

Confession, Credibility, and Epistemic Injustice in the UK Asylum Regime

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Abstract

The ‘bogus’ asylum seeker is an evocative figure in the UK political psyche, that both embodies the threat of illegal migration, and substantiates the necessity of immigration control policies aimed at deterrence. Fundamental to the political and social resonance of this figure is the notion that they are lying, making them antagonistic not just to the integrity of national borders, but to the fairness of the institution of asylum. Running parallel to this concept is the increasing illegalization of asylum in immigration policy, meaning that the ‘bogus’ asylum seeker is both revealed and reified by their illegality. However, as is clear from the composition of international refugee law, the ‘bogus’ asylum seeker is a nonsensical concept, and a construct of immigration discourse. Yet the strength of this imaginary functions to knit truthfulness to deservingness, so that the risk that a claimant might be lying has become the decisive concern of asylum decision-making.

This study takes up the confusion embedded in this construct as a hermeneutical problem, reflecting the institutional incomprehensibility of the asylum regime on the level of meaning-making. It diagnoses a form of epistemic injustice wrought through the asylum claiming process, which both requires that a claimant prove they are not a liar, and places them in the incongruous situation where they might be rendered more credible by lying. It conceives of this injustice as epistemic meaninglessness, wherein whether a claimant is truthful or lying has negligible epistemic weight in proving whether they are truthful or lying.

To interrogate the hermeneutical implications of this epistemic injustice, this dissertation turns to Paul Ricoeur and Michel Foucault, using the parallels and tensions within their accounts of subjectivity both to expand upon the harms of epistemic meaninglessness, and to push at the limits of these analytical mechanisms. In order to understand the larger ways in which meaninglessness, in relationship with truthfulness, is implicated in ethico-political subjectivity, it inserts this epistemic injustice into Ricoeur’s hermeneutics of the self. To make sense of how relations of power interact with the meaningless demand for truthfulness in the asylum regime, it considers Foucault’s hermeneutics of the subject through his analysis of confession as a mode of truth production. Epistemic meaninglessness, this thesis argues, rebounds upon the claimant as a knowing subject across legal, linguistic, and spiritual dimensions, exposing the ethical and political limits of hermeneutical treatments of subjectivity. From this diagnosis and analysis, it considers and responds to material instantiations of meaninglessness in the asylum regime, to explore policy options that might make the refugee determination process more epistemically meaningful.

Résumé

Le « faux » demandeur d'asile est une figure évocatrice de la psyché politique britannique, qui à la fois incarne la menace de l'immigration illégale et qui justifie la nécessité de politiques de contrôle de l'immigration visant à dissuader les demandeurs d'asile. La résonance politique et sociale de cette figure repose essentiellement sur l'idée qu'il ment, ce qui le rend antagoniste non seulement à l'intégrité des frontières nationales, mais aussi au caractère équitable de l'institution de l'asile. En parallèle, l'illégalisation croissante de l'asile dans la politique d'immigration signifie que le « faux » demandeur d'asile est à la fois révélé et réifié par son illégalité. Cependant, comme le montre clairement les textes du droit international des réfugiés, le « faux » demandeur d'asile est un concept absurde et une construction du discours sur l'immigration. Pourtant, malheureusement la force de cette figure imaginaire permet de lier la véracité au mérite, de sorte que le risque qu'un demandeur puisse mentir est devenu la préoccupation décisive de la prise de décision en matière d'asile.

Cette étude aborde la confusion inhérente à cette construction comme un problème herméneutique, reflétant l'incompréhensibilité institutionnelle du régime d'asile au niveau de l'élaboration du sens. Elle diagnostique une forme d'injustice épistémique provoquée par la procédure de demande d'asile, qui exige qu'un demandeur prouve qu'il n'est pas un menteur et le place dans la situation incongrue où il pourrait être rendu plus crédible en mentant. Elle conçoit cette injustice comme une absence de sens épistémique, dans laquelle la question qu'un demandeur soit véridique ou menteur n'a qu'un poids épistémique négligeable dans le processus de prouver s'il est véridique ou menteur.

Pour interroger les implications herméneutiques de cette injustice épistémique, cette thèse se tourne vers Paul Ricœur et Michel Foucault, en utilisant les parallèles et les tensions au sein de leurs travaux sur la subjectivité à la fois pour développer les préjudices de l'absence de sens épistémique et pour repousser les limites de ces mécanismes analytiques. Afin de comprendre les façons plus larges dont l'absence de sens, en relation avec la véracité, est impliquée dans la subjectivité éthico-politique, cette thèse insère cette injustice épistémique dans l'herméneutique du soi de Ricœur. Pour comprendre comment les relations de pouvoir interagissent avec l'exigence de véracité dépourvue de sens dans le régime d'asile, elle examine l'herméneutique du sujet de Foucault à travers son analyse de la confession en tant que mode de production de la vérité. L'absence de sens épistémique rebondit sur le demandeur d'asile en tant que sujet connaissant à travers des dimensions juridiques, linguistiques et spirituelles, exposant les limites éthiques et politiques des conceptions herméneutiques de la subjectivité. À partir de ce diagnostic et de cette analyse, cette thèse examine et répond aux manifestations matérielles de l'absence de sens dans le régime d'asile, afin d'explorer les options politiques qui pourraient rendre le processus de détermination du statut de réfugié plus sensé d'un point de vue épistémique.

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Introduction

Dina Nayeri's remarkable recent book, *Who Gets Believed? When the Truth Isn't Enough* (2023), chronicles her confrontation with and abjection of the realization that not all stories are heard in the same way. She lived as a refugee for two years after fleeing post-revolutionary Iran with her brother and their mother, a Christian convert and vocal opponent of the theocratic regime; the stories in this book spill out both from the "refugee in [her]" (84), and from the polished and performative credible citizen into which she carefully honed herself. I found myself reading Nayeri's lived reckoning with credibility just as I was adding the finishing touches to my own theoretical exploration, and I could feel its shockwaves ripple through my analysis. In this dissertation I am also concerned with credibility, and how it operates within the process of claiming asylum both upon the broader system defining legitimacy and legality, and upon individual asylum claimants on whose testimony the burden of proof is placed. Sitting in Nayeri's struggle with power, with privilege, and with prayer, I found stories that loudly resonated with the argument I develop throughout the following pages. I also found my argumentation straining under the weight of the question she asks herself and her reader: "is it freedom or death, to stop believing?" (270).

For Nayeri, the barrier to believability in the asylum regime is not a sealed door. Instead, she is drawn to Kafka's absurdist rendition of life before the Law in *The Trial*, in which access to the Law is mediated by the doorkeeper, with whom arguing is a relentless and life-wasting folly. While the doorkeeper refuses to open the door to the Law, Nayeri is stuck on the question of whether it is better to "[tremble] before the rules," or, refusing to accept disbelief, to "[rush] past the many layers of illogic and mediocrity, doing what is necessary and untrue" to walk through the door and "seize control within the logic of the nightmare" (254). We witness her throughout this memoir having seized that control, but buckling under her consequent fear that truth and lies are both meaningless in relation to credibility, and the very

constructs under which access to credibility is policed and mediated. She considers a story she was told about an Iranian man claiming asylum in the UK, who immediately convinced a judge that he was a credible claimant by learning how to present his claim according to the decision-makers' own rulebook. "The code works," she muses, "it's just that only a few are trained in it" (86). Her unspooling of this code and her own relationship to it suggests that it is not just being disbelieved, but finding oneself no longer believing in the truth, that is the site of her upheaval. It is death, she seems to conclude, to stop believing.

This is both a reflection, and a provocative expansion, of the way that people who have claimed asylum have also testified to the layers of dissonance and disavowal through which being disbelieved about your life can feel, itself, like death. One woman from Sierra Leone interviewed by Human Rights Watch, whose claim for asylum in the UK was originally refused before appeal, disclosed that "I was told I was a liar... I was in shock, weak... I am a fighter, I am used to fight to live [*sic*], but to be told 'you faked your life' is a little like death" (Van Gulik 2010, 35-42). Another claimant participating in a study by Bögner et al. (2009) used similar language to describe their experience of being accused of lying: "They treat us like criminals, like rubbish... It feels like they kill you slowly in this interview" (527). As such, Nayeri's book serves as a reminder that despite (or perhaps, also, because of) the critique of credibility that I level below, and the unravelling I perform on the possibility of truthfulness in a culture of disbelief, it is clear that we need to keep believing that the truth matters, and that we know what we mean when we say this.

My analysis throughout this dissertation is directed towards the refugee determination process in the UK, and the policies and practices operating therein on asylum claiming people in relationship to credibility discourse. In particular, it focuses on the substantive asylum interview, as the key interrogative and interpretive mechanism through which the UK Visas and Immigration Organization (the decision-making branch of the Home Office, referred to

hereafter as the UKVI) assesses the credibility of the asylum claimant and their eligibility for refugee status. The perceived credibility of an asylum claim – and claimant – is a key factor in determining refugee status, and this reliance on credibility discourse within the system of refugee determination has been heavily criticized by humanitarian and legal research bodies (see Smith 2004; Shaw and Witkin 2004; UNHCR 2010). Comprising many of these critiques is the speculation and flawed reasoning often embedded in credibility assessments, rendering the figure of the asylum claiming person vulnerable to unjustified and unjust assumptions, and perpetuating a system of classification wherein claimants can be sorted according to (il)legitimacy. Here, I expand my focus on credibility to consider the larger relationship between credibility and truthfulness as a hermeneutical problem. By framing this in hermeneutical terms, I aim to get at the affective dimension of credibility discourse that animates Nayeri's self-described "implicated witness narrative" (285), as well as at the epistemic dimension that characterizes the aforementioned "logic of the nightmare" structuring the asylum claiming process. My route through this issue begins with a set of questions: what does it take to be a credible witness to one's own life, and what does it mean for subjectivity conferred and shaped through socio-political interactions and institutions when credibility is rendered precarious and truthfulness, to mimic Nayeri's own formulation, is not enough? Beyond this, how are credibility and truthfulness functioning in institutional settings that might compel someone to lie in order to be believed? The combined epistemic and affective repercussions of credibility as a gatekeeping mechanism form the site and the substance of the injustice I conceptualize below, which is an injustice characterized by the absurdity entailed in and engendered by the answers to these questions.

This work is set to a global backdrop of displacement in which, according to the UNHCR's website as of March 21, 2024, over 108 million people worldwide were forcibly displaced by 2022. Since 2015, the so-called 'European Migrant Crisis' has seen a huge influx

of people arriving to claim asylum in Europe, and has provoked a discourse of crisis within its borders.¹ Current UK policies fold the question of asylum into the state's larger immigration management and border securitization framework, which is reflected in current Prime Minister Rishi Sunak's pledge to "stop the boats" (see Sandford 2023). The government is also under pressure from many voters to reduce immigration and the perceived threat to both identity and security that it seems to provoke. This public hostility is fueled in particular by the fear and suspicion of illegal migration and asylum "cheats" (Berry et al., 2015, 15), justified in large part by mainstream and tabloid media rhetoric.² Given this context, the UK asylum regime is defined by a "culture of disbelief" (Independent Asylum Commission, 2008) that not only pervades broader politics and policy, but implicates the very interpersonal workings of the UKVI in which officials are "trained to disbelieve" (Nayeri 2023, 101) and impelled by quotas to refuse asylum claims (see Calò et al. 2021, 239).

Initiated by this context, the following dissertation approaches the problem of disbelief through the diagnostic lens of epistemic injustice: a form of injustice that harms a person as a subject of and with knowledge. The injustice with which I am preoccupied is wrought through two institutional and ideological prongs of this disbelief. On the one hand, credibility discourse insists on truthfulness as a cipher for deservingness and credibility as the way to decipher lies. This effectively makes the decisive object of the decision-making process, and thus the point that a claimant has to prove through their testimony, that they are not lying. On the other hand, the structure of the asylum claiming apparatus in terms of both political and epistemic power places the claimant in the incongruous situation where they might be rendered more credible

¹ In Chapter One, I will expand upon the historical and political issues with labelling the refugee situation in Europe in terms of crisis.

² A 2016 study of the UK national press found that the term most commonly preceding the word "immigrant" in media descriptions was "illegal" (see Cooper, Blumell, and Bunce 2021).

by lying. This compulsion to lie is also threaded through Nayeri's memoir, and in the stories other asylum-seeking people have shared with her. As she describes:

Ayo, a refugee working with the charity Freedom from Torture, wrote three lines that chilled me... "I knew this from the beginning," he wrote, "when I was inside the lorry, thinking about truth. If you are a good storyteller you will be trusted, get a life, and escape from hell. But what do you need to do to be trusted, if telling the truth is not enough?" (Nayeri 2023, 83).

Characterizing the injustice precipitated through credibility discourse as an epistemic injustice, I am aligned with several theorists of epistemic injustice and immigration, whose work I engage with in this dissertation (Sertler 2018, 2022; Madziva 2020; Boncompagni 2021; Ferreira 2022). I extend these contributions, however, by focusing in particular on the dilemma wherein a claimant might be impelled to lie, in order to prove that they are not lying. I will suggest that we can understand the injustice effected by this dilemma in terms of epistemic meaninglessness, which mirrors the Kafkaesque illogicality of the asylum regime on an institutional scale. In fact, John Campbell (2016) characterizes the asylum claiming system as a "theatre of the absurd" (141), and I replicate this language of absurdity throughout my dissertation, using Campbell's description as an impulse to conceive of this absurdity on the epistemic level. With meaninglessness as a problematic, I then expand outwards in two main directions. On the one hand, in order to understand the larger ways in which meaninglessness, in relationship with truthful speech, is implicated in ethico-political subjectivity, I place this diagnosis within Paul Ricoeur's hermeneutics of the self. On the other, to make sense of how relations of power interact with the meaningless demand for truthfulness in the asylum regime, I consider Michel Foucault's hermeneutics of the subject through his analysis of confession as a mode of truth production. In this way, I follow the implications of this epistemic injustice into the legal, linguistic, and spiritual dimensions of the subject in their capacity as a knower. By placing these three analytical mechanisms: epistemic injustice, philosophical hermeneutics, and Foucauldian confession, into application via the theme of epistemic meaninglessness, I

both conceptualize more robustly the shape and extent of injustice in the asylum regime, and insist on the ethical and political limits of hermeneutical accounts of the subject.

The epistemic meaninglessness that spurs my analysis reflects the conceptual tensions and limits of international refugee law, as the framework that defines and delimits the terms of legal and epistemic recognition for asylum seeking people. Chapter One will therefore lay out the legislative and procedural context of the asylum claiming process, focusing in particular on the mutually constituting concepts of illegality and credibility, and the ways in which these mark the interpretation and implementation of international refugee law in UK policy. Chapter Two will interrogate how the asylum interview as an assessment of credibility enacts an epistemic injustice on the asylum claimant, and build up an account of this injustice in terms of epistemic meaninglessness. Alongside this diagnosis, it will thread the relationship between truthfulness and the self: a notion that scaffolds hermeneutical accounts of the speaking subject. In Chapter Three, I will turn to these accounts, considering in particular Ricoeur's ethical and linguistic capturing of selfhood. Via Ricoeur, I will explore this epistemic injustice in terms of an injury to the self-disclosive capacity of the asylum claimant as subject, suggesting that in the absence of the possibility of meaningful speech, the subject is evacuated from language in a way that Ricoeur describes as an excommunication. Pulling on the consequences of Ricoeur's insistence on the ethical and existential significance of believing oneself capable of speaking, Chapter Four will take up the Foucauldian notion of confession as a process of subjectivation, to consider this epistemic meaninglessness through the grammar of spirituality. Fleshing out the relationship between Ricoeur's hermeneutics of the self and Foucault's hermeneutics of the subject – with deference to Johann Michel's initiation of the post-structuralist resonances and implications of Ricoeur's ethical project – I will extend Foucault's conceptualization of truth through Ricoeur's distinction between truth and truthfulness, to insist on the meaningfulness of truthful speech. By introducing Giorgio Agamben's insertion of language as a "sacrament

of power” (Agamben 2011, 66) into the Foucauldian notion of confession, I will frame epistemic meaninglessness as a form of spiritual abandonment.

The next two chapters take up this epistemic meaninglessness as an incitement to engage more substantially with the material relations of domination and mechanisms of power that foreclose the possibilities of the hermeneutical subject. In Chapter Five, I offer the notion of untranslatability as a way to insert the problem of meaninglessness into the politics of language, and explore the tensions between Ricoeur’s focus on interpretation as the site of ethical responsibility towards the speaking subject, and the legal-political suggestion put forward by Sarah Craig and David Gramling of a “right to untranslatability” (2017). From this productive friction, I will expose the political limits of Ricoeur’s ethics of translation. This same impulse undergirds Chapter Six, in which I push back against Ricoeur’s treatment of narrative intelligibility as the mode through which the subject is rendered coherent, and life both interpersonally and institutionally is rendered meaningful. In this chapter, I advance the option of narrative unintelligibility – as a consequence and reflection of the epistemic meaninglessness undergirding systems of political and ethical recognition – and argue that focusing on the threshold of intelligibility could be transformative in adapting the terms of recognition in the asylum regime. Chapter Seven, finally, will respond to these material instantiations of meaninglessness to explore policy options that might make the refugee determination process more epistemically meaningful. Here, I will juxtapose credibility with understanding, leaning on Ricoeur’s notion of narrative intelligence as a metric for institutional wisdom.

The conceptual architecture of this dissertation, then, begins with introducing and contextualizing the injustice of epistemic meaninglessness; expands to reveal how this meaninglessness rebounds upon the subject in its various dimensions; uses this meaninglessness as a provocation to disrupt the relations of power structuring the logics of

meaningfulness on the institutional level; and ends with a reflection on the options available for institutionalized meaning-making. My concern, in emphasizing meaninglessness as both an injustice and an incitement, is recalled in Nayeri's reflection on the anatomy of authenticity in the asylum claiming process. Working through stories about asylum claiming people being disbelieved, in tandem with the phenomenon of forced confession through police interrogation, she comes up against the conclusion that interrogators and investigators "aren't after a truth that might surprise them" (15). Nayeri maintains that:

Stories worth telling are created by our relationship with culture – they are strange, unrepeatable. That's what makes them worth telling...but who designates an unfamiliar detail a 'credibility issue'? Is it someone with global knowledge and understanding? With a love of strange stories? With appreciation for the vastness of the world? Or someone with a checklist? (121)

As my argument develops throughout this dissertation, I aim to capture both the injustice of precluding meaningful speech, and the ethical, political, and legal significance of precisely those sorts of stories that are reduced to meaninglessness by a checklist.

Chapter One: The UK Refugee Regime – Legal and Political Contours

The UK is both culturally and politically preoccupied with the notion of ‘illegal migration.’ The perceived menace of illegality has been met with the contrapuntal force of deterrence as the overriding immigration policy aim for over a decade, since the introduction of the “hostile environment” strategy.³ This was first enacted via the 2014 Immigration Act, through which the Home Office defined its remit to “make it more difficult for illegal migrants to live in the UK, encouraging them to depart” (Home Office 2013). The 2016 Immigration Act expanded the Home Office’s enforcement oversight further to “crack down on those who exploit illegal migrants by seeking to smuggle them into the UK” (Home Office 2016a), initiating the increasingly prevalent perception that illegality is *attached* to the very figure of the migrant before they begin their journey, and *evidenced* by their irregular mode of entry.⁴ This prioritizing of hostility operates structurally, as bureaucratic “slow violence” (Mayblin 2020) that restricts access to healthcare, employment, and housing rights for people without regular immigration or citizen status; through the “racialised brutality” (Tyerman 2021, 55) of

³ This terminology was officially introduced under David Cameron’s coalition government by then-Home Secretary Theresa May, who described in an interview with the Daily Telegraph in May 2012 that “the aim is to create here in Britain a really hostile environment for illegal migration” (Kirkup and Winnett 2012). However, the phrase also appeared in an earlier Labour government White Paper from 2010, which maintained that “we are removing the incentives to enter the country illegally by making the UK a hostile environment for those that break our rules” (UKBA 2010), while as far back as 2007 then-immigration minister Liam Byrne used the same phrase in a proposal to establish penalty fines for people employing “illegal workers” (Travis 2007).

⁴ This adds another layer to the notion of “illegalization,” which Harald Bauder (2014) argues should replace the term ‘illegal’ in international legal and scholarly refugee discourse, to highlight the ways in which people are made illegal through political and institutional processes. I agree with Bauder’s suggestion that a broad adoption of this term could be discursively generative, as a constant and strategic reminder of the affective power of the notion of illegality, and I will use it throughout this chapter. However, the particular force of illegality in this context reveals that immigration discourses and policies do more than just construct people as illegal. Here, they seem to be acting in a more declaratory than constitutive fashion, to suggest that ‘illegal’ immigrants can be discovered through their illegalized activity. This therefore operates as a dystopic inversion of the declaratory function of refugee status (a function I will explain in detail below), and imbues notions of knowledge and truth in this process with an asymmetrical power relationship that will be a focal point of this dissertation.

public and private interactions; and through the criminalization and securitization of immigration, including (indefinite) administrative immigration detention, and criminal convictions for “immigration offences,” which both feed the government’s legislative agenda to secure their borders for “public safety” (Makhlouf 2017, 37). Melanie Griffiths and Colin Yeo (2021) remind us that the hostile environment faced by migrants in the UK is “more than just hostile policies,” and is better defined by the “deputisation” (524) of immigration control and border enforcement across non-state actors, meaning that hostility becomes embedded in and enacted through social as well as state relations. Rather than being confined to a formal set of policies, then, the hostile environment stretches across services, sectors, and strategies all directed towards deterring people from entering the UK ‘illegally.’ The concept of the hostile environment has since been replaced with the term “compliant environment,” which we can see from the Home Office’s description below is different only in name (Yeo 2018):

The compliant environment is a series of administrative and legislative measures that aim to deter immigration offending. The compliant environment aims to: discourage those who may be thinking of coming to the UK unlawfully from doing so; secure compliance and support the enforcement of UK immigration laws... (Home Office 2020, 22).

In 2018, the unearthing of the Windrush scandal became a powerful illustration of this hostility and its many faces. This scandal exposed how the government’s imaginary of illegality had been weaponized against people of the Windrush generation, transported from the Caribbean to the UK to address labour shortages after World War II. Despite the members of this generation having been granted indefinite leave to remain via the 1971 Immigration Act (and many being eligible for citizenship but unable to afford the processing fees (Lammy 2020)), their status was neither documented nor recorded, and under Theresa May’s hostile environment policies many not only lost their rights to work, housing, and services in the UK, but were detained and deported. In the independent assessment commissioned after the scandal became public, and presented to parliament in 2020, Wendy Williams revealed the

institutional, cultural, and political failures embodied in expanding restrictive and hostile immigration controls, constituting the legislative trap into which the Windrush generation were driven. Williams was clear that the scandal demonstrated an “institutional ignorance and thoughtlessness” (Williams 2020, 117), and “a lack of institutional memory” (139) towards race and the specific history of the Windrush generation on the one hand, and the colonial history of the UK on the other. As such, this report cemented the relationship between the hostile environment and the racialized and colonial boundaries of belonging, while also directing our attention to the issue of ignorance – itself marked by these same dynamics – in relation to the “unreasonable level of proof” (10) demanded of people to demonstrate their right to remain. In response to one of Williams’ recommendations, the Home Office commissioned another report entitled “The Historical Roots of the Windrush Scandal,” completed in 2022, which it has subsequently refused to release. The document was leaked to The Guardian newspaper, whose report cites the author’s conclusion that “during the period 1950-1981, every single piece of immigration or citizenship legislation was designed at least in part to reduce the number of people with black or brown skin who were permitted to live and work in the UK” (Gentleman 2022). This unpublished paper therefore further emphasizes how “the politics of Britain’s borders” (Gentleman 2022) is both embedded in historical racism and colonial history, and meted out through externalized border mechanisms that expand the institutional complex of immigration control into the broader discursive and cultural environment. The Windrush example serves, for the purposes of this dissertation, as a detailing of the illegalization through which the language and ideology of hostility acquires its weight. It also signals the perpetuating role of ignorance in constructing illegality, which will become a significance piece of the epistemic injustice I will introduce in the next chapter.

This illegalization is particularly pernicious when applied to policy-making concerning the asylum claiming process, wherein the language of illegality is both reified and moralized

in the figure of the ‘bogus’ asylum seeker, and its counterpoint, the ‘genuine’ refugee. Article 14.1 of the Universal Declaration of Human Rights⁵ outlines that “everyone has the right to seek and to enjoy in other countries asylum from persecution.” As the United Nations High Commissioner for Refugees⁶ has clarified, while not all asylum claims will qualify for refugee status, “calling someone a bogus asylum seeker is the same as calling a defendant a ‘bogus defendant.’ It is nonsensical” (UNHCR and NUJ, 3). Employing the ideological force of illegality in the UK asylum regime is therefore, as Lucy Mayblin (2020) convincingly argues, primarily a way of making asylum seeking as a process, and asylum claimants as individuals, “comprehensible and ultimately governable” (5), while its very senselessness makes this notion a self-referential, self-fulfilling construction that renders the asylum claiming process particularly “Kafkaesque” (Barkham 2011). However, despite the fact that it is a universal human right to seek asylum in another country, capturing the rights of asylum seeking people within international law is a complicated and thorny pursuit. Addressing the legal anatomy scaffolding the asylum claiming process reveals that this Kafkaesque confusion actually repeats itself via tensions and limits within the legal and procedural instruments themselves.

i. International Refugee Law (IRL)

The 1951 Refugee Convention and its 1967 Protocol⁷ form the “cornerstone document of refugee protection” (Jastram and Achiron 2001, 6) transnationally. These are the key legislative instruments defining the concept of a refugee, codifying the rights and obligations attached to this status, and outlining the standards for refugee protection. Including the UK, 149 states are

⁵ Hereafter abbreviated as UDHR.

⁶ Hereafter abbreviated as UNHCR.

⁷ The 1967 Protocol removed the explicit limitations in the 1951 Convention that restricted its provisions to “persons fleeing events occurring before 1 January 1951 and within Europe,” thereby ostensibly giving the Convention “universal coverage” (UNHCR Introductory Note to the Convention, 2). Hereafter, unless otherwise indicated, I will use the term “Convention” to refer to both instruments.

party to the Convention, and 147 to its Protocol, but despite (or perhaps because of) its intended common standard and universal breadth of application, this regime is interpreted and implemented inconsistently and on an “*ad hoc*, State-by-State basis rather than in a coordinated manner” (Hathaway 2021a, 184). The broad latitude of the Convention and Protocol is therefore a source of concern: James Hathaway (2021a) points out that while the Preamble to the Convention itself recognizes that an effective response to the international problem of forced displacement requires “international co-operation,” the inconsistent and independent interpretation of these legal instruments produces the default that refugees become “the sole legal responsibility of whatever country they arrive at” (185). This not only places a huge burden on the states that host the most refugees worldwide, which Hathaway reminds us are mostly low-income countries in the Global South (185), but provides the underpinning to conceive of refugee law as a struggle between individual state sovereignty and the needs of asylum claiming people (see Harvey 2013).

The Convention establishes the internationally recognized legal definition of a refugee.

Accordingly, a refugee is any person who:

[O]wing to *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 (1951 Refugee Convention, Article 1A (2); emphasis mine).

Determining whether an asylum claimant has refugee status,⁸ as the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (1979, reissued 2019) explains,

⁸ It is important here to clarify some terms. ‘Asylum claimant’ (along with any related terms like ‘asylum applicant’ or ‘asylum seeker’) does not have the same legal, political, or descriptive meaning as the term ‘refugee.’ An asylum claimant, as the UNHCR articulates it in their “Frequently Asked Questions” web page as of February 26th, 2024, is “someone who is seeking international protection but has not yet been granted refugee status.” A refugee, on the other hand, is a person whose refugee status has been legally recognized according to the terms

consists of two stages. First, the decision-making institution has to “ascertain the relevant facts of the case,” before second, applying the Convention and Protocol definitions to these facts (para. 29). The key detail to ascertain in this process is the phrase I have emphasized above: whether or not a claimant has “well-founded fear of being persecuted.” In the UK Home Office’s (2023a) guidance for determining refugee status, itself tellingly entitled “Assessing Credibility and Refugee Status,”⁹ the explicit policy objective is to assess “whether an individual has a well-founded fear of persecution” (25). Not only does this framework subject the refugee determination process to the interpretive and speculative capacities of the decision-maker, which will be the focus of substantial critique in this dissertation, but it demands that these definitions can be applied in some way generally and systematically. However, the assumptions and strategies encoded in this decisive phrase contain a number of problems for any comprehensive application of the Convention norms.

Reflecting the historical and political context of its drafting in Europe at the height of the Cold War, and the participation of mostly Western states, the Convention definition hinges on the concept of persecution: a term that most prominently speaks to “violations of political and civil rights from oppressive regimes” (Crépin 2020, 17) and implies the notion of an individual fleeing explicit state discrimination as a result of public political activity. Moreover, this figure is loaded with the normative markers of “white, male and anti-communist” (Chimni 1998, 351). This implication was obviously baked into the Convention’s original drafting, with “colonial rationales inform[ing] early exclusions from refugee rights” (Mayblin 2014, 428) so

of international refugee law. Refugee status determination, or the RSD process, is thus “the legal or administrative process by which governments or UNHCR determine whether a person seeking international protection is considered a refugee under international, regional or national law,” according to the “What We Do: Refugee Status Determination” section of the UNHCR’s website. Part of the work I am doing in this dissertation involves exposing and understanding the ways in which these legal-administrative concepts function in theory and in operation in the construction and conferral of credibility.

⁹ The primacy of the credibility assessment in evaluating refugee status will be integral to the analysis built throughout this dissertation.

that the 1951 language applied directly to geographically and temporally specific European refugees; but even with the 1967 Protocol's amendments, the concept of persecution continues to replicate the exclusionary character of the early refugee regime. Notably, the notion of persecution is limited in its conceptual scope to address the contemporary aggressors that drive much forced displacement globally. Armed conflict is a significant cause of displacement – in fact, since 2000, many of the main refugee-producing countries have experienced armed conflict (Holzer 2015, 2) – but decision-makers have tended to understand it as a form of “generalized or indiscriminate violence” (6) that disqualifies victims from claiming persecution. Hugo Storey (2012) has labelled this failure of international refugee law¹⁰ to protect people fleeing widespread armed violence as “the law flaw,” pointing to the “‘exceptionality’ approach” embodied in the UNHCR’s own guidance wherein refugee status for victims of armed conflicts would only be admissible in “special cases” (Storey 2014, 42; see UNHCR Handbook, para. 164). Similarly, the climate crisis is the largest precipitator of, or contributor to, the disasters from which people flee: the UNHCR (2023a) indicate that in 2022, “84 per cent of refugees and asylum seekers fled from highly climate-vulnerable countries” (3). While the UNHCR emphasize the urgency of international protection provisions for people fleeing “climate-fueled crises and/or living in climate-vulnerable countries” (6), IRL in application tends to maintain that large groups of so-called ‘environmental refugees’ are victims of ‘natural’ disasters that by definition are non-discriminatory and thus preclude persecution (see McAdam 2012). Jane McAdam has therefore argued that IRL “will in most cases be an inappropriate vehicle for responding to environmental displacement” (McAdam 2012, 50). Some scholarship has attempted to re-understand disasters induced by the climate crisis as the consequence of both natural and socio-political conditions, and thus to insist that people fleeing such disasters continue to be eligible for refugee status under Convention

¹⁰ Hereafter abbreviated as IRL.

grounds (Scott 2020), or that such people could be eligible under extended refugee definitions (Moberg 2009). However, Ishan Chauhan and Harshdeep Singh Bedi (2023) maintain that “on both the instrument level and institutional level, persons affected due to climate change and/or natural disasters get protection under the existing refugee regime only when their migration is also affecting the [Convention] refugee issues as [already] understood” (225). The effectiveness of persecution as a universal ground for refugee status is further challenged by expanded regional definitions, in particular those detailed in the 1969 Organization of African Unity (OAU) Convention pertaining to Africa-specific refugee issues, and in the 1984 Cartagena Declaration providing a refugee protection framework for the Latin American context. The OAU Convention addresses the limitations of the 1951 definition by outlining further grounds that speak more directly to the needs of people in African states, citing “external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of [a person’s] country of origin or nationality” (Article 1(2)), while the Cartagena Declaration (although non-binding) emphasizes similar concerns in listing “generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order” (Part III, Article 3) as refugee-producing situations. We should, however, bear in mind Tamara Wood’s (2021) caution that an overemphasis on regional definitions undermines the capacity for a more capacious interpretation and application of the 1951 Convention, reminding us that the universality of its definition is a significant aspect of its protective potential.

The notion of persecution therefore remains underdetermined at the international level, which underlines the extent to which IRL is mediated through interpretation of both the theoretical and the operational definitions of its terms. Neither is persecution defined in the Convention, nor is its scope to refer to contemporary forms of harm immediately obvious. It is up to the national decision-making institution, such as it is articulated in UK policy, to “decide

whether the harm the claimant fears amounts to persecution” (Home Office 2023a, 26), while the claimant needs to render their experience or fear of harm in these terms. The Convention language therefore enacts different epistemic and hermeneutical demands on the decision-maker and the claimant, which will be significant for the argument I develop throughout this dissertation.

Alongside the concept of persecution, the other key aspect of the Convention phrasing is the notion of “well-founded fear,” with fear introducing a subjective dimension into the refugee definition, and the “well-founded” qualifier demanding objective support for this subjective element. The UNHCR Handbook notices that “due to the importance that the definition attaches to the subjective element, an assessment of *credibility* is indispensable where the case is not sufficiently clear from the facts on record” (para. 41; emphasis mine). This credibility assessment, the Handbook continues, also demands that the decision-maker has “a knowledge of conditions in the applicant’s country of origin” that provide the “relevant background” to a claimant’s statements (para. 42). The 2005 Michigan Guidelines on Well-Founded Fear¹¹ question the legal utility of the notions of subjectivity and objectivity, arguing that “continued reference to distinct ‘subjective’ and ‘objective’ elements of the well-founded fear standard risks distortion of the process of refugee status determination” (Hathaway 2019, 40). According to the Michigan Guidelines, the well-founded fear test does not entail interrogating a claimant’s subjective state of mind, since an at-risk claimant should not be disqualified for not displaying fearfulness, nor advantaged for simply being “able to articulate their trepidation in ways recognizable as such” (38). Instead, they argue, we should understand the Convention provisions to be predicated on the notion of fear more specifically as a “forward-looking

¹¹ These guidelines were published from the Michigan Colloquium process initiated through the University of Michigan’s Program in Refugee Law. The Michigan program has hosted a number of colloquia, to develop international guidelines and suggest international standards pertaining to challenges in IRL. The eight sets of guidelines developed through the program are available through open-access: see Hathaway (2019).

expectation of risk” (42), meaning that this fear can be established on the objective grounds of “clear probability” (44). However, as Adrienne Anderson et al. (2020) maintain, the definition is so “broad and largely undefined...[that] refugee status determination can be a highly contested undertaking, with credibility often at the core of decision-making.” Even if the notion of “well-founded fear” is essentially “forward-looking [and] speculative,” the refugee status determination process is still effectively a hypothesis-building exercise (156). Moreover, the UNHCR, noting that credibility is “a core element of the adjudication of asylum applications” (2013, 12), has confirmed that the credibility assessment implicates the analysis of both a “well-founded fear of persecution and [a] real risk of serious harm” (12). As Kristian Hollins puts it, this means that credibility still “serves as both a substantive legal construct...and as a critical threshold that must be met” (Hollins 2023). While classical legal scholarship has attempted to objectivize the subjective dimension of an applicant’s claim, the credibility assessment continues to play a pivotal role in refugee status determination, especially as the application of broad strokes refugee law is set to the institutional, cultural, and political backdrop of state hostility and suspicion (see Smith-Khan 2019, 406).

There are thus two intertwined issues of interpretation and method in the phrase “well-founded fear of persecution,” which together undergird the legal character of credibility discourse in the refugee regime. On the conceptual level, the rubric for both applying and evaluating the notion of persecution is subject to the decision-maker, while methodologically, credibility has become the key tool for deciphering its relevance to the subjective and objective dimensions of a person’s claim for asylum. The International Association of Refugee Law Judges produced a 2013 paper for the European Refugee Fund sponsored “Credo Project,” which introduces the “problem of a duality of usage” of the term ‘credibility,’ and the consequences this has had on applications of IRL (Mackey and Barnes 2013). They argue that the term can be used in two technically and linguistically valid senses in the refugee

determination context: first, at the level of the claimant's "past and present factual background," and second, in the broader sense of the "credibility of everything related to the *claim* for recognition as a refugee." While the former, they maintain, is appropriate for parsing the material evidence that establishes a claimant's profile, it is in fact "*erroneous in law*" (12; emphasis mine) to rely on the notion of credibility in the second sense. In fact, they remind us, the Convention makes no mention of credibility, but only refers to "well-founded of being persecuted." As such, they conclude, decision makers should approach refugee determination in terms of the "validity of the claim of a well-founded fear of being persecuted/persecution" (12) rather than credibility.

However, as this dissertation will explore, credibility discourse shapes the ideological, cultural, and policy concerns underpinning the asylum regime as a decision-making structure. On both hermeneutical and legal grounds, the focus on credibility as the axis upon which to assess a refugee claim objectively actually disintegrates into a subjective evaluation of a claimant's legitimacy, attaching to the imaginary of illegality the notion of (un)truthfulness. The legislative relevance of credibility is therefore marked heavily by the socio-political environment of disbelief, meaning that credibility functions to determine not just whether a claimant is truthful, but whether they are deserving. The focus on credibility as a central decision-making tool, and the ways in which credibility judgements render deservingness in terms of truthfulness, form the basis of my analysis across this dissertation. Since this is a problem with the decision-making process on the whole as an epistemic apparatus, it implicates both claimants whose experience or fear of harm can be captured in the Convention language, and those to whom the Convention provisions do not seem legally to apply.

ii. Convention Grounds for Refugee Status

That this disintegration bleeds into the decision-making process more broadly is clear when we consider how refugee law in practice has interpreted the reasons for persecution listed in the Convention. These five reasons – “race, religion, nationality, membership of a particular social group or political opinion” – are crucial to the process of seeking asylum, since a claim will be refused if an applicant cannot establish a well-founded fear of persecution on one or a combination of these grounds.¹² As such, the fact that the parameters of this list are both restrictive and ostensibly comprehensive, while also deemed broad enough to be universally applicable, initiates a further set of interpretive challenges. This highlights the gap between the normative claims of IRL, and the inconsistent particularities of its interpretation and application, exposing how credibility discourse works pervasively and perniciously throughout the decision-making process to bridge this gap.

To begin, gender is notably absent as specific grounds for granting asylum. The UNHCR has, since their 1990 Policy on Refugee Women, issued a number of international guidelines on how justly to apply the Convention to gender-related claims (see UNHCR 2002), and various states including the UK have published their own gender guidance (see Home Office 2018). The UNHCR affirms that gender “can influence, or dictate, the *type* of persecution or harm suffered and the *reasons* for this treatment” (UNHCR 2002, para. 6; emphasis mine), which we see reflected in the Home Office’s guidance indicating that:

Gender may inform an assessment of whether one of the 5 Refugee Convention *grounds*...is engaged, for example:

- the form of persecution experienced is gender-specific or predominantly gender-specific such as female genital mutilation (FGM), forced abortion or sterilisation

¹² Nayeri’s memoir is, once again, particularly resonant here. She explores the story of Mohammad, who fled Pakistan in 2016 to seek asylum in the United States, on the grounds that his life was threatened in retaliation for his part in helping a young couple elope, and angering a prominent and conservative family. The persecution and fear of death as a result was propped up at the level of the state, since the police were under the thumb of the patriarch of this family. Nayeri imagines the logic behind the American court’s argument against Mohammad, that “[i]f Mohammad returned home...he could die – just not for the right reasons.” (Nayeri 2023, 75)

- the reason is gender-based, such as fear on account of gender or gender identity
 - the reason for state protection being denied is gender-related
- The ways in which gender is also relevant to the *experience of persecution* may include:
- gender-specific persecution directly because of gender, for example a woman or girl is subjected to FGM
 - gender-specific persecution for reasons unrelated to gender, for example a person is raped because they hold or express a political opinion
 - non-gender-specific persecution for reasons relating to gender, for example a person is flogged for not adhering to the codes of a religion or prosecuted for refusing to wear a veil (Home Office 2018, 15; emphasis mine).

However, Adrienne Anderson and Michelle Foster (2021) maintain forcibly that the legislative and jurisprudential applications of the Convention and its guidelines tend to conflate gender with sex, and thus to take gender-related persecution to be synonymous with the persecution faced by women as a “particular social group”:¹³ a conflation that we can indeed read into the UK’s guidelines quoted above. However, as Anderson and Foster insist, gender-related persecution is not just persecution on account of one’s gender – any gender – but also “those who fall outside the gender binary, change gender, or do not conform to culturally-determined masculine and feminine roles are often targets of discrimination and violence” (62). This conflation, they argue, has led both to a homogenizing of women asylum claimants that obscures the specifics of their claims, and to an invisibilizing of the “gendered aspects of men’s and transgender persons’ claims” (63).

This also speaks to the weakness of the Convention terms to address claims based on gender identity and sexual orientation.¹⁴ The UNHCR published guidelines on SOGI claims in 2012, confirming both that “lesbians, gay men, bisexuals and transgender persons [and intersex applicants] are members of ‘particular social groups’ within the meaning of the refugee definition” (UNHCR 2012, 12), and that sexual orientation and/or gender identity might also constitute or mark the experience of persecution on the other listed Convention grounds. This

¹³ Hereafter abbreviated as PSG.

¹⁴ Hereafter abbreviated as SOGI.

is reflected in the UK's 2016 policy instructions on "Sexual Orientation in Asylum Claims," which spell out that "claims relating to sexual orientation are primarily recognized under the 1951 Refugee Convention ground of membership of a particular social group, but may also be linked to other grounds, such as political opinion and religion, depending on the circumstances" (Home Office 2016b, 9). However, as Moira Dustin and Nuno Ferreira (2021) insist, the interpretation and implementation of refugee law towards SOGI claims continue to be both "unfair" and "ineffective," because SOGI adjudication tends to begin with an interrogation of the claimant's identity in order to confirm that their sexual orientation or gender identity – and thus their membership in the given PSG – is genuine. This focus on identity is, they maintain, "unfair because there is no comparable legal process in which heterosexual or cis-gender people are asked to prove their SOGI, and...ineffective in the face of society's growing recognition that SOGI are fluid and cannot be proved in an immigration interview or court of appeal" (Dustin and Ferreira 2021, 318). Calogero Giametta's (2020) analysis of queerness in the UK asylum regime is likewise concerned with the primacy accorded to discernable and visible identity, pointing out that SOGI claimants confront crude stereotypes on behalf of decision-makers, who often refuse applications because "they do not deem the person to be a 'genuine' gay" (154).¹⁵

E. Tendayi Achiume (2021) has traced the tension between the broad conception of 'race' as a Convention ground, repeated through the UNHCR's understanding of race "to include all kinds of ethnic groups" (UNHCR Handbook para. 34; Achiume 2021, 50), and the

¹⁵ This has, of course, been the cause of media outrage. See Robert Booth's (2019) piece in *The Guardian*, which reveals that an immigration judge "in the first-tier immigration tribunal in London said he did not accept the man applying to stay in the UK was gay and contrasted his appearance with that of a witness who 'wore lipstick' and had an 'effeminate' manner – who the judge accepted was gay." For an uncomfortable account of the way SOGI applicants have been grilled on their sexuality in "lurid" and "shockingly degrading" ways by Home Office officials, see Taylor and Townsend (2014).

failure or reluctance in practice to recognize refugees fleeing on these grounds. She points to the racism, xenophobia, and “First World State interest” that “by design and effect racialized the very first international definition of a refugee” (Achiume 2021, 56). Leaning on Pia Oberoi’s explanation of how the European exceptionalism embedded in the original debates surrounding the Convention’s drafting gave the emerging refugee regime a “clear pro-Western orientation” (Oberoi 2001, 42), Achiume recalls that the scope of the Convention definition was understood even at the time of its writing as “discriminatory and exclusionary” (Achiume 2021, 57). Lucy Mayblin’s (2014) excavation of the British government’s response to the proposed terms of the Convention in 1951 confirms the relevance of this drafting prejudice for the current shape of UK immigration law. She claims that not only did the delegates of the “major colonial powers” (433) attempt to insert a clause to rid them of any obligation to extend Convention rights to their colonies, but there was “vocal, repeated, and...explicitly anti-colonial” (436) resistance at the time to the exclusion of non-European contemporary refugee situations, such as the millions of Partition refugees in South Asia, Palestinian refugees who had fled the 1948 Arab-Israeli conflict, Koreans displaced through the ongoing Korean war, and the “vast exodus” (427) fleeing communist oppression in China. As such, “non-Western migrants and descendants, the vast majority of whom will be necessarily non-white, non-Christian, and non-European due to how the ‘Western’ and ‘non-Western’ worlds are carved up” (Achiume and Rajagopal 2022), facing persecution for reasons of race or ethnic status, often find themselves unprotected by the very instrument that establishes their right to protection (Pittaway and Bartolomei 2001, 22). The degree to which credibility assessments function as the gatekeeper between this limited legal instrument and the perceived legitimacy of asylum claimants is clear when we consider the case of the “extraordinary” (Costello and Foster 2022, 245) European response to Ukrainians fleeing the Russian invasion since 2022. The UK, for instance, exempts “Ukrainian nationals” from various eligibility requirements,

recognizing that “in the early months of the conflict, Ukrainian nationals may have had to evacuate or change their plans very quickly [*sic*] and therefore may have struggled to demonstrate they meet all the usual requirements of the rules” (Home Office 2024, 15). This sits in marked distinction to the experience of Roma refugees fleeing Ukraine, who are “routinely accused of not being Ukrainian” (Kottasová 2022). Such a dissonance resonates with Pittaway and Bartolomei’s analysis of racism as a “root cause of refugee generation” (2001, 22), wherein they note that institutionalized racism plays a key role both in engendering forced displacement, and in defining the parameters of protection.

Given the intersectional ways in which the combined constructs of race and gender impact socio-political and cultural identities and relationships, gendered and racialized assumptions, prejudices, and blind spots also mutate and nuance the application of IRL to applications on other convention grounds. On top of the (racially coded) Islamophobia that Erin K. Wilson and Luca Mavelli have termed the “principal catalyst for...[the] increasingly harsh immigration policies and growing exclusionary discourses [in the European response to refugees]” (2017, 3), the degree to which religious persecution claims are understood and legitimized by decision-makers is deeply impacted by the “racialisation and hierarchisation of religion and/or religious knowledge” (Madziva 2020, 54). Susan Akram’s (2000) analysis of the application of IRL to women fleeing “the Muslim world” to the United States exposes the orientalist implication underpinning much decision-making that “Islam persecutes women because they are women” (19), and that all such claims should therefore be assessed in terms of gender-related persecution at the hand of “Muslim mores” (18) – rather than, for instance, persecution on the grounds of a deeply held, yet culturally disqualified, religious or political conviction. Akram draws our attention to prominent US asylum cases in which Muslim women’s asylum claims have been rejected because they failed to demonstrate the purported Convention grounds for persecution, as a direct result of their (Western feminist) advocates’

decision to frame their claims according to this “Western mythmaking” (12). Roda Madziva (2020) similarly explores the religious discrimination wrought upon Pakistani Christian asylum applicants in the UK, and the stereotypes disrupting their capacity to prove their religious identity, faith, and persecution decision-makers. She unpacks the ways that credibility interacts with racism to create a hierarchy of religious identities and knowledges, whereby “Christian asylum applicants are expected to conform to secular and Western stereotypes and understandings of Christianity to be considered genuine candidates for asylum” (53).¹⁶ The racialized and colonial contours of credibility will be addressed more thoroughly throughout this dissertation, but at this stage it is important to underline the deficiencies and absences in the international legal instruments, the implications or assumptions embedded within, and the space this opens up for unevenness and injustice in the decision-making process via the prominence of the credibility assessment.

iii. Interpretation and Application of IRL in the UK

The legislative landscape of the UK is set to the political and geographical backdrop of the ‘European Migrant Crisis,’ a phrase which has defined the refugee situation in Europe since 2015. Crisis has therefore become a key conceptual incentive for hostile decision-making, and has come to signify a crisis for European states threatened with overwhelming numbers of

¹⁶ We see subtler racialized flaws in British case law on religious persecution, as Anthony Good’s (2016) anthropological critique lays out. Good points to the “deeply unsatisfactory” (38) approach rendered through one Court of Appeal judgement, which rejected a claim of religious persecution from a Nigerian Christian applicant whose Christian commitments prevented him from burying his father in accordance with Ogboni custom. While the QC attempted to prove the grounds of religious persecution (which would require that Ogboni was also understood as a religion, against which Christian tenets would then be antagonistic), the Lord Justice stipulated that “the notion that a ‘devil cult’ practicing pagan rituals of the sort here described is in any true sense a religion I find deeply offensive” (Good 2016, 39). While Good does not explicitly probe the question of race and colonialism in this formulation, alongside the critiques expressed above, it is clear that the definition of religion assumed in this decision is cloaked in a similarly biased hierarchy.

people claiming asylum (see McGrath 2023). While it is undoubtable that “staggering new levels” (Spindler 2015) of people fled to Europe to seek asylum in 2015, the majority of whom were escaping violence and persecution in Syria, Afghanistan, Somalia, Iraq, and Eritrea, there are two main concerns with labelling this situation in particular as a crisis (or at least, as a crisis on behalf of European refugee-receiving states). Firstly, as B.S. Chimni’s (1998) seminal intervention into refugee law emphasizes, the international refugee regime has constructed and perpetuated the “myth of difference,” which assumes and promotes that “the root causes of refugee flows in the Third World are markedly different from the causes which led to displacement of refugees in Europe” (Chimni 1998, 360). Lucy Mayblin’s (2014) excellent application of Chimni’s critique to the contemporary British context exposes how this myth of difference has underpinned the assumption in both scholarship and policy that Britain is facing “unprecedented” (426) and unmanageable refugee flows: Mayblin reminds us, as I described above, that the Global South was facing huge and varied crises generating millions of refugees during the time of the Convention’s grounding, and that their exclusion from the Convention imaginary was very much intentional (437). Second, Eddie Bruce Jones (2018) argues that “we use the discourse of crisis to manage our notions of which suffering counts, what type of international action has legitimacy, and what aspects of the human rights system should be rigorously enforced” (179). As such, the crisis model implies some sort of “exceptional” (177) and geo-politically distinct form of violence, thus requiring exceptional measures. This obscures both the international and interrelated structures of power that generate refugee flows, and the fact that people have always crossed borders and sought asylum – thereby legitimizing (racialized) forms of securitization and criminalization on the part of the refugee-receiving state.

The UK is party to the Convention and its Protocol, as I indicated above, but recent developments in UK immigration policy reflecting just these principles of securitization and

criminalization have been described by the UNHCR as “undermin[ing] the very purposes for which the Refugee Convention was established” (UNHCR 2023b). When the UK exited the European Union in 2020, it also withdrew from the Common European Asylum System, in which it had previously participated “selectively” (Costello and Hancox 2014, 2). As such, it introduced in the place of transnational cooperation agreements its own series of immigration bills. The 2020 Nationality and Borders Bill, which became law as the Nationality and Borders Act¹⁷ in 2022, had three main objectives:

1. To make the system fairer and more effective so that we can better protect and support those in genuine need of asylum.
2. To deter illegal entry into the UK breaking the business model of criminal trafficking networks and saving lives.
3. To remove from the UK those with no right to be here (Home Office 2023b).

In order to do so, NABA proposed what the Refugee Council has referred to as “inhumane” and “brutal changes” (British Refugee Council, n.d.) to the UK’s asylum regime. Most prominently, it created a two-tier asylum system, wherein asylum claims were differentiated according to whether or not claimants had arrived in the UK via so-called regular or irregular routes. The UNHCR issued a strong condemnation of this two-tier approach, which subjected “Group 2 refugees” who “entered or [are] present in the UK unlawfully” (NABA Article 12 (3)) to be penalized for their “illegal” entry or presence with differential and unfavourable treatment, while also expanding the scope by which claims could be treated as inadmissible (UNHCR 2022). This Act was very quickly replaced, however, with the 2023 Illegal Migration Bill, which decisively combined these two directives to insist that “people arriving illegally are deemed inadmissible for asylum altogether” (Home Office 2023b). In the government’s own words, the Illegal Migration Bill “goes considerably further than any previous immigration bill.” As they go on to explain:

For the first time, [this bill] will prevent those who travel via safe countries and enter the UK illegally from having their asylum claim considered by the UK and stops illegal migrants from being able to access our modern slavery system. It goes further than

¹⁷ Hereafter abbreviated as NABA.

NABA by placing a duty on the Home Secretary to remove illegal migrants, rather than the previous discretionary duty that can be interpreted more liberally by the courts” (Home Office 2023b).

As such, the only way to enter the UK to claim asylum is via the “safe and legal routes” (Home Office 2024, 4) operated and approved by the state. These comprise resettlement schemes referred by the UNHCR, country specific schemes wherein the UK offers relocation in response to particular national crises (which at the time of writing refer only to Ukrainian, Afghan, and Hong Kong nationals), and the family reunion policy through which immediate family members of people granted refugee status in the UK can apply to join. Anybody arriving in the UK outside of these demarcated schemes is deemed to have entered illegally.

This legislation runs parallel to the government’s continued efforts to implement the so-called Rwanda plan, first introduced by then-Prime Minister Boris Johnson in 2022. Under the terms of this scheme, asylum claimants deemed to have entered the UK illegally after January 1st, 2022 could be deported to Rwanda for offshore processing, after which they would be unable to apply to return. The UK Supreme Court ruled this plan unlawful in 2023, but current Prime Minister Rishi Sunak continues, at the time of writing, to attempt to push it through to implementation, most recently having responded to the court with his 2024 Safety of Rwanda (Asylum and Immigration) Bill, which confirms Rwanda as a safe third country and this route as a legally admissible form of removal. It is worth observing that the Safety of Rwanda Bill contains a notwithstanding clause, so that provisions in the Refugee Convention, along with the European Convention on Human Rights (ECHR), cannot be applied to the question of Rwanda’s safety (Home Office 2023c, para. 13). These legislative contortions are set to a backdrop of antipathy towards the ECHR among some hard-right members of the current Conservative government, with Suella Braverman in her brief tenure as Home Secretary declaring it no longer “fit for purpose” (United Kingdom 2023a).

Two things are particularly notable in these policies and their intention. Firstly, asylum policy has developed an overtly punitive tone that directly contradicts the provisions of refugee protection on both legal and conceptual levels. Most significantly, Article 31(1) of the Refugee Convention is explicit in stating that “contracting States shall not impose penalties, on account of [a refugee’s] illegal entry or presence”: in fact, the majority of people fleeing persecution have no recourse to “safe and ‘legal’ routes” (UNHCR 2023b) by the very fact of their dangerous circumstances, effectively making the criminalizing of so-called ‘illegal entry’ an “asylum ban” that precludes “the very people the international refugee framework was designed to protect” (UNHCR n.d.; see also UNHCR 2023c). Grave concerns have also been raised regarding the compatibility of offshore processing with Convention obligations, and the Supreme Court has concluded that the removal of asylum claimants to Rwanda fails to guarantee the fundamental protections afforded to refugees under the Convention (Walsh 2024). Second, the government has introduced the notion of *duty* into its deterrence strategy, explicitly shifting the UK’s obligation as a refugee-receiving state from protecting refugees to “prevent[ing] our asylum system and legal framework being abused by those with no right to be here” (Home Office 2023b). With this shift, we can see how the UK acknowledges its Convention responsibilities only to the extent that it acknowledges an asylum claimant as genuine.

We can begin to make sense of these political incursions into the state’s legal obligations by following Chimni’s (1998) critique of the depoliticized character of the positivist approach to IRL since the Convention’s drafting. Chimni exposes the separation of law from politics under the rubric of legal positivism, which, he argues, “views international law as an abstract system of rules which can be identified, objectively interpreted, and enforced,” while “the domain outside the system of rules is designated as politics, which may assume the form of either the language of power or morality” (352). Failing to engage

substantially with the ways in which global capitalist expansionism and the legacies and continued politics of imperialism have led to mass forced displacement, IRL does not encode any notion of responsibility on behalf of refugee receiving states in the Global North for the refugee flows stemming from the Global South. As such, IRL and the legal discourse largely predominating its study have adopted and promoted the “neutral language of humanitarianism” (353). In fact, Chimni (2000) maintains that the ideology of humanitarianism undermines the very tenets of refugee protection, because under this framework “refugees no longer possess ideological or geopolitical value” (243). With political notions of power and morality removed from the legal scaffolding of the refugee regime, the humanitarian presumptions of refugee law can sit alongside the political incentives of aggressive immigration policies, so that Rishi Sunak can claim, as he did in his 2023 remarks on illegal migration, that “illegal immigration undermines not just our border controls...it undermines the very fairness that is so central to our national character” (Prime Minister’s Office and Sunak 2023). Sunak’s framing couches Britain’s hostile political agenda in both legal and humanitarian terms: the site of the state’s humanitarian responsibility lies here in the notion of fairness, which is conceptualized as being under threat from illegal immigration. This demonstrates how in the absence of a robust sense of political responsibility, wherein fairness would be expanded in moral and legal scope to reflect the operations of geo-political power in producing and categorizing refugees,¹⁸ the humanitarian impulse of refugee law can be employed in politically antagonistic ways. Moreover, while a depoliticized legislative regime relies on state humanitarian priorities to impel fair decision-making, political power dynamics still structure how illegality and credibility are rendered throughout the decision-making process, contributing to the slippage

¹⁸ James Souter (2022) goes so far as to suggest that attending appropriately and ethically to the causes of forced displacement would demand that states adopt a reparative approach to asylum, wherein “states bear special responsibilities to offer asylum to refugees where they have caused or contributed to their flight” (3). Responsibility, under his conceptualization, shifts from a notion of humanitarian burden, to a legally and morally significant obligation.

we see in UK policy from a responsibility to protect refugees, to a duty to deter people from seeking asylum at all.

iv. The Right to Asylum and the Rights of Refugees

The most significant aspect of IRL for the purposes of this dissertation, therefore, is the relationship between the right to asylum, and the rights and obligations provided in the Convention as a legal instrument. The notion of asylum and the status of ‘refugee’ are not the same thing: asylum refers to the “institution for protection,” while refugee status articulates and confers the “content of the protection” entailed in the asylum institution (Gil-Bazo and Guild 2021, 868). María-Teresa Gil-Bazo and Elspeth Guild (2021) actually argue that the asylum institution as a protective mechanism is not restricted to, nor collapsible into, the terms of the Convention, since it has historically and procedurally been open to “other categories of persons in need of protection...for grounds other than those established in the Refugee Convention” (872).¹⁹ However, IRL does not contain any provision for the right to asylum (although, as Gil-Bazo and Guild recall, the ability to seek asylum is a necessary precursor to accessing protections encoded in the Convention in the first place (872)). Although the Convention is indicative of the human rights discourse that emerged concurrently, and finds its basis in Article 14 of the UDHR, its main role on the level of rights is to determine who should be recognized as a refugee, and thus entitled to the rights attached to this status, under the terms of its definition.

The unique rights afforded to refugees in this document are limited; the main right it provides is the principle of *non-refoulement*, by which a refugee may not be forcibly returned to a territory “where they face serious threats to their life” (UNHCR 2023d, n.p.). The UNHCR

¹⁹ For instance, in the UK a person may be eligible for temporary humanitarian protection, if they are deemed to face serious harm upon return to their country of origin.

is clear that this principle applies to asylum seeking people as well as refugees, so that IRL requires that asylum seeking people not be refouled “prior to a final determination being made on their status” (UNHCR 2023d, n.p.). However, the illegalization of migrants makes it possible for the state to prise this apart while still presenting a “symbolic, rather than substantive, engagement with refugee law” (Gammeltoft-Hansen and Hathaway 2015, 240). This speaks to the general development of the refugee regime in the Global North over the last few decades, which has been characterized in terms of *non-entrée*, an organizing principle that overrides the demands accomplished by *non-refoulement* by preventing refugees from arriving in the jurisdiction of powerful states in the first place.

The conceptual distortion I have been articulating in this chapter, whereby the UK imposes a distinction between ‘genuine’ refugees and ‘bogus’ asylum seekers to justify hostile deterrence strategies, is enacted precisely as part of a *non-entrée* politics that tries to re-state and restrict “*who qualifie[s] for protection* within the regime” (Orchard 2014, 205; emphasis in original). Thomas Gammeltoft-Hansen and James Hathaway underline how “*non-entrée* allows wealthier states to insist upon the importance of refugee protection as a matter of international legal obligation, knowing that they will largely be spared its burdens,” effectively leaving their *non-refoulement* duty “intact” (242) without having to act on it. *Non-entrée* politics also characterizes the UK’s broader immigration-deterrence strategies, enacted under the umbrella slogan to “stop the boats.” Alongside the Rwanda plan and their self-described “toughest immigration legislation ever” (Home Office News Team 2024) these *non-entrée* tactics include seizing and arresting small boats crossing the Channel, and establishing bilateral deals with international partners: the 2023 UK-France Joint Leaders’ Declaration, for instance, increases joint surveillance, intelligence-sharing, and information coordination to “drastically reduce the number of [Channel] crossings” (Prime Minister’s Office 2023).

Despite springing from the UDHR's assurance that everyone has a right to *seek and enjoy asylum*, the Convention does not capture this right, but rather deals with the conferral of rights for *refugees* – a term that delineates a legally recognized status. However, Colin Harvey (2013) argues that the “international legal regime...continues to place great store by the fact of a legally imagined status” (68), meaning that the terms of the Convention itself enables the “‘managerial’ priorities of states” (72) to continue to shape the regulation and governance of asylum seeking people. *Non-entrée* strategies exploit this as if it were a loophole, while simultaneously perpetuating the imaginary distinction between ‘bogus’ asylum seekers and ‘genuine’ refugees.²⁰ Indeed, as Harvey continues, the Convention fits quite comfortably into state logic, since refugee status effectively allots the benefits of citizenship to those who fall within its remit. A person seeking asylum, on the other hand, seeks the international protection mandated in the Convention, but has not yet been granted the refugee status that would entitle them to it. Consider the Introductory Note to the Convention from the UNHCR:

The Convention is both a status and rights-based instrument and is underpinned by a number of fundamental principles, most notably non-discrimination, non-penalization and *non-refoulement*. Convention provisions, for example, are to be applied without discrimination as to race, religion or country of origin. Developments in international human rights law also reinforce the principle that the Convention be applied without discrimination as to sex, age, disability, sexuality, or other prohibited grounds of discrimination. The Convention further stipulates 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 (3).

The decisive feature of this text, for my analysis, lies in its final sentence, which shifts from “the seeking of asylum” to “refugees.” By doing so, it opens up the possibility, clearly exploited by UK policy, that people seeking asylum are protected only to the extent that they are refugees, which itself requires the conferral of refugee status (or at least, the conferral of refugee status is required for a person to enjoy access to the asylum system the UK claims to be trying to

²⁰ As Phil Orchard emphasizes, low recognition rates further serve to inflate the numbers of allegedly ‘bogus’ claims (2015, 206).

protect). In the liminal space between these two statuses, the markers of ‘genuine’ and ‘bogus’ ensure that Convention obligations can function alongside increasingly hostile state agendas. It is at this point of transfer, then, that the notion of credibility as the key decision-making criterion becomes the arbitrator between the obligations encoded in IRL and the duty “to remove illegal immigrants.”

This shifting also allows for the encroaching cultural and political demonization of the abstract concept of ‘asylum seeker,’ since this term itself is emptied of any specific notion of rights or obligations. Matthew Gibney (2006) brings this “paradoxical attitude” towards the institution of asylum into sharp focus, emphasizing with disbelief how “Western states now acknowledge the rights of refugees but simultaneously criminalize the search for asylum” (143). The figure of the asylum seeker has, in policy, practice, and popular discourse, become loaded with the stains of illegality and undeservingness, in contradistinction to the “deserving refugee” (Benhabib 2020, 86). The state recognition of refugee status therefore becomes a mechanism for both justifying and perpetuating the very exclusionary binary that demonizes and criminalizes the seeking of asylum in the first place. Seyla Benhabib (2020) also notes, as a “perverse consequence” of this binary, that Convention refugee status becomes a scarce and enviable label of “a kind of aristocracy” among communities seeking asylum: she references reports from refugee camps in Greece during the peak of the Syrian forced displacement to Europe in 2015, wherein Afghani and Iraqi refugees were attempting to pass as Syrian in hopes of being more likely to be recognized as “convention refugees” (87). This distinction between ‘refugee’ and ‘asylum seeker’ in the public and political imaginary is therefore reified through policy and practice, with the particularly perverse consequence being, for the purposes of this dissertation, the compulsion to lie in order to contort oneself across this binary.

This leads me to a crucial aspect of the Convention’s legislative function, which, alongside the hostility, criminalization, and illegalization explored above, infuses IRL in

practice with the Kafkaesque power dynamics introduced at the start of this chapter. The Convention as a legal instrument is *declaratory*, not *constitutive*. In other words, recognizing refugee status does not make someone a refugee, so much as it declares them to be one. This is acknowledged in the UNHCR Handbook, which maintains that:

A person is a refugee within the meaning of the 1951 Convention as soon as he fulfils the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. Recognition of his refugee status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition, but is recognized because he is a refugee (para. 28).

The UK Supreme Court has also recognized this fact, and accepted that as a consequence, “a refugee must by definition have been one before his refugee status has been determined” (Hathaway 2021b, 176 n 24). James Hathaway points out that if refugees are so before the recognition of their status, withholding the basic rights attached to this status to people claiming asylum represents a bad faith implementation of Convention obligations (Hathaway 2021a, 180). Indeed, François Crépeau (1995) insists that the principle of good faith would mean in practice presuming every claimant, from their arrival, to be a refugee (124-132). He underscores this principle as a fundamental and generally recognized tenet of all juridical systems, reflecting the presumption of innocence in criminal law. This resonance with the presumption of innocence is particularly interesting procedurally, as it would suggest, as Crépeau notes, that the refugee determination process should be structured to offer a claimant the means to defend this presumption (131) – the notion of defense presenting a conceptual unsettling of the criminalization strategies employed through current UK policy. The reference to the presumption of innocence is especially pertinent in light of Fatma Marouf’s (2023) assertion that immigration law bears several markers that are more akin to criminal than civil proceedings. In fact, as Catherine Dauvergne (2013) maintains, the “politicized criminalization of asylum” (81) is painfully ironic, given that “criminal law presumes innocence and develops a rights framework that reflects this: refugee law increasingly presumes guilt” (82).

Alongside the growing illegalization of the asylum institution, then, we witness the terms of the refugee determination process mutating into the requirement that a claimant disproves their guilt. The next chapter will address and flesh out this notion, by considering how the asylum interview, through the insistence on truthfulness as the marker of deservingness, alongside the overriding socio-political and institutional suspicion that frames asylum claiming people as possible liars, demands that asylum claimants prove, primarily and in the first place, that they are not lying. I will emphasize the absurdity of this task in relation to the declaratory nature of the refugee definition, which I will consider in terms of a paradox of recognition: a paradox that both contributes and runs parallel to the compulsion facing certain claimants to lie in order to be seen as credible.

Chapter Two: On Being Disbelieved – Truth, Lies, and Epistemic Meaninglessness in the Refugee Determination Process

The refugee determination process in the UK is set against an institutionally and socially entrenched suspicion of the ‘bogus’ asylum seeker, the broader culture of disbelief defining the Home Office’s approach to immigration controls, and the connection cemented in policy and practice between dishonesty and being undeserving (Souter 2016). As Melanie Griffiths (2012) has pointed out, it is a characteristic tension of the asylum-claiming experience to be routinely perceived as a liar, within an institutional setting that insists on truthfulness as the marker of legitimacy and credibility as the marker of truth. Carol Bohmer and Amy Shuman (2007) have described this emphasis on truthfulness as part of a broader technology of surveillance, in which the salient question of persecution is overridden by the demand that the claimant presents themselves as a credible subject (604). As such, the accusation or assumption that a claimant might be lying becomes a more substantial factor in the refugee determination process than whether or not they are actually in need of protection (see Souter 2016).²¹ As I will argue in this chapter, this changes the very terms of the burden of proof that is placed upon the claimant: under this rubric of truthfulness as deservingness, the decisive thing that a claimant has to prove is that they are not lying.

This primacy accorded to truthfulness ironically underscores the pressure enacted upon some asylum claimants to lie, in order, as James Souter puts it, “to gain the protection they may badly need” (2016). In fact, Souter maintains that lying in this way is a product of the asylum regime itself, wherein the culture of disbelief generates lies as a response to its conceptual and methodological short-sightedness and suspicion. As Thom Davies, Arshad Isakjee, and Jelena Obradovic-Wochnik (2023) have argued, borders are in part constructed

²¹ The Home Office recognizes that lying might not automatically disqualify a claimant from qualifying for asylum (see Home Office 2023a, 46-47). However, this chapter maintains that suspicion persists at the level both of institutional culture and of individual understanding.

and maintained through a politics of knowledge they term “epistemic borderwork,” violently “guarding truth claims, silencing unwanted voices, and shutting out perspectives that expose the injustice of the border itself” (170). This is brought into particular focus through the process of claiming asylum, in which a claimant’s credibility is assessed against a hierarchy of knowledge: the decision-maker’s information and assumptions about national context, appropriate behavior, and believable narratives are accorded more weight than the claimant’s testimony. This works to diminish the claimant’s capacity to contribute to the determination process, their narratives being unlikely or unable to displace the decision-maker’s beliefs. As a result of this epistemic hierarchy, to achieve credibility a claimant may have to reinvent themselves and their story in terms that reflect the decision-maker’s expectations of what is plausible. They might, in other words, have to lie in order to prove that they are not lying. This sort of lie has been characterized by Maroussia Hadjukowski-Ahmed (2008) as a “faux re-selving” (40), through which an applicant reinvents both their claim and the way they present it in order to be perceived as legible and legitimate. Given the culture of distrust and disbelief, through which the asylum-seeking person is always a possible liar, and according to which being deserving is contingent on being truthful, having to lie in order to be perceived as credible presents a particular and peculiar sort of injustice.

Miranda Fricker’s (2007) notion of epistemic injustice identifies the specific epistemic harm that can arise from interactions across identity-power lines, and the ethical and socio-political implications of this form of injustice. By capturing the harms of this injustice, Fricker directs our attention to the ways in which a person can be undermined in their capacity as a knower, and the implication this has on them both intrinsically and extrinsically as a “subject of knowledge” (20). Fricker identifies two sorts of epistemic injustice: *testimonial injustice*, through which a person’s credibility can be unjustly deflated due to the prejudicial assumptions of the person to whom they are speaking so that they are excluded from epistemic participation,

and *hermeneutical injustice*, through which a person is unable to render their experience meaningfully and intelligibly as a result of their exclusion from shared hermeneutical resources. While Fricker acknowledges that there is a relationship between these two rudimentary types, she draws a distinction between the epistemic exclusion of the speaker and the epistemic exclusion of their speech. My engagement with the notion of epistemic injustice throughout this dissertation aligns itself with the critiques that emphasize power, subjectivity, and the interdependence of speaking subjects, thereby connecting testimonial and hermeneutical injustices more explicitly by exposing the hermeneutical structures and norms (which we might also think of as imaginative and discursive) conditioning and constraining the possibility of credible – and, I will maintain, meaningful – speech. In order to perform a hermeneutical diagnosis of the epistemic-ethical harms wrought through the asylum claiming process, I will insist here on understanding the subject and the terms of their speech together. Using the diagnostic lens of epistemic injustice, this chapter will elaborate upon the harms wrought through the asylum claiming system in terms of the demand for truthfulness, the institutional disbelief, and the compulsion to lie that this might effect, in order to set up a hermeneutical reading of this problem across the later chapters. I will suggest that we can characterize the sort of epistemic injustice at play in this context in terms of *epistemic meaninglessness*.

After briefly laying out the institutional context, I will begin this chapter's analysis with an interrogation and expansion of epistemic injustice as a conceptual tool. Recalling the limits of refugee law, I will explain how its declaratory function sets up a paradox of recognition in which the asylum claimant as an epistemic subject is captured. I will present how claimants are filtered through the notion of truthfulness while being routinely disbelieved, and detail how this leads to an epistemically meaningless situation in which a claimant both has to prove that they are not a liar, and might be compelled to lie in order to prove this. Unpacking and

expanding the harms of epistemic meaninglessness through a closer reading of epistemic power, I will thus insist on the epistemically unjust character of this paradox and its consequences.

i. The Substantive Asylum Interview

The previous chapter's overview of the landscape of UK immigration policy has revealed the current government's attempts to enact, as the UNHCR has denounced it, an "asylum ban" via a number of *non-entrée* strategies in combination with an illegalization of irregular entry. To construct my diagnosis of a specifically epistemic injustice wrought through the asylum claiming procedure, I will be focusing on the substantive asylum interview as the site where asylum claimants are personally faced with, and implicated in, the operative absurdity of credibility discourse. After an initial screening, the decision regarding an applicant's claim to asylum is primarily based upon this interview process. The interview, conducted by a Home Office caseworker, gives applicants the opportunity to offer key information regarding their need for support and their reasons for fleeing their home country. It is largely upon the evidence gathered during this process that the Home Office will base its decision. Importantly, as I introduced in Chapter One, the caseworker's personal assessment and interpretation of the claim establishes the initial decision, making credibility a key factor in determining refugee status. In most cases, the claimant is interviewed alone in front of the caseworker (with an interpreter if necessary), and while a legal representative may be present, lawyers assigned through legal aid will often have time restrictions that prevent them attending (see Right to Remain 2020).

The explicit policy goal of this interview is "to gather enough evidence to properly consider and determine the claim" which is done by the caseworker asking "appropriate and focused questions...this will allow [them] to assess the credibility of the claimant's statements" (Home Office 2022a, 8-9). The interviewing officer will use the claimant's initial reasons for

making the claim on their screening form, any documentary evidence submitted, and relevant country of origin reports and case law, in order to ascertain both the material facts of the case and the credibility of the claim. In the instance of “potentially significant adverse credibility findings” (39), the claimant must clarify any contradictions and inconsistencies, and explain any aspect of their claim that seems implausible, to satisfy the caseworker that “it is more likely than not...that the claimant is who they say there are fear what they say they fear” (Home Office 2022c, 25-26).²² As we will come to see, this means both that claims are judged according to the prioritized epistemic resources of the caseworker, and that the testimony of the claimant is only credible to the degree that it is consistent with the caseworker’s expectations.

Since the beginning of the Covid-19 pandemic, the Home Office has also substantially increased the use of videoconferencing to enable remote interviewing. The most recent update to their interview policy actually specifies that the majority of interviews now take place over a video call (Home Office 2023b). While there are several possible advantages for claimants in terms of accessibility and comfort, researcher advocates from the Helen Bamber Foundation (Dorling 2022) have identified a number of issues with remote interviews. Most notably, they argue, conducting an interview over a video makes it difficult to interpret a number of visual and verbal cues; to build a trusting relationship between the claimant and the interviewer; to concentrate for long periods of time; and to feel confident that everything that has been said has been understood. Moreover, as Zoe Given-Wilson and Amina Memon (2022) maintain, the very notion of assessing credibility is complicated through remote communication, during which a number of salient “psychological [such as mental health and acute stress], legal, linguistic and cultural factors” (1174) can be misrepresented or misunderstood. In fact, they

²² Prior to 28th June 2022, and for claims made prior to this date, decision makers were required to establish a “reasonable degree of likelihood” (Home Office 2022c, 18). Since NABA, the standard of proof has changed, along with the policy procedures for assessing credibility.

argue, the greater the sense of proximity to testimony, the more attentive the audience tends to be, meaning that the very distance rendered through video testimony might influence credibility judgements (1169).

From June 2022, when NABA came into effect in the UK, decision makers became obliged to follow the definitions set out in this act when considering whether a person meets the Convention definition. NABA lays out the state definitions for “well-founded fear” and “persecution,” as well as for the various reasons for persecution and the notion of protection (Articles 31-33). It is the responsibility of the Home Office caseworker to determine the extent to which such a claim is in accordance with the grounds laid out in the Refugee Convention and NABA, while the burden of proof is on the claimant to present their case as evidential support of their refugee status. However, the assessment of a claim is parsed through the filtering lens of credibility, which has a mutating effect on both the distribution of responsibility and the function of proof. In fact, the Home Office guidelines for determining refugee status are entitled “Assessing Credibility and Refugee Status,” immediately folding the caseworker’s responsibility into the broader epistemic (and political) power structure enacted through credibility as a categorizing mechanism. Credibility thus becomes an “end in itself” (Mackey and Barnes 2013, 94), outside of the legal remit of the international refugee regime. The notion of a ‘credible claim’ then operates as a background normative assumption to load a claimant’s profile with the moralizing affect attached to truthfulness and lies.

The primacy of credibility likewise rebounds on the burden of proof as a legal-administrative tool. The Home Office (2023a) guidance states explicitly that the “burden of substantiating an asylum claim lies with the claimant, who must establish to the required standard of proof that they qualify for refugee status” (18). This is also confirmed in the UNHCR Handbook (2019), which recognizes that “it is a general legal principle that the burden of proof lies on the person submitting the claim” (43). Sheona York (2022) points out, however,

that the UNHCR qualifies this by adding that despite the placement of the burden of proof, “the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner” (43). This duty is translated into the Home Office guidelines as a reminder that “decision-makers must work with claimants in practice to ascertain facts and evaluate evidence” (Home Office 2023a, 8). Nevertheless, since these guidelines fall under the remit of “Assessing Credibility and Refugee Status,” the responsibility of the decision-maker seems in policy to shift from a duty to ascertain the relevant facts, to a mandate to “adopt a structured approach to assessing a claimant’s credibility following an investigation of their personal circumstances and reasons for their asylum claim” (7). Whether the relevant facts are clearly proven, then, is no longer the core principle behind the burden of proof: what the claimant needs to prove, instead, is that *they are not lying*. This has the compounding consequence that if a claim clashes with a decision-maker’s available information, the claimant is required to prove a negative while simultaneously losing credibility by doing so (see York 2022, 168). In fact, Satvinder Juss and Jeni Mitchell (2019) maintain that any inconsistencies between a claimant’s account and the information available to the decision-maker “doom a claimant’s chances” (146), because “reliance on evidence that is not specific to the individual claimant creates an implicit ‘reverse burden of proof’” (145; emphasis mine). A reverse burden of proof brings the flavour of a criminal court into the asylum claiming context, effectively requiring a claimant to disprove their guilt in having presented something contradictory to evidence.

In deciding the credibility and legitimacy of a claim, caseworkers are required to ascertain whether the statement is “of sufficient detail and specificity; internally consistent and coherent; consistent with specific and general COI [country of origin information]; predominantly consistent with other evidence; plausible” (Home Office 2023a, 44).²³ Notably,

²³ Before June 2022, these conditions were modified with the phrase “to a reasonable degree.” See Home Office 2015, 13).

the policy requires that they focus primarily on the credibility of the claim rather than the claimant, meaning that credibility first turns upon the question of who possesses the most accurate or reliable knowledge about a particular context. When parts of a statement are deemed insufficient, the claimant's "general credibility" (53) themselves becomes a key determiner in deciding the believability of the claim.²⁴ However, this distinction between claim and claimant is muddled by the overriding concern with a claimant's truthfulness, which we can see through the related policy procedure for assessing whether or not a claimant has well-founded fear of persecution. Since June 2022 this procedure has been broken into two stages. Stage One focuses on the material, experiential, and emotional conditions of the claimant themselves; whether it is "more likely than not that...the claimant has a characteristic which would cause them to fear persecution...and that they do in fact fear persecution," while Stage Two considers the "real risk" of this harm in the country of origin (Home Office 2023a, 25).

The relationship between the "material facts" (26) of the claim, and the general credibility of the claimant, is therefore at once complicated and co-implicated. In fact, the hierarchy embedded in the interview assumes the caseworker to have an adequate enough grasp of the facts of the case that a story that does not align with their information is, by virtue of this misalignment, rendered incredible.²⁵ Research from Melanie Griffiths (2012) outlining the culture of disbelief surrounding the asylum-seeking process gives us examples of people whose nationality was disproved by border agents on the grounds that:

[T]hey did not know the national road system, could not 'correctly' estimate how long it would take to walk between certain places, did not know the colour of the national

²⁴ Under the terms of the NABA, this general credibility can be impacted and damaged not just through the context of the interview and the interrogation of the claim, but through behaviours outside of the interview setting such as failure to take advantage of a "safe country," failure to provide adequate documentation, or failure to claim asylum at the UK border "when they could/should have done so" (Home Office 2022a, 47). I will return to this in Chapter Four, which considers this process under confessional terms.

²⁵ For an in-depth analysis of the tension between officials' "professional knowledge" and asylum seekers' narratives, see Jubany (2017, 145-189).

football team's strip, could not name the bridges in the capital city, or because their father's occupation contradicted the types of livelihood listed in official country reports (719).

This demonstrates that both incomplete information on behalf of the interviewer, and a lack of understanding regarding experience and life in a particular place, have the potential to harm the claimant's credibility. In fact, Griffiths goes on to explain that this provokes many people to guess or "invent" such details, rather than admit ignorance or appear unreliable (720). This is, moreover, a structural issue. As Ezgi Sertler (2018) has phrased it in relation to gender based asylum in particular, the asylum regime is structured to support the "institutional comfort" of the decision-making bodies. Sertler defines institutional comfort in terms of "the ways in which state actors are systemically afforded the ability to arbitrarily and ambiguously misinterpret asylum applicants' experiences, cultures, and countries" (3), wherein decision-makers can decide what information to use, and what information to ignore or deny, in forming their decision – while systematically, and with no epistemic discomfort, negating applicants' experiences (14). This institutional comfort is indicative of, and upheld by, the concurrent preservation of "dominant epistemic resources" and delegitimization of the epistemic resource of an applicant's experience (17). The arbitrariness to which this institutional comfort speaks underlines how claimants are forced to prove themselves credible in the face of unpredictable and, often, unfounded claims.

ii. Credibility, Truthfulness, and Lies

The asylum claimant is therefore in an absurd epistemic position, which has repercussions on the possibilities of meaningful speech. On the one hand, their word is held to an extremely high standard, and forms the major basis upon which a decision is made – the stakes of which are incredibly high. On the other, the limited degree to which their testimony can offer counter-evidence to assumptions informing the official understanding of particular

national, cultural, or political contexts, not to mention the way these might play out upon more socially marginalized people (as I will explore below), means that it might be the very telling of their true story that renders them incredible. Souter insists that it is precisely because of the grave risk applicants face if returned to their country of origin that many might be led to lie: in response to the restrictive parameters of refugee law explored in the previous chapter, the fear of having their claims rejected, or the desperation to escape the “enforced state of limbo” of the asylum decision (2016). This means that the compulsion to lie touches both applicants whose real stories do afford them protection on Convention grounds, and those who face serious forms of harm that are not captured in any straightforward way by the language of refugee law: the problem that concerns this dissertation is the function of credibility and (un)truthfulness in constructing the genuine and the bogus, rather than organizing how genuineness is experienced. The absurdity of this epistemic position for all claimants, whose truthfulness is only relevant to the degree they can prove they are not lying according to the terms of the decision-maker, strips their epistemic participation of meaning. I therefore conceive of the injustice wrought through this dilemma in terms of epistemic meaninglessness, wherein whether a claimant is truthful or lying has negligible epistemic weight in proving whether they are truthful or lying.

Hajdukowski-Ahmed (2008), concerned with the conflict between the practice of legal categorization within refugee determination and the specifically complex,²⁶ ambiguous claims

²⁶ Claims become complex when the claimant’s fear is not directed towards something clearly defined in terms of the particular brand of state persecution implied by the terms of the Convention, but rather encompasses a life-threatening set of circumstances in which the state either fails to offer adequate protection, or is in some way complicit in perpetuating the persecution. Historically, Home Office policies have overridden the issue of complexity. For instance, in response to administrative overwhelm, in 2003 the office implemented the Detained Fast Track procedure to streamline the processing of asylum claims. Under this procedure, an applicant could be placed in indefinite detention after a brief and rudimentary screening for a number of reasons, including if their claim appeared likely to the decision-maker to be “clearly unfounded” (Home Office 2015, Chapter 55 para. 6 (now withdrawn)). This led to many claimants with complex claims being wrongfully detained: in 2011, around

of uprooted women in particular, argues that since narratives of this sort might appear suspicious or incoherent, a claimant “may be more effective in securing asylum if she uses a prepared coherent and familiar narrative with the appropriate and expected body language” (40). Employing Gayatri Spivak’s notion of strategic essentialism (the conscious and intentional replication of essentializing assumptions), she maintains that a claimant might have to decide to reinvent both their story and the way they present it in order to obtain the refugee status which their situation already demands. The subsequent “faux-resolving” required of the claimant in this case works both to perpetuate institutional assumptions and, I argue, to aggravate the epistemic meaninglessness of the process on the claimant as a subject of knowledge.

Nuno Ferreira (2022) has theorized a crucial dimension of epistemic injustice in the asylum claiming system in terms of the discourse of ‘fake’ claims and ‘bogus’ claimants, arguing forcibly that ‘truth’ and ‘fakeness’ are constructed discursively, meaning both that there is no way to determine the veracity of a claim, and that it is the discourse and power relations operating within the asylum regime that “[label] claims as ‘fake’ and [form] the subject position of the ‘fake’ claimant” (309). My own commentary is deeply invested in this framework, since it introduces the notion of (un)truthfulness as an imposition on the claimant as an epistemic subject. Ferreira’s fieldwork also presents us with extremely resonant testimony from actors across the refugee regimes in the UK, along with Germany and Italy, which demonstrates how the discourse of “fake claims” in tandem with the official “excessive ‘craving for the truth’” (322) can force claimants to “present stories that are not their own in the hope of increasing their chances of being granted international protection,” while the combination of epistemic and political marginalization “can also understandably lead

87% of claims were rejected on first decision, with almost half of those rejections later overturned on appeal (Muggeridge and Maman 2011, 5). This procedure was found to be unlawful in 2015 by the Court of Appeal, and has since been revoked. See Robathan (2017).

claimants to embellish their fear of persecution” (321). Reminding us that this is neither a large threat towards nor a systemic abuse of the system, Ferreira instead directs his criticism towards the “subjectively, socially, and culturally constructed” nature of the truth and truthfulness the system aims to establish. However, while Ferreira is concerned with the epistemic injustice produced by the inclination of decision-makers to disbelieve or doubt “the truth of the claimant” (308), I want to expand the horizon of our concern to include the consequent compulsion to lie as an epistemic, political, and ethical problem for the speaking subject.

This problem can be traced across other examples. Susan Akram (2000) details occasions when the complexity of Muslim women’s claims in particular has come into conflict with official understanding in the Canadian context. Her critique of the “Western mythmaking” (12) informing official understandings of Muslim countries, which I referenced in Chapter One, exposes the neo-orientalist presuppositions obstructing credibility in these cases. She offers the experience of a young Saudi woman named Nada, fearing persecution for her refusal to conform to the regime’s laws mandating the veil, whose claim failed because it was deemed “not credible that an Arab Muslim woman would disagree with the authorities of a Muslim state” (25). While for Nada, the threat was an explicitly political one in response to her protest against the regime, the decision-makers rendered the issue a cultural one, to do with the very character of Islam. As a result of this neo-orientalism, applicants from Muslim countries are often advised to reframe their claims in line with these assumptions, with legal advocates themselves leaning upon these stereotypes to build their cases (27).

Deidre Conlon’s (2013) research is more explicit in examining the ways in which asylum seeking people learn how to present themselves as legitimate and become legible (198). Conlon maintains that the fortified borders and stringent border control policies in Europe have

an effect on the actual *subjectivation*²⁷ of asylum seekers, emphasizing that most people on arrival to the border do not understand themselves as “subjects of asylum” (196). This resonates with research from the All Party Parliamentary Group for International Freedom of Religion and Belief (2016) detailing that people escaping their own country may not know in advance the basis on which they can make an asylum claim, nor what evidence they could use to back it up. It might only be once they get legal advice in the country of refuge that it becomes clear how they can structure their claim (32). Conlon emphasizes that the repeated process of re-narrating asylum claims to make them coherent for the caseworker works to create a body of data which normalizes, and then perpetuates, the dichotomous organization of claims into those that are unreliable, and those that are authentic (Conlon 2013, 198) – meaning that the claimant is complicit both in their own re-selving, to borrow Hadjukowski-Ahmed’s formulation, and in contributing to the broader set of beliefs and assumptions informing the decision-making process.

This also has ramifications upon the way that justice more broadly is experienced throughout the refugee regime. Campbell’s (2016) characterization of the asylum-claiming system in terms of absurdity, which I introduced above, emphasizes in particular the high cost of aggravating officials and broad cultural frictions as the reason why many asylum-seeking people find the process unintelligible or are unable to participate effectively in the process (141). His research documents how for most of his interlocutors, the procedures and decisions of the Home Office were impenetrable – not least because many have to endure the system without legal representation, in an unfamiliar language – and were regularly left unexplained by officials (140). As such, many sought unofficial support from other asylum seekers or

²⁷ I will develop this notion alongside Foucault in Chapter Four; at this stage, we can consider subjectivation in terms of the practices and processes through which the subject is constituted as subject.

refugees, whose advice also speaks to the compulsion to lie, and to a degree of “faux re-selving”:

Another Ethiopian male, MB, arrived in 1999 on a student visa ... other asylum seekers offered him advice. He said: I spoke to people who have been here, other asylum seekers, refugees, totally told me a different story ... They told me how the Home Office worked, and that was a big shock to me because they said you have to, you should have said you are Somalia? You should have said you are Eritrea. [And that] I should have changed my name, you know! How can I? I’m educated. How can I change my identity? ... I found everything bizarre and strange actually, how they work in the Home Office (139).

Campbell argues that the asylum seeking experience manifests an experience of justice as “coercion and absurdity” (123), wherein claimants are unable fully to participate in the very proceedings of justice, undergoing the apparatus of the legal system instead as “essentially unknowable, absurd and unjust” (124). My analysis in this chapter will demonstrate that this absurdity, expressed through MB’s shocked questioning (“How can I...How can I change my identity?”), is unjust on the epistemic level, reflecting and rebounding across the injustice of the UK’s “borderwork” as both a physical and an epistemic violence.

iii. Epistemic Meaninglessness as Injustice

To offer epistemic meaninglessness as a problem for the “subject of knowledge,” I will begin by elaborating the harms wrought upon the victim of epistemic injustice, because it is through the notion of harms that we can build up a picture of the subject who knows. Fricker (2007) provides crucial groundwork by describing the “essential harm that is definitive of epistemic injustice in the broad”: that through epistemic injustice, the subject is wronged in their “capacity as a knower” (44), a capacity that she maintains is fundamental. By being wronged in this capacity, the subject is further harmed through their “prejudicial exclusion from participation in the spread of knowledge” (162). This essential harm is the same across both testimonial and hermeneutical injustice. Beyond this primary degradation, Fricker

identifies extrinsic harms to both sorts of epistemic injustice: one set of extrinsic harms taking a practical form, involving the lived consequences of epistemic exclusion; and another set taking an epistemic form, stemming from “the subject’s loss of epistemic confidence” (163). She therefore argues that epistemic injustices of both kinds can impact the social construction, and lived experience, of the subject’s identity, so that the victim of these injustices “may be prevented from becoming who they are” (168). This intuition is the catalyst for my own extension of the issue across this dissertation. However, Fricker continues to rest on a distinction between the harms enacted in relation to the speaker, and the harms enacted in relation to “what they are trying to say and/or how they are saying it” (162). This is because for Fricker, testimonial injustice is inflicted agentially, “individual to individual” (167) while hermeneutical injustice is a structural issue.

Gaile Pohlhaus Jr. (2012) expands our sense of epistemic injustice to account for the “economy of hermeneutical resources” (725), sustained by material and epistemic power relations, which marks the way in which marginalized speech will be interpreted and marginalized speakers will be received. She therefore complicates the question of credibility with the notion of “willful hermeneutical ignorance,” through which “dominant epistemic agents” (729) are invested in maintaining structurally unfair and incomplete hermeneutical resources – thereby linking testimonial and hermeneutical injustices through the materiality of power. Kristie Dotson (2012) develops Pohlhaus’ willful hermeneutical ignorance with closer attention to gender and race as intersectional axes of power and oppression, to suggest a third type of epistemic injustice she terms *contributory injustice*. Dotson is concerned in particular with “epistemic oppression[s]” as an exclusionary mechanism enacted and sustained through and alongside socio-political “landscapes of epistemic power” (Dotson 2014, 134), arguing that as a result of our dependence on others to speak and be heard, socially marginalized identities are also at risk of epistemic disadvantages (see also Dotson 2011). Contributory

injustice, she maintains, is a concept that admits alternative hermeneutical resources outside of the dominant hermeneutical economy, capturing the form of epistemic injustice wrought upon a person when their own hermeneutical resources are willfully unrecognized, thus “thwarting [their] ability to contribute to shared epistemic resources within a given epistemic community by compromising [their] epistemic agency” (2012, 31). One particularly resonant example Dotson offers is the deliberate distortion of the meaning of Black women’s knowledges, damaging their capacities to contribute to or displace dominant hermeneutical resources. Indeed, given the collision between the constructed figure of the ‘bogus’ asylum seeker and the racist framework underpinning the increasingly restrictive asylum laws in the UK (see Schuster 2003), the epistemic injustice analyzed in this chapter is enacted particularly perniciously upon racialized claimants, as well as applicants from countries that are deemed suspicious by racist or neocolonial standards. The socio-historically entrenched dynamics of race and colonialism that structure the UK national imaginary (Hubbard 2004; Purwar 2004) – only exacerbated by Brexit – often function to code the nation and its representatives as White (see Southern 2018) in distinction to “immigrant other[s]” (Bowler 2017, 6), meaning that racist standards can infiltrate nationality more broadly.²⁸ This is further intersectionally complicated by the added hermeneutical barrier obscuring gender-related claims, and as this dissertation will demonstrate, the testimony of claimants marginalized across racialized and gendered lines is therefore rendered especially epistemically precarious. Madziva’s (2020) ethnography of Pakistani Christian asylum claimants adds another layer to the entwined hermeneutical and testimonial harms enacted through the racialized contours of the dominant

²⁸ This infiltration of racialization into the national imaginary and its representatives is hauntingly recalled in Shumona Sinha’s (2011) novel, *Assommons les pauvres!*, in which we follow a Bengali woman working as an interpreter for the asylum system in France. Sinha presents a character who, through the Kafkaesque nature of this system and the enactment of its bureaucratic absurdity on her own sense of self and belonging, is haunted and spoiled by its violence and ends up assaulting a refugee.

hermeneutical economy, by drawing our attention to the extra epistemic labour required of a claimant fleeing religious persecution to prove the genuineness of their faith. Madziva points out that by adjudicating faith through secular terms, the credibility assessment for these cases has dimensions of both hermeneutical injustice – inasmuch as this adjudication is marked by secular and racialized assumptions about religious identity – and testimonial injustice, to the extent that the “religious knowledge and assumptions” (53) of the decision-makers as a result leaves claimants vulnerable to unjust credibility deficits.

As such, the concept of meaningfulness/ meaningfulness is a useful heuristic for highlighting the connection between testimonial and hermeneutical injustice, and therefore the connection between the speaker and their speech. This is brought into clearer focus by Amy Allen’s (2017) introduction of Foucault’s concept of power/knowledge²⁹ into her theorization of epistemic injustice. Allen suggests that Foucault’s combining of “agential power” – the power exercised by agents over subjects – and “constitutive power” – the power through which subjects are constituted (187), can be mapped onto the relationship between the agential character of testimonial injustice and the constitutive relations of hermeneutical injustice, to help us see how structures and systems of meaning-making condition the conferring or withholding of credibility (189). Lissa Skitolsky (2019) also draws upon Foucault’s construction of power/knowledge, to remind us that what is taken to be meaningful in a particular society is the result of “those rules that inform the production of the dominant discourse” (209), so that epistemic agents are rendered untrustworthy or incredible by the very imaginative and ideological forces that construct what “make[s] sense” (203) in the first place. Meaningfulness is therefore an important corollary of credibility, making the detachment of

²⁹ With this term power/knowledge (*pouvoir/savoir*), Foucault expresses how operations of power produce knowledge, while that which is understood to be knowledge also functions as a mechanism of power. This composite work of power and knowledge is also complicit in Foucault’s understanding of truth, which will be taken up in Chapter Four.

meaning from the epistemic architecture of the asylum system all the more epistemically and politically concerning.

We see a similar insistence on the intersection of testimonial and hermeneutical injustices in Amandine Catala's (2015) conceptualization of "hermeneutical domination" (427), a term she proposes to describe the epistemically unjust result of this intersection. Hermeneutical domination, she contends, arises when a credibility deficit prevents the victim of testimonial injustice from impacting shared hermeneutical resources. This disenfranchisement means that the victim of hermeneutical domination (which in the cases she investigates, is a minority "hermeneutically disenfranchised" (429) by a majority) is unable to contest public discourse "in any meaningful sense" (429). Catala's expansion of Fricker's account to include this third, intersecting, dimension has important ramifications on my own approach, because it helps to underscore the epistemically unjust significance of a decision-making mechanism that, on the one hand, is marked by suspicion, while on the other hand placing the burden of proof on the object of this suspicion.³⁰

These interventions into Fricker's original conceptualization draw out an important and undertheorized (if intuitive) aspect of epistemic injustice, which will be crucial for an analysis of credibility assessments in the asylum claiming context: credibility is not the same thing as truthfulness. Since credibility is conditioned by epistemically dominant hermeneutical resources, we can understand credibility as a construct of (epistemic) power, marked by the hermeneutical tools through which knowledge is given meaning. This means not just that it is

³⁰ Catala's response is to push for "epistemic trust" as a correction to the testimonial injustice that triggers this hermeneutical domination. This is a particularly complicated notion to apply to the asylum-claiming case, because it requires that for deliberation to be just, the majority (or for our purposes, the powerful) must recognize the "epistemic value of the minority's testimony...[and] expertise [in attesting to their marginalization]" (432). I will explore the problems of recognition and trust in detail below, but what is important to bear in mind is that under the interrogative terms of the asylum regime, the claimant is not set up to be able to share their "expertise," but is instead obliged to prove, in the first place, that they are not a liar.

possible to be truthful and be disbelieved (as Fricker's testimonial injustice recalls) but also that it is possible – perhaps even necessary, at times – to lie in order to be credible (which is a problem of hermeneutical injustice). The meaninglessness of a claimant's epistemic participation as a result of these entwined testimonial and hermeneutical barriers is thus a particular sort of epistemic injustice. This meaninglessness is not the same thing as a denial of epistemic subjectivity: after all, it is based almost entirely on the testimony and information provided by a claimant that the refugee decision is made, and the burden of proof lies on the claimant. Instead, meaninglessness captures something more akin to Gaile Pohlhaus' epistemic "semi-subject," for whom it is precisely because they are "*perceived as subjects*" that "perpetrators...[can] use them to their own epistemic ends" (2014, 104; emphasis in original).

Moreover, while in Fricker's account the definitive aspect of epistemic injustice is that it is wrought through prejudice – a prejudicial credibility deficit in the case of testimonial injustice, and a structural identity prejudice in collective hermeneutical resources in the hermeneutical injustice case – the issue I am exploring presents us with an instance of epistemic injustice which can be wrought even in the absence of prejudice. Since this instance emerges in the collision between the credibility discourse that makes truthfulness the key political and ideological axis of the asylum regime, and the epistemic asymmetry of the asylum interview which further detaches credibility from truthfulness, the prejudices of the decision-maker and the decision-making institution are secondary to the epistemic power relations structuring the decision-making process. As such, as I will explore in more detail in Chapter Seven, responding to this epistemic injustice will require more than just addressing the prejudice of the perpetrators.

This matters for epistemic, political, and ethical reasons. Epistemically, this meaninglessness not only represents and reifies a disintegration of a claimant's capacity to be recognized as a knower, but is reflected and perpetuated through the absurdity in the structure

of the asylum claiming system more broadly. This epistemic concern feeds into the political consequences of this brand of injustice: the compulsion to lie to meet official expectations contributes to the precedents informing institutional assumptions, and perpetuates the notion of illegitimacy marking certain claims (and claimants) as strange; rendering this absurdity on a political level.³¹ The ethical implications of this issue are attached to the consequences of a failed asylum claim. Some claimants have the right to an appeal or to an administrative review, but if it is determined that a claim is either unfounded or ineligible, a refusal will lead to removal from the country, with a risk of either (indefinite³²) detention or deportation if you do not have the right to remain in the UK. For claimants facing certain persecution on return, the consequences of a failed claim can therefore be life-threatening.

iv. The Paradox of Recognition and Epistemic Subjectivity

A parallel and co-implicated way in which to conceive of this meaninglessness is by interrogating the function of recognition in the refugee determination process. As I established in Chapter One, paragraph 28 of the UNHCR Handbook lays out that refugee status is declaratory, not constitutive: since this legal mechanism recognizes, rather than creates, a refugee, refugee status is not something that needs to be earned by proving one's credibility.³³ However, despite this, the credibility of a person's character and claim depends upon the extent to which their experience is deemed to meet the criteria. This forms the edges of a paradox emerging from the ambivalent role of recognition in the refugee determination process: while the claimant holds the burden for substantiating their claim and proving their legitimacy as a refugee, the credibility of the claim itself turns upon the degree to which it is already recognized

³¹ For a more thorough account of strangeness and (mis)recognition in an epistemically unjust context, see McConkey (2004).

³² The UK is the only country in Europe that uses indefinite detention.

³³ As Souter (2016) puts it, "eligibility for refugee status turns on whether the asylum seeker has a well-founded fear of persecution, not whether they are honest."

as such. The paradox is rooted in the fact that a person, despite ostensibly being a refugee prior to being recognized as one, must in fact be recognized as one for their identity as a refugee to be credible. In other words, the legal recognition through which refugee status is awarded is dependent on (and actually collapses into) the more troubling relationship of epistemic recognition. This means that the disclosing of an experience attesting to “well-founded fear of being persecuted” alone is not enough to assure recognition of the fact, if the fear and the persecution themselves are not already recognizable to the interviewer – and in fact, the disclosing of an unrecognizable experience compounds instead upon the suspicion through which a claimant’s truthfulness is scrutinized.

Recognition therefore plays a peculiar role in the epistemic structure of the asylum claiming process, implicating this paradox of recognition in the epistemic injustice wrought upon the claimant. In fact, recognition, as the site of extensive critique in political theory, has been subject to the same concerns in epistemic injustice literature. Jane McConkey (2004) first argued that we might understand epistemic injustice as a problem of “the denial and distortion of recognition” (204), since recognition issues include the misrepresentation or misunderstanding of a subject’s self-expression. Paul Giladi (2018) explains that recognition theory – most prominently articulated by Axel Honneth (1996) – insists on the “moral grammar” (Giladi 2018, 149) of recognition attributions, since it is through being recognized intersubjectively that a subject can achieve self-realization. Acts of misrecognition or non-recognition therefore injure or deny a person’s subjectivity, and along with it, their “positive normative status” (145), imposing an unjust asymmetry on the participants as subjects of knowledge. Recognition as a lens through which to interrogate instances of epistemic injustice therefore offers a tentative correction to Fricker’s original account, as Matthew Congdon’s (2017) discussion clarifies. Congdon argues that in cases of knowledge-sharing that structurally depend upon a subject’s testimony, non-recognition or misrecognition can function as a form

of epistemic exploitation. Congdon recalls how under the terms of recognition theory, acts of recognition are “expressive acts through which individuals and institutions convey acknowledgement of the worth or normative standing of others” (248). Failures of recognition therefore rebound on the self- and social worth of subjects, via the epistemic plane. What makes epistemic injustice wrong, for Congdon, is in part that it entails this epistemic sort of misrecognition, through which a subject of knowledge is not recognized as such.

However, Michael Doan (2018) has offered an important intervention into the notion of recognition as the assurance of epistemic justice, which draws upon the resistant work of theorists and activists who are critical of recognition as a political paradigm. Doan leans upon the Fanonian critique of the dialectic of recognition, wherein the (colonial and racialized) terms of recognition are cemented and internalized within the oppressed through the logic of the oppressive relationship; a critique that Doan traces into Kelly Oliver (2001) and Glen Coulthard’s (2014) insistence on epistemic resistance and struggle as the site of justice, rather than recognition conferred through the powerful. Doan’s decisive contribution lies in his focus on “the agency of victims in abusive epistemic relations” (Doan 2018, 20), which impels him to read an epistemic dimension into political struggles. The politically implicated issues with the recognition paradigm form a crucial piece of my analysis in the following chapters: while Chapter Three explores the ethical and existential relationship between recognition and subjectivity under the terms of Ricoeur’s hermeneutics of the subject, Chapters Five and Six will perform a similar critique of the politicized limits of recognition.

Thinking about epistemic injustice in terms of the (political) problem of recognition helps to elucidate what is so epistemically and ethically troubling about the paradoxical function of recognition in the asylum claiming case: that a claimant has to be recognized as a subject of knowledge in order to be recognized as a refugee; while at the same time, it is only through the (retrospective) conferral of recognition as a refugee that a claimant is validated as

a subject of knowledge. A claimant is properly a refugee before being recognized as such. However, on the one hand, it is only through legal recognition as a refugee that their testimony-as-knowledge is granted meaning; and on the other hand, it is only through epistemic recognition as a subject of knowledge that their being a refugee is granted meaning. Recognition on the epistemic plane and recognition on the legal plane are only meaningful to the extent that they are reciprocally assured.³⁴ The case of the asylum interview, we might say, manifests a failure of recognition through the detachment of recognition from meaning. The possibilities for agency and the struggle for recognition here are therefore curtailed by epistemic meaninglessness.

v. Stereotypes and/as Meaning-Making

The paradox of recognition, rendered epistemically as meaninglessness, appears in a slightly different form through what Anna Boncompagni (2021) has referred to as the “paradoxical nature of stereotypes” in the asylum claiming system. Boncompagni identifies how “when there is a pervasive stereotype concerning that social group, the more the claimant conforms to the stereotype, the easier it is for them to be recognized as a member of that [particular social group], and hence to gain asylum” (155). Recognition here once again maps onto meaninglessness, revealing how credibility is intertwined with and implicated through the pervasive hermeneutical structures through which meaning is made. This can be unpacked

³⁴ This becomes particularly resonant when we consider Sertler’s (2022) theorization of “recognition bluffs”: a form of “categorisation-related administrative violence” enacted through asylum institutions by introducing new forms of categorization to extend recognition to under-recognized groups, while simultaneously limiting the scope of these categories to legitimize these groups’ misrecognition (182). Sertler argues that the administrative rendering of gender-related asylum claims via the category of gender as a PSG is one such form of recognition bluff, wherein the “already existing parameters” (184) of the PSG category then limit the possibilities of recognition for gender-related claims. This concept emphasizes again how recognition is caught up in the meaningless epistemic mechanics of the asylum regime.

further with closer attention to the relationship between testimony and meaning-making expressed through stereotyping in this context.

It has already been well-theorized that stereotypes stemming from racism and racial ignorance fuels the disregarding of testimony from racially oppressed subjects (Hill Collins 2016; Medina 2018), and that epistemic injustice overlaps with epistemologies of ignorance in racialized and gendered ways (Catala 2019). The asylum-claiming case adds another epistemically oppressive layer to the effectiveness of marginalized testimony, via its confrontation with the presumptions of the geopolitical order. Natasha Carver's (2019) critique of the system of recognition employed by the Home Office emphasizes the ways in which asylum policies reflect and reaffirm the (post)colonial global ordering of nation-states, highlighting the low recognition rate in the UK for asylum-seekers from previously colonized countries (162). Not only is suspicion attached in particular to identities rendered untrustworthy by the colonial order, but the identity of asylum-seekers from states that are not even recognized by the colonial authorities becomes "a priori ineligible" (161). This means that people seeking asylum with Somali or Somaliland identity documents, for instance, might only be able to travel on false documentation, rendering them already doubly suspicious. Racist stereotypical imaginings of certain national contexts can also ignite doubt regarding a claimant's credibility: Griffiths (2012) describes being informed that "immigration judges ... in one case dismiss[ed] the birth certificate of a person claiming to be 16 years old on the basis that it was from Nigeria and therefore bound to be faked" (719).

The dual task of an asylum claimant, both to present themselves as a credible speaker and to offer a claim that is itself credible according to legislative standards, is further complicated by the fact that their testimony alone is not enough to overcome any stereotypes or erroneous presumptions. The counter-evidence they offer, in the form of their experience, is rendered non-credible by the very fact that it does not align with the interviewer's knowledge

– and in turn, their credibility as a claimant is then diminished by the content of their testimony. The significance of stereotypes in co-implicating credibility and meaning-making here is given another layer through Wade Munroe’s (2016) discussion of prescriptive stereotypes, as involving not just what a person *might* be like by virtue of their social identity, but also what they *should* be like. The way that a prescriptive stereotype leads to unfair credibility judgements is different from the way descriptive stereotypes function, because any counter-stereotypic behavior from the claimant can devalue the content of their originally credible claim by making them appear threatening or suspicious. This is a helpful elucidation for an analysis of refugee testimony, because there are both descriptive and prescriptive notions pervading what Henk Van Houtum and Roos Pijpers (2007) have termed the “naming game” (296) strategy for sorting refugee claimants. In fact, the descriptive stereotype of the illegitimate claimant is informed by the prescriptive stereotype of the legitimate refugee – infused with the humanitarian image of the sentimentalized, innocent, vulnerable victim. This has particularly significant repercussions for women refugees, who are often constrained by prescriptions attached to this imagined figure. For instance, Asylum Aid documented one Chinese woman, whose claim was based on having been trafficked, being asked “[d]id you attempt to stop this man from raping you?” (Muggeridge and Maman 2011, 58). The prescriptive stereotype seemingly in force here applies to her character: a more guiltless victim would have done everything they could to prevent rape. This demonstrates how the decision-making process manifests a conflict between official individual or even institutionalized understanding and meaning-making, and the words, stories, and behaviors of asylum seeking people. Not just the beliefs and stereotypes a caseworker might hold, but what is considered a legitimate source of knowledge in the first place; a piece of information that might change assumptions or transform understanding, work together to warp the meaningfulness of the claimant’s testimony.

vi. (In)credibility and the Withholding of Trust

This epistemic meaninglessness has significant repercussions for how we might understand the notion of trust in asylum claiming process. As Katherine Hawley (2017) articulates, trusting is not entirely synonymous with granting credibility. Distrust enacts something beyond the harm of wounded credibility, by giving a normative or moral weight to the act of believing in someone. I have established throughout this chapter that asylum claimants are routinely distrusted – with the condemnation of the ‘bogus asylum seeker’ representing the moral load that attaches to this judgement. However, as Hawley (2017) points out, trust and distrust entail particular relations of social power: trusting another person gives them “a certain power over you” (69), while “distrusting, or withholding trust, is also an exercise of social power” (70). Given the social power relations structuring and motivating the refugee determination process, it is not clear that even an asylum claimant treated as credible is trusted. As Boncompagni (2021) describes, the asylum interview “reverses the ordinary situation of a testimonial exchange: the default trust must be set aside” (153-154). They cannot, she suggests, rely on trust in their official task of identifying legitimacy. Credibility is thus granted to certain claimants as an act of social power, not as a recognition of or deference to their own power to know. In this way, credibility discourse overrides the notion of epistemic trust that Catala (2015) offers as a condition for “just deliberation” (425).

Recalling Gerald Marsh’s (2011) insistence that “being trusted is a good in itself. Being denied trust solely on the basis of one’s social identity is insulting...in a way that cuts right to the core of one’s personhood” (286), it becomes clear that the distrust of others – or their withholding of trust – can have injurious ramifications on a subject’s own self-understanding. Indeed, Nadja El Kassar (2021) maintains that epistemic injustices of this sort can damage subject’s own self-trust, which itself is crucial for making sense of oneself. Self-doubt, she

argues, can turn into not trusting oneself, which in turn can lead to “self-alienation” (200). The withholding of trust throughout the asylum claiming process therefore seems to contribute to the meaninglessness of truthfulness and lies here, since even credible testimony does not confer the moral and normative weight of trustworthiness.

vii. Towards the Speaking Subject

This chapter has probed the absurdity of the asylum claiming process, and the epistemic meaninglessness this consists in and provokes, as an issue of epistemic injustice. Returning to Hadjukowski-Ahmed’s claim that the consequent compulsion to lie constitutes a “faux re-selving” emphasizes that this issue is damaging to subjectivity itself. As Hadjukowski-Ahmed maintains, this faux re-selving:

[C]an perpetuate racialized gender stereotypes and conceal gender issues. It silences narratives of strength and resilience and does not advance institutional knowledge or practices. It panders to conservatism and legitimizes misrepresentations and prejudices. Yet it has proven effective for refugee claimants (2008, 40).

To the extent that subjectivity (both epistemic and political) emerges through the process of self-disclosure,³⁵ so that, as Fricker puts it, epistemic injustice is damaging at the very level of selfhood, the compulsion to lie as a culmination and embodiment of this epistemic meaninglessness therefore both contributes to the broader set of assumptions informing the decision-making process, and renders the claimant as a subject complicit in their own re- or de- construction. The following chapter will take up this question of subjectivity and self-disclosure, by turning to hermeneutical accounts of the speaking subject in relationship to their speech.

³⁵ With this term, I am intentionally recalling Hannah Arendt’s (1998) vocabulary in *The Human Condition*, in which she presents an account of action and speech as disclosive of identity in the public realm of being-together.

Chapter Three: The Speaking Subject

The preceding chapter has demonstrated that the liminal period of claiming asylum is a moment of epistemic meaninglessness. Refugee status does not just grant an individual protection; it confers meaning. Nelson Phillips and Cynthia Hardy's (1997) analysis of the discursive constitution of the 'refugee' concept emphasizes a disjuncture between the processes that determine, on the one hand, "*what* a refugee is," and on the other, "*who* is and who is not a refugee" (160). While Phillips and Hardy are interested in identity, I am concerned here with meaning. It is the idealized *what* that houses the meaning of the term 'refugee,' while the asylum claiming person as a *who* is denied any meaning-making capacity. The individual *who* is required to make themselves meaningful through a discursive framework whose interpretive limits are managed and set in advance. This chapter will explore this meaninglessness as a problem for the speaking subject, to elaborate the existential and ethical significance of the capacity to speak meaningfully – and to show how losing faith in one's ability to speak puts this subject in jeopardy.

To do so, in this chapter I will lean on hermeneutic accounts of subjectivity, in particular Paul Ricoeur's insistence on the existential-ethical ramifications of our being in language. The hermeneutical subject is, as G. B. Madison formulates it, a "speaking/ spoken subject," existing to the extent that it is affirmed "self-understandingly" (Madison 1988, 95). The self with which hermeneutics is concerned is therefore the "self of self-understanding" (Ricoeur 1971, xv), in whom lived experience is mediated and made meaningful through interpretation. Moreover, hermeneutic treatments of subjectivity approach understanding – and indeed our very experience of being – as linguistic. Following the contemporary hermeneutical tradition out of which Ricoeur performs his "linguistic recovery of selfhood" (Venema 2000, 158) gives us tools with which to articulate the particular existential and ethical damages enacted through the epistemically meaningless demand for truthfulness, or truthful speech, introduced in the

previous chapter. Specifically, we will be able to read into the asylum seeking case Ricoeur's claim that "to believe oneself unable to speak is already to be...excommunicated so to speak"³⁶ (Ricoeur 2007, 77); a claim that underscores the importance of the entwined powers of speaking and acting in the process of becoming-subject amongst others.

i. The Hermeneutic Turn

Contemporary hermeneutics can trace its original impulse to Martin Heidegger's concern with the existential mode of understanding as the fundamental projection of the potentiality-for-Being (Heidegger 2001, §§ 31-32), which centres the notion of interpretation at the heart of his inquiry into the "authentic meaning of Being" (§ ii). Under Heidegger's conceptualization, philosophical investigation begins with the hermeneutical question of self-interpretation, since "understanding of Being is itself a definite characteristic of Dasein's Being" (§ i), making Dasein fundamentally a question to itself (Grondin 2014, 52). The two Heideggerian intuitions that will be important for our exploration in this chapter are, first, that meaning and being are co-implicated, so that, to borrow phrasing from Tina Fernandes Botts (2014), "to be is to be interpreted" (501); and second, that it is through language that this being-interpreted is contained and enacted, so that being-interpreted "[takes] place out of the speaking of language" (Heidegger 1975, 208). Heidegger conceives of language as disclosure, so that it is linguistically that reality is unconcealed and shown, and so that without language, there is both no appearing and no understanding. Rather than language expressing or describing a form of positive subjectivity, being-interpreted thus becomes that "into which [Dasein] has come of

³⁶ Ricoeur describes this excommunication in terms of being "linguistically disabled," a phrase which I do not agree to use because it risks developing a notion of subjectivity that excludes people with cognitive or linguistic disabilities. However, this language of excommunication does help to alert us to the fact that disability is constructed socially, as a condition of unjust socio-political and economic institutions and structures, and thus underscores the injustice of the institutional privileging of certain linguistic and epistemic expectations. I will return to this point later in the chapter, and it remains extremely pertinent to my larger critique.

itself, from out of which it lives, on the basis of which it is *lived* (a how of its being)” (Heidegger 2008, 25). Refuting the stable subject of the Cartesian cogito, Heidegger asks instead how Dasein understands itself – and since Dasein understands itself as Being-in-the-world, which is necessarily and always shared with Others, he conceives of Dasein as constituted through Being-with (2001, § 26). This Being-with is articulated through speech, so that “Being-with-one-another is discursive” (§ 34). We might therefore see Heidegger’s subject in terms of a ‘spoken subject,’ and read this into his contention that “man speaks only as he responds to language. Language speaks” (Heidegger 1982, 210).

These foundational assertions seeded in Heidegger’s insistence on interpretation mark the contemporary hermeneutical projects of Hans-Georg Gadamer and Paul Ricoeur, both of whom are concerned with the linguistic character of understanding. We can trace from Heidegger’s essential interweaving of meaning and being rendered linguistically that understanding becomes under Gadamer’s philosophical hermeneutics “indispensable for living” (di Cesare 2012, 201), meaning not just that understanding is the mode through which life is experienced, but that understanding can itself have transformative effects on life. Gadamer extends his focus beyond the self-understanding that preoccupied Heidegger, to account for the relationality of our living together with others as the means through which understanding itself is reached. He sees understanding as articulated through dialogue, and therefore a result of the infinite relationality of speech between people, maintaining that the interpretive unity that makes something understandable is the “achievement of language” (Gadamer 2004, 370). Gadamer thus emphasizes the primacy of language as the condition in which and on which we relate to the world and each other, such that it is on the level of language that the dialogue through which we come to understanding is enacted, and moreover, that it is by wanting to say something to another person that we build up an intelligible world (2008, 17). It is this ontological dimension of our linguistic condition that underpins Gadamer’s

decisive affirmation that “being that can be understood is language” (2004, 470). Since there is no understanding without dialogue, this affirmation underscores and contains both an acknowledgment of our individual finitude, and an emphasis on the co-existence of other speaking beings who participate in the transformative linguistic event of understanding (see Jervolino 1996; Mootz and Taylor 2011). In fact, Gadamer maintains that openness to the other is precisely what allows for the possibility of transformation, displacing the notion of subjectivity with the “dialogical, communicative, hermeneutic” (Gadamer 2000, 284) event of coming-to-understanding (see Vanhoozer 2006, 14; Vandeveld 2018, 138). The subject we see emerging through Gadamer’s account is decentered, realized and expanded through the dialogical encounter (see Madison 1988, 117).

Ricoeur similarly emphasizes the fact that language as speech is an address to or from another, but he remains committed to a concept of subjectivity that prioritizes responsibility, insisting on the necessity of a subject who is responsible for what they say. While he is unconvinced by the “epistemic exaltation” of the Cartesian cogito, he retrieves a notion of subjectivity, saved from Nietzschean “humiliation” (1992, 21), through his concern with the notion of a self that we can find proclaimed and enacted through “the power to designate oneself as the speaker of one’s own words; the power to designate oneself as the agent of one’s own actions; the power to designate oneself as the protagonist in one’s own life story” (Ricoeur 1995a, 367). Subjectivity under Ricoeur’s hermeneutics is thus thought in terms of capability,³⁷ making the capable human being the site of analysis (see Ricoeur 2000a), and furnishing the reliability of the institution of language with the notion of responsibility for and by another

³⁷ Ricoeur (2005a) makes a slight distinction between capability and capacity, leaning on Amartya Sen’s (1985) *Commodities and Capabilities* to offer ‘capabilities’ as our capacities as they are shaped and realized by internal and external context. He therefore integrates the political and institutional conditions of the subject into the contours of subjectivity. This is brought into clearer focus in the literature that considers Ricoeur as inviting us to apply a capability approach to social justice, which I explore below in relation to disability justice theorizing.

who trusts in us (see 1992, 124).³⁸ In fact, being able to say, implied and invoked through the very use of speech, is the most fundamental capability (2005a, 94). Being able to say, Ricoeur is clear, means more than just the capacity to use language: he clarifies that “to be able to say is to produce meaningful discourse [*un discours sensé*] spontaneously” (2005b).³⁹ He therefore insists that we understand saying in terms of discourse, since to understand speech is to recognize the address.⁴⁰ By emphasizing the discursive structure of our most essential capability, Ricoeur balances the notion of subjectivity with the fact of our speech always being addressed to another, thus balancing capability with fragility, and the existential with the ethical.

ii. Ricoeur's “Capable Subject”: Through Attestation and Recognition

We can unearth the ‘speaking subject’ through Ricoeur’s notion of attestation, which is the “assurance of being oneself acting and suffering” (1992, 22): the declaration, inflected on the level of the “I believe-in,” of this combined fragility and capacity of the speaker as a self (1992, 21). It is through attestation that the speaker experiences the certainty of themselves as

³⁸ The model Ricoeur constructs for this balance of responsibility both for and by the other is the dialogic dimension of the promise: through the act of promising, the speaker is bound both ethically and politically to their obligation. Ethically, inasmuch as a promise is always a promise to someone; politically, because the “rule of fidelity” (Ricoeur 1990a, 234) that underpins this ethical obligation functions as a pact on the level of living-together. With the promise as a model, responsibility is founded in fragility – the fragility of the other who calls us to be responsibility, and the fragility of the self from which we are moved by and towards the other – rather than individual authorship (see Ricoeur 1995b).

³⁹ Text written for the reception of the Kluge Prize, awarded to Paul Ricoeur in 2005 at the Library of Congress, Washington, USA. My reading leans into the translation provided by Chris Turner at the Institut Français du Royaume Uni, in which *sensé* is rendered as “meaningful.” See Ricoeur (2005c).

⁴⁰ He explains in *The Course of Recognition* that “the theory of speech acts is incomplete if it does not put into correlation the illocutionary aspect of these acts with their interlocutory character. The illocutionary character of a simple constative in the form “I affirm that” is grounded on a tacit request for approbation that can serve to reinforce its self-assurance.” He continues by emphasizing that “self-designation receives more than a strengthening of its illocutionary force from this call to others.” (2005a, 96)

responsible and capable. Moreover, attestation as “the epistemic mode of assertions having to do with capacities” (2005a, 91) maps onto “the conviction of acting well and judging well” (2000a, 180) that renders a subject capable in the ethico-political realm, so that, as van der Heiden (2010) argues, trust and belief become the constitutive issues at the heart of both self-understanding and social relations. Attestation as belief-in means that to be capable also entails *believing in one’s capability*, so that the power to do and to say requires the belief that “I can” (Ricoeur 2007, 76). We can thus begin to understand how Ricoeur recovers the subject in language; how the speech act impels the emergence of the speaker; and how, therefore, speech becomes *self-disclosive*.⁴¹ I will return to this point throughout the chapter, as I build up a hermeneutical diagnosis of the epistemically unjust experience of meaningless speech.

Attestation also provides our way into meaning. For Ricoeur, subjectivity is expressed as “a dialectic between the self and mediated social meanings” (Ricoeur 1991a, 477), so that our linguistic imagination functions as a lived and living dialogue between meaning and being (see Custer 2019, 236). Meaningful speech, as speech that accomplishes the event of meaning and being, expresses and effects a subject who is responsible for what they say. The task of interpretation turns meaning as a general term into “meaning for someone” (Ricoeur 1992, 179), so that it is through attestation that this event of “meaning/being” (Purcell 2013, 152) is refracted on the level of the capable subject. In fact, Ricoeur traces this same interpretive impulse into the meaning of human action more broadly, figuring action as a kind of utterance, so that the meaningfulness of action can be reached in the same way as the meaningfulness of

⁴¹ I have already admitted the Arendtian character of this phrase. Ricoeur (1983) in fact reads Arendt’s framework through the lens of the acting and suffering subject, to contribute to his construction of narrative theory. We can therefore understand self-disclosure as a crucial feature of not just epistemic, but political subjectivity, necessary for agency and recognition in the public sphere.

a speech-act, and the subject understands themselves as their actions become meaningful (Ricoeur 2016).⁴²

Ricoeur therefore diverges from Gadamer over the role of subjective agency in the work of understanding. While Gadamer's subject is subordinated to the event of understanding, Ricoeur is concerned with the process through which the subject intervenes in this event and renders it meaningful for them (see Arthos 2013). The speaking subject for Ricoeur is the foundational level at which to analyze capable subjectivity: it is as speaking subjects, with the ability to act in language, that we can attest to our capacity as selves. Language is then the institution within which speaking subjects ensure and enact their mutual trust in each other's word (Ricoeur 1992, 268). Moreover, by inscribing belief (both belief-in oneself, and the belief of others) into the problematic of self-understanding, Ricoeur offers a notion of subjectivity that already contains and gestures to the other who counts on us, through the mediating and manifesting work of language. Speech therefore rebounds onto and reflects the dialectic structure of the subject, binding the one who speaks with the one who listens, and leading to a "twofold identification" of the self as "an objective person and as a reflecting subject" (Ricoeur 1992, 54; see Venema 2000, 135-136). By placing the accent on the subject who is capable of speech, Ricoeur thus immediately underscores the primacy of the other in the dialectic of the self.

The fragility of the subject whose speech is always addressed to another attaches to attestation the reflexive rejoinder of recognition, and testifies to the alterity through which the

⁴² He goes so far in his (1965) essay, "The Word and Work," as to offer a dialectic of the word and work, suggesting that the act of speaking has the creative and productive character of praxis. Here, Ricoeur offers "the corrective function of the word" (217) to a Marxist account of subjectivity transformed through praxis. He maintains that being able to "speak one's work" (217) protects against the alienation and objectification of modern work, since it is through the word that the value of work is realized. Reminding us that "speaking man makes something and makes himself" (200), he highlights how meaningful speech performs a verbal version of self-transformative work. This gives us a deeper sense of how speech and meaning are co-implicated in the formation of the hermeneutical subject.

“I can” is exercised and assured (Ricoeur 2005a). We can make sense of the circular movement between attestation and recognition through the example Ricoeur offers of the promise: through the act of promising, the epistemological question of truth is displaced by the “cosmo-political” (1990a, 234) question of truthfulness, founded in the relationship between personal responsibility, the pact between the self and another drawn by trust, and the public backdrop of the social contract which structures the terms of our interlocutions.⁴³ In fact, Ricoeur eventually knits his larger political philosophy to this hermeneutical notion of capability, so that the person who can attest to their capabilities becomes the primary subject of ethics, politics, and law (1996a, 367; 2000a; 2007). This extension of the subject into public and institutional space happens on the affective level of recognition, through which the subject affirms itself in its capabilities and has this affirmation reflected back on them. Indeed, recognition on a political-institutional scale is also parsed through speech, since it is as “someone capable of designating himself [*sic*] as the author of his utterances” (2000a, 2) that one becomes the subject of legal imputation. Ricoeur’s framework for recognition, then, acknowledges the ethical relationality that makes recognition possible. In this way, we might see that the resistant agency of the subject is always present and potential in the reflexive work of what he has elsewhere termed “recognition-attestation” (2005a, 92). Recognition under this approach is therefore not just imposed from without, but remains co-implicated with the subject’s own self-attestation.⁴⁴

iii. Narrating the Subject

⁴³ See Ricoeur (1990a, 235): “So there is a circular relation between the personal responsibility of the speakers who commit themselves through promises, the dialogical dimension of the pact of fidelity in virtue of which one ought to keep one’s promises, and the cosmo-political dimension of the public space engendered by the tacit of virtual social contract.”

⁴⁴ In Chapters Five and Six, however, I will theorize the edges of Ricoeur’s recognition paradigm in relation to material and political relations of power.

Ricoeur's focus on capability – and most primarily, being able to say – therefore becomes our route into understanding the relationship between subjectivity, speech, and social meaning. This relationship is brought into focus when he turns towards the question of identity through the concept of narrative. Narrative becomes the essential mode through which the full scope of human action is brought to language, and in which the subjectivity mediated through interpretation is rendered coherent at the level of selfhood. Jean Greisch (1996) proposes the term “narrative attestation” (a term which I will both use and imply in my own analysis) to underline the “exceptionally strong bond” (90) between narrative as a mode of identity, and attestation as the mode of certainty through which the subject creates and commits to themselves. In fact, Ricoeur maintains that being able to narrate is an essential aspect of the capable human being, since it is through telling one's life story that one's capacity to act (and therefore to produce events) becomes intelligible (Ricoeur 2005a, 99-104). Being able to narrate, we might say, implicates and assures our capacities to act and to speak, by rendering our actions legible on the plane of personal identity, through speech. We arrive at narrative, then, through the existential requisite of being-interpreted, along with a notion of subjectivity that is always in a state of becoming, through the fact of being in language.

For Ricoeur, narrative is the level of identity that makes the speaking subject as a self intelligible and (self-)recognizable across time.⁴⁵ The capacity for language therefore extends into the very identity of the self who is the (speaking) subject of speech. Henry Isaac Venema (2000) clarifies the step from the capable subject to the narrative self by recalling the sort of imaginative work that has to be done to identify the agent responsible for “both individual and

⁴⁵ The temporal dimension of selfhood is a crucial piece of Ricoeur's understanding of narrative. As he explains in *Time and Narrative Volume 1*, “time becomes human to the extent that it is articulated through a narrative mode, and narrative attains its full meaning when it becomes a condition of temporal existence” (Ricoeur 1990b, 52; emphasis in original). The notion of narrative time and its relationship to identity and recognition will be explored in further depth in Chapter Six, but at this stage I want first to establish the notion of the subject that we can excavate in this relationship between subjectivity, speech, and social meaning.

common deeds carried out and suffered” (91). Narrative is, as he explains, the mode of discourse capable of testifying to the expansive field of human experience. Likewise, Timo Helenius (2016) points out that a subject can only be attributed the reflexive capacity of mutual recognition if they are rendered consistent through narrative. Venema unpacks this expansion of language into identity by recalling the ontological function of imaginative speech, leaning on the “enigmatic ontology of “being-as” (Venema 2000, 106) developed in *The Rule of Metaphor* to insist on the creative power of the linguistic imagination. Narrative, as human action configured through language, has both a descriptive and an innovative dimension through which it “gives a configuration *to* life in order that it can become a configuration *for* life” (Venema 2000, 120; emphasis mine. See also Ricoeur 1986).

Ricoeur first introduces the concept of narrative in his three-part *Time and Narrative*, but it is in *Oneself as Another* that he offers his most robust analysis of narrative at the level of identity. We have already established that for Ricoeur, subjectivity is not immediately given, but is developed through language in the manner of a “becoming-subject” (Michel 2015). This unfolding subjectivity is rendered coherent through the weaving of a narrative plot, in which our lived experience takes on an intelligible shape (Ricoeur 1992). The narrative level of selfhood emerges dialectically, from the push and pull between sameness and selfhood and between selfhood and otherness, via which the self asks who they are, and finds themselves both asking and answering the question. Ricoeur leans on the Aristotelian concept of emplotment (*muthos*) to characterize the process of ordering discordant events into a concordant whole, through which actions become contoured against the structure of a plot (Ricoeur 1990b, 31-52). Discordance is a significant dimension of the work of emplotment, since it is by integrating discordance that the plot coordinates “the affecting” (44) of our emotional life into the intelligibility of a narrative structure. As such, narrative emplotment animates the phenomenological quality of Ricoeur’s “self of self-understanding” through its

rendering of a character. The “phenomenology of the capable human being” (Ricoeur 2005a, 89) takes on a narrative shape through the emplotting of a character capable of acting, on the one hand, and the tragic dimension of action⁴⁶ on the other, by which each narrative is marked as both fragile and exceptional. As we narrate ourselves, therefore, the ability to act in language also becomes the expression of our unsubstitutability.

It is from the significance of fragility and unsubstitutability that I can clarify a decisive point regarding capability and speech. The insistence on language as an intellectual-moral capacity has prompted a vicious form of philosophical ethics that undermines the moral status of people with cognitive disabilities, and people with atypical modes of linguistic or social communication. Disability justice work in the last decade has re-read hermeneutical philosophy to emphasize the fact of fragility in order to decouple the notion of capability from any intellectual-moral hierarchy. Toon Benoot et al. (2021) point out that since Ricoeur’s capable human being is only rendered relationally, through interaction with others, “‘being capable’ cannot be set as a condition [for recognition or solidarity], but only emerges through a process of interaction and understanding” (778). They therefore propose that the Ricoeurian framework of capability could stand as a metric for disability justice, wherein a socially just provision of care includes supporting a person in realizing their capabilities interactively. Elizabeth Purcell (2013) helps to bring this point into focus, by insisting on the relational character of narrative selfhood. Purcell leans into Ricoeur’s scheme to argue that narrative as a mode of identity involves and requires “dependent relations with others,” which are themselves “part of our ‘existential vulnerability’” (51). This means that our capabilities, including the fundamental capability to narrate, are affected through, by, and with, our relations, and the caring relation becomes a reminder of the fragility that sits as a constant and crucial counterpart to capability.

⁴⁶ Ricoeur sees the shadow of tragedy in action, marked by “the limit that points up the human, all too human, character of every institution [including the legal, the moral, and perhaps, the linguistic]” (Ricoeur 1992, 245).

As such, as Julia Kristeva (2015) argues, the fragility and capability of the Ricoeurian subject can be extended to act as an urgent reminder of the “irreducible singularity” (116) of each person, rather than framing disabilities in terms of privation (124–5). These interventions therefore modify the speaking subject through an emphasis on “heterogenous embodiment” (Bunch 2017, 133).⁴⁷ As we will come to see as this dissertation unfolds, the privileging of the institution of language over the speaking subject becomes precisely a mechanism of the epistemic injustice I am investigating, rendering the possibilities of disclosing oneself in language meaningless.

iv. Narrative Poetics

The work of narrative reveals and ratifies the interplay between inside and outside that marks our very being in language: a narrative is fully realized by being received. Ricoeur (1990b) insists on the “ontological vehemence” by which language is “always already thrown beyond itself,” to claim that the representative work of the plot performs a dialectical movement from inside to outside, encompassing both the creation and the reception of a story (48). Paul Anthony Custer (2019) offers a striking analysis of this notion of “ontological vehemence” as it appears scattered through Ricoeur’s work, suggesting that it speaks here to narration as a political act, through which a subject declares themselves “among a set of one’s others [the polis]” (235). Given this political fervour, Custer argues, narration is a work of linguistic anxiety and ecstasy, revealing that “to be fully and in whole, life desires to appear, to be presented in speech and in action” (236). Custer’s insight helps us to recall the dependence of language (and thus, of the appearance of the subject) on both the other who is addressed

⁴⁷ Mary Bunch here offers an alert and critical analysis of Kristeva’s disability theory that pays deep attention to the problematic legacy of her psychoanalytic “tragic tone” (Bunch 2017, 133) for disability justice, while also remaining intrigued by the ethics of singularity and responsibility opened up by Kristeva’s “carnal hermeneutics” (Kearney and Treanor 2015).

through speech, and the “set of one’s others” that constitute the socio-cultural context through which life is “symbolized and resymbolized over and over again” (Ricoeur 1991a, 469). We can see this vehemence of language through which life desires to appear echoed in Ricoeur’s (1991a) reflection on narrative’s creative power, wherein he describes the “narrative excess (*surcroît*) of order, coherence, and unity” (465) through which meaning spills over the margins of lived experience to wait expectantly ahead of us. These notions of vehemence and excess resonate once more through Ricoeur’s account of life, as an “incipient story... a desire in search of a narrative (1986, 129). By describing life in terms of its desire for narrative, Ricoeur threads into his account of the “pre-narrative quality of human experience” (129) the creative and imaginative presence of hope: hope in ourselves, in others, and in the stories we tell (see Madison 1988; de Leeuw 2022). Narrative thus becomes the mode of intervention and invitation that turns desire into meaning, and mirroring the ontological vehemence of language itself, brings an existential tinge to hope.

The speaking subject is therefore given self-constancy through this interweaving of capability and fragility that we might characterize as hope. This brings us back to the relationship between meaning and being, or to use the expanded vocabulary of Timo Helenius (2012), between the “surplus of meaning” and “the surplus of being” (152) revealed through speech. Helenius characterizes the entwined poles of initiation and description relating language to reality in terms of “onto-existential attestation” (150), emphasizing that for Ricoeur our being is spoken, and that there is thus a poetic dimension to subjectivity. The “poetic mode” (Ricoeur 1990b, 65) is both the mode in which language reaches beyond itself, and the route through which the subject appropriates⁴⁸ and expresses themselves via the possibilities this

⁴⁸ Ricoeur (1991b) maintains that his notion of appropriation contributes to a “new theory of subjectivity” (86), clarifying that “far from saying that a subject, who already masters his own being-in-the-world, projects the a priori of his own understanding and interpolates this a priori in the text, I shall say that appropriation is the process by which the revelation of new modes of being... gives the subject new capacities for knowing himself” (97). Through appropriation,

opens up (Ricoeur 2004b, 254). Poetic discourse, through the interplay of discovery and creation Ricoeur terms “semantic innovation” (3), expands the imaginative possibilities of language, and in doing so, presents us with expansive possibilities for being. On the level of the capable subject, narrative then performs the poetic task of “remak[ing] action following the poem’s invitation” (1990b, 81), both projecting and producing meaning/being. Inserting the theme of poetic possibility into the constitution of the speaking subject, Ricoeur therefore maps the inner life of the subject onto the “poetic textures” (2004b, 291) of the world.

v. The Ethical Completion of the Subject

Through the primacy of interpretation, subjectivity is always already embedded in intersubjectivity, gesturing to the ethical completion of the subject through narrative. It is from an ethical perspective that a subject can be held responsible, reflecting, on the level of intersubjectivity, the subject capable of designating themselves as narrator of their own story. Ricoeur arrives at the ethical component of narrativity again through the notion of responsibility, as it is conferred by and rebounded on the subject in relationship with others, Noticing how responsibility as a term contains the reciprocal meanings of “counting on” and “being accountable for,” Ricoeur offers responsibility as a semantic bridge between self and others, modulating our capabilities to an ethical pitch, and thus complementing interpretation with evaluation (1992, 165). This ethical evaluation is experienced subjectively as self-esteem – which Ricoeur understands as self-interpretation on the ethical plane (179) – given affective weight through the “reflexive movement through which the evaluation of certain actions...are [*sic*] carried back to the author of these actions” (172). By emphasizing the dialogical character

interpretation “engenders a new *self*-understanding [which includes bringing the notion of a self to the pre-interpretive ego]” (97; emphasis in original).

of self-esteem, Ricoeur manifests the significance of a social bond in order for our capabilities to be actualized (see 2005a). Moreover, self-esteem shapes the subject as a responsible agent in terms of moral imputation, through which capability and accountability are rendered recognizable as moral principles. The subject capable of speech is then, on the institutional level of rules of justice, capable of being considered as a subject of ethico-juridical recognition, and defending the speaking subject becomes the responsibility of “just institutions” (1992).

The linguistic configuration of subjectivity therefore traverses the existential, the ethical, and the institutional, as the speaking/spoken subject is produced and preserved as an effort of responsibility: responsibility for one’s own speech; responsibility towards (and from) others; and the responsibility of institutions. The notion of effort intimates again that subjectivity is directed by the impulse of possibility, as Marc de Leeuw (2022) also concludes: “our ‘standing for’ the self, our ethical positions, and the testimony to our experience...signifies the possibility, in light of our fundamental fragility and fallibility, to use our capabilities” (138). This possibility of actualizing our capabilities, despite of and as the counterpoint to our vulnerability, resonates with the possibilities for language and being projected by poetic discourse. We can therefore see a relationship between meaning-making on the semantic level, and meaning-making on the subjective level: always in the process of becoming, the hermeneutical subject makes meaning out of and through the very possibility of meaningfulness.

vi. Truth and the Speaking Subject

The relationship between meaning and being out of which subjectivity is spoken also underscores the significance of trust for the truthfulness of the speaking subject, and concurrently, distinguishes truth from veracity. Under Ricoeur’s framework, the problematic of attestation is the mode through which to consider the truthfulness of the speaking subject,

distinct from the analytic preoccupation with “the truth claims appropriate to description” (Ricoeur 1992, 72). In this case, what makes a (narrative) attestation truthful is the sincerity of the speaker, so that truthfulness is produced through the commitment of the one attesting (See Vandeveld 2015). As Inês Pereira Rodrigues (2023) explains, this renders truth in some ways a performative event: performative as the result of the series of utterances through which the subject attests to the veracity of their speech; and an event inasmuch as it testifies to the historical situatedness of the subject. Since truth and the self are both implicated in the performative commitment through which the truth and the truthful subject are co-constituted, attestation is a mode of testimony (“inasmuch as it is in the speech of the one giving testimony that one believes” (Ricoeur 1992, 21)), and belief becomes rendered as trust. (Narrative) attestation is assured through this work of trust – in oneself, and of others – and through the trust which ties the speaker to their words, attestation is “fundamentally attestation of self” (1992, 22). The self-disclosive power of meaningful speech is therefore the site of hermeneutical truth, and attestation binds together the assurance of the truth of what was said with the assurance of the truthfulness of the speaker.⁴⁹

Unlike the distinction made in asylum policy between the content of an asylum claim, and the general credibility of the claimant, the truthful subject of hermeneutics emerges through the act of speaking. By recalling how speech and the speaker are co-implicated in the formation of a subject, the hermeneutical notion of truthfulness advanced by Ricoeur underscores again the existential significance attached to being capable of speech. Ricoeur provides us with an

⁴⁹ My analysis here aligns with Lauren Barthold’s (2016) evaluation of intersubjective interpretation and social identity formation, in which she maintains that under the terms of hermeneutics, we can understand “true” identities as “productive and meaningful,” and “false” identities as “oppressive” (4). This evaluation approaches true and false identities from the externalized perspective of power structures, rather than the agential perspective of the subject, but it helps to recall the relationship, insisted upon in Chapter One, between the structural level of meaning-making and the individual possibilities for meaningfulness therein.

account of subjectivity wherein the subject and their speech – and the sense of truth attached to their emergence – are mutually assured through testimony. Testimony as a vehicle of possibility has ontological as well as epistemological significance, meaning we can think of the “ontological testimony of narrativity” (Jani 2019, 17) as a poetic device. Under the terms of hermeneutical subjectivity, we cannot think of the subject apart from the story, and the notion of “false” testimony reverberates through the vulnerability of attestation which is always haunted by suspicion (Ricoeur 1992, 22). Ricoeur highlights the importance of protecting language from false testimony, since it is through our confidence in the institution of language that testimony effects mutual confidence between people in a “linguistic community” (2000a, 149). However, he reminds us that to put our confidence in testimony is to trust not just in another’s speech, but also in the institution of language itself, in which is staked both the speaker’s sincerity and the listener’s charity in the trusting impulse that “I want to believe that you mean what you say” (2005a, 131). Testimony only uncovers an event to the extent that we believe it, making the hearer dependent on the testimony of the speaker – and making our trust in another the route through which we can access the truth that testimony offers (van der Heiden 2010, 137). The “ontological testimony of narrativity” therefore destabilizes the distinction between the subject and their story at the heart of the problem of hermeneutical emptiness in asylum testimony. Rupturing the subject from speech, the asylum seeking case balances on a model of testimony wherein meaning is detached from being, and conferred in advance through the terms of ‘true speech.’

vii. Lying and Meaninglessness

This chapter has taken up Ricoeur’s hermeneutical account of subjectivity to consider the existential and ethical blow to the subject inflicted by “believ[ing] oneself unable to speak.” We should understand this inability to speak in terms of the denial of meaningful discourse,

which constitutes both responsibility (of the subject for what they say) and recognition (by the other to whom speech is addressed). Having followed Ricoeur's "linguistic recovery" of the subject through to the level of institutional recognition, and having uncovered the relationship between truth and responsibility, we might also find within this chapter's analysis the conceptual tools with which to understand lying – under institutional duress – in terms of meaninglessness. It is in response to the dialectic unfolding of the subject and social meaning that Ricoeur speaks of "an ethic of the word," and insists on our responsibility for what we say as a "fundamental moral duty" (1991a, 477). Recalling that hermeneutical truth is a performative event of trust, while the truthful subject is one who can attest and commit themselves to their speech and thus their self, a situation in which a subject might be compelled to lie represents a failure of the responsibility and recognition required for speaking meaningfully. If the subject has been evacuated from language, and is unable to tell the truth under these hermeneutical terms, this meaninglessness disavows not just the institution of language (which Ricoeur claims we are obliged to safeguard as the site which "mediates the mutual trust of speaking subjects" (1992, 268)), but the subject themselves as capable on existential and ethical levels.

What is left of language, and more specifically of "true speech," after the evacuation of the subject? Ricoeur offers us a route towards an answer, in his (1998) essay "Violence and Language," which begins with an acknowledgement that "it is for a being who speaks, who in speaking pursues meaning...that violence is or becomes a problem" (33). Violence under these terms refers to that which has discourse (which we can understand as meaningful speech) as its opposite: we can locate the meaning of violence, Ricoeur explains, in a dialectic with language. Noticing that violence, too, can speak, he suggests that it is the "*desire for meaning*" (34; emphasis mine) – or perhaps better, the desire to let meaning appear – that extends a nonviolent passage for language. To counteract the relationship between violence and language

requires understanding this very relationship, which comprises also understanding and affirming the subject who speaks: “only a work of thought in which the thinker understands himself in a meaningful history,” he maintains, “can comprehend both discourse and its opposite” (39). Recognizing and respecting the speaking subject therefore holds the possibility of the violence of language at bay, to the extent that meaning-making is governed ultimately by the “morality of responsibility” (40).

This dialectic also points to the role of truth and falsity in making violence speak. In this essay, it is the imposition of “fraudulen[t] coheren[ce]” (33) on speech that makes language the voice of violence. Just as any attempt to present truth as some sort of singular unity is immediately marked with violence, the way in which falsity renders language violent is through the attempt to dominate and possess coherent discourse. Violence speaks, then, through the falsehood of singular truth, which presents itself on the political level as tyranny (see 1998, 35). We can contrast this with the notions of existential and ethical truth that are referenced briefly in Ricoeur’s (1965) meditation on “Truth and Falsehood,” wherein existential truth refers to “the perceptual consciousness of our being-in-the-world,” and ethical truth to “the ethical consciousness of our responsibility” (171). Truth on these levels is therefore tied performatively to the existential and ethical dimensions of the speaking subject, comprising both responsibility to our being in language, and responsibility for what we say – and therefore to truthfulness. Rodrigues (2023) considers the notion of the *lie* in relation to the subject of narrative, to argue similarly that the concept of truth under Ricoeur’s structure “calls for an ethics” (146) – and that to force a closed interpretation of a truth onto someone is to enact ethical violence. In relation to truth and violence, the ethical is therefore rendered through the existential, just as the existential is completed through the ethical. This provides the framework through which we can understand why the risk to the truthfulness of attestation is not posed through being-false, but through suspicion.

However, Ricoeur is clear that these asymmetries – violence and language; attestation and suspicion – cannot be understood straightforwardly as opposites. Suspicion, he maintains, “is also the path *toward* and the crossing *within* attestation” (1992, 302): the mode of truthfulness that is attestation arises through the uneasy questioning of suspicion, mirroring the “doubting obedience” that protects ethical truthfulness from mindless obligation (1965, 173). In the same vein, violence and language are not simply contrary to each other, since violence, too, can speak. To live in the “intermediate situation” (1998, 39) between violence and language is continuously to call attention to and confront the paradoxical co-emergence of violent expression and rational meaning through speech. This resonates with Ricoeur’s (1965) analysis of the problem of political violence, in which he locates the “political paradox” that political violence is the violence specific to the very rationality of the polity, so that political power is both the vehicle for freedom, and that which is prone to violence. Ricoeur’s suggestion for life within and through this paradox is to protect the abstracted ideal of certain institutional forms, even if this ideal is only a (necessary) projection, in order to enact a balance between power and its abuse. There seems to be a parallel here with the institution of language, since it is by safeguarding this institution that we can trust in meaningful speech, even as we recall the possible violence of the word. Under these terms, wherein the existential, ethical, and institutional configurations of the speaking subject emerge in a dialectical (and paradoxical) relationship with the expression of violence, the inability to speak meaningfully violently evacuates the subject from language.⁵⁰

⁵⁰ As Ricoeur maintains in “Violence and Language,” “...an understanding which does not also comprehend its subject – in the double acceptation of the term, neither surrounding or penetrating it with meaning – is a dead intelligence, a separated intelligence. Regardless of appearances, it provides no resistance to an anarchic and violent affirmation of the subject, precisely because the subject is evacuated from its field of investigation. It is not surprising that the most senseless cult of personality flourishes precisely where the most fanatical negations of the subject are uttered. Every merely instrumental intelligence, because it does not understand its own carrier, is the accomplice of violence, of the senseless affirmation of particularity” (1965, 39).

That the subject is evacuated from language means that meaninglessness is also a failure on the level of recognition, reminding us that to receive someone's speech as meaningful involves recognizing (in its various semantic iterations) the speaking subject themselves. Since Ricoeur draws together self-recognition and being-recognized on the interpersonal and institutional levels, this failure of recognition rebounds upon the existential and ethico-political unfolding of the subject.⁵¹ This resonates with Judith Butler's (2009) study of the difficulties of giving an account of oneself under the conditioning of the norms that "establish the viability of the subject" (9), which also recalls the precarity of our being subject to linguistic and institutional norms. Butler directs us to the notion that since the self is constituted through and in language, questioning the assumed norms of this institution puts the self "at risk" (23). Leaning on the performativity of truth in the more Foucauldian sense of truth regimes, they point out that in questioning one's ability to tell the truth about oneself, one also has to question "the regime through which being, and my own ontological status, is allocated" (23). As such, this self-questioning risks rendering the subject unrecognizable by others. Put otherwise, if meaningful speech is impossible, language as an institution is emptied of its disclosive capacity, at the same time as it is only in language that the event of meaning/being takes place. There thus seems to be no way to preserve the agency of the subject in meaningless speech, and to question this meaninglessness is to question oneself.

This returns us to Ricoeur's caution, issued at the beginning of this chapter, that "to believe oneself unable to speak is already to be...excommunicated so to speak." As Pamela Anderson's work on Ricoeur and vulnerability has emphasized, "decisive damage" (Anderson

⁵¹ Timo Helenius (2016) actually suggests that we should understand recognition (*reconnaissance*) quite literally as "re-con-*naissance*", that is, as "having-been-born-again-and-again-as-an-ethico-political-subject. The hermeneutic task of achieving a self in interpretative appropriation is facilitated only by cultural -*naissance* over and above one's natural birth. It is only in such unceasing cultural dwelling that self-recognition is possible for a human being." (620).

2014, 46) can be wrought through the loss of confidence in one's speech. Moreover, confidence in our own capabilities also requires that others have confidence in us, meaning by contrast that one's incapacity is "redoubled by a fundamental doubt concerning one's ability to speak, and even tripled by a lack of approbation, sanction, confidence, and aid accorded by others to speak for oneself" (Ricoeur 2007, 77). From this and the above analysis, we can see how the paradox of recognition at work in the asylum claiming process – wherein the terms of knowledge and truthfulness are set in advance and outside of the claimant and their claim – is an injury at the level of a subject's belief in their own capacity to speak, making it therefore an issue of self-disclosure in the expansive political sense.

viii. Subjectivation

We are therefore faced with the hermeneutical problem of how the subject emerges self-disclosively, under the meaningless terms of language and recognition at work in this regime. We can find in Ricoeur's rendering of subjectivity a resonance with the Foucauldian notion of subjectivation – the practices and processes through which the subject is constituted as subject – which suggests that we might interrogate this problem on the level of truth. Ricoeur (2005a) excavates the semantic resonance between the notion of recognition (*reconnaissance*), and avowal or confession,⁵² finding in the lexical range of meanings for recognition a sense, more obvious in French, of indebtedness. Since recognition also means accepting something to be true, this notion of indebtedness is concealed in the truthfulness of the subject. Ricoeur

⁵² In *Parcours de la reconnaissance* (2004a), Ricoeur uses both *l'aveu* and *la confession*, highlighting that the latter has a more focused "liturgical sense" (*sens liturgique*). However, I am intrigued by Simon Castonguay's (2014) suggestion that the liturgical sense of confession plays a significant role in Ricoeur's conceiving of the hermeneutical subject. Indeed, investigating the phenomenology of confession in *The Symbolism of Evil*, Ricoeur notes that confession is both an utterance and a re-enactment, through which "man remains speech" (1967, 7). The affective force of confessing guilt expresses the consciousness of fault on the level of language, so that it is through the emotional experience that the subject is brought to discourse.

excavates the unstated work of “admission” (14) within the idea of acceptance: when we take something to be true, the presumed truth is accepted inasmuch as it is admitted; to admit the truth of something is also to confess it. To take something for true, then, contains the idea of a debt: what is taken to be true is indebted to the avowal of truthfulness. Transferring this to the level of recognizing a subject as capable of speech, to receive someone as credible is also an act of admission. Recognition as avowal is therefore the reflexive counterpoint of attestation. This is an important addition to a hermeneutical concept of subjectivity, since it ties together attestation and recognition under confessional terms, wherein certainty (of attestation) and credibility (as recognized) “bear witness through gratitude” (12) to the desiring and capable subject expressed through the “I believe that I can” (see 91). In fact, Simon Castonguay (2014) argues that for Ricoeur, as for Foucault, the phenomenon of confession is the route into hermeneutics itself, since the subject emerges insofar as a (self-) recognition of responsibility is brought to language (*portée au langage*). He therefore maintains that in both Ricoeur and Foucault’s accounts, we can understand confession in terms of a process of subjectivation (*processus de subjectivation*) (335). The following chapter will take up this notion of confession as a process of constituting the subject, via Foucault’s hermeneutics of the self, and will therefore consider this epistemic meaningfulness through the grammar of spirituality.

Chapter Four: Technologies of Truthfulness – Confession and Abandonment

The preceding discussion, by problematizing the notion of credibility that renders the asylum claiming process epistemically meaningless, impels an interrogation both of the function of truthfulness in this process, and of the relationship between the subject and truth that it manifests. This chapter attempts this interrogation, by introducing the notion of confession as a technology through which the subject is constituted and bound to itself and others. Michel Foucault (2005) has characterized the relationship between the subject and truth in terms of spirituality, leading some immigration scholars to read the asylum claiming process as enacting spiritual techniques upon the asylum claimant as subject. Building upon Foucault's (1980; 1988; 1990a; 1990b; 2014a; 2014b; 2016; 2021) contention that confession has become the modern form of truth production, these approaches have described the process as a confessional regime, wherein the asylum claimant is required to "[exchange] truth for recognition" (Beard and Nöll 2009, 471). My concern in this dissertation with credibility impels a critique and extension of a confessional reading of the asylum claiming process, to emphasize how the particular power structures marking the regime of truth in operation at the border both *demand and exclude* the claimant as a truthful subject, actually rendering confession an impossibility. This chapter will suggest that as a result, the asylum claiming process is better understood not as a spiritual practice, but as a mode of spiritual abandonment.

I will scaffold this argument in the following way. Using as my foundation the epistemically unjust dilemma identified in Chapter Two, wherein asylum claimants are tasked with proving they are not lying, while lying to a decision maker may render a claimant more credible, I will consider confessional readings of the asylum claiming process to interrogate this dilemma in terms of spirituality. I will consider Foucault's emphasis that the process of subjectivation is bound to regimes of truth propped up and perpetuated by systems of power, meaning that truth is constructed by and saturated with power relations, with confession

providing the modern hermeneutical method through which the subject joins themselves to truth. This sits in marked contrast to the Ricoeurian insistence on capability and responsibility, and indeed, as I indicated in the previous chapter, some scholars also map spirituality and subjectivation onto Ricoeur's treatment of the self. Johann Michel (2015) actually reads Ricoeur's take on subjectivity alongside Foucault's, to argue that we also see in Ricoeur a relationship between accessing the truth and transforming the self that we might understand in terms of a "Ricoeurian spirituality" (107).⁵³ Since this Ricoeurian spirituality that we have excavated demands a subject who is responsible for what they say, it diverges from Foucault's account by distinguishing between truth and truthfulness (veracity), and insisting on the meaningfulness of truthful speech. This spiritual tension between Ricoeur and Foucault emphasizes the ways in which truthfulness as an ethical and existential mode diverges from truth as a regime. I will extend Foucault's conceptualization of subjectivation alongside Giorgio Agamben, to read abandonment into the relationship between the subject and truth in this context, and to emphasize the meaninglessness of truthful speech as a result. Combining Foucault and Agamben's reading of power and truth with Ricoeur's sense of the subject and truthfulness, I will explain why the asylum claiming process, by requiring that a claimant prove they are not lying, abandons the speaking subject to the truth regime of the state and renders the asylum claimant incapable of confessing.

i. Recalling the Epistemically Unjust Dilemma

It is clear that in the asylum claiming context, the truth matters: not only does the experiential and embodied reality of a person's persecution matter, but as I noted in the first

⁵³ He goes on to explain, "It is through hermeneutics that Ricoeurian spirituality can be fully realized: the subject gains mastery and lucidity, through this continual exegesis of the self and this endless apprenticeship of the signs of human existence" (107). The transformation of the self in this Ricoeurian format, Michel suggests, is just this becoming that structures the "eternally promised" (108) motion towards the hermeneutical subject.

pages of this dissertation, being accused of lying about this persecution can evoke a trauma that feels “a little like death” (42). However, there seems to be a chasm between the truth that matters, and the assumptions, investments, and implications undergirding the truthful subject demanded by the asylum regime and embodied through the granting of refugee status. In fact, I will contend in this chapter that the asylum regime is not concerned with the truth, so much as it is fixated on the truthfulness of the claimant. Moreover, the particularities of the asylum claiming process, as a mode of self-disclosure circumscribed by institutional requirements for and markers of truthfulness, constrain the possibilities available to the claimant as a truthful subject. The claimant is therefore both assessed for, and precluded by, their truthfulness, regardless of the truth of their need for support. As Marie Lacroix (2004) has detailed, the asylum claimant as subject is marked by the tension made explicit at the border between considering themselves to be a refugee, and the demand to demonstrate this in order to obtain refugee status. As such, the asylum claiming process becomes a “point of rupture” that initiates a “new subjectivity” (156).⁵⁴ The asylum claimant – as subject – is subject both to broader discursive practices constituting truthfulness as deservingness, and to the imperative of credibility and plausibility (assessed “on the basis of [a claim’s] apparent...truthfulness” (Home Office 2015, 17)) upon which the success of their claim hinges. What is significant about this process, as this chapter will consider, is how this very insistence upon truthfulness distorts the possibilities for a claimant to be truthful – and the absurdity borne by the claimant

⁵⁴ Phillips and Hardy (1997) make this strikingly clear in their analysis of the discursive practices constituting the figure of the ‘refugee.’ As they argue, “when concepts are brought into play to make sense of social relations, the discourse constitutes an object. The concept of a refugee exists in our minds, but the refugee who appears before an immigration office is an object, made sensible, given meaning by the concept refugee...changing the concept fundamentally changes the way the object is socially accomplished” (168).

as a result. For this reason, the relationship between the subject and truth⁵⁵ is a vital site of ethical and political interrogation. How do we understand the tension between the demand with which the asylum claimant is confronted to prove they are not lying, and the epistemically unjust structure precluding their truthfulness? What operations of power shape the relationship between credibility and truthfulness, such that certain claimants – already marked as possible liars – can only be received as truthful by lying?

ii. Subjectivation and Spirituality

The level at which this concerns me here is the level of subjectivity, wrought through the self-disclosive practice of the asylum claim. Foucault's rendering of the notion of *subjectivation*⁵⁶ provides an entry into this interrogation, by explicitly entwining these interrelated concerns. Subjectivation refers to the practices through which the subject comes to know, to experience, and to interpret themselves, and thus to be constituted as subject (Foucault 1990a, 240; 253). This term captures the entanglement of the dual meaning of the term 'subject' as both subject to another, and subject of self-knowledge, which also reflects the dual operation of power as that which subjugates, and that to which we are subject: we are, in other words, subjects of and subject to power. This can be further mapped onto the entanglement between power and truth, the production of truth being "thoroughly imbued with relations of power" (1990b, 60).

The meaning and function of truth under the Foucauldian schema is a significant piece of this relationship. Since truth is, for Foucault, a product of power, we are both subject in a relation of power, and held as subject in, by, and through a regime of truth (by which he means

⁵⁵ Here I am partly taking my cue from Foucault's lectures at the Collège de France, 1979-1980, in which he maintains that he "would now like to develop the notion of knowledge in the direction of the problem of truth... [to conceive] the possible relation between exercise of power and manifestation of truth" (Foucault 2014b, 13).

⁵⁶ This is sometimes translated in English as "subjectivization." See, for instance, Foucault (1982), c.f. the 1990a translation.

the discourses, mechanisms, and means by which a particular society codes, distinguishes, and accords value to that which it makes function as truth) (2014b, 93). The concept of truth regimes becomes tied more explicitly to the question of subjectivity when Foucault turns his attention to the mobilization of truth by governmentality (Lorenzini 2015). Here, a truth regime is not just held in relation with power, but is a way of “binding the individual to the manifestation of truth” (Foucault 2014b, 99). The notion of subjectivation thus points us towards the relationship between self-knowledge, power, and truth underscoring the possibilities for becoming subject. It therefore provides a critical complement to the hermeneutical rendering of subjectivity that I have been fleshing out in this dissertation, by emphasizing the significance of power in the constitution and communication of the speaking subject.⁵⁷ In his primarily historical approach to the question of the subject and truth, Foucault illustrates subjectivation in spiritual terms. His contention is that the constitution of the modern Western subject contains underlying strategies inherited from religious power relations; he scaffolds this claim by proposing a link between subjectivation, and what he refers to as spirituality. Foucault characterizes spirituality as “that through which the subject carries out the necessary transformations on himself in order to have access to the truth” (Foucault 2005, 15), emphasizing the techniques of subjectivation that constitute the resonance of the spiritual. With this transformation of the notion of spirituality, he thus attempts to highlight how religious practices enact and preserve particular relations of power and accompanying forms of truth production, the effects of which resonate through the ways in which we are constituted as subjects. In fact, he understood spirituality as distinct and distinguishable from religious systems themselves, focusing instead on the displacement, transformation, and disruption of the subject through practices that have been codified by religious techniques (Foucault 2020,

⁵⁷ In fact, Chapter Six will probe the extent to which Ricoeur is able to shield the speaking subject from the external workings of power.

124). By insisting on the relations of power enacted through and instilled by religious ideas and practice, he displaces the ‘religious’ onto the politics of the subject. Foucault’s implication of the spiritual in his treatment of subjectivation, therefore, is directed towards the spiritual technologies of the self⁵⁸ he saw embedded in certain religious relations of power, and how they might be traced into the modern, Western, secular subject.

iii. Confessing the Subject

Foucault’s treatment of modern subjectivity excavates a hermeneutics of the self that is built upon confession (*confession/ aveu*)⁵⁹ as a form of truth production, inherited from early

⁵⁸ For an expansion on the notion of “technologies of the self,” see Foucault (1988, 18): “As a context, we must understand that there are four major types of these [techniques that human beings use to understand themselves], each a matrix of practical reason: (1) technologies of production, which permit us to produce, transform, or manipulate things; (2) technologies of sign systems, which permit us to use signs, meanings, symbols, or signification; (3) technologies of power, which determine the conduct of individuals and submit them to certain ends or domination, an objectivizing of the subject; (4) technologies of the self, which permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality.”

⁵⁹ Foucault uses both the term *aveu*, and the more specific term *confession*, to refer to the various practices constituting this hermeneutics of the self. Foucault (1976), for instance, employs the former to describe “la double série constituée par l’aveu obligatoire, exhaustif et périodique imposé à tous les fidèles par le Concile de Latran” (153). Sawyer, Brion and Harcourt choose to translate *aveu* as “avowal,” while only rendering *confession* as “confession,” to make clear the distinct juridical and religious connotations their different contextual uses (see Foucault 2014a, 1-2). However, most English renditions translate *aveu* as “confession.” In Foucault’s lectures on the topic in English he seems to choose the term “confession” to apply more generally to verbal practices affirming the truth of oneself (see Foucault 2016). The two French terms are generally taken to be, as Andrea Teti (2020) puts it, “semantically and analytically interchangeable in Foucault’s work” (215) – although Teti himself insists that we can excavate a more precise distinction between the two, to reveal a specific characterisation of “sacramental confession” (216). In fact, Nancy Luxon (2020) suggests that the very ambiguity of *aveu* as “confession” or “avowal” is actually theoretically significant, since it points to Foucault’s intention with his excavation of these practices: “no less than to investigate how the spiritual subject of veridiction became connected to the juridical subject of law” (193). In this chapter, I will be following the general understanding of these two terms as interchangeable in Foucault’s account of confession, at least as it pertains to the broader economy of confessional practices in which he is interested.

Christian techniques of the self. Foucault's Christianity is a confessional faith, wherein "each person has the duty...to try to know what is happening inside him," meaning that "the truth obligations of faith and the self are linked together" (Foucault 1988, 40). Confession is therefore a mark of truth – both the truth of faith (God), and the truth of the self (as both sinful and repentant) – through which the (Christian) self emerges through being disclosed. His interest in confession begins with his assertion that these techniques installed an integral relationship between "the self and its coming to be in knowledge and power" (Tran 2011, 88), so that accomplishing the self entails accessing the truth of the self. This confessional truth regime is built upon two practices in medieval Christianity which he sees undergirding later confessional speech practices:⁶⁰ penitential discipline established in the second century, and monastic asceticism in the third. As technologies of truth, these two practices were significant for Foucault in tying truth-telling to the constitution and redemption of the subject, before the establishment of penance as sacrament and the practice of auricular confession in the Roman Catholic Church. The ancient practice of penance as *exomologēsis*, the public demonstration and manifestation of the self as a sinner, gives way to the later development of the procedure of *exagoreusis* instituted through monastic disciplinary techniques, which demanded "constant examination of oneself and perpetual confession" (2021, 90).

Out of these truth technologies from the second century onwards, reaching their apex in the practice of auricular confession, Foucault sees a specifically Christian hermeneutics of the self develop in which the manifestation of truth and the discovery of the self became co-

⁶⁰Foucault has been accused of collapsing a variety of themes under the heading of "confession." He actually recognizes that he might have been too broad with his use of the term, even though he maintains that he uses it in a deliberately dissolvable way. See Foucault (1980, 215): "What I mean by 'confession,' even though I can well see that the term may be a little annoying, is all those procedures by which the subject is incited to produce a discourse of truth [in this case,] about his sexuality which is capable of having effects on the subject himself."

implicated in the formation of subjectivity, so that the self became itself an object of interpretation. He links together truth and contrition by insisting that the truth of the self to be manifested is both the truth of one's sin, and the truth of one's repentance, which together suggest that "manifestation of what is true is a necessary condition for what is true to be erased" (75). Confession, as the externalization of these truths through verbalization to another, becomes a tool for "putting oneself into discourse" (2014b, 307). Under this hermeneutics, the subject is thus achieved through confession, so that confession is "constitutive of the subject" (Tambling 1990, 2). Moreover, this discovery and revelation of the self in the act of confession is bound to self-renunciation – to a certain "sacrifice of self" (Foucault 2016, 73) – which opens the self to the possibility of rebirth through repentance (Tran 2011, 88). The significance of confession in this context for Foucault is that "there is no remission, no saving access to the light, without an act in which [one] affirms the truth...telling-the-truth-about-oneself is essential in this game of purification and salvation" (Foucault 2021, 53). With salvation through forgiveness as the object, confession as a hermeneutic technology thus both impels the subject to manifest the truth of themselves as repentant sinner through speech, and opens them up to transformation – "from sinfulness to grace" (53) – in relation to this truth.

Foucault traces to the Fourth Lateran Council's establishment of obligatory confession in 1215, roughly coinciding with the emergence of the principle of penance as sacrament, that confession took on the form of "juridification by sacramentalization" (2014a, 187). Concerned as he is with theorizing confession as a particular relationship between subject and truth, he asserts that it is through the confessional truth act, the act of telling the truth about oneself, that salvation can be accomplished – and this truth act becomes both juridical and verbal. Through the imperative of the verbal act of confession, self-knowledge and self-disclosure become founding and organizing acts of subjectivation.

It has been widely established that Foucault's genealogy of confession is historically, theologically, and theoretically erratic, overlooking and oversimplifying the historical evolution of the sacramental practice, and the theological complexities contained within it – not to mention its selective and essentialized account of what he refers to broadly as Christianity.⁶¹ However, these critiques have recognized the potential of persevering with the techniques of the self established through, and resonating beyond, his patchy archeology. In fact, Jeremy Carrette (1990) suggests that we should understand that Foucault was not preoccupied with the sacrament of confession itself, but with the truth technologies wrought through discursive practices he labelled confessional, by which truth is produced and manifested in the subject. Moshe Sluhovsky (2017) similarly recognizes that the assumptions Foucault forged from his genealogy have become influential in discussions of confessional discourses across “Catholic Western culture” (117). Foucault's concern with elaborating these early truth technologies is, in fact, in order to give shape to the history of the relationship between truth and “Western subjectivity” (Foucault 2014b, 211). The significant and relevant aspect of Foucault's treatment of confession for this chapter, therefore, concerns his contention that once this hermeneutics of the self became detached from its Christian historical and sacramental context, the compulsion to confess was installed in modern and secular operations of state power.

Via governmental mechanisms of knowledge, surveillance, and power after the Reformation and the following increasing authority of the state, the need to produce the truth about the subject became, for Foucault, a means of biopolitical organization and control of the population that spread beyond the institutions and discourses of Christian spirituality, instead coded and articulated as a disciplinary method through political and juridical regimes (2014b,

⁶¹ See Foucault (1980, 194-229); Carrette (1990); Tambling (1990); Bevis, Cohen and Kendall (1993); Elden (2005); Sluhovsky (2017); Clements (2021).

101). Throughout the eighteenth and nineteenth centuries, forms of confession developed in secular discourses concerning politics, economics, science, and law, in which the private lives and thoughts of individual subjects became matters of “public concern” (Foucault 1990, 23; see also Taylor 2009, 67-69). The obligation to speak the truth about oneself as subject, while manifesting oneself as object of that truth – the truth-act as confession – thus came to structure the hermeneutics of the modern subject, founded in the relationship between subjectivity, truth, and self-disclosure. Once these truth practices were expanded beyond the particular procedures of Christian subjectivation, however, Foucault notices a significant mutation. While confessional truth regimes in the context of Christian salvation manifest a certain renouncing of self, the appropriation of these techniques by modern state apparatuses was aimed towards the constitution of a positive “new self” (Foucault 1988, 49). In the search for a positive foundation for the modern self, secular confessional techniques (developed through mechanisms concerned with the population as an object of control, such as politics, economics, law, education, and scientific enquiry) have therefore become an institutionalized form of discipline on the level of self-knowledge and truth. Spirituality in this context, then, as “the set of these researches, practices, and experiences...which are...the price to be paid for access to the truth” (Foucault 2005, 15), functions, suspended, as a “form of discursive power” (Carrette 1990, 141). In other words, by telling the truth of our selves within political and institutional relations of power, we produce these truths and construct these selves as products of power.

An important extension at this stage to the concept of truth production comes from Lorna Weir (2008), who reminds us in her theorization of truth regimes that Foucault’s conceptualization neglects the multiplicity and complexity of power relations underpinning contemporary truth practices. This is a useful correction, because it draws our attention to the borders and overlaps of truth regimes, and to the particular historical workings of power that shape and organize these intersections. It is at these borders that epistemic meaninglessness

takes its most absurd and pernicious shape. As we turn our attention to the asylum claiming process as an instrument of truth production, the question of borders will become especially salient.

iv. Truth Regimes and Truthfulness

The asylum claiming process is a mechanism that demands, ostensibly, that the subject tell the truth. On top of this, it posits truthfulness as a requirement for access into the political regime of the nation state – or, to put it another way, for access to a recognized political subjectivity. As such, it has been characterized by some immigration scholars (Nöll 2005; Beard and Nöll 2009; Conlon 2013) as a modern governmental form of confessional technology. However, the epistemically unjust dilemma we have identified, through which an applicant must prove they are not lying, while being compelled to lie in order to be received as truthful, exposes how for the person claiming asylum, confession is an impossibility. In fact, reading Foucault's confessional framework alongside Ricoeur helps to explicate this, by emphasizing truthfulness – as meaningfulness – as an existential apparatus. Foucault's emphasis on truth techniques, along with Ricoeur's insistence on the subject who is responsible for what they say, reveals the gap between the truth regime(s) in operation at the border, and the truthfulness of the claimant.

Foucault's hermeneutics of the self sharpens the notion of the speaking subject through a rigorous attention to discursive power. However, it is precisely by recalling the relationship between power and truth that we can see the existential and ethical significance, brought to the light by Ricoeur, of truthfulness. As the previous chapter described, Ricoeur reads the relationship between truth and the subject in terms of trust, so that the "order of an avowal" culminates in the act of trust that completes a declaration as a "shared confession" (Ricoeur 1992, 72). It is at the level of veracity, or truthfulness, that Ricoeur's subject emerges through

self-attestation. What we retain in Ricoeur's hermeneutics of the subject, which is absent in the Foucauldian rendering, is his insistence on responsibility. This notion of responsibility (to be responsible for what one says) preserves the capability of the subject in language, through the intertwined desire of the subject to be believed, and the desire of the listener to believe in what is said. Simon Castonguay (2014) offers a similar conclusion, suggesting that Ricoeur presents confession as constitutive of a subject who is *aware of confessing* (*conscient d'avouer*), and who therefore attests to themselves as responsible and recognizable through their avowal (349). In this way, Ricoeur makes meaningful speech, understood in terms of truthfulness rather than truth, a marker of the responsibility that binds us together under and within language. On top of this, as the previous chapter discussed at length, he places the notion of capability at the heart of the subject who emerges amongst others. It is from this Ricoeurian backdrop that we can follow how epistemic meaninglessness, by distorting the possibilities for meaningful speech, makes confessing impossible.

Following Foucault on truth, it appears, in fact, that when an asylum claimant is enjoined to tell the truth, they are actually being instructed to submit to a truth regime in which they are already and always assumed to be a potential liar. In other words, it is not the truth they tell that is being assessed, but their very truthfulness – while, at the same time, the claimant as a truthful subject is excluded. Foucault (1977) reminds us that he is concerned with problematizing “the ensemble of rules according to which true and false are separated and specific effects of power attached to the true” (13). In the asylum claiming case, the truth regime performing this sorting function consists in the ensemble of rules determining the notion of the ‘genuine’ and the ‘bogus’ refugee. The person claiming asylum, then, is required to prove their truthfulness within the regime of the truth to which power has been attached. This regime of truth, moreover, has already constructed the asylum claimant as a possible – or even a probable – liar, which becomes the decisive point they must disprove. The dilemma I

have been considering emerges when being truthful would dislocate the organization of this regime of truth, revealing its borders; its outside and its inside. I would therefore argue that while the asylum claiming process is structured in a way that seems to replicate confessional techniques, the asylum claimant is in fact excluded from confession and incapable of confessing. This is because despite having to participate ostensibly as a *truthful subject*, they are already constituted as an *object of a truth regime* of which their truthfulness is outside. As I demonstrate throughout the rest of this chapter, the impossibility of confession emerges from the claimant's being included in this truth regime through their very exclusion. This formulation also resonates with Pohlhaus' notion of the epistemic semi-subject to which I signalled in Chapter Two, who is conceived of as a subject of knowledge to the extent that this can epistemically be exploited. We might therefore think of the relationship of inclusive exclusion between the claimant and the truth regime of the state that I build up in this chapter as a rendering of epistemic meaninglessness on the level of spirituality.

v. The Truth of the Nation State

I have suggested that with the injunction to tell the truth, an asylum claimant is actually required to submit to a truth regime of which they are already and always outside. With this claim, I mean to capture the truth regime constructed around the "organising principle" (Gill 2009, 220) of the state, and upheld and performed by its intermediaries. This truth regime is linked, as Foucault (2014b) reminds us, to "the exercise of government" (17). The pertinent aspects of this regime for the asylum claiming process are those which scaffold the requirements for legitimacy, and organize which claimants are coded as truthful and untruthful. This regime is rendered through institutional standards regarding what constitutes reliable evidence and who constitutes a reliable source of knowledge, along with the priority assigned to "professional knowledge" (Jubany 2011, 81) over the narratives of asylum-seeking people.

This slippage in my description from truth to knowledge is deliberate: as Cynthia Hardy (2003) has articulated, while decision-makers might understand their role as discovering the truth, no procedure or analysis can completely and unequivocally uncover the truth of a claimant's experience, knowledge, and fear of persecution. As such, the process of determining refugee status does not turn around truth and falsehood as determinations to be rationally discovered, but rather around techniques of deciphering truthfulness stemming from arbitrary knowledge. The knowledge practices of decision-makers, bolstered by a methodology that gives precedence to data from government-assigned research units, creates what van der Kist and Rosset (2020) have termed "information asymmetries" (665) that displace the knowledge offered by the claimant in determining truthfulness and lies.

The information asymmetry is further marked by the presumptions of the geopolitical order, and thus reflects a larger set of national priorities and investments. The significance of the (post)colonial order marks the epistemic hierarchy attributed to sources of information, rendering the discursive process of claiming asylum, as Sherene Razack (2001) describes it, a "profoundly racialized event" that "entrenches notions of Western superiority and Third World inferiority" (90). As a result, particular sources of information become "the only 'truth' and anything at odds with them...is disbelieved" (Independent Asylum Commission 2008, 18, quoted in Souter 2011, 55)," while people seeking asylum become perceived as unfit to tell the truth (Lorenzini and Tazzioli 2018). This truth regime is also reflective of the tensions within international refugee law explored in Chapter One, which by preserving the doctrine of state sovereignty works to pit individual asylum claimants against states. Crépeau (1995) has argued that the right to asylum as laid out in Article 14 of the Universal Declaration of Human Rights is built upon a fault line between the right of a person to seek asylum, and the right of a state to accord protection to those who ask. This fault line is reflected in the right of the state to decide on asylum claims, extricating the decision-making process from any specifically human

rights framework, and organizing it instead under the framework of state policy concerns (183-187). This legal backdrop undergirds and bolsters the state as an organizing principle around which a regime of truth is constructed and maintained.

vi. Confession in the Asylum Claiming Process

Characterizations of the asylum claiming process as a secular confession instrument emphasize the confrontation between the truth regime of the nation state, and the claimant as a subject of this truth. Such confessional readings of the asylum regime have exposed the ways in which a claimant's truthfulness is put on trial through this process, and have insisted that institutionally recognized truths constitute a regime to which asylum applicants have to submit. Gregor Nöll's (2005) analysis of the asylum regime as replicating elements of the institution of confession paints the asylum claimant specifically as a confessional subject. The 'sin' to which the asylum claimant is made to confess and for which they must be absolved is, in Nöll's formulation, the sin of transgressing the sovereign system of nation states; of marking and inhabiting a space outside of state sovereignty. Given that the refugee status determination process turns upon admission into state membership, it is invested in ensuring the integrity of sovereignty of the state. Through the act of sovereign recognition, Nöll argues, the nation state enacts and reconfirms its sacredness, making the conferring of refugee status a moment of salvation, which reconciles the asylum claimant with the nation state system. This salvation is conditional, he reminds us, on the claimant providing any and all information that might be deemed relevant to their application— not just in terms of information detailing their risk of persecution, but regarding the co-implicated question of their identity as a claimant. This is reflected in the Home Office's interpretation of the Refugee Convention in their policy instructions, which are explicit both that Convention reasons describe characteristics that are fundamental to identity, and that claims made under a false identity are "materially fraudulent"

(2023a, 48). Reading this through Nöll's analogy exposes the extent to which the state insists both on the truth of the claimant's faith in the nation state, and on the truth of the claimant as a subject acknowledging their sin, as a precondition for recognition and reconciliation.

Nöll's analogical depiction of the asylum claiming process as a confessional one reveals something important and under-theorized about the practice of refugee status determination, by highlighting both the overwhelming burden placed on the claimant's identity and truthfulness in order to be deserving (in Nöll's terms, the process re-casts the asylum seeking person from the "victim of human rights violations" to the "sinner" (197)), and the functional sacredness of the state as an organizing and legitimizing institution. Indeed, his characterization of the claimant as reflective of a penitent required to confess all serious sins does resonate with the lines woven between truth, identity, and transgression in the New Plan for Immigration policy statement introduced by the Home Office in March 2021, which laid out the initial proposal wherein "for the first time, whether you enter the UK legally or illegally will have an impact on how your asylum claim progresses, and on your status in the UK if that claim is successful" (Home Office 2022b, Chapter Four). According to the terms of the New Plan, a claimant's legitimacy depends in the first place on their having adhered to a set of laws external to the legal process of refugee status determination, imposing legality as a shaper of a person's identity as claimant.

Where Nöll's analogy comes up short, however, is precisely that which makes this process so troubling as an instrument of truth production: that under the truth regime of the nation-state, the claimant cannot confess. The distortion, both of the possibilities of truthfulness under this regime, and of the (spiritual) possibilities of becoming-subject as a result, render the experience of asylum claiming both particularly unjust, and particularly absurd. This is brought into sharp focus by Daniele Lorenzini and Martina Tazzioli's (2018) (post)colonial critique of Foucault's approach to confession and the Western subject, which emphasizes the

impossibilities of confessing for the colonized. As they point out via Fanon's examination of colonial truth, the colonized are excluded from the practice of confession because under the gaze of the colonizer, "the colonized never tells the truth" (80). Under the regime of truth structuring (post)colonial space, the practice of confession as a form of subjectivation by the (post)colonized is therefore, as they put it, "meaningless" (81). Tazzioli brings this insight to bear more specifically on the question of truth in the asylum regime, suggesting that what is in operation in the governmental mechanism of refugee status determination is a "politics of (non)truth" (Tazzioli 2015, 107), wherein people seeking asylum enact a confession without truth – or as she puts it, a confession that speaks not to the truth of the self, but to an external and already-there reality that must be embraced. In Tazzioli's rendering, the asylum seeker is conceived as an "untruthful subject" (Tazzioli 2020, 59), incapable of the truth and assessed not for their truthfulness but for their consistency with a set of pre-established criteria. My argument moves away from Tazzioli's in suggesting, instead, that it is the very focus on the claimant's truthfulness that makes the confessional process impossible. Credibility discourse, along with the politicized and institutionalized suspicion of the 'bogus' refugee, combine to make the claimant's task to prove that they are not a liar. Rather than being conceived as incapable of the truth, therefore, the person claiming asylum is assessed in terms of their very truthfulness, while simultaneously prevented from being truthful. It is at this point of tension that meaninglessness arises.

Deidre Conlon's (2013) work on the asylum claiming process in Ireland in fact examines the impact of this process on the asylum claimant as subject, describing it in confessional terms. Her characterization of this process as a confessional one focuses on the governmental micropractices of subjectivation through which claimants encounter and negotiate the demands for becoming legible as a refugee. Conlon understands Foucault's account of the confessional form of truth production in terms of manufacturing "acceptable

forms of knowledge” (194), therefore tying the confessional dynamic of this process to the governmental metric of legitimacy. She points out the emphasis on obedience and demand for truthfulness encoded in policy requiring claimants to offer detailed and precise explanations of their fear of persecution, arguing that this demand incites techniques of self-examination and self-management through which the claimant legitimates themselves. This process of legitimizing through obedience to this truth regime implicates not just the individual claimant, but also the broader asylum-seeking population assessed according to this standard. As such, the subjectivity of the asylum claimant is rendered into subjugation, as they are compelled to demonstrate their authenticity and credibility as reflections of, and in order to reconcile with, the truth of the sovereign state.

While I agree with Conlon’s tracing from subjectivity to subjection, and understand the potential of an analogy that brings to the surface the particular relationship between truth production and power, I would argue that the confessional analogy here again neglects just what makes this process such a distorted version of the confessional mode. To return to Foucault, we should recall that the relationship between truth and subject constituted through confessional discourses entails that accessing the truth – of faith, and of the self – offers a form of salvation, in part via a certain sacrifice of the self constituted through surrendering to the “contemplation of God” (Foucault 2021, 110). The asylum claiming process as we have read it so far entails a coercion to confess – confess to being a liar, or confess to telling the truth – but obstructs the salvational possibility of being truthful. In its place, we are left with a distorted and caricatured version of a confessional discourse, in which the subject is rendered, to return to Pohlhaus’ language, a semi-subject, through their empty place in the regime of truth.

The evaluation of truthfulness in the asylum claiming context is particularly peculiar, because the truthfulness of a claimant is assumed to be self-evident and discoverable by the decision maker, rather than the result of their own (imperfect) estimation. In this manner,

despite being required to be truthful, a claimant is evaluated as an object of external truths to be assessed and organized by the caseworker hearing their story. This is a marked departure from the confessional model, wherein the penitent participates as a truthful subject, endowed with and capable of truth. While Ricoeur's hermeneutics of confession joins recognition to truthfulness, Foucault (2014b) himself maintains that to be tied to the truth does not mean that "the truth constrains only by the truth" (96) – that the truth alone creates the obligations and commitments that emerge from its production – because there is always a secondary movement through which a subject submits to the truth. To confess is therefore, in his own rendering, both to manifest the truth and to be bound to that truth. In the asylum-claiming case, the asylum claimant is impelled to disclose themselves alongside the assumptions scaffolding state recognition, while also, through this process of self-disclosure constrained by these assumptions, producing and reifying the truth of nation state sovereignty and the consequent set of investments informing the state's decision-making process. As such, they are tasked with upholding institutional ignorance, rather than participating as truthful subjects capable of displacing this ignorance.

Tazzioli and Lorenzini's significant interventions introduced above help to bring into focus that if we are approaching the asylum claiming system as a form of confessional truth production, it is precisely the impossibility of confession that is at stake – and that it is this which constitutes the epistemic absurdity with which asylum applicants are confronted. Tazzioli (2015) emphasizes the multiplicity of truth regimes which are entangled and antagonized at the border, with the asylum claimant situated themselves "at the edges" (59) of the regime of truth shaping state decision making. This last intuition is particularly salient for the broader argument I am building towards in this chapter, which takes seriously the concept of the edge, or more pertinently the border, as an instrument of inclusive exclusion – or, as we shall come to understand it, of abandonment. To reiterate, the truth regime to which and of

which the asylum claimant is subject is that of the nation state, reflected through and bound to the procedural construction of legitimacy, meaning that to be a credible subject is to become subjectively obedient to the asserted criteria for truth and lies. The claimant's story, then, becomes less relevant to the determination process than the truth...of the border guard" (Carver 2019, 164). Just as crucially, this truth regime constitutes the asylum claimant always and already as either a liar and bogus, or truthful and deserving.

The experience of being a refugee is therefore overshadowed by the truth regime of the state, according to which the ostensibly, but impossibly, truthful subject is both rewarded by and manifested in the conferral of refugee status. Moreover, the conferral of refugee status itself is in fact an embodiment of this impossible confession. Given the declaratory nature of refugee status, it is the very act of recognition through which a claimant's identity as a refugee becomes credible – and through which this status is awarded. Rewording this in the hermeneutical terms preoccupying this chapter, despite an asylum claimant being a refugee prior to being recognized as one, it is the very act of recognition that constitutes this identity within the truth regime of the state. It is the act of recognition, detached from truthfulness, that makes it true. We can see here more starkly that the asylum claimant – as a refugee to be recognized as such – is included in this truth regime through their exclusion.

vii. Abandonment to Truth

The asylum claimant who is disbelieved and impelled to lie emphasizes the distorted and meaningless mode of confession enacted through the asylum claiming process, by which the claimant is both coerced into confession, and unable to confess. In particular, the compulsion to lie, or to "faux re-solve," exposes the empty and performative interaction between credibility and truth in this context. To recall Judith Butler (2011), performativity is the "reiterative power of discourse to produce the phenomena that it regulates and constrains"

(xii) – which it does through “citing the conventions of authority” (xxi). In an asylum claim constrained and contorted to reflect the truths of the nation state, along with the requirements for truthfulness and modes of truthful behaviour that limit the possibilities for the claimant, the performative character of these truths is thrown into sharp relief. The notion of performativity thus grants us a way to understand both the truth regime propping up institutions of state power, and the institution of language under this regime – both of which are co-implicated in the requirement that the asylum claimant tell the truth about themselves. This diverges from the performative character of truthfulness in Ricoeur’s model, wherein performativity has an ethical and existential function in relation to attestation. The example of the claimant forced to lie reveals a particular violence in the demand for and performativity of truthful speech under relations of power, and thus emphasizes the resonance and tension between Ricoeur and Foucault’s confessional accounts. To reinvent oneself and one’s claim in accordance with the expectations of the decision-maker (as the representative of the state) is to enact a performatively confessional process in which one both witnesses the impossibility of telling the truth, and contributes to the broader set of beliefs and assumptions informing the decision-making institution. The performativity of the confession is exacerbated in the case of the claimant who has to lie, and changes the way we might understand the spiritual techniques at play in the asylum regime.

Offering Agamben’s (2017) insertion of bare life into Foucault’s model of subjectivization and power, the rest of this chapter will conceptualize the “zone of indistinction...at which techniques of individualization and totalizing procedures converge” (8), by which Agamben describes the state of exception, to suggest that the emptiness of this performatively confessional practice exposes the relationship between the subject and truth as one of abandonment. Agamben’s notion of abandonment offers a framework through which to conceive of the impossibility of confession in this context, while also drawing our attention to

the politically circumscribed inside and outside of any regime of truth that holds the truthful subject in suspension. As such, abandonment as a theoretical tool elaborates epistemic meaninglessness on the (spiritual) level of the subject's relationship with truth.

Agamben's (2017) expansion of the character of power is our starting point into the notion of abandonment. Agamben argues here that Foucault's distinction between techniques of the individual self and the totalizing impulse of modern structures of power neglects the point at which these two lines of power intersect. Unearthing the locus of sovereign power in the inclusive exclusion that determines the zone of indistinction between these two threads of "subjective individualization" and "objective totalization" (8), he thus extends – or as he contends, completes – Foucault's treatment of power to suggest that with the expanding regulatory force of the state of exception, "exclusion and inclusion, outside and inside...enter into a zone of irreducible distinction" (22). This speaks to the condition Agamben conceives of as "abandonment," in which the law employs its own suspension to be in force without significance. To be abandoned is to be "removed and at the same time captured" (92) by the ban which holds together both sovereignty and bare life in a form of pure relation. In Agamben's terms, we might therefore understand the asylum claimant as being abandoned to truth. To be abandoned to truth would be thus to find oneself already within the truth regime of the state, but through a relationship of inclusive exclusion.

This abandonment is given a new profundity in Agamben's (1999) exploration of testimony, in which he puts forward a concept of subjectivity as a function of language, which attests to the impossibility of speech through the contingency of its taking place. The subject, as speaking being, is constituted in relationship with the impossibility of speaking – meaning that "the subject is thus constituted through the process of its own desubjectification" (McLoughlin 2013, 156). It is those things about which it is impossible to speak, the unsayable, that testify to the subject as the one who speaks "in the name of an incapacity to speak"

(Agamben 1999, 157). Language for Agamben, then, is itself a sovereign structured by a permanent state of exception, wherein language is “at once outside and inside itself” (Agamben 2017, 22). As such, language organizes the co-constitutive relationship between the law and its suspension, so that to speak is to be subject to the law. In this way, we can see the shadow of bare life inscribed in the institution of language, and manifested in the impossibility of speaking truthfully.

The asylum claimant’s obligation (and yet inability) to speak truthfully bears witness to this abandonment. As of March 26, 2024, the UK Government website detailing the asylum claiming process maintains that a claimant “must tell the caseworker everything [they] want them to consider or it can count against [them],” revealing their obligation to speak – and even to speak the unspeakable. Parsed through the lens of the ban, this obligation appears as a sharing in and withdrawing from language, through which the claimant’s lived experience is something they are “always in the act of falling from, into language and into speech” (Agamben 1993, 53). This obligation to speak is given a particularly performative shape when it is confronted with the co-implicated obligation to tell the truth under the institutional terms of the refugee regime. If we see the asylum claimant as a subject abandoned to truth, the imperative to be truthful draws attention once again to the “point of rupture” between the experience of being a refugee, and the requirement to demonstrate this by submitting to the truth regime underpinning the decision-making apparatus. Tied to the terms of state recognition, the institution of language and the limits of speech become a particular instrument of abandonment through the performativity of the asylum-claiming process.

The performative character of speech in institutional settings is rendered most clearly in Agamben’s (2011) excavation of the oath, which attempts to uncover the movement through which life and language become co-implicated in the speaking being. In fact, Thanos Zartaloudis (2010) suggests that we can see state techniques of citizenship as a modern

rendering of the oath, making the example of the asylum-claiming process a particularly resonant one. For Agamben, the institution of law was erected in order to tie the speaking subject to the truthfulness of their speech, and thus to mobilize the performative experience of language into a “sacrament of power” (Agamben 2011, 66). The law contains and preserves the performative veracity of language, determining and sanctifying in advance a necessary relationship between the speaking subject and their speech. As a result, within juridical institutions the subject testifies to a “codified system of truth” (66) founded upon its own performative reflexivity. We can therefore read abandonment further into the very imperative to speak to the law, since to speak is, as we established above, already to be subject to the law. Caught in a performative and co-constitutive relationship with power, the asylum claimant as a speaking subject is abandoned to this “codified system of truth” through language. The example of the claimant forced to lie, moreover, reveals a particular violence in the demand for and performativity of truthful speech under relations of power.

viii. From Spiritual Practice to Spiritual Abandonment

The notion of abandonment emerging from the performative character of the asylum claiming process therefore offers a correction to a reading of this process as confessional, which underlines more clearly what is at stake for the claimant as a truthful subject. Understanding the asylum claiming process as a performatively confessional one helps us to conceptualize the traumatic character of the process as a technique of subjectivation, by locating a zone of indistinction – the coincidence of subjectivation and desubjectification – in the regime of truth to which a claimant is subjected. We could perhaps build an analogy here with the phenomenon of the forced confession in the penal context, which Chloë Taylor (2009) offers as an amendment to Foucault’s model of confession. Taylor observes that in his elaboration of confessional truths, Foucault neglects the case of the false confession wherein the subject

confesses to something they never did, arguing that if false confessions produce a performative truth about the subject, the subjectivity being confessed to is that of the “self-destructive subject” (82). This concern with the subjectivity confessed to and constructed through performative truths resonates with Calogero Giametta’s (2017) intervention into the sexual politics of the UK asylum system, which emphasizes the psychological impact of strategically negotiating one’s subjectivity to conform to the truth expected by the decision-makers. Giametta points out that the pressure to construct and present an intelligible narrative, coupled with the necessary scripts of authentic victimhood which intervene in and leave their mark on a claimant’s very self-perception, can cause profound anxiety and hopelessness (122). In fact, in a way that reminds us of the promise of salvation offered by the state, it is precisely claims emphasizing victimhood and trauma that resonate most significantly with institutional expectations. The interview is itself already a traumatic exchange, due to the specific circumstances under which the claimant has to re-tell their trauma, so this requirement to present a particular legible account of victimhood gives trauma itself a performative edge.

If we continue to take seriously Foucault’s rendering of spirituality as “that through which the subject carries out the necessary transformations on himself in order to have access to the truth,” along with the Ricoeurian spirituality contained in the “continual exegesis of the self” (Michel 2015, 107), this correction impels us to reconsider the asylum claiming process not as a spiritual practice of subject formation, but as a spiritual abandonment. With the performative reflexivity of the institutional demand for truthfulness, and the possibilities for the subject held in the radically empty event of language in the asylum claiming context, the transformations rendered upon the claimant in order to have “access to the truth” seem to be *destructive* rather than constructive; *abandonment* rather than practice. As such, the primacy of truthfulness as a marker of legitimacy, haunted by the imagined spectre of the ‘bogus’ asylum seeker, is built upon an empty space.

ix. Abandonment and Absurdity

The emptiness underpinning truth production, disclosure, and legitimacy is helpful for characterizing the absurdity of the process undergone by the asylum claimant as a truthful subject. To return to Campbell's (2016) dystopic reading of the asylum claiming process in the UK, he maintains that the law is absurd once it becomes impossible to participate in it. Applying the lens of absurdity to the experience of seeking asylum, Campbell points to the arbitrariness of the system, which infuses Home Office decisions with a "magical quality" (141). Reading deeper into Campbell's examples, we can see a similar way in which the institution of language and the regime of truth contribute to this absurdity. He refers to the case of an Afghan male seeking asylum in 2008, describing how:

The applicant could not read or speak English...Furthermore, no one had translated or explained [the Reason for Refusal letter or the Tribunal's appeal refusal] documents to him. The [Immigration Judge] swiftly dealt with this procedural difficulty by asking him 'Did you tell the truth?' (130)

The emptiness underneath this demand for truthfulness – which seems to take on a similarly magical quality – is striking, especially when we consider another 2008 case cited in the chapter, in which an Albanian man protested that "despite my sincerity still they maintain I am not credible and that I've lied" (127).

We might see resonances here with Katrijn Maryns' (2006) concern for language and communication in the asylum procedure, which she conceptualizes in terms of deficiency. For Maryns, the experience of displacement in the asylum claiming process makes its way into language itself, displacing the possibilities for intelligibility, meaning-making, and narrative appropriateness available to the asylum-seeking person during the interview. The procedure is therefore built upon "hidden asymmetries in the ability to decide what counts as reality" (342), with the result that institutional expectations are often imposed upon the claimant's account to meet the deficiency left in the wake of this linguistic displacement. This notion of deficiency

echoes the emptiness that this chapter has tried to locate in the claimant's abandonment to truth, contributing to the concern that there is, as Maryns also notes, a particular "epistemic problem" (Maryns 2006, 333) running through the asylum claiming procedure.

x. Towards Interpretation

This chapter has considered the asylum-claiming process as a modern secular confessional instrument, in order to think through the function of truth and truthfulness in this context, and the implications this has on the asylum claimant as a truthful subject. This is for two reasons, which have been established above. Firstly, for a person claiming asylum, the truth matters: it matters that they have experienced persecution or fear of persecution, and it matters that they are deemed truthful. Secondly, the refugee regime is structured around an insistence on truthfulness as the marker of deservingness, and marked by an institutionalized suspicion. However, the *truth regime* of the nation state assumed by and enacted through the process of refugee determination limits the possibilities for the claimant to be *truthful* (or, as I have been formulating it in this dissertation, for their truthful speech to be meaningful), by suspending the asylum claiming person in a relationship of inclusive exclusion.

Drawing upon the link Foucault offers between subjectivation and spirituality, the limits imposed by the truth regime of the nation state led me to suggest that the particular relationship between subjectivity and truth in the asylum claiming context constitutes a form of spiritual abandonment. This spiritual abandonment is enacted through the imperative to tell the truth, in an institution wherein truthfulness is a performative function of the decision-making apparatus, and under a truth regime in which the claimant is already marked as a possible liar. Since telling the truth about oneself – or attesting to and of oneself – is, alongside both Foucault and Ricoeur, a founding act of subjectivation, the performative form of confession we have identified in this process is destructive, rather than constructive, of

subjectivity. As such, while the asylum claiming process may be a caricatured form of state salvation, through which the claimant has to tell the truth in order to be saved by institutional recognition, it is precisely where this analogy fails that we can see the problem with how truthfulness is demanded and produced in the asylum-claiming system. Both obligated to tell the truth, and finding their narratives disbelieved, the claimant impelled to lie in order to be recognized represents a subject incapable of confessing.

Through the (Foucauldian) lens of power, then, the demand that asylum claimants “tell the truth” (Home Office 2022c) functions as a continuation and perpetuation of the violent politics of knowledge enacted at and by the border. Ricoeur’s account of subjectivity, by insisting on the linguistic contingency through which the self emerges and expands through the interlocutive function of speech, mobilises and disrupts the themes of language and truth to make this also a fundamentally ethical concern on the level of the speaking subject. Via his notion of the “wounded cogito,” (2000b, 243) he displaces the notion of the self-disclosure into the ethical relation. As such, for Ricoeur, our being constituted in and through language makes *interpretation* the site of ethical responsibility (2016, 250). The next chapter will therefore turn to the work of interpretation in the asylum claiming process, to understand the relationship between the politics of language as a function of power structures, and interpretation as an ethical mode. From the friction within this relationship, epistemic meaninglessness is given concrete expression in the concept of the *untranslatable*. As such, the meaninglessness I have been theorizing above becomes a provocation to focus on the material relations of power underpinning the epistemic and ethical possibilities of language.

Chapter Five: Linguistic Hospitality and the Politics of Language

This chapter continues Ricoeur's co-implication of subjectivity and language, by considering the asylum claiming process as a process of translation, meaning both that interpretation becomes an ethical problematic on the level of the subject, and that language takes on material political significance. This translation process obviously operates on two levels: asylum claims can be subject to strict translation from one language to another, through the work of an interpreter mediating claims on behalf of non-English speaking claimants, but in a broader sense the communicative task of understanding a claimant's testimony itself requires a degree of translation. This broader sense speaks to the work of "translating oneself to others" (Ricoeur 2006, xii), and is reflective of Ricoeur's own twofold preoccupation with translation. As Richard Kearney explains in his introduction to Ricoeur's (2006) most prominent work on translation, both a linguistic and an ontological paradigm of translation seem to operate in Ricoeur's hermeneutical model, since "as soon as there is language there is interpretation, that is translation" (xvii). The co-mingling of responsibility and fragility in the act of interpretation renders language always "at work on itself" (24), so that meaningful action requires the work of translation (19). Ricoeur therefore offers two routes towards the question of translation, both of which acknowledge the structure of a "transition between self and stranger" (Kearney 2021, 20): the work of translation from one language to another, and the work of language upon itself. Difference thus operates on language both from without, and from within.

To read the asylum claiming process in terms of translation, beginning with Ricoeur's framework, is to consider both subjectivity and language together – and it is therefore already ethically inflected. With this chapter, I want to modulate the ethics of translation through a focus on the "politics of becoming a subject" (Botsis 2018, 17) which implicates the experience of unequal power dynamics in the institution of language. To do this will require paying closer

attention to that which is untranslatable, to consider the role it might play in this politics of becoming a subject. The untranslatable figures in Ricoeur's rendering on the theoretical level as the fact of the radical heterogeneity of diverse languages (Ricoeur 2006, 30) – which presents us with the theoretical impossibility of translation. For Ricoeur, the ethical task of translation requires moving beyond this theoretical impasse, to undertake the practical and practicable balancing act between inhabiting and receiving “the word of the Other” (10). This chapter will read Ricoeur's framework in light of Sarah Craig and David Gramling's (2017) suggestion that we might conceive of a “right to untranslatability,” considering the untranslatable instead as a practical concern. It will approach the philosophical and ethical resonances between Ricoeur's vision of linguistic hospitality, and the legal argument to protect a claimant's right to untranslatability, to argue that establishing Ricoeur's ethical model of translation in the asylum institution would entail shifting the focus of linguistic hospitality towards the “experience [of asylum claimants] of precariousness,” and an acknowledgement of “a multilingualism of adversity” (Craig and Gramling 2017, 82) which constitutes the untranslatable practically in this context. Drawing upon Lisa Foran's (2017) concern with the untranslatable as an ethical touchstone, I will explore how the untranslatable is manifested and experienced through the asylum regime as a consequence and perpetuation of the politics of language. The untranslatable, therefore, is an expression of epistemic meaninglessness on the practical level. In order to consider more fully the dynamics of power implicating this politics, I will turn to (post)colonial feminist approaches to translation, which apply a more Derridean concern with untranslatability to the problem of linguistic difference. To enact linguistic hospitality at the level of asylum institution, I will argue, requires that we expand Ricoeur's ethical model to include an acknowledgement of the material relations of domination that shape the untranslatable. In fact, I will suggest that this conceptual expansion remains faithful to

Ricoeur's own vision of respect and recognition of plurality, by attending to the material differences between linguistic repertoires and their politico-cultural context.

i. Linguistic Hospitality and the Untranslatable

Ricoeur (2006) frames the ethical imperative of translation in terms of hospitality, in order to balance the theoretical impossibility of absolute translation with the practical necessities and desires of finding linguistic resonances and correspondences between and within languages. Rather than approach the problem of translating as a theoretical tension between the untranslatable and the translatable, he insists on the practical alternatives of faithfulness and betrayal: the ethical work of the translator mediates between betraying the original language through the impossibility of the task, and remaining faithful to it through the very acknowledgement of linguistic diversity that drives the pursuit of translation in the first place⁶². In a provocative and pertinent metaphor, he urges that we must preserve the difference that precludes perfect and universal translation, since universality “would turn all who are foreign to it into language’s stateless persons” (9) – and as such, he emphasizes the ethical significance of our dwelling, denoting both the possibilities and the horizon of welcoming another and another language. Echoing Émile Benveniste’s (1973) etymological unravelling of the word ‘hospitality,’ which is marked by the semantic tension between *hospes* and *hostis*, Ricoeur proposes that translation as an ethical model can generate a linguistic hospitality [*l’hospitalité langagière*], that recognizes its limits and risks, but is aimed towards the hope of linguistic “asylum” (10).

Built into the structure of linguistic hospitality is thus a reckoning with language as a site of recognition; which, Ricoeur reminds us, is sought and achieved through struggle (2016, 293). By emphasizing the struggle for recognition at the level of our being in language, he

⁶² See B. Keith Putt (2015, 13-14) for a clarifying discussion of faithfulness/ betrayal.

renders language fundamentally as discourse (Davidson 2013, 62). Ricoeur maintains that the “power to say” is a capacity that, although manifested through language, is enacted in the production of “intelligible discourse...in accordance with common rules” (2016, 291), meaning that we can approach language as a moral and juridical question inasmuch as it is spoken (1998, 34). When translation is characterized in terms of linguistic asylum, then, this does not point to the sovereignty of language as a host, but to the “potentialities and limits” (Buyuktuncay 2017, 202) of language as that which exists only within a plurality of languages,⁶³ discovered in the event of discourse.

Ricoeur emphasizes the unequal dispersal of the ability to speak, reminding us that corruptive power dissymmetries can exclude people from language (2007, 77).⁶⁴ This reflects his vision for translation as a model for justice in international politics, wherein mediating between universality and historical difference across nations entails taking responsibility “in imagination and in sympathy, for the story of the other” (Ricoeur 1996a, 3). However, paying further attention to power dissymmetries in the experience of linguistic difference suggests that the problem of the untranslatable is not so easily set aside as a merely theoretical concern – but that instead, a hospitable approach to language requires that the untranslatable be treated as a practical, material issue. Ricoeur presents the ethical challenge manifested in the (im)possibilities of translation as a challenge experienced by the translator, illustrated in his claim that linguistic hospitality can become a source of “happiness” [*bonheur*] and “pleasure” [*plaisir*] (3). Asking how these (im)possibilities are experienced by, or embodied in, the person who is speaking the unspeakable, demands that we interrogate what particular power structures and relationships might lead to untranslatability, and therefore re-emphasize the practical role

⁶³ “It is necessary to begin with the fact that language (*le langage*) exists nowhere else than in languages (*des langues*)” (Ricoeur 1996a, 4).

⁶⁴ Chapter Six will take up this concern directly, to investigate the political limits of narrative subjectivity.

the untranslatable might play in the task of translation. Moira Inghilleri (2012) emphasizes a similar concern in her assessment of linguistic hospitality in the process of asylum adjudication, drawing our attention to the “inhospitable communicative [environment]” (74) wherein some people are hindered in or deprived of their capacity to participate. In this environment – which we have already characterized in terms of epistemic injustice – “social, political, and discursive instruments of power” (74) construct and constrain the framework upon which ethical communication can be built. This makes such communication particularly demanding in the asylum seeking case, and Inghilleri therefore filters the ethical paradigm of linguistic hospitality through the politically specific communicative structure of the asylum process, in which claimants are required to defer to the linguistic norms and “realities” (83) of the decision-making state.

Jacques Derrida’s deconstructive approach to translation is strongly concerned with the untranslatable, which serves as a counterpoint to the sovereign imposition of the “monolingualism of the other” (1998, 39). He therefore presents the (im)possibility of translation as an aporia, that plays into the aporia of impossible hospitality. Since the notion of hostility is already semantically and conceptually embedded in the composition of hospitality, and since there can be no hospitable movement without the sovereign choice of a host, there is a collusion between hospitality and power, and unconditional hospitality becomes impossible to enact (Derrida 2000). Unconditional, pure translation is equally impossible, since any address to another is already conditioned by the “monolingualistic solipsism” (1998, 23) via which “a language can only speak itself of itself” (22). Derrida’s interpretation shares many similarities with Ricoeur’s own concerns: B. Keith Putt (2015) reminds us that Ricoeur’s linguistic hospitality is not a totalizing attempt to impose univocity on the ambiguous plurality of languages, but rather can be read as aligning with a more deconstructive “affirmation of plurality, difference, and uncertainty with reference to the semiotic and semantic play of

meaning” (17). However, the point at which the approaches diverge is where Ricoeur insists on the practicable necessity of translation, as ethically more significant than its theoretical impossibility (see Derrida 1985; Pokorn and Koskinen 2020). This chapter will argue that, in fact, enacting translation as a practicable and necessary task such as Ricoeur conceives of it requires that the untranslatable be brought from the theoretical plane onto the practical.

I am taking a cue from Lisa Foran (2015) to read into Derrida’s contribution the possibility of an ethical precaution that can act as a model against which to assess practical attempts at hospitable translation. Foran argues that by emphasizing the encounter between self and other, and setting aside the theoretical impossibility of translation wrought through the untranslatable, Ricoeur relativizes otherness, presuming (or inadvertently allowing for the presumption) that difference – and thus untranslatability – is equally shared amongst us. By leaning into Derrida’s untranslatable, which for her we can understand as presenting the ethical challenge of non-assimilation, Foran suggests that Ricoeur’s “happy” account of linguistic hospitality could be balanced along the “knife edge of discomfort” (25) upon which Derrida keeps our ethical treatment of others and other languages. Foran’s framework is conceptually extremely significant for this chapter, offering a way of mediating Ricoeur’s vision by holding the untranslatable up as a test for the ethical efficacy of his model. This provides the impetus for me to consider the untranslatable as a material and political experience, which is rendered especially sharply in the case of claiming asylum.

I will therefore consider Ricoeur’s linguistic hospitality along another edge: the event of translation at the border, which pushes this concept to its limits. The asylum claiming case helps us to identify how language transports political, cultural, and social value, via the political and institutional privileging of some languages – understood in terms of specific “morphology, lexicon, syntax, and rhetoric” (2016, 291) – that makes speakers of certain other languages already unequally constrained in their capacity to communicate through translation. During the

refugee status determination process, national “linguistic ideologies” (Blommaert 2009; Jacquemet 2009; Lehner 2018) can work to privilege formal language regimes, hierarchise language standards, and categorise languages according to state interests – often mapping onto assumptions about the natural characteristics of the nation-state (Blommaert 2009). These ideologies can also inform evaluations of a claimant’s credibility, particularly when a claimant’s linguistic performance is seen as suspiciously “problematic” (Jacquemet 2009, 528). Larger political influences on language use and identity can also influence credibility: Sabine Lehner (2018) references an Austrian example in which the credibility of a claimant from Afghanistan was cast into doubt because she spoke Farsi but understood an interpreter speaking Dari, since the decision maker was unaware that the assumed difference between the two languages was a politicized construction by the Afghan government (112).

As Hannah Botsis elaborates in her (2018) negotiation of subjectivity, language, and (post)coloniality, the problem of language as a site and manifestation of relations of dominance does not just involve individual speakers, but instead implicates much larger social and political histories. We are therefore not just dealing with language use at the level of discourse, since the event of discourse is restricted, or at least impacted, by “the fleshy reality of languages and their politics” (18). This intuition is apparent in various analyses of linguistic difference in the asylum regime. Jan Blommaert (2009), for instance, describes how a Rwandan claimant’s “linguistic repertoire” (417) was used throughout his asylum claiming process as a way to categorise him politically and historically, leading to his application being refused. Katrijn Maryns (2005) emphasizes that linguistic variations such as pidgins and creoles which are common among many speech communities – such as in the West African context she uses as an example – are denied in the asylum claiming context as “languages in their own right” (201), which has significant consequences on how claimant identity and truthfulness are interpolated. The socio-political value of languages can even prejudice – or at least mutate – the translation

process itself: Roxana Rycroft (2020) references how some Turkish interpreters, for example, have difficulty translating phrases such as “‘I am from Kurdistan,’ because for them Kurdistan does not exist” (239). While it may be the case, as Ricoeur insists, that language exists only as a plurality of languages, national and institutional standards and expectations for language still defer to a certain ideological monolingualism (Maryns 2005; Inghilleri 2012). As such, the linguistically hospitable act of “dwelling in the other’s language” (Ricoeur 2006, 10), is interrupted by the (post)colonial reality that some others – and their languages – are socio-politically marked as “stranger than other others” (Ahmed 2000, 25).

Given this politics of language, embedded in institutional standards of recognition and receptivity, I propose that we need to revisit the tension between the theoretical alternatives of the translatable and the untranslatable, introduced and annulled by Ricoeur’s practical negotiation of the faithfulness/ betrayal dilemma. The theoretical question that needs to be further addressed on the practical level concerns the experience of the untranslatable, along with the untranslatability of some experiences: how is the untranslatable treated in the asylum claiming case, and what does this mean for a claimant whose capacity to speak is limited by linguistic, cultural, and political power dynamics? From here, we can then consider the ways in which Ricoeur’s linguistic hospitality might be conceptually expanded so that translation activity can best account for these political realities. When the ethical imaginary of linguistic hospitality is confronted with the material reality of linguistic difference, in a context in which linguistic difference is experienced unequally, a more deconstructive focus on untranslatability actually allows Ricoeur’s vision more effectively to confront the relations of power shaping the politics of language. This chapter thus explores how linguistic hospitality can be enacted at the institutional level, to attend to the experience of untranslatability marked by political relations of domination. By applying pressure to Ricoeur’s vision through the Derridean concern with untranslatability, in particular as it has been extended by (post)colonial feminist

approaches to translation as an ethico-political concern, it will consider how in the asylum seeking case, not just the capacity to speak, but language itself, is “subject to extraordinary pressure” (Phipps 2012, 587).

ii. Language and Interpretation in the Asylum Claiming Context

As I have suggested above, reading the UK asylum claiming process as a process of translation operates at two levels, reflective of Ricoeur’s double route towards the problem of translation as an exposure to, and recognition of, difference. Following Ricoeur, this chapter will deal with the act of translating (interpreting)⁶⁵ speech from one language to another, using the complications and consequences arising from this problematic to consider the broader interpretive work of communicating asylum claims under this same rubric. The Home Office’s policy instructions for interpreting, along with inspections on the appropriateness and functioning of these guidelines, will therefore provide the baseline for understanding the institutional expectations for translation on both levels.

The Home Office Interpreter Language Services Unit (ILSU) is responsible for delivering translation and interpretation services through independent freelancers on behalf of the Home Office. Interpreters can be provided by the Home Office to attend interviews in person or remotely, and are responsible only for communicating between the claimant and the caseworker who will manage the interview (although legal representatives can also organize their own interpreter to attend) (Home Office 2021a). In their (2021b) interpreter code of conduct, the Home Office lay out guidance for how to manage and communicate the translation process. It is clear through these guidelines that the ethical reality of power dissymmetry is at

⁶⁵ Interpretation in the asylum claiming context tends to refer to oral communication, while translation describes the transfer of meaning between written texts (Gibb and Good 2014, 388). I will be using the terms fairly interchangeably, to recall that translation as a concept implicates cultural as well as strictly linguistic interpretation (see de Lima Costa 2006, 63).

least partially acknowledged: the introduction insists that interpreters remain unbiased and impartial, honest and fair, and the guidance for conduct includes that interpreters remain “aware that they will be interpreting for vulnerable customers and must behave accordingly” (14). However, a number of immigration scholars have noted that the Home Office guidelines assume an attitude towards language that overlooks and undermines the politics of the translation process – a politics which manifests in the experience of the untranslatable.

Craig and Gramling (2017) identify three ways in which translation can be compromised in the asylum claiming procedure, which we might understand as three dimensions of untranslatability (85). On one level, a claimant might be unable to render their testimony in the *classificatory* terms required by the interview. We see this, for instance, in Robert Barsky’s (1994) discussion of the pitfalls of interpretation, in which he gives the example of a seemingly simple English term, “brother,” which among certain Ghanaian groups would be used to mean “fellow [member] of a tribe” (47), and in Maryns’ (2005) analysis in the context of the Belgian asylum regime, which describes a claimant from Sierra Leone who is not able to express distances using specified measurements of time and space (213). The untranslatable might also manifest at the *pragmatic* level, wherein norms of politeness and codes of conduct might prevent either a claimant or an interpreter from offering certain explicit details. Maryns (2014) explores this issue as it unfolds during the disclosure of sexual assault, detailing the case of a Krio-English interpreter using “euphemisms, vague and evasive expressions to deal with taboo topics” (674) as they translated the rape account of a claimant from Sierra Leone. Third, *ideological* tensions might prevent a claimant’s speech from being effectively translated: Craig and Gramling (2017) point to the example of a Muslim Arabic interpreter intentionally or otherwise misinterpreting a Coptic Christian Arabic claimant’s speech (85).

Craig and Gramling highlight that the lack of equivalence between many linguistic forms and categories leads to both facts and meanings being uncommunicable across languages. They worry that this leaves a claimant compelled to “debase themselves or to falsify aspects of their accounts” (79) in order to access the judicial process, cementing a connection for us between the problem of untranslatability, and the larger epistemically unjust issue that has preoccupied this thesis. Their legal analysis suggests that refugee law and adjudicative protocol in fact demand that the state actively listens to asylum claims in order to uphold their obligations; a task which they contend includes a duty to offer procedural linguistic protections for claimants to be able to give an account of themselves – including protecting untranslatable aspects of their claims. Drawing upon the UNHCR Handbook’s interpretation of the state’s obligations under the Refugee Convention, they underline the “principle of cooperation” (87), wherein the state shares the responsibility to establish and assess all the relevant facts of a claim. If the state does have this duty, they contend, they are also obliged to foster communication, even when confronted with untranslatable testimony. Via this framework, we can piece together a parallel argument for thinking through the ideal of linguistic hospitality pushed to its limit, in an institutional context where the desire to translate is filtered through the hostile techniques and imperatives of border control.

In the UK asylum regime, interpreters are required to maintain what Robert Gibb and Anthony Good (2014) have characterized as an interpreter “invisibility” (396), wherein they are expected not to anticipate, intervene in, or interrupt the progress of the interview, not to offer any opinions or comments (Home Office 2021a), nor ask the claimant for clarification directly, so as to translate “as close to verbatim as English allows” (Home Office 2021b, 14). The asylum claiming process is a site in which Ricoeur’s theoretical opposition between the translatable and untranslatable collides with the practical opposition between faithfulness and betrayal, the untranslatable becoming the way through which betrayal is manifested and

experienced. The ethics of linguistic hospitality in this context are therefore precluded by a politico-institutional expectation that languages can be both aligned under a set of monolingual norms and standards, and abstracted from their social and political significance. Moreover, as Inghilleri (2005) explains, the interpreter themselves is situated within the “social/interactional space” of the asylum system, and as such they contribute to the production and reproduction of culturally and politically informed meanings under these “conditions of radical inequality” (79). How linguistic difference is rendered politically and institutionally, then, marks the ethical possibilities of responding to this difference.

Gibb and Good (2014) are concerned with the Home Office emphasis on exact and literal translation, arguing that the interpreter invisibility assumed and required by this practice conceals the active participation of interpreters in facilitating multilingual communication. In fact, interpreters themselves often contend that verbatim translation distorts and precludes communication (Good 2007, 167), impacting the reception of a claimant’s identity and credibility (Maryns 2014, 680). This concern participates in Craig and Gramling’s critique, which positions the assumed monolingualism of the law against the untranslatability of certain asylum claims. Craig and Gramling characterise the claimant’s position within the asylum institution as a “zone of uncertainty” (Craig and Gramling 2017, 93) between monolingualism and multilingualism, making the untranslatable the ethical and semantic obstacle against which any legal right to or assurance of interpretation is enacted.⁶⁶ Any responsibility of the state institution towards ensuring that applicants can present their claims to asylum therefore includes acknowledging multilingual access to a monolingual judicial decision. Assuming

⁶⁶ It should be noted that Craig and Gramling wrote this article when the UK was still bound to the Asylum Procedures Directive of the European Parliament, which laid out the right to the services of an interpreter. Since the end of the Brexit transition period in January 2021, the Common European Asylum System and the rights and obligations therein no longer apply to the UK (see Gower 2020). However, the Home Office’s (2021c) equality impact assessment for the new Nationality and Borders Bill confirms that “interpreters will be available, and individuals will be able to request their preferred sex of interpreter and interviewer.”

interpreter invisibility effectively casts the process as a monolingual one, “presuppos[ing] that linguistic difference does not matter significantly under law” (85).

To ensure linguistic hospitality in the asylum institution therefore seems to entail more than a desire to translate, with the aim of a pleasurable mediation between self and other – because the use of language implicates more than just the individuals involved in discourse. As Inghilleri (2012) emphasizes, it is not necessarily the case that the state institution shares the goal of “sociolinguistic collaboration” (83) towards justice – or in Ricoeur’s (2006) terms, that there is a mutual “desire to translate” (10) constituted by shared visions of just outcomes. In fact, the insistence on interpreter invisibility only works to emphasise and uphold the sovereignty of the state’s linguistic borders, reflecting the prerogatives of the state to “control...its borders as a sovereign nation” (Cabinet Office et al., 2020). Imagining the possibility of linguistic asylum in the asylum claiming context, therefore, might mean considering how some people might be constituted as “language’s stateless persons” through the political reality and implications of the linguistic objectives of the state. In this way, just as Craig and Gramling emphasise the duty to communicate even as it collides with untranslatable aspects of a claim, the ethical imperative of linguistic hospitality will involve treating the untranslatable as materially significant. The notion of interpreter invisibility becomes a key point of interrogation in unpacking this argument, as that which conceals and undermines this politics of language reflected in the experience of the untranslatable.

iii. Interpreter Invisibility

“Invisibility” is a term initially suggested by Lawrence Venuti (2018) to describe an ideologically and politically motivated phenomenon in contemporary British and American

translation/ interpretation⁶⁷ activity. Venuti maintains that translation cannot be value-neutral, and that to analyse the linguistic norms that structure and constrain translation is an ethically and politically inflected task (x). Invisibility refers to the artifice of transparency, itself an effect of the “regime of fluency” (1) designed to conceal the very intervention of the translator in rendering a translation, invested with English-language values and norms. As such, translator invisibility effects and conceals a complacent and violent “domestication” (12) of other languages, which functions ideologically to resolve the fact of linguistic difference by serving and replicating dominant domestic interests. This concept of domestication invites us to understand translation in terms of (extra-)linguistic hierarchies and power structures, making the ethics of translation “simultaneous with a political agenda” (Venuti 2000, 469). In fact, Venuti points to the case of interpretation in refugee status determination as a particular example of domestication, which is to some extent required for successful refugee testimony: a claimant’s narrative needs to be reflected and explained via domestic values in order to be received effectively by the decision-maker (486). He further links translation activity to the project of nationalism, on both a conscious and a subconscious level, by pointing out the possibly nationalistic consequences of assuming that certain standard forms of English have the capacity to convey the truth of another person’s words (Venuti 2005, 182).

Aria Fani’s (2020) interrogation of the legal category of asylum as it is experienced and presented by asylum seeking people provides a conceptual foil for the notion of interpreter invisibility, by highlighting the particular linguistic mechanics required for an asylum claimant themselves to be institutionally visible. Fani argues that a successful claimant needs to have a particular degree of “institutional literacy” (397) in order to present a credible and legible claim, meaning that when a claim is mediated via an interpreter, a claimant’s institutional

⁶⁷ Venuti uses the term ‘translation,’ but in applying his insights to the asylum claiming context I will use this interchangeably with the term ‘interpretation.’

visibility is tied up in the process of translation. Seen from the perspective of claimant visibility rather than interpreter invisibility, interpretive fluency – which Fani maintains includes a reliance on “a transnational social-scientific vocabulary” (402) of legally and institutionally relevant terminology – exposes how visibility and invisibility trade on institutional categories of recognition and credibility. In fact, Rycroft (2020), writing from her personal experience as a freelance interpreter for the Romanian language in the UK asylum system, maintains that many claimants do not want the impartiality and invisibility demanded of an interpreter, but rather hope that interpreters will intervene, perceiving their institutional authority as a tool to repair the linguistic power imbalance structuring the interview context (235).

These critiques bring into focus that what is obscured by the assumption of interpreter invisibility is precisely the fact of relationality between a claimant, an interpreter, and the institutional context shaping their interaction. The “self-annihilation” (Venuti 2018, 7) demanded of the invisible translator works to displace the ethical relationship upon which Ricoeur’s linguistic hospitality is conceived: without exerting the presence of a self, the possibility of relationality disintegrates. Neither the ethical relationship between self and other, nor the political relationships of power which constrain or mark the ethical, are given explicit shape when translation is assumed to be an invisible movement. To develop linguistic hospitality at the level of this state institution, it will therefore be significant that this relationality is acknowledged institutionally – which will be explored further below. Recognizing this relationality also draws attention to the fact that the ethical possibilities of linguistic hospitality are mapped onto material power relations, meaning that for translation to enable linguistic hospitality it must confront the political context and consequences of linguistic difference out of which the untranslatable emerges.

We have seen that there are structurally embedded barriers limiting linguistic hospitality in the asylum procedure, and as such that there are politico-institutional factors disrupting the possibility of an ethical relationship wrought through translation. This brings the untranslatable to bear on the practical concerns of linguistic hospitality, since as I have articulated above, the experience of untranslatability is reflective of the linguistic, political, and cultural relationships of power underpinning the asylum regime. Interpreter invisibility – along with the linguistic assumptions it entails and effects – overrides the significance of the untranslatable, and in doing so conceals or even precludes the relationality through which translation can facilitate linguistic hospitality.

This also plays a pernicious part in the larger problematic of credibility and (un)truth-telling in the asylum seeking process. As the Home Office code of conduct emphasizes, the practice of interpretation can significantly impact a non-English speaking claimant's credibility, since it is entirely upon the interpreted version of a claim that the caseworker will base their decision (2021b, 14). Moreover, any linguistic inconsistencies in an interpreter's rendering of a claim – such as variations in translated terms – could lead to the conclusion that a claimant is being untruthful (Gibb and Good 2014, 395). Good (2006) draws upon a number of terms and ideas that are impossible to translate exactly into English, such as the months in the Tamil calendar, to remind us how the conceit of verbatim translation can make a claimant appear confused or untrustworthy. This reflects the concerns raised by David Bolt (2020) in his inspection of languages services in the Home Office asylum regime, in which he underlines how mistranslations or misunderstandings on the part of interpreters have resulted in “inconsistencies” (66) which then become grounds for the Home Office to refuse an application.

The assumption that the act of interpretation can remain invisible, while also reflecting the claimant's testimony exactly, provides insight into how truthful speech is both understood

and constructed through the asylum claiming process – while also bringing larger concerns about truthfulness and credibility to bear on the issue of translation. By considering these concerns alongside Ricoeur’s work on language, truth, and violence, we can see how it follows from Ricoeur’s own framework that translation as an ethical model needs to be able to confront the untranslatable as a practical problem. Returning to Ricoeur’s intertwined negotiation of language and subjectivity, we can begin to see a useful parallel between the asylum institution’s insistence on verbatim translation on the one hand, and on an institutionally and infallibly recognizable truthfulness on the other. Todd S. Mei’s (2016) discussion of Ricoeur’s theory of truth helps to bring focus to this parallel, by presenting truth in Ricoeur’s conception as interrelational. Mei ties the question of truth to the question of translation, arguing that “to speak truthfully [for Ricoeur] ...requires negotiating those language games arising from different perspectives, orders, traditions, and disciplines” (202). Moreover, the attempt to search for and realise a single, total truth is “precisely the initial lie...the lie of the truth” (Ricoeur 1965, 176), wherein the truth becomes a sociological problem of power, and manifests as violence. Truth is, rather, to be experienced in situational context, as a consequence of both our singularity and our interrelationality (Mei 2016, 210-212). Searching for the unity of meaning over the pluridimensional nature of truth becomes “the spirit of falsehood” (Ricoeur 1965, 189) – which we could also render in terms of the search for a perfect and exact translation in the face of linguistic difference.

Recalling Ricoeur’s (1998) discussion of violence and language explored in Chapter Three, non-violent discourse would be that which acknowledges that the possibilities of speech are not exhausted through a single linguistic mode, and “respect[s] the plurality and diversity of languages” (41). False speech, as Chapter Three examined, is the attempt fully to possess coherence – and this is the voice through which violence speaks. Taking these intuitions onto the plane of language in the asylum institution, the issue of interpreter invisibility demonstrates

how institutional assumptions govern the rules and norms of language use, thereby imposing a single linguistic mode. As such, the asylum interview as a communicative apparatus demanding true speech enacts a double violence, both upon speech and upon truthfulness: we can conceive of “fraudulently coherent speech” (33) in this context as that which is compelled to conform to institutional standards regarding how to speak credibly under monolingual expectations.

If we continue to follow Ricoeur’s distinction between language and speech, this analysis points to a further conclusion regarding violence in the linguistic demands of the asylum regime – which in turn clarifies the difficulties with establishing linguistic hospitality at the level of the institution. In the demand for true speech, interpreted invisibly and fully so as to render the “truth of another” (Venuti 2005, 182) verbatim, the asylum institution effectively deals with language before, and instead of, speech. Ricoeur (1998) maintains that it is “the spoken word, not the completed, closed, and finished inventories which bears the dialectic of meaning and violence” (34); that it is only once language is spoken that the tension between aiming for meaning and expressing violence is realized. However, the implicit monolingualism of the asylum regime, during which a claimant is given no recourse to know the legal and cultural significance of their words (Good 2006, 156), and where the “linguistic, cultural, and political realities” (Inghilleri 2012, 83) of the state shape the presiding norms of discourse and meaning-making, the possibilities of speech are already curtailed by the presumptions of language. As such, linguistic violence is built into the structure of the asylum claiming process, enacted in advance via assumptions and expectations about the translatability and truthfulness of another’s speech. This is important, because if the terms for meaningful speech are decided in advance, there can be no dwelling in, nor receiving of, “the foreign word” (Ricoeur 2006, 10) – and thus no linguistic hospitality. It is worth recalling here that Kearney characterizes Ricoeur’s vision as an “interlinguistic hospitality” (Ricoeur 2006, xx), implanting

further into the notion an insistence on multiple linguistic, cultural, and political realities as the initial basis for a hospitable relationship. It therefore seems that in order to remain true to Ricoeur's own vision, translation activity needs to be able to engage with this linguistically unequal structure as it is manifested in the experience of the untranslatable.

v. Re-thinking the Untranslatable and Power

In the institutional context of the asylum interview, in which linguistic, political, and cultural dynamics of dominance shape both the standards and expectations for language, and the ensuing possibilities for speech, the untranslatable is displaced from the theoretical plane onto the practical opposition of faithfulness/betrayal. Faithfulness is manifested in this context as fidelity to a linguistic ideology marked by the monolingual norms and standards of the institution, including the demand for and assumption of interpreter invisibility – while betrayal is rendered through the very experience of untranslatability as the result of power relations. Enacting linguistic hospitality in the asylum regime would therefore require an approach to the untranslatable that acknowledged not just the ethics of discourse, but the politics of language. Since the ethics of discourse demands relationality, and the politics of language demands an interrogation of power, this approach must include an emphasis on how power organizes the relationships structuring the interview process as a process of translation.

The intertwined notions of relationality and power are both emphasized through the “power turn” (Gentzler 2002, 197) in translation studies, implicating the specifics of gender, race, and (post)colonialism in the deconstruction of translation activity. This section will therefore engage with feminist (post)colonial approaches to translation that emphasise a particular political concern: that institutions of power influence the work of translation, and that to translate is to participate and be implicated in the creation and perpetuation of power

relations. Gayatri Spivak's seminal deconstruction of translation, which situates the activity of translation in the political hierarchy of languages imposed through global structures of colonial domination, in fact resonates with Venuti's conceptualisation of invisibility. Spivak (2012) frames the translator's task in terms of accessibility, which we can read in tandem with the notion of invisibility: (post)colonial translation for Spivak turns around the question of what is being made accessible, to whom, through the translation process. She contends that to offer a quick and easy accessibility through which meaning and content is immediately shared from original to translation functions as a betrayal – which becomes clear if the direction of accessibility is turned on its head, to consider what makes the translation accessible to the original. Emphasizing that translation is an “active practice” (2010, 39), reflective of the practice of languaging itself in which the ethical subject is made, unmade, and constituted within the political (post)colonial order of things, Spivak reminds us of the subaltern “countersentence” (1993, 93) that is elided in attempts to access the condition of another under relations of dominance and power. The issue of invisibility maps onto Spivak's analysis, since it conceals how the active practice of translating interacts with the relationships of power between translation and original – making invisibility another mode of betrayal.

Decolonizing translation practices turn in large part around the relationship between translator and subject, and the extent to which translation perpetuates colonial dominance, engulfing and overriding the cultural specifics of “minority language[s]” and the values and identities embedded therein (Bassnett 2013, 42). Paying attention to the particular dialectics of power structuring communication and interpretation, these approaches emphasize difference, while remaining cognisant of the fact that difference is unequally allocated across languages and identities. Tejaswini Niranjana's (1992) reading of translation in the (post)colonial context is emblematic in insisting on the violence of the colonial encounter as the model for violent translation, drawing together the structuring themes of “law, violence, and subjectification, as

well as...determinate concepts of representation, reality, and knowledge,” (165) by which translation is given shape across asymmetrical relations of power. She argues that part of the violence of colonialism is wrought through the essentializing representation of colonized subjectivity, through which the non-Western subject is constituted only through the voice of European languages. (Post)colonial feminist translation work understands the “containment” (185) of translation as a reflection of the imperial impulse to subsume and over-determine the other, while the insistence on gender and power reminds us of the particularly gendered and racialized lines of difference that are drawn and entrenched through “demeaning discourses” that become “hegemonic narratives about gender, feminism, and the subaltern” (de Lima Costa 2014, 135-416).

The notion of the border – both figurative and literal – plays a significant role in the work of much feminist (post)colonial theorizing of translation. Claudia de Lima Costa (2006) underlines the significance of location and migration, maintaining that the notion of appropriation⁶⁸ through translation reaches its limit in concepts that resist appropriation across borders. This limit is further substantiated by the situatedness of knowledge production,⁶⁹ wherein ideas and terms are located in and produced through specific socio-political geographies (72). Millie Thayer (2014) focuses on cross-border translations to emphasise how

⁶⁸ A term, of course, that Ricoeur (1991b, 86-98; 2006) uses to characterise the dialectical event of interpretation.

⁶⁹ Ricoeur’s hermeneutical weaving of epistemology and ethics is also concerned with the concept of situatedness – of the location from where we speak, and of how this implicates the ethical relationship. See Damien Tissot (2019) for a discussion of Ricoeur’s negotiation of space and ethical relationality. Tissot reads Ricoeur alongside Léonora Miano’s feminist description of the border as “a space of fracture as much as a space of suture” (276) which, he maintains, can be inhabited through the linguistically hospitable act of translating. He argues that the border, as a material expression of our vulnerability to each other, is a site of particular ethical responsibility in which Ricoeur’s concern with the encounter between self and stranger can be met with the reality of “the uncomfortable interval” (278) between them. Indeed, if we lean into this uncomfortable interval, we could see resonances in Tissot’s conclusion with the argument levelled in this chapter, that the untranslatable presents a material challenge that might expand the concept of linguistic hospitality.

dominant meanings carry a particular capacity to travel, making the border a possible site of resistance to the “dominant directionality of discursive flows from North to South” (405). The border is thus a crucial site for theorizing in this context, both as an embodiment of the asymmetrical relations of power through and across which ideas are circulated (Niranjana 1992) – and as a reminder of the political and cultural materiality shaping the untranslatable (Daymond 2006).

Justine Pas and Magdalena Zaborowska (2017) bring such concerns to bear on the issue of translator invisibility, arguing that assuming any universal and exclusive claims to meaning overrides and domesticates the “situated narratives” (144) of institutionally unfamiliar languages and cultures, functioning as a (post)colonial technique of domination. Feminist strategies for translation, they maintain, therefore highlight the “overt visibility of the translator” (139). The presence of the translator/ interpreter needs to be continuously emphasized and acknowledged, in order to guard against the political agendas (overt or implied) of linguistic domestication. This overt visibility allows for the relational character of translation work to be rendered explicit, making space for dialogue rather than domestication. Built into the function of dialogue, as Rahel Kunz (2021) articulates, is the possibility of making power relations visible, and in the process, of approaching the “void” (120) that both constitutes the untranslatable and confronts our own situatedness. Since these relations are defined by material differences that cannot be subsumed under an abstract notion of self and other, the translator needs to mark their own position “as a mediating subject” (Gentzler 2002, 209). Moreover, it is by making the visibility of the translator and their being in dialogue apparent that the process of translation can become a transformative process of “defamiliarization” (Venuti 2000, 469), which might provoke reflection on the listening institution’s own taken-for-granted linguistic and cultural ideologies.

Derrida's influence upon these strategies can be seen in the destabilization of meaning, the critique of essentialism and the concurrent challenge to linguistic hegemony, and the emphasis on the performative, constructive, and thus political work of representation. The deconstructive intervention, especially as it is taken up in feminist decolonizing scholarship, demands that the untranslatable be preserved and protected as a part of the larger politics of language. Alongside Foran, who understands discomfort as the route towards the ethical, I would therefore argue that the translator's "happiness" and "pleasure" with which Ricoeur characterizes linguistic hospitality cannot adequately address the political contours of the untranslatable, nor can it serve to disrupt or displace institutional linguistic ideologies. Instead, the deconstructive insistence on defamiliarization and discomfort provide a more effective route for a hospitality that recognizes the material consequences of linguistic difference.

vi. Discomfort and Defamiliarization in Asylum Interpretation

Given the imbalance of power already structuring the asylum interview, colliding with the politics of language addressed in this chapter, I want to suggest that Ricoeur's concept of linguistic hospitality be imaginatively expanded to address the material and political reality of the untranslatable. The untranslatable – including that which cannot be spoken at all – is not just a theoretical concern. The asylum seeking case presents us with an example through which we can see how the untranslatable figures in the construction and perpetuation of relations of power and domination, and how the difference that constitutes untranslatability is experienced, materially, in unequal ways. This is also a reminder that in the context of asylum interpretation, the claimant has to have faith in the interpreter to convey their testimony and defend their credibility (Fani 2020, 391). Ricoeur's practical negotiation of faithfulness/betrayal is thus rendered here starkly in terms of a claimant's life, identity, and legitimacy, which are all co-implicated in the translator's capacity to balance these alternatives linguistically.

Rather than aiming for the “pleasure of dwelling in the other’s language...balanced by the pleasure of receiving the foreign word at home” (Ricoeur 2006, 10), at the level of state institutions the act of translation could instead serve as a tool for defamiliarization and, deferring to Foran, discomfort, acting as a reminder that untranslatable testimony is not just symptomatic of the relationship between the speaker and the translator, but reflective of power relations and “asymmetries between languages, regions, and peoples” (de Lima Costa 2006, 63). This would, I have argued, allow for the principle and goal of linguistic hospitality – to respect and pursue “the creative tension between the universal and the plural” (Ricoeur 2006, xx) – to confront more effectively the political reality of the asylum claiming context as a process of translation. By applying Ricoeur’s account to the context of the asylum claiming process, we can see how supplementing it with decolonizing feminist interventions into translation activity allows for his ethical vision more fully to confront the politics of language. For the “dialogicality of the act of translating” (Ricoeur 2006, 10) to function as an ethical model, this dialogicality needs to be made overt – and the various institutional and political factors shaping and impeding dialogue need properly to be acknowledged. The particular power relations embedded in the asylum claiming case thus suggest that Ricoeur’s concept of linguistic hospitality would be rendered most effectively at the institutional level as uncomfortable, provocative, and defamiliarizing translation. This means both that the institutional conceptualization of the task of interpretation detaches from the aim of verbatim repetition, and that for the individual caseworker, discomfort might be experienced as a provocation to consider the politics of language.

To institute linguistic hospitality as a discomforting reminder of the politics of language in the asylum claiming process, leads us back to Craig and Gramling’s recommendation that asylum claimants ought to have a right to untranslatability. Craig and Gramling conclude that recognizing a right to untranslatability in the asylum institution would require acknowledging

that asylum is a communicative process, in order to distinguish that which is untranslatable, and why (Craig and Gramling 2017, 96-7). This intuition brings the ethical necessity of relationality to bear on the legal architecture of the asylum regime, providing a useful conceptual link between the possibility of an ethics of linguistic hospitality, and the material challenge of the untranslatable. Insisting on the feminist praxis of translator visibility, wherein the translator is understood as an active agent and participant in the process of translation with the capacity to intervene to offer assistance or suggest clarifications (see Barsky 1996), would be one path towards enacting Ricoeur's vision on the institutional level. Since this praxis acknowledges that the capacity to use language is historically, culturally, and politically unequally distributed, translation as an ethical model becomes tinged with discomfort, just as Foran (2017) suggests. The site of this discomfort is the untranslatable, which in the asylum claiming context encompasses the materiality of linguistic difference and the power relations through which this difference is experienced asymmetrically.

vii. From Translation to Narrative

As I maintained at the start of this chapter, the process of claiming asylum can be read as a process of translation on two levels, which map onto Ricoeur's two-pronged approach to the problem of translation. This chapter has considered the interpretation of asylum claims as "the transfer of a spoken message from one language to another" (Ricoeur 2006, 11), which also provides a framework through which to analyse the asylum claiming process more broadly as cross-cultural interpretation. Of course, scholarship on the asylum regime provides various examples of claimants who are misunderstood precisely because of a lack of interpreter. Blommaert's (2001) investigation of narrative inequality in the Belgian asylum regime, in which accessing administrative processes requires both a high level of literacy, and a familiarity with standardized varieties of languages, explains how claimants regularly

experience difficulties stylistically and lexically expressing themselves according to the normative linguistic criteria assumed by these standardized varieties. This is clear in the tension between, for instance, colloquial Congolese French and normative standard French (420-421). Nick Gill et al., in their (2016) investigation of British asylum appeal hearings, maintain that even English-speaking claimants struggle when confronted with the institutionally specific and complex language of the legal procedure, which can negatively impact their credibility and legitimacy in the eyes of the judges. This reveals quite starkly how the issues explored in this chapter spill over onto translation in the more general sense – as an “interpretation of any meaningful whole” within the same language (Ricoeur 2006, 11).

Ricoeur (1996a) applies his model of linguistic hospitality to the work of narrative, arguing that it is through “crossed narration” that we can best share in and take responsibility for the memories of others at the level of international politics (7). The next chapter will therefore turn to the broader interpretive architecture of the asylum regime, to offer an intervention into the limits of and impositions upon narrative in asylum testimonies, and to expose the political (im)possibilities of self-disclosure through this process. Extending the insights uncovered in this chapter, I will consider how the very potential of narrative in the interpretive procedures of the asylum regime appears to be restricted by mechanisms of power. Reflecting a similar concern with the materiality of power explored above, in the below epistemic meaninglessness will underscore the political and practical potential of what I will call narrative unintelligibility.

Chapter Six: At the Limits of Narrative – Unintelligibility and the (Im)possibilities of Self-Disclosure

Reflecting on where we have arrived, it is clear via the applied example of the asylum claiming case that Ricoeur's hermeneutical ethics can be refined and expanded extremely productively through a deeper consideration of power and politics. This chapter offers an intervention from this arrival point into the notion of narrativity. It aims to refract Ricoeur's hermeneutics of the subject through a more expanded account of the political dimension of narrative, both to situate the narrative self politically, and to flesh out the ethico-political (im)possibilities of self-disclosure. By leaning into the productive tensions between Ricoeur's notion of narrative, and post-structuralist concerns with the limits of self-disclosure, it will consider how the potential of narrative appears to be foreclosed both externally and internally by mechanisms of power. Considering the process of claiming asylum as an instance of politically precarious self-disclosure, this chapter suggests that the experience of being disbelieved exposes the limits of narrative for the asylum-claiming subject. The narrative self, it will thus be shown, is a possibility subject to the institution of language, entangled in the broader institution of truth – in this case, the truth of the sovereignty of the state – and implicated in relations of power.

I will begin by (re-)introducing Ricoeur's notion of narrative, through his negotiation with selfhood and its interaction with his conceptualization of narrative time, to consider the significance of intelligible self-disclosure for his account. I will then explore how the process of claiming asylum reveals the limits of narrative as the mode through which subjectivity is made intelligible. Via a post-structuralist analysis of the residues of power in the institution of language that qualify the emergence of the speaking subject, and the socio-political assumptions we can excavate from the notion of narrative time, this chapter will suggest that Ricoeur's treatment of narrative could be supplemented through a more thorough interrogation of power. Through doing so, I will conclude – as an extension of, and adjustment to, Ricoeur's

hermeneutics of the subject in light of epistemic meaninglessness as a form of injustice – that narrative unintelligibility could have politically and ethically transformative potential.

i. Narrative Intelligibility

Ricoeur's (1992) treatment of selfhood turns towards narrative as the mode of identity capable of mediating the dialectics of selfhood and sameness, concordance and discordance, through which the subject is constituted as a self. By orienting the self between retrospection and prospection, narrative identity furnishes the notion of the 'who' with a sense of singularity and unity. The aim and imperative of the narrative mode for Ricoeur is therefore shaped around the search for intelligibility: subjectivity is rendered coherent through the narrative wholeness that holds the subject together through the unfolding of an intelligible plot, while without the act of interpretation through which experiences are rendered meaningful and formative, life is "no more than a biological phenomenon" (1986, 127). The ethical and political implications of narrative are also rendered through the notion of intelligibility. Narrative situates the subject both within time, and amongst and available to others, by bridging the relation between living and recounting. Through the act of emplotment that makes a life account coherent and followable, narrative invites temporality into language as "within-timeness" (1980, 175), and invites the other into the emergence of the subject through the existential structure of the story waiting to be received. As such, intelligible narrative speaks to the ethical dimension of selfhood, inhabiting the dialectic between self-affirmation and dispossession that introduces the ethical primacy of the other in the formation of the self (1992, 168). This ethical component is a necessary feature of the political subject at the institutional level of recognition, since to designate oneself as narrator of one's own life story is to shape oneself as a responsible agent, capable of being considered as a subject of ethico-juridical recognition.

Given the dialogical character of narrative identity, Ricoeur is also concerned with the interplay between narrative and power. He recognizes that power – in the form of “power-over” (2007, 77) – marks relationships with a corruptive and distorting dissymmetry that precludes one’s capacity to speak and narrate. To be rendered incapable of speech is to be excluded from the very sphere of discourse in which the self as speaking subject is disclosed and attested to, and Ricoeur understands this exclusion to be a product of unequal power relations. In fact, he notes that the very capacity to act in language is unequally distributed (76), which resonates across both the ethical plane of suffering,⁷⁰ and the political plane of recognition (2007, 88). In this chapter, I extend the corrupting function of power beyond Ricoeur’s purview into the possibilities of narrative itself. I suggest that we might insist on the pervasiveness of unequal power relations, to expose and interrogate the limits of intelligible self-disclosure.

ii. Asylum Claiming as Narrative Self-Disclosure

The process of claiming asylum offers an example that exposes the limits of and impositions upon narrative as a result of politically entrenched relations of power and norms of discourse. From the discussion unfolding across this dissertation, it is clear that this process both demands an intelligible narrative through which to ascertain legitimacy, and itself sets the standards and presumptions of intelligibility according to the decision-maker’s expectations. Natasha Carver (2019) presents the narrative demanded of the asylum claimant in their testimony as another process of translation, through which the asylum-seeking person’s identity is produced and reproduced according to “the coding system of... colonial power” (164). Narrative in this context is a forced act of disclosure, used to determine and construct

⁷⁰ The destruction of the capacity to act (in language) is what constitutes suffering, understood as a “violation of self-integrity.” See Ricoeur (1992, 190).

the asylum claimant within a (Western) framework of acceptable subjectivity. As Robert Barsky (1994) spells out, it is via this particular narrative imperative that the identity encompassed in the status ‘refugee’ is conferred and reified, while institutionalized discursive and linguistic practices also bolster and reproduce the socio-political structures in which they take place. Under the larger political ideology of the nation state, the claimant as ‘asylum-seeker’ is produced as a threat to both sovereign borders and sovereign discourses of belonging, located in a “state of suspension” (Tyler 2006, 189) in which, I will argue, the possibilities for self-disclosure are circumscribed by the demand for coherence and the narratives available to the claimant as a subject of international politics.

This rendering of asylum narratives as an imperative, performatively implicated in the ideology of the state, and limited by the marks of coherence and credibility produced by this ideology, presents a pertinent counterpoint to Ricoeur’s notion of narrative. The asylum-claiming case can be read as an instance of narrative self-disclosure that determines the degree to which a claimant can be considered the subject of ethical and political recognition: the asylum claimant is impelled to provide narrative proof of their identity and truthfulness as a speaking subject, while their truthfulness is also placed on trial and filtered through the notion of intelligibility. However, the bind placed upon their narrative testimony through the imperative of intelligibility exposes the mechanisms of power that delimit and define the intelligible unfolding of narrative as a mode of self-disclosure. The asylum-claiming example therefore points to a productive tension between Ricoeur’s concern with narrative intelligibility, and post-structuralist undoings of discourse that mark the limits of self-disclosure. This chapter is impelled by the epistemic meaninglessness in the asylum claiming process to propose a re-reading of narrative, by recalling and extending the post-structuralist interventions initiated in Chapter Four that demand closer attention to the relationships between narrative and power.

This is an attempt both to expose the edges of Ricoeur's hermeneutics of the subject, and perhaps to expand them. As Johann Michel (2015) has highlighted, Ricoeur seems to share with many post-structuralist accounts the acknowledgement that "the subject is not the master of meaning" (47; see Ricoeur 1990c, 35) which opens up the possibility of pushing the boundaries of this certain "finitude of the subject" (Michel 2015, 47) while also remaining faithful to Ricoeur's focus on responsibility and recognition. I will therefore maintain that alongside Ricoeur's insistence on the meaningful emergence of the subject through recounting itself, we might question the primacy of intelligibility to consider the ethical and political significance of unintelligible narratives. My line of questioning does not entirely contravene Ricoeur's treatment of narrative: Ricoeur is aware not only of the corrupting possibilities of power in our capacity to speak, but also of the reality of suffering that affects the accessibility and legibility of our experience and thus constitutes a tear in the inter-narrative fabric (see Ricoeur 2013, 31-32). He therefore maps the dialectic of "discordant concordance" (1992, 141) structuring narrative identity onto his concern with the dialectic of acting and suffering that constitutes ethical identity.⁷¹ However, it does suggest that we pay attention to the edges of Ricoeur's account, which I will argue are constrained by his focus on intelligibility.

iii. Intelligibility and Power

A foundational aspect of this post-structuralist interruption of narrative self-disclosure is Foucault's intuition, elaborated in Chapter Four, that the ethico-political potential of intelligibility as a mode of becoming is circumscribed by particular regimes of truth – marking both the internal coherence of institutional knowledge, and the institution of language itself as a self-revelatory possibility. This is made markedly clear in the asylum-claiming case, in which

⁷¹ Gaëlle Fiasse insists on reading narrative identity under Ricoeur's larger hermeneutic rubric of the self as both acting and suffering. See Fiasse (2014, 50).

the claimant is required to produce an intelligible narrative that conforms to the “image of an appropriate refugee” (Barsky 1994, 5) projected by decision-makers, and produced through the hermeneutics of an institutionally normalized worldview. Carol Bohmer and Amy Shuman (2007) have described the techniques of knowledge production and legitimation in the asylum application process as producing “epistemologies of ignorance” (623) relying upon interrogative practices to determine credibility. These practices replace the question of narratively salient truth (as they put it, “are you in danger if returned to your native country?”) with the issue of consistency (which for Bohmer and Shuman is captured in the underlying insistence upon the question “are you who you say you are and have you consistently been that person?” (604)). In fact, they point out that interrogation as a mode of knowledge production actually thwarts the potential of narrative: the claimant may have limited knowledge of details that are determined as significant by decision-makers, while the important facts of a claim as a life narrative might not be organizable and parsable through the interrogative lens of the official. What the claimant does not know becomes the most significant ground for credibility judgements, and for Bohmer and Shuman it is the requirement to explain away missing information via recourse to institutional information or expert testimony that substantiates this epistemology of ignorance. By focusing on the absence of knowledge in an applicant’s claim, which is often deprived of particular details as a direct result of persecution, the decision-making process denies claimants the “right to determine what counts in their own stories” (624). The demand for intelligibility, then, seems to be in direct tension with the unfolding of a claimant’s narrative. Crucially, the consequence of this tension is that genuine narratives that do not conform to the expectations of the decision-maker are unlikely or unable to offer knowledge that might displace or expand these expectations. The asylum-seeking person, as a subject of knowledge, is subject to knowledge, and it is at the point of confrontation between these two poles that we can begin to see the imposed limits of narrative.

iv. Narrative and the Speaking Subject

In fact, the break between narrative and institutional knowledge-production extends into the institution of language more broadly. Foucault reminds us that power and knowledge are co-implicated in the constitution of the speaking subject, since the “technologies of the self” (Foucault 1988) through which the subject shapes and comes to know themselves in relationship with others are deployed through relations of power among speaking subjects (Foucault 2014, 28). Since power relations permeate the structure of self-disclosure, the possibilities of narrative as a mode of identity fulfilled through the recognition of another will also be circumscribed by power. Judith Butler’s (1997) disruption of sovereign discourses further unravels the relationship between knowledge and power by drawing our attention to the ways in which language itself determines and frames the very terms of recognition. Her extension of Foucault presents a decoupling of speech from the “sovereign” speaking subject: to be constituted as a subject in language is, for Butler, to be tied to the “linguistic conditions of survivable subjects” (5) The very fact that we are formed in language constitutes our vulnerability to authoritative schemas of narratability and intelligibility, meaning that to disclose oneself through discourse is to be in some way dispossessed by language (Butler 2005).

Butler’s navigation of Foucault’s approach to subject formation through dispossession suggests that our exposure as speaking subjects to governing discourses in fact makes its way into the ethical relationship between a self and another, through the structure of the address. Noting that on a social and institutional scale, what makes a narrative recognizable is dependent on norms of recognizability, Butler suggests that the moment of address actually represents an interruption of any narrative function and a loss of narrative control. She maintains that narrating oneself to another is a moment of disorientation rather than coherence – and in fact

it is this incoherence, she maintains, that “establishes the way in which we are constituted in relationality” (2005, 64). The ethical relationship, for Butler, is itself both a condition and a disruption of the possibility of narrative. She leans upon the limits of our capacity to speak, wherein “the very terms by which...we make ourselves intelligible to ourselves and to others, are not of our making” (21), to maintain that it is at the very threshold of intelligibility that our ethical imperative emerges.

These initial intuitions provoke us to reconsider, or at least to approach with caution, the function of narrative intelligibility in the emergence of the speaking subject. This can be clarified further by recalling the performative dimension of speech, and in doing so situating the possibilities of the subject within the performative violence of the state. Chapter Four’s discussion of performative speech through Agamben’s investigation of the oath revealed how a claimant’s testimony is rendered precarious by the very institution of language formalized through the asylum-claiming system. Read through Agamben’s terms, the relevantly accurate narrative (to recall Bohmer and Shuman, “are you in danger if you return to your home country”) is superseded by an interrogation of this sacramental bond between the claimant and their speech (“are you who you say you are and have you consistently been that person?”). Rather than producing knowledge, therefore, this process affirms the gulf between personal narrative and institutionally codified truths: abandoned to language, the narratives available to the claimant admit the limits of their own capacity to speak, revealing the shadow of bare life in the institution of language.

The hermeneutics of narrative are further complicated by the resistant narrative possibilities of silence: of that which is denied to or evades language, and lingers under the surface of storytelling. In the asylum-claiming case, in which a person is caught between what must be said, and what simply cannot be spoken, silences within a testimony could themselves be a way of speaking about the unspeakable. Gillian McFadyen (2019) suggests that the

incoherence of trauma, and the destructive quality of violence on the very possibility of speaking, leaves silence as a “space for the untold” (175), in which a claimant can contain grief and communicate the unshareability of pain. In fact, Toni Johnson’s (2011) analysis of silence as a site of resistance for LGBTQ asylum seekers conceptualizes silence as a significant form of meaning making. Rather than neglecting the unspoken as “background noise” (65), Johnson insists that silence has narrative potential. Particularly in the context of LGBTQ claimants, for whom certain aspects of their narrative might be dangerous to disclose, or to whom the ‘closet’ as an imposed or necessary tactic of ignorance might already represent a form of defiant silence, it might be that words and language themselves are inadequate. By demanding that we pay attention to the presence and implications of silence in the stories of asylum-seeking people, Johnson underlines how the body of the claimant is marked with alternative narratives that cannot be captured by speech. The question can be applied to narrative more generally: in moments exposing a subject at their most vulnerable, can narrative as speech fully embody the contours of the very experience that brought such vulnerability upon them?

v. Colonialism and Narrative Standards

The limiting role of language in the asylum regime takes on an even more significant hue when considered through the lens of cultural and racialized linguistic and narrative standards. This manifests most clearly in the problem of interpretation during the asylum interview, which is marked by (colonial) assumptions about language, speech, and the containment and conveyance of truth. The Fanonian intuition that language is a carrier of colonial presumptions of identity, through which one’s proximity to whiteness is negotiated and reified through the world “taken on” (Fanon 2008, 24) in language, is starkly realized in the interview setting where certain modes of speech are made foreign and suspicious. In fact, the Home Office’s (highly criticized) policy of applying Language Analysis for the

Determination of Origin⁷² of an asylum claimant operates on the very assumption that the way a person speaks reveals a certain truth about identity that can be mapped statically. LADO is a process used by the Home Office in some cases in which a claimant's nationality is disputed or doubted, to help ascertain their "true place of origin" (Home Office 2018, 6). This procedure is carried out through private suppliers, who provide language experts to interview claimants "at mother-tongue level" (25) and analyze their linguistic origin. According to the Home Office instructions, alongside inconsistent dialect and inadequate language level, situations that might provoke doubt include when the claimant either "lacks knowledge," or discloses "unreliable evidence" (8) regarding their place of origin. As such, it has been the object of wide and various criticism regarding the tension between these objectively coded judgements, and the specific local realities of a claimant's linguistic identity (see Patrick et al. 2019). Carver emphasizes that LADO as a bureaucratic process actually works to construct and determine notions of identity and belonging according to the world order of states, reflecting a deep and naturalized colonial commitment to "nation states as containers of identity" (2019, 164). The very act of speaking as the emergence of the speaking subject is therefore still subordinate to the colonial global imaginary, through the ways in which identities are established and translated through operations of (post)colonial organization.

Marco Jacquemet's (2011) investigation of the asylum interview as an intercultural exchange characterizes the linguistic expectations of the interview in terms of a power asymmetry, which creates an ideological hierarchy of language in which claimants are considered unreliable as a result of their inferior speech. Not only do Western norms of coherence and "narrative fluency" (483) impact the credibility of the claimant, but the very semantic texture of claimant's testimonies and the way in which they are uttered are also

⁷² Hereafter abbreviated as LADO. For a fuller account and analysis of the LADO method, see Eades (2009).

mediated through the expectations and assumptions of the dominant language. This resonates with Katrijn Maryns' (2014) analysis of language in the Belgian asylum procedure, which offers as an example how the idiosyncratic and stigmatized "non-nativeness" (320) of African Englishes clashes with the European expectation that truthfulness is expressed through consistency and detail. These expectations are enforced through norms installed in the statements and lines of questioning adopted by officials, such as the insistence on identifying particular details of time and place to qualify as a "good verbal performance" (Jacquemet 2011, 483).

This can be clarified further through the notion of credibility. Under the terms of the decision-making process, a claimant is either who they say they are, and thus deserving of refugee status, or not who they say they are, and thus undeserving. A person must, therefore, be credible to be deserving – and the failure of the failed claimant lies in their credibility as a speaking subject. As I explored in Chapter Four, the regime of truth functioning here is thus concerned with norms regarding what makes a story and a storyteller credible. To be distrusted or disbelieved severely hinders the process of self-disclosure, suggesting that narrative identity presupposes that the narrative self will not just be received, but believed. As has been suggested above, the entanglement of credibility in the limits of narrative is made all the more pronounced in racialized subjects, further highlighting the external impositions on narrative identity, and recalling the colonial assumptions of whiteness structuring and perpetuating this regime of truth. There are two coinciding issues regarding the intersection of credibility, knowledge, and race in this context: not only can a claimant's individual credibility be rendered precarious through racist assumptions, but the very degree to which a person's narrative is counted as knowledge under the ruling epistemic framework is structured by narrative norms into which we can read a degree of (white) colonial hegemony.

The asylum claimant as a speaking subject is in a unique situation in terms of self-disclosure. Through their testimony, they are required to testify specifically to their identity as refugee: a particular predetermined, institutionally legible category. While above I have considered the political and ethical failures of legibility, this tension also reveals something new about the political contours of narrative. Situated within the larger, global narrative of the state, an individual account only has a limited capacity both to be heard, and to be translated into a meaningful unfolding of the subject. To return to the Foucauldian scheme, the asylum-claiming case exposes in sharp relief that one's capacity to give an account of oneself is demarcated by the regime of truth in relation to which recognition can take place.

vi. Narrative Time and Alternative Temporalities

The example of claiming asylum therefore presents us with a particularly stark manifestation of the way in which the unfolding of narrative is politically conditioned by mechanisms of power – at least in the context of institutional recognition. However, probing the concept of narrative further suggests that embedded into narrative itself as a mode of self-disclosure is a certain degree of political contingency, invested in the function of time. There thus appear to be internal, as well as external, impositions on the ethico-political function of narrative, impacting the degree to which and terms by which narrative is made legible, rendered through the mediating function of narrative time.

Ricoeur's conceptualization of narrative time offers emplotment as an ordering and configuring function through which lives are rendered intelligible. His analysis of the structure of emplotment describes two dimensions of narrative time, that reflect the paradoxical dimensions of temporal existence: the episodic dimension, through which narrative time is given a sense of chronology, and the configurational dimension, through which disparate events are drawn together under the temporality of narrative unity. It is the capacity of a

narrative to be followed that integrates this paradox under “the poetic act itself” (Ricoeur 1990a, 66), meaning that the work of narrative is completed in the figure of the person receiving the story. While the plot constructs (or better, retrieves) narrative congruence out of incongruent experiences of time, it is ultimately in the movement of becoming intelligible that narrative time confers meaning onto a life story. Moreover, through the movement of narrative intervention by which a person inserts their action in time, narrative time becomes public: it unfolds at the level of being-with-others, establishing action in time as interaction (188). As such, the “followability” (67) of narrative is bound both by expectations regarding the emergence of a plot, and by the existential understanding through which a narrative is constituted in time (see 1980, 175).

The experience of unintelligibility in the asylum claiming case suggests that this very mediating function of narrative time – that which brings the experience of temporality into language – conditions narrative internally in relation to external workings of power. Temporality and intelligibility collide in the asylum claiming case in two interrelated ways: firstly, the state’s temporal frame of reference constructs and demands a form of narrative coherence that sits in tension with the temporalities of many refugee testimonies, while secondly, the experience of time can be significantly impacted by the experience of trauma characterizing many of these testimonies.⁷³

Beginning with the first form of collision, we might consider the temporalities of refugee testimonies in terms of what Mark Rifkin (2017) has called “temporal sensations” (24): distinct modes of being in time, for which there is no universally shared frame of reference. Rifkin’s critique is levelled at the particular epistemological and phenomenological violence of settler-colonial time for Indigenous temporalities in the North American context, but while

⁷³ I am grateful to an anonymous reviewer at *Études Ricœuriennes / Ricoeur Studies (ERRS)* for pointing out the distinction between these two forms of collision.

his argument is not analogous here, it is reflective of a similar tension against the temporal discourse of the sovereign state. For Rifkin, the insertion of Indigenous histories into the unfolding time of the settler state represents a colonial imposition of settler sovereignty, and reveals the normative character of the temporality of the state. The temporal concerns of the sovereign state are manifested in similar ways in the context of international refugee law, providing a parallel example of the state imposition of a normative timeline. Catherine Dauvergne (2013) offers one way in which we can trace the priorities of state sovereignty in the temporal discourse of the state, through her analysis of the crisis paradigm underpinning refugee law. Dauvergne understands the notion of crisis as the key shaper of the refugee law regime, marking states' responses to the movement of refugees as well as the way state obligations are legally codified. The hermeneutic effects of this "crisis bias" (15) can be read through the way time is construed: under this rubric, people are displaced through temporary and eruptive crises, that are short-term and intense in character, and this is paralleled in the image of the refugee as a volatile and liminal figure on the margins of political life. Dauvergne points out that forms of persecution that aren't marked with the sense of acute urgency, such as more chronic generalized harms, or the insidiousness of privatized harms, struggle for recognition under the legal paradigm of refugee status. As such, the expected temporality of persecution in Western liberal democracies might be in tension with the experience of fear and harm in an individual narrative, and with the ways in which time slows or sticks to become a "source of suffering in its own right" (Griffiths 2014, 1995).

This insight is traceable across examples of refugee decision making, which demonstrate a confrontation between institutional expectations and individual experiences of time, troubling the consistency of claimants' narratives. As Hilary Evans Cameron (2010) articulates in her critique of credibility findings within the Immigration and Refugee Board of Canada, refugee testimony often does not conform to norms of linear time, producing

inconsistent and incoherent accounts of the unfolding of events. The experience of time for a claimant who is piecing together a traumatic story tends to be shaped by the relative significance of particular moments – fracturing both the episodic and the configurational dimensions of narrative. Moreover, the notions of time and causality are marked by a person’s cultural framework, meaning that both the perception and the interpretation of a life story can be rendered interculturally incommunicable at this moment of border crossing. Walter Kälin’s (1986) analysis of the culturally distorted communication in asylum hearings emphasizes that both time and its relevance are culturally conditioned, so that even the sense of duration of a particular event might be relative. Add to this the experience of uncertainty and instability characterizing the time of the asylum claiming process itself, which Melanie Griffiths refers to as “temporal angst” (2014, 1994) and the temporalities of asylum claiming people seem distinct and disjointed from the temporal apparatus of the immigration system. These incompatible frames of temporal reference, obscured and ossified by the temporality of the state, compel us to consider that the intelligibility of narrative time is completed by political power. Dismantling the purported universality of state time (to echo Rifkin) could further enrich our understanding of narrative, by reminding us that the normalized expectations built into public time amongst others are also marked by mechanisms of power.

vii. Traumatic Time

The second significant piece of the temporality of asylum testimony that contributes to its particular narrative incongruity is trauma: undergoing a traumatic experience can impact both a person’s experience of time, and their capacity to retrieve it narratively. Cécile Rousseau et al. (2002) draw our attention to the ways in which trauma can mutate a person’s perception of time, while also emphasizing that people who have suffered trauma might often respond with avoidance, dissociation, and anxiety when forced to recall traumatic experiences.

Traumatized subjects will regularly struggle with inconsistency and incoherence as a result of traumatic memories (see Muggeridge and Maman 2011), reflecting the tension between trauma, narrative, and time – and reminding us that narrative itself can be traumatic. In fact, Kamena Dorling et al. (2012) emphasize the tangible and continued impact of trauma on an asylum claimant's experience of time, maintaining that memories of past traumas can perversely become spaces of psychological and emotional retreat, preventing traumatized people from building a future. The characteristic of belatedness that pervades the traumatized mind – the rupture in one's experience of time wherein danger is always perceived too late (Caruth 1995, 91-92) – destabilizes any sense of narrative time as public time, while the disruptive effects of trauma on the ordering and organizing of testimony replaces narrative coherence with incoherence. As Robert Beneduce (2015) points out, a peculiar injustice of the refugee determination system is that as a result of trauma's uncertainty and fragmentation, a claimant's narrative can be the very thing that strips them of their own claim to truth, making their words "accomplices of...refusal" (560). The precarity of traumatic narrative further suggests that we should trouble the relationship between narrative and intelligibility: in the context of narrative assumptions bolstered by normalized and normative institutional discourses, the subject might properly emerge only through a degree of unintelligibility.

A particularly peculiar characteristic of asylum testimony in terms of traumatized or traumatic temporality lies in the absence of an ending, further marking the political horizons of narrative time. Griffiths (2014) in fact reads the experience of time in the asylum decision-making process in terms of the uncertain wait for a conclusion, which disorients any sense of temporal conviction and further distances the experience of asylum claimants from any notion of public time. Ricoeur points to the sense of an ending as a significant feature of the plot, constructing the shape and meaning of the narrative as a movement towards the end, and upending the chronological representation of time through the possibility of perceiving the

ending in the beginning (Ricoeur 1990a, 67). To understand a story is to follow it through to its conclusion, which is rendered meaningful and “acceptable” (1980, 174) by the configurational dimension of narrative. However, the gaping and paradoxical lack of an ending in an asylum claimant’s narrative reminds us that the acceptability of endings can also be politically charged. The absence of an ending is paradoxical when we consider the intended conclusion of asylum testimony, which is the recognition and conferring of refugee status. Before this has been granted, the intelligibility of the testimony remains contingent on the ending it is given by decision makers. However, the declarative character of the Convention, explored in detail across the earlier chapters, highlights a significant concern with the contingency of this ending. To recall, as the instruments of IRL stipulate, a person is a refugee as soon as they fulfil the criteria contained in the Convention definition, and recognizing this status does not make them a refugee so much as declare them to be one. Narratively speaking, the recognition of refugee status as the fulfilment of the end of a testimony actually inserts a new beginning into the narrative and completes it as an intelligible story. The awaited conclusion of an asylum claim is not just a legal verdict, but offers an end to the testimony as a narrative: we should recall that asylum narratives are required to establish not just the persecution in the past, but the necessity for protection in the future (Bohmer and Shuman 2007, 258) implying and demanding this ending from the start. We could therefore suggest that claimants whose testimony is illegible by institutional standards, and who are thus denied refugee status as an ending, are in fact denied the narrative intelligibility this ending might offer.

The fact that the ending (and its narrative implications) of an asylum narrative is something conferred by an official decision-maker reflects the power dynamics structuring what Bohmer and Shuman refer to as the “narrative logics” (261) imposed across asylum testimonies. As they emphasize, the interrogative nature of the asylum interview means that

asylum narratives are co-produced by the claimant and the official, with the official holding more authority over the unfolding of the story. Beyond any simple conflict of cultural understanding between the interviewer and the claimant, the asylum interview as a process of interrogation actually produces its own narrative logics through the ways in which the interviewer controls the details of the questioning. These logics then decide and solidify the legitimacy of the story, overriding the narrative logic offered by the claimant themselves. The power asymmetry in this setting makes the working of different and contrary logics particularly clear, and reminds us that narrative logic is not singular. Moreover, the intelligibility and success of conflicting narrative logics is bound to a large extent by the dynamics of dominance and authority in the encounter. The political subjectivity and the epistemic subjectivity of the asylum claimant therefore seem to be implicated in each other, exposing the political limits of narrative's epistemic possibilities.

viii. Narrative Unintelligibility

I believe that the various concerns outlined in this chapter provoke us to complicate Ricoeur's approach to narrative identity as constituted, offered, and received through intelligibility. In fact, the demand for narrative coherence seems to be bounded by mechanisms of power, in terms both of the external coherence of narrative norms and rules of discourse, and of the internal coherence of narrative time. The incoherence of asylum testimony as narrative exposes the relations of power structuring narrative expectations – and suggests that narrative unintelligibility could therefore be transformative in adapting the terms of political and ethical recognition. As such, the epistemic meaninglessness enacted through the credibility assessment is a provocation to take narrative unintelligibility seriously, pointing to the possibility that unintelligible narratives could transform the terms of institutional recognition. Charles Biggs' (1997) commentary on the relationship between narrative and produced

knowledge in the context of conflict-related narratives maintains that narratives are not just reflections of certain perspectives on reality, but in fact have the potential to enact particular forms of social transformation. “Stories,” Biggs suggests, “both draw upon experience and engender it” (42), meaning that narratives are opportunities for action, particularly when personal narratives are translated into a more public setting. Leaning on the productive and creative potential of narrative could help us to re-conceptualize the significance of incongruity and unintelligibility, as a way of drawing attention to the limits of language and the oppressive techniques of discourse. Perhaps the unintelligible form and content of asylum testimony could serve as a disruption to the relations of power and the embedded (colonial) norms structuring institutionalized narrative logics, reflecting the imaginative and transformative possibilities of narrative incoherence. Given Ricoeur’s own concern with the creatively destructive function of narration, which for him “serves to displace anterior symbolisations onto a new plane, integrating or exploding them as the case may be” (Ricoeur 1991a, 469), this focus on the threshold of intelligibility could provide an important supplement to realizing the ethical and political potential of narrative that Ricoeur’s account has animated. The following and final chapter begins at this threshold, to consider on the level of policy how the asylum regime might respond to unintelligibility and untranslatability, and allow for truthful speech to be meaningful.

Chapter Seven: Instituting Narrative Intelligence – Policy Options

This dissertation has so far built a diagnosis: that the refugee status determination process, by fixating on the notion of truthfulness as deservingness at the same time as it constructs and delimits what credibility entails, enacts a form of epistemic injustice by making truthful speech meaningless. I read this injustice alongside Ricoeur's hermeneutical approach as a wound to subjectivity, to render this epistemic deficit an ethical issue on the level of the subject, while expanding our attention via Foucault to the limits of becoming-subject under relations of power and conflicting regimes of truth. In this final chapter, I will draw upon these same threads to suggest philosophical pathways towards policy options that go some way to address this injustice.

In his (1986) essay on "Life; A Story in Search of a Narrator," Ricoeur proposes an epistemological counterpart to the existential significance he places on narrative intelligibility, by introducing the notion of a "narrative intelligence" (124). He takes his cue from Aristotle's *Poetics*, in which he reads the intelligibility of narrative in terms of praxis, making the discerning of a plot a phronetic activity (1990a, 40). Narrative intelligence as Ricoeur extends it is a phronetic wisdom, developed practically through interaction with stories, through which subjectivity as a "narrative composition" (1986, 131) makes sense. Such an intelligence is also productive in the realm of human action, action caught as it is in a cumulative web of symbols (128). This same intelligence, then, both leads us through the story of our lives, and guides the semantics of our actions as we live them. In the practical realm of life amongst others, narrative intelligence interacts with socio-cultural symbols through which a person's life is mediated – through which, we might say, it is made readable. With this concept, Ricoeur makes the search for narrative meaning an ethical concern, necessary for the emergence of a responsible subject. Above, I have tracked the epistemically unjust relationship between the demand that asylum claimants be truthful; the presiding institutional and political assumption that asylum claimants

are liars; and the function of credibility assessments in adjudicating this relationship. In this final chapter, I want to examine the contours of this relationship in terms of the notion of narrative (un)intelligence, to suggest that we have reason to think about narrative intelligence as a necessary foundation for the possibility of epistemic justice at all. Asylum policy, by precluding the possibility of meaningful speech, renders the asylum decision a question of immigration management through the cipher of a deserving (genuine) or undeserving (bogus) subject, effectively using credibility as a crude sorting strategy. Moreover, by interrogating the barriers to narrative intelligence embedded in the socio-cultural, physical, and epistemic structures supporting the refugee regime, I will suggest that narrative intelligence as a metric of individual wisdom might be transplanted as a metric for policies guiding and governing the ideological and administrative approach to refugee determination – meaning that it could be cultivated not just on the level of the individual, but institutionally.

i. Narrative Intelligence

Ricoeur explains that narrative intelligence precedes narrative discourse. While at the discursive level we can rationally manufacture narrative activity, narrative intelligence lays the hermeneutically stabilizing structure for interpreting oneself and others. The narrative self then becomes something to be recovered through this wisdom, rather than imposed through reason (1986, 131). The concept of narrative intelligence therefore differentiates between (practical) understanding and rational accumulation of knowledge, locating in understanding the potential for meaning-making.⁷⁴ Moreover, since narrative intelligence is a practical mode of knowledge, issuing through “creative imagination” (1986, 124), it involves a relationship of belonging between two worlds: “the experiential horizon of the work,” accessed imaginatively,

⁷⁴ We can see this difference in Ricoeur’s characterization of “the rationality of contemporary narratology in terms of its ability to simulate (in a second-level discourse) that which we understood to be a story already when we were children” (1986, 124).

and the “horizon of...action concretely” (126). This relationship points us towards the notion of possible experience, wherein the world of the story is “a world in which it would be possible to dwell” (126), meaning that the imagination plays the role of expanding the praxis of understanding into the realm of possibility. Given the significance of the possible here, the site of this wisdom lies beyond the capacity to tell stories, and seems to lean equally into the complementary axis of listening. In fact, Adriana Altamirano (2023) insists that the full ethicopolitical scope of narrativity requires as much attentiveness to “story *listening*” as to “story *telling*” (415; emphasis in original), reminding us in a different way that the ability to listen is essential to the cultivation of narrative intelligence.

It is important here to clarify the notion of understanding, since this is the cornerstone of my argument in this chapter. In his (2016) essay “What is a text? Explanation and Understanding,” Ricoeur expands the notion beyond the “intuitive and unverifiable character of the psychologising concept of understanding,” to position understanding alongside explanation in a “hermeneutical arc” (Ricoeur 2016, 123) that comprises the constitution of meaning. In this way, understanding captures the meaning that is recovered as an “act of,” not an “act on,” the intention of a text. This intention, he suggests, is “the direction which it opens us for thought” (123). Since Ricoeur (1986) insists that the work of understanding a text can be mapped onto the way we understand ourselves (131), we can apply his intuitions about textual understanding to the realm of narrative, and take from this that understanding in this Ricoeurian sense refers to the process of constituting the meaning that is the act of a narrative, rather than applying meaning as an act on a narrative. Understanding therefore takes on objective significance, to the extent that it emerges from the unfolding of “the implicit horizon of...the story told” (126).

The notion of narrative intelligence therefore offers a possible route through the issue of narrative (un)intelligibility I presented in the previous chapter. As a phronetic and interactive

sort of wisdom, narrative intelligence has the capacity to expand in confrontation with new and unexpected plots and compositions, so that an unintelligible narrative is only unintelligible to the extent to which it has yet to be understood. Ricoeur insists in his discussion of narrative schema that “every work is an original [and a particular] production, a new being within the realm of discourse” (Ricoeur 1986, 125). It is within the “narrative constraints” between the poles of sedimentation and innovation that Ricoeur finds that the imaginative act of interpretation “completes the work” of the story (127). Understanding the meaning or significance of a story, therefore, does not mean already recognizing in its form “an inert transmission of a dead sediment” (125), but instead belonging to it “in the imaginary mode” (127).

This suggests that cultivating narrative intelligence has epistemological, existential, and ethical consequence.⁷⁵ Since it works at the level of understanding rather than rationality, narrative intelligence as a framework offers a counterpoint to an unjust hierarchy of knowledge, by emphasizing the story that emerges rather than that which can be crafted in advance. Further, through this emphasis, this concept also demonstrates the primacy Ricoeur places on the ‘who’ in the act of interpretation. Jeanne Gaakeer (2019), in her beautifully reflective book elaborating the significance of narrative intelligence for judicial decision-making, maintains that Ricoeur’s hermeneutics demands a sensitivity to “who it is that brings unity in the form of a plot” (142) to disparate representations of events – along with the acknowledgement that “that someone [might be] you” (137). To cultivate narrative intelligence thus includes developing an awareness not just of the person who is speaking, but of the role of the listening person through whom interpretation takes on epistemically just significance. As Gaakeer puts

⁷⁵ In fact, Ricoeur turns back to Aristotle to seed a connection between the plotting activity of poetry, and our imaginative capacity to integrate the ethical into our actions and experiences, reminding us that within the Aristotelian ethical schema, “every well-told story teaches something” (123).

it, cementing the connection between the individual ‘who’ and the mediating symbols through which our lives become semantically resonant, “sophisticated knowledge of how narrative works both *in the world* and *in us* is crucial” (137; emphasis mine). Understanding an action under this rubric cannot be divorced from understanding who is acting, which also means, as Silvia Carli (2015) clarifies, that narrative intelligence is necessarily particular and contextual, and does not presume universality (106).⁷⁶

However, applying narrative intelligence to the level of an individual’s narrative introduces an important point of tension, in that we cannot presume that narrative intelligence grants access to the person telling their story. Rather, Ricoeur locates the meaning of the story “*at the intersection of the world of the text and the world of the reader*” (1986, 126; emphasis in original), so that narrative intelligence is precisely that wisdom that grants imaginative access into the world of the narrative at the same time as it recognizes its distance. Gaëlle Fiasse’s (2014) caution that “the self is not equal to the events of one’s life, nor to [that which] ...one can narrate about them” (48) offers a significant intervention that helps to parse this tension. Fiasse argues that it is a conceptual weakness in Ricoeur’s notion of narrative identity (or at least, in how it is often interpreted) that it can lead to a confusion between “one’s *lived* story” and “one’s *life* story” (48; emphasis in original), meaning that the self becomes captive to their narrative. Her point is particularly useful at this juncture, since it reminds us both that it is the individual person who needs to be understood, and that this person is not collapsible into the narratives they give and receive. In other words, narrative intelligence imaginatively captures the horizons of the narrative in relationship with the narrator, so that the person remains both crucial to, and distinct from, the stories they tell.

⁷⁶ Carli refers here to Aristotle’s *Nicomachean Ethics*, in which he elaborates that the phronetic mode of knowledge “is practical, and *praxis* is concerned with particulars (Aristotle 1962, 6.11.1143b13; see Carli 2015, 106).

ii. Institutional Narrative (Un)intelligence

As has become clear throughout the course of this thesis, there are structural hermeneutical barriers to the development of this sort of practical knowledge in the asylum regime outside of and beyond the interview process. The decision-making practice is conditioned in advance by the suspicion seeded into the larger architecture of Home Office immigration management. At the level of administration, over a decade of hostile environment policies has already marked the language and expectations of the Home Office through the narrative of “detering asylum” (Samuels 2017, 120). This emphasis on deterrence is directly linked to the resonance of the ‘bogus asylum seeker’ in the institutional and social imaginary: by conceptualizing the border as a place from which to deter people from entering ‘illegally,’ the hostile environment renders all those who arrive as possibly fraudulent. As such, the very task of the Home Office decision-makers to assess the legitimacy of claimants under the preface of deterrence already impacts and curtails “the culture...when dealing with people on a human level” (Samuels 2017, 120). On top of this, the hostility of the environment disintegrates the resonance and application of legal principles and practices. Sheona York (2022) points out that the figure of the ‘bogus’ asylum seeker, along with the contrapuntal imaginary of the ‘genuine’ refugee, via which the interpretation of the Convention becomes an “either-or” (67) sorting process, degrades the very value of claims and the procedural rights afforded to claimants (71).

This degradation in the decision-making culture is also bilateral, rebounding onto the imaginaries that inform or shape the attitudes of claimants in this process. Some asylum claimants maintain that their knowledge or encounter of the broader hostile environment made them anticipate hostility in the decision-making process, contributing to the trauma they experienced in making their claim (Abbas et al. 2021, 13), while also providing a source of deep insecurity and disillusionment as “the idea of ‘perfect’ [genuine] and ‘imperfect’ [bogus]

refugees” (Hough and le Louvier 2023, 123) erects a barrier to communicating and valuing one’s own story. Karen Hough and Kahina le Louvier introduce this notion of value via the phenomenon of internalized racism, through which the claimants with which they worked found themselves “self-bordering”: imagining the UK border as an idealized and safe space, and themselves as lower down a perceived geopolitical hierarchy which is both manifested and determined by their unjust treatment (125). This is a significant piece of the issue, since the reifying and perpetuating of this notion of hierarchy sets up an unequal communicative context that is structurally antagonistic to the development of narrative intelligence.

The lack of narrative intelligence in the cultural and political set-up of asylum adjudication is also reflected in the administrative and physical environment. Paaras Abbas et al. (2021) conceptualize the “narrative dilemmas” (10) experienced by asylum seeking people in part through these practical elements of the interview environment, which both reflect and entrench the (epistemic) hostility and hierarchy of the interview itself. With the phrase “narrative dilemmas,” they identify the confusions, barriers, or conflicting expectations that complicate the attempt to narrate one’s experiences during the interview process. Their interlocutors – who comprised professionals who elicited narratives from claimants – pointed to the physical setting of the interview room, including the sound and lighting levels, and the gender of the interviewer or interpreter, as contributing to the dilemmas facing claimants such as omitting, altering, or embellishing their narratives. This relationship between physical environment and narrative dilemmas is sharpened by Nick Gill’s (2016) analysis of the geographies of morally obligating “meaningful interaction” (78) in the asylum system, in which he argues that the asylum interview is “carefully choreographed” (80) so as to prevent such forms of encounter. For an encounter to be morally obligating and (thus) meaningful, Gill explains, there must be sustained contact along with the capacity for relaxed interaction between two parties with roughly equivalent status (97). Importantly, the very way in which

the interview system is organized spatially precludes this kind of communication, since claimants are not given prolonged, respectful, and free-flowing interactive opportunities. We can therefore see a relationship between the culture of disbelief, the strategies and approaches initiated through hostile environment policies and presumptions, and the institutional arrangements that both reflect and shape these larger imaginaries and ideologies. This is particularly interesting as a way to conceptualize how the very notion of moral obligation in the asylum claiming process shifts in relation to these larger imaginaries: rather than the moral weight of refugee determination lying in the morally significant consequences of an unjust decision, the moralized stakes of the asylum decision sort truthfulness and fraudulence across the moral axis of “deserving” and “undeserving.”

As such, there is cause to consider the institution itself in terms of narrative (un)intelligence. While the practical character of this sort of intelligence attaches it in Ricoeur’s formulation to the wisdom of individuals, we can see how there are cultural and physical designs that prevent or stifle its development. In fact, Gill maintains that the larger social atmosphere of suspicion turns the interview into a “fact-finding exercise” (Gill 2016, 91) that is structured around a profound communicative asymmetry, itself mirrored in the administrative choices to make the physical interview setting discouragingly uncomfortable. Given the relationship I have been charting between epistemic (in)justice on the one hand, and the ethical-existential significance of the hermeneutical subject on the other, the notion that the physical organization of institutional space can influence the possibility of meaningful interaction is especially salient. If institutional culture and configuration can produce or preclude the sort of understanding that undergirds meaning-making, administrative policy might have real hermeneutical significance.

My intention with focusing on narrative intelligence as a feature of the institution is twofold. Firstly, it provides the hermeneutical space for an unintelligible claim to have ethico-

political significance, since understanding does not take the same relational shape as recognition (as I will elaborate below). Second, it offers a correction to the epistemic injustice I have been analyzing that does not rely solely on the individuals who might perpetrate this injustice. Instead, the concept of narrative intelligence points just as much to the relevance of *narrative* – and thus the importance of a claimant being able fully and meaningfully to disclose their narrative of persecution – as to the relevance of the *intelligence* developed as a result. In this way, without putting the burden fully on the asylum seeking person, narrative intelligence emphasizes the relationship between the resistant possibilities of a claimant’s epistemic agency, and the development of the decision-making institution’s capacity to respond to this.

iii. Structural Epistemic Barriers to Narrative Intelligence

Within and beyond the physical barriers to meaningfulness, in this dissertation I have emphasized the particularly epistemic unravelling of meaning-making enacted through the asylum claiming process. Considering the broader epistemic structures implanted in the decision-making apparatus that scaffold the interview itself as an exchange reveals that there are systemic epistemic hurdles to the development of narrative intelligence – which I am conceptualizing in terms of a practical institutional intelligence as a precursor to justice – in the first place. Simo K Määttä et al. (2021) offer the notion of “epistemic vulnerability,” not to characterize any individual claimant, but to describe “a shared condition intertwined with the institutional asylum determination process and situationally affecting the dynamics of asylum interviews” (47). In fact, they suggest that epistemic vulnerability, correlating with linguistic and psychological dynamics, itself constructs the functions of truthfulness and credibility, the relationship between which I have taken up in this dissertation as a conveyor of epistemic injustice. This vulnerability is articulated through the parallel and paradoxical procedural assumptions that, on the one hand, the interview process should be aimed towards “objective

knowledge” (64) which can be ascertained through asking particular questions, and, on the other hand, that determining credibility (and the presumptive suspicion this entails) is the most effective sorting method through which to come to this knowledge. This sets up in advance the dynamic of the asylum interview as antithetical to the fostering of the sort of meaningful interaction that might produce more just epistemic encounters. This notion of epistemic vulnerability as an institutional condition therefore reminds us that the epistemically unjust nature and consequences of the credibility assessment are seeded in the distorted epistemic structure of the process, so that institutional procedures can carry epistemic weight.

The structurally epistemic barriers to narrative intelligence are further compounded by the larger and interlinked threads through which knowledge about asylum is constructed, which fold claimants’ testimony into what Anitta Kynsilehto and Eeva Puumala (2015) have described as “a dispute over the right to construct the subject of knowledge” (451). As I developed in Chapter Four through the analytical lens of confession, the credibility functioning in the refugee determination process is not uncovered, but rather constructed through the process itself. Kynsilehto and Puumala take this notion of construction further, observing how information is “transformed into knowledge” (459) via the same logic as, and in tandem with, the construction of epistemic authority. This means that the interview as a process of interaction becomes the way through which both knowers and knowledge are validated, so that the decision maker’s “experience of the truthfulness of or suspicion toward the applicant’s narrative” contributes to the creation of that which becomes “objective knowledge” (458). This is a serious impediment to the development of narrative intelligence, since under these terms, understanding is superseded by constructed knowledge through the discourse of credibility and the accompanying interrogative logic of the asylum interview.

Through credibility as both a metric and a structuring premise, the decision-making process is therefore already structurally hostile to the development of understanding. This

hostility is manifested in, and perpetuated through, the way in which the interview is organized to assess credibility. This is further complicated by unequal access to a particularly significant piece of epistemic power: the decision maker knows (and/ or decides) what is required for a successful claim, while the claimant is very often unaware of how they should, or indeed could, present their claim.

iv. Credibility and Narrative Intelligence

This dissertation has provided a framework to support the argument that, in fact, the discourse of credibility is itself a narratively unintelligent one. I have elaborated throughout the previous chapters a number of epistemic-ethical issues with the focus on credibility instituted in the asylum regime. Broadly speaking, as Chapter One explored, credibility judgements enact an unequal and conflicting distribution of epistemic power, wherein the burden of proof lies on the claimant, but the power to sort the credible from the incredible (and thus, to label a claimant as ‘genuine’ or ‘bogus’) is located in the knowledge, experience, and expectations of the decision maker. Compounding this epistemic challenge is the particularly ethical dimension of understanding, elided by both prejudice and blind spots on the behalf of the decision-making institution which gives credibility a racialized, gendered and (post)colonial shape. As a result, as I have shown, credibility is not the same thing as truthfulness, and is in fact a construct of (political and epistemic) power. Moreover, as I considered in Chapter Four, credibility as a concept for deciphering the ‘genuine’ refugee has a more far-reaching function than it might first appear, since it is not just the content of a claim, but the claimant themselves, that is held up to this lens. As such, as York (2022) neatly summarizes in her appraisal of NABA, a claimant to the UK will now be rendered incredible through a number of factors attached to their previous behaviours, including:

[F]ailure to promptly disclose information, failure to attend an interview, failure to present to be fingerprinted, failure to claim asylum ‘forthwith’, making false

representations, destroying passports, travel documents or travel tickets, acting inconsistently with declared beliefs, acting in ways calculated to create the basis for an asylum claim, making more than one claim concurrently... [What is more,] a person who had previously been refused asylum, anywhere, will be refused, ruling out any fresh claim based on change of country conditions (28).

It is partly this collapsing of a claimant's past activity into the notion of credibility that has prompted some scholars to describe credibility discourse in terms of innocence and sin, since these previous "incredible" actions attach themselves to a claimant in a way that renders them ostensibly untrustworthy from the start. This is brought into sharper relief if we consider Erna Bodström's (2020) suggestion that credibility contains three dimensions: an internal element to do with the cohesiveness of a claim, an external axis regarding the extent to which a claim matches available evidence and country of origin information, and the more invisible notion of "social credibility" (627). Hannah Wikström and Thomas Johansson (2013) coined this third concept to capture the "normative leakage" (93) that taints how narratives are received according to the socio-cultural context and history of the claimant in relation to the decision-maker.

In other words, the discourse of credibility shifts the focus from a claimant's narrative to a claimant's underlying trustworthiness, erecting an immediate barrier to narrative intelligence at the same time as it circumvents the responsibilities of refugee law. If narrative intelligence is a wisdom on the level of understanding, it must require that a listener is able fully to interact with the narrative with which they are presented. Credibility discourse obscures the unfolding of a claimant's story with the penetrative and far-reaching judgement of 'truthful' or 'lying.' On the one hand, credibility as a construct ignores the claimant as an individual person, by limiting their capacity to disclose their own story meaningfully – while on the other hand, credibility discourse attaches itself to the individual claimant as a truthful or 'bogus' subject, rather than approaching their narrative in terms of the insights it can contribute to building up their personal profile. This also re-emphasizes that while a narratively intelligent

interaction will recall the individual person behind and within the narrative, this is not the same thing as collapsing a person into their narrative.

v. The (Reverse) Burden of Proof and Narrative Intelligence

A similar tension is reflected in the placing of the (reverse) burden of proof on the asylum applicant, requiring the claimant to disprove their guilt – or prove, as I have worded it throughout the dissertation, that they are not lying. In terms of narrative intelligence, we might understand this as a failure to make “acquaintance” (Ricoeur 1986, 124) with a claimant’s narrative so as to follow the telling of the story as it unfolds. Narrative intelligence speaks to the capacity to understand the meaning of, and draw lessons from, the semantics of stories, such that “narrating, following, and telling stories” take place upon the backdrop of a praxical “pre-history of the story” (130). The reverse burden of proof often imposed as a result of the unequal epistemic and political structure of the asylum interview thus not only reflects a lack of narrative intelligence in the interview as a form of eliciting and hearing a story, but, by turning an unfamiliar narrative into a problem of an unreliable or untrustworthy narrator, also prevents the development of the sort of praxis that would foster and expand this intelligence. As such, the political (and politicized) limits of narrative intelligibility I exposed in Chapter Six are entrenched in the interview structure to restrict the very remedial potential of narrative intelligence.

York (2022) criticizes the burden of proof in the asylum claiming context for producing “legally repugnant” (168) consequences. We might conclude on the level of narrative that the asylum interview is not just narratively unintelligent, but actually bypasses narrativity. Since refugee status is declarative, not constitutive, there is such a thing as a refugee: as the UNHCR Handbook elaborates, “it has been seen that the 1951 Convention and the 1967 Protocol define who is a refugee for the purposes of these instruments. It is obvious that, to enable States parties

to the Convention and to the Protocol to implement their provisions, refugees have to be identified” (para. 189). Given this, the refugee determination process requires first ascertaining “the relevant facts of the case,” and then applying the Convention definitions “to the facts thus ascertained” (para. 29). Under these terms, the asylum interview should function on a narrative level, as the Handbook itself describes it, “to bring an applicant’s story to light” (para. 199). However, the placing of the burden of proof wholly on the applicant, in conjunction with the hostility and suspicion entrenched in the decision-making process framed as a credibility assessment rather than a duty to understand the facts, mutates the object of the interview from bringing a narrative to light, to demanding a claimant proves they are not a liar.

vi. Epistemic Justice in a Narratively Unintelligent System

The above analysis has suggested that the UK asylum regime is narratively unintelligent on the level of both policy and institutional structure. By this, I mean that it is organized around assessing (and thus producing) credibility, which both ideologically and practically precludes the bringing of a claimant’s narrative “to light” on the level of understanding. The possibility of epistemic justice in this context therefore seems feeble, especially if we consider the terms under which Fricker conceives of its development. Fricker maintains that the defense against epistemic injustice is to cultivate ethical-intellectual virtues, which on the level of the virtuous individual can neutralize against the possibility of committing an injustice. This virtue ethics account approach reflects her focus on the particularly identity-prejudicial dimension that she sees as necessary for epistemically unfair behaviour to be unjust. Fricker identifies the primary harms of both sorts of epistemic injustice as follows:

The primary harm of (the central case of) testimonial injustice concerns exclusion from the pooling of knowledge owing to identity prejudice on the part of the hearer; the primary harm of (the central case of) hermeneutical injustice concerns exclusion from the pooling of knowledge owing to structural identity prejudice in the collective hermeneutical resource. The first prejudicial exclusion is made in relation to the speaker, the second in relation to what they are trying to say and/or how they are saying

it. The wrongs involved in the two sorts of epistemic injustice, then, have a common epistemic significance running through them—*prejudicial exclusion from participation in the spread of knowledge* (2007, 162; emphasis mine).

Since identity prejudice is the decisive component of instances of epistemic injustice, she insists that “the presence of identity prejudice in the collective social imagination is an endemic hazard” (86) for an epistemically just sensibility. In terms of testimonial injustice, this directly concerns the culpable individual, while for cases of hermeneutic injustice the problem is more structural, meaning that the virtue of hermeneutic justice is a necessarily corrective sensitivity to the fallibility of our shared hermeneutical resources. Elizabeth Anderson’s (2012) intervention expands the concept of epistemic justice as a virtue, to include the possibility of institutional virtue. Arguing that by focusing on individual virtues, Fricker’s original account is unable to address the sorts of injustices that spring from non-prejudicial structural foundations, Anderson suggests that we need to “get past the prejudice model” (169) to locate injustices also in “the global properties of the epistemic system” (171) – in fact, she uses the example of unequal access to presumed markers of credibility as one example. She therefore offers “epistemic democracy” (172) as a virtuous feature for institutions, consisting of universal and equitable epistemic participation. Fricker herself has since also widened her remit to consider the entrenched institutional vices such as institutional racism – itself more than the sum of racist individuals working therein (Fricker 2012) – and the possibility of institutional virtues under the rubric of an institution’s ethos (Fricker 2013). This virtue model, however, has been substantially critiqued by scholars concerned with the structural and ideological barriers to cultivating such virtue (Medina 2013), and the reliance this model places on the perpetrators to overcome injustice especially in the face of willful ignorance (Pohlhaus 2012), practices of victim silencing and epistemic oppression (Dotson 2011, 2014), and self-referential epistemologies of ignorance (Alcoff 2017).

However, the case of the asylum interview that I have been interrogating presents us with a different and pernicious, though connected, problem: that the very possibility of epistemically just communication is obstructed in the first place by the political and institutional terms of exchange. In fact, if we consider the Home Office guidance, the language urges the sorts of behaviours and attitudes that might fall under the notion of epistemic virtuousness. The introductory material to their most recent guidelines states:

Given the potential risks a claimant may face if they are returned to their country of nationality (or former habitual residence), the consideration of their asylum claim deserves the greatest care, or as described by the UK Courts, ‘*anxious scrutiny*’, so that *just and fair decisions are made* and protection is granted to those who need it. That is why every asylum claim must be *carefully considered on its individual merits*, by assessing all the evidence provided by the claimant against a background of available country of origin information. Claimants are expected to co-operate with the process and disclose all relevant information to support their claim, *but you must provide a safe and open environment to facilitate disclosure* (Home Office 2023a, 8; emphasis mine).

In fact, these guidelines seem to enable a particularly individual-focused account of “just and fair decisions,” by requiring of the individual decision-maker that their assessments are full and their attitudes are inclusive. In this dissertation, however, I have been tracking a form of epistemic injustice that seems to be located beyond both the individual and the way the institution enacts its responsibilities: the site of injustice is both broader and more entrenched, in the framing of the refugee determination process in terms of a credibility assessment, and the enacting of this process as a result of the burden and standard of proof. Under these terms, even the most “anxious scrutiny” and “safe and open environment” are already mutated by the aim of the exchange itself. The narratively unintelligent environment, itself a direct consequence of – or at least a direct reflection of – credibility discourse, is a substantial barrier to the fostering of virtuous epistemic behaviour on the individual or the institutional level; while the physical and structural organization of the institution is already shaped by the hostility both generated by and generative of the notion of the ‘bogus’ asylum seeker. As long

as the asylum regime is set up to include the ‘genuine’ and exclude the ‘bogus,’ and thus to rely on the (constructed) notion of a claimant’s truthfulness to render a claimant lawful and a claim admissible, it will continue in its obstruction of epistemic justice. Put another way, as long as the UK Home Office understands their immigration strategy as “driv[ing] down illegal migration” (Taylor 2023) while maintaining their concern is for “genuinely vulnerable people who have played by the rules” (Home Office 2021c, Chapter 4), assessing refugee status will be epistemically unjust. The particular epistemic injustice I have diagnosed, wherein a claimant is both required to prove they are truthful, and compelled to lie, continues to be self-perpetuating in this narratively unintelligent environment in which a story is only as credible as it is recognizable.

vii. From Credibility to Understanding

We can draw a line of distinction between the motivating question behind the RSD process as a credibility assessment, and the motivating question behind a narratively intelligent reception of a story. In the case of the former, the Home Office guidelines emphasize that the assessment process in essence is to determine “whether the claimant is who they say they are and fear what they say they fear” (Home Office 2023a, 26). As I explored above, on the other hand, narrative intelligence is wisdom on the level of understanding. The question that we could formulate as the aim of a narratively intelligent processing of a claim, therefore, might be “has this person’s story been fully understood?” Developing a determination system around this question of understanding, however, does not have to entail another slippery and subjective epistemic power imbalance, wherein the decision-making institution sets the terms of understanding according to their own incomplete information. Instead, we can untangle the significance of understanding as a counterpoint to credibility by returning once again to the case of a claim that clashes with a decision-maker’s expectations – or, to use the language developed in

Chapter Six, an unintelligible claim. The test to which to submit such a claim, under the banner of understanding, might be something like “is it precisely this unintelligibility that warrants further effort to understand?”

In this way, the task becomes to understand, rather than to believe. This does not mean that credibility does not play a role in determining a person’s eligibility for state support, but rather, it confines the notion of credibility to the narrower sense defined by the International Association of Refugee Law Judges in Chapter One, wherein credibility is important only to the extent that it helps to establish the claimant’s factual background for the purposes of applying Convention obligations. The key hermeneutical distinction between understanding and credibility as policy goals, is that under the umbrella of the former, if a claim is incomprehensible, this is a problem for the decision-making institution rather than the claimant. A narratively intelligent system will therefore be one that is capable of engaging with the sorts of narratives that might displace or expand political and policy expectations regarding legitimacy.

viii. Narrative Participation

One important intervention at this point can be found in the principle of participation. On the legal level, effective participation in judicial proceedings is “a long-established legal principle” (Jacobson 2020, 1), wherein participation entails both contributing to the information being adjudicated, and understanding fully the process, its outcomes, and one’s options (Kirby 2020, 72). While the substantive asylum interview does not take place in a court or tribunal, there is good reason to consider the relevance of participation in the refugee determination process, not least because, as Sheona York (2022) maintains, “the fact that the burden of proof lies on the applicant has inexorably led to a standard of proof nearer to the criminal standard of ‘beyond all reasonable doubt’” (71). It is undeniably the case that for the decision-making process to

unfold effectively and fairly, even by the Home Office's own terms, a claimant must be able to "co-operate with the process and disclose all relevant information to support their claim," despite "not know[ing] what information is necessarily relevant to their claim and some aspects [being] very difficult for them to disclose" (Home Office 2023a, 8). This legal-procedural acknowledgement of the importance of participation for the delivery of justice reflects the insistence in epistemic justice literature that subjects require full epistemic agency (Medina 2021, Lackey 2022) in order for social or institutional relations to be structurally conducive to just communication. The background figure that seems to resonate across both the legal pole of participation, and the ethical pole of agency, is the person themselves who is subjected to juridical or epistemic scrutiny. The primacy of the person across these two planes is captured in Ricoeur's (2000a) meditations on the relationship between conscience and the law, which lead us back towards the framework of narrative intelligence. While not employing the language of narrative, in this essay Ricoeur does lean on the notion of "wisdom in judgement" (154), referring again to the Aristotelian virtue of *phronesis*. His intention here is to prise apart the relationship between legal norms and their application, arguing that the unsubstitutable singularity of each person must always afford more respect than the law itself. Injecting ethics into legal judgements, he clarifies, means weighing the norm no more heavily than the persons involved. In this way, Ricoeur insists that justice on the level of the deontological law suffers from a "mutation" (xviii) in the absence of an ethical foundation. Recalling that for Ricoeur, a self and its other are...the obligatory protagonists of the ethico-juridical norm" (150), we might take from this that conscience is reflective of the "respect owed to singular persons" (155). Taking these entwined intuitions into the context of the asylum regime, I would offer the notion of 'narrative participation' as a way to capture the significance of the individual person both on the structural level of how the decision-making process is organized, and on the communicative level of how information is disclosed and engaged with. As such, to lean on

Ricoeur's terminology, with this notion I mean to speak across both conscience and the law, to make the individual person both an ethical and an institutional priority.

I am choosing to use participation as our way into instituting narrative intelligence as a counterpoint to recognition. As I discussed in Chapter Two, recognition plays a complicated role in the refugee determination process: while refugee status is ostensibly declarative, meaning that a person is recognized *because* they are a refugee (rather than becoming a refugee because they are recognized as such), this legal recognition becomes subsumed into a less formal epistemic-ethical recognition because it is only conferred upon claimants who, as subjects of knowledge, are recognizable to the decision-maker. Recognition as a rubric for (epistemic) justice in (epistemically) unequal relationships has been well problematized, as I explored, because of the power it reifies on the perpetrator of (epistemic) injustice to define the terms of, and confer, this recognition. In this sense, desire for recognition from another keeps a person subordinate. Michael Doan (2018) actually takes his analysis of structural epistemic injustice around the question of recognition via the notion of participation, leaning on Nancy Fraser to suggest that epistemic injustice occurs as a result of "impediments to parity of epistemic participation" (14), which lie behind that which we might term failures of recognition. The legal recognition reflected in the conferral of refugee status must therefore be protected by, and attainable through, something less implicated in power relations than the demand for epistemic recognition. The notion of participation, conversely, emphasizes the relational dimension of epistemic (in)justice, rather than relying on recognition from the powerful institution or individual.

ix. Policy Reflections: Instituting Narrative Intelligence

While there are a number of policy amendments that could serve to make the asylum claiming process more just, more responsible, and less violent (see, for instance, Stephanie

Silverman et al.'s (2022) assessment of the UK's unique immigration detention policies, along with Peter William Walsh's (2024) comprehensive critique of the Rwanda Plan), I want to close this chapter with a reflection on how the system might be set up to both reflect and foster narrative intelligence in the asylum interview, therefore laying the framework for more epistemically just decision-making. This is rather than trying to imagine procedures to ensure epistemically just behaviours, because of the aforementioned structural and normative barriers to the development or enactment of justice in the first place. It is also because the refugee status determination process turns on the legal role of recognition, which needs to be pulled apart from the notion of epistemic recognition perpetuating the power asymmetry provoking such injustice. Focusing on narrative intelligence allows us to imagine a system wherein claimants can enact their epistemic agency, with recourse to lines of epistemic resistance in the face of epistemically unjust behaviours, attitudes, or practices.

The challenge of seeding narrative intelligence into the structure of the institution begins with reframing the policy aims of the refugee determination process, to displace the primacy of credibility discourse. We can think about credibility as a "policy imaginary," which Lucy Mayblin (2020) describes as a discursive way "of simplifying the complexity of the phenomenon" and "organizationally and institutionally fix[ing] practices of management and guidance in relation to it" (2). As Mayblin argues, by simplifying the complexity of asylum – in this case, to sort applicants according to credibility, and thus categorize them under the interpretive poles of 'genuine' or 'bogus' – a policy imaginary "constrains and determines the ways in which [policy actors] govern asylum seekers through policy mechanisms" (6). We have seen throughout this dissertation how the demand for truthfulness has shaped not just how asylum policy is enacted, but how asylum seeking people are disciplined throughout this process (and in fact, Mayblin also points out that policy imaginaries function to discipline decision-makers themselves, which is reflected in Chapter Two's discussion of the asylum

interview as manifesting a relationship of epistemic and political power). Indeed, it is precisely in this process of constraint and determination that the epistemic meaninglessness that characterizes the compulsion to lie is situated. Adopting policy mechanisms and procedures aimed towards understanding, in the same vein, would mark the process both discursively and organizationally, meaning that we do not need to invest all the power to change the system on the understanding skills of each individual decision-maker.

Discursively, displacing credibility with understanding includes decoupling both the burden of proof and the standard of proof from the notion of truthfulness. Interestingly, the UNHCR (1998) offers a clarifying note on the burden and standard of proof, maintaining that the burden of proof captures the duty affirmatively to prove the “facts in support of [a] refugee [claim]” (2), and aligns with the general legal principles governing the production of evidence. They go on to explain that the burden of proof “is discharged by the applicant rendering a truthful account of facts relevant to the claim so that, based on the facts, a proper decision may be reached” (2). While the UNHCR links the burden of proof to evidence of the facts, and is concerned with the applicant’s truthfulness to the extent that the facts can be assessed in order to reach a decision that best fulfills the mandate of the Convention, the overriding ideology of credibility discourse attaches the burden of proof conceptually to the status of being ‘genuine.’ Rather than the burden of proof functioning to demonstrate the facts of a case, in order that the adjudicator can work with the claimant and the facts to make a “proper decision,” as I elaborated above, the claimant is tasked instead with the burden of proving, in the face of institutional suspicion, hostility, or even ignorance, that they are not a liar. This is compounded by the increasing standard of proof employed by the UK Home Office – which we have seen move from a “reasonable degree of likelihood” to “more likely than not” within the last two years – which pits the work of truthfulness in the discharging of the burden of proof against the credibility discourse mobilizing the decision. The rubric of understanding would correlate

more with the model of a shared burden of proof, wherein each applicant has a legal counsel with whom the decision-maker works to ascertain the evidence.⁷⁷ Not only would a shared burden of proof create a more participatory process, while on a hermeneutical level making inconsistencies in a narrative something to address cooperatively rather than a marker of illegitimacy, but as York (2021) argues, “in the absence of a shared burden of proof the Home Office can and does introduce unsubstantiated allegations, spurious or irrelevant ‘facts’, and the decision-maker’s own opinions, into the decision. A shared burden of proof would eliminate that type of issue.”

Organizationally, this leads me back to the notion of participation, which I see inhabiting two main dimensions. On the one hand, narrative participation requires the physical opportunities to disclose and be heard effectively. As such, I align myself with the numerous calls for a more supportive interview environment, comprising the physical features of the interview setting such as privacy, safety, and comfort; the gender and cultural background of the interviewer and interpreter (if applicable); consistent and appropriate reception conditions; and efficient and effective organization across the decision-making institutions (O’Nions 2014; Mayblin 2020; Abbas et al. 2021; UNHCR 2023). On the other hand, narrative participation demands these same features on the communicative level. This means that claimants should be equipped with full and transparent knowledge both of the Home Office’s procedures, and of what is expected and warranted of an asylum claim – including in the most basic sense what qualifies a person for refugee status, and what the decision-makers need to see in order to assign this status to a claimant. This might demand that the Home Office readily and thoroughly publicize their rules across both physical and online channels, as well as ensuring the

⁷⁷ This would, of course, necessitate more and re-distributed resources. While this dissertation is not equipped to consider the resourcing possibilities, Sheona York’s excellent (2022) book contains a discussion of the provision of sufficient resources in relationship with a shared burden of proof; a concept for which she has consistently advocated.

transparency of their administrative processes such as wait times and possible recourses to support. As many advocacy and research groups across the UK have argued, this also necessitates robust trauma and anti-racist training amongst Home Office staff, to ensure that each individual claimant is given every opportunity to share their story safely (British Refugee Council 2022, Asylum Aid 2023⁷⁸, Refugee Action 2023).

Finally, we can consider how narrative intelligence might be developed in and through the decision-making process itself. For one, claims that have been particularly difficult to render intelligible could be used as reference or impetus for further training, so that unintelligibility expands institutional understanding. This means, effectively, building up a form of narrative coaching wherein decision-makers can be aware of different narrative forms and conventions, acknowledge how trauma (including the trauma of the asylum seeking process) can impact narrative disclosure, and notice how coherence and legibility are cultural and racialized constructs. In other words, the information provided by asylum claimants themselves should have the capacity to displace or expand the assumptions and information available to the decision-making institution. Second, I want to emphasize Ricoeur's (2000a) assertion that a decision is "all the more worthy of being called *wise* if it issues from a council...wisdom in judging and the pronouncement of wise judgement must always involve more than one person" (155). Applying this intuition to the notion of narrative intelligence in the asylum regime, and we might imagine the instituting of a specialist team to include a psychologist and a legal representative, transforming conscience into praxis. In this way, understanding might be instituted into the structure of the decision-making process without either relying too heavily on an individual caseworker's imaginative capacity, nor putting too heavy a burden on the claimant. In fact, making the decision-making process the responsibility

⁷⁸ Asylum Aid has actually teamed up with the Justice Together Initiative to offer this sort of training.

of a council helps both to enact and to correct the various strands of Ricoeur's ethical hermeneutics I have explored throughout this thesis. A council not only embodies the horizons of possibility in which the creative imagination finds belonging, thereby physically rendering the act of understanding, but it also provides a way through the paradox of recognition I introduced in Chapter Two by bypassing the asymmetrical (epistemic) power relationship that makes recognition a paradoxical problem in the asylum claiming context. A council model, moreover, would perform the overt dialogicality of translation/ interpretation that I recommended in Chapter Five, while also physically instantiating (and therefore mitigating) the limits of language that were the concern of Chapter Six. In this way, instituting narrative intelligence might make truthfulness possible, and the decision-making process epistemically meaningful.

Conclusion

In August 2023, under the direction of then-Home Secretary Suella Braverman, the Home Office and Ministry for Justice announced the inception of the Professional Enablers Taskforce. This taskforce is directed towards finding and prosecuting immigration lawyers who they determine have helped people arriving irregularly in the UK to submit false asylum claims. In the corresponding press release, Braverman pronounced that:

Crooked immigration lawyers must be rooted out and brought to justice. While the majority of lawyers act with integrity – we know that some are lying to help illegal migrants game the system. It is not right or fair on those who play by the rules (Home Office et al., 2023).

If convicted of “[a]ssisting unlawful immigration to the UK,” lawyers can face a maximum sentence of life imprisonment (Home Office et al., 2023). As The Guardian’s editorial on the taskforce pointed out, collusion in false claims, as a form of fraud, is already against the law; and the penalty attached to conviction is far longer than those mandated for even the most extreme cases of fraud (The Guardian, 7 September 2023). Moreover, the Law Society have emphasized that the major failing of the UK asylum system lies not with this “tiny minority of lawyers,” but with the “unworkability of the Illegal Migration Act” (The Law Society, 8 August 2023). Two things are clear from the introduction of this auxiliary measure. Firstly, the suspicion that asylum claimants (and their legal advocates) might be lying has been mobilized as a chief reason for the huge backlog of asylum claims in the UK.⁷⁹ In fact, during a debate on “Illegal Migration” in September 2023, the Parliamentary Under-Secretary of State for Migration and Borders responded to questioning about reducing this backlog by recalling “lawyers who would seek to undermine the efficacy of the asylum system by coaching or by, in effect, enabling fraudulent use of asylum and other routes; we have created the Professional Enablers Taskforce to prevent such an abuse of the system” (United Kingdom 2023b).

⁷⁹ In February 2024, there were understood to be over 100,000 people waiting decision, with almost 5,000 having been waiting at least eighteen months (Norris 2024).

Secondly, the notion of illegality is entwined so deeply with the notion of fraudulence, that migrants are deemed liars by virtue of being illegal, and revealed as illegal by the fact of their lying. These combined rhetorical features speak to the premises that have steered my analysis throughout this dissertation: that whether or not a claimant is lying is the fundamental concern of the refugee determination process, and that credibility and illegality are co-constituting constructs that make these aforementioned rules absurd.

I have taken this absurdity, which Campbell (2016) identified on the institutional scale, as a hermeneutical problem: a problem on the level of meaning-making, with repercussions across the ethical, political, spiritual, and linguistic dimensions of subjectivity. This has been in order to understand the particular injustice through which an asylum claimant has to endure the “prolonged agony of being disbelieved” (Schuster 2020, 1372), while also bearing the weight of the burden of proof for substantiating their application. The most conspicuous imprint of Kafka on my analysis lies in the background procedural assumption, which Kafka establishes at the very beginning of *The Trial*, that only the guilty are unable to disprove their guilt. When the guards come to arrest K. while he waits for his breakfast, one responds to K.’s protestations by reminding him that:

Our department, as far as I’m acquainted with it...does not *seek out* guilt in the population but, as it says in the law, is *attracted by* guilt and has to send us guards out. That is the law (Kafka 2009, 9; emphasis mine).

The self-fulfilling property of guilt that leaves K. incapable of participating in the law resonates acutely with the way in which the label of ‘bogus’ attaches to an asylum claimant as a condemnation of both their legality and their truthfulness. To defer, as I have several times throughout this dissertation, to James Souter, ‘bogus’ as a term can refer both to untruthfulness, and to groundlessness (see Souter 2016), meaning that illegality and insincerity are mutually inscribed in the very semantics of a ‘bogus’ claimant. Proving oneself against the charge of being bogus can, therefore, be a nonsensical undertaking, if the accusation that one is lying

collapses into the confirmation that one is illegal. I have been concerned here with the ways in which a claimant's truthfulness is the very thing that is put on trial, locating this absurdity in the ways in which telling the truth itself becomes meaningless.

By using the mechanism of epistemic injustice in order to establish this issue, I am aligning myself with Fricker's broad aims in her initial conceptualization. She describes her exploration of the sorts of injustice wrought upon people on an epistemic level as an attempt to uncover the ethical composition and implications of our epistemic interactions, while coincidentally exposing a "politics of epistemic practice" (Fricker 2007, 2). It is this joint ethical and political impulse that led me to follow this issue into the question of subjectivity: I have therefore elaborated the relationship enacted throughout the asylum claiming process between the formation of epistemic subjectivity (or, the status of a subject to whom knowledge can be attributed), political subjectivity (or, the status of an intelligible and capable subject within the parameters of political existence), and how we might understand and approach intersubjectivity on the ethical level. Troubling this relationship, and marking the possibilities for subjectivity at each of these pitches, is the role of the decision-making institution in deciphering the subject. As a result, the tangled role of recognition as a gatekeeping device is deeply implicated in the absurdity borne by the asylum claimant who is both given the epistemic and legal burden of proving themselves eligible (as truthful), and constrained by the terms of recognition in their capacity to tell the truth.

The shape and force of this institutional dimension has required an expansion both of Fricker's original rendering of epistemic injustice, and of the formulations of subjectivity with which I have been working. I have been primarily thinking alongside Ricoeur, whose hermeneutical approach to the question of becoming subject offers an ethical intervention into the relationship between self, other, and institutional participation, and an existential modulation of our capacity for meaning-making. Ricoeur's route towards the speaking subject

provides a framework through which to unpack how epistemic injustices, as Fricker also insists, enact a harm “in terms of the very construction...of selfhood” (Fricker 2007, 168). His hermeneutics of the subject also presents an ethical formula that seems to respond to this sort of injustice, by emphasizing the ethical and existential significance of the reflexive work of recognition-attestation, and cementing the notion of responsibility (both for and by another) in the fragility and capability through which the subject emerges. However, the case of claiming asylum – and in particular, the consequences of the credibility assessment as the rubric through which a claimant’s deservingness is evaluated – exposes the political and politicized limits of this hermeneutics. In doing so, it also recalls the structural qualities of epistemic injustice, its ramifications, and its perpetuation. The particularities of the asylum claiming process as a reflection and reification of the UK’s larger border politics emphasizes the racialized, gendered, and (post)colonial shape of the epistemic practices and possibilities therein, and therefore reveals the existential significance of these political constructions.

My argument has been compelled by the question of meaning-making. The notions of meaningfulness and meaninglessness, and the ways in which these are implicated in subjectivity and intersubjectivity, have provided me with a way to insist on the existential relationship between the subject and their speech, and to consider meaning-making as an ethical and political concern. This notion is the conceptual tie across the above seven chapters. In Chapter One, I laid the contextual groundwork by locating the legal, procedural, and cultural meanings embedded in and constructed by the refugee determination process. As such, I interrogated the illegalization of asylum seeking people, and how this marks the asylum claiming process with the interrogative hostility of criminal proceedings. This matters because, as I highlighted, international refugee law is an interpretive project, so that the meaning attached to ‘genuine’ refugees and ‘bogus’ asylum seekers is constituted through legislation and perpetuated through its application. By introducing the primacy of the credibility

assessment, along with the criminalization of asylum through which refugee law seems to presume guilt, this chapter pointed towards the deep flaw in the decision-making process, wherein a claimant has to prove that they are not lying in a culture of disbelief. Chapter Two diagnosed the epistemic injustice wrought through the dilemma this provokes as epistemic meaninglessness, whereby a claimant both has to prove that they are not a liar, and might be compelled to lie in order to do so. I introduced the paradoxical role of recognition in this context to demonstrate how recognition is also curtailed by meaninglessness. Under this paradox, refugee law legally recognizes a claimant as having already been a refugee, while at the same time it is only if a claimant is recognizable as a refugee that they have the capacity to present themselves credibly. In other words, despite a claimant ostensibly being a refugee prior to being recognized as one, they must be recognized as one for their identity as a refugee to be credible in the first place. This parallels the legal character of the UK asylum regime, wherein the state recognizes its Convention responsibilities only to the extent that it acknowledges an asylum claimant as genuine. Epistemic meaninglessness captures the fact that whether a claimant is truthful or lying has negligible epistemic weight in proving whether or not they are truthful or lying, and sets up the problem of meaning-making as an issue at the level of selfhood.

In Chapter Three, I picked up the question of selfhood, by turning to Ricoeur's retrieval of the self in our being in language. Ricoeur's approach to subjectivity understands meaning and being as a co-implicated event, and meaningful speech as speech that accomplishes this event. He therefore locates the ethical and existential significance of meaning-making in the ways through which the subject emerges as they make themselves meaningful. As such, I framed this chapter around Ricoeur's suggestion that "to believe oneself unable to speak" is a form of excommunication, so that to question the meaningfulness of speech is to question oneself. The notion of excommunication, further, speaks to the importance of (self-) recognition and (self-) responsibility in the hermeneutical subject, captured in the constructive

grammar of the “I believe that I can.” I therefore ended this chapter by gesturing towards the resonances between Ricoeur’s approach to subjectivity, and Foucault’s hermeneutics of the self, through the phenomenon of confession. Across both these accounts, we see a transformative relationship between truth and the subject that reflects Foucault’s notion of spirituality. Chapter Four thus took epistemic meaninglessness as a spiritual concern, to understand the relationship between truth and the subject manifested in the asylum claiming process. I explored readings of this process as a confessional practice, which use Foucault’s contention that confession has become the modern form of truth production to argue that the asylum claimant is positioned as a confessional subject beholden to the truth regime of the state. By contrasting Foucault’s emphasis on truth as a product of power, and Ricoeur’s concern with truthfulness as an ethical-existential mode, I proposed instead that confession in the asylum claiming context is impossible: the claimant as a truthful subject is included in and precluded by the very truth regime within which they have to prove their truthfulness. To underscore the function of meaninglessness on the level of spirituality, I introduced Agamben’s scheme of abandonment, which captures the relationship of inclusive exclusion through which the claimant is assessed in terms of their truthfulness, but simultaneously prevented from being truthful. As such, I suggested that we might conceive of epistemic meaninglessness in terms of spiritual abandonment.

Meaning-making took on a more practical significance in Chapters Five and Six, in which I engaged with material instantiations of meaninglessness as a provocation to confront the relations of power structuring the refugee determination process. In Chapter Five, I interrogated the problem of untranslatability as an expression of epistemic meaninglessness that challenges the ethics of translation with the politics of language. The issue of untranslatability inserts a Derridean counterpoint into Ricoeur’s vision of linguistic hospitality, and marks the work of (post)colonial feminist translation scholars who insist on preserving,

rather than subsuming, the untranslatable to highlight the materiality of linguistic difference. Continuing this intervention, I took the politicized limits of meaning-making as having politically transformative potential, to argue that ethical translation has to include an acknowledgment of the political relations of domination that produce the untranslatable. Since, as I established above, the refugee determination process is an interpretive procedure, the ethico-political question of translation resonates across the broader epistemic practices of the asylum regime. I therefore turned in Chapter Six to Ricoeur's treatment of narrative, as the level at which the subject is held together through the work of interpretation. Ricoeur's formulation of narrative as an existential and ethico-political mode is guided by the notion of intelligibility, whereby it is through the meaning-making capacity of an intelligible plot that the subject emerges as a coherent self among others. Through the epistemic meaninglessness of the asylum claiming process, I exposed how narrative expectations embedded in the concept of intelligibility are shaped by mechanisms of power, and emphasized the political limits of narrative's epistemic potential, to push against the edges of Ricoeur's account. I argued that unintelligible forms and content of asylum claims could intervene in and displace institutionalized narrative logics, giving meaninglessness a resistant and disruptive function. The very absurdity of the epistemic practices in the asylum regime, I suggested, could be the site from which to transform the terms of institutional recognition. In this way both untranslatability and unintelligibility, if rendered as concrete epistemic and ethico-political concerns, are institutional reminders of the performative limits of credibility discourse. In Chapter Seven, I borrowed one more imaginative device from Ricoeur, to explore policy options that might respond to the significance of meaninglessness both as a form of injustice, and as a site of transformation. Reflecting on the theme of narrative intelligence as a form of phronetic wisdom, I proposed that policies directed towards implementing narrative intelligence in the asylum regime would support understanding as a counterpoint to credibility.

Under the terms of understanding, if an asylum claim clashes with the decision-maker's expectations, this would not represent a problem of credibility for the claimant to disprove. Instead, it would be an indication that something had been misunderstood, and an incitement to consider whether it is precisely this clash that warrants further effort to understand. I therefore contended that instituting narrative intelligence might allow for meaning-making to be accomplished in, rather than imposed by, the process of refugee determination.

At the start of this dissertation, I posed the UNHCR's critique of the language of 'bogus' asylum seekers as "nonsensical." My particular intervention has been to trace this senselessness into the very epistemic structure of the asylum claiming process, to conceptualize its distortive function on the possibilities for the asylum claimant as a subject of knowledge. In doing so, I have also used the notion of meaninglessness to push at the limits of hermeneutical accounts of the subject. As such, my expansion of the concept and consequences of epistemic injustice has provoked an expanded understanding of Foucault's notion of confession as a hermeneutic technology, and of the existential-ethical treatment of translation and narrative in Ricoeur's hermeneutics of the self. This study therefore has implications for, and might motivate, future work on epistemic and hermeneutical subjectivity, by revealing and recalling the ethical, political, and institutional forces delimiting how credibility, truthfulness, language, and narrative are conceived and received. I offer meaninglessness, then, as a heuristic through which to refract analyses of both agency and oppression within systems of knowledge production and meaning-making.

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