵⁰ *ibid*

system.”¹⁵¹ The refugee undermines Canada’s search for desirable economic migrants and takes resources away from economic migrants who have *queued*: thus the mutual constitution of the economic migrant and the refugee.

While excluding the refugee from the nation can be legitimated when it is in the *interests* of governance and of economy, Harper cannot quite bring himself to admit that Canada’s labour needs could *ever* exclude the desirable migrants he finds before him – he tells us that Canada *needs* migrants, and thus he enrols the new immigrant to the cause of defending the nation;

[A]nd even if it didn’t [require labour] our country will *always* need more people like you who bring your dreams and thus help build our country’s future. We shall therefore be taking action.

Always and forever-more are but dreams for refugees who find publics and governmental actors ready to moot their forced return for political gain, yet the economic migrant, a subject with no legal right to move to Canada, finds an impeccable future carved out for her. Harper renews the central liberal myth of individual volition by lauding the inner subjective desires of the migrants as that which *includes* her, yet at the same time admitting that the desires of others who do not subject themselves to due process are threats. Though he explicitly undermines Canada’s potential to provide refuge by encouraging anti-asylum seeker sentiment, in the same speech he can comfortably characterize Canada as “a land of boundless opportunity, a place of refuge, a bastion of justice, human rights and the rule of

¹⁵¹ *Ibid.* We might remind the PM that 18 million dollars was spent detaining the passengers of the MV Sun Sea, money which would have been saved if the refugees had been allowed to be free and to work.

law.” After legitimating the exclusion of some, he ends on the impossible: “We are all in this *together* and together we shall build an even better country”¹⁵²

Such a fantasy calls ostensibly different subjects to unify in a myopic solidarity that renders asylum-seekers easy to purge from the national body – a sentiment which runs counter to the ethos of The Convention and which is inattentive to the materialities which might provoke other, more egalitarian relations.

2.6.1 Tracing the Discourse of Population

Harper’s logic rests on exactly the same as far-right anti immigrant groups’ and of more ‘moderate’ ones in Canada and the UK. At their heart is a privileging of a national subject, for whom the right to control the flow of foreign bodies into the nation is normalized. Far-right, group Canada First which is especially reluctant to accept immigrants from the Global South maintains a website giving links to pictures of Canadian cities that it claims resemble the Third World. Many of the links do not work, but in light of the point that the group makes, this matters little, for as is known about the non-white subject is largely irrelevant. What *is* known is that in 1996 there were ‘one in ten people of Chinese descent living in the city [sic]’ of Calgary and that the visible minority population of the city had soared to 16%. The facts are not the problem of themselves. The problem is that Calgarians, ‘were never *asked* if they wanted this change.’¹⁵³ Using other examples, the website goes on to ask whether Albertans were asked about changes to *their* province, and whether Canadians

¹⁵² Canada News Centre - Statement by the Prime Minister of Canada on a Citizenship Ceremony in Ottawa. Available at: <http://news.gc.ca/web/article-eng.do?m=/index&nid=567419> [Accessed August 28, 2011]. My emphasis

¹⁵³ ‘Canada First’ website. [Accessed 14/02/2011] My Emphasis.

were asked about changes to *their* country. In this view, the maintenance of *stasis* is the goal of politics, and the idealized inhabitants are the arbiters of the future of the ethnic subject. Just like “the refugee” for Harper, “the ethnic” for Canada First is tolerable in sufficiently low numbers to leave stasis untroubled, and the primary stasis to be maintained is that the national subject is the one deciding if it is *right* that the other is let in. Such defence of the system is clearly a defence of an economy of relations rather than of a justice standard.

Canada First's themes of national pre-eminence recur on the website of the UK's *Migration Watch*, a group legitimated by their apparently ‘independent, voluntary, non political’ character. They are concerned about the ‘present *scale* of immigration into the UK,’ not a resistance to immigration *per se*, and *certainly* not revulsion at the immigrant body. The trappings of “racism” as it is commonly understood are absent here and mirror Foucault’s¹⁵⁴ characterization of the science of population whereby individuals can be let die, not because of revulsion towards them, but because they threaten order. The group makes the striking claim that the benefits immigrants bring in the form of ‘production’ are offset by their negative impact in terms of ‘population’ – ‘The Government claim that immigrants add £6 billion to our economy. What they do not say is that they also add to our population in almost exactly the same proportion as they add to production.’ The justification for such an argument comes from a government white paper entitled ‘The Economic Impact of Migration’ which states that migration in total, only raised the GDP of the *non-migrant* population 0.15% (an equivalent of 62 pence per head per week). The

¹⁵⁴ Foucault, M., 1981

price that this comes at is not given monetary value, but is presented as a set of statistics that ask the reader to ascribe value to the presence of immigrant subjects (these are the only impacts of immigration named)¹⁵⁵:

The independent Office for National Statistics (ONS) projects that the population of the UK will reach 70 million in 2029 compared to 61.4 today. Nearly all the increase will be in England. 68% will be due to immigration.

The latest government household projections show that immigration will account for 39% of all new households in the next 20 years

[T]here are more than 300 primary schools in which over 70% have English as a second language; this is nearly a half million children. In primary and secondary schools, nearly one million children have English as a second language.

Though the group names the problem as an increase in population, it is an increase in the *foreign born* population (and their offspring) that is actually referred to. This is exactly the institution of racism in the operation of society that Foucault described in *Society Must be Defended* because it marks out the national population as of a different ontological order than the outsider. Migration Watch does not problematize increases in the national population, only the foreign born one, with no thought to their citizenship status; Canada First does not argue that Calgarians should be consulted about in-migration from other areas of Canada, but that they *must* be consulted when the movement is “foreign-born”; Harper *guaranteed* his new charges that such economic concerns would *never* trump Canada’s need for good-hearted souls. While the value of immigration cannot be judged without reference to prevailing contextual factors – economy, demography, the appetite for integration – certain subjects are repeatedly given exceptional status. While economic

¹⁵⁵ MigrationWatchUK. Available at: <http://www.migrationwatchuk.org/what-is-the-problem> [Accessed August 29, 2011].

immigration does not constitute a *right*, asylum-seeking *does*. Yet Harper gave no such exceptional status to the persecuted. In fact, he argued for exactly the opposite. The lack of sympathy exhibited here from Harper worryingly mimics the economic rationality that informs far-right anti-migrant rhetoric. Justified is the selective abandonment of others, allowing some subjects to reside in states of danger, while for others to do so would be *unthinkable*.

2.7 Re-orienting Response

I next read an opportunity given to *The Refugee Council* (The RC) to enact accountability with respect to the normalization of the discourse of poor-migrant and refugee derision by Jeff Randall, author of an article published in *The Daily Telegraph*, one of Britain's most widely circulated broadsheet newspapers. The RC's response represents an attempt to reformulate the refugee as a subject that should be accepted, rather than excluded. I find that a fantasy of national abstraction from relations of domination and a fixation on intention, structure both the derision of migrants, and apparent advocacy on their behalf.

'Bad news for the rest of us – the Guilt Industry is booming,' the *Daily Telegraph* headline warns¹⁵⁶. A burgeoning industry, located across multiple sectors and without formal recruitment is trying to make good British folks' successes, and those of their children, into affective capital used to make them feel guilty: 'If you want to make something of your life

¹⁵⁶ Anon, Bad news for the rest of us – the Guilt Industry is booming - Telegraph. Available at: <http://www.telegraph.co.uk/finance/comment/jeffrandall/6228473/Bad-news-for-the-rest-of-us-the-Guilt-Industry-is-booming.htm> [Accessed August 29, 2011].

and your children's, prepare to be vilified.'¹⁵⁷ The industry has no home base, pervades most others, and is aimed at demonizing 'fellow citizens who spurn "progressive" values.' You are a target for the guilt industry if 'you have a private-sector job, pay your bills, service your mortgage, invest in your property, commit no crime, save for old age (and that of your parents) and seek the best education for your children.' This is not a sector made up of the *materially* disadvantaged: No, this is fratricide – an assault on conservative elements of Britain's middle classes by 'progressive' elements of that very *same* class. Successful immigrants who "better themselves" by adopting these hallmarks of success are also in the crosshairs.

While a traditionally privileged class, the targets of the Guilt Industry feel unfairly construed as out of step with modernity's progress. Such position used to be reserved for others – for welfare queens; "ethnics" tragically bound to their antiquated culture; queers, outside of the time of family and reproduction. Now the hitherto hegemonic – the white-middle classes and model immigrants – are given excuse for melancholia.¹⁵⁸ They are lost in a new world of political correctness, where every one of their conceptualizations of the way things should be is read by guilt industry professionals as offense, 'where none was *intended*, especially on issues of *race*.' Ignorance and good intent are the subjective traits that can "rescue" upstanding property-owning citizens from the charge that they are malevolent bigots. Yet petitions to good intent are sometimes no match for the lack of sportsmanship of the guilt industry "nomenklatura" for '[w]hen it comes to history lessons,

¹⁵⁷ In the article, 'making something' of a life is persistently framed in terms of economic success, 'traditional' education, and property ownership.

¹⁵⁸ Carolyn Dinshaw (178) argues that the political deployment of temporality must be taken seriously – The Nazis deployed temporal asynchrony to recruit Germans who felt left behind by modernity's progress. Dinshaw, C. et al., 2007. Theorizing queer temporalities: A roundtable discussion. *GLQ: A Journal of Lesbian and Gay Studies*, 13(2-3), p.177.

the Guilt Industry is particularly fond of the slave trade, penal colonies and Irish famine.’ The old-fashioned property-owning Brit who merely wishes to express his or her desire for a stable referent point at which it rest at anchor is adrift in a sea of starving Irish peasants, worn-out slaves, and street urchins sent to the colonies for stealing a loaf of bread. Yet the guilt industry does not only summon unfair histories. It also leeches from the contemporary. Its most fertile patch is immigration:

A migrant camp is demolished in Calais and guess what? Yes, we are expected to wrestle with remorse. If you show concern over the number of asylum-seekers in Britain, you are "anti-poor". If you like the way your community is, and do not want it modified by multi-culturalism, you are "racist."

Invoking "the jungle," a makeshift camp for largely clandestine migrants outside the French port of Calais, and the naming of the *Refugee Council* as a key bastion of the guilt industry¹⁵⁹, was enough for that organization’s Chief Executive, Donna Covey to challenge the author, Mr. Randell, by writing a letter to the paper, which, when refused publication, was published on their own ‘Poliblog’¹⁶⁰.

Covey begins by *absolving* Randall of any guilt, arguing that ‘he is in no way responsible for the millions of people who flee their homes each year to escape persecution, and he, as with others like him, has no reason to feel guilty about it.’ It seems strange that a leader in the guilt industry would seek to assuage Randell’s fears that he and his compatriots are being encouraged to assume guilt for their government’s treatment of asylum-seekers and refugees. I wonder if, in the rush to refute this typically ahistorical account of subjectivity

¹⁵⁹ Along with the BBC and the Labour party the RC is a named as a route to the top of the guilt industry.

¹⁶⁰ Refugee Council Poliblog. Available at: <http://refugeecouncil.typepad.com/poliblog/> [Accessed August 29, 2011].

the Chief Executive herself misses an opportunity to historicize what is in danger of being made timeless: the British Subject:

We would like to reassure Jeff Randall...that he is in no way responsible for the millions of people who flee their homes each year to escape persecution, and he, as with others like him, has no reason to feel guilty about it. Neither should he or anyone else feel guilty about being successful – in fact it is thanks to people like him that this country's wealth is sustained, therefore allowing it to continue to take in refugees and offer them the chance to rebuild their lives in safety. Indeed, it is the Refugee Council's heartfelt aspiration that the refugees we help to overcome torture and persecution will rebuild their lives so successfully that they will join Mr. Randall and his fellow high-achievers in their detached houses in leafy suburbs, and get a great education for their children. Nothing would make us happier.¹⁶¹

In one movement, the representative of the most well known refugee NGO in Britain rejects that the British public are responsible for those who flee persecution and (read 'therefore'?) that we should not feel guilty for – not just their flight – but their persecution. Yet if a citizen of a state whose government *drafted* the document that, above anything else, is meant to create responsibility for refugees is not – at least in some way – responsible for refugees, then who is? Covey synonymises responsibility with causality: if British people did not cause refugees' plights then they are not responsible therefore they should not feel guilty for any injustice that occurs thereof. Yet the *reason* for clandestine arrivals – for lengthy passages rather than quick flights, and for the establishment of migrant camps in French woodland – are largely the interdictory measures made in the names of citizens just like him. In this sense British subjects cause a great deal of migrant precarity, not through intent, but by virtue of the actions done to ensure the prosperity of the territory they inhabit; thus the subject is welded to the objective materiality she is given to inhabit.

¹⁶¹ Dona Covey, The Refugee Council - leaders of the Guilt Industry? Available at: https://www.facebook.com/note.php?note_id=164901421720 [Accessed August 29, 2011].

Yet the responsibility for refugees given in the Universal declaration of human rights argues that signatory states are responsible for refugees by virtue of the law that compels signatory states to allow refugees to enjoy asylum in their territories, and *not* by virtue of whether they affect refugees' lives. They take responsibility for refugees as a matter of *principle*. An important question for those of Randell's ilk is whether, when such principles are abandoned by their nations or citizen-fellows, guilt is an appropriate emotional response. If citizens like Randall and Covey assent to the international policing of travel, then they are surely responsible in some way for the erosion of the right to seek asylum. Covey's absolving the individual Randall of any guilt at his success seems especially strange, for it is his low-density living in the 'leafy suburb' which provokes the fears of over-crowding turn public opinion against refugees. Moreover, the measures that keep non-refugee migrants *out* ("bogus" asylum-seekers; "economic migrants" of supposed volition) are the measures that lead to the conditions for the success that he and the rest of Britain's "successful" classes are driven by.

This instance was a perfect chance to respond to the desire of national subjects to abstract themselves from concrete relations of responsibility. Yet the only answer from *The Refugee Council* was in the negative; that you are neither responsible nor guilty. As such, the "challenge" rests on exactly the same view of subjectivity and agency that structures Randall's sense of unfairness at the machinations of the guilt industry: Because we did not *cause* refugees' flight we are not responsible; because we do not bear refugees any ill-will we could not have caused their deprivations; because we do not *intend* that refugees suffer destitution, homelessness and de-skilling after their arrival in the UK, we cannot be said to have caused it, nor desired it. Thus we are not culpable. Our consciences are clear. It is an

impoverished ethic of care, which reinstalls the idea of the liberal subject who – so long as good intentioned – is not called to account for the materialities that effect her position of dominance; who so long as she maintains an ‘interested blindness’ to matters of inequity, will not be called to pay their price.

The implication of Covey’s position is that a realization of the plight of refugees will change national attitude. The power of the subject put forth is that bearing neither responsibility nor guilt offers virtually unlimited chances to be *happy*. Sarah Ahmed criticizes the contemporary obsession with happiness as a pursued subjective formation, identifying that under such conditions, critiques of the normal and quotidian aspects of life are often quickly rubbished; rejected as the petty preserve of those for whom a good dose of “lightening-up” is swiftly advised. If the refugees’ situations are – to an extent – caused by those national subjects who – whether consciously or not – indulge in a privilege *constituted* by that very situation, they surely reside responsible in both the principled *and* causal sense. A much more productive argument seems to be how much *subjective* guilt should follow from the recognition that any individual is implicated in a relationality that directly causes the abjection of another.

The structures of meaning we are given are often inadequate to that task. Where structurally embedded ways of knowing enact epistemic violence, we are not simply given images of the unwanted refugee that we might *replace* – in any straightforward fashion – with images of the wanted refugee, precisely because material-discursive regimes exist that render bodies *just* like her *unwanted*; the refugee could appear just as undesired as the migrant from the Global South in spite of the Convention defining her differently precisely

because that document allows states to subject asylum-seekers to police action that brings them to light as of negative value. While professing humanitarian leanings clearly has a value in particular times and spaces, the aversion to facilitating movement points to the fact that the refugee body is typically much more valuable to Western states and their citizens when it remains at a distance.

2.8 Conclusion

The legal definition of the refugee would seem to exclude as much as it would include. Thus, the laws as they are cannot become a synonym for justice. Some of them are resolutely unjust. Yet neither can simple good-will, in line with the positive sentiment expressed by groups like the RC, contra the bad will of commentators like Randell because constructing the granting of asylum as a gift that can be chosen – that is a function of the will – ignores that in most senses, responsibility has little to do with subjective intent. Portraying the giving of hospitality as a chosen gift is apt to be translated into evidence for the good *character* of national subjects without a consideration of what allows them the ability to gift. If part of the ability to extend welcome is predicated on economic success, and that success is secured by inequitable asylum-laws, the gift is constituted as much by the abjection of the recipient as by the desire of the giver. In a time where refugees are derided, refugees' expressions that work to approve of the nation are attractive as discursive resources to counter myths of refugee deviancy. Yet that gesture *cannot* be made emblematic of the category, for that category also includes the excluded; the ones abandoned who never get to express their gratitude or otherwise. Validating the national subject's giving of hospitality by applauding its appearance in rhetoric (which is the

converse of chiding commentators like Randall for failing to display it) legitimates the national-subject as the embodiment of national systems of entitlement, thus lessening the possibility for refugees to iterate their right to partake in them; it nationalizes democracy in a way that maintains, by definition, necessary exclusions.

In the next chapter I attempt to show the multiple ethical investments made in researching a category that I had become invested in deconstructing – ‘the refugee’ – *through* the theorizing of refugees and people who provide services to them. As a subject ‘at the centre’ – a white, male, national subject of privilege – I query the possibilities I was afforded to relate to refugees, arguing that my situation was often ambivalent and belied by attempts to provide coherent narrative.

Chapter 3: Practising Understanding

In the summer of 2009 I had the opportunity to work with a nascent Refugee Community Organization (RCO) that I call “Refugee Assistance Group” (RAG) in a West London Borough. Before going, I had a sense that I wanted to understand how community groups governmentalize their subjects because though the form of state speech that references the legalized refugee subject would seem to be very exclusionary, I wanted to understand how those definitions might be differentially operative in the practice of governing subjects. Non-governmental groups may define refugees in different ways that challenge common understandings, yet they must also situate their work with respect to the government, funders, the public and the refugees they serve. Christian and feminist NGOs are “given” different figures of subjects they serve insofar as their particular ideologies imagine different *changes* in the world, and thus call for different ethics of relation between subjects. My expectation was that “from within” I could understand the specificities of subject formation in the midst of an NGO with various agendas to governmentalize subjects in particular ways. I would then attempt to trace that governmentalization “back” to the discourses that informed it, and “forwards” to its effect on the subjects it named. In that movement “forwards” I could understand how subjects “pushed back” against – reformulated – their figuration in discourse. The importance of that approach I took from Donna Haraway’s work on situated knowledges and Bruno Latour’s Actor-Network-Theory which call for the researcher to thoroughly situate annunciations within the material-discursive formations that produce them, rather than to explain them with imported concepts. In my work with RAG, I hoped to develop a *realistic* understanding of the

conditions under which political agency is crafted, situating governmental action within local circuits of meaning, rather than judging it on the basis of how much it disrupted or reproduced the understandings of refugees that I have previously shown my dissatisfaction with.

While the imperative to analyze RSNs governmentalization of refugee subjects (and the influence on this process from outside) I also felt that I should make myself available to be used by RAG. I wanted to be an “insider” by working for RAG. The reasons for this were that I felt that doing such work could compensate for their letting me research them (my presence probably wasn’t an unqualified good, inspite of my readiness to make tea for the office) and because I felt that through doing the work associated with working for an RCO in that particular place and time, I was more likely to develop an understanding of the actual subjectifications at play, rather than simply seeing the “end-product” of action. In the end, putting myself in RSNs service led me to spend most of my time with other RCOs in the borough. With RSNs activities still in the very early stages (they did not yet have charitable status, had no full-time staff, and were sharing office space with a friend’s graphic design company) I was commissioned by RAG to conduct an analysis of the local area which would have the goal of conceptualizing the need for an educational mentoring program for Unaccompanied Asylum Seeking Children (UASC). That need would be measured by talking to other RCOs in the area – prioritizing the ones that worked primarily with youth – about the need for a mentoring program, in terms of both the needs of refugee youth, and the capacity for a mentoring program to address those needs. For the purposes of the project, RAG used “youth” to denote any young person older than an early-teenager who could stand to benefit from educational mentoring. While the project would prioritize UASC, in

lieu of the discovery of those subjects (such unaccompanied minors, by definition, lack the support networks that might make them identifiable) the mentoring would be aimed at other young people from refugee-seeking communities who local RCOs and social services thought could stand to benefit from one-on-one attention.

While I had to elicit basic information from the RCOs about their knowledge of working with young people and their view on the benefits of mentoring, I also asked participants to describe to me the purpose of their organization, their role in it, and their motivations for pursuing work in that field in order to attempt to understand the process of community work with refugee subjects. As such, I was told a lot of stories; many of them being told in relation to a politically charged back-drop that names refugees who only deserve “so much,” often vis-à-vis the idea of the British subject so often rhetorically opposed to the outsider in migration discourse. I tried to focus my interviews on the difficulties of getting things done and on the adequacy of refugee service provision in the borough which often led participants to give me their own particular pedagogies on the refugee, linking that subject to entitlement, and thus helping me to understand something of the governmentalization of the refugee by different RCOs in that place and time. I was given examples of how categories of practice such as “the refugee” and “the British subject” emerge in explicitly *interested* invocations of political futures; as governmental strategies. Yet, as stories (as all definitions of subjects are) they also gave me pause to consider the conditions of intelligibility that govern *my* understanding of refugees – they gave me the chance to reflect on the structures of meaning through which I am able to interpret those refugee lives and governmental action evidenced in our talk that often turned to matters of integration, race and entitlement. Participants articulated different claims on the refugee

subject to me, and called me to consider how my understandings of refugees should subsequently change. In what follows all participants are given pseudonyms.

3.1 The State of the Borough

I was first sent to the Local Refugee Forum (LRF) by Anna, the director of RAG to speak to Aziza, the head of the LRF which is an umbrella organization for all of the RCOs in the borough. The key problems identified in their annual report are of *organization*, not advocacy. While the front page of the Refugee Council's website addresses the potential ramifications of the western intervention in Libya, the British government's return of refused asylum-seekers to Zimbabwe (and provides rebuke of that policy) and fields questions on the nature of the asylum process in the UK, the forum's goals and those of its RCO members seem immediately more modest: the provision of, and access to information, the stability of service provision, the collection of accurate data, and keeping in touch with refugees. They point out that since 1993 many government policies have sought to deter economic migrants and this is a problem because it makes employers suspicious of non-British job-seekers. The area also has a severe housing shortage, with 17,500 households waiting for housing. The RCOs that ARF has contact with report that refugees have been housed in some of the worst areas in the borough and that the health issues associated with their trauma are, and have been, largely ignored. Only one organization represented by the forum composed of 44 RCOs explicitly addresses the human rights of refugees and, judging by my unanswered telephone calls, it did not seem operational. The majority of the RCOs in the borough provide services that would not be considered specific to refugees – they are

not associated with displacement, persecution, or trauma, or with the discourse of “integration,” but with education, training, sports and community cohesion.

The demographic composition of the refugees in the borough has been gradually changing. Before the implementation of the policy that began the mandatory dispersal of all dependent asylum-seekers to areas outside of the South-East of Britain (the most densely populated region, containing the capitol) Aziza tells me that the area had more RCOs for asylum-seekers in the process of making their claims. Now the refugee communities in the area are peoples that gained refugee status as far back as Britain’s instigation of the 1962 protocols (and possibly longer) There are not many people actively seeking asylum in the borough, though Anna, did tell me that many failed asylum-seekers do return to the capitol after their claims have been rejected and that those subjects are at increased risk of homelessness owing to their lack of state support. The prevalence of homelessness amongst asylum-seekers who have exhausted all the avenues of appeals led RAG to set-up an English-language and skills workshop in a local shelter.

Aziza told me that gaining refugee status is erroneously thought of as what she termed the “holy grail” for refugees, yet often achieving that recognition introduces *instability* into their lives because refugees are expected to quickly move out of the accommodation they have been provided during the state’s deliberation on their worth and are expected to support themselves too soon after gaining status. As well as the work-place stigmatization

faced by people with “refugee-sounding names”¹⁶² many refugees face the added barrier to employment of being poorly educated, and having been dependent on the state during the hearing of their asylum claim. Aziza had been through the asylum system in Canada and told me that one of the virtues of the Canadian approach to refugees is that they allow asylum-seekers to work while their claims are being heard.¹⁶³ In Britain this is not the case. As well as the denying asylum-seekers the right to work (unless their claim has taken longer than six months), there have been increasing moves to grant only Temporary Leave to Remain (for a period of five years) after which, if conditions in the refugee’s home country have improved, they can be sent back. That new temporalization of asylum belies the idea that the state “wants” the refugees it determines as genuine in any simple way and heralds Britain as a space for only the refugees that *cannot* be sent back – as a space of temporary respite, not a place that is simply “home” after a successful decision has been made.

Aziza tells me that in general refugees have difficulty gaining employment, but that many refugee-women have more economic opportunities in Britain than the countries they came from¹⁶⁴. She explains the reasons for this: “Men are too fixed...This is why you get Somali men depressed, chewing Khat on the street.” Souzan, who worked for a re-skilling RCO,

¹⁶² Souzan, of “Employ Refugees” (ER) situated the sound of the refugee name as a prejudicial artefact, interrupting the teleology given to us by government which states that attaining refugee-status represents an unmitigated good: in the case of refugees with foreign-sounding names, job-seeking may represent an exposure to prejudice.

¹⁶³ In a comparative study of the British and Canadian asylum-systems Kissoon finds that while support for asylum-seekers in the UK is centralized, it also enacts a difference between residents, who may use regular welfare channels, and asylum-seekers; the provision of inadequate assistance to asylum-seekers at the national level contributes to their ghettoization. While asylum-seekers in Canada do not have access to federal assistance, they have the same right to social housing as the resident population Kissoon, P., 2010. From persecution to destitution: A snapshot of asylum seekers’ housing and settlement experiences in Canada and the United Kingdom. *Journal of Immigrant & Refugee Studies*, 8(1), pp.4–31.

¹⁶⁴ I was told by numerous participants that women found it easier to find employment and to adapt to the British way of life than men.

stated that for most refugee professionals such as doctors and dentists, re-skilling to enable them to practice their professions in the UK is almost impossible. For most, the time and money needed to invest in the necessary education proves an insurmountable obstacle. She stressed that a huge part of her job consisted of managing expectations – in helping doctors who had operated their own clinics in their home countries adjust to the fact that they would never have the same social status here. She thinks it is a great shame that there are people with PhDs driving taxis in the local area. The notion that a part of refugee governance rests in preparing the subject to accept failure, or to deal with the loss of social-status inherent in moving from being a nuclear physicist to a cab-driver challenges the idealization of Britain as a promised land for refugees which informs a spatial imaginary that sees refugees moving from lands of terror to “an easy ride.”¹⁶⁵

The question of how to *feel* about the refugee who is materially disadvantaged by her contact with British institutions is important to ask because the lobbying it is possible to do on the basis of the well-educated refugee depends on whether subjects feel moved by that individual's situation. If we think back to Riskin's characterization of empathy as liable to solve the world's problems the logical response for the advocate is to disseminate information about the taxi-driving doctor in order to affect the subject. Yet we know that highlighting refugee-life narratives can give the sense that because refugees have experienced great suffering, they are liable to be happy with anything they are given.

¹⁶⁵ see Walton-Roberts, M. & Pratt, G., 2005. Mobile modernities: a South Asian family negotiates immigration, gender and class in Canada. *Gender, Place & Culture*, 12(2), pp.173–195, for a critique of the notion that Canada necessarily represents an experience of modernity hitherto not experienced by the third-world migrant.

Following Sarah Ahmed's work on happiness I'd like to point out that it is very easy to feel happy about refugee success stories – the ones that we are asked to indulge ourselves in by the British Refugee Week “22 Simple Acts”¹⁶⁶ campaign, for example – which enjoin us to find something that a refugee has contributed to British culture, and celebrate it. Ahmed argues that such happiness deserves a certain suspicion because the good-feeling that constitutes it often comes to stand for “goodness”; because if it feels good, it *is* good. There is a peril in feeling sad for those subject to what Lauren Berlant¹⁶⁷ has termed ‘slow-death.’ Should we feel sad at their sadness? Or is such sadness disingenuous considering the causal link between their and our respective positions? If we think back to Žižek's critique of “radical” academics calling for migrant justice, how can we relate to those refugees with PhDs whose taxis we habitually inhabit? We might, indeed, feel sad, yet that sadness is surely disingenuous unless its logical end is not attendant to that which is a *cause* of the refugee's dissatisfaction: the inability to practice one's profession. It is easy to say that one believes in a refugee's *right* to practice their previous profession but less easy to ensure that practicing. Stories of sadness cannot ‘stop’ at the sadness they in turn engender, as if they had done their work by affecting an emotional response that *feels* like empathy.

I situate the capacities of the empathetic subject as important because finding out about the plight of others, unless translated into meaningful action, can appear as counter-intuitive and many of my interviewees situated that problem as important. One of the biggest problems in the locale is that RCOs are *over*-consulted. They have plenty of opportunities to

¹⁶⁶ Refugee Week | 22 Acts | 22. Find one big or small thing that was created by a refugee. Available at: <http://bit.ly/nOD4EB> [Accessed August 29, 2011].

¹⁶⁷ Berlant, L., 2007. Slow death (sovereignty, obesity, lateral agency). *Critical Inquiry*, 33(4), p.754.

speak; plenty of people want to listen to them; to canvas them; and to use their expertise (in many cases, people like me, seeking to feed their information into the circuits of accountability in the competition for funding). Yet when the act of consultation is given more value than what is said, it causes bad feeling.

3.2 Examining the Production of the Refugee

“The refugee” is a subject – along with others such as “the nation” – that vacillates between being thought of as a natural entity, and as specifically authored in laws and conventions. If news reports of western governments allowing refugees to drown on their journeys, are considered indicative of governmental practice it seems that the refugee is being scripted as a subject of pure derision. It is axiomatic that European governments are currently adopting increasingly strong anti-immigrant rhetoric (really an anti unskilled immigrant/anti-asylum, and pro the choosing of the skilled, elite immigrant). And they most certainly *are*. Yet the state is also more complicated than the grandstanding of those who claim it admit. Even as the refugee is scripted as a subject that can be excluded the more mundane practices of state – of which NGOs are variously a part – do much the opposite; they include refugees and advocates in circuits of meaning which bear little resemblance to the ‘high’ political strategies of refugee politics in its sovereignty-affirming guise. Often the *practice* of governance is often more akin to a gentle herding than a flight from the maw¹⁶⁸. Carmen from Area Connections, an organization that provides training and conflict-resolution skills to marginalized youth, highlighted how definitions of

¹⁶⁸ See, for example, Pandian, A., 2008. Pastoral power in the postcolony: on the biopolitics of the criminal animal in South India. *Cultural Anthropology*, 23(1), p.85–117.

refugeeness specific to Britain, when embodied with respect to other racialized performances produced refugee as an undesirable category.

3.3 Situating Refugees in Britain

Carmen provides a challenge to the discourse of right, so often portrayed as enabling inclusion and centres performance and recognition, modulated by specifically British histories of racism, as central to being recognized as an insider, problematizing the idea of an accessible British cultural substrate, accessible to all.

Her project is for young people, most of who have been expelled from school, or are at risk of being so. Some of them may be on bail, and many of them are likely to be on the Intensive Supervision and Support Program (ISSP) whereby young offenders are monitored closely, usually through a combination of electronic tagging, telephone check-ups and curfews. The project teaches life and job skills and fulfils some of the supervision requirements of that program. The organization is listed as an RCO because some of its clients are young refugees, though the majority is not. As such, it is unique among the RCOs in the area because some of its users are forced to go; hardly “clients,” or “service users,” as per the dominant lexicon. Because of the mix of users, Carmen had a privileged view on how refugees and British youth¹⁶⁹ interact in high stress environments in which, she said, the aim was always to “challenge their viewpoints.”

¹⁶⁹ I must stress the inadequacy of that distinction – many of the youth from refugee-seeking backgrounds may have British citizenship and many of the youth identified as ‘British’ may have come from refugee-seeking backgrounds themselves

While pointing out the rights of asylum-seekers and refugees is a common way of muting exclusionary petitions the practising of rights may be fraught; they may provoke as much angst as they do carve out a space of freedom. Carmen tells me that the very *idea* of rights is conflictual for some asylum-seekers and refugees. Being given something for free by the state may seem strange for them. Thus, they are suspicious. We, in the West, she tells me, “accept that people give us things.” The refugee she is talking about here could not be more different from the refugees that are spoken about in the tabloid press as if their presence in Britain, far from any land-border with a refugee-producing state, represents the evidence of a refugee subject intent on “shopping”¹⁷⁰ for the best benefits upon arrival. From her, many refugees do not fit the stereotype of the needy, welfare-reliant subject, but, rather, emerge as proud, and as desiring self-sufficiency. She stressed that some refugees come from very poor places where education is only for the rich and thus refugee youth often find the idea of going to school difficult to negotiate. She tells me of a refugee-family who convinced the Local Education Authority that their son was “school phobic,” employing him in the family business, and subverting attempts to provide him with distance education. That story immediately seems to resonate with the stereotype of the dissatisfied migrant, *unwilling* to adapt to British institutions because of self-interest, yet the will of the family not to send him to school should stand for more than the stereotype of the melancholic migrant unwilling to “adapt.” The poor economic opportunities provided to refugee families by the service economy into which they often find themselves inserted after arrival in the UK may contribute to situations where it is economically impossible to keep all children in full-time education. The construction of the refugee as the embodiment of

¹⁷⁰ Asylum: UK takes most | The Sun | News. Available at: <http://bit.ly/pBWMVs> [Accessed August 29, 2011].

difference which follows from a focus on the refugee subject as in need of cultural integration that such stories are readily sense-able as caused by different cultural understandings of education. Sherene Razack highlights that the notion that different understandings of the world can be mastered by subjects interested in affecting equality is a problematic one because it allows inequality to be fetishized as derivative of a lack of knowledge. It is a powerful excuse for economic deprivation to construct that refugee family as lacking in knowledge about the value of education (or as possessing an alternative understanding of education that should be mastered), when material deprivation may very well *necessitate* their need for the son's labour time.

Other interviewees challenged more directly the idea that it is the refugee's original culture that is the cause of his or her problematic status in British society. Zaira and Amran from the Noran Association stated that most low-achieving Somali youth were UK-born, not Somali. Originally I had thought that a lack of English proficiency might be a big obstacle for the refugee youth RAG would mentor, yet many of the representatives I spoke to situated bad behaviour as more important, and that this behaviour was derivative from immersion in British cultures of masculinity and of welfare-reliance. They argued that a culture of masculinity informed by "rap-music culture" gave the Somali community a bad name, Carmen¹⁷¹ also showed for some refugees embodying the some trappings of Black culture is a difficult endeavour: while constructed as the *contrary* of participation in the legitimate national economy, this embodiment requires a work of its own.

¹⁷¹ In Carmen's discussion of performing blackness, she was not speaking specifically about Somali boys, but rather about young 'BME' (to use the official-British nomenclature) people from refugee backgrounds.

When I ask Carmen to explain common problems in the classroom she says “homophobia and sexism are rife.” Immediately afterwards she qualifies: young refugees often try *too hard* to fit in. They go over the top in reproducing streetwise “Black talk,” the slang particular to young London-youth and associated predominantly with Black, and Minority Ethnic (BME) groups. Because such refugees are *marked* as people of colour they find the means of potentially fitting-in through such performance. Yet, precisely *because* of the effort devoted, they are seen as failures by those they attempt to imitate. Their displays are parodic, and serve to *undermine* their credibility. Hence the disparity between an individual’s assertion and their agency: refugees’ abilities to become Black and British in the way they desire is circumscribed by their refugeeness and by the necessary effort they must invest in light of their failing to appear properly Black. After all, what could be more counterintuitive to appearing cool than showing that you are trying hard? For those kids, losing their refugeeness and appropriating Black-talk is a part of their agency. They are trying to be ‘Black,’ yet in this case, despite their racialization and efforts to perform, they over-invest in the trope – their trying too hard is parodic. Improving one’s lot in this case could not come through hard work, for those young people tried too hard. Ironically, they fail at being failures. They fail to appropriate a mark that is seen by the dominant culture as already signifying abjection; the slang of a group publically iterated as an underclass.

Arendt describes the refugee who apes national culture as having failed. Their refugeeness - their status as outsider returns to them – just as the Jewishness of the German, Czech, Austrian, and French Jews returned to them after they were expelled after simply trying to be good national subjects. The difficulty of the subjects that Carmen describes gets to my dissatisfaction with Arendt’s call for *refusal*. Her ‘either, or’ approach to culture – whereby

performance necessarily reproduces what its form seems to denote – is not good enough. In reading her ‘We Refugees’ one finds oneself thinking that there are but two options; to challenge structures of national meaning, one must be the pure outsider who refuses to ape the hegemon in any way. These refugees though are not aping what is generally considered to be the hegemon; the national subject. They are attempting to ape what is traditionally seen as the mark of the remainder; the mark of those excluded from the system. In being denied that subjective marker they surely call us to ask where is possible for refugees to fit in. Julia’s story was characterized by her disillusionment with a system of British morality that made it hard for her to make herself “beautiful.” The intimacies of Julia’s story show the importance of accountability for feeling beautiful; they challenge the notion that we need a shared identity to feel in-common; and they call for rights¹⁷² to be thoroughly contextualized with respect to their ability to affect the right outcomes.

3.4 Julia

Julia who ran an art project called “Arts In Motion” (AIM) took a long time out of her day to talk to me. We met in the public library, it was noisy, and we sat perched on the edge of a small sofa, crouched towards each other. This was my first interview and I had worried greatly about whether I would be able to ask the right questions. To interview someone displaying such humility, such honesty about her uncertainties, and such assurance in her faith was just what I needed. Julia also seemed sad, and I went away from our interview

¹⁷² The reformulation of human rights is commonly figured as liable to remedy the problem of structural violence. Donald Galloway (2011) professor of Law at the University of Victoria, speaking at a public forum considering Canada’s response to refugee claimants with a focus on the public response to the arrival of the *MV Sun Sea* stated with sorrow that as a society, we had become blasé about human rights. When asked at the close, what *one* thing he wanted the audience to take away from the night’s discussions, he replied that we ought to feel challenged to reinvigorate human rights.

with mixed feelings. On the one hand, it is wonderful to have interviewed someone who has given you valuable information – an intimate account of a refugee-woman working in the public sector – yet also sad to see someone so talented express so much sorrow and frustration at her situation in Britain.

Julia is a playwright, and had written much in her home country in East Africa that was critical of the establishment. A part of her frustration about what she called “the western world” was that we don’t have “nature” here. Speaking in the context of the rules and regulations that govern adults working with children she said that here “everything is mediated.” She explains by telling me of her prior experience teaching children with learning difficulties. Helping them change costumes during a theatre class was, for her, perfectly natural, yet was prohibited by the school she was working with, even with other adults present because of a fear that such behaviour would be considered inappropriate under British norms governing adult-child behaviour. Julia felt that such measures – ostensibly to protect children – were over the top: she asked me, quite forcefully, whether I didn’t think it was ridiculous that if there was more than one adult in the room, one of them couldn’t assist disabled children in changing costumes. In the end she told me that children ended up wearing their costumes over the top of their regular clothes which she clearly thought absurd, and a sad indictment of the paranoia that surrounds children in the workplace. Julia’s exasperation at these events suggested to me that she saw them as indicative of the predominance of petty and arbitrary relations coming to replace, or prevent, more natural and genuine relations between people. What Jenny is saying is so interesting because it captures some of the ambivalence with which we both live in relation to the state, and with which we relate to categories of thought like “nature” and “mediation.” She

tells me, sadly, that “everything is mediated.” It could be tempting to think of Julia as promoting the idea of a natural human essence that could be accessed if it were not for mediation. Yet her argument is not one that simply rejects mediation *per se* or one that fantasizes about either a non-mediated past, or non-mediated substrate that is subsequently corrupted by mediation. What she tells me next shows that her notion of non-mediation is far from simply allowing people to do what they wish with no interference.

She tells me of a boy she knew who witnessed a crime because he was part of a group of trouble-makers, lamenting that the police had merely asked the boy for information about the crime, rather than giving him a firm hand to guide him away from associating with unsavoury types. She was specific in telling me that the police didn’t have any interest in reforming him. While she previously lamented mediation, she calls for it in this case. There are certain circumstances where the authorities *should* intervene. She shows that government (as a verb) cannot be given a value. Instead, the ethos of governance is dependent upon the situation at hand. The problem of governmental action is not that its reach is too great – its power too grand – but that the *types* of intervention are heavy-handed and obstructive; insufficient and not conducive to the good. In her country of birth, artistic endeavour was the very *practice* of political critique. There, people collaborated in art, poetry and song to simultaneously dialogue about, and critique the ruling minority. She insists that here in the UK, this critical art doesn’t happen. She wants to know where the constructive social commentary is on youth delinquency and is confused about the absence of this from the public sphere. Julia sees so much youth delinquency in Britain and can’t believe that authorities do not take a more interventionist role. So while she is “anti-mediation” when it is not ‘natural,’ she believes that governmental intervention can be

natural. By virtue of this example we see how refugees' critiques of governance have the potential to be marginalized by being hidden under the sign of the retrogressive culture they are often made to appear as emblematic of. When Julia argues that mediation is not natural she readily slips into a position prepared for her in advance – that of the melancholic third-world subject, longing for the simplicity of the “unmediated” non-West. There is hardly an Orientalist stereotype more seductive. Yet it is clear that her concepts of the natural and of mediation are complex cultural productions themselves and this view is furthered in her critique of the rights discourse that she sees governs the relationship of British youths to their elders.

We talk about the problem of teenage pregnancy and family breakdown. Julia makes it clear that the rights posited by the British welfare-state as *securing* children's livelihoods, have seen debilitating effects for her community. She says that “when families are together it is *good* [but] families are *down*,” emphasizing the last word by pointing to the floor. “They¹⁷³ tell people that if you have a child you have benefits¹⁷⁴.” In this light she tells me that there are young women getting pregnant simply so that they can receive housing and money from the state. I was surprised because I had discounted such claims made – usually in the tabloid press – either because I considered them totally fabricated, or because I considered them – not untrue - but engineered to deride that action, and to validate those young people who make “the right choice” in deferring child-bearing until later in life. Where there are few options, becoming welfare dependent through having children can be a way of making life viable, of escaping over-bearing family, and of making life “less worse”

¹⁷³ It is unclear whether she is talking about a general societal “voice” here or a specific branch of the state

¹⁷⁴ In Britain, “benefits” refer to welfare provision; Employment Insurance; “the dole.”

in conditions where the potential to have a good career and be economically independent is anything but readily available.

Yet Julia sees having children as a disaster for a young woman. She describes how British culture instils children with a truculent and precocious attitude. Children from her community start complaining about chores by the time they are just thirteen. She tells me of a girl who, after encouragement from her friends, went to social services to accuse her uncle of “molesting her” and then retracted that claim. She insists that that girl “didn’t know these things till she came here.” Julia says, “kids rule the world, they can say anything, there are people in jail for *nothing*.” Having a safety net in the form of a welfare state that will provide housing to young single mothers and social services and police that will investigate claims of abuse thoroughly is, for Julia, something that disrupts the natural order of things. She asks me (again, quite forcefully) if a single mother, at the age of eighteen and with little education can “behave” without the influence of her family to guide her. What seems a simple assertion of right – that an adult has the right to a home, independence, and to reproduce as they wish – is, to Julia, traumatic of the proper order of things. Rights offer little good in and of themselves, only being sense-able in terms of the future they secure.

In our discussion of Julia’s work with young people she says, “In Britain, there is not a good path from family to where you want to go.” Yet in her earlier discourse it is clear that she believes that Britain provides *too easy* a path to where some children want to go, and fails to provide a path to where they *should* go. The *right* path has little to do with the satisfaction of the will. Whether you should be able to satisfy that will, or instead should be

forced to take a different path depends on what kind of subject you are (in this case, how old you are). She says that it is easy for a young person (she uses the subject-pronoun “she” in this case) to get a house, benefits, and ultimately, problems with addiction. She makes the point that when a young person has become a drug addict the local council will help, but “why not before?” She follows this up by saying that “after drink, there is *nothing*.” As with the example of the errant boy, she challenges the lack of pre-emptive intervention. Julia is making a commentary that rights work well to guarantee an *autonomy from* unwanted imposition, but, instituted as culture, promote a climate where *pastoral* interventions are hard to make. Of course, rights are pastoral interventions themselves; they have an efficacy that goes far beyond crafting a terrain of individual freedom. Yet in some spaces, they do mute the potential for political dissensus. If children have the *right* to be on the street then it is difficult for adults to challenge behaviours that are not strictly criminal, but are undesirable. Julia well embodied the contextual ambivalence within which assertive action takes place. She says that when she was sixteen, she ‘knew what to do,’ indicating that *she* was capable of living a proper life. Yet earlier she had claimed that there is no *way* an eighteen year old could “behave.” She hints that the reason for this difference is the relative failure of British institutions to impart proper moral conduct to young people versus her own country’s success. Thus the injunction, “take responsibility for yourself” conceals that to do so, one really needs an array of institutions and interventions to keep on the right path. The double sense of the word ‘subjectification’ is evident in her subsequent discussion of the subject taking responsibility: to be a subject, one is necessarily also “subject to” constraint.

She tells me that for children to be responsible they need certain things, foremost of which is the absence of conflicting messages. Children are told that at the age of sixteen they can, and should, be responsible for themselves, but they are *also* “treated as if they are going to break tomorrow.” She provides the perfect commentary on a culture that preserves the idea of the young person as a child well into the twenties, and rewards childish behaviour (especially among boys and young men) yet which simultaneously sexualizes children for the purposes of consumptive enjoyment and thus forces them to negotiate being adult at an early age. Julia thinks that children must not be treated as if they will “break tomorrow” yet is insistent that paternalistic interventions should be made *before* children start to engage in harmful activities like taking drugs and associating with gangs. That seems a difficult balance, the measure of which seems to be the dividing line that enables concerned authority to identify which subjects would benefit from paternalistic interventions, and which should be left to work things out for themselves. What Julia says next provides an alternative critique of morality – not arguing that the problem of governmental action rests in identifying particular types – but in constructing spheres of address in which dialogic exchange can take place:

Nobody is telling the family the right thing...everything is *political*, and that is bad. Everyone is telling the family what to do [but] sometimes the address won't be made directly to them so no one is directly responsible.

Here “political” stands as a by-word for “unfair” and “arbitrary,” whereas addressing families directly would constitute a better politics. For Julia, true responsibility comes from enacting a teaching which the individual can *engage* with, and. Most importantly, which can be specifically tethered to a governmental actor. Good teaching does *not* have to have a recognizable content, or list of attributes, but it must take a certain *form*. If we create

seamless flows of information so that we *know* what the state is doing yet have no means to make that state accountable then we are liable to be “down” as she calls it. It is not knowledge *per se* – nor simply letting people do what they want – that guarantees a good outcome, but in the process of being addressed in a *clear* manner, there is room for a dialogic exchange that makes for a much “better” and realistic reality than the facile notion that institutions like “rights,” “the family,” “the police,” or “the state” possess a moral quality. It is not the *content* of culture that is important political critique, but the *process* by which that critique can be done. When the state provides “too much” freedom in the form of welfare-support, with no way of remonstrating with it, that apparent giving of freedom can appear as callous abandonment, even as it appears to offer a certain freedom.

3.5 The Art of the Self

Julia’s description of her attempts to get through to children with communicative and behavioural difficulties allowed me to dwell on the possibilities of developing an opinion on governmental behaviours from “outside” those relations. Talking of her work in schools with disabled students she characterized dwelling in “a system that does not allow you to break through” and thus in which you have to “make yourself beautiful.” She worked with the most challenging group – “the closed-door group” – so called because the children were so unruly that without a closed door, they would run out of the classroom. She stressed to me that to get through to those children she had to act *like* them. She had a lot of success getting through to that group by changing her bodily movements to resemble that of the comportment of the children in her classroom. By changing the shape of her shoulders to suggest a deformed body, she described to me how she allowed them respite from

themselves. Her attempt to resemble the children changed their behaviour. It seems ironic that in becoming *like* children who reside far from the norm, she was able to normalize their behaviour. Julia took what she had learned from teaching in the school and applied it to her production of a play that she also authored. The play was for children who exhibited bad behaviour. Her aim was to create a “play where they [the participants] don’t have to act like *you* [themselves]¹⁷⁵.” In asking the actors to *act* the bad behaviours they already owned she felt that an inner dialogue was instigated that forced them to consider those behaviours in a new light. As such, she made a habituated way of acting into a dialogic exchange; she encouraged them to do self-work. These young people became responsible, not through being *told* what to do, or *forced* to do it, but through reiterating their own identities in performance. Though these performances happened in a theatre they raise wider questions about action and its recognition. They call me to ask how we recognize a performance; what we see it as indicative of. In Julie’s theatre the repetition of undesirable behaviour led to its opposite; its curtailment. Julie clearly thought that repetition was more effective than simply *telling* the young-people that their behaviour was a problem.

I wanted to analyze Julie’s morality plays in more depth but because they were in an experimental state she thought it best that I did not read them. Yet what I take from her teaching is that the appearance of being-in-common could conceal a variety of difference; vectors that are engaged in taking participating subjects in variant paths (And conversely, that the appearance of heterogeneity can work to reinstall a common ideology) Common

¹⁷⁵ In the context of our discussion about her teaching methodology allowing Julia’s students a break from themselves it was evident that by saying “you” Julia was not referring to me, but was using the word to refer to the participants as “themselves” would normally be used.

answers to the problem of societal disintegration are to forge a common substrate – a being-in-common – yet Julia shows that the appearance of similitude can produce the experience of alterity; *political* shifts. In the classroom Julia *acts* disabled for a political intent; to *change*. She does not *become* disabled. And Julia’s drama students become different through knowing that Julia is viewing them acting themselves as are (or were). In the moment of acting themselves they are taken away from themselves.

While “good” citizens of the West have their worry about refugees bringing their “ethnic” violence to the shores of the liberal-democratic state,¹⁷⁶ a persistent theme I heard from the RCO leaders was that British society is detrimental to the prospects of their young people, and that if those young people exhibited violent behaviour, it could be attributed to their participation in *British* institutions, not to the culture in their home countries. In response to Julia telling me about the robust public culture of critique she knew existed in East Africa I remarked that it must be hard for children from that country to come to the UK she shook her head in sorrow; “they change in a month,” she said, insisting that if families from her home-country desired to come to the UK, they do so only if their children had past high-school age. If not, the debilitating effects of the British education system on them would make them unable to return to their home country because of the lack of discipline it promoted. If children come between the ages of thirteen and fifteen she said, ‘they turn bad.’ It shocked me to hear her tell me that she routinely urges families of her

¹⁷⁶ This is a common theme in the Canadian discussion of the right to asylum of Sri Lankan Tamils, associated in various ways with the LTTE, and in European worries about the ‘Islamification’ of Europe (as an example see the website of the English Defence League, <http://www.englishdefenceleague.org/>)

nationality with young children to return home before the British system has the chance to corrupt them.

3.6 Hania's Challenge to the Presumption of Mutual Benefit

Hania, of "National Community Council"¹⁷⁷ (NCC), prompted me to consider that my position as one of those subjects named by ARF as responsible for the over-consultation of RCOs, and challenged my desire to see us as aligned through our shared frustration with cuts to asylum-seeker entitlement. She and I felt aggrieved by the way in which asylum-seekers are denied statutory ESOL¹⁷⁸ provision. The Government argues that the denial of English lessons to asylum-seekers is logical because what they call 'effective integration' can only occur after a positive asylum decision has been made¹⁷⁹. The asylum-seeking subject is not worth investing in as one who deserves to be able to communicate, unless she has been proven legitimate. Clamping down on welfare provision is recognized as part of the arsenal of deterrence measures which includes the denial of the right to work and the keeping of asylum-seekers in detention and in poverty ostensibly intended to stop Britain appearing a "soft touch."¹⁸⁰ What happens to *this* body, *here*, is intimately associated with the future placement of other bodies – with the pre-emption of their arrivals. Hania tells me she "hates" the fact that asylum-seekers have no statutory ESOL provision. She asks me a rhetorical question; what difference would a few extra people in each class would make?

¹⁷⁷ I term her organization thus because it was a network of charities serving a particular nationality.

¹⁷⁸ English for Speakers of Other Languages: "ESL" in Canada; the teaching of English to students for whom it is not a first-language.

¹⁷⁹ In light of their apparent sensibility to the disturbing effects of being uncertain about one's place, their decision to *institute* uncertainty in the form of the proliferation of 'temporary leave to remain' appears contradictory.

¹⁸⁰ Hassan argues that welfare is restricted for asylum-seekers to preserve asylum for the "bona fide" refugee, yet such measures – in light of the impossibility of assessing who is bone fide *before* undertaking legal process, represent self-serving action from the point of view of the state. Hassan, L., 2000. Deterrence measures and the preservation of asylum in the United Kingdom and United States. *Journal of Refugee Studies*, 13(2), p.184.

This very *material* deprivation, denies asylum-seekers the means of communicating in the interest of political goals. Hania is angry about the “huge” waiting lists at the local college. It is just over the road and yet she gestures to it, asking in exasperated fashion, “who can get a place?” She helps whoever she can with ESOL provision, regardless of status but is angry that she gets “nothing for it.” She will receive no funding for those she teaches who are awaiting a decision on their claims. She tells me that she fears that “a lack of funding will destroy us” and that “the funders don’t value our time.” She feels as though she is treated with suspicion by funding agencies – they regularly send people she terms ‘spies’ to check up on her. She recounts a story about a mobile phone bill that she submitted for reimbursement and a quibbling over five pounds that she thought absurd in the wider context of the amount of work she was doing. In a sense, Hania presented me with a view of the state (or its corporate denizens) which resonated with my already-held scepticism about that state’s self-presentation as one interested in doing what is best for refugees and asylum-seekers, helping me to see the seemingly ‘petty’ grievances that may lead to the “burn-out”¹⁸¹ common to the sector. Yet she next problematized the extent to which I, in my capacity as a representative of a highly professionalized RCO, could ally my cause with hers.

If the professionalization of the sector, and its opening up to the forces of competition was something I would be critiquing in my writing, and trying to explore with my participants, it was also something that I probably *represented* to them. I was helping an RCO composed of highly educated white-British young people set up a project *for* the refugee-youth who

¹⁸¹ Charities at risk from stress related claims. Available at: <http://bit.ly/risqPI> [Accessed August 29, 2011].

might already have been 'claimed' by other RCOs. It was conceivable that the needs analysis I was to conduct might be used to help justify a project that would "out-compete" an RCO with fewer resources than RAG. Though all the *talk* was of partnership, Hania was clearly unhappy with some of my enthusiasm about accessing her resources.

When I asked what kinds of problems refugee youth had she refuted the terms of my question. She thought that my framing of a mentoring scheme as aimed to address "problems" was unfair because, as she said, "no one does well for everything, no one does bad for everything." She thought that there was a tendency for projects for refugees to be aimed at what she termed "balancing" wherein refugees are constructed as lacking something that the rest of society already *has*, and then are "brought up to speed." Instead, we should help the individual develop positive outcomes and recognize the particular talents of the refugee in question. I think here Hania is speaking to the way in which the refugee body is prepared for intervention in advance of it being encountered, and, as a result of this process the British population – and, more specifically, the 'professionalized' not-for-profit sector – is made as an entity that already knows what refugees need (and if not, already knows that *it* is the entity that is best capable of deducing those needs and then addressing them). Perhaps my previously-held views echoed that dynamic because I had thought that participants might identify a need for mentors to help potential mentees with their English skills, reasoning that young refugees, and especially UASC might need help with English given their being from elsewhere and the likelihood, with respect to individuals still in the asylum-determination process, of their recent arrival. Yet Harmony, from an organization promoting mental health among refugees and other vulnerable people in the area told me that young asylum-seekers easily pick-up English and that

problems common to all young people should be considered more pertinent for addressing. While Hania encouraged me not to consider refugees a group with specific needs, Harmony argued that the category “refugee” had a significant impact on individuals’ lives. She said that “refugee means disadvantage” and that this leads to children “forgetting their backgrounds.” The label refugee leads individuals marked by it to distance themselves from cultural formations that might signify that refugeeness. Yet though she clearly told me that refugee *means* disadvantage when I ask her if it can be a positive label she replies emphatically, “yes.” She tells me that she is proud to be a refugee and that “being a refugee is not a crime.” Thus, like any articulation of identity – and ascription of power on the body – “refugee” is a double-edged sword, offering opportunities for pride and opening the self up for a judgement that does not resonate with one’s subjective sense of self; to be a refugee *is not* a crime, yet by virtue of having to state that, Harmony shows that this is indeed how the refugee is sometimes figured. In Hannah’s case the use of the label refugee to denote a subject with particular needs is wrong because “no one does good for everything; no one does bad for everything” yet it is also precisely the category that provides her group with its *raison d’être*.

At this point it is worth dwelling on the contingency of fieldwork. I wanted to explore further the idea that the professionalization of the sector is making life more difficult for those ‘ethnically’ oriented RCOs that Johnny, another RAG volunteer, identified to me as characteristic of the borough’s composition: the borough’s RCOs mainly serve particular

“communities”¹⁸² (as per the politically correct-lexicon) which means particular nationalities, ethnic groups or tribes, with many maintaining a focus on women. RAG, as a group with a lot of practical experience working with different groups of refugees, aimed to appeal to a broad spectrum of different “communities.” Yet despite my goal that the mentoring scheme be an inclusive one, in providing the opportunity for Hania to participate in the project I impinged upon her domain and I therefore enacted an exclusionary gesture, even as my comments were intended to bring her in to the fold.

3.7 The Ambivalence of Encounter

Hania ended our encounter being quite hostile to me, though I thought I was doing the right thing in asking for her opinion about the needs of the refugee-youth she knew. When she told me that she had previously tried to get a mentoring scheme off the ground and knew some people who might be interested in becoming mentors I was excited. I had been told by Anna at RAG to let the RCO workers I spoke to know that they could recommend people to become volunteer mentors, or as candidates to receive mentoring. To me, this seemed to distribute RSNs power to choose mentors and mentees among a greater number of groups, thus (albeit very superficially) democratizing the process. Moreover, many participants confirmed to me that, while they could see the benefit of mentees having mentors from British backgrounds, it might often be better (and easier, in the face of elders worried about loss of culture) for mentees to have mentors from their own community. I knew that RAG didn't plan to specifically pair mentors and mentees of the same nationalities (though

¹⁸² See Joseph, M., 2002. *Against the romance of community*, Univ Of Minnesota Press. For a critique of the way in which “community” has supplanted other classed, raced and sexualized modes of referring to group action to the effect of the muting and diminishment of difference.

would consider it on a case-by-case basis) but was mindful of what Amina, Aziza's assistant, had told me: the difference between having a British mentor and a refugee mentor might represent the difference between sympathy and understanding. She told me that the British one would be able to *sympathize* with the young-person, yet she doubted that they could really *understand*. It seemed to me that if Hania put RAG in touch with these people, they, as people who had wanted to become mentors (not to mention the young-people they stood to help) would benefit. She flatly refused to put RAG in touch with them without "commitment." All to whom I had already spoken agreed that mentoring was a good idea, and most urged us to offer mentors from the children's "own" communities. Hania wanted her organization to become a *partner* of RAG, with an agreement, ratified by contract and, ideally, payment, for her time and that of the potential mentors, the access to whom she controlled. After refusing my request she immediately said "respect is very important."

The RCOs I made contact with may not make profit, yet they nonetheless seek to capitalize on resources and to access revenue to pay their staff. Perhaps to avoid challenging me directly on the issue of my, and RAG's respect for her, she gave the example of British men trying to shake her hand. For her, those men could see that she was a Muslim (she covered her hair) so should not presume to attempt to shake her hand. My hand had previously been refused by another interviewee and, although embarrassed, I did not feel that my offering was done out of a lack of *respect*. Yet this is how Hannah figured men offering her their hands. Even though I felt that I could justify offering my hand to Amina, I did not offer it to Hania and so perhaps stopped myself from appearing disrespectful in that sense. Making assumptions about hand-offering based on women's dress is surely as problematic as simply offering one's hand regardless of context. Both, after all, seem to make

assumptions about what people should do, whether based on visible religiosity or on norms of politeness. The failure to offer the hand to a Muslim woman might represent an ethical violence of equally as great a magnitude as that felt by women uncomfortable with that offer. In attempting to formulate questions such as those she threw me off balance by asking “How can you respect something if you don’t know about it?”

The issue of hand-shaking, if framed as the search for an absolute resolution on the matter, seems as irresolvable as Hania’s question about knowledge. While knowledge can of course offer courses to action that are attendant to the being of others, in a more existential sense, knowledge about others is also that which is impossible to fully achieve. Indeed, one might venture that the task of politics is to offer modes of organization and relation that make having to know all unnecessary. The issue of knowledge is especially fraught in relation to respect, which Hania ties it to, for it seems that respect is commonly given – in a base sense – *without* knowing about the subject that it is offered to, but by virtue of a shared schemas and codes that may have very little to do with the individual; in relation to norms that are resolutely impersonal¹⁸³. The question that seems most pertinent to ask is how much responsibility I bear for the disrespect my words caused: I did not *intend* disrespect, yet I enacted it. Rather than a focus on finding out about individuals, an attendance to the norms of the field is necessary. In this field, the potential for disrespect can only have increased after the introduction of the norms of the “Big Society” orthodoxy to service-provision, with its encouragements for people to do more with less monetary compensation.

¹⁸³ Judith Butler (2005) argues that self-definition takes place with respect to ‘norms that precede and exceed the subject...There is no making of oneself (*poesis*) outside of a mode of subjectivation (*assujettissement*) and hence no self-making outside of the norms that orchestrate the possible forms that a subject may take. Butler, J., 2005. *Giving an account of oneself*, Fordham Univ Pr.

When I took my concerns to Anna, the director of RAG she said that such a contract was inconceivable and that if Hania's organization wanted no part of the project, that was a legitimate choice on their part. While I'm sure that Anna would agree that the under-valuation of workers' time in the not-for-profit sector is a problem, because of a lack of resources there was nothing that could realistically be done. While it may very well have been the right thing to have paid Hania for her time as a link to mentors, RAG did not have the resources to do so. And it very well may not have had the inclination: the majority of the mentors were sourced from a local church and had the ability to take on voluntary work in addition to their regular work-life. In a subsequent e-mail communication, Anna told me that of the first set of mentors recruited, none had asylum-seeking backgrounds, yet in subsequent rounds of recruitment (RAG now runs mentoring schemes in three different areas of London, with one specifically oriented to victims of trafficking) they had been "proactive in trying to recruit mentors from this background, and now have 8 (of about 40 mentors). [They] are still working to increase this number."¹⁸⁴

The norms governing the interaction between Hania and I tied to my words by a discursive field that I did not choose. I did not intend for them to be taken-away from me as such, and to return me to the conversation as a disrespectful subject. Another participant, Donna who runs a legal advice centre further theorized elements of that problematic – that power, as Foucault would have it, is intentional yet non-subjective¹⁸⁵ - by challenging the terms upon which subjects like me could be trusted by subjects like her.

¹⁸⁴ Personal Communication

¹⁸⁵ Foucault, 1981

3.8 Donna

When I told Donna that my report might benefit the RCOs in the area because the results would be made available to them, she looked puzzled. I could tell that she wasn't too impressed but continued to try to convince her that the report might contain useful information for her. Giving a copy of the needs analysis to RCOs in the borough seemed a way to compensate them for their time. Donna clearly disagreed with this economy. She told me that she really had 'no interest' and had stopped going to community meetings a long time ago because she found that there was 'too much talk.' Far from communication being of intrinsic value, it had become a waste of time – a drain on her and her organization. She confirmed the forum's assertion that refugee groups are over-consulted, yet also problematized the appropriateness of their desire to facilitate good communication among the borough's RCOs. Donna confirmed something that I had been keen to understand – the factors needed for good communication apropos the idea that communication is a simple transference of facts. Yet as we were "allied" in the sense that she and I had some mutual ground to speak about, Donna was keen to challenge my appearance as a subject engaged in a practice of communication that she clearly had problems with. 'Alliance' might well describe what I feel for Donna in retrospect, but it hardly captured the fullness of our encounter. It is important for me not to transport what I feel for Donna in retrospect – alliance – back to suture the original encounter. The idea that subjects with the same view-points share a being in common is a seductive one because it elides more discursive and material differences that are not accounted for by the consciousness of opinion. Again, I am reminded of Žižek's critique of radical academics that believe in open borders as a matter of *principle*, but are far from prepared to abandon the

structures of meaning and practice that closed borders ensure; it is easy for them to apparently argue for the opening of borders because they are comfortable that their demands will never be met¹⁸⁶. While I had quickly come to understand that the fulfilment of the professed need for good communication could easily come to supplant more difficult to implement already-acknowledged needs, I was using that very discourse – in my capacity as a researcher for RAG to convince Donna of the worth of her talking to me. I should point out that in trying to convince her of this I was speaking in good faith. I *did* believe that returning the findings of the needs analysis to RCOs *could* be of some value (and still do) yet my enthusiasm at the time about such communication probably read as misplaced in light of Donna’s abandonment of the forum’s meetings.

Donna was also sceptical about RSNs mentoring project, asking me whether any of the proposed mentors spoke the languages of their mentees. Because the project is not aimed to pair mentors with mentees from the same linguistic groups (though RAG would consider that if there was a need for it) language had not been an issue. Thus, I didn’t know anything about the nationalities of language-skills of the participants. While I fumbled, flustered, telling Donna that I didn’t know, she began to speak to me in a language that I didn’t recognize. I laughed, feeling uncomfortable. She was clearly making the point that it was all very well to *want* to help, but without the right language skills, we might find ourselves useless (and, like me, embarrassed). She was, of course, perfectly right to question what use we would be to those young people who might not speak English, and therefore might need mentors who spoke their own language (though it might also be beneficial for such

¹⁸⁶ Žižek, S., 2002:60. *Welcome to the desert of the real!: five essays on September 11 and related dates*, Verso Books.

people to have British mentors to remedy exactly that lack). After she had finished her solo, she turned to her assistant who was seated behind me, and said to her, 'say something to him in Indian.' The assistant looked embarrassed and said something to me in what I presume was Hindi, but could have been any one of a number of languages. Though her making fun of me was perfectly legitimate, I will admit to feeling some animosity towards her in situ. After all, I'd explained the nature of my research and of RSNs mandate before coming to talk with her. But that kind of reasoning came later. What I felt in the moment was a shame at being put in my place.

Donna had put me in my place, and if her intention was to disrupt my position as emblematic of a white-expertise that is often inattentive to the complexities "on the ground" then I agreed with her - in principle. She had used her and her assistant's (both women of colour) knowledge of other languages to caution me (a white, British, male) about my portrayal of mentoring as "good" for young refugees and my enthusiasm about "communication." I had gone into her office preaching the virtues of communication, and of mentoring, yet had been left confounded by her disinterest in my work for RAG, and by my linguistic inadequacies. Yet I also felt like turning the tables on Donna by telling her that 'Indian' wasn't a language and by, saying something to her in a language that *she* didn't understand. Though welcoming her disruption of my privilege in an *academic* sense (I had no problem with her seeing me as part of an "elite" that needed to be taken down a peg or two) my immediate reaction was - though not exactly *annoyance* - at least a desire to "push back." I say "push back" because my will to impose myself on Donna was immediate, physical, and derivative of the sense I had of someone else deriving power from their relation to me. It was not contrived, or designed to refute the *point* she was making. I

enjoyed the fact that she talked about race because the racial dynamics of the work I was doing on behalf of an RCO made-up of highly educated white-folk, with other RCOs in the borough staffed by people from particular refugee-seeking groups were not relations that I felt I could easily explore. Yet her imposing herself as the ‘mistress’ of our encounter provoked me to respond. I didn’t point out the irony of her casting aspersions on my knowledge of other languages while referring to her assistant’s language as ‘Indian.’ I felt that would have been very rude, but I did begin to speak to her in Portuguese.

Doing this must seem very unprofessional. And I’m not sure if I was *right* to do it. In one sense, perhaps my doing this was a typical privileged response to someone challenging that privilege. And perhaps it worked to erase some of the ‘power’ that Donna had gained ‘over me’ in that situation. Should I have let her ‘prove’ that in this case it was her and her assistant who were the privileged experts, instead of trying to put them back in their places by speaking to them in a language that I had learnt precisely *because* of my privilege? (I learnt Portuguese on a ‘gap-year,’ a very British and very middle-class rite of passage). Perhaps my annunciations also served to erase race from the encounter. Donna later told me, after asking of the ethnicity of the prospective mentors, that there ‘is no way a black African will trust a white person,’ and so race was certainly an issue here. She was invoking histories of mistrust and inequity between white and Black subjects, clearly pointing to the incongruent histories that founded our encounter. My “proving” that I could render her unable to understand me only proved that white-British people are capable of speaking other languages, and perhaps worked to put me in the kind of position of power that Donna was pointing out I – and people like me – didn’t deserve: we were mistrusted, didn’t understand the uselessness of inter-RCO dialogue, and didn’t speak the languages of the

refugees we would encounter (my Portuguese probably wouldn't be very useful for the "UASC" RAG would encounter). Did I attempt to make us "equals" and thus fail to dwell on how I could respond in a less forceful way to Donna's putting me in my place? Was I practicing a classic hallmark of white privilege, agreeing with the ethnic subject's critique of whiteness *in principle*, yet refusing to cede my position of privilege in *practice*?

Even though I agreed with her that the race of the mentors was important and that it was problematic for them to be mainly white-British, I resented Donna when she tried to disrupt that power relation by putting *me* in the crosshairs – I did not enjoy being made emblematic of "the problem" and perhaps materially reinstated exactly the kinds of relations I agreed needed dismantling *in principle*. The most basic foundation of my epistemology is that discourse constitutes the 'I' away from the sense of the self, or 'subjectivity.' In that view, the subject that Donna found me to be was as valid as the one I felt best represented me. My words and appearance 'authored' me. *That* subject is the one I must agree to bear because the very same structures that interpellate me as such are the ones that guarantee some of my privilege. Instead, an egotistical urge to preserve the well-intentioned "I" won-out. Thus, the power of wounding to invoke a response of anger is considerable. After all, I went into the interview schooled in the ways in which white-power reproduces itself *through* well-meaning action, yet I still felt hard-done-to by Donna's barbs. Donna's reading of me was 'just' in the sense that it was well informed by the state of things – by the reproduction of white/professional expertise through well-meaning action that often works to disempower women and people of colour who often have better capacities to do the same things – yet even as a scholar engaged in trying to be

'critical' (that is, responding to power relations, attempting to politicize the taken-for-granted) I still rushed to myself – to save the ego.

Perhaps that defence of the ego was informed by the desire to refute Donna's implication that we did not share the same cause. Some of Donna's discourse on her work and the political climate of a post-colonial Britain lead me to question whether she and I do have the same 'cause,' and whether that even matters. She undertakes to help people get legal assistance who have very low incomes and I was a researcher charged with producing a document that both accurately represented the need for an educational mentoring program in the borough and could be used by RAG to secure funding for that very same project. Though at some points her and my interests might strengthen the other's there is no necessary reason why they would. When we talk of the British government she says that "we are not doing well for the people of the third-world" and that "the Western world has to take control." When I question her confidence in the benefits of Western intervention by talking of the legacy of colonialism in Africa she says "They have been left a long time to suppress their own people" and "Let them invade Nigeria, the people don't see the oil" While she was insistent that there is "no way" a Black person will trust a white person, she urges – on a larger scale – for Western subjects to intervene in her native African affairs. This could be read as evidence of ambivalence, or perhaps the politics of trust that Donna sees as critical to the functioning of RCO relations function differently on the international scale.

When I asked her if there are bogus asylum-seekers, hoping that she would provide a critique of the criminalization of refugees, she says that there *are*. Knowing a few statistics

that describe the most common reason for an asylum claim rejection is the lack of adequate legal representation¹⁸⁷ I ask her “Don’t many people get refused who have valid claims?” “How do *you* know?” she asks me, with a pointed finger, as if I am giving those people too much of the benefit-of-the-doubt. She says that “if they do something wrong, lawyers know.” Here she exhibits a certain trust in the system and chides me for assuming – without really *knowing* – that the system is unfair. She speaks *approvingly* of the Home Office, something which I (arrogantly, perhaps) thought that no one working within migrant advocacy would do, because of its well documented failings to provide a humane asylum processing system,¹⁸⁸ and its involvement in perpetuating the inequitable distinction between a refugee and an economic migrant.

Then again, as the head of an organization providing legal assistance, there is no necessary reason why she would advocate for refugees “in general” as paradigmatic subjects of a loosely Marxian, academically generated critique that states that not being allowed to move where you want represents a structural violence – a spatial injustice. Donna approves of the Home Office because they penalize solicitors who delay a case that they know is going nowhere. Rather than noble saviours of asylum-seekers failed by the state – as solicitors are for those who feel that the dictates of refugee definition are not adequate to the problem of spatial injustice – Donna argues that such people are a “waste of public funds.”

¹⁸⁷ The Devon Law Centre found that solicitors are wrongly refusing Controlled Legal Representation in over 80% of cases and almost a third of all asylum-seekers who are refused Controlled Legal Representation have a valid claim to some form of protection. Moreover, the Project has found that asylum-seekers are prevented from accessing justice in a whole host of other ways.

¹⁸⁸ Gill, N., 2009. Presentational state power: temporal and spatial influences over asylum sector decision makers. *Transactions of the Institute of British Geographers*, 34(2), pp.215–233.

Dragging out a case that will not succeed in order to give the asylum-seeker more time in the UK represents an injustice to the public.

Yet she too is ambivalent over whether the system works well. At the first turn she approves of the system, saying that “The system is fair” but at the next she adds “but sometimes the home secretary acts silly.” If the silly actions of the person at the ‘top’ of the system can unfairly influence those within it, how can the system be fair? It seems rather too convenient to say that sending gay asylum-seekers back to potential persecution¹⁸⁹ or detaining child asylum-seekers in adult prison represent “silly” decisions. Yet denouncing the system because of the evident inequality it produces is much easier to do from the “outside.” As soon as one has a stake in the system insofar as one has to make use of its parameters to do the greatest good for the neediest subjects, such condemnation fails to make sense.

Growing up, considering the way in which asylum-seekers were treated in the press I had assumed that anyone working on asylum issues would have a rather contrary relationship towards it. All recent governments, after all, have played with the asylum-issue for their own political gain, mindful that being “soft” on them represents political suicide and their condemnation by the tabloid press. Instead of more asylum-seekers arriving in the UK being evidence of the easing of unfair restrictions and of the easing of the imbalance in refugee “burden” between the West and the Global South, David Blunkett could publically argue that the ‘increase in asylum applications to the United Kingdom in 2002 was “deeply

¹⁸⁹ It took until July 7th 2010 for the British government to recognize that it was not acceptable to forcibly return gay asylum-seekers to countries where they would receive persecution by urging them to hide their sexuality. 2010. Gay asylum-seekers win protection from deportation | UK news | guardian.co.uk. Available at: <http://bit.ly/oPi8Gx> [Accessed August 29, 2011].

unsatisfactory but no surprise”.¹⁹⁰ Examples such as this, in which the man “at the top of the tree” could casually imbue the refugee body with negative value and legitimate public dissatisfaction at perfectly legitimate arrivals, always gave me the sense that distrust towards the Home Office would be endemic amongst those advocating for displaced peoples. There is little room for such truculence when one is charged with getting things done. Alegra, a trustee of a RAG, who now works within the state’s asylum-determination bureaucracy, told me (and the head of RAG, Anna spoke about this opinion enthusiastically) that the sector would be much improved if NGOs worked more closely – and cooperatively – with the government. Clearly this points to a fracture and to different expectations about what represents “good” work. More “radical” groups see working with the government as “selling-out” and that there is too much governmental interference in advocacy circles, whereas groups working to achieve different goals see that more partnership is needed. I do not think that this situation can simply be thought of as “happy-heterogeneity,” because working in partnership with the Government surely does foreclose at least some possibilities, yet it seems necessary to point out the constraints on each type of actor – to ask how possible it is to challenge the legitimacy of the category ‘asylum-seeker’ if one’s group works closely with the state, and to ask how much ‘difference’ a group really can make that simply maintains an adversarial relationship to *every* governmental action because of its association with ‘capital G’ Government.

Alegra and Anna’s wishes are, of course, probably attendant to such difference and based on the unproductive results they have witnessed ensue when advocacy groups operate on

¹⁹⁰ Anon, Clements, “Asylum in Crisis, An assessment of UK Asylum law and policy since 2002: Fear of Terrorism or Economic Efficiency” [2007] 3 Web JCLI. Available at: <http://bit.ly/qWWxNy> [Accessed August 29, 2011].

the basis of 'over-politicized' agendas without really understanding the state of play. Anna said as much. After asking her about whether RSNs advocacy activities were constrained by their relationship with the state and other funders/contractors she told me of an interview that she had given to other researchers on that very issue. When she read the resulting publication she found that she had been misrepresented as having failed to be 'political' enough in her previous activities in relation to the state. She had felt aggrieved enough to contact the researchers and set them straight. That tale made me cautious with regards to my assumptions about RAG and the other RCOs I encountered. Following that ethos, I was concerned with how the RCO leaders I spoke to maintained different understandings of the refugee's place in governance, not on the basis of the "correctness" of that view, but on the basis that it always made sense for practical purposes. Yet that ethic of non-judgement is always interrupted by the sense that there *are* wrongs that should be remedied, and that actions not conducive to that remedy appear as "wrong" no matter how much they make sense within a structure of meaning.

3.9 Conclusion

All my encounters have shown that the simple knowledge of cultural difference cannot, of itself, provide for an ethic of relation, nor is knowledge necessarily something that *need* be mastered. Hania and Amina call me to recognise Muslim women as they think they should be recognized, yet this is about respect, not 'culture.' Razack argues that the idea that cultural difference can be mastered through learning structures discussions over difference in liberal democracies. It is tempting to say that though I *understand* their petition, their calling to be judged on the basis of their attire represents something that cannot provide a

coherent ethic of response because I also know that there are many visibly Muslim women who would not wish to be judged thus. Hence, the understanding they call for cannot be universalized in the Euclidean sense (to recognize all subjects in the way they call to be would do violence). Yet in another sense, they also touch upon the universal. Susan Buck Morris¹⁹¹ explains by insisting that the universal is found through the very fact that we all maintain a relationship of non-identity with that which is said to suture ourselves – the culture which we often feel a part of – which, though it “declares” that it represents us, constantly threatens to fail us, and *does* fail us. The culture that denotes the necessity of hand-shaking and of the avoidance of contact between man and women not of the same family “fails” us and so does the one that mandates hand-shaking as a viable norm of interpersonal conduct. We are all failed by culture because it can provide no resolution on appropriate conduct. No matter what I *know* of such things, this will always be the case; the cultural substrate does not fully suture the selves that compose it. That is where a possibility for solidarity lies.

Can my *knowledge* of white privilege lead me to act in a way to reverse that privilege? When defences of the ego provide so much comfort the answer can’t anything other than a tentative, “possibly.” I will be produced as the embodiment of the whiteness that I may feel myself “against” in spite of my intention that I not be and thus being responsible for that materiality does not mean “fully” bearing it (in the subjective sense of “claiming” it). I can’t own myself in the strictly proprietorial sense. This brings me back to Donna’s injunction that Black people won’t trust white people like me. She, a black woman, later trusted me to

¹⁹¹ see Žižek, S., 2009. *First as tragedy, then as farce*, Verso Books.

do work for her: I translated for a family being evicted from their home, accompanying them to meet with a solicitor on two occasions. She entrusted their trust to me, a white person for whom she had previously said Black people could hold no confidence. Since she seemed to contradict herself, have I shown that white-people *can* – contra Donna – be trusted by Black people? No. *Trust* possesses a radical element that is foreign to the logic of knowledge. I argue that I can both “be” trusted, and still “be” an untrustworthy person. Alphonso Lingis begins to explain by poses precisely the problem of my interpellation by Donna and Hania as a subject I did not feel was *me*:

How often I am aware that others are only dealing with some role I occupy in a society, some pantomime I am performing, some set of clothes and haircut I am wearing! They see and address the American, the professor, or the decently dressed restaurant client, while *I* am thinking for myself and acting on my own, behind the image they see!¹⁹²

Controversially Lingis argues that when we trust we *necessarily* make contact with that “me-ness” that we feel stands behind our actions¹⁹³. While he exhibits gives too much faith in the pre-social “I,” arguing that his sense of “me-ness” evidences that “I,” he situates an element of practice, commonly given signification, which in the moment, is alien to that logic of representation:

Courage and trust have this in common: they are not attitudes with regards to images and representations. Courage is a force that can arise and hold steadfast as one’s projections, expectations, and hopes dissipate. Courage rises up and takes hold and builds on itself. Trust is a force that can arise and hold on to someone whose motivations are as unknown as those of death. It takes courage to trust someone you

¹⁹² Lingis, A., 2004: *viii. Trust. Minneapolis*, University of Minnesota Press.

¹⁹³ ‘Yet it does happen that someone exterior to me approaches and makes contact with *me* – the real me, the core me, whatever I can take to be me. It happens every day that I feel a force that breaks out of the passing forms and takes hold of me: “Hey you!” “Hey Al!” ... The words have penetrated right through the role, the social identity, the visible and interpretable form, to the very core that is *me*.’ Lingis, A., 2004: *viii-ix*

do not know. There is an exhilaration in trusting that builds on itself. One really cannot separate in this exhilaration the force of trust and the force of courage.¹⁹⁴

If one *knew* that another could be trusted that other would not *be* trusted; if we *knew* that a heroic act could be safely completed it would not entail courage. Lingis' ethic should not promote irresponsible action in the reckless pursuit of such affect. Yet the aspects of trust and courage that he isolates call us to consider what affects are elided in the effort to fully account for all those ways in which the self is interpellated as the bearer of particular traits.

Can I learn how to be trusted by people of colour? That is not the right question to ask for making use of the category of knowledge "people of colour" denies that the most affecting trust is done *without* the right knowledge. As a white, educated subject, mastering the culture and languages of others can work to assure the hegemony it may seek to counter. My encounter with Donna showed me that certain historical differences *can* "not matter," for the purposes of trust. Before I opened my mouth and made an inane observation about the weather in Portuguese, I could not be trusted, yet when I demonstrated my use, I could be, to do specific tasks. The ultimate mistake would be to think that "now I am trusted" in a way that seems to "disprove" her earlier protestations about Black subjects not trusting white ones because I was trusted as the actant I emerged to be in that situation. This trust should not be taken as the transcending of the difference she previously named as determining Black-white relations precisely because trust is practised *in spite of* those relations, not after their transcending. Indeed, trust as such produces stronger affect the *more* untrustworthy the subject in question is. Though it is all too easy to defend white

¹⁹⁴ *Ibid.* x

subject-formations when feeling insulted, being defence like that and being temporarily trusted, are by no means mutually exclusive.

I end by finding that a preoccupation with knowledge *about* refugees undermines the potential for refugee-storytelling to critique the category “refugee” and then critique that genre with a more thorough theorization of trust in non-knowledge from the author J. M. Coetzee in his book *Life and Times of Michael K*. In conditions in which the collection and circulation of knowledge *about* refugees has been fetishized as the solution to refugee inequity, it can sometimes make sense to *refuse* to give an account of the self, instead displacing the question in favour of a concern with *action*. Thus Hania’s petition that knowledge is essential to respect being served provides me with the impetus to ask what kinds of knowledge can be produced in conditions of unknowing; to ask whether the most ethical knowledge might be that we shouldn’t strive to know.

Chapter 4: Situating the Place of the Refugee Story

There is a project for the sun. The sun
Must bear no name, gold flourisher, but be
In the difficulty of what it is to be

...

It is the celestial ennui of apartments
That sends us back to the first idea, the quick
Of this invention; and yet so poisonous

Are the ravishments of truth, so fatal to
Thee truth itself, the first idea becomes
The hermit in a poet's metaphors

...

The clouds preceded us

There was a muddy centre before we breathed.
There was a myth before the myth began,
Vulnerable and articulate and complete.

From this the poem springs: that we live in a place
That is not our own and, much more, not ourselves
And hard it is in spite of blazoned days

We are the mimics. Clouds are pedagogues.¹⁹⁵

¹⁹⁵ Extracts from verses I,II, and IV of Stevens, W., 1943. *Notes toward a supreme fiction*, The Cummington Press.

Relating to others necessarily entails relating to the unknown; to those clouds of which we are but poor mimics. And our faltering revelations in that process might suggest that the practice of knowing maintains a poesis which, as Stevens laments, is fatally ravished by the facts of the situation. The romantic idea that we kill the truth by giving it name – by attempting to fully register it on the plane of the visible and the reproducible – extends a poetic license to the world and the author to write with a certain degree of abandon. Stevens' rhetoric raises interesting questions of responsibility. We cannot be sure of our mimicry and this asks the reader to make herself humble in the face of a world in which our iterative citations must admit their fallibility. Yet the dispelling of the idea of a stable reference point – the summoning of a sun that must not be named – raises questions about how the subject should provide an account of herself in conditions in which the truth of that subject – much less the world at large – is uncertain. W. G. Sebald provides an important exposition of precisely this problematic by examining the difficult ethics of self-writing in relation to the responsibility for violence. Sebald argues that a malign self-interestedness characterized the authorial intent of post WWII German literature: '[T]he works produced...are often marked by a half-consciousness or false-consciousness' intended to affect a 'redefinition of their idea of themselves' rather 'than depiction of the real conditions surrounding them.'¹⁹⁶ Such critique of a focus on self at the expense of objective structure could be read as implying that the act of redefining self – narrating the "I" – is fatally narcissistic and necessarily oblivious to materiality; to the pressing concerns of the now. This is certainly Sebald's charge in this instance. Yet the failure of self narrating to resonate with wider societal concerns is not because a focus on the I always entails a

¹⁹⁶ Sebald, W.G., 2003:ix, *On the Natural History of Destruction*, trans. *Anthea Bell* (New York: Random House).

“looking-away” but because the I given to such authors was rendered abject: the persistent and ‘instinctive looking away’¹⁹⁷ of such novelists and of the German people is attributed to their bearing witness to a destruction that was incomprehensible; that called for an eloquence of description that *no one* possessed. Sebald also attributes the silence at the destruction of German cities to more contextual societal formations: because of Nazi atrocities any depiction of German suffering or petition of injustice at the absolute violence visited upon cities like Dresden appeared as an excuse for those atrocities; as a legitimation of Nazi war-crimes.¹⁹⁸ By describing this dynamic Sebald gives us the chance to consider how telling stories of the self can enrich systemic critique. How might we go about judging which stories of self simply represent a taking-shelter from worldly-impingement, and which represent fulsome engagements with that world?

In this chapter I wish to ask what the conditions can be for a story-telling that tackles the problem of the representation of the refugee in the West by asking after the conditions of intelligibility of common genres of refugee-story telling and assessing their ability to challenge the abstractions of citizen and refugee, self and other, that give rise to the abandonment of the drowned. It must be a story-telling that can take the refugee as its ostensive abject, yet not fall into the traps of reproducing the economies that serve to abject the refugee; those of value, and of right. And it must be one that can address the national subject and without lurching into narcissism, tackle the structures Orientalist structures of self-knowledge which condition the view “out.” Those structures of meaning

¹⁹⁷ Ibid, pp10; 31.

¹⁹⁸ Though he does also point out that there was a more contextual reason for the failure of German accounts of suffering to surface: the suffering of the German people during the war was discursively linked to that inflicted by the Nazi war machine so as to make any assertion of German suffering appear as an attempt to mitigate that violence; to evade taking responsibility for it.

and practice may not appear immediately linked with traditional Orientalist reference points (places in the East, racialized bodies, texts and pieces of art that take the Orient as their reference point) but which allow self-knowledge, derivative of the “epistemological dimension of Colonialism.” Post colonial theorists such as Said, Bhabh and Spivak argue that this dimension, relating to the very emergence of the human and natural sciences

created an imaginary with respect to the social world of “the subaltern” (the Orientals, the blacks, the Indians, the peasants) that not only served to legitimize imperial dominance on a political and economic level but also helped to create epistemological paradigms within these sciences, as well as to generate the (personal and collective) identities of the colonizers and the colonized.¹⁹⁹

We are caught in something of a bind. A critical story-telling about refugees needs information from refugees as its apparent substrate, yet if such information is elicited without the constructions that prepare the refugee body in discourse being critiqued, the narrator risks re-enacting the epistemological violence of the colonizer-colonized binary; he or she risks representing the Other in terms they would not choose, or that would do them damage. This dynamic is exemplified most clearly in the relationship between asylum-caseworker and asylum-seeker that Nick Gill details as specifically contrived to create subjective angst in the story-teller, yet is distributed societal by the politics of suspicion that is inherent in the tacit criminalization of asylum-seekers and refugees. Stories of subjects that appear emblematic of the hegemon – of the metropole – are also needed to critique the structures by which refugee stories are produced, circulated and do work and this these subjects (subjects like me) may tell stories of themselves in order to bring to light the structures given to them by colonial knowledges. Yet we are beholden to

¹⁹⁹ Castro-Gómez, S., 2008:264

ask how many stories about those people who already receive representation in the dominant culture we need: how might subjects like me tell stories of self in the name of critiquing the relations of inequality that exist between us and refugees that I have begun to catalogue, without appearing as Sebald's navel-gazing narrators? Not representing refugees is not an option: first-world subjects reside in the higher echelons of both government and the NGO world and are every day are called to narrate refugee lives. I would suggest that reading stories as strictly allegorical – stories written by refugees reference the category 'refugee' – is a problem because representation is never seamless – our words are given over to discourse in ways that are myriad and that we do not control – and because we do not tell stories to represent, but to effect change. Thus, this is how they should be judged.

Judith Butler²⁰⁰ gives us a rubric for this endeavour:

when one gives an account of oneself one is not merely relaying information through an indifferent medium. The account is an act—situated within a larger practice of acts—that one performs for, to, even *on* an other, an allocutory deed, an acting for, and in the face of, the other and sometimes by virtue of the language provided by the other. This account does not have as its goal the establishment of a definitive narrative but constitutes a linguistic and social occasion for self transformation.

The *value* of a story is not only in its representative function, but also as a performative act. Yet that performance may not be of the order of performance in the Goffmanian²⁰¹ sense – of the order of intent – for we cannot fully account for the work our words will do. The

²⁰⁰ Butler, J., 2005:130. *Giving an account of oneself*, Fordham Univ Pr.

²⁰¹ Goffman's conception of social action relies on 'an active, prior, conscious, and performing self' standing *behind* that action.

ethics of asking (or compelling) another to tell a story are perilous when telling the true story might imperil that other.

A structure of meaning practice precedes the stories that refugees will tell. Sebald argues that the incomprehensibility of the deaths of German civilians owed to their deaths being 'not sacrifices made as the means to an end of any kind, but in the most precise sense are both the means and end in themselves', Sarah Gibson's work on the idea of the "asylum hotel"²⁰² demonstrates that national-refugee relations take a similar form: their exclusion is not only the means of creating a convenient national economy, but is also the means and the end of itself because it provides the means for national subjects to re-make themselves as 'owners' of the national territory, rather than as beings sharing a common vulnerability to state-power: the affect of exclusion is not reducible to its effects.

In this narrow light I think of my encounter with Donna as metonym for national-refugee relations. The power that both she and I could derive from showing our position of dominance over the other interrupted any sense that our prior, identitarian positions determined the encounter. As exertions of power, our statements were the means and ends of themselves, as well as representing ourselves as subjects²⁰³. Thus we might ask what *use* knowledge *of* subjects can be in relation to the limits of empathy. There exists a subjective formation "I" interested in defending itself, which is not easily amenable to change by virtue of furnishing it with stories *about* refugees. After all, to say that my lack of

²⁰² Gibson, S., 2003. Accommodating strangers: British hospitality and the asylum hotel debate. *Journal for Cultural Research*, 7(4), pp.367–386.

²⁰³ This is certainly true for me, where what I *said* did not match up which what I feel I represent. It was done to create a space for myself and not (consciously at least) in the service of a specific belief; it was done because her "pushing-back" at me did not feel good.

knowledge led me to make the wrong choice surely forgets that I made my choice *in spite* of the knowledge I already had. I felt *already* in possession of a subject position that I wished to defend. Donna disrupted that sense I had of myself. This is how the encounter functions as metonym: while popular figurations of folksy Western power portend subjects desiring justice for refugees, in material relations with refugees we are given opportunities for self-assertion – typically modulated via a defence of the nation, the population, or of society – which can be counterintuitive to the very norms of justice that we often presume are foundational to ourselves and our home; to our ability to extend hospitality to the asylum seeker. The affectivity of that relation this resists attempts to achieve those norms of justice that we might feel ourselves as always-already in pursuit of. To reconstitute that sense of myself (and of the national self) critical stories *of* that self are needed as much as stories about those “strangers”; those “others.” In this instance self-narration features as *vital* to reconvene the terms under which the national subject seeks to defend himself from the disrupting presence of the foreigner.

Derrida writes of the impossible ethos of hospitality, arguing that the *laws* of hospitality which denote the subjects that are responsible for specific others are disrupted by *the law* of hospitality which enjoins the host to welcome in without condition. With every welcome-in there is a concurrent wishing-away of the concrete power relations that constitute the welcome and the subjects privy to it; a lusting after the absolute giving over of one to the other²⁰⁴. In the same moment in which we experience desire for the difference

²⁰⁴ This general relation is given concrete form in the mosque and the church which may be said to extend sanctuary to all regardless of crime committed. Yet the police, with a search warrant and reasonable suspicion that an offence has been committed can enter regardless. (Gibson, 2003:374)

between host and guest to be erased, we also must concede the *impossibility* of that desire, for if the host welcomed the guest *as* host (no longer stranger) the host would have no basis upon which to extend their welcome²⁰⁵:

Absolute hospitality is impossible as it undermines the very condition of a nation or state, which is constituted through the erection of frontiers and borders. Absolute hospitality requires the “generosity” of the state even as the ethical notion of absolute hospitality goes beyond any frontier or border of the state.²⁰⁶

Gibson points out that asylum-seekers, while having a right to reside in the nation, are not hospitably welcomed into the nation. They are welcomed as “alien”²⁰⁷ – ‘an experience of alterity associated with selection...suspicion and scapegoating’ – rather than as the “Other,” – ‘an alterity worthy of reference, esteem or hospitality’²⁰⁸. Situating hospitality as gift, rather than an obligation, illuminates its aeconomic elements: the gift can be given a value, but in the sense that it must not be exchanged to preserve its status as gift it cannot be rendered “fully” economic. We can give hospitality some of this content when it is a surprise:

For absolute hospitality to occur, the arrival must be a surprise, so it no longer follows a ritual/duty – or politics – of hospitality: “the absolute surprise of the *arrivant* from whom or from which one will not ask anything in return and who or which will not be asked to commit to the domestic contracts of any welcoming

²⁰⁵ Such an encounter bears a formal similarity to the hauntological formulation of justice by historians such as Ian Baucom (62-63). He argues that doing justice always represents an *injustice*, for it must erase the singularity of the deed and provide a substitution. That is necessary, and he does not advocate any illusion that it could be another way. Yet, the singular – that sense that something of the specificity of the material was lost – always haunts the giving of justice. Thus the practice of justice must bear witness to its own injustice, just as the practice of humanity is fated to bear witness to the drowned. Baucom, I., 2005. *Spectres of the Atlantic: Finance Capital, Slavery, and the Philosophy of History*, Duke University Press Books.

²⁰⁶ Gibson, 2003: 374-5

²⁰⁷ Kearney, R., 1999:251 “Aliens and Others: Between Girard and Derrida”, *Cultural Values* 3(3), 251-62, referenced in Gibson 2003:375

²⁰⁸ *Ibid.*

power” (Derrida 1994:65) The figure of the *arrivant* offers a paradigm of absolute hospitality that does welcome the unexpected and uninvited other.²⁰⁹

It might seem unlikely as a viable political practice, but insofar as such a welcome “[i]mplies that you don’t ask the other, the newcomer, the guest, to give anything back”²¹⁰ and “embraces the risk of abandonment of the home”²¹¹ it clearly has a parallel with the abandonment of propriety found in Foucault’s latter desires and contemporary and historical instances of religious sanctuary-giving. Derrida does not argue that we should attempt to practice the fantasy of unconditional hospitality – just as Foucault and Butler do not argue that we absolutely abstract ourselves from the normative – yet those figurations *do* ask us to dwell in ambivalence. As any gifting of hospitality as gift disrupts the notion of hospitality as debt, so any giving of the self as an I in discourse must be disrupted with the impossibility of congruence between self and image; between the sense of propriety of feeling that “this is my home” and the certainty of impingement upon that home; upon the dominion of self. If we are never ‘at home with ourself’²¹² and thus we welcome-in only on the basis of a home that – though we may identify with it – is non-identical with us. The discursive space in which we – as hosts – make out home, persistently fails us.

It is in this light that I ask after the place of the refugee story in reformulating the welcome given by the national subject to the refugee; a search for a reformulation of hospitality to leave space for surprise; for the *arrivant* to appear and disturb the sense of propriety over

²⁰⁹ Gibson, 2003:377

²¹⁰ Derrida, J., 1999:70 “Hospitality, Justice and Responsibility: A Dialogue with Jacques Derrida” in Richard Kearney and Mark Dooley (eds), *Questioning Ethics: Contemporary Debates in Philosophy*, London and New York: Routledge. Cited in Gibson 2003: 378

²¹¹ Gibson 2003: 377

²¹² Derrida, J., 1992:10, *The Other Heading*, trans. Pascale-Anne Brault and Michael B. Naas, Bloomington: Indiana UP, cited in Gibson 2003: 378

the nation experienced by the national subject. I move first between and through different instances of storytelling which are emblematic of common attempts to include the refugee to point out that they all contain constitutive exclusions and only partially challenge the national subject formations that blind us to the abandonment of the refugee. I end with an engagement with J.M. Coetzee's figure of 'Michael K' as the embodiment of the absolute *arrivant*; a subject whose appearance seems to force an *utter* reconfiguration of the discursive structures of belonging, yet who provides slippery purchase for action.

4.1 The Refugee Story: The Refugee That is Just Like Us

Making the refugee's value to the nation the criteria of her inclusion entails the problem that under unfavourable conditions, the refugee can be logically excluded. Perhaps this explains attempts to argue that refugees should not be thought of on such terms because they are "just like us"; their inclusion merely a natural extension of a familial bring-in to the fold. In detail why such an attitude is as exclusionary as it is immediately appealing.

The children's educational video *Carly, A Refugee's Story*²¹³ presents this view and judging from its popularity on youtube the protagonist is a child. While the reasons for using a child in a children's educational video appear obvious, the symbolic position of the child in our society renders the other figure that Carly references, the refugee, easy to include. Lee Edelman argues that the child is a trope that stands as a figure for 'the universal value

²¹³ Anon, 2007. *Carly, A Refugee's Story*, Available at: <http://bit.ly/4QFVjV> [Accessed August 29, 2011]. The protagonist of the original story was the Germanic 'Karlinchen', betraying the fantasy's post-war roots. In this way it reproduces James Hathaway's (1984) formulation of a post-war refugee subject much more palatable to European nations than 'new refugees' from the Global South.

attributed to political futurity.’²¹⁴ It appears to us as outside of rhetoric; as a foundational aspect of our selves; of the time *before* we were full subjects. Edelman argues that effort it marshalled to fight “for” such figures because, as universal emblems they mean, both everything and nothing; fighting for a universal like this is easy and does not trouble the self. An examination of the encounters that Carly moves through, followed by her “acceptance” allow the viewer to enjoy a similar power which is hazardous insofar as it fails to address the economy of relations to which refugees arrive, and allows for the abstraction of the national subject from the materiality of domination.

Carly, left her home because ‘fire fell from the sky’ and wanders the countryside in search of hospitality. The first people she comes to do not think it ‘right’ that a girl wanders the countryside begging, and thus they call the police to take her to an orphanage. Carly flees the scene. This initial encounter serves to approximate the general unease national subjects feel about the place of refugees in their societies because it is not premised on a challenge of Carly’s *right* to be present, but on her appearing ‘not right’ in a less specific, thoroughly *ontological*, sense. After opening such a potentially productive line of inquiry, the story quickly retreats from challenging this construction. What will render Carly “right” is revealed through her subsequent encounters.

First, she meets the ‘stone eaters’ who offer her a handful of stones to eat. Because she cannot eat the stones they become angry with her and disappear into the ground, leaving her alone. Then she meets the ‘silk tails’ who are about to offer her sanctuary when they notice that, unlike them, she does not have a tail. They appear to change their minds about

²¹⁴ Edelman, L., 1998:19. The future is kid stuff: Queer theory, disidentification, and the death drive. *Narrative*, pp.18–30.

offering her bread when they find out that she is *different* from them. Yet Carly cannot bear being different and thus she tries to mime having a tail with a piece of her clothing: 'It doesn't matter; I can hang one around me.' What seems an innocuous attempt to fit-in is in fact a contradiction that is impossible to resolve. If it "doesn't matter" that she is different, than why attempt to negate that difference through the aping of the thing that is assumed to grant inclusion? Carly speaks a certain truth of the operation of liberal-tolerance which proclaims that difference does not matter – that it should be tolerated – yet compels various performances to mute that very difference. Her encounter ends with her leaving, the silk-tails insisting that 'only silk tails are allowed to live in [their] country.' Carly laments her rejection on the basis that she was 'different from them.'

Next an encounter with the Smoky Crows who, though intelligent enough to converse with Carly in English and offer her a bed, fail to recognize that she is unable to fly or eat a rotten mouse. Though they offer her a nest, high-up in the trees and a rodent for dinner their *misunderstanding* precludes the fulfilment of their *apparent* good intention: 'They don't understand me, because I'm strange, and different from them,' Carly says. Here she speaks to another truism concerning the treatment of difference: injustice and inhospitality may be constructed as caused by the inability to understand difference when the material change necessary to accommodate the subject marked out for difference are too great to easily make. Because the Smokey Crows offer Carly a bed they appear generous, yet giving that hospitality costs nothing because Carly is unable to accept it.

Neither rich nor poor offer respite from her wandering, both groups of humans shoo her away. The inhuman creatures do not accept Carly because she was different (she is also

rejected by a group of Stone Eaters who petulantly disappear into the ground when they understand that Carly cannot consume rocks) and the humans because her presence wasn't 'right,' their attitudes were too snobbish, or they were too busy (the poor): they had their *reasons*.

Carly's place is restored when she encounters a man living in a tree-house, Mr. Friendly, who immediately and without reservation accepts Carly's request to live with him and his family. There appears no *reason* for him doing so. The fantastical location of his family in a tree-house, in the woods, thoroughly outside of society, mirrors the truly fantastical nature of his welcome. It is a concretization of that which is not possible – hospitality without condition – yet it is haunted by that which precedes it: Carly's rejection had been premised on her *difference* but Mr Friendly and his family are *like* her. They are human, white, and have but one child; they already possess a discursive space for Carly which is implicitly opposed to the lack of space in her encounters with alterity. The only conclusions to draw from the story are to either concede to the explicit lesson which is that refugees should be accepted without reason – as Mr. Friendly does – or to find that the story implicitly argues that "like belongs with like."

It may be a measure of how difficult we find it to think difference, or to imagine a suitable and humane situation for refugees that Carly's problem of displacement can only be *apparently* resolved (for how many refugees find themselves welcomed unconditionally?) by recourse to a situation that is beyond the bounds of the consideration of right, difference, or material means. This pedagogy which fails to challenge the terms of exclusion, and indicates that a fantasy of acontextual inclusion is the solution to the

problem of inhospitality is surely the cruellest lesson to teach. The situations to which refugees arrive are beset by the discursive coordinates that judge them “not right” and unable to perform as we desire: to consume the rotten mice and stones we offer. The national “we” that receives refugees like Carly – in as far as it is interpellated as having a stake in controlling the flows of subjects across the borders of the nation – resembles the inhuman subjects of the story much more than it does Mr. Friendly. Yet the story makes no critique of that economy of relation, instead implying that there exists a space of unlimited inclusion; all we need do is act as we already feel we are; a happy family.

4.1.1 What Is at Stake in Making Refugees ‘Just Like Us?’

Giorgio Agamben described a game of football in a concentration camp between the SS and the *Sonderkommando*, those Jews used for burying their compatriots’ bodies and stripping them of valuables. He disrupts the idea that this scene represents a ray of humanity within the midst of unimaginable horror. On the contrary, Agamben argues that this dynamic *allows* the horror it appears to be the contrary of, because it allows the production of camaraderie in a situation where exactly the opposite is called for. It allowed the SS to think of their prisoners and captors as relatively equal which assuaged the German soldiers’ guilt at their participation in the killing apparatus and thus sustained that apparatus. This sphere of normality, which appeared as if occurring on the village green

rather than “at the gates of hell”²¹⁵ is that which must be interrupted, for it provides a barrier to responsibly bearing violence²¹⁶.

Creating a sphere of common humanity to which we all apparently belong could function in precisely the same way; to elide the materialities that render us conflicted, and often opposed, in spite of our will to be otherwise? We are told through stories such as Carly’s that the problem of refugees’ exclusion is the problem of their dissimilarity to us, yet because of the violent exclusion intrinsic to any effort to include them on a particular basis, we delude ourselves with idealistic fantasies of inclusion without reason; her inclusion appears intuitive, whereas the actual inclusion of any particular refugee is far from it. What haunts her inclusion on the basis of her being “merely” human is that while such a base characteristic is infinitely extendable, it has no positively definable value and thus the Smoky Crows *et al* can eternally find reason to exclude her. In *Means Without Ends* Agamben argues that citizenship should be reconceptualised through a generalized idea of the refugee as a term that never belongs as the basic term of all political thought because all qualifications of being human in the forms of specific characteristics or behaviours have opened the possibility that these might be violently subtracted. Thinking political subjectivity through this general category may both allow a solidarity with those he names as ‘the drowned,’ or ‘naked life’ (those whose deaths never come to matter for the sovereign power that abandons them) and a form of life which ‘can never be separated from its form, a life in which it is never possible to isolate something such as naked life.’²¹⁷

²¹⁵ Levi, P., 1989:38. *The drowned and the saved*, Vintage.

²¹⁶ Agamben, G., 2002: 26. *Remnants of Auschwitz: The witness and the archive*.

²¹⁷ Agamben, G., 2000: 3-4. *Means without end: notes on politics*, Univ Of Minnesota Press.

The figure he imagines as the starting point for a new political subjectivity would *necessarily* make itself unavailable to questions that attempted to distil her character, or essence, as criteria for inclusion.

What would a story that tried to craft this kind of subject look like? On the one hand it would refuse the kinds of presencing made through stories of “good refugees” included through either their value, or their “only” being human. While embodying such a figure would seem to offer a coming politics quintessentially of the new, the materialities of becoming must be paid their due, for it is not always possible, or even desirable, to get to a point where one is able to refuse. The alternative is to ignore the conditions under which viable agency is made and, even worse, mistake refusal – as Foucault argued we have similarly considered *repression* – as superseding the limits of power; offering unfettered resistance. What seems certain is that the search for such a figure could not and should not be restricted to the asking after refugee *experience*. If the signifier “refugee” is created by an inclusive exclusion of the drowned – meaning both the refugees that die or languish, never presencing themselves, *and* the possible subjective formations that are metaphorically drowned by virtue of their exclusion by the constitution of the refugee as a subject for exclusion²¹⁸ – then the first-hand experiences of refugees that do presence themselves in narrative are not the whole story. If the circulation of stories such as Carly’s only serve to restage the very fantasy that premises refugees’ exclusion, might we not search for subjects with more radical potentialities far from what we might *recognize* as a refugee?

²¹⁸ What the historical materialist would call the historicization of the present: bringing to light the possibilities for being excluded by the interests of the dominant classes. For our present is ‘the outcome (not of what actually happened in the past, but also) of the crushed potentialities for the futures that were contained in the past.’ (Zizek 2001:90)

4.1.2 Looking Like a Refugee

The testimonial play, 'Do We Look Like Refugees?'²¹⁹ is of importance because it attempts to enact that very disruption; to tell stories of subjects that are refugees, yet do not appear as such. It tells the story of South Ossetian refugees of the 2008 war. Instead of learning lines, actors repeat word-for-word the recordings of interviews, conducted by the director Alecky Blythe at the Tserovani Internally Displaced Persons Camp.²²⁰ A description of the play from the Edinburgh Festival's online magazine describes the writer's intent:

By presenting characters that live outside the constraints of narrative drama, Blythe ensures that there is no theatrical distraction from the subject at hand. No time is wasted on back stories or plot devices; the focus is entirely on the pain of displacement, the injustice of poverty, and the human ability to overcome these trials.²²¹

Other reviews were less salutatory, with *The London Evening Standard's* reviewer Nick Curtis lamenting that he'd 'like to have been more moved by this latest verbatim drama'²²² and that 'there are too many characters, too few *identities*...[t]oo much unexplained backstory, too little foreground drama.' Such a sentiment clearly represents exactly the desire the play seeks to problematize; that of the subject who needs to feel *moved* by traumatized and dramatized refugees in order to recognize them as such. This play seeks to demonstrate that the work of trauma is often *banal*. It neither produces stories of heroes and being a refugee does not always entail abject terror. The refugees of the play, from the

²¹⁹ Staged at Assembly, George Street, Edinburgh until Aug30th 2010

²²⁰ Anon, Do We Look Like Refugees?! | Fest. Available at: <http://bit.ly/nWr06K> [Accessed August 29, 2011].

²²¹ *ibid*

²²² Anon, Do We Look Like Refugees?! is testimony to lives uprooted by war | Theatre. Available at: <http://bit.ly/levyBP> [Accessed August 29, 2011]. Emphasis mine

point of view of this reviewer, are emblematic of the problem of relating to outsiders who do not *appear* as refugees, yet nonetheless call to be included as such.

It is easy to heap scorn on those who desire the subjects to be more like the refugees they expect for their “missing the point.” Yet while the play conceives of itself as presenting subjects free from the constraints of narrative, such a presentation must surely be balanced with a recognition of the *certainty* of narrative. The self always finds itself narrated, one way or the other. The subject is always a self-narrating (and other-narrating)²²³ one; always narrating or narrated; requiring *story* for *survival*. ‘[T]he stories we tell produce and find us in the past, and enable us to live through the present’s uncertainties by projecting us into the future.’²²⁴

Attempts like this play, which we might say go some way to presenting the refugee as *arrivant* – as an unexpected arrival, disruptive of normative structures – perhaps make the mistake of countering the fantasy of desiring to ‘fully’ know the refugee with a fantasy of their own. In intending to ‘strip’ narrative completely they assume that this intent is enough to guarantee the absence of narrative. They try to mitigate again what is certain; the hermeneutic. Rather than thinking in a binary where narrative is either present or absent it is instead necessary to assess the *ethicity* of story-telling: the conditions under which it is made possible and the forms of life it heralds²²⁵.

²²³ The self is narrated by the Other; always-already narrativized by others and by the self’s expectations of the Other.

²²⁴ Bacchilega, C., 1999: 24. *Postmodern fairy tales: Gender and narrative strategies*, Univ of Pennsylvania Pr.

²²⁵ We might think back to Carly in this light. In the story she is *either* fully rejected (excluded) or accepted (made fully present). What matters far more to the actual practice of being in place – of “homing” oneself – is the quality of being in that place, and the necessary ambivalence that is found in never quite being made fully present, nor absolutely absent.

Julia Alvarez' autobiographical story, *An Autobiography of Scheherazade*²²⁶ shows that deterritorialization and reterritorialization are necessary parts of narrativizing the self, the ambivalent effects of which cannot be escaped. The notion that we all simply possess a story to tell which is a sure route to affecting a viable subjecthood is problematized in a number of ways. As a young girl Alvarez learnt that telling the *right* story (not necessarily the *correct* one) could save her if she had been naughty: she could lie to be safe; bend the truth to her will. But a story that she wrote about imaginary secret agents spying on her also led her parents to think that her father's subversive activities had been discovered by the dictatorial government of 'El Jefe.' The truth of her stories was not the measure of their ethics; she could tell lies that did good-work or that caused damage. Being a literate woman – "having one's letters" as it used to be termed – was often a barrier to marriage in her native Dominican Republic, rendering women unwilling to fulfil the desires of their courtiers that they be subservient²²⁷. In that sense, being able to narrativized herself was not an unmitigated good.

Alvarez brings to light the ambivalence of being a subject in the midst of various losses that cannot be fully accounted for. When the bullies in her new home, New York, taunted her by calling her "spic" she defends herself by insisting that El Jefe is a friend to the United States. Unlike Fidel, El Jefe knows which side "his cassava is buttered"²²⁸. Here the subject El Jefe becomes a means of sustaining herself – of protecting herself –yet he was also the reason her family had to flee and that her father's life had been in danger. The friendly dictator she

²²⁶ Alvarez, J. (2002) "An Autobiography of Scheherazade" in K. Bernheimer (ed.) *Mirror Mirror on the Wall: Women Writers explore Their Favourite Fairy Tales*, 2nd ed., Anchor Books, pp7-20

²²⁷ *ibid.* p12

²²⁸ *ibid.*

summons differentiates her from those Cubans who she implicitly constructs as marked by the taint of their government. The border between the US and its Caribbean periphery conditions the possible relations to different figures – ‘El Jefe’ is both the reason for fear, and a mode of survival – so that an ambivalence persists in her body-in-Diaspora which if narrated as *of an origin – of an ‘I’* – must fail, for it is in movement; in the impossibility of identification, that this particular mode of being is possible.

When the young Alvarez does not accomplish her goals of writing she feels like one of the damsels killed by the sultan in *One Thousand and One Nights*. Yet writing is *not* the process of giving light to what already resides within the self, or a task, strictly speaking, of telling the truth. She rejects the view that the skill of writing is something that one is endowed with; something that can be returned to later after having a family. Rather, it has to “be cultivated, worked at, husbanded.” Her use of the agricultural term indicates that writing is at once a *domination* and something that happens with the help – coerced or otherwise – of other beings. Narration gives rise to a form of life that is *not* the self from which it appears to come; the story, as Metaphorical counterpart to the “pipe” of Magritte’s *Ceci n’est pas une pipe*, should always be accompanied by a similar slogan: “This is not the author.” Writing is the result of a careful husbanding; of relationalities that belie the logic of origin and of the One. Following Alvarez, I suggest that stripping away narrative may of course be a justified act in conditions in which common modes of narration require disrupting, yet that stripping cannot be done with the pretence that it reveals the “real”, for the realness of becoming-self is often achieved through the giving of accounts that do not reflect what is felt as the “I” at all. Our coming to relate to ourselves is done in relation to unknown others and in the midst of wider power games. As David Theo-Goldberg would have it:

How we comprehend others and conceive our social relations and how we come thus dialectically to some sort of self-understanding are moulded by concepts central to the dominant socio-discursive scheme.

4.2 The Subversive Potential of K and Michaels

J.M. Coetzee's critical appraisal of war societies' biopolitical foundations in, *Life and Times of Michael K* offers a protracted critique of the notion that a 'real' kernel of subjectivity exists outside of power. While it rejects the adiscursive subject, it offers up refusal as a viable means of self-making. It does so in relation to the being of the foreigner, the wanderer, the refugee; a figure given form in the body of Michael K, a municipal gardener from Cape Town who attempts to transport his ill mother to the place of her birth in the Veld. I examine the text in depth because of the abundant opportunities it provides for thinking of the relations of the displaced (both literally and metaphorically) individual to their surrounding space.

This setting is not the South Africa we know. The country is war-torn, beset by rebels who bomb infrastructure, and government checkpoints that limit free movement. Coetzee's gives us no history of the war, and nor does he situate the story in a particular time, making no effort to situate K's journey within South African or world history. As such, he gives us a decontextualized land. The story will give us a similarly decontextualized subject who appears as outside of reason. The message we can take from the lack of context is not this land could be anywhere but that the relation of violence explored renders place and self "nowhere"; its modus is the shattering of the frame.

K's mother is unwell and wishes to return to the place of her birth, a farm near to the town of Prince Albert of which she has little memory²²⁹. To leave the city they require a permit, yet the wait for one is weeks. In contravention of the law, they set off, K wheeling his mother in a barrow. They are discovered and sent back. They try again and successfully leave the city. K finds being in close proximity to his mother uncomfortable, describing in detail his discomfort at the sight of her swollen legs and rasping breath. Though she forced him to reside in a residential school when he was young for a reason that, to him, is still unclear, K now, as then, accepts 'the wisdom of her plan for them.' Here, as is characteristic of his character in the majority of the novel, we are given no insight into how K *feels* about his travails. His desires – insofar as they are absent – seem beside the point.

This is true even when his mother dies and he is exposed to the immovability and injustice that characterizes the bureaucracy of the war-time country. In Stellenbosch his mother is hospitalized, dry-throated and soggy of cough. Upon finding no evidence of his mother breathing he understandably beckons a nurse in a panic saying, "Please come and see, quickly!" After checking on her, the nurse chides him for being impatient. Though manifestly unjust, K looks away in deference and mumbles "sorry"²³⁰ again, his response prefigures his comportment in the rest of the book. He is always, to the last, reluctant to *justify* his actions, seeming happier to capitulate to injustice and inhumanity of the bureaucracy he increasingly finds himself caught-up in. Sometimes K's lack of adherence to convention seems a function of his will, yet in the main, it appears as without cause. After

²²⁹ "I forgot the actual name of the farm," she said, "but we can ask, people will know. There was a chicken run against one wall of the wagonhouse, a long chicken run, and a pump up on the hill...That is the place you must look for." Coetzee, J.M., 2004:27. *Life & times of Michael K.*, Vintage Books.

²³⁰ P28

his mother's death, when asked by the nurse whether he would like to call someone, instead of thinking who he should inform, as is customary, he thinks to himself, 'This was evidently code for something, he did not know what. He shook his head.'²³¹ He gives his mother no place of birth, age, or name, and instead recounts the reasons for their journey, before fearing that he had given too much away. We might think of K's failure to speak the truth a function of his fear of the Government, yet this factor never appears as a reason for his evasion, nor does the Government emerge as an overtly oppressive force in the book. Instead, his evasions are usually the result of a non-understanding, and when they seem intentional, they seem intended to affect autonomy for its own sake, rather than because of a fear of the machinations of war. One might argue that K's failure to resist is because of his muting through the experience of the violence occurring around him; by virtue of his living in a place of war; having a facial disfigurement (a hair lip) and being abandoned by his mother. As Derek Attridge points out, those kind of allegorical readings are valid, yet they immediately take us away from K as Coetzee would present him to us: K is never *portrayed* as traumatized by those factors that we might ascribe to the land he inhabits. My contribution to the reading of the book will come in challenging K as a body to whom meaning can easily be ascribed, but first it is necessary to fulsomely describe the ambivalence in which dwells.

In the story, presence and absence are not a function of material distance; of nearness and farness. After his mother dies, he feels no more estranged from her than before: 'But he did not miss her, he found, except insofar as he had missed her all his life.' After taking flight

²³¹ P31

from the hospital town he encounters a roadblock and is taken to clear a landslide caused by the rebels' bombing of a train track. Every attempt to understand his suffering is met with indifference. With the supervisors failing to give him a reason for his imprisonment he is simply told "just do what you're told" as if the *following* of instructions could provide an answer to his questions. Such an encounter functions as metonym for the essence of totalitarianism that Hannah Arendt described; a power relation that transcends the ethos that purports to produce it. There may be "reasons" for K working (the need to protect infrastructure from rebel attack, his lack of documentation, bad luck) yet in the moment of the exertion of force, the maintenance of *order* – of the absolute power of some bodies over others – provides seductive affect which does not submit itself to the logic of reason. One can see a similarity with the arrival of the MV Sun Sea where the public affect garnered through the disruption of national order (and its repair by the "valiant" Harper, Toews, Kenny *et al*) far exceeded any engendered through a consideration of *right*. In that case the pleasure of following the law provided a pleasure that was truly foreign to the logic of legal right.

The promise of the work gang is that soon K will be his 'own man again'.²³² He is reminded that his work is not a life sentence. It is just a small ordeal to go through on the way to being free. Thus was and is figured the prospect of detention in Canada of the passengers of the *Sun Sea*, and the widespread detention of asylum-seekers in many countries. K escapes by boarding a train going south and, arriving in a small town, seeks help. Though he has

²³² P43

money, a shopkeeper locks the door in his face.²³³ There is little sympathy for the desperate in this world and it is clear that K's appearance, perhaps coupled with the anxieties of war-time, lead to him being extended little care. His plight and evident need to help is besides the point here.

Again leaving the space of the town, he leaves the road, thinking of the first people that settled there, fencing themselves in with silence, desiring to bequeath that privilege to their children²³⁴. Here he speaks to the ambivalence of property. It is by fencing oneself *in* that one can be free from time; reach a state of timelessness where every day is the same. But that freedom is a privilege precisely because it requires a fencing, and a policing of its own; it engenders a genealogy of privilege which *necessarily* impinges on the right of others to do the same. He muses that there might be 'forgotten corners and angles and corridors between the fences, land that belonged to no one yet.' K puts forth the idea that respite for him might come through finding a place of his own, somewhere within which he might fence himself in:

From horizon to horizon the landscape was empty...I could live here forever, he thought, or till I die...The anxiety that belonged to the time on the road began to leave him. Sometimes, as he walked, he did not know whether he was awake or asleep.'²³⁵

A lack of perspective stops K from finding such a place: 'Perhaps if one flew high enough, he thought, one would be able to see.' K here situates his freedom as liable to follow from a *discovery*, and then a *fencing in*, of the *new*. He can locate this new through getting above

²³³ P45

²³⁴ P47

²³⁵ 46-47 Increasingly in the latter half of the book, once free from his mother and the camp, instances of freedom are accompanied with a loss of K's sense of himself and with a confusion between wakefulness and sleep. Through the book there persists a tension between freedom through mastery and through abandonment.

the details of the earth and seeing it from the sky. Coetzee here sets up a particular view of the land, of property, and of what a subject needs to be free, only to challenge it later in the book.

Again K challenges logical structures of response. When asked by a friendly townspeople whether he is alright, he replies, "I don't want to stop...I'm going to Prince Albert and it's a long way." Instead of offering an account of *himself*, he speaks of his *journey*. Finally he arrives in Prince Albert and asks about the farm his mother told him of. Discovering that the owners are a family called the Visagies, the shop-keeper asks if K is *sure*. In response K merely asks for a packet of Ginger Snaps! The reader is given little cause to *like* K. In fact little clue is given that there exists a coherent 'K' to whom we might have any relation. After recounting a story of how he was threatened by an angry land-owner with a gun, the townspeople says "I've never heard of that...People must help each other, that's what I believe." K's response makes it clear that though *he* is often the victim of systemic indifference, he hardly feels any desire to embody the contrary:

K allowed this utterance to sink into his mind. Do I believe in helping people? He wondered. He might help people, he might not help them, he did not know beforehand, anything was possible. He did not have a belief, or did not seem to have a belief regarding help. Perhaps I am the stony ground, he thought.

If ever there were evidence needed that the impetus to empathy lay, not in the character of the object of relation, but in the iteration and proximity of the relationship, then the reader's relationship with K is it. By the end of the book, the reader feels for K, but this feeling comes in the absence of a settled character that we might call K. The reader is treated to no introspective monologues, and if K's feelings are discussed it is their absence

or absurdity that is highlighted.²³⁶ After receiving hospitality from a local family he the narration tells us that K wanted to say thanks but ‘finally the right words would not come out.’ He fails to do something that is surely expected of all – the giving of thanks for kindness. We can, and should, read K’s reluctance to admit that he believes *generally* in helping people alongside the contemporary figuration of the global human rights discourse as *generally* helpful; as a kind of global insurance that can ameliorate the suffering of the dispossessed. The problem with such acontextual ontological impulse to help is that it does not consider the boundaries that that help requires. K feels like the stony ground – he has no place to fence himself in. The *conditional particulars* of the townspeople’s existence – his security – enable him to maintain faith in the importance of extending *unconditional* help. K lacks that material architecture. How could he *believe* in helping everyone when he has nothing to give them? His open-mindedness, Attridge argues,

indicates a profound ethical awareness [and] provide[s] a taste of what it might mean to resist the urge to apply pre-existing norms and to make fixed moral judgements...and to value instead the contingent, the processual, the provisional that keeps moral questions alive.

In the same light we might question a professed Western faith in helping everyone through our collective faith in human rights: our *intention* that we help everyone is surely ironic in light of the material relations that sustain us by their very unhelpfulness to others; their capacity to render us privileged. K presents us with a paradox: to help others, he must be

²³⁶ At one point, after being given hospitality, he is ‘mortified’ that his hosts are hushing their children for the sake of his rest and so slips out of the house unnoticed.

secure in himself, yet he resists above everything, offering a secure and bounded narrative of himself. His coming relation to the land and to imprisonment will give an alternative vision of safety and of help, not crafted on coherence or boundedness.

Arriving at the farm he finds that it is abandoned with plentiful water supply, a herd of goats gone wild, and plenty of birds and lizards to kill and eat. He kills a goat and in doing so loses his hunger. He fantasizes about slapping it back to life and after stomaching only two meals, he must bury it. During this time he lives in the house and does not feel content. He places his mother's ashes where she thought she would like them, yet feels unsettled. A change happens when he decided to scatter them:

There, bending so low that they would not be carried away by the wind, he distributed the fine grey flakes over the earth, afterwards turning the earth over spadeful by spadeful. This was the *beginning of his life as a cultivator*²³⁷

K was a gardener in Cape Town, but only *now*, after giving up that job, has he become a cultivator. Thus gardening, associated with the city and imposition is opposed to cultivating which is associated with freedom and the earth. So begins his relationship with pumpkins and melons, fruits that he will irrigate over the coming weeks with the water from the dam. Cultivation brings him pleasure: 'There were times, particularly in the mornings, when a fit of exultation would pass through him at the thought that he, alone and unknown, was making this deserted farm bloom.' But these moments of pleasure are tempered with angst: 'But following upon the exultation would sometimes come a sense of pain that was obscurely connected with the future; and then it was only brisk work that could keep him

²³⁷ P59, emphasis added

from lapsing into gloominess.²³⁸ His gloom is complete with his discovery, showing that it is not cultivation *per se* that brings K pleasure, but cultivation done *unseen*.

The Visagie's grandson arrives at the farm and attempts to enlist K in his help. Addressing as "one human being to another"²³⁹ and explaining his peaceful nature, he explains that he and K can live together happily; that they can avoid the war together; "I need your cooperation, Michael. You must help me. Otherwise there is no future for either of us. Do you see?" Though not domineering, the boy's asking K to do simple tasks in return for lodging is unbearable and at the earliest opportunity, K flees to the mountain. K, who submitted to gardening in Cape Town and to his mother's whims, has reached the end of his tether; he can stand no imposition. If it means disavowing "the future" K will do so in favour of the chance to cultivate. Rather like the young-Alvarez' characterization of writing, K characterizes freedom, not as something that is forever attainable, but as something which, once divorced from repeatedly, is forever lost: knowing that leaving his pumpkins will cause them to die, he laments that the 'cord of tenderness that stretched from him to the patch of earth beside the dam must be cut' yet he knows that 'one could cut a cord like that only so many times before it would not grow back again.'²⁴⁰

Atop the mountain K is dying. In the moment he tells the reader he has found bliss, taking comfort in the harsh environment of the mineral land, he also tells us that his stomach hurts and that his gums are bleeding. He thinks that the good boots the Visagie boy wears

²³⁸ P59

²³⁹ P64

²⁴⁰ P66

are wasted on him, for he lives 'in a hole'.²⁴¹ Yet the boy is in a *house*, not a hole, and is safe. It is K who is dying. Knowing that he is near to death, despite the bliss he felt in the approaching ultimate freedom, K descends to the town. He has lost the power of language. To police questioning he 'gave unclear answers, shouts and gasps. "Don't!...Don't!...Don't..." he said, the word coming out like a cough from his lungs.' While the narration laments the police's failure to understand, and thus aligns the reader with K's plight, we surely must ask what they could have been expected to understand. How much understanding could they draw from the coughing "Don'ts!" of a dying man? After he is fed and checked for ailments he is taken to a camp, Jakkalsdrif.²⁴²

The camp is situated as a place of abode that is safe, where everything K needs is provided. It is not 'punishment' per se, but situated to some degree outside of the juridical order:

A camp is for people without jobs. It is for all the people who go around from farm to farm begging because they haven't got food, they haven't got a roof over their heads.²⁴³

Nowhere in the description of the camp is it figured as punishment, indeed, it is named a 'relocation camp.'²⁴⁴ Nor do prisoners *experience* the camp as punishment. When K asks others about why they are in the camp the reason is given that the camp is better than outside – it has more comforts – *not* because they have forcibly interned there. Perversely the prisoners are free to leave, *but* if they do leave and are discovered again they risk being interned in a camp that is more punitive; it is a place that 'solves' many of the problems of homelessness and a place that many residents apparently 'choose' to inhabit, but they only

²⁴¹ P69

²⁴² P73

²⁴³ P78

²⁴⁴ P75

do so because alternative, punitive punishments await. At one point the warders are interned *with* the prisoners as a punishment for their lackadaisical attitude. Thus the environment of the camp bears comparison to Lauren Berlant's characterization of 'slow death':

[T]he structurally motivated attrition of persons notably because of their membership in certain populations, is neither a state of exception nor the opposite, mere banality, but a domain of revelation where an upsetting scene of living that has been muffled in ordinary consciousness is revealed to be interwoven with ordinary life after all, like ants revealed scurrying under a thoughtlessly lifted rock.²⁴⁵

The camp is the realization of the pessimism of the philosophy of presence, for it is figured as necessary because it is better than the alternative, rather than because it is just²⁴⁶. I am again reminded of the detention of asylum-seekers in prisons because the comforts of those camps are figured as "better" than the violence from which they fled. K and his compatriots lose a part of their subjectivity in the camp because their petitions to justice are muted because the camp is better than the alternative; it represents a draw through its provision of material comfort. The inhabitants' stories do not *matter* to their internment and this is the key to why Coetzee makes K persistently refuse to give an account of himself: asking the other to give an account as if she *mattered* is absolutely ironic, for the excess can be disposed of in spite of itself; once society is organized to systematically erode specific subjects it is better not to engage with the pretence that speaking the truth of the self can overturn such weight.

²⁴⁵ Berlant, 2007: 761

²⁴⁶ When K asks a guard whether he can leave the camp he is told that if he tried to leave, he would be shot and that if he were successful, he would be back within three days pleading to be let in (P85) The guard gives no explanation as to why he would shoot K, a death that would seem a waste of a bullet if he'd be guaranteed to return in three days anyway. The camp appears validated by evincing the desires of its inhabitants to be there, and thus reifies a thoroughly constructed desire as if it thus *necessarily* validated the apparatus from which it was birthed.

The kind of camp portrayed in Coetzee's book is reminiscent of the "accommodation centres," of the UK. Unlike detention centres, asylum-seekers housed in accommodation centres are allowed to come and go as they please, but failure to *report* at specific times can impact their asylum claim; a claim of the juridical order. They have not committed any crime, but they 'possess' an illegal history, having, on the large part, arrived in an irregular fashion (referred to commonly as "illegally"), which would have been illegal had they not petitioned for asylum. They also anticipate an illegality – some of them will become "failed" asylum-seekers who will revert back to an illegal or quasi-criminal status. "Accommodated" asylum-seekers (and much more, the 'detained') though not incarcerated as punishment are caught in the midst of different illegalities, both in the sense that many of them will become 'illegal' though they will have committed no crime, and in the sense that they become a visible deviant presence, reliant on the state and semi-contained. That semi-containment has a productive effect; it is easy to criminalize those whose legality is suspect, and who apparently require accommodation or containment.

The price of the camp is work. In jail, one would receive food, but in the camp one must work for it.²⁴⁷ However, when K asks the policeman guard what work he can do he is told to "Fuck off" and ask his friends. He is asked, "Who do you think you are that I should give you a free living?" There is a misrecognition that founds the exchange. K is asking what he can do to support himself, but the policemen construes that in asking to work, he is asking for privilege, a 'free living,' and asking to be shown something that he should already *know*. Such an exchange is reminiscent of common portrayals of dystopia, and anticipatory of the

²⁴⁷ P77

end point of the increasing depersonalization of institutional power: Though to work is, in this case, mandated (and in an existential sense, a *right*) authority cannot provide it. This failure is made the failure of the *subject*; ‘Who do you think *you* are...?’²⁴⁸ the policeman asks K for daring to ask how he might contribute. Systemic failure is displaced onto the shoulders of the individual. The truth of the situation is in systemic breakdown, but the exchange *ends* with the question – *again* – of who K *is*. We risk mirroring this exchange when we recognize systemic inequality as the overriding agential force in affecting abjection, yet insist on asking the subjects of abjection, “Who are you?” Here it is advisable to think back to Raye²⁴⁹, the Australian ranch-owner who after finding out that her refugee-host had lost a child through lack of proper medicine in a refugee camp, reconsidered the plight of refugees. We should not fall into the trap of believing that the problem of inequity and of violence rests in bringing to light such stories because the stories that will be told may be given to situate the individual *within* structures of domination, and not to speak the truth of what *would be* if that domination were to cease. For the woman who lost her child it made sense to recount her story to Raye, yet if the situation had been different, if there existed proper avenues to gain asylum, if displaced subjects could be confident that justice would be served *without* having to put themselves on display as such, then she may have wished to stay silent. The speech of the subject cannot evidence his or her freedom; it represents strategy, not necessarily fealty to the self.

K examines the problematic of being seen and being heard in conditions of injustice. Speaking with another camp-resident, he muses on why the camp is located away from the

²⁴⁸ P77, emphasis added

²⁴⁹ See ‘Introduction’ P20.

town²⁵⁰. The resident argues that the authorities want the camp to remain unseen, and for the residents to “tiptoe in the middle of the night like fairies and do their work, dig their gardens, wash their pots, and be gone in the morning leaving everything nice and clean.”²⁵¹ As such the camp does not aim for absolute abjection – death – but aims to keep its residents in enough health to work. This form of life must not be contaminated by the realization that one of its by-products is death, and thus the camp’s graveyard must be kept out of sight of town. To characterization of the modus of exploitation as invisibility is common and in some cases merits some truth. Perhaps bearing concrete witness to a detention centre, or better yet, enduring it for a protracted period of time, *would* lead to the abandonment of exploitative relations between national subject and refugee; the reversal of the host-parasite²⁵² binary evident in refugee discourse. Thus the logical solution to the mal-effects of the camp is to render oneself hypervisible for the people one serves; to *deny* ones sequestration away from empathetic eyes in the camp and make known its injustice. Yet K finds himself persistently drawn to hiding himself *away* from prying eyes. For him, invisibility appears as resistance. His subsequent desires will embody the problem with that equation that equates truth with visibility and occlusion with the unseen: there is also injustice done by making *visible*, not simply in terms of the *quality* of that visualization, but in a more existential sense; the act of being known entails a trauma *aside* from the quality of that knowing.

²⁵⁰ “They prefer it that we live because we look terrible when we get sick and die. If we just grew thin and turned into paper and then into ash and floated away, they wouldn’t give a stuff for us...[D]o you think they do it [provide the residents with food and accommodation] because they love us? Not a hope” (p88) and “It was an iron rule from above that under no circumstances was a graveyard to be established within or in close proximity to any camp of any type” (P89)

²⁵¹ P88

²⁵² Gibson, 2003: 379

In the camp K finds that he has an affinity for fencing, strange for a subject so clearly at home in abandon. Ironically he loses himself in the 'repetitiveness' of fencing; in its 'leisureliness.'²⁵³ He is reluctant to be fenced in, yet has fantasies about being a fencer. Here I think we can read K as challenging his own interpellation by the reader, for while he fantasizes about absolute autonomy²⁵⁴, he is also seduced by the materiality of subjection. After leaving the camp he first consciously aligns himself with the politics of anonymity, yet that identification is accompanied by his fading away as a conscious being. As Butler reminds us, the desire for being is also the desire for recognition. K's desire not to be seen – not to be interpellated – takes shape as an acquiescence to death: as he crafts a dwelling in a crevice between 'two low hills, shaped like breasts, curved towards each other' his presence fades; though he could imagine much in the Visagie's house that he could find use for, he is reluctant to transport it to his new abode for fear of re-enacting their misfortunes. While he knows that he could use what the modernity symbolized by the house has to offer, he dare not use it without risking committing the same sins. Here Coetzee gives us a subject taking abandonment absolutely literally as a total withdrawal. Because the signs of humanity are associated with a humanity that K sees as eroding his freedom, they must be purged, rather than reconstituted. While before he dreamed of the bird's-eye view as that which could give him freedom, now that perspective has become a threat; the vivid green pumpkin are flags alerting the world to his presence. Here the desire for such all-seeing perspective functions as metaphor for our common desires to know – the good feeling that

²⁵³ P95

²⁵⁴ Upon escaping from the camp, K considers again the Visagie's house, realizing that 'at times like these...[a] man who wants to live cannot live in a house with lights in the windows. He must live in a hole and *hide* by day. A man must live so that *he leaves no trace* of his living.' (P99) He desires to render himself unknown, providing a seductive non-ambivalent agential subject for the reader. Yet on his way there we are also told that he again took pleasure in the craftsmanship of the fencing he encountered, an acknowledgement of the pleasure in containment.

results from being party to the life of another – yet this desire is balanced with the acknowledgement that the perspective desired for himself cannot be realizable for all, for its common extension would entail the infinite disruption of our ‘inside’; the location that we wish to secure from prying eyes. His relationship to the arrival of the rebels sheds more light on K’s truth-function.

K sees that the rebels have been using the farm and the water source that feeds K’s pumpkins to rest and to replenish their stocks. Heart pounding, K considers leaving with them, trotting ‘along behind them like a child following a brass band.’ He thinks once they notice him he will carry a pack. Perhaps he will simply offer to feed them the next time they come, once his pumpkins are fully grown.²⁵⁵ He heroizes those who resist and this heroization calls us to question why Coetzee does not contour the *reason* for his affinity for resistance. If the author wanted this to be a direct allegory for apartheid, or for the coming post-apartheid, South Africa then he could have situated the racial politics of that place as impelling K’s resistance. Yet he did not. This is significant and it does not mean that thus the writing of K is not intended to critique South African politics. Yet his status as an allegory for that specific politics must be at least one step removed: in this book it is the *absence* of relations of causality between context and subject that emerge. It is possible that Coetzee proffers a subject thus because in the midst of trauma, the causal pathways that exist between context and action appear to break down; like the Germans that Sebald argues could not comprehend their destruction because of the non-sense of violence, perhaps we are given no room to understand K’s experience of his objective materiality

²⁵⁵ P109

because that materiality does not – in any way that is proximate to the consciously agential subject – compel his action.

His dreams of the soldiers' lives offer a window into his indecision; his only-ever partial resolution on the absolute truth of the situation. He dreams of the stories the soldiers will tell him upon their return when they are seated around the campfire together. The 'stories they will tell will be different from the stories [he] heard in the camp, because the camp was for those left behind, the women and the children, the old men, the blind, the crippled, the idiots, people who have nothing to tell but stories of how they have endured.'²⁵⁶ The camp was for waste. The materiality of endurance offers little to weave a good yarn. The rebels will have stories for 'a lifetime,' stories that will propel themselves forwards; that they will tell to their grandchildren with pride.

K immediately rejects his fantasy – enough men have already gone to war, promising themselves that there would be time for gardening later. K worries – he *knows* – that there 'must be men to stay behind and keep gardening alive, or at least the idea of gardening...because once the cord was broken the earth would grow hard and forget her children.'²⁵⁷ K is embodying a lateral agency of the kind present in the midst of 'slow death';

[I]n the scene of slow death, a condition of being worn out by the activity of reproducing life, agency can be an activity of maintenance, not making; fantasy

²⁵⁶ *Ibid.*

²⁵⁷ *Ibid.*

without grandiosity; sentience, without full intentionality; inconsistency without shattering; embodying, alongside embodiment.²⁵⁸

K rejects a heroic, subjective agency, in favour of endurance, of keeping a connection to the earth alive. But there is no easy conclusion that the latter decision is 'better' than the former. That would necessitate the artificial perspective of 'the One,' or of 'event' over environment.²⁵⁹ In the practice of this ethics of immediacy – in his rejection of heroic movement – what is 'left' is not a deciding and bounded I, but a gap;

Between this reason [that he *will* remain to garden] and the truth that he would never announce himself...lay a gap wider than the distance separating him from the firelight.²⁶⁰

Whenever he tried to explain this gap, his words were 'eaten up.' Between reason and action exists that which swallows up *explanation*. He *cannot* give a thorough and complete narrative form to his decision to remain out of sight. Though there *are* ostensibly reasons that K remains concealed it is not a causal chain that he can narrate to fully suture the truth that he will not reveal himself. The *pull* of desire, though rationally negated through reason, remains to trouble him and thus he cannot become a settled subject; a subject that coalesces around gardening, rather than 'going forth'; around endurance rather than

²⁵⁸ Berlant, 2007: 759

²⁵⁹ On "the One," Deleuze and Guattari characterize moral inquiry – the search for right or wrong, good or bad, as needing a transcendental standard by which to judge, by which one might refute the *feeling* that an action is good, with the certainty that it is wrong on the basis of a particular ideal. By contrast, ethics consists of asking a question of how one makes one's life viable, eschewing judgement for understanding. (Butler, 2005: 44, footnote 4) On environment over event, Berlant chooses the former to explicate lateral agency because most 'preservations fluctuate in patterns of undramatic attachment and identification' (2007: 759-760) and *not* because of temporally limited and intense 'events.' In environment there is no space for the reifications of experience 'structure', and 'agency'. The important point that Berlant makes is that in persistence, in the repetition that characterizes a life, agency is rarely experienced as the property of the self, nor structure apart from the self; those possibilities for reification are absorbed by the flow of mundanity. We might consider the claims of a 'crisis' in the human sciences which requires the presences of a historically present spectral subject. Here an 'event' is given a subjective agency – one who is *in* crisis – yet those in the midst of the crisis hardly experience it as such – life goes on, people deal with it, change is absorbed slowly in a dialectical process. Or we might consider the refugee – held up as a subject in crisis by the left, yet whose constitutive members hardly embody the crisis that we imagine.

²⁶⁰ 109-110

identity. His musings here can be read alongside Julia Alvarez' condemnation of her friends' settling down and marrying as a capitulation to power. In her critique, too many women have decided to endure and to cultivate rather than "fight the army". The rebels leave.

It is after K's capture – after his revealing to power – that Coetzee's contribution to the politics of subjective narration becomes clear. If authors like Alvarez contour the ambivalence of attachment – insofar as they do show how telling the "true" story is not always the right one, even as they laud self-writing as a critical tool – Coetzee examines the subject that appears to bear no subjectivity at all. Starving and revelling in the 'yielding up of himself to time...[h]e was neither pleased nor displeased when there was work to do; it was all the same.'²⁶¹ The world is losing its texture, and though it is in some sense an indifferent loss (we don't hear how he feels about he) he seems to take pleasure in it²⁶². This abandonment occurs *in* an abode. Though he does not wish to take anything from the Visagie's home he still ends up living in a house-like domain.

Here he might be read as illustrative of the dialectical relationship between abandon possession; autonomy from reliance. For abandonment to emerge as a social fact it must emerge in relation to something that maintains a pull on the subject, otherwise it is absolute absence. He abandons god and the dream of viewing the world from above for the earth, but the earth does not give him any unitary perspective; instead an inability to see

²⁶¹ p115

²⁶² He lies in his abode looking up at the rusty roof and 'he would see nothing but the iron, the lines would not transform themselves into pattern or fantasy; he was himself, lying in his own house, the rust was merely rust, all that was moving was time, bearing him onward in its flow.'

the pattern; a questioning of the opposition between host and parasite,²⁶³ presence and absence. He desires freedom yet cannot positively conceptualize that freedom. That does not mean that he is unfree, but that he has not yet conceptualized what it will be to be free. He maintains a number of relationships: between his nearness to freedom and the death slowly creeping up on him; between propriety and the loss of control; between his fantasy of endurance and his fantasy of enclosure; between his love for the taste of the flesh of his pumpkins and the recognition that they would be better with sugar, cinnamon and butter, products only available 'back' in the world of pattern, work, and production.

Before death can claim him, at the apogee of his abandonment he is washed out of his burrow implicitly to reside 'fully' outside of the domain of humanity, and to die. Yet he does not die. He is found by the army. We suddenly gain a perspective on K's condition. Examining him, a soldier picks up one of his arms 'between two fingers and dangled it. K did not pull away. The arm felt like something alien, a stick protruding from his body.'²⁶⁴ He is clearly emaciated, skeletal. Now, more than ever, he resembles the images that come to mind when one thinks of the camp. K insists that all he was doing was sleeping,²⁶⁵ that he lives 'nowhere'²⁶⁶. Finally K is taken to another camp where the staff are kind to him, naming him 'Michaels.' We are given the perspective of the camp's doctor who muses about Michaels' refusals to speak about himself. He then wanders off again and the book ends

²⁶³ '[I]t was no longer obvious which was host and which was parasite, camp or town. If the worm devoured the sheep then why did the sheep swallow the worm...What if the hosts were far outnumbered by the parasites, the parasites of idleness and the secret parasites in the army and the police force...Could the parasites then be called parasites?...[P]arasites too could be preyed upon. Perhaps in truth whether the camp was declared a parasite on the town or the town a parasite on the camp depended on no more than who made his voice heard the loudest.' (P116)

²⁶⁴ PP120-121

²⁶⁵ P 123

²⁶⁶ P120

with him living with a crew of misfits on the beach in Cape Town where he began. He is no gardener now; his freedom goes unrealized.

In most reviews of *Life and Times*, the 'important' part of the book is considered to be this first chapter, composing all but 60 pages of the book's 180 page length. The crucial issue is K's retreat from power as a mode of resistance and his muteness. Authors typically debate the efficacy of a politics of anonymity for struggles with authority, criticizing Coetzee for representing a member of his native South Africa's post-apartheid underclass as 'mute.'²⁶⁷ Those critics are disappointed that Coetzee fails to provide a properly *historicized* account of the possibilities for political agency in his home country: it is surely with *intent* that he disconnects K's plight from the political conditions of his home. Yet in K we see a reason for that lack of context; a reason which makes K's mode of relation to himself a lens through which we might view a less geographically bounded subject. K's reading by the friendly Camp Officer is illustrative in this regard:

Your stay in the camp was merely an allegory, if you know that word. It was an allegory – speaking at the highest level – of how outrageously a meaning can take up residence in a system without becoming a term in it.²⁶⁸

If we read K as such then our suspicion that K's politics of refusal functions as an injunction for us to attempt to hide ourselves from power so that our presence proves disruptive

²⁶⁷ 'Nadine Gordimer charges Coetzee with denying "the energy to resist evil" that indefatigably persists amongst the black people of South Africa..."Coetzee's heroes are those who ignore history, not make it".' (cited in Mills, C., 2006: 177. *Life beyond Law-Biopolitics, Law and Futurity in Coetzee's Life and Times of Michael K. Griffith L. Rev.*, 15) For Benita Parry, 'Coetzee's refusal of the binary system of the powers-that-be is actually re-enacted on paper; she says that "Coetzee's narrative strategies both enact a critique of dominant discourses and pre-empt dialogue with non-canonical knowledge through representing these as ineffable"' (cited in Drbal, S., 2005:25. *Wretched, Ambiguous, Abject: Ordinary Ways of Being in Selected Works by Alex la Guma, Bessie Head, and JM Coetzee*. Ohio University.). Yet Stephen Watson argues that his "failure" not to achieve a voice in the symbolic order represents not psychosis but a 'path to the visionary' (Watson: 46, cited in Drbal, 2005: 26).

²⁶⁸ P166

without drawing us in to validate the system. Yet the officer's reading is premised on a *misrecognition*. It is doubly ironic because the meaning that he is so *sure* we can take from K is not K's at all. It is *Michael's*: the one that he believes to be K, yet who only resides in the officer's mind. He characterises Michaels as a stone that passes through the institutions – the war and the camp – unchanged. He is the officer's constant, a site of referentiality. In his resistance to bearing meaning, he means the most; to the officer he is a mystic.²⁶⁹ Gone is the ambivalence of before, in his burrow; the tacking between in the dialectic of containment and abandon, confinement and escape; the indistinction between host and parasite. For the Officer he has become the impossible parasite; the one that is not consumed by the Sheep but devours it nevertheless; the one who transcends the necessity of our simultaneous displacement *by* and constitution *in* language; the one that refuses to be used by language (and thus annihilated by it). We, the readers, who saw in K an errant bastard, destructive of the logos' loins from which he came forth, are validated. In a stirring passage, the officer insists that his 'interpretation' of Michaels is *not* merely an interpretation, it is a transcendental truth:

This sense of gathering meaningfulness is not something like a ray that I project to bathe this or that bed, or a robe in which I wrap this or that patient according to whim. Michaels means something, and the meaning he has is not private to me. If it were, if the origin of this meaning were no more than a lack in myself, a lack, say, of something to believe in, since we all know how difficult it is to satisfy a hunger for belief with the vision of times to come that the war, to say nothing of the camp, presents us with, if it were a mere craving for meaning that sent me to Michaels and his story, *if Michaels himself were no more than he seems to be,...*, then I would have every justification for retiring to the toilets...and locking myself into the last cubicle and putting a bullet through my head.²⁷⁰

²⁶⁹ P166

²⁷⁰ p165

Michaels is the subject of the officer's discourse; a body that could not be more foreign to K. K merely 'makes do,' while through his ascription as Michaels, he is *made* to do. This interaction represents the peril of interpretation, but a peril that should be preserved as the condition of resistance, for, as Agamben notes, the truth of an historical event is not the property of the witness, 'K' in this case, but the preserve of 'Michaels,' the gap between the subject and subjectivity. K returns to the Cape; he stops escaping and he stops gardening. If we look to K for his own evidence then we find only failure.

What is the lesson that Coetzee wishes to give? It is clearly that subjectivity is not enough as 'evidence' for the truth – that its apparent 'loss' or 'gain' occurs as very much *that*, as an 'appearance.' The will in itself is not amenable to translation as a revolutionary, *disruptive* subject: K will never be enough; 'Michaels' will always haunt him. We, the readers, persistently do what the Medical Officer does and ascribe meaning to K, yet in the ambivalences of K's attachments and disengagements, he finds himself alien to the logic of cause and effect. Subjectivity without a subject is death, and to look for meaning in it is suicide, for one will always be disappointed. It is never 'enough,' constituted as it is, by a lack. This 'lack' what we might term the certainty of misrecognition; the certainty that the subject will never "line up" with the self is the mode by which historical movement takes place. As such, the officer's view of K is not to be seen as an "impure" one, based, as it was, upon an apparent misrecognition, for *every* recognition is as such. The subject is constituted in discourse, and that discourse, because it is produced by virtue of impersonal conditions, entails that the subjectivity of the subject be separated from that speaking subject by an inassimilable, unassailable and incorrigible gap. On the penultimate page he

states that the ultimate lesson is that ‘morals come, unbidden, in the course of events, when you least expect them.’

Morals come *outside* of events and thus to fetishize the *event* of self-telling as indicative of the subject is a mistake. Those refugees who are called to speak for themselves are made to speak vis-à-vis a category that they did not choose; vis-à-vis the drowned who they cannot represent; and vis-à-vis a listening subject whose interests are never benign. In the same way in which a refugee cannot give an account of ‘the refugee,’ K could never have given an account of Michaels. And vice versa. We prepare a place for K in discourse, yet it is not K that we will then come to find there. Indeed, we may find a subject that mocks and rejects our ascription of him. After all, when we ascribe our meanings to K we enact the very same violence that he runs from.

Thus, the message from K is that we must resist reading him as an allegory for whatever we ascribe to him – for South Africa, Apartheid, the condition of being out of place – because in that reading we summon a subject, “Michaels” who is not coterminous with K: the search for evidence is also an imposition; a painful inscription, which thus comes with its own ethical valence. Derek Attridge defines Coetzee’s entire oeuvre as ‘temporally and spatially unspecific fiction’²⁷¹ to lesser or greater extents. This work is deliberately so, to demonstrate the relational nature of the subject; to demonstrate that when one searches for a full account of the subject in the bodies, experiences, and subjectivities of those it appears to name, one will always come up short.

²⁷¹ Attridge, D., 2005: 41. JM Coetzee and the Ethics of Reading: Literature in the Event. *Chicago: U of Chicago P.*

What Coetzee does not give the reader an appreciation of is a sensibility on when giving an account of the self might be a desirable act. Not talking of the self cannot stand as the progressive subjectivity *par excellence* because this forgets the spatial processes that mean that for those whom nobody wants to listen to – for those that are denied the recognition that functions as a potential subject-making – talking of the self can be a *transgressive* act. To understand speaking acts we need an appreciation, not just of context, but of the spatial processes that produce that context. Other than his implicit challenge to consider the ethics of interpellation via his hailing of the reader through the figure of the camp officer, Coetzee gives us little clue as to when giving an account of the self can be a progressive force, and when it entrenches domination.

What K does give us is a beautiful explication of the paradox of attachment. K gives us no *reason* to long for his survival – he barely appears as a character, and when he does, he does not appear in any way ‘good’ or likeable’ – yet I did. And I would suggest that most would. When asked *why*, one could proffer reasons, but there would be a gap separating the truth that we aligned ourselves with K and the explanation that we would use to explain that alignment. I read of K feeling that I would help him *inspite* of his deficiencies. I desire his perseverance even as I will the attainment of his drive; abjection; death. I hold to him as I desire that which would end the possibility for that holding-close. And thus I too find an inassimilable gap between my reason for helping him and the truth that I would do so; between the absence of a good reason and the certainty that I felt an attachment that I could accurately describe. I *felt* that the help that I would extend to K was *accontextual*: it felt as though it emanated not from any approval of his qualities. I was *drawn in* by K’s closeness. Sharing something with K forged a certain responsibility, yet I did not share with

K. I shared with K-given-form, *Michaels*. The message from Coetzee is that when we read another's account we create a subject position that *expects* something of them; that names them in a way that would never be satisfied by the evidence their subjectivity could provide. If I had gone to K to confirm what I felt for him, I would have received no validation. Thus the *peril* in acting ethically; in being beholden to a *subject* in subjective evidence to its contrary. In this sense that attachment to subject positions in discourse that are not congruent with actual subjects makes those s perpetual *arrivants* and ensures that the economy that appears to name individuals *as such* must be relentlessly troubled by the inhuman; the aeconomic; by the necessity of 'becoming other' where giving an account of oneself is done under conditions which are never identical with how we imagine them to be. 'From this the poem springs: that we live in a place / That is not our own and, much more, not ourselves / And hard it is in spite of blazoned days / We are the mimics. Clouds are pedagogues.'

Conclusion

Offering up the refugee as character in order to combat the negative sentiment that persists in circulating between the national body and outsiders can unfavourably situate the refugee as an object of knowledge, the submitting to accounting of which can ameliorate the problematic relations that Western states and their peoples have with their outsiders. The abjection of refugees occurs through systems of valuation which construct bodies that *could* come to be refugees (but as yet are not) as threats to the national body. The rhetoric on the arrival of the *Sun Sea* which evinced a desire to ignore the rights of asylum-seekers in favour of defending an idea of the nation demonstrated that the national body remained to be secured at virtually any cost. In becoming the embodiments of that national body, national subjects are given an interest in replicating the seductive stasis of the national order of things. While such beings might “know” that asylum-seekers attempting to travel to the West (or residents of refugee camps who have not the means to do so) “possess” the right to seek and enjoy asylum, the acquiescence to the opposite – a clear injustice – persists. Arguing that such subjects do not know enough about refugees to understand those rights powerfully excuses the fact that they fail to act on what they already know and that this known should already be enough.

The citizen subject appears as a rights bearing one by virtue of ‘drawing boundaries between a civil life inside a national territory and the supposed danger of the outside and the strangers who populate it.’²⁷² There are no rights bearing subjects per se, ‘only subjects

²⁷² White, A., 2002. Geographies of asylum, legal knowledge and legal practices. *Political geography*, 21(8), pp.1055–1073. Cited in Franke, M.F.N., 2009:353. Refugee registration as foreclosure of the freedom to move: the virtualisation of

whose rights become recognizable in relations that situate them as free against others.’²⁷³ Under normal circumstances this does not mean that the absolute freedom of some *necessarily* comes at the expense of the absolute unfreedom of others, but that making rights claims represent routes to the practicing of different freedoms which impinge upon the domain of others (again, not in an absolute sense). The circulation of the outsider as a trope that is to be logically excluded must come at the expense of refugee lives because it breeds a public indifference to those refugees who have not yet reached a territory in which they can make their claim. When it is said that refugees “*have*” the right to seek asylum it must be said that something of that word, which usually signals possession, references an absence, for there are refugees who will never be able to exercise that right that their idealized position in discourse “has” by virtue of Western interdiction.

Thus we are called to ask which – or what – refugee comes to presence in our midst. We are called to ask what we are relating to when we think, speak, practice, *the refugee*. The legal production of the refugee occurs through at least two means, addressed by the two dominant strands of academic geography’s engagements with the law identified by Dikec²⁷⁴: a Foucauldian critical legal studies framework that asks after the productive power of the law, and an Agambenian focus on (legal) abandonment and the reproduction of sovereignty. In the Foucauldian vein, we are called to ask how the law produces its subjects. Here the law is an apparatus producing subject positions semantically and materially tied to real persons through. The law is just one mode of many possible means of

refugees’ rights within maps of international protection. *Environment and Planning D: Society and Space*, 27(2), pp.352 – 369.

²⁷³ Franke, M.F.N., 2009:353

²⁷⁴ Dikeç, M., The “where” of asylum.

producing subjects. Much as I, depending on where I am, am constructed as citizen or foreigner so it may be said that the refugee is constructed as refugee; as a subject with a certain meaning, by virtue of its linkage to individuals whose actions are thus constrained and enabled by that production. The subject position refugee in the Foucauldian sense matters much to citizens and to refugees as an anchor for practice. As such, it is a positive artefact, able to be contoured, its topography registered. As a subject position, it comes to matter in ways that might be adjudged 'positive'; my informants point out "refugee" *can* be a positive label. As the campaign for National Refugee Week shows, refugees have contributed greatly to Britain; they bring wonderful food; are capable of producing magnificent poetry; have posited the theory of relativity. And they play football.²⁷⁵ In this sense the power that is engendered from the production of individuals as refugees *needs* those individuals to sustain itself.

Yet in the other sense the category also produces a negativity outside itself. The very making of the category entails an exclusion that can work to traumatize some, and produces an outside of bodies never comes to matter. Doctors who need to feel settled in order to reskill report being granted the five years temporary leave to remain that is customary in Britain upon the success of an asylum claim engenders precariousness: "It is extremely difficult for me to make any plans because I'm not standing on a stable ground"²⁷⁶; "It's not a good feeling because you are living, somewhere between the sky and

²⁷⁵ Anon, Refugee Week | 22 Acts | All acts. Available at: <http://www.refugeeweek.org.uk/simple-acts/twentytwo-acts> [Accessed September 11, 2011].

²⁷⁶ Dr Mardi, F, 20s asylum-seeker cited in Silove, D., Steel, Z. & Mollica, R., 2001. Detention of asylum-seekers: assault on health, human rights, and social development. *Lancet*, 357(9266), pp.1436-1437.

the ground, you are not settled”²⁷⁷. We may, of course, come to know the “features” of those refugee-doctors lives, and we may come to know the characteristics of the subjects that are excluded from presenting themselves in a state that would hear their claim. Yet knowledge without action is an affront: those subjects who are stopped from arriving are stopped in the interest of the citizen-subjects of the West and recognition of that is not enough. The meaning of “refugee” in any particular place necessarily does an injustice to those subjects that are barred from composing it. The ‘failure’ of signification to suture the subject; the asynchronicity of discourse with the subject; the *difference* between subjectivity and subject: those are surely universals. Subject positions never adequately represent subjects; as articulations of power connected to the interests of divergent groups, the intent of refugee as a category is not to fulsomely represent refugee individuals. Yet I am not “failed” by the label citizen and foreigner in the same way that refugees are failed by the label “refugee.” We are all abandoned in some sense, yet “refugee” produces the absence of refugee bodies; it produces subjects that will never arrive to challenge the terms of their discursive construction, as I, albeit hopefully, may challenge my ascription as citizen. Understanding the distribution and affectivity of that abandonment must be a central question. When subjects attempt to relate to refugees they are relating to the meaning of the category and to refugee actors. Yet they are also relating to loss; to absence; to the knowledge that there never will be enough knowledge to fill that absence.

The elaboration of the refugee subject must consider the politics of knowledge production carefully. For all knowledge to be it must reject the inclusion of artefacts which *could* have

²⁷⁷ Dr Nichols, M, 20s, asylum-seeker cited in *ibid*.

composed that category (a category is necessarily “not all”) and it must exclude individuals who do not comply with the form it contours. Thus we must consider signification and embodiment. Fanon argues, with respect to the colonial encounter between black and white that the black man is denied the possibilities to embody a viable subjectivity because blackness is produced as an absolute negative, *and* that this blackness as a *representation* is not signified as equal to whiteness. Both violences are epistemological and both could be intimate. Yet they can be separated. One could imagine, for instance, a situation where a derided subject position could be embodied without causing subjective violence, but *represented* in a way that appears to do violent work. And concurrently, one could imagine a situation where an apparently benign knowledge did violent work at the level of embodiment.

Yet this line of inquiry should not limit itself to violence. In order to create knowledge exclusion is absolutely necessary. Any representation must evidence itself in the materiality of the world in order to reproduce itself and to become known. The “itself” in the above formulation – insofar as it is misleading – signals a line of intervention. Saying that a discourse on blackness produces blackness makes sense because black representations seem to connect themselves to black bodies. Implied is that a discourse on madness produces mad bodies, a discourse on hysterical women produces hysterical women and a discourse on refugeeness produces refugees. Yet to say such things requires a view from the future. In fact, other discourses may produce that madness that a coherent discourse on madness retrospectively comes to attach itself to. Such is the nature of historical movement, and of knowledge that attempts to marshal polyamorous spaces in its service. Divergent discourses which ostensibly have nothing to do with refugees may

constitute those refugees as embodying subjects which then come to be represented through discourses of refugeeness which, in fact, did not constitute them in the first place. In the case of the arrival of the *MV Sun Sea* this was true; the Tamil asylum-seekers came to be known as inhuman bodies whose forced return could be easily mooted and who could be imprisoned without charge. In this case, that those subjects were readily recognizable as refugees ceased to matter. We might ascribe the label “refugee” to them from a point in the future, yet at the time they were an inhuman element to be purged. For the advocate to reiterate those subjects as refugees (insofar as they are congruent with the law) is complicit with a law that can only recognize the refugee *in* the polis. The point seems to be that the current means of conceptualizing refugees is inadequate because that definition offers very little ability for a refugee outside of a signatory state to actualize her claim.

The lesson that Michaels gives is that resistance will always come from elsewhere; it is never proximate to the individual; the apparently coherent subject that does resistive work is produced by virtue of a partial perspective always-already from elsewhere. That will fail to represent the individual; it might do violence to that individual; or it might not matter to her. We persist in ambivalence. I might try to orient myself around the fact that I emerged as apparently trusted by Donna, yet the trust given was momentary and it had everything to do with the use I could be, rather than my character. Thus any judgement on what I “was” in that situation needs to be suspended, firstly because what I emerged to be as a useful object for Donna is non-identical with the self that I now am and then was, and secondly because the ambivalence of me appearing as part of a category that is not trusted, yet also being able to be trusted allowed a temporary configuration that we draw meaning from at our peril. Understanding that situation means preserving both recognizing that I

belong to a category of people who cannot be trusted and even though I was, apparently, trusted, I still extend myself daily, and in ways that I do not intend, through the use of a category of people which provokes non-trust. Yet I do not ever *feel* untrustworthy. As Butler puts it, a non violent ethics must be an ethics that recognizes that ‘one is, at every turn, not quite the same as how one presents oneself in the available discourse’ and thus must also be an ethics that would suspend the demand of others that they be ‘self-same.’ If we possess no self-identity; if ‘[t]he capacity of a subject to recognize and become recognized is occasioned by a normative discourse whose temporality is not the same as the first-person perspective’ then ‘it follows that one can give and take recognition only on the condition that one becomes disoriented from oneself by something that is not oneself.’²⁷⁸

That ethics would pay attention to the small differences – small abandonments – in such interactions as mine and Donna’s which are a part of the inassimilable gap found in Butler’s elaboration of her theory of performativity and in K’s fireside distance from the truth of his actions. They would also pay attention to the geographical relations that allow the abandonment of refugees, and thus they would attempt to bear witness to the impossible; to bear witness to the impossibility of witnessing. In spite of the “blazoned” days represented by our revelations that happen about subjects – revelations like that of the Medical Officer in his conviction that before him stood “Michaels”; that asylum-seekers or refugees are just like us; that they are valuable; innocent; “good” – it is necessary to

²⁷⁸ Butler, 2005:42

maintain a relation with the ambivalence of our haltering mimicry of the pedagogical clouds; with our and others' opacity to knowledge.

If a position in discourse cannot be the same as the first-person perspective then when advocates argue that they are “pro-refugee” or when they don't exactly say as such, but attempt to make present refugee stories that bring refugees to light *as* genuine, valuable, non-volitional refugees their positive feeling – their *appearance* as signifying disruption; as synonyms of Michaels – cannot be allowed to stand for a universal good. Matt Sparke²⁷⁹ makes such a critique of resistance; it is easy to laud subjects that appear derided to “combat” their negative construction, but in doing so we must question exactly what we are arguing is providing resistance. With respect to the refugee, if he or she is celebrated as a subject bearing human rights she can travel under the sign of universal futurity that human rights seem to bring (afterall, who is against human rights? Not many). Yet those “universal” human rights are guaranteed by nation-states that make every effort to ensure that refugees can never arrive to actualize them. Thus, Marx's critique of rights on the basis that they are state-centric, and thus bourgeoisie holds true with respect to the championing of refugees' human rights, not necessarily on the basis that they privilege particular class-interests but that they do nothing to ameliorate the situation that it is precisely *not* the lack of human rights that are the problem, but the ease at which non-citizen subjects can be wantonly excluded when that exclusion is in the interests of the national population. No

²⁷⁹ Sparke, M., 2008. Political geography: political geographies of globalization III–resistance. *Progress in Human Geography*.

writing of the rights of the refugee into national law will stop that because it is the ease at which the state acts outside of its own laws that serves to abject asylum-seekers in transit.

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