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ACRONYMS

AHWGI	Ad Hoc Working Group on Immigration
CIREA	Centre for Information, Reflection and Exchange on Asylum Matters
CIREFI	Centre for Information, Reflection and Exchange on the Crossing of Borders and Immigration
CWO	Community Welfare Officer
DASS	Directorate of Asylum Seeker Services
EEC	European Economic Community
EU	European Union
GRSG	Galway Refugee Support Group
INIS	Irish Naturalisation and Immigration Service
JHA	Justice and Home Affairs
ORAC	Office of the Refugee Applications Commissioner
RAT	Refugee Appeal Tribunal
RIA	Reception and Integration Centre
RLS	Refugee Legal Service
UNHCR	United Nations High Commission for Refugees
VEC	Vocational Education Association

ABSTRACT

This thesis is about the construction and performance of subject positions. Specifically, these include the subject position *refugee* and its negative constituent the *bogus asylum seeker*. Such a construction has over time become problematised throughout Europe and on the Irish asylum platform. This thesis reflects primarily the Irish platform in which the subject position *refugee* became problematised. As such, a genealogical investigation examines the emergence and problematisation of asylum in Ireland. A governmentality perspective focuses upon the regime of practices, the rationalities and technologies that activate a particular mode of governance in respect of asylum seekers.

This thesis argues that the mode of governance, or subjectification process, in relation to asylum seekers is one of security, and the securitisation of asylum throughout Europe, Ireland included. This mode of governance creates a realm of abjection or state of exception in which the asylum seeker is curtailed in limbo. In Ireland, this limbo period is particularly visible through the dispersal and direct provision system that it operates. This thesis has a twofold focus upon the limbo period: firstly, the application process by the asylum seeker that I argue elicits a Procrustean style tactic of power, and secondly, the negotiation of encounters by asylum seekers as they excavate their way through the limbo period.

This thesis fundamentally examines the subjectification process of asylum seekers, that is, how they are subjected to power relations that dominate them, but also how they resist this form of domination. What emerge is the complex and intricate relationship between domination and resistance and perhaps the inevitable new subject positions that this forms.

0. INTRODUCTION

This thesis is about the construction and negotiation of subject positions. In particular these include the oppositional, yet mutually constitutive, subject positions of refugee and bogus asylum seeker. In order to provide the reader with the conceptual tools necessary to orient themselves within the thesis I will begin with a few simple definitions. These are presented in as uncontroversial a way as possible, corresponding to the official discourse. As we shall see, these official understandings miss much of the complex nuances of the practice of social life.

This thesis analyses the complexity of the performance of subject positions in social life. It builds on the work of Foucault, and then goes beyond Foucault, as his contribution tends to reduce subjectivity to the disciplining and ordering of docile bodies leaving little or no space for human freedom and agency. However, it does not seem to me that Foucauldian analysis precludes this form of resistance. In fact, Foucault constantly observes that power and resistance go together. ‘Power consists in complex relations: these relations involve a set of rational techniques, and the efficiency of those techniques is due to a subtle integration of coercion-technologies and self-technologies’ (Foucault 2007:155). Yet, while Foucault does provide conceptual space theoretically, he provides us with few conceptual tools to empirically analyse this process of resistance to subject formation. For this reason, this thesis will bring the work of Michel Foucault and John R. Searle together in conjunction with the power literature, culminating in an analysis not just of ‘governmental power’ but also what is presented as ‘social power’. As such, this thesis addresses the negotiation of encounters of domination by asylum seekers, arguing that resistance to technologies of domination is fundamental to asylum seekers’ ability to negotiate their existence as secure beings-in-the-world, and thus articulate themselves anew.

DEFINING APPLICANTS

REFUGEES, ASYLUM SEEKERS, ECONOMIC MIGRANTS, FAMILY REUNION

0.1. Refugees

What or who is a refugee? The general definition as an answer to this question is provided by the 1951 UN Convention Relating to the Status of Refugees (and the extended 1967 Protocol), and signed by all liberal democratic states. According to the Convention ‘the term “refugee” shall apply to any person who owing to a well-founded fear of persecution’ 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’ (emphasis added UNHCR 1992:8 P:36). Although the definition is to be taken as a whole, there are core elemental segments that make up this understanding. First, the individual must be *outside* her state of origin, in respect of the sovereignty of states. This is not to relegate as inferior the needs of those internally displaced, however these persons have begun to be treated separately through humanitarian interventions as they are still within the bounds of their state (Fraser and Harvey 2003:8-9). Secondly, the state of origin must be incapable and unwilling to provide protection, however, another area within the state can be considered, particularly if it can provide protection. Thirdly, a main element of refugee character is that their claim must be based upon a ‘well-founded fear of persecution’. This relates to the subjective fear of the applicant as well as an evaluation of the applicant’s statements. Thus it is both the subjective and objective conditions upon which the level of fear is determined, and if it amounts to persecution. While no definition of persecution is laid down the Convention infers persecution to arise from one of the Convention reasons, race, political opinion, religion, nationality or membership of a particular social group (UNHCR 1992:10 P:51). However this definition of persecution neglects ‘oppressive strictures’ that generate harm to their population that has not been specifically targeted to ill-treat members of the population (Gibney 2004:7). It is these subsidiary occurrences that have recently been expanded to be constitutive of necessitating protection and subsidiary protection status.

This definition and understanding of who is to be considered as a refugee reflects the period in which it was constituted. The early Cold War years reflected a move of responsibility and protection for those who found themselves products of totalitarian regimes or communist states. 'Refugees were seen thus as a product of a certain kind of political rule in which the normal responsibilities of a state to its citizens were deliberately and directly violated' (Gibney 2004:6). In recent times, the Convention definition in the practice of understanding who is a refugee has been filtered as programme refugees are those recognised as refugees within the boundaries of their state of origin which draw the UNHCR's efforts to displace them to safety. Shacknove argues that the Convention definition contains implicit arguments such as:

- a) a bond of trust, loyalty, protection, and assistance between the citizen and the state constitutes the normal basis of society;
- b) in the case of the refugee, this bond has been severed;
- c) persecution and alienage are always the physical manifestations of this severed bond; and
- d) these manifestations are the necessary and sufficient conditions for determining refugeehood. (Shacknove 1985:275)

Such arguments supply essential and universal, moral and empirical claims about refugeehood. Shacknove further observes that if obligations stemming from the Convention do exist then those it asserts to describe have the upper hand in their claim for assistance. However, he asserts, states reason in reverse, 'from their fear that they will be forced to shoulder the burden of assisting refugees unilaterally to a narrow conception of refugeehood which limits the number of claimants' (Shacknove 1985:277). Instead, he argues that 'refugees are, in essence, persons whose basic needs are unprotected by their country of origin, who have no remaining recourse other than to seek international restitution of their needs, and who are so situated that international assistance is possible' (Shacknove 1985:277). An attempt to address the background, general and personal situation of applicants has appeared more recently in the recognition of subsidiary protection. Such humanitarian additions have attempted to address areas such as 'differential impact', and 'indiscriminate violence' introduced in both Article 3 of the European Convention of Human Rights and article 15 of the Qualitative Directive 2004/83/EC. Throughout this thesis I will adopt the definition of refugees as articulated by Gibney, that is, 'to denote those people in

need of a new state of residence, either temporarily or permanently, because if forced to return home or remain where they are they would – as a result of either the brutality or inadequacy of their state – be persecuted *or* seriously jeopardise their physical security or vital subsistence needs’ (Gibney 2004:7). This definition incorporates the expansion of Humanitarian protection or subsidiary protection practiced by most liberal democratic states i.e. general states of violence in which one can become an indirect victim, or individual occurrences like famine or natural disasters that can cause harm to the individual. The central claim of the refugee, distinguishing him/her from other migrants is ‘grant me asylum for, if you do not, I will be persecuted or face life-threatening danger’ (Gibney 2004:8)

0.2. Asylum Seekers

Asylum seekers are generally those who proclaim themselves as refugees at the peripheral borders of states. Their claim to refugeehood for all intents and purposes is the same as the refugee claim above (Gibney 2004). However, it is the visibility of refugees at borders that creates such political tension; no longer is it an issue in distant lands. Debate surrounds whether the proximity of the visibility of the asylum seeker denotes greater moral responsibility than those on distant shores. The principle of *non-refoulement* enshrined in the Convention ensures protection of the asylum seeker upon arrival. The expansive category of asylum seekers raises practical difficulties as the status of asylum seeker as being a refugee is not predetermined as it is in the case of those necessitating humanitarian intervention, those in refugee camps or programme refugees. ‘To be an asylum seeker an individual merely has to *claim* to be a refugee. It is perhaps unsurprising, then, that the politics of asylum in Western countries is dominated by concerns that bogus asylum seekers are exploiting the generosity of the host country’ (Gibney 2004:10). As I will show, Ireland developed successive restrictive measures to interdict the arrival of asylum seekers thus contributing to the inharmonious acceptance, distribution and opportunity of, and for, asylum seeking.

0.3. Economic migrants

Economic migrants, particularly after the decrease of guest worker programmes in the 1970’s, and an increase in modern transportation and methods of communication, saw the movement of those driven by a low standard, and often substandard, level of living conditions. Gibney suggests that economic migrants exist on a continuum, with business

people flitting between first world countries availing of job opportunities, to those at the lower end of the scale desperately seeking to improve on their poor or deprived quality of life (Gibney 2004:11). From the outset an economic migrant to Ireland was considered ‘as a person who for reasons other than those contained in the definition, voluntarily leaves his country in order to take up residence elsewhere’¹ This notion of ‘voluntarily’ leaving the state of origin places no emphasis on the harsh conditions or ‘push factors’ that lead an individual to emigrate. Conversely, ‘pull factors’ are those conditions that are deemed to draw migrants, such as economic opportunity, political stability and a high standard of living. It is these ‘pull factors’ that are often curtailed and managed to deter particular immigrants, i.e. direct provision and dispersal system for asylum seekers, curtailing access to welfare benefits and access to the labour market. Gibney suggests that the claim an economic migrant has, at the extreme, can be likened to: ‘Take me in or I and my family shall be condemned to a life of great poverty’ (Gibney 2004:12). The moral force of the claim by a refugee or an asylum seeker differs from the economic migrant in the sense that the refugee’s life is in danger rather than a state of continuous poverty. It has remained the practice in Western states to prioritise the claims of refugees above economic migrants, however, this conceptual differentiation is complex to distinguish in practice. The term ‘economic migrant’ can be considered as somewhat redundant as subsidiary protection is designed to provide protection for those that find themselves at risk by natural disasters, famine or disruption to public order which can in turn effect their economic stability or opportunity of continued subsistence which in turn can be just as violent or harmful as other types of persecution. Such reasons have been subsumed to be constitutive of refugee status under the subsidiary protection instrument. As will become evident in this thesis I will be concerned with how asylum seekers are distinguished from, and determined as, economic migrants particularly as Ireland initiates its asylum system at a time when increasing economic restrictions in Europe left claims for asylum open as a mode of entry. This argument is represented in Ireland’s discussion of ‘who is a refugee’, the policy determining the credibility of ‘refugee’ from ‘bogus’ asylum seekers, and the practice this entails. As we shall see in the thesis this links into a subject position, which is purely negatively defined, yet entirely constitutive of the official discourse: *the bogus asylum seeker*.

¹ ibid Minister for Justice, Ms. Maire Geoghegan-Quinn

0.4. Family reunification

Often, as is the case with many of my informants, a member of a family would claim for asylum then to be followed by other members of their family. If a family member arrives before the applicant has been granted status their applications are considered in respect of each other. Successful refugees, those granted official refugee status in Ireland can apply for family reunification. That is, they can apply for those who are *dependent* upon them as opposed to *extended* family members. Those who have residency rights in the State on any other basis are not eligible to apply as exemplified in the recent case of an elderly South African couple who had temporary permission and applied to remain in Ireland under the care of their Irish citizen daughter. Their application was rejected by the Minister for Justice. However, the case was overturned in the High Court on the basis that the minister ‘had given inadequate consideration to the need for balance between protecting the applicant’s family interests under article 41 of the Constitution and the State’s interest in maintaining the integrity of immigration laws.’ (The Irish Times, 2012). The Immigrant Council of Ireland claim that “The absence of coherent legislation, in conjunction with policies and procedures that are governed predominantly by ministerial discretion, has resulted in this area becoming one of the most difficult to navigate within Ireland’s immigration system.” (Immigrant Council of Ireland). The Irish Nationality and Citizenship Act 2004 saw the determinants for citizenship change from *jus soli* to *jus sanguinis*. No longer was one simply an Irish citizen from birth on the island, criteria were introduced to ensure some prior connection with the island. This measure effectively moved the right to Irish citizenship of children born in Ireland to non-national parents, neither of whom were themselves entitled to citizenship, to determination by law. As regards asylum seekers this Act provided much confusion with deportation letters being issued to a parent, or both parents, when it was being contested that the child was a citizen. The European Court of Justice Judgement in the Zambrano case, delivered on 8th March 2011, ruled that Member States are precluded from refusing a third country national upon whom his minor children, who are European Union citizens, are dependent, a right of residence in the Member State of residence and nationality of those children, and from refusing to grant a work permit to that third country national, in so far as such decisions deprive those children of the genuine enjoyment of the substance of the rights attaching to the status of European Union citizen. In Ireland, this ruling refers to the non-EEA parents of Irish citizen minor children, who hold stamp 2 or stamp 3 and can mean an

upgrade to stamp 4 where they are given the right to reside and work in Ireland without the requirement of an employment permit or business permission.

The above elicitation aims to draw a clearer view of the often blurred descriptions of who and what a refugee is, it also aims to show how these definitions are interconnected, which is necessary in examining the dissections and determinations borne out by the state and its practices in response.

This thesis is drawn towards meta-theoretical underpinnings stemming from a Wittgensteinian perspective. The point is to examine how to move from abstract definitions to the social practice of those definitions. What does it mean to act out refugee? The meta-theoretical perspective of this kind of interpretative sociology is to move from the anodyne definitions to performativity of enactment through social practice of the formal concepts.

“We have got onto slippery ice where there is no friction and so in a certain sense the conditions are ideal, but also, just because of that, we are unable to walk. We want to walk so we need friction. Back to the rough ground.”

Ludwig Wittgenstein (2001:107)

CHAPTER ONE

1. Questions of Governmentality & the Irish Asylum System

This introductory chapter introduces the reader to the core themes of this thesis: the process of governmentality; how asylum is securitised; how this is actualised and performed by examining the Irish asylum system. Migration, particularly asylum, is a relatively new phenomenon in Ireland. The aim of the chapter is to begin to illustrate that the Irish asylum system, contrary to the tenets of the Convention, takes the fact of bogus asylum seeker as prerequisite; it strategises the fact that the asylum seeker's story is arbitrary and subject to the meanings and possibilities which are precluded the moment any attempt at a definition of 'who is a refugee' is instituted. Refugee recognition is concerned only with performance; a performance that is denied by the official discourse. The objectives of refugee recognition are sealed within a type of juridical and democratic process, which envelops specific possibilities while precluding alternatives, securitising asylum seekers who are included through their exclusion (Ryan, 2007:9). 'States have tended to insist on gaining a precise answer to the question: who is a refugee? The reason is connected to established concerns about state sovereignty. States demand the power to set out clearly who will be entitled to enter their territory and who will be permitted to become a citizen' (Fraser and Harvey 2003:7)

*"People know what they do;
they frequently know why they do what they do;
but what they don't know is what they do does."*

Foucault (1982:187)

1.1.BEGINNING

Let me begin with the reported story of two Croatian women who fled Croatia to Ireland in 1993 from fear that heavy fighting was about to break out in Zagreb (O'Loughlin 1994). Such a claim is not unfounded considering the armed and ethnic conflict of the Bosnian war at the time, and Ireland's acknowledgement of such in its acceptance of almost 1,000 Bosnian programme refugees during the 1990's beginning in 1992. In desperation the two women made their way to Ireland in August 1993. They chose Ireland because a Croatian friend living in the country told them that it was safe, friendly, Catholic and needed no visa. Their flight to Ireland had a stopover in London where their passports were checked and stamped allowing them six months in the UK. They travelled on to Ireland where they said their passports were not checked. Fortunately they were quickly befriended by an Irish woman who assisted them in finding part-time jobs, one in the canteen at Newpark Comprehensive School and in a restaurant in Sandyford shopping centre. They rented a room in a house in Shankill, Co. Dublin. A month after arriving they learned that they needed visas to remain in Ireland so 'the two women presented themselves voluntarily at the Garda Alien's Bureau in September. They said they were told not to worry and the matter would be sorted out in 10 days or so' (O'Loughlin 1994). They heard nothing more for 4 months when the Gardai arrived at their door in January 1994 to relay an order telling them to leave the State immediately and warning them that the next time they came to the house it would be to remove the women. "I felt terrible, I almost started to cry," Ms. Slukan said. "They first came, it was 10 o'clock, and they just said we should leave the country immediately, that we were illegal here, that we should go back to England and apply for a visa there, but they couldn't promise anything" (O'Loughlin 1994).

For most Irish people in the early 1990's the concept of asylum in Ireland was relatively unknown, with what few refugees were present in Ireland having entered via formal government invitation to pre-planned convention refugee programmes. Moreover, it was a common perception both nationally and internationally that Ireland, prior to 1996, was predominantly a country of emigration (Mac Éinrí and White 2008). Not only was it perceived as a country of net emigration but also one of a largely ethnically homogenous population (Mac Einri and White 2008:151). With a strong economic policy developing politically from the 1960's, Ireland saw it's emigration rate decrease until 1981 and so for the first time since the Famine of the 1840's an increase in its population by 22 percent was

evident (Mac Einri 2001). However, emigration rates returned during the economic recession of the 1980's with 2 percent of the entire population leaving in 1989 alone (Smyth 2011). By the mid 1990's Ireland reached an economic boom labelled the Celtic Tiger. The low corporate tax attraction for investment by foreign multi-national companies, a growth in national economic development coupled with a growth in national employment saw what was previously a thin stream of migrants into Ireland expand into statistics not previously experienced. Ireland equipped itself economically devising an expanding work visa/permit regime to cope with the abundance of migrants, the vast majority consisting of returning Irish, EU nationals and non-EU nationals. However, from 1996 onwards it is evident that Ireland was considered inexperienced and ill equipped to manage the increasing number of refugee applications that challenged its almost non-existent asylum legislation. In 1992 Ireland had 39 asylum applicants, by 2002 this had incremented to 11,634 applicants.

1.2. Migration, Securitisation, Dichotomisation

The topic of 'asylum' is in itself illustrative of different governmentalities in relation to the mobility of populations. Migration is a contemporary driver and outcome of societal transformation and has direct consequences for many national sectors, such as health, education, the labour market, welfare and so on. On the one hand, migration initiates a series of technologies of government in terms of managing, directing and providing migrant routes and resources. On the other hand, migration is a global issue of mobility. Asylum is often the object of fierce public debates, framed as the "illegal" route of migration and as such becomes attached to national and international social and legal issues of porous borders, border control, territory, security, national identity and nation definition. Furthermore, asylum is not solely confined to the territory of border control and security at a long-term national and transnational level, but is also active at a short-term local and individual level in regions of circumstance. It is this idea of 'encounters' at the local level, 'the play of force, the ambitions and strategies, the devices, and the multiple of surfaces on which they emerge' (Miller and Rose 2008:6) which makes asylum an interesting context in which to study the role of governmental power in the Irish asylum system.

Migration and migratory patterns have come to mean many things, the common sense understanding of which is migration as traversing frontiers. However, contemporary forms of migration are complex giving way to many global pathways and patterns i.e. temporal or

seasonal migration, circular migration, the ‘gold-collar’ pathway, the asylum pathway, intra-EU migration, irregular migration, to name a few (Triandafyllidou 2010). Asylum specifically draws attention to the conflict created around those claims of refugees and those escaping economic hardship and poverty, and the liberal democratic citizenry that limit and control access to their territory and community resources (Gibney 2004:2). In this sense, a new signifier that has entered the debate on migration is that of security. In previous discourse security had military connotations. However, current international relations theorists conceive the securitisation of migration, and particularly the security problematique post 9/11, as something more complex (Huysmans 2000; Bigo 2002; Kernerman 2008; Van Munster 2009). Huysmans (2000) argues that the securitisation of migration in Europe, particularly the movement of non-EU migrants into the EU, has become problematised and organised in terms of security. He argues, for instance, that the Schengen Agreement saw institutional technologies develop at European level, for the agreement discursively linked the notion of open internal borders ‘to the need for compensatory measures in the area of internal security and immigration’ (Van Munster 2009:21). At a domestic level in Europe during the 1980’s and 1990’s, with the open internal market becoming a reality, immigration began to be discussed in terms of a threat and a challenge to domestic stability, the welfare state, and the social fabric of the nation, particularly as numbers increased. According to this security rationale, increased numbers are a security problem requiring security policy (Huysmans 2000:757). However, security is not just understood here as a straightforward threat by numbers that developed migration as a security issue, drawing on insight from governmentality studies, it is also the complex way in which certain aspects of human mobility have become framed and embedded in national security discourses, policies, and the instrumentalisation of technologies by security professionals to curb the flow of movement (Huysmans 2000; Van Munster 2009).

As the heterogeneity of Irish society began to be politically institutionalised in the 1990’s on both a European policy and domestic policy level, normative implications as regards the meaning and construction of national identity began to be discursively articulated. The building of such national boundary walls is fundamental to the notion of nationalism; nations are defined by their boundaries. Thus by excluding specific identities a collective identity of what it means to be Irish is established. Various immigration studies show that territorial boundaries are produced and maintained in exclusionary discursive articulations of asylum (Bigo 2001; Inda 2006; Kernerman 2008; Squire 2009; Van Munster 2009).

Up until 1992 traditionally Irishness had been defined relative to its opposite: Englishness or Britishness. This sense of Irish identity, the Us², was challenged by other identities such as Anglo-Irish or Unionist, but these served as in-between signifiers. These signifiers of otherness were on a sliding scale of Irish at one end and English at the other, with their recognition within this dichotomy depending upon context. If in an open-minded mood they could be found more on the Irish end, or if in a conflictual one then the signifier slides down the scale to the English end. This polarisation of Irish versus English is embedded in a Manichean dualistic philosophy. Within this Manichean world-view there were the states friendly to Ireland e.g. USA, and those friendly to Britain e.g. other imperial powers, one could say this polarisation mirrors a David & Goliath type world. In the 1970's, with Ireland attaining membership of the EU it gained increasing economic independence from Britain, and so the EU became part of the friends of Ireland dichotomy.

Ireland, having remained up until much of the 1990's in this Manichean David & Goliath stance there now entered a new 'other' who did not fit within this characteristic world view: the migrant. All of a sudden Ireland moved from being David to Goliath, from being the good society to being something else. Classically, civic nationalism focused upon distinctions such as the citizens that make up the state, or contrastingly, the ethnicity of those within the state, an ethnocentric nationalism (Kearney 1997). By the late 1990's with the signing of the Belfast Agreement, such an accord represented an acknowledgement of the call for pluralism as good governance practice, a move beyond apparent signifying factors and towards 'post-nationalism which preserves what is valuable in the respective cultural memories of nationalism (Irish and British) while superseding them' (Kearney 1997:59). As such, post-nationalism aims to recognise the variability of discriminations from civic and ethnic nationalism, while also incorporating nationality in the sense of cultural attachment, belonging, tradition, the variance between nation and state, and other models of community (Kearney 1997:63). Arguably such an agreement which contained a provision that the Irish state should acknowledge 'the Irish abroad' as part of the nation, moved symbolised a move by Ireland towards a more 'post-modern' and cosmopolitan identity, and thus a departure from the old dichotomy with Britain, and towards identification with the notion of Europe

² When We, Us and Our are capitalised, they refer to the concepts expressing belonging – *we*, *us* and *our* with small letters refer to all human beings.

and a wider diaspora, which in turn challenges the sense of collective belonging. Such a move beyond the founding institutions and ideologies of the Irish State were symbolised in Queen Elisabeth II historic first state visit to Ireland in May 2011 where she met political representatives from both the North and South of Ireland. The momentous handshake, by the Queen with former IRA commander and current deputy First Minister of Northern Ireland Mr. Martin McGuinness, symbolically stamped out the old worldview and affirmed the Goliath move towards Europe or 'Europeanness'.

The dichotomising view of Irishness or Europeanness as distinct from 'alien', 'non-national', 'non-EU' or 'immigrant' comes with a recent discourse of immigration to Ireland as a 'problem', 'threat' or indeed an 'abuse' of the Irish asylum system. Following the security dialogue of migration, immigration is seen as posing a threat to the unity of not only Ireland but of Europe as a whole. The construction of Europe has thus been defined by boundaries, both territorial and political, and Ireland with its European membership and recent immigration flow, is no exception (Van Munster 2009). 'The exclusionary politics of asylum differ from the exclusionary post-war politics of immigration because they emerge both within a broad frame of multiculturalism as well as in the face of territorial, rather than imperial, dislocations' (Squire 2009:56). As Gibney observes, the post-war era of refugees resulted from 'relatively transient forces' that were internal to Europe. While the current refugee crisis in contrast derives from forces external to Europe (Balkan War excluded) such as 'violent civil and international wars and ethnic conflicts, to the increasing involvement of citizens in military conflict, and, most fundamentally of all, to the grave difficulties involved in maintaining durable and humane state structures in conditions of economic underdevelopment and poverty' (Gibney 2004:4). It is in this sense that Blommaert observes how migration lays bare 'some of the threads of the fabric of globalisation – the paradox between transnational processes and national frames for addressing them' (2009:415).

1.3.Us and Them, Différance, Post-structuralism

As will be discussed in this thesis, language denoting this kind of polemic is utilised in anti-immigration politics and in legitimising institutionalised security structures. Ireland, in its creation and adaptation of immigration policies consistently refers to the 'problem' and 'threat' posed by those 'abusing' the asylum process. Lentin (2007a) argues that 'in constructing immigrants and asylum seekers as both 'new' and a 'problem', the state re-

conceptualises 'the nation' not only as homogenous, but also as 'invaded' by 'floods' of refugees, and as arguably 'porous' (2007a:623). This political discourse serves to strengthen the focus of immigration as a security issue and, moreover, serves to aggravate the dichotomy between Us and Them.

1.3.1. Saussure

The binary opposition within discourses can be explained by the structuralist approach to language. Building upon the work of Swiss linguistic Ferdinand de Saussure (1983), structuralists stress the way that social institutions or systems, shared sets of norms and rules that human beings learn and internalise, are more important to understanding social life than individual behaviours or discrete facts. Language, for Saussure, is a system of signs that express ideas (Hall 2007:18). Saussure sought to move language from a referential and ostensive account towards language as a system of relationships based on difference. In order to do this he divides language into signs as the units of linguistic analysis, with signs consisting of two elements: a signifier and a signified. For example, mother as a sign can be broken down into the sound/image mother (signifier) and the concept of mother (signified) (Hall 2007:31). Signs unite a signifier and the signified concept. The signifier is not just the physical sound but also the psychological imprint of the sound that it makes in your mind, the internal monologue of impressions of what is being said. Thus it can be made implicitly normative. Refugee has positive connotations whereas bogus asylum seeker is entirely negative. The signified is the concept or the idea of the thing that is picked out by the signifier. The relationship between these elements, the signifier, the signified and the sign is arbitrary (Hall 2007:21). The sign is conventional; there is no necessary or intrinsic relationship between the signifier, the signified and what it represents. This arbitrariness is because language is a conventional system in which it does not matter which signifier does the job or its material composition (Hall 2007:21). What matters is its position in the overall system of language itself i.e. if you are playing chess it does not matter what material object represents the castle or the queen as long as the rules reflect upon the object the position within the game of chess by which the queen or the castle is understood. The signifier and the signified are linked in a way that is internal to language and not in reference to some extra linguistic reality, it is within the process of signification that the link between signifier and signified is created. In Saussure's terms, 'language sets up an arbitrary relation between signifiers of its own choosing on the one hand, and signifieds of its own choosing on the other. Not only does each language produce a different set of signifiers, articulating and

dividing the continuum of sound (or writing or drawing or photography) in a distinctive way; each language produces a different set of signifieds; it has a distinctive and thus arbitrary way of organising the world into concepts and categories' (Hall 2007:32). In this process of signification the relationships between the signifier and signified is purely differential. That is, using the example of a game of chess again, the queen as signifier is the queen because she is not the castle. This is similar on the level of the signified, the meaning or shared rules of queen is only determined because the rules for it are different from the rules for the castle in relation to the game of chess. At the level of the sign as a whole where one determines the value of the sign as a term or word, the determination is dependent upon its opposition to other terms or words. For Saussure, paradoxically, not only is language about difference, it is also about the opposition of terms. In politics this opposition is frequently cast in normative evaluative terms. As observed by Alexander (2011) political life is characterized between a sacred and profane opposition, in this case, the sacred is the refugee recognised through signs and symbols, while the profane is the impostor, the bogus asylum seeker determined by its opposition to all things representative of the whole.

1.3.2. *Derrida*

For structuralists the relationship between signifier and signified is arbitrary and dependent upon the differential opposition of the system in which the signification exists (De Saussure and Riedlinger 1983:xi). Derrida (1993) systematically deconstructs and challenges this isomorphic Saussurian model of language in order to account for the contingency and play between signs. He claims that the conceptual oppositions in Saussure's theory fail to develop his intention of a 'purely formal account of language as a system of differences without positive terms' (Howarth 2000:37). Derrida argues that as soon as we speak of systems, or structures, we think of a centre to that structure from which elements are shaped. 'He argues that these oppositions consist of a privileged essence ('inside') and an excluded or secondary term (an 'outside'), which is merely accidental or contingent' (Howarth 2000:37). Derrida turns this around and argues that 'if the outside is *required* for the definition of the inside, then it is just as necessary as the inside itself' (Howarth 2000:37). Thus the inside and the outside are partly constitutive of the identity itself. Thus in the face of national territorial transgression by migration, constructing and instituting political boundaries of who 'them' are in the asylum debate is constitutive of who 'us' is as a nation.

Derrida reverts to a trace structure that will serve as the condition of possibility for thinking about the production of the sign. He claims that at the ontical level our engagement with the world is underwritten by a notion of discursivity or textuality that will always exceed any form of discourse or text (Derrida 1993:225). A key move in the post-modern tradition going back to Nietzsche and Freud, is to put into question the fixity of any centre of a structure, to de-centre the structure or system (Derrida 1993:226). Although Saussure did move language away from referential notions to a conception of language based on relational fixity, Derrida argues it needs further deconstructing to question the ‘structurality of the structure’ (Derrida 1993:223). At the level of structurality there is play, there is both conditions of possibility and impossibility at that level, there is no ultimate ground that can give us the systematicity of the system, just contingency.

‘The event I called a rupture...would presumably have come about when the structurality of structure had to begin to be thought...From then on it became necessary to think the law which governed, as it were, the desire for the centre in the constitution of the structure and the process of signification prescribing its displacements and its substitutions for this law of central presence – but a central presence which was never itself, which has always already been transported outside itself in its surrogate. The surrogate does not substitute itself for anything which has somehow pre-existed it. From then on it was probably necessary to begin to think that there was no centre, that the centre would not be thought in the form of a being-present, that the centre had no natural locus, that it was not a fixed locus but a function, a sort of non-locus in which an infinite number of sign-substitutions came into play. This moment was that in which language invaded the universal problematic; that in which, in the absence of a centre or origin, everything became discourse...when everything became a system where the central signified, the original or transcendental signified, is never absolutely present outside a system of differences. The absence of the transcendental signified extends the domain and the interplay of signification ad infinitum’ (Derrida 1993:225).

Derrida’s move, or the post-structuralist conception, instead of a focus upon a centre with fixity is to look for contingency in the play of signifiers in the production of any system. Deconstruction, as a practice, is to destabilise binary oppositions that appear to be naturalised and rework them at the paradigmatic level, that is, towards differences of degree (Howarth, Norval et al. 2000:5). Instead of a system of differences as outlined by Saussure, Derrida introduces temporality into Saussure’s synchronic system. The radical temporality that he introduces, stemming from Heidegger, is the notion of *différance*. *Différance* is a complex term that captures the idea of both the difference between elements and also the production of

the differential system itself through a logic of deferral. The production of any structure, because there is a surplus of possibilities, is going to be foreclosed or deferred. By adding deferral to the picture Derrida is allowing for the conception of change. Time is the dynamic way in which the structure can be changed, that is, through the exclusion of certain possibilities we have what he calls *différance* or deferral, which over time, is the calculus for change. Moreover, for Derrida the idea of language as a system of signs that expresses ideas is problematic because it conceives a discontinuity between the subject and language i.e. the subject thinks, has an idea, and expresses it into language. For Derrida the subject presupposes language in order for it to be able to think. ‘Human subjects, whether understood as speakers, writers or actors in social life, are an *effect* of structures that pre-exist and shape them’ (Howarth 2000:44). For Derrida (1993), language is marked by signs as traces and degrees of difference iterated in various contexts, and so, there is always going to be play in the production of text by the decentred subject.

1.3.3. Foucault

Foucault, in a sense, similarly aimed to decentre the subject by positioning its dependence on relations and discourses in which it exists. However Foucault, unlike Derrida, is anti-reductionist, in that, he does not reduce discursive practices to textual traces but rather situates discursive formations within the historic materiality in which they manifest. Neither is Foucault a structuralist, although his understanding of the relationality of statements evokes a Saussurian model. Broadly, and quite generally, Foucault’s work sought to critique the present through a historic analysis of the past in various phases of investigation, developed as such in his genealogical model of problematisation that critiques a history of the present. Foucault’s work is commonly broken down into three phases: the archaeology, the genealogy and the ‘care of the self’. In the archaeology of his work, namely *The Archaeology of Knowledge* (1972), *Madness and Civilisation* (1970), *The Birth of the Clinic* (1973) and *The Order of Things* (1971), Foucault is primarily interested in the arbitrariness of language as scientific statements rather than words, and the rules of formation, or the practice that constitutes and orders what he terms discursive formations or discourses. ‘Discourses are...not to be treated as groups of signs....but as practices that systematically form the objects of which we speak’ (Foucault 1972:49). He is interested in the possibility of knowledge as objects formulated through discursive practices in particular *epistemes* or historical epochs (Hall 1997:44). An episteme is the totality of the system in which, Foucault argued, that rules and practices together constitute and order the knowledge of certain objects

at a particular time. Discourses ‘are made up of a limited number of statements for which a group of conditions of existence can be defined’ (Foucault 1972:117). In the archaeology of his work he views discourse as constitutive, in that, ‘discourses are autonomous systems of rules that constitute objects, concepts, subjects and strategies, thereby governing the production of scientific statements’ (Howarth 2000:49). ‘There is not, on one side, a discourse of power, and opposite it, another discourse that runs counter to it. Discourses are tactical elements of blocks operating in the field of force relations; there can exist different and even contradictory discourses within the same strategy; they can, on the contrary, circulate without changing their form from one strategy to another, opposing strategy’ (Foucault 1978:101/2). Within this conception of discourse, the subject is both a function and effect of discourse. Examination of the production of knowledge performs the task of objectifying the formation of knowledge within the order of the material world, within the beings that interpret the material world around them and thus who are not, as previously philosophically understood, separate from the world in which they exist. For Foucault, an individual’s autonomy is constitutive of their existence within the parameters of the discursive formation. Thus ‘investigation of subjects circulates on the authority conferred upon the subject to speak certain statements (i.e. a doctor or a climate expert) or the institutional site from which they speak (i.e. the hospital or a particular organisation) and the ‘subject positions’ from which legitimate and binding statements are made (i.e. the empty place of ‘the doctor’ as in any doctor)’ (Howarth 2000:53). Foucault (1970; 1977) investigates the meaning of problematised discourses such as ‘madness’ and ‘punishment’ and claims that knowledge of these is brought about through analysing the discursive practices, that is, the specific ways, rules and practices of constituting these topics which in turn bring about a specific belief or ‘truth’ about the discourse in question at a particular time (Hall 1997:47).

In his genealogical work, namely *Discipline and Punish* (1977) and *The History of Sexuality*, Volume 1: *An Introduction* (1978), Foucault investigates the production of knowledge alongside the formation of modern power in society. As he puts it, ‘it is in discourse that power and knowledge are joined together’ (Howarth 2000:67). His attention shifts to examine how one form of knowledge takes precedence over another and thus the power struggle that ensues. ‘How is it that at certain moments and in certain orders of knowledge, there are sudden take-offs, these hastenings of evolution, these transformations which fail to correspond to the calm, continuist image that is normally accredited?’ (Foucault and Gordon 1980:112) Foucault argued that power, in the form in which knowledge is applied, or the

practices in which discourse is implemented or resisted, was more important than the question of its 'truth' (Hall 1997:49). '...that truth isn't outside power, or lacking in power...Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint' (Foucault and Gordon 1980:131). For Foucault, modern power is constrained in the application of knowledge as truth. 'There is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time, power relations' (Foucault 1977:27; Hall 1997:49). Power/knowledge is applied, practiced and believed to be true and regulates conduct according to that applied truth rather than absolute truth.

Following from this Foucault discusses what he calls a 'regime of truth', that is, a truth that circulates according to what is believed through statements about a topic and the rules in applying those statements that have real effects on the society in which they exist. 'Truth is linked in a circular relation with systems of power which produce and sustain it, and to effects of power which it induces and which extend it. A regime of truth' (Foucault and Gordon 1980:133). In saying this, Foucault argues that power does not generate from the top down in a hierarchical fashion but circulates strategically within society as discourse is constructed and generated. In Giddens (2004) terms, it is the practical consciousness knowledge of each individual that contributes to the structuration and reification of power/knowledge relationships within society thus determining what is acceptable and what is not in order to maintain ontological security. In this sense power can be deemed productive and positive, in that, it actively reflects the individuals knowledge of particular events adding to, or resisting, the discourse in question, struggling to produce new objects in their progression as truth. Hall's example of single parenthood is illustrative of this point, as he claims that 'it may or may not be true that single parenting inevitably leads to delinquency and crime. But if everyone believes it to be so and punishes single parents accordingly, this will have real consequences for both parents and children and will become 'true' in terms of its real effects' (Hall 1997:49).

Foucault's goal, as he reflects later, in his archaeological and genealogical investigations of modern power relations was to 'create a history of different modes by which, in our culture, human beings are made subjects' or objects of knowledge (Foucault 1982:777). In the first mode, discourses constitute subjects as objects of knowledge by which they are in turn subjected to, or understood as, specific modes of being. In the second mode, subjects are

individualised and normalised according to the regime of truth in which they are constituted i.e. ‘the mentally ill constitutes himself a mad subject in relationship and in the presence of the one who declares him crazy’ (Bernauer and Rasmussen 1988:11). The subject is divided by how others constitute him and how he constitutes himself. In the example of the mad individual, Foucault views him as a ‘passive subject’ as he is not a non-free subject and can in fact be considered a result of a system of coercion (Bernauer and Rasmussen 1988:11). In contrast to the passive subject positioned in disciplinary discourses with little to no autonomy, Foucault later diverts his attention to the active subject, that is the subject that is constituted by the ‘patterns that he finds in his culture and which are proposed, suggested and imposed on him by his culture, his society and his social group’ (Bernauer and Rasmussen 1988:11). The active subject is subjected to various strategies of power relations, both domination and subordination, within the social ontology in which the individual is understood and understands himself or herself as having a specific identity or position. Foucault claims that within the formulation and strategy of power that individualises the subject as an object, position and identity within a particular social ontology or ‘game of truth’ (Foucault and Gordon 1980:16), one will always find and confront resistance. The word ‘game’ he understands in the Wittgensteinian sense, in that, games are the ensemble of rules by which discourses are constructed and the regimes of truth, and strategies of power relations, by which multifarious discourses are exercised as truth (Foucault and Gordon 1980:16). His undertaking in his third mode of investigation is to explore the struggle or resistance by subjects who are objectified, and subjectify themselves (subjectification) in these strategies of power relations and regimes of truth to enable individuals to play these ‘games of power...with a minimum of domination’ (Foucault and Gordon 1980:18). If the archaeology of his work was an investigation of the ‘modes of inquiry’ of how discourse functions, the genealogical investigation was the study of the ‘objectivising of the subject’ in what he calls “dividing practices”. The subject is either divided inside himself by his personal identity or manipulatively divided from others through social objectification and categorisation (Rabinow 1984:8). His final inquiry is the mode of objectification by which the individual subjectifies himself or herself, subjectification. ‘It concerns the way a human being turns him or herself into a subject’, how they are active in their self-formation (Rabinow 1984:11).

Amidst Foucault’s investigation into the question of power and the constitution of the subject in the phases of enquiry outlined above, he also expanded these enquiries into a new domain

in his lecture series in the Collège de France during 1977-1979. In these lectures, namely *Security, Territory, Population* (2007) and *The Birth of Biopolitics* (2008) he focused on an inquiry into the formation of the modern state and the 'problem of government'. He centred on how the subject came to be politically constituted in terms of a new form of rationality that developed congruently with the modern state. He began to question what he termed 'governmental rationality' or 'governmentality' (Foucault, Burchell et al. 1991:1), that is, a type of power and 'art of government' that focuses on governing the population of individuals and their relationship to things in their ontologies. He calls this regime "biopower", a regime of power/knowledge that both totalises and individualises the human subject (Rabinow 1984:17). Specifically, in his lectures "Security, Territory, Population" (2009) he defines bio-power as 'the set of mechanisms through which the basic biological features of the human species became the object of a political strategy, of a general strategy of power' (Foucault 2009:1). This strategy of mechanisms of power/knowledge, bio-power, together with the formation of the modern state at the beginning of the eighteenth century allowed for the examination of the human species as the totality of the population. A population can, and began to be, subjected to scientific categories of investigation and wide political intervention (Rabinow 1984:17). The population however is also made up of individual human bodies that can be disciplined, as they are constituted, objectified as particular subject positions, and capable of subjectification by particular discourses. The development of various institutional forms of disciplinary mechanisms arose e.g. workshops, schools, prisons and hospitals with the aim of creating a 'docile body that may be subjected, used, transformed and improved' (Foucault 1977:198). However, by the term 'government' Foucault understands biopower broadly and not necessarily tied to the realm of state power but as 'a form of activity aiming to shape, guide or affect the conduct of some person or persons' (Foucault, Burchell et al. 1991:2). In one sense he understands the term government as a relationship between self and self, a personal and philosophical introspection of how one guides oneself in ones daily activity and how this is reflected or affected in relation to others. In another sense he understands government as one's relationship with communities and social institutions that authoritatively and responsibly guide one's activity or conduct in the political sense. It is the combination and interconnection of these two personal and political strands of the term government, that is, government as the 'conduct of conduct'; conducting oneself and being conducted by others in the political sense, that interests Foucault (Foucault, Burchell et al. 1991:3). In focusing in his governmentality lectures on the 'art of government' he was mainly referring to the political interconnection of government with the daily lives of

individuals upon whom it affects. The ‘art of government’ is the correlation and guidance of the system of men and things, that is, the ‘calculated and systematic ways of thinking and acting that aim to shape, regulate or manage the comportment’ of individuals or whole populations (Dean 1999; Inda 2005:1). Important in his understanding of this term government with the development of the modern state is his non-essentialist view of the state and state power. The ‘art of government’ is dispersed across the broad spectrum of communities, institutions, practitioners, policy makers, actors and agents that contribute towards the practices of government which in turn affect and shape the activity of the individual or population. Government is generated by ourselves, for ourselves, for others and by others. How that is investigated requires Foucault’s analytics of government.

This thesis investigates how processes of governmentality construct the subject positions of refugee versus bogus asylum seeker. As we shall see, this constructedness is denied by official discourse. As articulated put by the UNHCR: ‘Recognition of his 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 recognised because he is a refugee’ (UNHCR 1992:28). The myth is maintained that someone simply *is a refugee*, in much the same way that some things simply are apples and oranges and others are not. However, except in EU bureaucratic discourse concerning standards (where, for instance, the small bananas produced in Europe (largely in the Canaries) are denied the status of bananas (!) because they do not conform to EU requirements of size), fruits are not generally made what they are through a regime of governmentality. However, this is not the case with refugees, where complex rules define what it is to be a refugee, which in turn reflects a pre-constituted regime of governmentality. These rules of governmentality do not, of course, simply implement themselves. They require officials who can read the signs for the difference between refugee and bogus asylum seeker. This audience does not, of course, judge an inert or impassive object. Unlike apples, oranges or bananas, the person who wishes to convince that they are a genuine refugee is conscious of having to convince others of the veracity of what they claim to be.

1.4. Social Ontology, Governmentality, Irish Asylum System

Our shared sets of norms and rules that inform our everyday activity, our social ontology in the post-modern format, are constructed through inclusions and exclusions e.g. Irish versus European, Irish versus illegal immigrants, Irish versus foreign nationals. There is constant

play within our social ontologies as regards meaning and boundary formation with the construction and sedimentation of meaning constituted by relations and exercises of power. Our social ontologies can be thought of, in Foucault's terms, as invested in 'games of truth' in which regimes of practices as the locus of analysis are understood as 'places where what is said and what is done, rules imposed and reasons given, the planned and the taken for granted meet and interconnect' (Foucault, Burchell et al. 1991:75)

The issue of asylum in Ireland is particularly interesting as it was played out 'on [a] people who had no folk memory, no past administrative experience of dealing with asylum seekers, and for the most part, no proper awareness of the forces which turned people into refugees or drove them, in desperation to seek asylum far from home' (Fraser and Harvey 2003:xi). Thus it constitutes an interesting zero point in the discourse of governmentality of the Irish nation. Of course, the new discourse was largely borrowed from other discourses, that of the UNHCR and so on, yet, because meanings are constituted relationally, they inevitably effect, and are affected by, the whole system of meanings in which they are introduced. Thus they always have a destabilizing effect. Hence, it is not surprising that at first the demand for this new signifier was accompanied by a denial of the need for it. A floundering by the state towards the creation of a system began with a series of dichotomies in order to sediment the meaning of 'who is a refugee?'

The challenge of governmentality is to examine the 'art of government', within a regime of truth. This entails analysing, 'what counts as truth, who has the power to define truth, the role of the different authorities of truth, and the epistemological, institutional and technical conditions for the production and circulation of truth' (Rose 1999:30; Inda 2005:8). A central element in the focus on government then in terms of modern political power, is to attend to its problematisations – 'to the ways intellectuals, policy analysts, psychiatrists, social workers, doctors, and other governmental authorities conceptualise certain objects as problems. It is to focus on how government is bound to the continual classification of experience as problematic' (Inda 2005:8). In other words, the focus of governmentality is that governmental power cannot be thought of solely in the realm of state power, 'but rather the state *and* all the other actors, organisations, and agencies concerned with exercising authority over the conduct of human beings. The point here is that government takes place both within and outside state contexts' (Inda 2005:6). In other words, the construction of the opposition refugee versus bogus refugee takes place within a discursive whole.

1.5. Dichotomy: Who is a Refugee?

In 1993, the main decision making body with regard to each and every application for asylum in Ireland lay with the UNHCR in collaboration with the Minister for Justice and the Department of Foreign Affairs. According to official discourse, the UNHCR would make a recommendation to the Minister for Justice who would invariably follow this recommendation. As the Minister for Justice Mrs. Geoghegan-Quinn in 1993 confirmed, the “UNHCR is the expert in the field and effectively the decision making body in granting or refusing recognition of refugee status in so far as the State is concerned.” (Dail Debate 1993). At this time, asylum seemed to be a decision making process beyond the state, a process best decided by an external body. With the number of refugee applications averaging below 50, Deputy Alan Shatter proposed a Refugee Protection Bill through the Private Members’ Business in 1993 in order to consolidate the statutory requirements for refugee status and for legislation to exist at a national level. Deputy Shatter pointed out that the variety of existing legislation, stemming from an antiquated colonial Aliens Act of 1935, predated the Constitution and any progress demonstrated by both the signatory of the United Nations Declaration of Human Rights and the Geneva Convention in 1956. This was in a sense an acknowledgement of the globalised factors and continuous variety of conflicts occurring outside of Europe (however the Balkan War was within Europe) that were contributing to the rise of asylum applications to Europe. Moreover, the administrative guidelines used to process the few refugee applications were derived from a letter written by the Minister for Justice in 1985 to the then representative of the UNHCR, Mr. R. Von Arnim (later to be referred to as the Von Arnim letter) which were enforced by the Supreme Court in 1992. The letter outlined the procedures to be followed in accordance with the 1951 Geneva Convention relating to the Status of Refugees and its Protocol of 1967. Procedural guarantees were created such as the provision of an interpreter during the interview (if necessary) and the assurance that the applicant would not be refused entry or deported pending the outcome of their application for asylum. Despite the existence of these procedures the questions of many TD’s within the Dail upon the second reading of the Refugee Protection Bill in 1993 illuminate experiences of these procedures not working correctly, of people ‘finding themselves bundled back on board planes without any opportunity fully and properly to present their case’ (Dail Debate 1993). The *Programme for Partnership for Government 1993-1997* sought to address the need for policy in this area, to internalize this external signifier “refugee”, campaigning that a “policy towards treatment of refugees, asylum seekers and immigrants will meet the highest international standards. Procedures will be introduced

to guarantee rights of hearings, appeal, access to legal advice and access to the courts” (Dail Debate 1993). Thus the proposal for the Refugee Protection Bill of 1993 was timely.

From the outset, the discursive formation of ‘who is a refugee’ in the development of a rationality for asylum legislation in the Dail debates of 1993 was foregrounded within the local Irish language game. It was infused with a normative rhetoric of Ireland’s humanitarian image, and it’s historic duty with almost 70 million Irish emigrants abroad, an image and duty cultivated by President Robinson during her term (Conway 2006). The Minister for Justice John O’Donoghue (1997-2002) was quoted as saying: ‘The status of refugees is an issue which would strike a chord with every man, woman and child here who has any grasp of Irish history, our history being littered with the names and deeds of those driven from our country out of fear of persecution’ (Dail Debate 1998). Thus the external signifier was made part of *Us*, made part of local discourse.

Alternatively, the proposed Refugee Bill was the beginning of the debate between the ‘genuine’ refugee in need of protection seeking a humanitarian response, and those who were ‘abusing’ the system requiring immigration control. The Minister for Justice Mrs. Geoghegan-Quinn (1993-1994) acknowledged the beginning of a new phase of movement of people throughout Europe, those with weak or no genuine claims to asylum, essentially economic migrants, who were presenting themselves as new challenges to many European governments particularly after the formation of the single European market. It was of concern to the Irish government at this stage, drawing on other European countries’ experience, that legislation in the area of refugee protection absorb the dichotomy of *genuine refugee* versus *bogus asylum seeker* and successfully filters one from the other. The signifier refugee became a conceptual twin, its opposite, the bogus refugee. It became necessary to establish a political rationality in which the moral justification or way of talking about the applicant was subject to this dichotomy; *who is the genuine refugee versus who is the bogus asylum seeker?* Within this problematic the applicant became subject to governmental technologies that determined whether his/her application was bogus i.e. ‘manifestly unfounded’ cases and lists of ‘safe’ countries. Although the intention was to create legislation that absorbs the dichotomy of this ‘new’ migratory phenomenon, as the process developed and the demand for asylum increased, the political rationalities and governmental technologies associated with this dichotomic absorption came to rely upon exclusionary discourses of the asylum seeker. Thus it became normative, evaluative, distinguishing the sacred that is part of *us* from its profane

opposite, which threatens Us. As the extract below indicates, the danger to Us, in Ireland's discourse of the asylum seeker, from the outset had been become subsumed into an already existent the European discourse of the biopolitical nature of the portraying the bogus asylum seeker as a risk, 'criminal', 'abusing' and 'clogging up' the system with 'unfounded claims'. As stated by the Minister for Justice, Mrs. Geoghegan-Quinn:

“The more that asylum is used as an immigration mechanism, the greater the **risk** of erosion of public support of humanitarian action for genuine refugees. The industrialised nations of Europe have been clearly heading for a **crisis** over asylum in recent years, primarily as a result of the **abuse** of the system. The protraction and **over-burdening** of asylum procedures causes hardship for the genuine asylum seekers and tends to attract **abusive** applications. The increase in **unfounded claims**, and the growing **cost of assistance** has damaged public opinion in Europe about immigrants and refugees and has created **serious problems** for the receiving countries and for people in real need of protection...If we do not **regulate** the operation of our asylum procedures to achieve the **essential balance** of due concern for **the genuine refugee** allied to appropriate measures to ensure that the system is not **clogged up** by **bogus applicants**. The experience in Europe has shown that those who would **abuse** the asylum procedures are those who would seek to migrate to Western Europe by way of the asylum system.” (*emphasis added*, Dail Debate, 1993).

The objective of asylum discourse is to construe asylum seekers as a population of bogus types on the basis of abuse of the system, which legitimate securitising measures, nested in the establishment of systems of administration and instruction. Despite the play of power within immigration discourse and the shifting positionalities of its subjects, governmentality is a product of, and marks out, a 'subject nation' through a process that appropriates, directs and dominates its various spheres of activity. Therefore, despite the 'play' in the asylum system which is crucial to its exercise of power, asylum discourse produces the asylum seeker as a social reality which is at once an 'other' and yet entirely knowable and visible. It resembles a form of narrative whereby the productivity and circulation of subjects and signs are bound in a reformed and recognisable totality (Bhabha 1994:101).

1.6. Approaches to Power, Fourth Dimension of Power, Governmentality

In order to perhaps pinpoint, or understand the origins of power and why a Foucauldian approach has been chosen, it is worthwhile returning to early modernity where two basic models of power emerged. As Clegg (1989) has outlined, one can identify a dichotomy between the problematics of Hobbes' political philosophy and that of Machiavelli. Hobbes, Locke and the liberal tradition that followed were concerned with the question of: what is power? Hobbes' questioning of power resulted in a focus upon power in terms of sovereignty and causality (Clegg 1989:34). He concerned himself with how to bring order to the state of nature or society. Hobbes' notion of a legitimate authorised order arose from the contractual consent of the creation of a sovereign. This legitimate authority, the sovereign, has the power to resolve problems that arise from the state of nature due to the contractual consent of its appointment to enact laws and sanctions where necessary. The lineage of thought that ensues from the development of this problematic is a concern for the state, leading ultimately to the birth of the juridical model (Clegg 1989:37). Due to the scientific revolution of his time Hobbes was also interested in the problem of causality. He was interested in mechanical causality, that is, the world as a system of mechanisms operating on one another A affecting B. 'As such, power can be conceived as a causal relation between intentional individuals' (Torfing 2009:110).

If Hobbes was interested in what power is, Machiavelli was interested in what power does and how it can be made more functional. Whereas Hobbes was interested in developing a science of politics, Machiavelli can be thought of as an interpreter of the world and an evaluator of power more focused on developing a strategy and an organisation in which power can be used (Clegg 1989:34). Famously in his *Prince* it is Machiavelli giving advice about how power can be obtained, retained, enhanced and maintained. This tradition of concern with the strategy and organisation of power can be traced through the work of Gramsci, for example, who thought of the Communist party as the modern Prince.

Power re-emerged during the 1950's in the United States political science arena. A series of community power debates emerged from studies carried out on small communities that focused on the distribution of power within those microcosms. CW Mills was a radical critic of the American system who argued that rather than the self image of America being a pluralist society where power was dispersed widely to a range of individuals and groups who

all had reasonably equal chances of influencing the decision making system, what emerged in fact, was that power was concentrated within an elite. For Mills, although he recognised the political and economic elite, the power elite was concentrated primarily in the military industrial complex, however, all three held captive the state institutions and their interests were reflected in the decision making activities of the US state. 'The power elite is composed of political, economic, and military men, but this instituted elite is frequently in some tension: it comes together only on certain coinciding points and only on certain occasions of crisis...Of the three types of circle that compose the power elite today, it is the military that has benefited the most in its enhanced power' (Mills 2000 (1968):276).

Dahl and Polsby, who sought to empirically test Mill's criticism of American democracy, took up the idea of power concentrated within an elite. They chose various cities as case studies and employed quantitative analysis. They found power to be behaviourist, not concentrated within an elite but dispersed. Dahl's definition of power can be seen to be a reformed variation of Weber's conception of power, that is power as a capacity for action which incorporates the complexities of public life (Hindess 1996:2,3). Dahl's test acknowledges the limitations of a positivist approach to the study of power and signals the need for a move towards post-positivistic methods of examination. Dahl's first face or dimension of power claims that 'A has power over B to the extent that he can get B to do something that B would not otherwise do' (Dahl 1961:80). In reaction to this behaviourist critique there emerged a neo-elitist response, or second face of power from Bachrach and Beratz (1962). They conducted alternative studies in Baltimore, among other cities, that highlighted the systematic problem with the behaviourist model. The first dimension of power simply concentrated on overt decision-making and omitted a whole series of practices that prevented issues from arriving on the political agenda. The second face of power, the power of non-decision making, focuses upon the practice through which controversial issues such as poverty and race were excluded systematically from the formal decision making process. 'Power is operative even when A unconsciously exercises it or when he is aware of exercising it and produces unintended effects' (Hayward 2000:15).

Steven Lukes radicalises the former faces of power adding a third dimension or face to the concept of power. In his book "Power: A Radical View" Lukes (1974) claims that the second face of power is 'inadequate on three accounts'. Firstly, he claims that its critique 'is still too committed to behaviourism' and that the bias to the system is something that 'can be

mobilised, recreated and reinforced in ways that are neither consciously chosen nor the intended result of particular individuals' choices' (Lukes 1974:21). It is not simply individuals' actions that influence the bias of the system, the non-decision making or the agenda setting, it is also the structure of the society, the practices of its institutions and the norms that become accepted that mobilise inaction. 'The bias of the system is not sustained simply by a series of individually chosen acts, but also, more importantly, by the socially structured and culturally patterned behaviour of groups, and practices of institutions which may indeed be manifested by individuals' inaction' (Lukes 1974:22).

Secondly, Lukes claims that the 'two-dimensional view of power is inadequate in its association of power with actual, observable conflict' (Lukes 1974:22). This inadequacy draws attention to the concept of latent power, power that is concealed and prevents grievances or issues from coming to the fore in the first place. Lukes argues that it is not essential for conflict to be overt and observable for that 'is to ignore the crucial point that the most effective and insidious use of power is to prevent such conflict from arising in the first place' (Lukes 1974:23). Lastly, relating to his previous claim, Lukes states furthermore that just because a grievance cannot be identified does not mean that a grievance does not exist. 'To assume that the absence of grievance equals genuine consensus is simply to rule out the possibility of false or manipulated consensus by definitional fiat' (Lukes 1974:23). Lukes expands the first face and second face of power in his three-dimensional view of power such that 'A may exercise power over B by getting him to do what he does not want to do, but he also exercises power over him by influencing, shaping or determining his very wants' (Lukes 1974).

Lukes provides us with a convincing critique of the pluralist model of power, that is, its focus on overt conflict between identifiable agents and its analysis of empirical and observable behaviour. It broadens the concept of power to not only include the mobilisation of bias in the political system i.e. agenda setting, but also the role of ideology and hegemony in actively shaping preferences. It also seeks to posit a means of empirically investigating the second and third dimensions of power by introducing this category of real interests. We can say that power has been exercised even though we do not see the overt conflict or the construction of interests and preferences because we have recourse to this notion of real interest, which we, as the observer, can discern in the object of analysis. For example John Gaventa (1982) in his book *Power and Powerlessness* questions the lives of miners of the district of Apalachia,

‘why, in a social relationship involving the domination of a non-elite by an elite, does challenge to that domination not occur?’ (1982:3) Gaventa claims that ‘the three-dimensional view shapes or determines conceptions of the necessities, possibilities, and strategies of challenge in situations of latent conflict’ (Gaventa 1982:13). Lukes connects the question of power to the problematic of structure and agency by arguing that power is possible ‘through the interrelationship of the dimensions and the re-enforcing effect of each dimension on the other so that the total impact of power upon the actions and conceptions of the powerless may be fully understood’ (Gaventa 1982:256).

However, Lukes’ introduction of the concept of real interests raises many questions. How are we to know what real interests are, how are we to know what B would have chosen otherwise if one’s wants are a product of the system, and how then are we to identify the power relationship? The answer here is ambiguous and so there are various ways of responding to this question. One of those is a Kantian response in that we can rely upon the notion of real interest to the extent that we can presuppose that the subject has a rational autonomous reason with which to judge what his or her interests are. If the subject has rationality and is autonomous and is presented with various options then it would chose X rather than Y. Habermas’ (1985; 1990; 1992) theory is also close to an answer for he claims that there is power and domination in society but if we want to develop a normative orientation we should create the conditions in which a subject, through a dialogical enterprise, can work out through the force of the better argument, what his or her interests are. Habermas claims that the ideal speech situation is precisely that device in which there is the capacity to create the conditions necessary for a subject to discern his or her real interests (Hayward 2000:7).

Another option is to turn towards the fourth dimension of power associated with Foucault’s concept of power in his genealogical phase (as outlined above) that travels through his work on governmentality. Explicit in this account of the fourth dimension of power is a purposeful move by Foucault away from the traditional investigations of rationality and political power in terms of structure and agency, of power equated with ‘repression’ and the exercise of power as inherently repressive. Foucault advances towards an analysis of ‘power relations through the antagonism of strategies’ (Foucault 1982:780). Crucial to the genealogical phase, and what identifies the fourth dimension of power from the previous three above, is that it ‘postulates that subjectivity or individuality is not biologically given. Subjects are understood as social constructions, whose formation can be historically described’ (Digeser 1992:980).

The pivotal question for an inquiry of the fourth dimension of power is “what kind of subject is being produced?” (Digeser 1992:980). Contrary to Lukes’ conception of ‘real interests’ with the implication of an ‘objective truth’ (Haugaard 1997:39) Foucault argues that power and knowledge directly imply one another. ‘There is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time, power relations’ (Foucault 1977:27). The fourth dimension of power is present and active in our immediate everyday lives, a power which ‘categorises the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on him which he must recognize and which others have to recognise in him’ (Foucault 1982:781). In this sense Digeser reiterates Foucault’s (1980:101) point that subjects are the “vehicles” of power, for it is through their practices and interactions in their everyday lives that power is conveyed (Digeser 1992:982). However, it is not that subjects are merely passive vehicles, in that, they unconsciously exercise power, rather for Foucault “power relations are both intentional and non-subjective”. Individuals are, for Foucault, both the *subjects* and the *objects* of power, they ‘are always in the position of simultaneously undergoing and exercising...power. They are not only its inert or consenting target; they are always also the elements of its articulation’ (Foucault 1980:98). This form of power implies ‘two meanings to the word “subject”: subject to someone else by control and dependence; and tied to his own identity by a conscience or self-knowledge’ (Foucault 1982:781). It is this conception of the subject and power that became entwined in Foucault’s inquiry of the modern state during his lectures on governmentality.

Throughout this thesis, I use the notion of ‘government’ as outlined by Foucault, in that, government or governmental power is both constitutive and repressive at the same time, ‘a versatile equilibrium, with complementarity and conflicts between techniques which assure coercion and processes through which the self is constructed or modified by himself’ (Foucault 1993:204). Lemke, along with Foucault, distinguishes government as the ‘contact point’ between technologies of domination and technologies of the self ‘where the individuals are driven by others’ in a way that is tied to how they conduct themselves (Foucault 1993:203-4; Lemke 2002). Technologies of domination are understood as “techniques which permit one to determine the conduct of individuals, to impose certain wills on them, and to submit them to certain ends or objectives” whereas technologies of the self are “techniques which permit individuals to effect, by their own means, a certain number of operations on their own bodies, on their own souls, on their own thoughts, on their own

conduct, and this is in a manner so as to transform themselves, modify themselves, and to attain a certain state of perfection, of happiness, of purity, of supernatural power, and so on” (Foucault 1993:203). Problematically, both these technologies are framed by power relations, exercised by individuals thus generating both meaning and action, which has led to a dichotomy in epistemological belief and sociological explanation as to what power *is* and what it *ought* to do (Haugaard 2010; 2012). ‘Government’ or governmental power as outlined by Foucault is both constitutive and repressive at the same time. Thus four-dimensional power has the capacity for ‘power over’ or ‘power with’ as ‘government’ is both ‘power over’ and ‘power with’ at the same time.

While the thesis will contain reference to the first three dimensions of power the fourth dimension, as represented by the process of subjectification, will constitute the main focus of analysis.

1.7. Research Questions and the Structure of this Thesis

The exploration of governmental power is continuously adapted and extended based on analyses of truth as regards who, and how, power is held, and how it is administered to determine particular outcomes. Governmentality research is conducted on the basis of the analytics of government, on interpretative and design-oriented research focusing upon the rationalities of government, techniques of government and the subjects of government. Hence, it sidesteps the kinds of issues raised by Lukes’ use of the concept of false-consciousness and objective truth. Deductive and theoretical research methods are combined with inductive and empirical methods. Governmentality theory, social theory and power theory are used to develop and illustrate that the activity of governing is possible only within particular epistemological regimes of intelligibility. Researchers are not just describing ‘government’ but a particular type of ‘governmental power’ that ‘positively depends on the elaboration of specific languages that represent and analyse reality in a manner that renders it amenable to political programming’ (Inda 2005:8).

The *theoretical* focus of this thesis is on the role of governmental power in the Irish asylum system as a constitutive event, examining the process whereby the subject position refugee becomes integrated into the official discourse of the state. The *empirical* focus is on the technologies of self in the process of governmentality, or, more specifically, on the way

in which certain groups of actors try to transform the Irish asylum system. This research studies two cases that zoom in on particular groups of actors who are trying to negotiate the asylum system: the legal application and adjudication process or juridical process, and the transition process into the asylum system by local Galway asylum seekers. Besides their different abilities to negotiate at various levels, these cases represent different manifestations of the rationalities and techniques of the Irish asylum system, and perhaps most importantly allow the research to examine the technologies of self that are instilled, yet overcome, by the asylum seekers themselves.

This dissertation is focused on the role of governmental power in the asylum system and asks the following research questions, which will be answered in two different book parts:

What is the role of governmental power in the asylum system in Ireland?

Sub-questions:

Part 1: 1. How can governmentality and the asylum system be studied?

Part 2: 2. How do governmental power and the asylum system interact in practice?

Part 1 / research question 1: Concepts & Methods

The first question – *how can governmentality and the asylum system be studied* – is addressed in Part 1 (chapter 1, 2 and 3), which provides the epistemological and conceptual basis of this research. As will be explained in chapter 2, this dissertation is based on an *interpretative* approach to political and social science and an *analytics of government* research design. Rather than starting with predefined hypotheses, the purpose is to *generate* a historical and practical understanding of the emergence of asylum discourse based on both empirical observations and theoretical discussion in reference to existing literature. Moreover, rather than aiming for positivistic scientific criteria such as ‘external validity’, ‘generalisability’, or ‘falsification’, this thesis is based on criteria of scientific quality that underlie the *interpretative* research paradigm, such as ‘triangulation’, ‘reflexivity’, ‘thick description’ and ‘phronesis’. The aim is to achieve the analytical ambition of gaining improved understanding

of governmental power in the asylum system. In addition to epistemological discussions on the purpose of social science research, chapter 2 will provide a detailed account of the research methods used for data-collection (ethnography, participant observation, interviews and document reviews), case-selection and data-analysis (discourse analysis, deconstruction and narrative analysis). Moreover, I will explain and justify how I answer each of the research questions, and how I use empirical observations to examine governmental power in the Irish asylum system.

Chapter 3 will provide a state-of-the-art review of governmentality studies, focusing on how the issue of governmental power is dealt with through the formation of the modern state and subject. Then I will discuss the main rationalities and technologies as points of contention in the state-of-the-art literature on governmental power in asylum and will draw upon the social power concept of performativity, as found in several social science disciplines: political science, sociology and philosophy. Based on these reviews, I discuss the problematisation of asylum on both a European platform and its emergence on the Irish national platform (chapter 4). I emphasise the ‘unintended consequences’ of the governmentality of mobility, addressed through a process of securitisation. I examine the concept of *dislocation* and its role in subject positions and subjectivity. I will conclude that there is a gap in the literature on asylum in Ireland regarding the social power of the asylum process. As such, I will approach the Irish asylum system as a ‘problem of government’ and examine the ‘encounters’ experienced by those within the system.

Part 2 / research question 2: Empirical Observations

The second part of this dissertation covers the empirical observations and mainly addresses research question 2; *how do governmental power and the asylum system interact in practice?* The answer to this question is explored in two case-studies, in the empirical chapters (5 & 6). The two case-studies will be analysed separately. The legal application process (5) will be analysed using post-structuralist discourse theory and Foucault’s understanding of *truth*. The asylum seekers’ interviews (6) will be analysed using the specific social power concept of performativity (Searle 1996), ontological security (Giddens 2004) and power relations. Subsequently, the empirical chapters will provide in-depth discussion of strategic negotiation emerging from the interaction of governmental and social power within the asylum system, in

particular as observed in how they attempt to engage and reflexively embody governmental and perform social power strategies.

Conclusion: answers to main research questions and scientific contributions

In the conclusion I will recapitulate and synthesise the ‘attitude’ and insights in the chapters by formulating answers to the research questions and by outlining the main contribution of this thesis – not only to asylum research, but also to social power theory, mobility governance, and governmentality studies more generally. What emerges is a complex nuanced process of social interaction, in which subject positions are continually negotiated by social actors who are highly reflexive, yet constrained by their understanding of the rules of the game, which are often opaque. In the conclusion I introduce the subject’s self-understanding as a fractured mirror, shards of which they constantly grasp for, are cut by, are glancing for, and which never reflect the world as they wish.

CHAPTER TWO

2. Epistemology and Research Methodology

This chapter provides the epistemological and methodological grounding of this research. First, I discuss the emergence of governmentality studies, how it can be positioned in epistemological terms, and how I position myself in that regard. Second, I present the overall research set-up, characterising it as a *governmentality* and *interpretative* research design. Third, I discuss the research methods used for *data-collection* and *case-selection*, and fourth the research methods used for *data-analysis*. Last but not least, I explain how research insights are used for examining governmental and social power in the asylum system, and on the implications of such for asylum seekers and the asylum system.

“In all our conduct it is the mean that is to be commended. But one should incline sometimes towards excess and sometimes towards deficiency, because in this way we shall most easily hit upon the mean, that is, the right course.”
Aristotle, *Nicomachean Ethics*

“The analysis of micro-powers is not a question of scale, and it is not a question of a sector, it is a question of a point of view”
Michel Foucault, (2008:186)

2.1. EPISTEMOLOGICAL POSITIONING: GOVERNMENT AND THE STATE.

The critical discussions on governmental power relate to divergent epistemological standpoints on what political science is or should be, and the extent to which it can or should be enmeshed with the politics of social change. Not only this, but questions of governmental power have traditionally been associated with political power. Political power was traditionally tied to a conception of the state as a ruling entity with a unifying central essence and theories of power linked to the Enlightenment paradigm. In this section I wish to address some of these epistemological issues and highlight a Foucauldian alternative to the traditional Enlightenment conception of political power, that is governmentality. The area of governmentality studies explicitly parts with the positivistic paradigm and begins to query that the relations under study cannot be reduced to mono-disciplinary, linear causal models of 'the state' and state sovereignty. Rather, governmentality wishes to identify rationalities, practices and programmes of rule, that concentrate on rethinking the task of governing societies, accepting contingency, to place government within a field of heterogeneous and indistinct powers 'beyond the value system of liberalism' (Dean 2006:19). More specifically, governmentality readdresses the question of power, and the state.

2.1.1. Ideology, Power, Ethics

Governmentality originates from a conception of the state stemming from the 1970's, when 'the grip of Marxism' was seeking to 'free itself from economic determinism' (Miller and Rose 2008:2). Economic power was structured by a particular legal system and organised around a specific set of ideas regarding the 'organisation of work and the definition of profit, a set of institutional arrangements for shaping and moulding the hopes, aspirations and capacities of individuals' (Miller and Rose 2008:2). Although governmentality is still preoccupied with the language and thus the ideology of government that reflects certain power relations, it instead considers those power relations 'as anything but self-evident and in need of considerable analytical resources' (Dean 1999:9).

Governmentality began to question: 'If these apparatuses and practices were to be the site of political intervention and transformation, we needed to understand what made them tick' (Miller and Rose 2008:2). At the time, structuralism was important because it drew attention to the relations 'not available to common sense and direct observation, which underpinned

and made possible what one could see, think, understand and even feel' (Miller and Rose 2008:3). However, this view led ideology down the path of false consciousness, to the route of concealing and legitimating the dominance of the ruling class. As argued in the previous chapter, the concept of false consciousness is raised in the third dimension of power when Lukes (1974), with his notion of 'real interests' states that 'A exercises power over B when A affects B in a manner contrary to B's interests' (1974:27). Power, in terms of the knowledge of B's interests, can be distorted by A and used to benefit a particular dominant group rendering B unable to realise their 'true' interests. This notion of 'real interests' or 'false consciousness' presupposes an 'objective truth' that can be known and distinguished from 'false' or 'imposed' interests (Haugaard 1997:39). Marxism strived to display true objective social knowledge that was otherwise marred by the appearances or interests of a particular class. This perception presupposes that knowledge is distorted by power relations, and problematically that there is knowledge or truth which is free from power, as assumed by Enlightenment thinkers (Haugaard 1997:17,18). On the contrary, for Foucault 'there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time, power relations' (Foucault 1977:27; Hall 1997:49). Modern power is constrained in the application of knowledge as truth and 'is only power when it is addressed to individuals who are free to act in one way or another' (Burchell, Gordon et al. 1991:5).

Instead, governmentality scholars responded to the notion of ideology as consisting of 'apparatuses that were complex assemblages with their *own* conditions of possibility and their *own* regularities. Their operation was inextricably bound up with a particular vocabulary or language that circumscribed what could be said and what could be done in ways that were meaningful' (Miller and Rose 2008:3). Moreover, these apparatuses that make up complex assemblages 'were populated with human beings whose individuality or subjectivity was itself shaped to fit the expectations and demands of others' (Miller and Rose 2008:3). In this view, and along with Gramsci (1971), 'the new task of critical analysis became to understand the formation and functioning of ideological apparatuses, and those who were constituted in and through them' (Miller and Rose 2008:3). This turn emphasised the contingency of systems and the mutually constitutive way in which they operated. More significantly however, this turn signifies a fundamental debate in social science; between a normative approach in critical social theory that aims to emphasise how things 'ought to be' and an empirical approach that calls for an understanding of how things 'are'. Predominantly there

has been a surplus of the former in an effort to progress what ought to be improved in society, ‘what should be done’ (Flyvbjerg 1998:3). However, most recently various social scientists have challenged the Enlightenment paradigm as inspired by authors such as Kant and Habermas, and called for a re-appreciation of insights offered by Machiavelli, Nietzsche, and Foucault towards ‘what is actually done’ (Flyvbjerg 2002:3).

Congruent with the ‘Enlightenment project of self-foundation’, Habermas (1990) believes reason, or rationality, is considered independent of power relations. He maintains that power ‘be tempered by a critical theory able to make normative distinctions between legitimate and illegitimate uses of power’ (Kelly 1994:1). Although he acknowledges power, and agrees with Foucault that reason is a ‘thing of this world’, Habermas claims that it does not necessitate the post-modern move to a critique of a context dependent rationality. ‘The undeniable “immanence” of standards we use to draw these distinctions – their embeddedness in concrete languages, cultures, practices – should not blind us to the equally undeniable “transcendence” of the claims they represent – their openness to critique and revision and their internal relation to intersubjective recognitions brought about by the “force” of reasons’ (Habermas 1990:x). Habermas has sought to return the ideals of truth, justice, and reason to the social practices we inherit, but to maintain the universal necessity that they are not reducible to any given set of such practices (Habermas 1990:x). To the contrary, other post-modernists embrace the contingency and conventionality of rules and practices in the multiplicity of forms of life where truth operates at the context dependent, or “local”, level. Empirical reality is heterogeneous and fragmentary, signified by discursive practices in which power, knowledge and truth are coterminous (Habermas 1990:ix). The sovereign rational subject is replaced by a fluctuating subject position with a subjectivity and intentionality that functions as part of their form of life, ‘they do not “constitute” the world but are themselves elements of a linguistically disclosed world’ (Habermas 1990:ix). Habermas rejects this “paradigm of consciousness”, the history of empirical thought and action where the subject is embodied and practically engaged with the world ‘in favour of the through-and-through intersubjectivist paradigm of “communicative action”’ (Habermas 1990:x).

Foucault (1977; 1980; 1982; 2007; 2008) Throughout his work (for instance, Foucault 1977; 1980; 1982; 2007; 2008), Foucault sought to trace the complex relation of men and things by analysing the relationships of power and the constitution of the subject. Social critique, for

Foucault, 'is an attempt to undermine relations of domination by showing how the crutches of legitimacy of modern truth and impartial judgement are simply a reflection of social relations saturated with power' (Haugaard 2002:182). Foucault's investigations in his earlier works surrounded social constructions such as 'madness' or 'sexuality'. He sought to extract a new subjectivity in relation to the practices in which the 'mad' or 'sexual' subject existed. For example *The Birth of the Clinic* (2003) showed distinctly how the novel conception of seeing a particular disease and treating it by practising a particular medicine at a particular historical time was constitutively related to new modes of managing conduct. The linking of heterogeneous elements embodying the idea and practice were imperative to understanding the problem at hand (Miller and Rose 2008:4). 'What is questioned is the way in which knowledge circulates and functions, its relations to power...the *régime du savoir*' (Foucault 1982:781). Relationships of power, Foucault claims, "are ready made patterns: when one speaks of "power", people think immediately of a political structure, a government, a dominant social class, the master facing the slave, and so on. That is not at all what I think when I speak of "relationships of power"...- power is always present: I mean the relationships in which one wishes to direct the behaviour of another" (Bernauer and Rasmussen 1988:11). Thus for Foucault, power in society, or relationships of power, become 'strategic games between liberties – strategic games that result in the fact that some people try to determine the conduct of others' (Bernauer and Rasmussen 1988:19).

Foucault questioned this conception of the relationships of power as strategic games between liberties in his lectures at the Collège de France during 1977/78 (Foucault 2009). In these lectures he focused on the question of the exercise of power as government, how it seeks to conduct or govern the behaviour of individuals. For example by Lecture Nine, delivered on the 8th March 1978, Foucault had taken much time to illustrate 'the pastoral' as the economy of souls prior to the Reformation. What he progresses towards is how this pastoral power moved from the economy of souls to the government of men, how it transformed from being something spiritual to being something temporal and material dealing with the everyday reality of men. Following from this transition stems the question: 'to what extent must whoever exercises sovereign power now be responsible for the new and specific tasks of the government of men?' (Foucault 2009:232). What the political now faces is the question as to what rationality are they to govern men, what rationality justifies interference into the private domain, what tactic and strategy will make up good governmental reason as opposed to pastoral rationality? What developed in the sixteenth century was not a need for the sovereign

to tap into the private domain, but rather, what emerged was a political public domain or state that required government (Foucault 2009:236). ‘This is government. It is more than sovereignty, it is supplementary in relation to sovereignty, and it is something other than the pastorate, and this something without a model, which must find its model, is the art of government’ (Foucault 2009:237).

The merging of sovereignty and government gave way to the birth of the state as an entity. This entity, the state, required an art of government. It is the emergence of this entity, of a call for a need of governance that draws Foucault’s particular attention in this lecture. At the same time, Foucault refrains from state theory, in that, the modern activities of government cannot be deduced from the essential properties of the state, the state has no essence. One can think here of the emergence of the Irish State in the 1920’s with a move towards a Hobbesian unified sovereignty with centralised institutions. Key for the development of the Irish State was a set of institutions defining “irishness”, but also “aliens”. ‘The nature of the institution of the state is, Foucault thinks, a function of changes in practices of government, rather than the converse. Political theory attends too much to institutions, and too little to practices (Burchell, Gordon et al. 1991:4). Government, as an exercise of power, is the mode of action upon the action of others, the conduct of men and their conduct, and thus a management of possibilities (Dean 2006:20).

This conception of the notion of government as ‘the conduct of conduct’ was to denote ‘a form of activity aiming to shape, guide or affect the conduct of some person or persons (Burchell, Gordon et al. 1991:2). The translation of ‘the conduct of conduct’ is a play on two French verbs by Foucault – *conduire et se conduire*, or Dean’s (2002) distinction of conduct as a verb and conduct as a noun (2002:119; Foucault 2009:364). The verb *conduire* means to drive or to lead while its reflexive counterpart *se conduire* means to conduct oneself or ones behaviour. I think the reflexive translation more accurate as it not only indicates the subject’s role within the activity of government but also further distances the activity of government from the political thus situating it within the capacity of the individual. Moreover, I think the translation of *se conduire* accurately portrays Foucault’s trajectory into the ethic and care of the self, which Dean (2002) correctly attaches to the sociological understanding of ‘*habitus*’ (Bourdieu 1990). As we shall see, the creation of a governmental discourse around the signifier refugee entailed the creation of a new taken-for-granted reality, or second nature,

which defines the essence of habitus. Dean (1999) expands this notion concept of ‘the conduct of conduct’ with a definition of government as the following:

Government is any more or less calculated and rational activity, undertaken by a multiplicity of authorities and agencies, employing a variety of techniques and forms of knowledge, that seeks to shape conduct by working through our desires, aspirations, interests and beliefs, for definite but shifting ends and with a diverse set of relatively unpredictable consequences, effects and outcomes (Dean 1999:11).

While there can be many themes in which government can, and has been investigated, Foucault primarily focused upon government in the political domain (Burchell, Gordon et al. 1991:3). He focused upon the ‘art of government’ or interchangeably a ‘rationality of government’, that is, the system of thinking about the activity of government that lends itself amenable to practitioners and to those upon whom it is exercised (Burchell, Gordon et al. 1991:3). As Dean (1999) points out ‘rational’ here is understood as ‘the attempt to bring *any* form of rationality to the calculation of government’ (Dean 1999:11). In this sense there can be a multiplicity of rationalities linking together to make specific calculations for particular ends, and government is but one of these strands (Dean 1999:11).

An art or rationality of government then is a mode of thinking about the practice or activity of government. It reveals the possibilities of different forms of knowledge and truth by which various actors, and agents, come to question their conduct and the conduct of others towards various ends (Dean 2002:119). This rationality of government is attached to questions of morality, for if government is understood as rational activity then it is linked to ‘what constitutes good, virtuous, appropriate, responsible conduct of individuals and collectives’ (Dean 1999:12). In this sense ‘the conduct of conduct’ becomes reflexive upon itself, in that, it orientates itself not only towards questions of ‘how we exercise authority over others, or how we govern abstract entities such as states and populations, but how we govern ourselves’ (Dean 1999:12). Government thus understood is not only a reflection upon the action of others, but also a reflection upon the action of self, the ‘practical ethics in this sense of an action of ‘self on self’ (Dean 1999:13).

One only has to think of our recent problematisation of obesity in Irish society, and one response being a TV and radio show “Operation Transformation”. In this, experts on diet, nutrition, eating habits, fitness etc. advise contestants who now perceive their body shape or eating habits as abnormal from the recent construction of particular body shapes as obese. It

instructs them how to problematise their eating habits – why their portion size is too big and so what the correct portion size is for them, what are the adequate food groups to be eating from in comparison perhaps to their current diet which may have a higher proportion of fatty food to carbohydrate, and how this will affect the outcome, ethical in the sense that it is aimed to improve their overall well-being. This programme is in turn teaching individuals who watch the programme to problematise their own eating habits and to act for and upon themselves, a practice of self on self. Another example is the recently announced “Pathways to work programme” in which persons in receipt of social welfare payments, particularly the long-term unemployed, will be encouraged to actively seek employment. This programme is linked to the perception of long-term unemployment in Ireland being a situation of “serially and forever” (Cullen, 2012). It attempts to obliterate the subject position of the ‘long-term unemployed’ by problematising the unemployed person as one in need of particular rationalities and techniques of government. The programme is linked to certain assumptions of how persons recently made redundant in the recession, now in receipt of welfare payments, should conduct themselves. It proposes that they should be actively seeking employment, not falling into the trap of long-term unemployment because the job available is beneath them (ibid). This is a move in the opposite direction from the basic income concept, where minimum income is provided unconditionally, without the obligation of employment status. Analysing government is not only analysing practices of government, but also how these are linked to shaping our own desires, needs and aspirations. ‘This is a perspective, then, that seeks to connect questions of government, politics and administration to the space of bodies, lives, selves and persons’ (Dean 1999:12). Although government is intended to strategise the milieu of freedom, it is not constitutive of freedom. Government presupposes that the actor or agent is free, in that, it is possible for them to think and act outside the box in ways unforeseen (Dean 1999:13). Moreover, it ‘presupposes this freedom and these capacities on the part of those who govern. One of the consequences of this latter proposition is that when we govern ourselves and others we exercise our capacities for thinking’ (Dean 1999:15/16).

2.1.2. Genealogy as Critique

The emergence of governmentality has implications for the epistemological positioning of the study of governmental power. Genealogy can be understood as an approach to the history of the present, and the manner in which it considers its own purpose and direction (Dean

1999:41). During the 1970's in France the approach of genealogy met with issues of government and liberalism giving way to what can be conceived as Foucault's approach to 'the historicity of social conduct via its own particular set of ethical and political concerns 'grounded' in the present' (Dean 1999:41). Different styles of genealogy exist in comparison to Foucault's'. The Liberal Left use genealogy to adjudicate risk or catastrophes to promote a better future - Karl Polanyi, Alexander von Rüstow and Friedrich Hayek (Dean 1999:41). Max Weber used genealogy as an inquiry into the processes of modernity, the modern state, and rational capitalism, concluding that a means-end rationality progressed to trap us in an 'iron cage' (Ryan 2007:29/30). As Gordon (1986) claims, 'the latter form "addresses the endogenous hazards and necessities of a system, not the unrecognised incursions of an alien, pathological mutation"' (Gordon 1986:78 in Dean 1999:41; Dean 1999).

The French form of genealogy emerging in the 1970's 'approached the present as a set of limits and possibilities' and specifically directed this approach towards problems that were, at the time, generating localised political action (Dean 1999:42). A prominent contemporary thinker, Jürgen Habermas, remains confident through his 'ideal speech situation' that the emancipation promised by the Enlightenment will be fulfilled, rejecting genealogy 'to purify political action of all its historical accretions' (Dean 1999:43). Foucault claims to refuse to give in to the blackmail of the Enlightenment, the "either/or position" 'because it seduces us into thinking that we are confronted with only two possibilities: either there are universal ahistorical normative foundations for critique or critique is groundless' (McCarthy 1994:234 in (Dean 1999:42). Rather what Foucault puts forward is a study of 'the form and consequences of universals in particular historical situations and practices grounded in problems raised in the course of particular social and political struggles' (Dean 1999:42).

Dean (1999) approaches this particular form of genealogy both diagnostically and anti-anachronistically. Critically, a diagnostic approach is 'an orientation to the present as an open set of possibilities...subject to knowable limits and constraints' (Dean 1999:44). In line with Foucault's thinking on government, Dean's genealogical approach is towards 'the vocabularies and forms of reason by which we make politics thinkable, the mechanisms by which this politics is accomplished and the manner in which we understand ourselves as those who govern and are governed' (Dean 1999:44). It seems to urge one to acknowledge revolt through social and political movements without revolution. It asks us to take a step back and consider the necessary and contingent elements that contain our thinking and our

actions, our conduct of conduct, aiding us to attend to problematisations as they present themselves be that towards stability of the regime or transformation (Dean 1999:44) However, an anti-anachronistic approach ‘seeks also to limit the tendency to read the past through that experience. Past formations are not read as antecedents or necessary stages towards the present’ (Dean 1999:44). Thus genealogy seeks to investigate regimes of practices as they present themselves in their own particular sets of necessary and contingent conditions and in which they are problematised in their current orientation. ‘It succumbs neither to the anti-historical promises of modernist theory, nor to the postmodernist macabre dance of death on the grave of universal values’ (Dean 1999:46). For Foucault genealogy must:

‘...record the singularity of events outside of any monotonous finality; it must seek them in the most unpromising places, in what we tend to feel is without history – in sentiments, love, conscience, instincts; it must be sensitive to the recurrence, not in order to trace the gradual curve of their evolution, but to isolate the different scenes where they engaged in different roles. Finally, genealogy must define even those instances when they are absent, the moment when they remained unrealised’ (Rabinow 1984:76)

2.1.3. Language games and Agonism

In Foucault’s later work on power, the lectures of the late 1970’s and early 1980’s, the notion of government ‘comes to be viewed as a kind of intermediate region which is not purely one of either freedom or domination, either consent or coercion’ (Dean 1999:46). Instead government as the exercise of power is strategised between the language games of the *is* of analytical inquiry and the *ought* of normative evaluation (Haugaard 2010). ‘Government is between these two in that it involves a form of power over others that is made operable through the liberties of those over whom it is exercised’ (Dean 1999:47). As Dean concludes it is important to note that the term ‘government’ does not exhaust the political, rather it brings into view a certain art of government (Dean 1999:47). The agonism Foucault speaks of ‘at the very heart of the power relationship’ he claims to analyse on three levels: 1) the strategic relationships, 2) the techniques of government and, 3) the levels of domination’ (Bernauer and Rasmussen 1988:19 ; Dean 1999).

Governmentality has been used to analyse the political mentalities of the modern state i.e. liberalism, neo-liberalism, advanced liberalism, post-social forms of governance, reflexive governance, ethopolitics and so on. It has also been used to examine empirical cases in vast

areas such as health, education, welfare, and migration. My challenge is to approach the notion of government as an exercise of power on both the governmental and social arenas to draw out the strategic games of the Irish asylum system on the three levels Foucault speaks of above.

2.2. OVERALL RESEARCH DESIGN

2.2.1. A governmental analytics research design oriented to asylum research

Governmentality, due to its Foucauldian lineage, inspires its own *analytics of government* as a research design. However I supplement this approach with an *interpretative* research design to draw out specifics of my research methods, which I will discuss further on in this chapter. The perspective of an analytics of government is to take a ‘problem-centred and present-oriented approach’ to examine **how** a particular regime of practices emerged, have been maintained and have changed (Dean 1999). Rather than ‘testing’ predefined hypotheses, the aim is to distinguish rationalities and technologies of government that identify the role of governmental power in the Irish asylum system. The first challenge in exploring the analytics of government is to identify the regime of practices that link together a field of mentalities, technologies and agencies to form an asylum system. This regime of practices is first approached using a key starting point; its problematisations (Dean 1999:27). ‘A problematisation of government is a calling into question of how we shape or direct our own and others’ conduct’ (Dean 1999:27). In this sense to problematise is not to analyse an object from the perspective of politics but to ask politics ‘about what it has to say about experiences that ask questions of it’ (Rabinow 1984:384). Therefore the challenge is to attend to specific taken-for-granted practices on the level of either the governor or the governed in relation to asylum and to call it into question. Furthermore, an analytics of government will attempt to construct ‘an intrinsic logic or strategy of a regime of practices that cannot be simply read off particular programmes, theories and policies of reform’ (Dean 1999:22). More importantly, this strategy or logic ‘can only be constructed through understanding its operation as an intentional but non-subjective assemblage of all its elements’ (Dean 1999:22).

2.2.2. How to undertake an analytics of government

Analytical criteria for governmentality research	
Problematisation	Identification and examination of specific situations in which the activity of governing comes to be called into question.
Priority of 'how' questions for regimes of practices	<u>Mentalities:</u> Who or what is to be governed? Why should they be governed? How should they be governed? To what ends should they be governed? <u>Technologies:</u> Who governs what? According to what logics? With what techniques? Towards what ends?

Table 1. Analytical criteria for governmentality research

As such the challenge is to conceptualise and operationalise the analytics of government to draw out the regime of practices that formulate the Irish asylum system. In chapter 4 I will take up this challenge. As we will see, this regime calls into question the governmental power framework.

Governmental Power Framework	Who holds power?
	How is power secured and maintained?
	Is the power legitimate?

Table 2. Analytical criteria for governmental power analysis

These are exactly the questions to which chapter 3 will attend. However, exploring the role of governmental power in the asylum system cannot be fulfilled through mere conceptualisation. Rather, the relation between the analytics of government and governmental power needs to be informed by empirical observations on how actors with renegotiating ambitions attempt to exercise their social power to achieve their goal. As such,

the governmental and social power conceptualisations presented in chapter 3 will be operationalised in terms of specific research questions to be asked about empirical observations.

<p>‘Who’ considerations sub-questions</p>	<p>What forms of persons, self and identity are presupposed by different practices of government and what sorts of transformations do these practices seek?</p> <p>What statuses, capacities, attributes and orientations are assumed of those who exercise authority and those who are to be governed?</p> <p>What forms of conduct are expected of them?</p> <p>What duties and rights do they have?</p> <p>How are these capacities and attributes to be fostered?</p> <p>How are these duties enforced and rights ensured?</p> <p>How are certain aspects of conduct problematised?</p> <p>How are they then to be reformed?</p> <p>How are certain individuals and populations made to identify with certain groups, to become virtuous and active citizens?</p>
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Table 3. Analytical criteria for empirical research

These questions will be used to analyse the case-studies, and subsequently the gained empirical insights are used to inform ethical insights for the social/ethical dimension of the Irish asylum system. The rest of this chapter guides you through how I do all this via the research methods.

2.2.3. Interpretative research: thick description, reflexivity, triangulation, phronesis

My methodology draws on the interpretative research paradigm (Rabinow 1987). This interpretative paradigm covers a diversity of research methods, including, and amongst others; case study analysis, deconstruction, discourse analysis, ethnography, participant observation, and phenomenological research (Rabinow 1987). This dissertation makes use of some of these methods. First I want to discuss the interpretative paradigm more generally. Interpretative research can be aligned to Foucault’s genealogical ambitions, in that, it is

inherently ‘postpositivistic’. Postpositivism is an approach to social science research formed in response to the limits of positivistic scientific research for the social sciences. Positivist philosophies of science developed from the ‘denial of causal necessity in nature, the defence of a regularity view of causation and explanation, and the rejection of any scientific concepts that went beyond the realm of the observable’ (Keat and Urry 2011:4). Instead postpositivism ‘refocuses attention on the concrete varieties of cultural meaning, in their particularity and complex texture, but without falling into the traps of historicism or cultural relativism in classic forms.’ (Rabinow 1987:6). Moreover, it is an approach that foregrounds the importance for the human sciences of ‘both the object of investigation – the web of language, symbol, and institutions that constitutes signification – and the tools by which investigation is carried out share inescapably the same pervasive context that is the human world’ (Rabinow 1987). Qualitative research from a postpositivistic perspective is judged upon criteria such as ‘triangulation’, ‘research reflexivity’, and ‘thick description’ (Creswell and Miller 2000:126).

Triangulation is a scientific validity procedure that I adhere to. Triangulation aims to safeguard ‘trustworthiness’ and ‘multidimensionality’ in a research project, ‘it is a systematic process of sorting through the data to find common themes or categories by eliminating overlapping areas’ (Creswell and Miller 2000:127). This triangulating process involves multiple analytical tools to multiple methods of data-collection, as well as multiple researchers and multiple theories or paradigms. In this dissertation I make use of all forms of triangulation bar the multiple researchers. First and foremost, as will be specified in sections 2.3 and 2.4, I combine multiple methods of data collection and data-analysis. Second, I draw on several theoretical approaches (governmentality, post-structuralist discourse theory and multiple power theories), and I strive to formulate and communicate my conceptualisation, analytical frameworks, and theoretical propositions in such a way that they can be used in an ‘interdisciplinary’ and ‘interparadigmatic’ research context.

Another important criterion of scientific quality, as emphasised in interpretative research, is *researcher reflexivity*, i.e. acknowledging the importance ‘for researchers to self-disclose their assumptions, beliefs, and biases’ (ibid). Reflexive research ensures that ‘researchers report on personal beliefs, values, and biases that may shape their inquiry’ (ibid). ‘Personal reflexivity’ will run through the entire dissertation, especially in the empirical chapters, in which I will always discuss my own role and involvement in the program, projects and networks under study. Researcher reflexivity ‘is particularly important for researchers to

acknowledge and describe their entering beliefs and biases early in the research process to allow readers to understand their positions, and then to bracket or suspend those researcher biases as the study proceeds' (ibid). In genealogy, reflexivity is not only treated as an epistemological issue but also as an ontological phenomenon, for 'how social acts or policies get analysed or thought about is critical to the genealogist' (Denzin and Lincoln 2005:854). Foucauldian genealogy encourages the researcher to reflect upon the broader multiplicities of power in which the specific act or policy occurred. 'They are not just actions of individual agents, and they are not merely functions of something more important and larger, some social structure; these methods or programs need to be looked at by the genealogist as having their own specificity or independent standing' (Denzin and Lincoln 2005:855). In this research, actors under study are thus treated as being 'reflexive', in the sense that rather than describing them as actors who intentionally or rationally act independently, it is also discussed how these actors reflect on the specificity, and subsequently adapt their own interpretations and actions to the complex multiplicity of processes or procedures inherent in governmental acts (ibid).

Thick, rich description is another procedure to ensure the credibility of interpretative research. Thick description, as developed in social anthropology was used by Geertz (1973) to describe his method of doing ethnography. 'What defines it is the kind of intellectual effort it is: an elaborate venture in, to borrow a notion from Gilbert Ryle, "thick description"' (Jenks 2003:175). Essentially, thick description refers to an observer not just describing a particular behaviour, but also the *social context* of that behaviour, so that the behaviour attains a meaning that can also be understood and interpreted by an outsider. As said by Wittgenstein:

"We...say of some people that they are transparent to us. It is however, important as regards this observation that one human being can be a complete enigma to another. We learn this when we come into a strange country with entirely strange traditions; and, what is more, even given a mastery of the country's language. We do not *understand* the people. (And now because of not knowing what they are saying to themselves.) We cannot find our feet with them." (Wittgenstein in (Jenks 2003:181)

A common example used to illustrate thick description is that of 'the wink'. In order to understand the meaning of someone winking, it is not enough to just describe the act of eye twitching ('thin description'), but one must also explain the symbolic value of winking in the specific cultural context ('thick description'). To use a colloquial example, in Ireland it is

common practice that you salute or acknowledge a person you know as you pass them ('thin description'). However, how you salute them is culturally specific and has different meanings in different regions. For instance, in rural Ireland, the more familiar you are with the person the less elaborate the salute. The one finger lift salute is all that is necessary to acknowledge a neighbour or friend; it indicates your close acquaintance and the unnecessary exuberance of the acknowledgment of your passing encounter with them. In order to understand the cultural meaning of a salute it is necessary to understand the social context in which the salute takes place ('thick description'). Theoretically this is consistent with the idea that meaning is systemically constituted, as argued by Derrida.

While the empirical observations in this dissertation are not anthropological and are not focused on explaining the cultural and symbolic meaning of human behaviour, they do adhere to thick description in a *governmental* sense. Extensive efforts are made to convey the *governmental context* in which observed actors say or do things. For instance, observations on what particular actors said about 'programmes of government', at a particular moment in a specific context, are contextualised in the wider regime of practices on asylum.

The last principle adhered to is that of *phronesis*. 'The task of phronetic social science is "to clarify and deliberate about the problems and risks we face and to outline how things may be done differently" without expectation of 'ultimate answers' or even "a single version of what the questions are"' (Flyvbjerg 2002:471). Phronesis is a concept variously translated as practical wisdom, practical judgment, common sense, or prudence (Noel 1999). According to Flyvbjerg, the phronetic researcher is adherent to the microcosm of sociality; the local, decentred micro-powers in which specific questions and details of particular contexts can be drawn out (Flyvbjerg 2002:134). In the spirit of phronesis, 'refugee' is taken as an explicit normative orientation for this thesis.

2.2.4. Consecutive and parallel research steps in relation to research questions

A governmentality and interpretative research design makes it virtually impossible to meticulously plan a research project beforehand as it almost works in a spiral format; beginning at a pinpoint spiralling outwards. Nevertheless, retrospectively I can differentiate the following set of consecutive and parallel research steps: data-collection, case-selection, conceptualisation, operationalisation, structuring and analysing data, theorising and

instrumentalisation. While the specifics of these research steps, in terms of applied research methods, will be explained in the following sections, here I want to provide an indication of the relative chronological order of things. This research project concerned a full-time activity that covered a total of four years, from 2008 until 2012. Although the mentioned research steps occurred partly in parallel and recursively to one another, there was also some consecutive ‘order’ and ‘separation’.

	Conceptual	Empirical	Theory& Instruments	Writing Chapters
2008				
2009	Conceptualising	Collecting Data (1) Structuring Data (1) Analysing Data (1)	Theorising (1) Instrumentalising (1)	
2010		Collecting Data (2)		Ch. 1,2,3
2011	Operationalising	Structuring Data (2) Analysing Data (2)	Theorising (2) Instrumentalising (2)	Ch. 4
2012	Reconceptualising			Ch. 5,6,7,8 Rewriting all chapters

Fig. 1. Overview of consecutive and parallel research steps

The first three years included; a) questioning and selecting cases, b) collecting empirical data, and c) conceptualising governmentality, governmental and social power in relation to the Irish asylum system. What little meantime there was, first attempts were made in; a) theorising governmentality and the Irish asylum system, on a purely deductive basis of applying the analytical criteria of governmentality to the programmes of the Irish asylum system, b) analysing some empirical observations on the implementation, adoption or refusal of governmental programmes and the criteria for succession or failure of these programmes, and c) analysing European discourses on a Common European Asylum System (CEAS). These attempts were formulated in various conference papers. While these first papers were

written relatively separate from each other, later on they were integrated within this dissertation.

Data-collection can be categorised in two phases. The first phase of data-collection (legislation debates, policy documents, document reviews, and media articles) was laborious as it was mostly informed by legal concepts. After that, data collection was updated to include new relevant documents or articles published after 2010. The second phase of data-collection in 2011 (interviews, ethnography, participant observation, action research, document reviews) was rapid.

During 2010 I wrote the first versions of the first three chapters. The latter part of 2011 was dedicated to transcribing and structuring my interviews in digital form. After that I started systematically analysing my collection of empirical observations. This included: a) categorising all the collected empirical material into separate strategies of government, b) ‘operationalising’ by transplanting these strategies into the coherent set of empirical research questions, c) analysing the empirical cases, and d) writing the empirical chapters.

While analysing and structuring the case-studies and interviews, I identified observations that raised theoretical questions to be elaborated later on. 2010 was dedicated to theorising governmentality and the asylum system and to instrumentalising these insights by drawing upon the governmental power framework and the social power concept of performativity and *parresia* to fulfil a gap in the literature and inform the empirical questioning.

To a certain degree, the multiple research steps and chapters can be directly related to the different research questions as formulated in the introduction.

Sub-research questions	Research Steps & Chapters
<p>1. How can governmentality and the asylum system be studied?</p>	<p>Collecting Data & Case selection Chapter 2 (epistemology and methodology) Conceptualising chapter 3 Analysing Data in Case-Studies</p>
<p>2. How do governmental power and the asylum system interact in practice?</p>	<p>Chapters 4 and 5 and 6</p>

Fig. 2. Overview of research steps in relation to research questions.

2.3. DATA-COLLECTION AND CASE-SELECTION

At this point I have outlined the epistemological grounding, the overall research design, and its chronological process. I now specify the methods for each research step, starting with data-collection and case-selection. Data-collection has been based on a combination of ethnography, participant observation, legislation debates, policy documents, document reviews, media articles and interviews. All these research methods were believed to be necessary and complementary elements to observe the role of governmental power in the Irish asylum system (i.e. ‘triangulation’). Detailing the entire journey of data-gathering as a linear process is folly as some methods were constant while others were intermittent, and occasionally all methods overlapped. This section aims to capture the process as concisely yet as accurately as possible. Here I will not provide a detailed overview of all empirical material, for the specifics differ in each case-study. Overviews of documents reviewed, applicable legislation, interviews held, interview questions asked, and meetings attended, are provided in appendices, which are referred to in the empirical case-study.

2.3.1. Legislation debates, policy documents, document reviews

This is where my data-collection began. Governmentality, from its source, is a questioning approach. The identification of the problematisation of asylum in Ireland can be pinpointed politically to the introduction of the Refugee Bill 1993 as a Private Member's Bill, it is at this point that a formal political debate on the concept of legislation for asylum in Ireland began and grew. I also began here and based the structure of the formulae of the regimes and practices on the political trajectory in the construction of asylum as a 'problem'. I systematically approached the Oireachtas (Irish government) website (www.oireachtas.ie) beginning with the historical Dail (parliament) Debates in 1993. I analysed the transcripts of the debates and written questions on asylum in the Dail as they arose chronologically. I followed the legislation to the Joint Committee on Justice, Equality and Women's Rights where there were transcripts of the amendment discussions and presentations by activists, experts and lobbyists, which directed me to specific regional, national and European reports, and then back to the Dail (parliament) transcripts for final, or further, debate. This approach directed me towards those politicians, policy makers, lobbyists, activists and experts whom the government was calling upon regionally, nationally and internationally to assist in formulating the construction of the asylum seeker and the technologies of government that were envisaged to manage the asylum 'problem'. I used this method through each year from 1993-2010 and thus addressed each amendment to Immigration legislation as it was debated and questioned on a wide scale. When certain transcripts referred to in the debates were not available online I contacted the Joint Committee Clerk who made them available to me.

2.3.2. Media articles

In order to examine the influence and articulation of legislation on national identity I explored the print media. I chose to examine the Irish Times on a national level, and the Galway Advertiser at a local level. I chose to examine the Irish Times as it is a reputable national daily broadsheet, arguably the authoritative broadsheet in representing important economic, scholarly and political issues (Conway 2006:81). I accessed the Irish Times archives between the years 1994-2008, a period that saw the greatest increase in asylum applications. I chose to narrow my search with key words such as 'asylum', 'illegal immigrants', 'refugee', 'problem'. Using these search items 285 articles were initially

identified. From the total of 285 I identified 119 articles as pertinent to this study and were broken down as follows: asylum (n-33), illegal immigrants (n-31), refugee (n-23), problem (n-10) and a combination of two or more search words (n-22), with highest number of articles occurring in 1998.

I chose the Galway Advertiser as a local representation of asylum construction in the print media. The Galway Advertiser is a free newspaper distributed weekly throughout the county. The internet archives for the Galway Advertiser made the time period 1998-2004 available. This time frame is pertinent to the local introduction of a refugee support group and the establishment of direct provision centres in the locality. I used the same key search words as for the Irish Times: ‘asylum’, ‘illegal immigrants’, ‘refugee’, ‘problem’. The method of analysis for the print media is discourse analysis as discussed in section 2.4.2.

2.3.3. Ethnography and participant observation

Ethnography was used as a method for data-collection in phase 2 to get acquainted with the Galway ‘mobility community’. My first research step in this phase was to get a sense of whom the Galway ‘asylum community’ consisted of, and how they perceived the asylum system. It was to extend the governmental mapping to the community upon whom the mentalities of government were governing and influencing. I thought of the Galway ‘asylum community’ in two main categories:

1. Asylum seekers, subsidiary protection/leave to remain applicants living in direct provision centres and refugees living in the community.
2. Those who are explicitly organising, observing and advising the asylum system, including all the people occupied with the theme of migrants in professional, political, and/or intellectual sense: politicians, policy-makers, experts, administrators, activists, lobbyists, researchers, and so on.

The focus of my research is on both categories, but each category from individual analytical perspectives. Focusing on the ‘issue-based’ asylum community, or second category, attends to its members meeting each other in virtual and physical places, including business meetings, local government departments, conferences, public debates, internet sites, policy documents, working groups, scientific or professional journals etc. To a limited extent I was a

member of this second category, in the sense that I was researching intercultural resources for migrants. However, my research was primarily focused on intercultural activities and the engagement of legally resident migrants with and community resources through these activities, not so much on the asylum sector itself as they are, overall, excluded from such activities. As such I considered myself as a relative ‘outside observer’. I saw it as my duty to get to know the migrant community as broadly as possible, learn the different migrant, asylum and refugee delineations, and find my way in applying the wide array of literature, policies, and events that surrounded the knowledge of the asylum community that I had drawn from phase 1 of my data collection.

As such my phase 2 research started with an *immersion* in anything community and asylum related. First, virtual information was collected by signing up to various newsletters, reading all sorts of community leaflets, policy documents, NGO studies and reports on migrants including migrants and asylum seekers. A broad range of information routes were collected, covering all modalities (migrants, asylum, asylum seekers, refugees, subsidiary protection/leave to remain applicants), main sectors (community resource centres, voluntary organisations, NGO, public sector, private sector, research) and various regions in the county. More importantly, different perspectives were sought by attending various conferences, public debates, working groups, and so on. More than 47 different types of public and private meetings relating to asylum or migrant issues were attended (see appendix 1). The focus was on meeting practitioners, policy-makers, and/or activists and lobbyists and taking every opportunity to approach people to discuss issues raised at the meeting, or about the asylum system in general, the conditions in which asylum seekers live, how they see the system evolving if at all, what their role was in all this, and how they would like to see it changed.

The ‘ethnographic journey’ through the Galway Refugee Support Group gave an impression of different debates on asylum from a wide variety of perspectives. I was acquainted with the different pathways in the community sector, and the infrequency of communication between them. Ethnography was necessary to discover which individuals interacted with each other, when, where, and how, and what kind of conversations emerged. These interactions could not have been unravelled through any other method than simply ‘being there’, for many of these interactions are invisible in documents or formal organisational structures. Moreover, this ethnographic study was a hugely important basis for selection of interview cases, in terms of deciding who would be suitable, and in terms of making first contacts and developing good

relations with the individuals to be interviewed. Much of the document-reviews, interviews, and participant observation conducted later on, could not have taken place without the use of these ethnographic methods.

As I went from exploring the migrant community (see appendix II) to selecting specific case-studies, and moved on from *collecting* data to *analysing* data, the use of ethnographic methods decreased and made space for more focused interviews and document reviews. Ethnographic methods did however continue to play a role throughout the research, as I kept visiting both formal and informal meetings on asylum, also *outside* the projects focused on in the case-studies. Such external meetings served to keep in touch with the Galway ‘asylum community’ and know what was being discussed outside the scope of the selected case-studies. This was necessary to understand the governmentality between the programmes *within* the selected cases on the one hand, and *other* programmes and projects in the asylum sector on the other hand. All these ethnographic observations were captured in *field notes*, in which I tried to clearly distinguish what was said by practitioners from my own reflections (as far as possible). Analysing these field-notes helped me develop my conceptual vocabulary, my sense of the field, and the perception of others within the field.

Besides the Galway ‘asylum community’, I was also a *participant observer* of the Galway ‘intercultural community’, especially when and where these two communities ‘overlapped’. I perceived this ‘intercultural community’ as consisting of those practitioners and community workers that were actively involved in promoting, researching and/or facilitating intercultural activities. Although I focused on observing those that were specifically engaged with intercultural activities for migrants at a community resource level, I also looked beyond that, at integration initiatives in other sectors (e.g. health, education, employment, sport), or at those engaged with integration initiatives more generally. To a certain extent, I also used ethnography to observe this ‘intercultural community’ and these observations are part of my field notes. However, being an implicit ‘member’ of this intercultural community, I was obviously not an ‘outside observer’, in the strict positivist sense. This was especially the case because I was often involved in organising and preparing at these meetings, which may have, at times, made it necessary to methodologically bracket aspects of my recently acquired *habitus* in order to observe and write from a ‘reflective distance’. As such I generally characterise most of my observations in/around the ‘intercultural community’ not as pure ethnography, but rather as *participant observation*.

2.3.4. Document Reviews and interviews

Most of the data-collection took place through ethnographic exploration, participant observation, document reviews and interviews. When combined with ethnographic and participant observation, document reviews focused on specific documents that were under discussion or mention during various attended meetings, or those discussed in the political debates (i.e. policy documents, discussion papers, proceedings, legal cases, international reports, research publications, newspaper articles etc.). The level of detail in data-collection differed as each meeting or debate covered various topics at different levels.

While my internship with the Galway Refugee Support Group provided access to key-informants through semi-structured interviews on the area of integration, the formal space provided opportunity to informally discuss migrant and asylum integration issues. A total of 25 individual interviews were held with key informants directly related to my research questions on governmental power in the asylum system, i.e. asylum seekers. 12 individual asylum seekers participated, while 1 asylum seeker agreed to a continuous set of interviews as she moved through the system. The transcripts of the interviews are provided in appendix III. The methods of ethnography were crucial in gaining access to the asylum seekers. It was mostly through casual conversations, ‘being there’, that I that gained the trust of certain individuals and a willingness to participate. This was particularly sensitive as the asylum community are generally wary of any outside intervention, perceptions of their stories, and a fear of repercussions for ‘talking’.

2.3.5. Selection of cases

Two specific cases were established based upon the access, through a succession of interviews: the legal application and adjudication process or juridical process, and the transition process into the asylum system.

The juridical process refers to the application process by the asylum seeker to be recognised as a refugee and the determination of such an application by the Irish state. This case involves the legal steps taken by the applicant and the applicant’s representatives. One asylum seeker in particular facilitated my access to all the legal documents and correspondence pertaining to her case. This allowed me to examine the convergence of the asylum seekers story with the

dynamics of the case structure, and to analyse power relations between government bodies, legal profession and the asylum seeker.

The succession of interviews with one particular asylum seeker allowed for a continuous account of the asylum process, which was triangulated with other accounts and interviews with asylum seekers in different parts of the process, establishing that this particular case was not unique. This analysis showed the nuances of the practicalities of transitioning to the subject position refugee, which were then supported from further interviews with other asylum seekers. These two case-study perspectives present key processes in the refugee process.

2.4. DATA ANALYSIS

I now turn to discuss the research methods used for data-analysis.

2.4.1. Discourse analysis and deconstruction

The analytic criteria of governmentality studies outlined above served to *process* and *structure* the empirical material in terms of looking and delineating questions. The actual analysis in terms of formulating answers to the questions was based on a combination of discourse analysis and deconstruction. With discourse analysis I refer to discussing selected Dail debates, interview quotes and newspaper articles as a means to answer the sub-question. Often this included discussing how several quotes and excerpts either confirmed or contradicted one another. I also deconstructed textual quotes and excerpts in terms of unravelling their implicit assumptions, presupposed dualities, hierarchical oppositions, and inherent contradictions.

It is important to emphasise that discourse analysis is not only about what people say or write; it is primarily about unravelling processes of meaning and interpretation that underlie that which people do and decide. Discourse is about the rules of formation that guard and guide what people can talk about in given contexts. ‘The rules of formation regulate what can be talked about; how to talk about it; who is authorised to talk in such a way; and how utterances can be combined in the strategic elaboration of the discourse’ (Torfing 2009:112). The interesting thing was finding out the differences and contradictions in what said by whom, amongst whom, and in what context.

CHAPTER THREE

3. On the Foucault side of Governmental Power: Integrating Governmentality, Power, and Performativity.

This chapter provides the conceptual basis of this thesis, and a state-of-the-art overview of the literature on which it builds. First, I address the state-of-the-art review of governmentality studies, focusing on how the formation of the modern state and the ‘art of government’ tangentially developed. Second, an overview is given of the main rationalities and technologies in the literature on governmental power in regards to asylum. This is further enhanced as I draw upon the social power concept of performativity. Based on these reviews, I discuss what the implications are for the subject position that is produced by such a regime of practices that is the asylum system, and why a revised conceptualisation of governmental power in regards to this subject position in Ireland is necessary. To close the chapter, I discuss how this new conceptual governmental power framework will be used for empirical analysis.

“Liberalism is optimistic in English speaking countries, and therefore always a little fatuous. Telling Sisyphus that he’ll get that stone up there someday is an empty hope. He won’t. Camus imagined Sisyphus committed to his daily act; he doesn’t encourage him to hope for a better stone and a shorter hill. The counsel given is essentially the same – short-term commitment to the best available course of action – but, by accepting that the boulder is always going to roll back down, Camus put a tragic mask on common sense, and a heroic face on the daily boulder’s daily grind. It may have been the handsomest thing he ever did.”

Why we love Camus, The New Yorker, April 9, 2012.

3.1. STATE-OF-THE-ART: GOVERNMENTALITY AND GOVERNMENTAL POWER

In this section, I elaborate on the field of governmentality studies and the challenges of conceptualising political power therein, as shortly introduced in chapter one. Foucault's series of lectures in the late 1970's ventured to address the dispersion of relationships of power, the intentional and non-subjective strategies and mechanisms in which they operated and connected to individuals and their lives in the form he ascribes as 'government'. In this particular sense of government (as will be covered in this chapter), he endeavoured to readdress the traditional usage of the term 'political' from the development of reason of state as the intervention into individual's lives for the benefit of the sovereign state and its power. Consequently Foucault sought to investigate and reconceptualise the modern state with governmental power as a multiplicity of practices of political reason he called governmental reason or rationality of government, an 'art of government' that objectifies, strategises and governs human beings individually yet in their natural collectivity and often with unintended effects. What Foucault ultimately strives to show from his investigation of the mid-eighteenth century development and transformation of reason of state was the political focus on individual human beings as a population to be targeted with specific knowledges and governed by distinct techniques. It was an investigation into the genealogy and subjectification processes of the modern state, and in part, into the birth of liberalism and its unintended effects (Rose, O'Malley et al. 2006).

3.2. Moving from 3D power to 4D power and from early to late Foucault

To begin this chapter I wish to reiterate the progression from the third dimension to the fourth dimension of power and to summarise some of the important points in the transition from the early to late Foucault. It can be argued that Foucault would agree with aspects of Lukes' theorization of power in the third dimension. In particular, that power is not restricted to overt conflict and conscious decision making within the political system but that it is dispersed across the system as a whole. Furthermore, he would agree that power is linked to the tacit social knowledge that actors use to reproduce relations of domination. As observed by Haugaard, 'In essence, what is proposed by three-dimensional power, and much of Foucault's work on the relationship between power and knowledge, is that there is a direct relationship between the social knowledge that actors use to reproduce social structure and relations of domination' (Haugaard 2011:16). Foucault would also agree that we should focus on the

exercise of power, that is, power over rather than power to. Furthermore, he would agree with the linking of power to structure and agency and the conclusion that power operates in-between domination and pure voluntarism. According to Clegg (1989), Foucault would argue however, that Lukes' conception of power remains part of the Hobbesian modernist trajectory of power, seeing power as still tied up with sovereignty, as primarily negative and repressive, as restraining individual freedom and behaviour. In the Lukesian model power still seems to be concentrated in individuals or classes, exercised over others in a top down fashion. This is contrary to what Foucault considers power to be.

Over the decades Foucault has outlined at least three models of power – the archaeological model, the genealogical model and what one could call the governmental model. His archaeological analysis of knowledge focuses on serious speech acts, that is, discursive practices in which subjects are empowered to make certain statements e.g. predictions over global warming only become statements when they are uttered by climate experts who then support their claims by evidence and theories. Foucault is then able to account for the rarity of scientific discourse, that is, the way science is demarcated from non-science and the relationship between science and ideology. Power is important in this model both in locating those moments of exclusion, when certain statements are expelled to a wild exteriority as well as highlighting a positive set of rules, procedures and mechanisms that make possible the production of discourse. At this stage his conception of power does, in a sense, resonate with the second dimension of power, in that, it illustrates what is included and what is excluded. As Foucault later admits the question of power remains implicit and under theorised in this model. He says that 'there is a problem of the regime, the politics of the scientific statement. At this level it's not so much a matter of knowing what external power imposes itself on science, as of what effects of power circulate among scientific statements, what constitutes, as it were, their internal regime of power and how and why at certain moments that regime undergoes a global modification' (Foucault, 1980:113).

Foucault's genealogical model broadens the notion of discourse to include non-discursive practices while stressing the constitutive function of power in the formation and operation of scientific knowledge. In *Discipline and Punish* he argues that power and knowledge are mutually constitutive.

‘Perhaps, too, we should abandon the whole tradition that allow us to imagine that knowledge can exist only where the power relations are suspended and that knowledge can develop only outside its injunctions, demands, and interests... We should admit rather that power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and the same time constitute power relations’ (Foucault, 1991:27).

For Foucault there is a constitutive relationship between power and knowledge. He stresses the interweaving of various systems of power-knowledge i.e. criminology and psychiatry to examine their role in producing and disciplining social subjects i.e. the criminal, the insane etc. His genealogical investigations thus explore the contingent and ignoble origins of such systems while stressing the role of power and conflict in forging identities, rules and social norms. Although Foucault broadens the scope of his investigations to study the role of social and political institutions in order to make the concept of power more explicit, there are still remainders. Not only does he tend to conflate his account of power-knowledge with his critique of the scientificity of the human sciences but he also tends to reduce subjectivity to the disciplining and ordering of docile bodies leaving little or no space for human freedom and agency.

However, in his final writings on Sexuality (*The History of Sexuality Vol.1*), Governmentality (*Security, Territory, Population, The Birth of Biopolitics*) and Subjectivity (*The Ethic of Care for the Self as a Practice of Freedom*) Foucault offers a strategic model of power and discourse that seems to address these difficulties. In these later works he modifies his critique of the juridical model of sovereign power by developing a more strategic perspective. ‘It was, it seemed, necessary to analyse the state’s strategic role in the historical organisation of power relationships and the establishment of global structures of domination’ (Brockling and Krasmann 2011:2). The strategic idea of power is evident in the first volume of the History of Sexuality: “Power is everywhere...” This new strategic perspective enables Foucault to rethink the relationship between power, domination and discourse while at the same time developing his novel account of governmentality as the conduct of conduct. The exercise of power “...is a way in which certain actions modify others...a total structure of actions brought to bear on possible actions. The exercise of power consists in guiding the possibility of conduct and putting in order the possible outcome’ (Foucault 1982:789/89).

Suggestive of this strategic exercise of power is the relationship between domination, discourse and freedom. It can be understood that the category of domination refers to the relatively fixed systems of control, which strongly reduce the freedom of the subject, confining it to sedimented positions within the social structure. It is not that all power relations necessarily involve domination, but domination exists when the possibility of action is limited by the actions of others, the freedom to act is inflexible and constricted (Heller 1996:104). 'When an individual or social group manages to block a field of relations of power, to render them impassive and invariable and to prevent all reversibility of movement...we are facing what can be called a state of domination' (Foucault 1988:3). By contrast, the exercise of power presupposes a weakening of control, in post-structuralist discourse theory terms a dislocation of the structure, and the emergence of possibilities not evident in the existing structure of domination. This in turn makes possible a certain degree of freedom for social agents both to maintain the systems of domination and to propose counter strategies of resistance. At this level of analysis any struggle designed to modify existing social relations and to institute a new system of domination will encounter resistance that is to be overcome. When there is this play then there is always interplay between power resistance and freedom. Power presupposes freedom and it always encounters resistance 'if you understand them (power) as means by which individuals try to conduct, to determine the behaviour of others' (Bernauer and Rasmussen 1988:18). This assumes that any drive to create a new system of power would itself be an unstable configuration, always vulnerable to change and transformation. For Foucault, the concern becomes 'not one of trying to dissolve (power-relations) in the utopia of perfectly transparent communication, but to give one's self the rules of law, the techniques of management, and also the ethics, the ethos, the practice of self, which would allow these games of power to be played with a minimum of domination' (Foucault 1988:18). This strategic perspective underpins a lot of what Foucault says about his idea of governmentality, as an art of doing politics that considers the how and what of public interventions – the conduct of conduct. He develops a concept of power from the Machiavellian lineage, where power is the strategic operation that involves a continuous engagement amongst subjects. It is this lineage of power that he utilises and expands upon in his investigation of the genealogy of the modern state and the birth of liberalism in his lectures *Security, Territory, Population*, of which we will now turn.

3.3. Security, Territory, Population

Foucault in his lectures “Security, Territory, Population” (2007) delivered at the Collège de France during the late 1970’s opens his January lecture in 1978 by stating a return to his theme and term “bio-power”. He defines bio-power as ‘the set of mechanisms through which the basic biological features of the human species became the object of a political strategy, ...starting from the eighteenth century, modern Western societies took on board the fundamental biological fact that human beings are a species’ (Foucault, 2007:1). The aim of this series of lectures is to investigate how and where the mechanisms of power are applied. For Foucault, mechanisms of power do not run alongside our daily interactions of various relationships, be they familial, sexual or political. Within each relationship there is a mechanism of power intrinsic to the encounter or interaction. Foucault’s philosophy and method of investigation of the mechanisms of power is through, what he calls, the politics of truth, that is, ‘showing the knowledge effects produced by the struggles, confrontations, and battles that take place within our society, and the tactics of power that are the elements of this struggle’ (Foucault, 2007:3). Simply, Foucault wishes to turn our daily encounters inside out in order to reveal the matrix of tactics, the mechanisms of power, intrinsic to our daily encounters that render the outcomes of such encounters plausible.

To begin his investigation Foucault asks: what is security? Security as an apparatus works in tandem with the emergence of population, therefore, while outlining one component; security, I will be extrapolating the focus of that security; the population. Foucault identifies four ‘apparatuses of security’ – 1) ‘spaces of security’, 2) ‘the treatment of the uncertain, the aleatory’, 3) ‘the form of normalisation specific to security’, and finally, 4) ‘the correlation between the technique of security and population as both the object and subject of these mechanisms of security’ (Foucault, 2007:11).

When discussing the spaces of security one immediately runs into ‘the problem of multiplicities in relation to sovereignty and discipline’ (Foucault, 2007:11). Foucault draws upon examples from the seventeenth and eighteenth century when urbanisation meant the opening up of the circulation of the town space and how the multiplicity of individuals were expected to function and circulate within that space. Sovereignty, discipline, and security do not function on the individual but base their functioning on the multiplicity of individuals. Within this multiplicity of individuals is the space in which Foucault wishes to show that

security works. Foucault names this space the milieu, that is ‘the specific space of security refers then to a series of possible events; it refers to the temporal and the uncertain, which have to be inserted within a given space.’ (Foucault, 2007:20). It is obvious then that mechanisms of security should focus on this space, this milieu, in order to determine particular outcomes. The problem of scarcity arose with urbanisation, the opening up of the town space. Scarcity was something to be avoided in the seventeenth and eighteenth century, by the sovereign and by the people, it was a sign of failure. Foucault claims that there were too ways of thinking about scarcity; that of bad fortune or of man’s evil nature. ‘The juridical-moral concept of evil human nature, of fallen nature, and the cosmological-political concept of fortune are the two general frameworks for thinking about scarcity’ (Foucault, 2007:31). However, the introduction of mercantilism can be seen as an anti-scarcity system. It is the transformation or acknowledgement of the milieu, of the space in-between that cannot be accounted for in advance but can be managed.

Foucault claims that this anti-scarcity system, mercantilism, allowed the reality of the market to develop. It brought into the light the idea and pertinence of the population, the new objective of government, using the multiplicity of individuals as its instrument. ‘The population is pertinent as the objective, and individuals, the series of individuals, are no longer pertinent as the objective, but simply as the instrument, relay, or condition for obtaining something at the level of the population’ (Foucault, 2007:42). In this sense security differs from discipline. Discipline is concerned primarily with the individual whereas security is concerned with the population. Discipline monitors every detail and punishes any discrepancies whereas security adopts a *laissez-faire* attitude; it lets a certain amount happen regardless of the outcome unless it is pertinent at the level of the population. For Foucault, security takes a step back from the perspective of discipline, that point of view as to what is necessary to take place to the alternative perspective of observing what is actually happening in what he calls ‘effective reality’ (Foucault, 2007:47). ‘In other words, the law prohibits and discipline prescribes, and the essential function of security, without prohibiting or prescribing, but possibly making use of some instruments of prescription, is to respond to a reality in such a way that this response cancels out the reality to which it responds – nullifies it, or limits, checks, or regulates it. I think this regulation within the element of reality is fundamental in apparatuses of security’ (Foucault, 2007:47). It is almost as if Foucault has a circle for reality and in tangent with that circle is another circle we can call discipline and further out again another circle we can call the law. For Foucault, the law works in the

imaginary, a far out hypothesis of what could happen and the regulation of that not happening. Discipline works closer to reality dealing with the wickedness of mankind when it arises. 'Finally security, unlike the law that works in the imaginary and discipline that works in a sphere complementary to reality, tries to work within reality, by getting the components of reality to work in relation to each other, thanks to and through a series of analyses and specific arrangements' (Foucault, 2007:47). This *laissez-faire* principle, the freedom of the interplay of reality Foucault likens to liberalism. For liberalism is also about the freedom of reality, letting reality form itself out of its own mechanisms and principles. Foucault declares that 'freedom is nothing else but the correlative of the deployment of apparatuses of security' (Foucault, 2007:48).

Foucault places the positive introduction of the population with the emergence of mercantilism. It was the mercantilists who noted the dynamic source and strength of the population considering manpower was the provider of currency. 'In other words, mercantilism was concerned with the population as a productive force...on condition, of course, that it is effectively trained, divided up, distributed, and fixed by disciplinary mechanisms' (Foucault, 2007:69). The "naturalness" of the population emerged with the economists and physiocrats of the eighteenth century. What is this naturalness you may ask? Foucault claims that it is ultimately the variation of population response in relation to its surroundings. 'Population varies with the climate. It varies with the material surroundings. It varies with the intensity of commerce and activity in the circulation of wealth etc.' (Foucault, 2007:71). What this naturalness of the population signifies is the lack of ability to instil direct control i.e. from sovereign to subject, as was the case with discipline. What became evident were the agents and techniques of transformation that were penetrable in relation to control of the population. '...the naturalness identified in the fact of population is constantly accessible to agents and techniques of transformation, on condition that these agents and techniques are at once enlightened, reflected, analytical, calculated, and calculating' (Foucault, 2007:71).

Secondly Foucault suggests that the naturalness of the population can be expressed through desire. 'Desire is an old notion that first appeared and was employed in spiritual direction, and makes its second appearance within techniques of power and government' (Foucault, 2007:72). Desire is a natural spontaneous urge that cannot be changed but can be governed. Limits and conditions can be applied indirectly to desire and it is here that techniques of government and power can be found, particularly where they express the general interest of

the population. The problem this acknowledgement of desire poses is not how to govern bodies by simply saying no to the desires of the population, which is the primary mechanism of law. In contrast, discipline is affirmative, saying yes, thereby desires. This turnabout spurs focus upon man as a living human being within the population. Population and its phenomena now became the object of knowledge for modern mechanisms of power to govern. ‘...man is to population what the subject of right was to the sovereign’ (Foucault, 2007:79).

With mercantilism came the introduction of a new reality – that of the “economy”, law was no longer suitable to simply order the family. A change, with the introduction of economy and emergence of the population as the focus of order, became necessary. Saying this, mercantilism in the seventeenth century failed to achieve its potential towards a new order. The emerging state was still tethered to the might of the sovereign and with this view mercantilism was unable to transition from the paradigm of the regimentalization of the family to the expanding notion of the population. However, the eighteenth century brought with it an expanding population and its resulting consequences. The demand for the ‘unblocking of the art of government’ and the ‘re-focusing of the economy on something other than the family, and the problem of population are all interconnected’ (Foucault, 2007:104). The inception of the practice of statistics facilitated the break from the government of the family to the government of the population. Statistics provided the basis by which the population could be analysed for the benefit of the new art of government. In this sense statistics managed to highlight the specific contingencies associated with population e.g. ‘major epidemics, endemic expansions, the spiral of labour and wealth. Government now becomes focused upon the population as its governing objective steering it away from the sovereign. The introduction of the political economy, political science and the new art of government with population as its focus does not eliminate sovereignty entirely. Rather, Foucault suggests, a triangle emerges in which ‘sovereignty, discipline, and governmental management’ with population as its end target and ‘apparatuses of security as its essential mechanism’ takes the centre stage (Foucault, 2007:107). This relational triangle shifts the focus from the family to population as the main linchpin of governmental techniques and it further ‘isolates the economy as a specific domain of reality, with political economy as both a science and a technique of intervention in this field of reality’ (Foucault, 2007:108).

By “governmentality” Foucault understands ‘the ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument.’ (Foucault, 2007:109) Foucault suggests that rather than obsess on the birth, history and growth of the state as a phenomenon we should concentrate upon the techniques, tactics or governmentality of the state that ensure its survival. It is the governmentality of the state that opens a realm of discourse between the state and its population. ‘I think the pastoral, the new diplomatic – military technique, and finally, police were the three major points of support on the basis of which that fundamental phenomenon in the history of the West, the governmentalisation of the state, could be produced’ (Foucault, 2007:110).

In his fifth lecture Foucault wishes to investigate the type of power he is referring to when he speaks of governmentality. Foucault’s main aim of this lecture is to seek the origin of the word “to govern” and particularly in relation to the governing of people since it is population that he is concerned with. He traces back the sense of government that is his focus to the pre-Christian East and then follows this through to the Christian East and the distinctive form of pastoral type of power. ‘I think we can say that the origin of the idea of a government of men should be sought in the East, in a pre-Christian East first of all, and then in the Christian East, and in two forms: first, in the idea and organisation of a pastoral type of power, and second, in the practice of spiritual direction the direction of souls’ (Foucault, 2007:123). In the pre-Christian East God was deemed the pastor of men and this notion transferred into the metaphor of the shepherd watching over his flock and thus resulted in a relationship or correspondence between God acting as shepherd and the King or sovereign reigning over his people. In his lecture “Omnes et Singulatum: Towards a Criticism of ‘Political Reason’” Foucault discusses the notion of pastorship greater indepth. In that lecture he illustrates the contrast between Greek political thought and Christian thought (Foucault, 1979:228). In Greek thought their Gods owned the land whereas in Christian thought God promises or gives his flock a land. Greek political thought did contain the idea that the political leader was at a height to regulate calm among his people but Christian thought went that bit further in that ‘it’s not only a matter of saving them all, all together, when danger comes nigh. It’s a matter of constant, individualised, and final kindness (Foucault, 1979:229). The shepherd keeps constant vigilance and is devoted to the individual attention of each flock member for

the good of the flock. 'The essential objective of pastoral power is the salvation of the flock (Foucault, 2007:126). However, even though the shepherd is devoted to each individual sheep he is just as equally devoted to his flock as a whole, they both share equal importance and not superiority of one over the other. Foucault sums up by saying that 'the idea of pastoral power is the idea of a power exercised on a multiplicity rather than on a territory. It is a power that guides towards an end and functions as an intermediary towards this end...It is a power directed at all and each in their paradoxical equivalence, and not at the higher unity formed by the whole' (Foucault, 2007:129). Foucault claims that this type of pastoral power was foreign to the Greeks and Romans and was instilled upon the Western world through the disciplines and institutions of the Christian Church.

Foucault's purpose in outlining the idea of the pastor and the pastorate in the pre-Christian East through to the Christian East is to enable one to notice and compare the differences or the changes that take place as this simple notion is adopted and utilised as the Christian pastorate. Foucault claims that the pastorate became interwoven in complex Christian thought and filtered through the endless networks of the Christian Church and thus the Christian communities. Most importantly however, the complex Christian pastorate brought forth 'an art of conducting, directing, leading, guiding, taking in hand, and manipulating men, an art of monitoring them and urging them on step by step, an art with the function of taking charge of men collectively and individually throughout their life and at every moment of their existence' (Foucault, 2007:165). The origin of both governmentality and the birth of the modern state can be found in the infiltration of the Christian pastorate into politics through its art of governing men. Foucault wishes to point out the many ways in which the practice and reflection of Christian pastoral power became incorporated into the governmentality of the modern state. In order to illustrate this incorporation Foucault homes in on relevant texts, those dating from the sixth century through to the seventeenth century, that show a distinction and incorporation of Christian pastoral power in comparison to 'the Greek magistrate and from the Hebraic theme of the pastor' (Foucault, 2007:166).

Firstly, Foucault claims that 'the pastorate is connected to salvation' (Foucault, 2007:166). This is the end goal of the leading, directing and guiding of individuals. Secondly, 'the pastorate is connected to the law, since for individuals and communities to earn their salvation, it must make sure that they really submit to the order, command, or will of God' (Foucault, 2007:167). Finally, there must be a willing acceptance of the truth of the scriptures

for it is this that the pastor preaches in his guidance. Therefore, 'the pastor guides to salvation, prescribes the law, and teaches the truth' (Foucault, 2007:167). Foucault claims that any religion can have these tenets at their core; however, it is the specificity at a different level of these tenets that draws his particular criticism. Foucault investigates these specificities by asking particular questions. Firstly, 'how does the Christian pastorate claim to lead individuals to salvation?' (Foucault, 2007:167). Foucault claims that communities have a common destiny with their leaders. The amount that their leaders care for them is reflected in the upkeep and survival of the community. Conversely, the survival or failure of the community reflects upon the leader. 'In all of this we have a sort of total relationship, a common destiny, and reciprocal responsibility between the community and the person who is responsible for it' (Foucault, 2007:168). The pastor or leader takes each good that happens to each person as his own good and similarly with any bad that happens upon his people. The pastor must be willing to die for the sake of his people or as Foucault terms it "sacrificial reversal" (Foucault, 2007:170). The Christian pastorate demands complete submission, submission and a recognition of the superiority of one individual over another in order to achieve obedience. 'Christian obedience, the sheep's obedience to his pastor, is therefore a complete obedience of one individual to another individual' (Foucault, 2007:177). In contrast to the Greek practice of obedience where one succumbed to one's master in order to become a master oneself, Christian obedience required obedience without end, obedience lead simply to 'humility, which consists in feeling oneself the least of men, in taking orders from anyone, thus continually renewing the relationship of obedience, and above all in renouncing one's own will' (Foucault, 2007:177). Spiritual direction differed similarly. In Greek tradition spiritual direction was sought voluntarily, was paid for and was based upon certain troubling circumstances rather than the general disposition of the person's life as a whole. 'Spiritual direction was voluntary, episodic, consolatory, and at certain times it took place through the examination of conscience' (Foucault, 2007:182). This Greek form of spiritual direction transpired in the form of an internal view of one's conscience, a type of conscience realisation through consultation i.e. discourses, in order to return the person to being master once more. Conversely, in Christian practice spiritual direction was almost obligatory, non-circumstantial, and permanent. It infiltrated every part of a person's life as they are subordinate to their master and in constant need of direction. One undergoes a consultation, in Christian practice, in the form of confession, which in turn reinforces and reifies the barrier between master and subordinate. 'The Christian pastorate is, rather, a form of power that, taking the problem of salvation in its general set of themes, inserts into this global general

relationship an entire economy and technique of the circulation, transfer, and reversal of merits, and this is its fundamental point' (Foucault, 2007:183). Foucault claims that the Christian pastorate establishes a permanent reliance and obedience from one individual to another. Coinciding with this it forms structure, technique and power by which this obedience is formulated, practiced and assured. 'It is not salvation, the law, and the truth, but these new relationships of merits and faults, absolute obedience, and the production of hidden truths, which constitute, I think, what is essential and the originality and specificity of Christianity' (Foucault, 2007:183). In illustrating this Foucault summarises by highlighting the type of individualisation that stems from such obedience. He claims that circulation of pastoral power obliterates the ego of the individual and creates a necessary relationship of servitude and subjection to each other.

'The pastorate seems to me to sketch out, or is the prelude to what I have called governmentality...It is the prelude to this governmentality in two ways. First, it is the prelude through the procedures peculiar to the pastorate, through the way in which, fundamentally, it does not purely and simply put the principles of salvation, law, and truth into play, but rather, through all these kinds of diagonals, establishes other types of relationships under the law, salvation, and truth...It is also a prelude to governmentality through the constitution of a specific subject, of a subject whose merits are analytically identified, who is subjected in continuous networks of obedience and who is subjectified through the compulsory extraction of truth' (Foucault, 2007:185)

Foucault opens his eighth lecture with two reasons for such in-depth attention to the Christian pastorate. His first reason, he claims, is to show us 'that there is no Judeo-Christian morality' that it is 'a false unity' and secondly, 'that if there really is a relationship between religion and politics in modern Western societies, it may be that the essential aspect of this relationship is not found in the interplay between Church and state, but rather between the pastorate and government' (Foucault, 2007:191). For Foucault, the pastorate introduced a new regime of techniques and procedures, which then seeped into the form of governmentality that he is trying to outline. Resistance to the infiltration of the Christian pastorate, to its particular form of order, in the form of revolts took place frequently throughout the Middle Ages, and generally speaking less so by the mid eighteenth century. Foucault gives two examples to illustrate his point. Firstly he speaks of waging war. Traditionally being a warrior, soldier or protector was a status symbol, a 'voluntary occupation' thus giving scope for 'resistances, refusals and desertions' (Foucault, 2007:198). However it was when waging war and being a soldier became the necessary 'ethic and behaviour of every citizen' that desertion took on a different form. There is a resistance and

refusal to the new ethic, a refusal to take up arms, no wish to kill others or protect the nation as a civic duty. Following this Foucault uses the more modern example of the emergence of secret societies like the Freemasonry. They sought an alternative form of order and conduct from a different source than what was being imposed. These examples illustrate Foucault's questions of resistance 'by whom do we consent to be directed or conducted? How do we want to be conducted? Towards whom do we want to be led?' (Foucault, 2007:197).

These instances of revolt and resistance Foucault calls counter-conduct; methods and routines of counter-acting the conduct instilled by the pastoral. During the Middle Ages five forms of counter-conduct developed. Firstly Foucault mentions asceticism. It seems one can look at the ascetic or monastic way of life as a minor interpretation of society. The monastery was organised in the hierarchical format of superiors and subordinates with obedience demanded by all. Obedience to the organisation of power was central to the regime of the monastery. Foucault sees the ascetic life of the monk as actually anti-ascetic or incompatible with obedience. For him, asceticism is supposed to be 'an exercise of self on self; it is a sort of close combat of the individual with himself in which the authority, presence, and gaze of someone else is, if not impossible, at least unnecessary' (Foucault, 2007:205). Similarly, the progression of difficulty is based on the individual, on his own suffering and experience of that suffering. Each ascetic is challenged by the difficulties others have experienced i.e. once one has achieved a certain level of suffering another can challenge that level by suffering beyond what was previously achieved. 'So, asceticism has a form of both internal and external challenge' (Foucault, 2007:206). The ascetic strives for something similar to Buddhist enlightenment. He is constantly striving for mastery of the material world, of indifference to temptation. Pastoral power is anti-ascetic due to the fact that pastoral power demands constant obedience towards another individual and not a solitary goal towards self-mastery or fulfilment. 'Asceticism is a sort of exasperated and reversed obedience that has become egoistic self-mastery' (Foucault, 2007:208). Secondly Foucault mentions communities, he refers to particular communities that mistrust the position of the pastor within the community. Thirdly Foucault draws upon mysticism, that is, 'the privileged status of an experience that by definition escapes pastoral power' (Foucault, 2007:212). Mysticism escapes pastoral power in that it does not have a system of hierarchy, confession, nor subordinate teaching. Fourthly Foucault mentions the problem of the Scripture. Foucault states that the Scriptures acted as a form of counter-conduct against the position of the pastor, they could be used to dispute the teachings of the pastor or bypass the sayings of the pastor

altogether. Lastly, eschatology and the notion of the third coming was the belief that the Holy Spirit would descend and ignite himself in each element of the entire faithful world and so there would no longer be a need for Christ's shepherds. Foucault uses these five examples to illustrate that the counter-conduct movements or revolts were not external to religion or Christianity but more on the outskirts. Foucault's analysis of power in this lecture wishes to illustrate the rationality or thought process that develops in the form of pastoral power. Furthermore he wishes to use the pastoral to explain the culmination and expression of political and economic problems of the Middle Ages, particularly the religious crisis of the Reformation. Foucault claims that the theme of pastoral power is an alternative way of linking political and economic issues enabling one to analyse them in the form of strategies and tactics rather than an analysis using a distinct ideology or particular religious form (Foucault, 2007:216). Ojakangas has argued that actually Christianity was not the prelude to Western governmental rationality, but in fact the origins can be traced to the Greco-Roman times, to pagan origins (Ojakangas 2012).

Now that Foucault has taken much time to illustrate the pastoral as the economy of souls prior to the Reformation, what he progresses towards is how this pastoral power moved from the economy of souls to the government of men, how it transformed from being something spiritual to being something temporal and material dealing with the everyday reality of men.

Following from this transition stems the question 'to what extent must whoever exercises sovereign power now be responsible for the new and specific tasks of the government of men? (Foucault, 2007:232). What the political now faces is the question as to what rationality are they to govern men, what rationality justifies interference into the private domain, what tactic and strategy will make up good governmental reason as opposed to pastoral rationality? What developed in the sixteenth century was not a need for the sovereign to tap into the private domain, but rather, what emerged was a political public domain or state that required government (Foucault, 2007:236). 'This is government. It is more than sovereignty, it is supplementary in relation to sovereignty, and it is something other than the pastorate, and this something is without a model, which must find its model, is the art of government ... What is the art of government?' (Foucault, 2007:237) The merging of sovereignty and government gave way to the birth of the state as an entity. This entity, the state, required an art of government. It is the emergence of this entity, of a call for a need of governance that draws Foucault's particular attention in this lecture. 'The problem is knowing when, under what

conditions, and in what form the state began to be projected, programmed, and developed within this conscious practice, at what moment it became an object of knowledge and analysis' (Foucault, 2007:247). Foucault speculates at the end of the lecture with a what if: what if the state is a collection of various governmentalities developed from a governmentalised society? Saying this, he adds 'But the state is only an episode in government, and it is not government that is an instrument of the state. Or at any rate, the state is an episode in governmentality (Foucault, 2007:248).

Foucault will emphasise *raison d'état* in order to draw out where an art of government developed. He delves back to texts from the 1600's in order to source the origin. Palazzo's treatise separates definitions of reason and state. For Palazzo reason has two meanings: 'reason is the entire essence of a thing', but also reason 'is therefore a means of knowledge' it allows the will to adjust to the essence of what it is (Foucault, 2007:256). For Palazzo a 'state' can be understood in many ways, as a domain, a jurisdiction, a status of a person, or lastly a state of mobility or immobility. Foucault claims that a republic can be understood within all four senses of the word state. A republic is a territory within which there are laws, consisting of people with varying statuses, all of which is necessitated by a certain amount of stability in which the state continues to exist (Foucault, 2007:256). *Raison d'état* is the art of government by which the state is maintained. Palazzo defines it as 'a rule or an art...which makes known to us the means for obtaining the integrity, tranquillity, or peace of the republic' (Foucault, 2007:257). Chemnitz perhaps provides a more explicit definition of what he understands by *raison d'état*: 'a certain political consideration that is necessary in all public matters, councils and plans, which must strive solely for the preservation, expansion, and felicity of the state, and for which we must employ the most ready and swift means' (Foucault, 2007:257). Combining these two definitions of *raison d'état* allows us to determine it as an art of government. It is something practical and knowledge based stemming from the moment of reality itself. *Raison d'état*, rather than being conservative and on the wings of government, is necessary at every moment in order to maintain peace. 'Government is always necessary and has been necessary from time immemorial: government as the continuous act of creation of the republic' (Foucault, 2007:259).

Similar to the pastorate, *raison d'état* functions upon a rationality of truth, however, the truth upon which it functions differs. The pastorate works on a top down truth, a truth already set in stone and is then taught to others who then look for the truth within and return to the pastor

for confirmation or advice. The truth as regards *raison d'état* is tied to the functioning of the state. 'Someone who governs must know the elements that enable the state to be preserved in its strength, or in the necessary development of its strength, so that it is not dominated by others or loses its existence by losing its strength or relative strength' (Foucault, 2007:274). Among the analyses Foucault undertakes in this lecture to draw out *raison d'état* and to juxtapose it with the pastorate, he claims that one element is both present and absent – that being population. The analyses of salvation, *coup d'état*, obedience and submission, truth, inquiry and the public all have as either their focus or their end point, either directly or indirectly, the notion of population. However, population as a notion did not rear its head until the 1800's and was 'elaborated through an apparatus that was installed in order to make *raison d'état* function. This apparatus is police (Foucault, 2007:278).

The state is an entity that allows for the rationality of *raison d'état* to be applied. It is the reality in which the rationality for political thought develops and in which an art of government functions. The state becomes an entity of law onto itself. It is not subject to an external purpose or natural law but functions solely with reference to itself. Foucault claims that the formation of the state and thus a plurality of states is not 'a transitional phase imposed on men for a time' towards a final empire but are part of a 'historical intelligibility' that evolved a state with 'open time and multiple spatiality' (Foucault, 2007:290). The appearance of the novel articulation of the state was evident towards the end of the sixteenth century and reified in the seventeenth century with the Treaty of Westphalia, in which, the blocked notion of universality between the church and the empire finally gave way. 'We are now dealing with absolute units, as it were, with no subordination or dependence between them...these units assert themselves, or anyway seek to assert themselves, in a space of increased, extended, and intensified economic exchange' (Foucault, 2007:291). As each state contributes to an economic competition this stabilises its identity further, helps to create meaning and rationality to its individual purpose. It is the development of this particular rationality, a strategic rationality that Foucault wishes to draw attention to with this point, for surely there has been rivalries between empires/states for an age, however, it is the emergence of the phenomenon of a particular strategy of competition and rationality of identity that draws his focus. 'All these phenomena lead to a mutation that means that for the first time we are faced with political thought that aspires to be, at the same time, a strategy and a dynamics of forces' (Foucault, 2007:296). Fundamentally this is what Foucault is trying to get at – that the state exists within the continuation and maintenance, through a

strategy, of the dynamic forces. Foucault claims that ‘Western societies set up two assemblages that can only be understood on this basis of rationalisation of forces... a military-diplomatic apparatus, on the one hand, and the apparatus of police, in the sense the word had at the time, on the other’ (Foucault, 2007:296). These were apparatuses established to ‘maintain a relation of forces, and then the growth of each of the forces without the break-up of the whole’ (Foucault, 2007:296). Europe became a multiple of states made up of different identities but united in its outlook towards the rest of the world. It was to maintain peace through a balance, that is, ‘the absolute limitation of the force of the strongest, the equalisation of the strongest, and the possibility of the combination of the weaker against the stronger’ are all possibilities of the equilibrium proposed (Foucault, 2007:299). In saying this it is apparent that the responsibility and maintenance of peace came from an underlying concord between states. ‘The objective will now be to ensure the security in which each state can effectively increase its forces without bringing about the ruin of other states or of itself’ (Foucault, 2007:300). In order to maintain such peace, *raison d’état* incorporates certain diplomatic ‘instruments’ such as war. War can be waged to maintain the balance between states. ‘This is the first instrument for getting the system of European security, of European balance, to work’ (Foucault, 2007:302). The second instrument Foucault mentions is diplomacy. Diplomatic connections are established to discuss the constant transformation of states and their policies and how this in turn affects the balance of power of the state in relation to other states. ‘There is the idea of a permanent apparatus of relations between states that is not an apparatus of imperial unity or ecclesiastical universality. It is the idea of a veritable society of nations’ (Foucault, 2007:303). Foucault claims that the collectivity of the multiplicity of states through the connection of diplomacy forms what he calls ‘a society of nations’ (Foucault, 2007:303). ‘The continuous attention of sovereigns to all that happens in their own and other nations, permanently resident ministers, and continual negotiations make modern Europe a kind of republic the members of which, independent but bound by common interest, come together to maintain order and liberty’ (Foucault, 2007:304). Lastly, the final instrument is that of the military apparatus. The permanent construction of a professional and costly military force ensured the equilibrium of Europe. ‘The constitution of a permanent military apparatus, which is not so much the presence of war in peace as the presence of diplomacy in politics and the economy, is an essential component of a politics governed by the calculation of balances and the maintenance of a force obtained through war, or through the possibility or threat of war’ (Foucault, 2007:305). War became incorporated into the

politics and the forces of the state, indeed it became a professional apparatus that could be called upon to threaten or instigate balance and ultimately peace.

In his penultimate lecture Foucault is confident that he has outlined the transformation of the old regime or formula of ‘remaining true to the essence of a perfect government’ towards a more unstable striving for equilibrium between relations of forces (Foucault, 2007:312). This striving requires manipulation, maintenance, distribution, and re-distribution in order to conserve a balance within a competitive force. This is done externally through the assemblage of diplomacy and the organisation of a military apparatus. It is the maintenance of an external and internal equilibrium that is novel to this modern art of government. Foucault declares that ‘this is the great threshold of modernity of this art of government’ (Foucault, 2007:312).

The second necessary, and internal, assemblage Foucault wishes to approach is that of police. For Foucault the term ‘police’ in the seventeenth century had a different meaning to what it has now or indeed what it had become by the end of the eighteenth century. In conjunction with the establishment of the state the term police adapted. It was no longer a lax authority over a varying community or collection of people but became more defined similar to the honing of the definition of a state. Police became responsible for the internal workings of the states relation of forces. ‘Police will be the calculation and technique that will make it possible to establish a mobile, yet stable and controllable relationship between the state’s internal order and the development of its forces’ (Foucault, 2007:313). Police were in charge of maintaining the good use of the states forces, in balancing the relations of forces internal to the state for the good of the state. Von Justi, in the middle of the eighteenth century defined police as ‘the set of “laws and regulations that concern the interior of a state and which endeavour to strengthen and increase the power of this state and make good use of its forces”’ (Foucault, 2007:314). The existence in each state of a powerful internal police force structured towards the maintenance of the good of the state is essential to the balance of Europe. The instrument that provides communication between the external and internal is statistics. The internal knowing that statistics provide satisfies both the internal and the external equilibrium. It is police that makes statistics possible. ‘Police and statistics mutually condition each other, and statistics is a common instrument between police and the European equilibrium. Statistics is the state’s knowledge of the state, understood as the state’s knowledge both of itself and also of other states’ (Foucault, 2007:315). Foucault draws upon

Turquet de Mayerne's text "La Monarchie aristodémocratique" to illustrate the development of the role of police within the state. What he illustrates is the basic role police have in controlling the individual. In the aforementioned text police are subcategorised into four separate categories. These categories serve to control the education, professionalisation and occupation of the individuals of the state. 'What is characteristic of a police state is its interest in what men do; it is interested in their activity, their "occupation." The objective of police is therefore control of and responsibility for men's activity insofar as this activity constitutes a differential element in the development of the state's forces' (Foucault, 2007:322). Taking from this, what the police are entrusted with is the integration of the population into the forces of the state. Foucault outlines a number of specifics with which the police will be directly concerned, i.e. the number of the population, the necessities of life of the population, the problem of health, the activity of the population and finally the circulation of the products of men's activities, their goods (Foucault, 2007:325). We can extrapolate that police, fundamentally are concerned with the basic existence of the population through to the amelioration of the population and their continuation and interaction within society as a whole. Furthermore, police are entrusted with translating this existence and amelioration of the population into the relation of the forces of the state, striving for the good of the state while also slotting into the external balance with other states. The assurance of the well-being and happiness of the population is the responsibility of police and it is this well-being that feeds the strength of the state.

'It is a set of techniques that ensure that living, doing better than just living, coexisting, and communication can in fact be converted into forces of the state. Police is the set of interventions and means that ensure that living, better than just living, coexisting will be effectively useful to the constitution and development of state's forces. So with police there is a circle that starts from the state as a power of rational and calculated intervention on individuals and comes back to the state as a growing set of forces, or forces to be developed, passing through the life of individuals, which will now be precious to the state simply as life' (Foucault, 2007:327)

Foucault outlines the general understanding of police in the seventeenth century. He stipulates that police were responsible for thirteen domains – 'religion, morals, health and subsistence, public peace, the care of buildings, squares, and highways, the sciences and the liberal arts, commerce, manufacture and the mechanical arts, servants and labourers, the theatre and games, and finally the care and discipline of the poor' (Foucault, 2007:334). Drawing from these domains, together with the modernisation and urbanisation of the state, Foucault claims that police became urbanised and economically orientated. It became

obvious to the state, with the growth of mercantilism, that commerce is the main source of its power and this stems from the existence, well-being and circulation of the population. The art of government or governmentality of the state became intensely focused upon the regulation of the population through the aforementioned domains of police, particularly those concerning the town. ‘Commerce, town, regulation, and discipline are, I think, the most characteristic elements of police practice as this was understood in the seventeenth century and the first half of the eighteenth century’ (Foucault, 2007:341).

By the end of the eighteenth century Foucault outlines a problem with this notion of police. He refers back to the problem of scarcity and the police of grains, the expansion of the economics of the town into the countryside and onto the land. ‘The problematic of the economist reintroduces agriculture as a fundamental element of rational governmentality. The land now appears alongside, and at least as much as and more than the town, as the privileged object of governmental intervention’ (Foucault, 2007:342). This focus on the land reverses the interest of police from the circulation of goods to the actual production of goods and how, ultimately, the production can benefit the producer rather than circulation of goods benefiting the population as a whole. The deregulation of pricing furthermore devalues the role of the police. Foucault points out that trying to regulate something (i.e. the price of grain) that spontaneously alters depending on its circumstances is pointless. Thirdly, as regards the population, Foucault claims that the economist move away from the population being merely about numbers, about their education and professionalisation into the workforce. Rather, it is more about the relative value of the population, of the population in relation to its surroundings and its success within its surroundings. ‘There is an optimum number of people desirable in a given territory, and this desirable number varies according to resources, possible work, and the consumption necessary and sufficient to bolster prices and the economy generally’ (Foucault, 2007:345). Furthermore, the economist are for free trade between states. Competition will generate between private individuals rather than competition between states as previously mentioned. ‘The good of all will be assured by the behaviour of each when the state, the government, allows private interest to operate, which, through the phenomena of accumulation and regulation, will serve all’ (Foucault, 2007:346). The broad change is that from the intervention of an authority to the responsibility of the individual. The state no longer transforms the well-being of the individual into the well-being of the population but rather regulates the interest of the individual so that it is in the interest

of all. This in turn begs the contemporary question, how much should the state intervene in private interests?

Foucault claims that the *politiques* or the literature of the physiocrats developed an art of government novel in the eighteenth century that gave reason to the emergence of the state. The *economistes*, surfacing in the mid-eighteenth century moved a step beyond the *politiques*, they developed a rationality of the manifestation of the economy within the state. ‘The governmentality of the *politiques* gives us police, and the governmentality of the *economistes* introduces us, I think, to some of the fundamental lines of modern and contemporary governmentality’ (Foucault, 2007:348). Moreover, Foucault claims that the rationality of the *economistes* taps into the spontaneity of the communication and interaction between individuals and uses this as its knowledge base, as its area of analysis and ultimately intervention. This marks the emergence of civil society, the new responsibility of the state. Foucault claims that it is indeed a science to build and develop knowledge of civil society and that this is in tandem with an art of government, separate but in tandem, for the art of government needs the results of the science, power and knowledge, government and society. ‘The kind of more or less confused magma, if you like, of an art of government that would be both knowledge and power, science and decision, begins to be clarified and separated out’ (Foucault, 2007:351).

In the rationality of the *politiques*, during the carving out of the state, it was simply sufficient to think of population in terms of abundance, the more the merrier. However, with the rationality of the *economistes* population became more complex, it is now an entity specific to its surroundings and circumstances. There is naturalness intrinsic to population just as there is to the economy. Its interests, the natural interaction and development of these interests, now determine the population and it is this that government will focus upon. The government’s responsibility will be to ensure that this naturalness can continue to develop and where necessary to create regulations to ensure that natural processes continue. ‘The fundamental objective of governmentality...will be state intervention with the essential function of ensuring the security of the natural phenomena of economic processes or processes intrinsic to population’ (Foucault, 2007:353). One can see how freedom is now introduced as an essential right of the population but also necessary for government itself. ‘The integration of freedom, and the specific limits to this freedom within the field of governmental practice has now become an imperative’ (Foucault, 2007:353). On the one

hand government will be promoting freedom among the population in order to bolster the forces and strength of the state but it will also be regulating that freedom in order to prevent or repress ‘disorder, irregularity, illegality, and delinquency’ (Foucault, 2007:353). Instead of one unitary mechanism as described in the seventeenth century understanding of police, we now have a dichotomy between government and police, between the mechanisms and institutions promoting freedom and police regulation of freedom.

Foucault takes the last few moments of his lecture to surmise as to how all that he has portrayed in the last thirteen lectures can be countered. Foucault surmises of an eschatology of the state by the population. A time when the state will end and the population will remain. When the mechanisms and institutions of freedom will cease to exist but the freedom of civil society will prevail. That the population will revolt for the sake of its own obedience replacing the rules of obedience. A counter-conduct will bypass the affirmation of the truth that those in power within the state lay claim to, it will realise that each member of the population is in possession of, and contributes to, that truth. ‘The truth of society, the truth of the state, of *raison d’état*, is no longer to be possessed by the state itself; the whole nation is entitled to it’ (Foucault, 2007:357). Foucault concludes by stating that *raison d’état*, governmental ratio and counter-conducts are all interlinked. They are inseparable for they allow for the evolution and transformation of government according to the natural needs of the population as he illustrated with the apparatuses of the pastorate, the state, and police, throughout the lectures on *Security, Territory and Population*.

3.4. Contemporary Governmentality studies

Foucault (2007) in his course summary at the end of his lectures “Security, Territory, Population” reviews his understanding of the term ‘government’. By government he understands ‘an activity that undertakes to conduct individuals throughout their lives by putting them under the authority of a guide who is responsible for what they do and for what happens to them’ (Rose, O’Malley et al. 2006:83; Foucault 2007:363). His genealogical investigations into the birth of the modern state focus on the liberal ‘assumption that human behaviour should be governed, not solely in the interests of strengthening the state, but in the interest of society understood as a realm external to the state’ (Rose, O’Malley et al. 2006:84). For Foucault the ‘art of government’ is the correlation and guidance of the system of men and things (Foucault 2007:96). Within governmentality studies ‘government’ has

come to be thought of as the liberal art of the ‘conduct of conduct’, that is, ‘calculated and systematic ways of thinking and acting that aim to shape, regulate or manage the comportment’ of individuals or whole populations (Dean 1999; Inda 2005:1). Power is operational in this sense in guiding and governing citizens in a kind of regulated freedom. Governmental power has a mediating function in the regulation and comportment of individuals, various alliances, diverse authorities, agencies and organisations as they play a part in the guidance and governance of the population for the benefit of society (Rose and Miller 1992:174). In this sense, ‘governmentality sought to draw attention to a certain way of thinking and acting embodied in all those attempts to know and govern the wealth, health and happiness of populations’ (Rose and Miller 1992:174). It provided an expansion of Foucault’s previous analytic apparatus ‘to account for both processes of subjectification and state formation’ (Brockling and Krasmann 2011:2).

Understanding the term ‘government’ as the ‘conduct of conduct’ is one crucial aspect of grasping modern political power (Burchell, Gordon et al. 1991:2). This dimension of political power as the ‘conduct of conduct’ distances it from its previous understanding as power tied to ‘the paradigms of law and war’ (Brockling and Krasmann 2011:2). The modern state is not understood as a central unity with essential functions but is dispersed in the multiplicity of rationalities and techniques that constitute its government, its relationship between men and things. Importantly, for governmentality theorists the examination of the ‘micro-powers’ of state intervention is not centred on how the state dominates society, the previously understood ‘political form of government’ but rather the “governmentalisation” of the state. Investigation is focused on the processes of subjectification by which the modern state came to individualise and totalise the population it sought to regulate, the ‘general problematic of government’ (Foucault 2007:89; Brockling and Krasmann 2011:2). Moreover, investigation is oriented towards identifying the development of specific rationalities that seek to govern specific individuals and guide them towards different goals, that is, the rationalities and techniques by which this guidance is manoeuvred.

3.5. Governmentality as an analytic perspective

Governmentality, as an analytical perspective ‘is far from a theory of power, authority, or even of governance. Rather, it asks particular questions of the phenomena that it seeks to understand, questions amenable to precise answers through empirical inquiry’ (Rose,

O'Malley et al. 2006:85). It is a mode of enquiry into the "art of government". Mitchell Dean (1999) defines this 'technique of intervention' or this mode of government as 'any attempt to shape with some degree of deliberation aspects of our behaviour according to particular sets of norms and for a variety of ends' (Dean, 1999:10). Nikolas Rose and Peter Miller (2008) understand a similar explanation of government when they talk of the 'historically constituted matrix within which are articulated all those dreams, schemes, strategies and manoeuvres of authorities that seek to shape the beliefs and conduct of others in desired directions by acting upon their will, their circumstances or their environment' (Miller and Rose 2008:54). Governmentality as a mode of enquiry investigates mechanisms of conduct by "people, individuals, or groups" (Foucault 2007:102, 120-122; Brockling and Krasmann 2011:11) and so it can, and has been, applied to a range of fields.

Analytically, governmentality seeks to understand the formulae of regimes of practices. Regimes of practices are understood as 'places where what is said and what is done, rules imposed and reasons given, the planned and the taken for granted meet and interconnect' (Foucault, Burchell et al. 1991:75). For Dean (1999), regimes of practices include institutional practices i.e. those routine and ritualised ways in which we understand and enact certain actions at certain times. Moreover, he claims that regimes include the way in which institutionalised practices become objects of knowledge and subject to problematisations (1999:21). Simply put, the analytics of government seek to reconstruct 'how we govern and are governed within different regimes', how these local regimes formed in the first place and how they continue to adapt (1999:23). Governmentality is an investigation of the practical knowledge incorporated in governmental practices, how certain ways of thinking and acting translate to each other, how they constitute themselves mutually (Brockling and Krasmann 2011:11). It seeks to understand the programmes by which we govern ourselves and others.

Foucault claims that in order to conceptualise governmental power 'we must distinguish the relationships of power as strategic games between liberties – strategic games that result in the fact that some people try to determine the conduct of others...between the games of power and the states of domination, you have governmental technologies' (Foucault, 1987:19). It is this notion of governmental technologies, of the changing face of conduct due to an alteration of strategy that opens up the conceptual space for governmentality theorists. Miller and Rose refer to this space as the 'problematics of government' which they further break down into 'political rationalities' and 'governmental technologies' (Miller and Rose, 2009:55) which

can be understood in basic critical terms as the former asking the question why, and the later asking how. Political rationalities when analysed, according to Miller and Rose, provide answers to 'the changing discursive fields' of local orders of knowledge 'within which the exercise of power is conceptualised, the moral justifications for particular ways of exercising power by diverse authorities, notions of the appropriate forms, objects and limits of politics, and conceptions of the proper distribution of such tasks among secular, spiritual, military and familial sectors' (Miller and Rose, 2009:55). What is considered rational is based on local systems of meaning, by what criteria certain means and goals are considered plausible, acceptable and legitimate, how this rationality is evoked and authorised as true and practiced as rational. 'Consequently, rationality is understood in relational terms' (Brockling and Krasmann 2011:11). Governmental technologies analyse 'the complex of mundane programmes, calculations, techniques, apparatuses, documents and procedures through which authorities seek to embody and give effect to governmental ambitions' (Miller and Rose, 2009:55). It is apparent from the above that the problematics of government intricately analysed in this way, through the exploration of the political rationalities and the governmental technologies in which the particular rationality is implemented, reveal 'the thought as it is embedded within programmes for the direction and reform of conduct. The analysis of government is concerned with thought as it becomes linked to and is embedded in technical means for the shaping and reshaping of conduct and in practices and institutions. Thus to analyse mentalities of government is to analyse thought made practical and technical' (Dean, 1999: 18).

The idea of government tied to the continual classification of experience as problematic and programmable suggests not only a plurality of rationalities but also a multiplicity of subject positions. Foucault claims that 'we should try to grasp subjection in its material instance as the constitution of subjects' (Heller 1996:92) and so 'to become a subject always means actualising certain subject-positions and dispensing with others; it means being addressed in a certain way as a subject, understanding oneself as a subject, and working on oneself in alignment with this self-understanding' (Brockling and Krasmann 2011:14). It is a rejection of a Cartesian gaze of subjectivity existing outside of subjectification processes (Heller 1996:92). Rather, for governmentality studies, knowledge of the subject is bound within its human capacity to form, know, and govern itself and others. Subjects are constituted within the discursive formations relative to their local systems of meaning, they are 'always tied to a social a priori' and part of the formation of that system of meaning and so only

understand themselves and act within a historical field of possible experiences (Brockling and Krasmann 2011:14). Asylum seekers being targeted by the immigration authorities are not merely objects of government and subject to fully determined technologies of control. The asylum seekers 'manner of operating rather resembles a relay: in articulating themselves as subjects they take part in power relations, thus reproducing and transforming them' (Brockling and Krasmann 2011:14). For governmentality scholars subjects, and processes of subjectification, are important points of analysis for examining the 'self-will and agency' of the individual in certain practices of government, that is, 'how particular agents negotiate these forms' of subjectification, 'at how they embrace, adapt or refuse them' (Inda 2005). Governmental power is concerned with 'governing' as ascribed to the mediation of practical knowledge through rationalities and techniques. It is concerned with how these programmes are relayed by the subject, that is, how they are discursively articulated and generated performatively within local systems of meaning be they in the form of hegemonic conduct or counter conducts of resistance.

3.6. Critique of Governmentality Studies

Governmentality studies have been met both with enthusiasm as well as with sceptical and critical voices. Enthusiastically it has been heralded as a strategic method for identifying neo-liberal forms of rule, that is, 'the re-structuring of society in terms of market orientation and individual freedom' (Brockling and Krasmann 2011:15). Rose (2006) argues that this declaration is alas one of its impediments (2006:97). For some authors neo-liberalism has come to be the marker or master category from which all other political rationalities are now measured. The idea of the enterprising self, 'defining itself as free, self-responsible, and ready for risk' has figured at the forefront of the political promotion of a neo-liberal ethos of a self-caring and self-providing society 'and to measure the investment of state resources to this end' (Brockling and Krasmann 2011:15). Rose (2006) argues that elements of neo-liberalism can be found in most current regimes and programmes which is useful at a general level (2006:97). However, it is incorrect to conclude that contemporary forms of government are simply 'implementations of neo-liberal philosophies' which neglects the diverse and contemporary form in which rationalities and techniques are problematised (Rose, O'Malley et al. 2006:97). Moreover, Rose claims that this lack of attention to problematisation leads to accusations of governmentality being 'guilty of homeostasis' (2006:98). However,

‘rationalities are constantly undergoing modification in the face of some newly identified problem or solution, while retaining certain styles of thought and technological preferences’ (Rose, O'Malley et al. 2006:98). In order to move away from such criticisms of rigidity, Rose suggests speaking of ‘social rationalities of government: broad family ways of thinking about and seeking to enact government, conceiving of that which is to be governed as a society of interdependent citizens and interlinked social and economic processes that are amenable to knowledge and planning’, which can be contrasted with postsocial or advanced forms of liberalism (Rose, O'Malley et al. 2006:98). He further claims that if there were foundational principles to governmentality, ‘one of these is a rejection of such totalising tendencies, replete with the overtones of grand theorisation that explains the transformation of society into something substantially novel’ (Rose, O'Malley et al. 2006:98). Governmentality seeks to analyse from a specific orientation based on the formulation of the problematisation, its analytic ‘both poaches on social theory and calls theoretical certainties into question’ (Brockling and Krasmann 2011:15). The emergence of various governmental models is but ‘the contingent coalescence of a wide array of criticisms of social forms of governance’ (Rose, O'Malley et al. 2006:98).

Some authors accuse governmentality of tapping into the mind of the programmer, ignoring the grubby realpolitik through the creation of ‘abstract ideals’ of blueprints ‘whose explanatory power is doubtful despite their attractiveness as generalised descriptions’ (Rose, O'Malley et al. 2006:99). Such critics further argue that ‘these analyses’ of governmentality ‘ignore the role of agency, experience, and resistance, thereby producing an image of government as a juggernaut that is somehow willing itself into existence’ (Rose, O'Malley et al. 2006:99). Governmentality theorists do not accept the ideal type criticism of programmes of government, for this would mean that ‘blueprints are...produced by one-sided accentuation’, as ‘heuristic devices against which reality is to be contrasted’ (Rose, O'Malley et al. 2006:99).

Bröckling and Krasmann (2011) present two repetitive tendencies in the studies of governmentality. Either studies are progressing an evolutionary logic of forms of government ‘from study of the Polizei to liberalism and welfare state to neoliberalism’; or minute empirical analyses that progress identical rationalities and technologies of neoliberalism (Brockling and Krasmann 2011:16). In response, Rose (2006) proposes that governmentality can be viewed as ‘an empirical mapping of governmental rationalities and techniques’

grounded in its genealogical emphasis ‘on the contingent and invented nature of governmental thought and technique’ (2006:99) thus fundamentally focusing on critique as problematisation. This focus on problematisation prevents the closure of the regimes of government and sustains the diagnostic heterogeneity and constitutive hybridity within which rationalities, technologies of government, and forms of subjectification are strategised, mediated and transformed (Brockling and Krasmann 2011).

Lastly, authors critique governmentality for its neglect of resistance. Rose (2006) points out that there is no meta-narrative, meta-rationality or meta-subject that emerges in resistance to rationalities and technologies of government in governmentality studies. Programmes of government are amenable to governmentality studies precisely because they are regimes, they are patterns of government that manifest in governing. ‘By contrast, the forms of resistance and counter-conducts are contingent. They have to be accounted for, but they are not calculable’ (Foucault 2007:101; Brockling and Krasmann 2011:17). This study of counter-action they argue, faces a threefold danger: 1) either it seeks out the rules of transgression and violation, 2) it narratively juxtaposes stories or, 3) it tries to rally a battle of resistant forces (Brockling and Krasmann 2011:17). Rather, and similar to Rose (2006), Brockling and Krasmann (2011) stress strengthening an understanding of critique as problematisation in order to draw the two repetitive tendencies of governmentality studies together. The emphasis on problematisation, they claim, would highlight the performative relation in which ‘governmental strategies and patterns of resistance encounter and define each other’ (Brockling and Krasmann 2011:18).

As we shall see in this thesis, governmentality is continually accompanied with resistance. The interviews (chapter 6) show a continual process of interplay between governmental preconceptions of the behaviour appropriate to the subject positions refugee and bogus asylum seeker which the social actors both try to conform to, resist and reshape to their advantage. These social actors are far from passive objects of clay to be moulded at will. However, it does not seem to me that Foucauldian analysis precludes this form of resistance. In fact, Foucault constantly observes that power and resistance go together. ‘Power consists in complex relations: these relations involve a set of rational techniques, and the efficiency of those techniques is due to a subtle integration of coercion-technologies and self-technologies’ (Foucault 2007:155). Yet, while Foucault does provide conceptual space theoretically, he provides us with few conceptual tools to empirically analyse this process of resistance to

subject formation. For this reason, as we shall see later, the analysis will rely upon performative accounts of subject formation. This will entail making use of developments from Austin's (1975) account of speech acts, including in particular the work of Searle (1989; 1996; 2003; 2006). Furthermore, this account of subject formation will also entail an account of why actors wish to become subjects, which will build upon Heidegger and Giddens's accounts of ontology and ontological security.

3.7 Problematisation and the Problematisation of Asylum

According to Foucault, to problematise an object of analysis is not to approach the 'behaviour or ideas, nor societies and their "ideologies", but the problematisations through which being offers itself to be, necessarily, thought – and the practices on the basis of which these problematisations are formed' (Foucault 1985:11-12). It is more a 'development of a domain of acts, practices and thoughts that seem...to pose problems for politics' (Rabinow 1984:384). In this sense to problematise is not to analyse an object from the perspective of politics but to ask politics 'about what it has to say about experiences that ask questions of it' (Rabinow 1984:384). Thus to problematise, or problematisation, is a move that deconstructs the object of analysis into the disparate empirical phenomena that compose the object as a problem and to also examine how these different phenomena have been developed to form the specific problem of analysis. In this sense the application of problematisation inspires a 'problem-driven approach' in that, the object for analysis is constructed from 'disparate empirical phenomena' that 'have to be constituted *as* a problem, and the problem has to be located at the appropriate level of abstraction and complexity' (Glynos and Howarth, 2007:167). Governmentality then attends to problematisations, to the plurality of subjectification processes that have been invoked to contend with a particular problem of the subject (Brockling and Krasmann 2011:15). It allows one to examine and make visible how these different phenomena have a performative relation with the governmental strategies that attempt to define them and the patterns of resistance that they encounter.

To problematise asylum using a problem-driven approach analyses the emergence of asylum as a social and political issue at a European level and examines the specific conditions under which asylum came to be scrutinised as a 'problem' in Ireland. The Refugee Act 1996 began to be debated by the government in 1993, was passed in 1996, and fully implemented in 2000. Its basic aim was to give statutory effect to the definition of a refugee as outlined in the

1951 Geneva Convention and to generally set out the process for asylum applications by establishing the independent statutory offices of the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeal Tribunal (RAT) which would later be subsequently amended. It was thus to put on a statutory footing the administrative guidelines that previously served in place of asylum legislation, to prevent the increasing criticism of asylum in Ireland being viewed as a 'discretionary thing' (Mr. Krentz, the new representative for the United Kingdom and the Republic of Ireland of the UNHCR) and to be a more transparent process 'than the humour of the person on a particular day' (Dail Debate 1993), namely the Minister for Justice.

In essence, the development of statutory legislation was a step to remove the arbitrariness of ministerial discretion and create a system for administering, managing and guiding asylum seekers as suggested by Deputy McDowell at the time.

"The fact is that this country does not vindicate the rights of refugees adequately and, in effect, unreviewable decisions are being made as a matter of course in regard to people seeking refugee status here....by what criteria he or she is found to be included or excluded. That is the crucial issue...one must establish fair procedures, one must be willing to set down some system by which a decision made can be reviewed at a time when someone can do something about it if it is wrong" (Dail Debate 1993)

Moreover, in 1993 the introduction of adequate legislation in Ireland was part of a larger effort towards common EU policy as regards migration in Europe. The end of the Cold War is generally regarded in the asylum literature as 'the event' which opened debate to the claim of a 'new asylum paradigm' (Squire, 2009:6), when claiming asylum no longer means protection from a communist regime. However, a post-Cold War context of Europe is not the sole factor for the restrictive agenda towards asylum. Deeper political events such as the break-up of the former Yugoslavia in the early 1990's raised concerns of an increase in asylum seekers, and economic processes stretching from the 1970's saw a decrease in guest worker programmes in Europe and thus greater visibility of asylum applications (Squire, 2009).

The opening up of the internal borders of Europe saw the framing of free movement as an issue of security resulting in a tightening of restrictive measures at borders (Van Munster 2009, Squire 2009, Huysmans 2000). The move within Europe in the 1990's to harmonise

migration legislation opened a 'new hostile agenda' (Squire, 2009:6) that is embedded in questions of liberal democratic citizenship, territorial belonging and free movement across borders (Squire 2009, Huysmans 2000). A 'schizophrenic' or dichotomous interpretation of liberal democratic citizenship emerges in which a moral attachment to the principal of asylum is practiced by measures that ensure asylum seekers are restricted from reaching the territory where they can receive protection (Gibney 2004, Squire 2009:5). 'Immigration control becomes a key feature in defining the modern sovereign state and, as such, serves as an important means by which a territorial order is constituted in terms of state governance and national belonging' (Bartleson 1995, Squire, 2009:5). Van Munster (2009) claims that 'the promotion of cross-border mobility, increasingly relies on exclusionary and illiberal practices of security' and that 'the governance of freedom in the EU introduces a break in life between forms of life that are described as responsible and those that are considered bogus' (Van Munster, 2009:11). Such a frame, of free movement as a security issue, has led to the construction of migration as a 'threat' and a 'problem' in the post-Cold War context of Europe (Huysmans, 2006). Moreover, Huysmans claims that 'the explicit privileging of nationals of Member States in contrast to third-country nationals and the generally restrictive regulation of migration sustains a wider process of de-legitimizing the presence of immigrants, asylum-seekers and refugees' (Huysmans, 2000:753), in a sense, it is the welcoming of 'desirable' migrants while restricting the 'undesirable'.

It is, thus, in relation to the above economic, political and social conditions within Europe that asylum became constructed as a 'threat' or a 'problem' that necessitates restrictive controls. Prior to 1996 Ireland had few requests for asylum in comparison to European figures and so it was not a 'problem' in the sense that the state was overburdened by asylum applicants, it was not simply an issue of numbers. Furthermore, Ireland's economic prosperity in 1996 was only beginning to thrive and so the issue of economic migrants 'abusing' the asylum system in order to reside and work in Ireland was not prevalent and thus restrictive controls were not sought to solve the 'problem'. However, it was in the complex legal plethora that began with the Refugee Act 1996 that Ireland's restrictive access to refugee status began to be precluded by simplistic distinctions such as 'genuine' versus 'bogus' refugees in both political debates and media articles and that saw the issue of asylum and immigration control in Ireland transform to the level of a 'problem' and a 'threat' in line with the restrictive legislation and security practices of Europe.

3.8. Securitisation of Migration

Securitisation theory, the construction of security as examined by international relations scholars, particularly post 9/11, turn to the Copenhagen School speech act theory in order to extend their analytical framework for examining ‘the process through which ‘security’ and ‘security threats’ are brought into being in particular political contexts’ (McDonald, 2008:564). The contemporary expansion of the securitisation framework is attributed to Barry Buzan, Ole Waever and Jaap de Wilde (1998) in which they approach security as a performative ‘speech act’ (Austin, 1975), an inter-subjective relationship between the speaker and audience (Buzan et al., 1998).

‘Security’ is thus a self-referential practice, because it is in this practice that the issue becomes a security issue – not necessarily because a real existential threat exists but because the issue is presented as such a threat...The process of security is what in language theory is called a speech act. It is not interesting as a sign referring to something more real; it is the utterance itself that is the act. By saying the words, something is done (like betting, giving, name a ship) (Buzan, Waever et al., 1998:24,26; see also Van Munster, 2009:5).

It is in this framework that the contemporary dimensions of securitisation can be drawn out and through which they are most commonly applied to liberal democratic states reaction and approach to immigrants and asylum seekers (McDonald, 2008). Firstly, ‘securitisation is characterised by the construction of an oppositional relationship between an ‘existential threat’ (here: asylum or asylum-cum-illegal immigration), and a ‘referent object’ (here: ‘the state’ or ‘the nation’)’ (Squire, 2009:29). Secondly, by the characterisation of a particular issue as a threat ‘in turn enables emergency measures and the suspension of ‘normal politics’ in dealing with the issue’ (McDonald, 2008:568). Thirdly, Jef Huysmans (1995:54-7) claims that security is also embedded and sustained in routine practices that maintain the referent objects identity (Squire, 2009:30). Securitisation then, is the effect of discursive utterances and the outcome of security practices, or in governmentality terms it operates as a technique for governing freedom (Bigo 2002, Van Munster 2010). Van Munster (2010) claims that an advantage of Huysmans perspective of security enables a connection between security and freedom, not only in the form of security as a governmental technique but that ‘security framing modulates a relation between freedom and security rather than one in the terms of this relation, i.e. security. This conceptual move implies that security rationality is *always* also a rationality of the practical realisation of freedom’ (Huysmans, 2006:148, emphasis added in Van Munster, 2010). Saying this however, Squire (2009) claims that an empirical and methodological gap is left in a leaning either towards securitisation as a speech act, or

towards Bigo's (2002) conception of securitisation as a governmental technology and that a discourse theoretical approach 'critically analyses both the linguistic and non-linguistic operations through which asylum seekers are constructed as 'threatening' or 'culpable subjects' (Squire, 2009, 39). While this framework is similar to the analytical task of governmentality scholars in light of Huysmans approach to security, Squire claims that 'a managerial approach to migration is not only problematic because it entails a selectively restrictive dimension, but is problematic also because of the exclusionary tendencies that are inherent to, if not necessary outcomes of, its operations (Squire, 2009:25). What a discursive approach to securitisation claims as 'its primary concern is the way in which the political processes of differentiation that are inherent to managed migration become depoliticised through reactionary means' (Squire, 2009:24). More specifically, an exclusionary discursive approach to the securitisation of the asylum seeker examines the hegemonic process of the rearticulation of the asylum seeker as 'undesirable' or a 'threat' through the lens of the ontological and anti-objectivist assumptions of post-structuralist discourse theory.

3.9. Security and the idiom of exceptionalism

As aforementioned, migration has come to be considered disruptive movement as it calls into question articulations of territorial or national borders and as such is seen to 'undermine the authority of the sovereign state' (Bhabha, 1999; Soysal, 1994; Linklater, 1998,2007 in Squire, 2009:10). Furthermore it calls into question the national articulation of citizenship in which a dichotomy develops between those who are to be included, considered 'desirable' and those who are excluded as 'undesirable' yet, in the case of asylum seekers, remain constitutive of the national community. Asylum seekers are in the 'paradoxical situation of being included through their exclusion' (Dean, 2006:29). Dean claims that the heterogeneous set of powers that govern specific groups such as asylum seekers are predicated on those who are included or excluded from the juridical-political order and that 'transformations of governmentality need to be placed against contingent transformations of the exercise of sovereign and biopolitical powers of life and death' (Dean, 2006 in Marsdon, McDonald, 2006:29).

Dean (2010) denotes the 'idiom of exceptionalism' created within the contemporary frame of security, of securitising against risky individuals or whole populations, as a marker of crises for neo-liberal governmentality (Huysmans 2008; Dean 2010:461). Moreover, that such a

precautionary approach resulting in securitising measures renews and reconfigures present power relations towards a 'renewed theoretical salience of the concept of sovereign power' (Dean 2010:463). He indicates two forms of crises of governmentality outlined in Foucault's lectures *The Birth of Biopolitics* (Foucault 2008). The first crisis is the economic costs of the exercise of democratic freedom. Second, is 'the inflation of the compensatory mechanisms of freedom', that is, the devices that are constructed to secure freedom risk creating the opposite (Dean 2010:463). For Dean, the response of a precautionary approach is usually stimulated by an 'event', an unhinged occurrence that is generally a novel experience, is most often presented as such, and consequentially, is an experience that is to be guarded against and prevented from occurring in the future (Dean 2010:464). This conception of, and reaction to, 'the event' is similar to securitisation theorists understanding of risk as the force of abjection, and the broader security problematique post 9/11 (Rose 1999:253; Van Munster 2009:11). 'The experience of the actuality of catastrophic events, as well as the radical contingency of future events of this kind, creates a necessity that entails a suspension or curtailment of what are generally assumed to be fundamental liberties and basic rights in order to protect citizens' (Dean 2010:464). In essence, the experience of 'the event' allows for the interruption of a 'new normal' (Dean 2010:464). The new normal, or the presence of the exception, is marked as an issue of security and guided by a force of abjection towards precautionary measures of risk.

'Abjection is an act of force. This force may not be violence, but it entails the recurrent operation of energies that initiate and sustain this casting off or a casting down, this demotion from a mode of existence, this 'becoming abject'. Abjection is a matter of the energies, the practices, the works of division that act upon persons and collectivities such that some ways of being, some forms of existence are cast into a zone of shame, disgrace or debasement, rendered beyond the limits of the liveable, denied the warrant of tolerability, accorded purely a negative value' (Rose 1999:253; see also Van Munster 2009:11).

The contestation of the exception is constituted within the discursive formation of the event as a security issue. Van Munster (2009) argues that the logic of security and insecurity are implicit in one another, that producing security simultaneously produces insecurity and thus they are not in a binary opposition. 'Security signifies a situation marked by the presence of a security problem and some measure taken in response. Insecurity is a situation with a security problem and no response. Both conditions share the security problematique' (Waever 1995:56; Van Munster 2009:43). In a similar guise, Dean sees the exception as drawing forth a 'diagram' of power that can 'authorise and justify the deployment of extended security measures' (Dean 2010:465). Contestation takes place within the 'diagrammatic rationality' as

professionals, politicians and analysts share the same discursive space with activists, non-governmental organisations and other critics (Dean 2010:465). This complex diagram of the discursive space enables description and prescription rendering the domain visible and knowable, stipulating the exception and the liberties being curtailed in order to secure and protect. It advocates a ‘disaggregated sovereignty and a co-ordinated local and state response’ (Dean 2010:465).

3.10. Bare life, biopolitics and sovereignty

The idea of the state of exception interrupting with a ‘new normal’ and of intermeshing and being sustained within the original order is a notion pursued by the Italian philosopher Giorgio Agamben (1998) and Carl Schmitt (1985). In *Homo Sacer* Agamben argues that the specific modern form of political power in Western societies is ‘characterised by a permanent state of exception in which law and fact enter into a zone of indistinction’ (Van Munster 2009:144). Agamben is concerned with ‘the political nature of biological life when the sovereign powers directly act upon life, that is, without the mediation of the law’ (Huysmans 2008:166). Concentration camps are the ultimate symbol of zones of indistinction. In the camp one encounters homo sacer, that is, bare life stripped of all its political value, and subject to termination at the whim of authority. This ‘bare life’, or *zoé*, he contrasts with political life, or *bios*. The separation of these two forms of life, *zoe* and *bios*, ‘is a practice of inclusion by exclusion that is constitutive of sovereignty in the modern Western sense from the beginning’ (Edkins 2000:5). For Agamben the production of a biopolitical body is the original activity of sovereign power for biopower is about the ‘subjugation of bodies and... control of populations’ (Foucault 1978:93; De Larrinaga and Doucet 2008:521). A contemporary illustration of bare life is the image of individual refugees with sewed-up eyelids and lips in resistance to their detention and detainment in refugee camps. ‘They exemplify how individualised naked life resists by deploying their bodily, biological condition against sovereign biopolitical powers’ (Huysmans 2008:177). Critics of Agamben claim that his conception of the exception “de-societalises” and de-politicises characteristics that politicise life in the first place (Huysmans 2008:175-177). ‘The images of the sewed-up eyelids and lips of the individualised and biologised refugees have no political significance without being mediated by media, intense mobilisations on refugee and asylum questions, contestations of human rights in the courts etc’ (Huysmans 2008:177). This political significance evokes the notion of the primacy of politics as put forward by Laclau, that social

relationships and identities are constructed, transformed and contested politically. It is in this vein that Laclau suggests that ‘political nihilism is (Agamben’s) ultimate message’ (Laclau, 2007:22) or Zizek when he says ‘Forgive me for being a vulgar empiricist, but I don’t know what any of that means in the concrete sense’ (Zizek, 2007).

For Bigo (2002) the technique of security is not a pan-opticon in which all are under surveillance, but a ban-opticon in which ‘passive pre-emptive forms of interdiction’ (Kernerman 2008:231) operate to mark out individuals and populations as risky, illegal or bogus. Squire (2009) claims that the zone of indistinction that Agamben speaks of ‘is understood in terms of the structure of the exception or of the ban’ (Squire 2009:149). Van Munster (2009) similarly claims that for Agamben ‘the structure of the ‘ban’ is exemplary to the state of exception which ‘holds life in its ban by abandoning it’ (Agamben 1998:29; Van Munster 2009:145). Thus for securitisation theorists and the exclusionary politics of asylum, the ban functions as the founding moment of sovereign power in which the immigrant is abjected to an “ambiguous, uncertain, borderline fringe, at the intersection of the legal and the political” (Agamben 2005:1; Squire 2009:149). It is in these abject spaces, spaces of exception and exclusion that subjects are ‘banned’ without rights or legal standing, and are dependent upon the ‘the civility and ethical sense’ of those charged with their regulation (Agamben 1998:170,174; Van Munster 2009:144).

In contrast to Agamben’s reading of biopolitics, Foucault’s biopolitical subject is constituted through, and mediated by, the techniques and knowledges that render it visible and knowable, that is, the regime of practices or *dispositif*. Asylum seekers, having been marked out as subjects of the ban-opticon are simultaneously subjects of a *dispositif* of precautionary risk (Aradau and Van Munster 2007; Dean 2010). A Foucauldian approach leaves sovereignty open to examination from the inside out (Muhle 2007; Huysmans 2008:178), from within the discursive space of contestation, that is, the *dispositif* of precautionary risk ‘that attempts to ‘tame’ the limit and govern what happens to be ungovernable’ (Aradau and Van Munster 2007:107). It is an approach that patches together and invokes a diagram of powerful relations of multiple strategies and technologies, discourses, institutions, regulatory decisions, laws and practices that articulate the discursive space of asylum. As addressed by Lippert (2004), sovereign power is not solely or necessarily coercive involving extreme symbolic punitiveness, but is also the making and unmaking of laws, ministerial discretion and ministerial decisions on “humanitarian and compassionate grounds” (Lippert 2004:544).

Thus ‘it is not the outcome but the capacity to make the decision and have it obeyed that renders it sovereign’ (Lippert 2004:545). Most importantly perhaps is the fact that although the sovereign decides the exception, it is contingent and has the possibility to transgress the limit as all diagrams of governmentalities are inherently unstable.

3.11. Securitisation to Post-structuralist Discourse Theory

A discursive theory of securitisation attempts to address the radical contingency in which such a paradox of inclusion by exclusion as regards migration and asylum seekers is constructed. It examines how the national community is reconstructed when the asylum seeker is presented as the ‘other’. It shows how asylum can be conceived as dislocatory of the territorial order resulting in a rearticulation of national belonging and state governance (Huysmans 2006; McDonald 2008; Squire 2009; Van Munster 2009).

The work of Ernesto Laclau and Chantal Mouffe (2001), using a semiotic dimension, wish to expose and examine the dialectical relationship that both naturalises and legitimises power relationships. ‘Power should be seen as a constitutive act of inclusion and exclusion that shapes and reshapes structure and agency and, thereby, constructs the conditions for how we make sense of the world and act appropriately’ (Torfing, 2009:108). Foucault, Laclau and Mouffe view power as an ontological category, that the social and political are constructed through various ‘categorical and existential preconditions of a practice or regime’ (Glynos and Howarth, 2007:109).

Post-structuralist discourse theory, as developed by Laclau and Mouffe, is based upon certain ontological presuppositions. Firstly, the post-structuralist account assumes that all practices and regimes, all social relationships are discursive. They claim that discourses are incomplete partial systems that in turn never dominate discursivity for ‘an object’s identity is conferred by the particular discourses or systems of meaning within which it is constituted’ (Glynos and Howarth 2007:109). In this sense it is seen as anti-objectivist for, as they put it, a ‘stone exists independently of any system of social relations....it is, for instance, either a projectile or an object of aesthetic contemplation only within a specific discursive configuration’ (Laclau and Mouffe in Laclau 1990:101). It is this anti-objectivist assumption that allows one critique the processes by which asylum comes to be articulated as a ‘problem’ or ‘threat’. Secondly, it takes an anti-essentialist stance by presupposing that any field of discursivity is

marked by radical contingency, in that ‘the fullness of the social does not manifest itself in any concrete social order but in the possibility of representing its radical indeterminacy, in other words its nature as a mere possibility’ (Laclau and Mouffe, 2001:79). This convergence of anti-essentialism and anti-objectivism allows one conceive the articulation of national identity and territory ‘as an inherently unstable social order of governance and belonging that undergoes constant change’ (Squire, 2009:32).

Central to the construction of the hegemonic project in post-structuralist discourse theory is the notion of antagonism or tension within the order, the creation of a frontier. ‘Antagonism, far from being an objective relation, is a relation wherein the limits of every objectivity are *shown*’ (Laclau and Mouffe, 2001:125). This tension provides a partial fixity of meaning to the dominant discourses while at the same time creating an exclusionary other that serves to reinforce the articulatory practice of the hegemonic discourse. The success of the hegemonic discourse is its construction in relation to its constitutive outside, what is excluded in order to reinforce inclusion. For example, if one is to think of asylum in terms of hegemony as an articulatory practice, with antagonism as a pivotal element, then understanding asylum as the excluded other, as those that are included by exclusion allows one to look at the ways in which various elements within the dominant discourses are held together in order to maintain the tension and dominance of that particular antagonism. Within the construct of the theory Laclau and Mouffe call this exploration the logic of equivalence or the linkage of demands of various elements, the common ground in which the contingent elements, or what they call nodal points, link together in order to maintain dominance. This linkage of demands of equivalence between nodal points allows for the re-enforcement of a concept like “the political community” which acts as an empty signifier, a vacuous absorber for the partial fixity of meaning to the nodal points within, such as “the nation” or “the state” which are in themselves constructed in relation to the constitutive outside. In this sense asylum becomes a question of inclusion by exclusion within the social order – in that there are those that are granted refugee status and thus included and recognised as part of the nation and state contributing to the political community and there are those that are included, in limbo waiting for a decision while in the interim excluded, abjected at the margins of society, functioning to provide definition for the reinforcement of the antagonism maintaining the hegemonic order.

In response to Laclau and Mouffe’s picture of this field of discursivity in which you have these contingent elements and then different forces trying to construct the hegemonic practice

Zizek launched a friendly attack in search of the subject within this picture, he sought a return of the subject and thus the role of ideology. What we see then by Laclau in “*New Reflections of the Revolution of Our Time*” is a deeper attempt to address that issue. Predicated on the idea that there are the construction of discourses which operate through (drawing on Derrida and Lacan) the idea of exclusion, and that exclusion forms a constitutive outside which is both necessary to maintain an order and give an identity to the elements. It also has the ever-present potential of subverting the inside. Thus the inside and the outside are in a relation of tension and the outside always has the potential of subverting the inside. The creation of this order of discourse involves active power, the moment of decision and the moment of exclusion and so in response to Zizek’s criticism they introduce this category of dislocation, that is, that every such order because of its reliance on the constitutive outside is in-itself dislocated and ontologically incomplete. ‘Dislocation is both the condition of possibility and impossibility of a centre at the same time’ (Laclau, 1990: 40). They claim that the impossibility of a full constitution is in a sense revealed in dislocatory events. They also add the idea that this discursive structure is undecidable, it is predicated on certain aporia and undecidabilities which are covered over and sedimented in the creation of an order but in the moment of dislocation that undecidability becomes visible and it makes possible the moment of a stronger notion of political subjectivity where the political subject can intervene and reconstruct their order through acts of identification.

‘Dislocation is a source of freedom. But this is not the freedom of a subject with a positive identity...it is merely the freedom of a structural fault which can only construct an identity through acts of identification. But as these acts of identification – or of decision- are based on a radical structural undecidability, any decision presupposes an act of power’ (Laclau, 1990:60)

For Laclau, power and objectivity become synonymous, power being merely the sedimented trace of contingency upon which objectivity is revealed (Laclau, 1990). He claims that ‘on the one hand, then, we have decision – that is, identification as opposed to identity; and on the other, the discernible marks of contingency in the decision, that is power’ (ibid). What we have here then is a radicalisation of the subject, the subject is not just a positionality within the discourse, there are moments when there is a radical notion of subjectivity. The subjectivity intervenes and acts, brings about change, through identification or acts of power.

3.12. Performativity

All forms of identification are fluctuant processes where the ways of self perception and degree of identification are situation bound and open for negotiation (Jenkins 2008a:9). In the ontology of our quotidian experience we classify both living and conscious systems in order to bring meaning to various objects or specific states of affairs, often without reflection (Searle 1996:7). Our daily lives are thus framed by these systems of meaning (or regimes of practices), enacted and mediated in our everyday language, in order to understand, reproduce and institutionalise particular states of affairs. Thus our social ontology provides classificatory models of self and others that are multi-dimensional and dependent upon their adaptation and maintenance. The individual is not locked in static forms of identification, and may affect the discourses and future forms of identification (Berger and Luckmann 1966). Within the field of the philosophy of language, the work on the logical structure of social reality by John R. Searle (1996) holds a central position. Searle excogitates social reproduction in the format of an equation in that X counts as Y in context C (Searle 2003:7). This conceptual equation functions to maintain the norm or the status quo in opposition to ‘the other’.

Searle’s analytical approach to the structure of social reality has influenced the contemporary research field, with a focus on the social ontology within political power relations as articulated through collective intentionality, status functions and constitutive rules (Searle 2003:7). These analytical tools, he argues, are operationalised in society through what is distinctly human – our political systems. The discourses and performatives, competing for authority to define these systems, produce specific constitutive rules and status functions that provide premises for a collective intentionality within this social reality, thus arguably defining the boundaries of a dichotomous relationship of inclusion and exclusion in terms of asylum and asylum seekers in Ireland.

A ‘performance’ or ‘performative’ concerns the process by which identification is enacted and iterated in social interaction – both referring to the individuals conception of self within the group and the group itself (Austin 1975; Goffman 1990)(Austin 1975; Goffman 1990 (1959)). A performance, as understood by Goffman (1990)(1990 (1959)) is ‘all the activity of a given participant on a given occasion which serves to influence in any way any of the other participants’ (Goffman, 1990:26). Austin (1975) claims that this performative utterance

meets with either felicity or infelicity, conducive or inappropriate within the context of the interaction. Taken further by Searle (1996), the performative, the y-ness of x's status function, the symbolic language associated with the particular interaction, represents something that is publicly understandable and which is embedded in routinised practice. Thus the examination of the performance of asylum seekers as they interact with the asylum process provides insight in how specific social practices are re-contextualised within the specific social practice they are part of – how identities are altered to fit the format demanded by the situation or context.

Returning to Searle's equation for the logical structure of reality – X counts as Y in context C - the performatives which individuals draw upon and utter constitute the Y-ness that identify, transform and reify X's status within the context of C. Austin (1975) argues that these performances are met with either felicity or infelicity, in the sense that if an individual's performance is conducive to the context then it is acknowledged or reified by the individual or context in which the performance is enacted or, using Searle's logic – X is performing it's Y-ness in context C resulting in a felicitous performance (Austin, 1975:14). A performance is considered infelicitous when it is acknowledged as inappropriate, misunderstood or not fitting in with what was previously considered conventional (Austin, 1975:16). Again, using Searle's logic, X is performing something other than Y-ness in context C which thus cannot be understood to be appropriate under the circumstances in which it is uttered.

For Foucault (2010) 'in a performative utterance, the given elements of the situation are such that when the utterance is made, the effect which follows is known and ordered in advance, it is codified, and this is precisely what constitutes the performative character of the utterance' (2010:62). This perception can be aligned to Searle's interpretation of social reproduction, in that, the subject must reify specific constitutive rules that authorise a particular status function, which in turn represents the collective intention in order to go on.

3.13. Conclusion

The *Security, Territory, Population* lectures delivered by Foucault, followed by *The Birth of Biopolitics*, sought to examine the comprehensive subjection processes that rendered individuals knowable and intelligible for rationalities and techniques of government. What Foucault emphasises is the twofold nature of this process of government, a practice of

subjugation and a form of self-constitution (Brockling and Krasmann 2011). In taking an approach that decentred the strategic role of the state he analysed the historical organisation of particular meanings and practices of power relations and how these expanded to global structures of domination. This sense of government, understood as the ‘conduct of conduct’, is the calculated and strategic ways that aim to authorise individuals to divert and guide a population consisting of individuals. Governmental power is circulated and exercised through a web of interactions, or encounters, between state bodies, authorities, institutions, agencies or alliances, and those it seeks to regulate. Governmentality then, is analysed not only as the programmes of government but also on the effect or outcome it has for the population, that is, the “technologies of self” enacted by the population as a result of particular programmes and is thus constantly modifying its ways and means.

Crucial to the analytics of governmentality theory is caution towards the institutionalised nature by which routine becomes ritualised, how certain meanings and practices became objects of knowledge and subject to problematisations (Dean 1999). It seeks to reconstruct why we are governed and how we are governed - what are the rationalities and what are the techniques? As a process of subjectification it concentrates on “what kind of subject is being produced?” (Digeiser 1992:980), what subject positions are enacted, rejected or realigned in order to be understood by others and by the self. Governmentality is concerned with ‘governing’ as ascribed to the mediation of practical knowledge through rationalities and techniques. It is concerned with how these programmes are relayed by the subject, that is, how they are discursively articulated and generated performatively within local systems of meaning be they in the form of hegemonic conduct or counter conducts of resistance. Here, Searle is used to examine the performatives of asylum seekers as they interact with the institutions of the state, and with each other.

The displacement and movement of individuals following WWII initiated the Convention on the Status of Refugees in 1951 in Geneva. This Convention aimed to set up a system of recognition and protection for those dislodged from their homeland. At this time, Arendt described refugees as ‘the most symptomatic group in contemporary politics’, symptomatic of the prevalence of the sovereign nation-state and a loss of citizenship in this global division that rendered them visible to, and subjects of, national and ethnic criteria that determined whether they belonged to the particular political community (Arendt 1951:277; in Gibney 2004:2). However during the 1970’s with the advent of neo-liberal forms of market

orientation and individual freedom, migration in general, and the refugee or the asylum seeker in particular, began to be focused upon as a population to be controlled, regulated and ultimately governed. Such a focus is evident from the decrease in guest-worker programmes throughout Europe at this time and a refocus on building the competitiveness of domestic economies. In one sense, one could view the dichotomous interpretation of citizenship that began to emerge from discourses in Europe throughout the 1980's as dividing the population according to neo-liberal fantasies. However, the severity and harshness by which this materialised, the illiberal practices, is beyond sole market protection and prosperity, or safeguarding the freedom of an enterprising self, as asylum is considered primarily to 'threaten' the territorial borders and undermine the sovereign state. Immigration control became a key feature and platform in defining the modern sovereign nation state, and introduced 'a break in life between forms of life that are described as responsible and those that are considered bogus' (Van Munster, 2009:11), a split between the welcome of 'desirable' migrants and the restriction of the 'undesirable'. In this light the securitisation of migration seeks to examine the rationality of security and the outcome of security practices in relation to the restriction of migrant mobility, particularly focusing upon asylum seekers or refugees.

Post 9/11, the security problematique has widely expanded as more and more examples of 'undesirables' or exceptions are being constructed as 'threats' to national security or territory in the wake of unforeseen 'events'. This plays out as significant methods of 'passive pre-emptive forms of interdiction' (Kernerman 2008:231) or as Bigo (2002) refers to it, the ban-opticon. This is not necessarily confined to the zone of war or 'terror', but even when the normal checks and balances are breached by natural catastrophes such 'events' involve sovereign power. Hurricane Katrina in New Orleans 2005, as described by Dave Eggers (2010) in his novel "Zeitoun", portrayed how easily in the idiom of the 'event' legitimate authority slips into a securitising mentality and practice. Within the ban-opticon abjection is active in exceptionalising the individual or population in question. Agamben has addressed this abjection of the exception in his exploration of 'bare life' or bios. However, I have argued that it is necessary to remain focused upon what is societal and political about the exception in order to rework their demands as counter-resistance. In this sense, the ban and exception enforced upon individuals abjects them to a space without rights or legal standing (Agamben 1998:170,174; Van Munster 2009:144).

Post-structuralist discourse theory serves as a tool for examining the hegemonic governmentality in which such a paradox of inclusion by exclusion asylum seekers reside. In this sense asylum becomes a question of inclusion by exclusion within the social order – in that there are those that are granted refugee status and thus included and recognised as part of the nation and state contributing to the political community and there are those that are included in limbo waiting for a decision while in the interim excluded, abjected at the margins of society, functioning to provide definition for the reinforcement of the antagonism maintaining the hegemonic order. Such a tool delineates a realm of contestation. At moments of dislocation, of structural fault, certain ways of identification become possible, certain decisions become optional and presuppose an act of power.

The next three chapters represent a move in this thesis to illustrate the argument above. Chapter four will endeavour to draw out the political discourses of asylum in Ireland and the performative relation encountered and defined by NGO and media responses, thus eliciting the governmental strategy. Chapter five examines the convergence between the asylum seeker and the legal process of obtaining refugee status, viewing the legal process as a series of dislocatory stages in which the asylum seeker resists. Chapter six probes the account of subject formation amongst asylum seekers.

Throughout these chapters, I refer to a number of people who are seeking asylum: 12 people are from Zimbabwe, Ethiopia, Sri Lanka, Palestine, Nigeria, Russia, Albania and Somalia. Of the 12 informants, 5 are couples with children while 2 participants have a child but no partner. Four of the 12 asylum seekers arrived to Ireland independently while 1 asylum seeker joined her parents. The asylum seekers in this study are aged between 19 and 50 and are at various different stages of the immigration process, 8 have received a negative decision at first instance and a further negative at the appeal stage and so all 8 have applied and are awaiting decision on their subsidiary protection and/or humanitarian leave to remain application. 3 of the informants have refugee status and 1 informant has Leave to Remain status. The majority of the asylum seekers had arranged with an agent to enter the country, where this can mean anything from arranging travel documentation, means of transport, or accompanying the asylum seeker to a particular destination.

It is to the accounts and subjects in these chapters we now turn.

CHAPTER FOUR

4. Historical Organisation of Exclusionary Asylum Discourse

Chapter One and Three introduced various events, dichotomies and approaches that serve as points of analysis for governmental power and charts the emergence of subjectification processes in the formation of the modern state. In this exercise it also drew out the possibility of illiberal outcomes particularly in the case of asylum in Ireland. This chapter aims to enrich the historical organisation and contextualisation of particular meanings and practices that formed Irish asylum discourse. It will situate the discourse within a longer history of exclusionary nation building, and also by further examining the authorisation of individuals to divert and guide the asylum population through restrictive controls, which have been legitimised at the Irish and EU levels. This dual focus on the subject positions created by domestic discourse and on the commonalities of EU and domestic discourse is important for two reasons. First, it enables one to consider what kind of subject is being produced at a broader level beyond my specific case study and, second, it allows me to explore how the discursive frame of asylum in Ireland merges with a global system of domination or mode of subjectification. Suggestive in the analysis is a return to Foucault's understanding of securing circulation within the milieu, within the space of a series of possible events, 'organising circulation, eliminating its dangerous elements, making a division between good and bad circulation and maximising the good circulation by diminishing the bad' (Foucault 2007:18).

You're one microscopic cog in his catastrophic plan, designed and directed by his red right hand...

Red Right Hand, Nick Cave & The Bad Seeds

"When the history of the period between the mid 1990's and 2010 is written, how this country coped will be the most amazing social feature of it...we were always imbued with the idea that people should be treated with courtesy, hospitality, justice and equality."

*Mary O' Rourke, TD
(Dail Eireann 2008)*

4.1 Governing, the intersection of discourse and performative

As previously discussed ‘governing’ is an active process that mediates practical knowledge through rationalities and techniques of government. In this sense it is concerned with how rationalities are discursively articulated and generated performatively within local systems of meaning, particularly as they become institutionalised and accepted as routine. Throughout this chapter I will endeavour to contain this intersection as my focus. Analysis of the Irish parliamentary debates that discussed and constructed the asylum system act as an ideal platform to begin such an intersectional examination. The clash of discourse and performativity in such a context sparks particular investigative questions: how does the state define problems to which they respond; which subject positions and modes of subjectification they engender; which fields of intervention they constitute and which strategies they enact to make their interventions plausible; and lastly, which promises they articulate and goals they hope to achieve this way? (Brockling and Krasmann 2011:18). The aim of this investigative approach is to be mindful of one of the criticisms of governmentality, of the rigidity of its description and its tendency for an all encompassing single history. Instead, this investigative probing of the intersectional platform seeks to maintain the genealogical aspirations of a contingent coalescence of criticisms and social models, and to ‘make the performative relation visible in which governmental strategies and patterns of resistance encounter and define each other’ (Brockling and Krasmann 2011:18).

Broadly, the examination in this chapter of the Irish political debates regarding asylum considers how a discourse of asylum as a ‘problem’ became dominant over recent years. In order to contextualise this aspect, a historical organisation of the emergence of exclusionary articulations of asylum or refugees is examined through its development on the European platform. This in turn is reflected upon how this was translated and adapted in Ireland. This angle of the chapter will draw upon the work of securitisation theorists such as Jeff Huysmans (1998; 2000; 2006; 2008), Rens Van Munster (2009) and Vicki Squire (2009) who have analysed political documents and the statements of prominent EU and domestic politicians as well as popular press cuttings to develop an exclusionary and securitising theory of asylum, and more broadly migration in Europe. The media has played an important role in constructing asylum as a ‘problem’ or ‘threat’, as a security issue, thus my analysis focuses on the popular press in Ireland as well as on political discourse.

The first part of this chapter reads contemporary asylum discourse as a reiteration of the restrictive World War II response to Jewish immigrants during the Holocaust, focusing on maintaining and securing the homogeneity of the Irish Free State in the face of ‘desirable’ and ‘undesirable’ immigrants. However, while the Jewish immigrant was primarily articulated as disrupting mobility through processes of racialisation, the intertwining of Irish discourse with European discourse from the 1970s suggests a rearticulation of the ‘problem’ of asylum through focusing on processes of securitisation. Ronit Lentin (2001; 2004; 2007a; 2007b) has done much work on the racialisation of modern nation states in the face of disrupting mobility such as immigration, particularly in relation to the racial rearticulation of the Irish nation, Irishness and the wider Irish diaspora. ‘Racialisation denotes a process of domination and the relationship of power involved in the assigning of inferiority using bodily signifiers’ (Lentin 2007b:438). While this thesis recognises the sovereign biopolitical power of the nation state in terms of immigration as racial, it follows Squire (2009:45) in considering racialisation as bound within the ‘logic of selective opposition’ and the security problematique in relation to immigration in the EU and Ireland. The ‘logic of selective opposition’ can be understood, drawing on Derrida (section 1.3.2.), ‘in terms of the articulation of asylum as a ‘threatening supplement’ against which the territorial political community is defined’ (Squire 2009:14). Thus this thesis does not say anything about racism per se; instead it discusses the governmentalities that have rendered the link between freedom and security intelligible in the Irish context, and thus the friction of the liberal and unintended effects that coexist in a relation of constitutive tension within a broader discursive frame of inclusion by exclusion. (Squire 2009:47). In short, it has something to say when liberal and security practices come together in exclusionary terms.

The chapter then looks at how the Irish state begins to redefine the ‘problem’ in response to their integration to Europe in the 1970’s that provides an interesting intersectional background upon which to begin to locate their contemporary response. From the 1970’s to the immigration debates in Europe in the mid 1980’s Ireland, for various economic and geographical reasons, was arguably for the most part a passive participant and observer to the issue of asylum and the tensions of the political community it affected. Saying this however, its role was activated in the late 1980’s and early 1990’s with the move in Europe to create a unified and harmonious asylum system in the wake of a borderless internal free market. Such a suggestion elicits a notion of causality, of a primal moving *mechanism* (Elster 1983; Glynos and Howarth 2007:85-94) that is the EU and its desire and goal for an internal borderless

market necessitating restrictive controls in its realisation. However, as argued by Glynos and Howarth (2007) ‘while it can be said that the identification of such mechanisms shows us potentially interesting causal patterns, the latter have *to be explained through greater contextualisation*, and should not be seen as the foundational units with which to *develop* an explanation’ (Glynos and Howarth 2007:96 emphasis in original).

The discursive context that I will discuss is the processes of securitisation, as this was a key interpretative vehicle whereby asylum began to be discussed as a ‘problem’ on a European level. This discourse legitimated the initiation and legitimation of technologies of security that structure the performative encounter. For Ireland, it was not simply that growing immigration numbers that initiated a restrictive response. In the introduction of a need for asylum legislation to amalgamate with European goals, together with modern transportation and communication, coincidentally, numbers began to manifest a ‘crisis’. How this ‘crisis’ was discursively articulated in tandem with the parasitic practices that are embedded in the meaning and action of the performative encounter is the nub of the chapter. This final aspect of the chapter will be addressed through four specific questions: 1) how the state defines the problem of asylum to which it responds in the construction and operation of the asylum system, 2) what are the subject positions and the modes of subjectification on a European level that the state engenders in order to make the system operational, 3) what fields of intervention does it mark out as legitimate, and the strategies it utilises in order to direct and manage the particular population, 4) what promises and goals are hoped to be achieved by this system?

4.2 Exclusionary reiterations: From Irish Free State immigration to asylum

Refugee articulation in Ireland can be traced to the immigration policies of the second world war when there was a move to defend not liberal policy and ‘resist any efforts to impose additional obligations on the Saorstát in relation to such refugees’ (Keogh 1998:117). According to Keogh (1998) throughout the war years there was a constant back and forth between the Department of Justice, who operated alien policy almost solely on exclusion, and the Department of the Taoiseach, de Valera, that considered individual cases and often extended a discretionary liberal hand (Keogh 1998:123). Moreover, there was overt anti-Semitism practised by particular officials within the Department of External Affairs which has been scrupulously documented by Dermot Keogh (1998). Developing this reading of

'exclusivist' discourse further, this section argues that an exclusionary politics is similarly evident during the 1950's to the 1990's when intermittent programme refugees were accepted as well as during the contemporary period of 1996 and beyond in relation to asylum seeking. The analysis draws on primary and secondary material and explores the progression of immigration and asylum discourse during two periods: (a) the 1950's – 1980's and (b) 1980's onwards. Showing how processes of securitisation tend to predominate where there is a dislocation of governance and belonging, it suggests that exclusionary politics of asylum needs to be understood in part as a reactive reconstruction of the territorial political community within a broader context of European integration. Following Squire (2009), while the 'alien' immigrant was primarily articulated as a 'threatening supplement' of a dislocated emerging Irish free state through processes of racialisation, the analysis shows that the asylum seeker is primarily articulated as a 'threatening supplement' of a dislocated territorial order through the processes of securitisation.

4.3 Between liberal and exclusionary politics: The 1950's – 1980's

The 1950's can be posited as a decisive juncture for Ireland in relation to immigration policy because of its signing of the Geneva Convention Relating to the Status of Refugees in 1956 (hereafter referred to as the Convention). During the 1930's and until the ratification of the Convention Bryan Fanning (2002), for example, charts anti-Semitic reflections in Ireland similar to those in Europe by both notables within the Catholic Church and the State. Particularly, the State in relation to its immigration policy conducted external selective opposition in the form of religious interdiction against non-Christian immigrants which were, considering the time, mainly Jewish. It was felt that "Jews do not become assimilated with the native population" and that "the admission of aliens of Jewish blood presents a special problem and the alien laws have been administered less liberally in their case" (Fanning 2002:79-81). During this period religious discrimination in the area of immigration policy became *de rigueur* with official government reports containing 'overt expressions of anti-Semitism for a number of years after the war' (Fanning 2002:80) in a mission of national defence. Therefore this early discourse was largely structured through the lens of racist perceptions of essentialist qualities of Jews versus Irish (and Catholic). Although the signing of the Convention did not result in a retraction of anti-Semitic sentiment it did shift the political obligation towards accepting all those who sought refugee status (Fanning 2002:83). In the decades that followed the signing of the Convention, Fanning argues that Irish refugee

practices ‘remained ad hoc and were guided, to a considerable extent, by pre-Convention thinking’ (Fanning 2002:83). This argument is visible in the unsuccessful refugee resettlement programmes that dotted the decades until the 1990’s.

4.3.1 History of Programme Refugee Resettlement 1956-1980’s

Ireland’s minimal yet visible history of accepting programme refugees began shortly after it’s signing of the Geneva Convention in 1956 at which time it accepted almost 530 Hungarian programme refugees for resettlement. Preparations for the Hungarians were directed by the Department of Defence in conjunction with the Department of Health and the Irish Red Cross. A military base outside Limerick, vacated at the end of the “Emergency”, was chosen as a suitable location to accommodate the Hungarian refugees. A consolidated effort, both within the region and nationally, to greet, befriend and accommodate the Hungarians was duly undertaken with the voluntary sector primarily in charge of their care. A policy of external selective opposition was in practice in Austria to interdict and control the entry of certain refugees in order to maintain the social outlook of Catholic teachings in Irish society. ‘Expectations of religious affinity, within a popular discourse of Catholic solidarity, were accompanied by expectations that the Hungarians would fit in without placing demands upon Irish institutions’ (Fanning 2002:90). Refugees were contained within the camp at Knockalisheen, receiving their daily meals and a meagre monetary contribution from voluntary funds. Although the convention bestowed upon them the right to work ‘considerable efforts were made to prevent the Hungarians seeking employment’ (Fanning 2002:90). Moreover, institutional and governmental failure to set up, agree and implement policy culminated in conflict. Within a year the unhappy and misunderstood situation of the refugees at Knockalisheen began to manifest, ending in a hunger strike. Many of the male refugees requested assistance in finding jobs and even though jobs were found for a few they ended up wandering back to the camp - “...they had got work for not a few, but for reasons he could not explain, some of these had returned to the camp.”³

All were under the impression that Ireland was a stopgap on the way to Canada and the US with many requesting assistance in the acquisition of visas for travel (Ward 1999:42). Thus by April 1957 just 371 persons including 100 children remained at the camp. Others had left

³ <http://www.limerickcity.ie/media/hungarian%20refugees%2014.pdf>

for England, Germany, and Switzerland or had received assistance in travelling to Canada and the US. The subsequent closure of the camp in 1959 with just 18 refugees remaining resulted in the immediate resignation from the Irish Red Cross of two official co-ordinators and controllers of the camp, due to their perception of failure on the part of the Irish Red Cross to attempt to understand the problems of the refugees and its dismal management of the hunger strikers. More significantly, the government's failure to respond to the demands of refugees illustrated an authoritarian, repressive and exclusionary approach to refugees. It is clear that programme resettlement entailed the provision of food, shelter and meagre monetary provision, however, a lack of sustained communication, meaningful integration and long term provisions resulted in a very slim portion of refugees choosing to remain within Irish society.

Following a campaign by a group of Irish people and pressure from the UNHCR a second band of programme refugees were accepted to Ireland from Chile in 1973 in the wake of the Pinochet coup. This programme resettlement was downplayed in order to protect the identities of the refugees. Almost 120 Chileans arrived between 1973 and 1974 and were dispersed to local authority housing in Shannon, Galway and Waterford. AnCo were requested to provide training schemes for the refugees and the VEC was recruited to provide language classes, although these did not materialise until 1977 (Fanning 2002:97). Despite this attempt at a concerted effort after two years few had obtained employment. In the 1980's the Chilean government announced a voluntary repatriation scheme, which saw most of the Chileans return to Chile (Ward 1999:43).

In the wake of a global humanitarian appeal Ireland agreed to accept 212 Vietnamese 'boat people' in 1979. A government committee, the Vietnamese Resettlement Refugee Committee, was established to coordinate the rehabilitation, housing, health and welfare of the impending refugees. However, the responsibilities of this committee were delegated, as with the previous programmes, to civil society. Upon arrival the refugees were housed at a Dublin Hospital for a period of time before being dispersed to various urban local authorities that had indicated availability of local authority housing. The VEC were engaged to provide language training which saw some refugees waiting until 1988 to gain access to the scheme (Fanning 2002:97). AnCo were recruited to provide vocational training to the refugees who had poor literacy skills. As Eilis Ward (1999) has concluded, and due to a lack of published material on the topic, the extent of the involvement of civil and church societies leads one to

conclude that the primary responsibility for the promotion, sponsorship and support of the Vietnamese refugees on a long-term basis fell to certain civil and religious organizations (Ward 1999:44). The Refugee Resettlement Committee reported that in 1989 only 25% of the Vietnamese refugees were economically self-reliant, 16% were very dependent on the agency, 36% were fully dependent on the state for economic survival and 40% had precarious livelihoods (Ward 1999:44). Although some of the refugees adapted and succeeded temporarily in developing businesses within the fast food industry, the majority of families struggled to progress economically due to poor language proficiency (Ward 1999:44).

The most successful of the refugee resettlement programmes was the acceptance of 26 Baha'i individuals in 1985. The National Spiritual Assembly of the Baha'i's in the Republic of Ireland campaigned to the government for the acceptance of 26 individuals under the resettlement programme. Under the agreement of acceptance the group accepted responsibility for the financial burden of the refugees, i.e. it bore the cost of housing, language classes and job facilitation. All Baha'i's took up Irish citizenship in 1990. Ward claims that 'the Baha'i refugees had an entry into Irish society mediated by the network of co-religionists which not only embraced but validated their culture, language and religious differences and allowed their co-existence within the wider Irish society.' (Ward 1999:48). Furthermore, the Baha'i's arrived with transferable qualifications in areas such as pharmacy, accountancy and medicine, professionally visible status roles within communities (Ward 1999:45).

As Fanning (2002) notes the total number of programme refugees accepted in the four decades following Ireland's ratification of the Convention amounted to fewer than 1,500, the majority of whom were subject to the generosity, vigour, and attentiveness of the voluntary sector to address and sustain their interests. The State 'as provider and regulator of welfare developed in a piecemeal manner after 1922 with a tendency to introduce schemes as an ad hoc response to social problems rather than through coherent and systematic planning' (Fanning 2002:95). In the ethos of this piecemeal fashion the State managed to contain, control, repress and exclude refugee populations within society. It is in this background of whimsically addressing the political and social issue of refugeehood that Ireland began to emerge with a 'crisis'.

4.4 Moving from an emerging nation state to Europe: The 1980's – 1993

Political discourse in terms of national identity in Ireland from 1922 up until the 1960's was fervently rooted in the hegemony of constructing Ireland and Catholic 'Irish-Ireland' or Irishness in opposition to Britain, Protestantism or various Northern Irish identities (Fanning 2002:30-33). Burgeoning economic policies by political leaders such as Sean Lemass and Jack Lynch throughout the 1950's and 1960's contributed to Ireland's accession in 1973 to the European Economic Community (EEC). Although European integration was originally dominated by economic concerns, by the mid to late 1980's this had opened up to the idea of open borders and the free movement of individuals and goods with the Schengen Agreement. While a detailed consideration of Ireland's move towards Europe is not the remit of this thesis, a brief focus on its repositioning would seem to be important in broadening the context of the performative encounter, that is, the emergence of the 'problem' of asylum in Ireland as it contributed to the debates in the late 1980's into the early 1990's at a European level. On the one hand, Ireland's embracing movement towards Europe reconstructed mainly economic structures from the 1970's to the early 1990's and so its move, arguably, was not so disruptive to the territorial order of state governance and national belonging. On the other hand, an ongoing opposition or indifference to immigration continued to construct the political community in the racialised terms discussed above. It is, this analysis suggests, in relation to the stagnation of societal progression in terms of multiculturalism in comparison to the repositioning perhaps experienced by other European countries, that asylum begins to emerge as a denial of a 'problem' for Ireland but rapidly advances towards the subjectification process and subject positions of asylum and asylum seekers with which we are familiar today.

If we retrospectively read Ireland as preoccupied with national self-determination and aligning economically to expand into Europe during the post-war period, a movement towards the latter would appear to be inseparable from ongoing antipathy towards its indigenous 'other'. However, although accession and membership to the EEC opened Ireland to a wealth of individuals with the right to freely move and work in Ireland, there was little opposition with 83% voting in favour of accession. This lack of opposition is perhaps unsurprising, as Ireland was traditionally a country of large net emigration following the Famine. Throughout the twentieth century, with the exception of the 1930's due to economic depression, and the 1970's when economic initiatives saw immigration (mainly returning

emigrants) exceed emigration, Ireland experienced out-migration as the norm (Mac Einri and White 2008:135). ‘Out-migration peaked in the 1950’s and 1980’s, with net migration figures for the 1950’s being 409,000 (1/6 of the population recorded in 1951)’ and more than ‘70,600, or 2% of the entire population leaving in 1988/1989 alone (Gray 2006:356-7; Mac Einri and White 2008:153). Thus, in retrospect we could perhaps surmise that a racialised articulation of political community ran alongside its European reconstruction without significant disruption during this period.

4.4.1 European Integration

Within the context of European migration immigration during the 1950’s and 1960’s functioned to maintain labour markets, questions of immigrant legality took a back seat (Huysmans 2000:754; Van Munster 2009:2). Thus in terms of integration ‘the question of third country immigration was not a topic of heated policy debate’ with its area of intervention solely in terms of employment vacancies i.e. where a third country national could be accepted failing the availability of an EU-national (Van Munster 2009:3). This is explicitly addressed in Council Regulation 1612/68 implemented in 1968 guaranteeing and distinguishing the right of movement of nationals of Member states from the right of movement of nationals from third countries (Huysmans 2000:754). Ugur (1995) argues that this decision laid the foundation for ‘fortress Europe’ in the area of immigration (1995:967; Huysmans 2000:754). Moving through the late 1960’s and 1970’s Huysmans (2000) points to a number of ad hoc measures that began to draw together immigration as a cause for concern with restrictive state control, notably intergovernmental fora such as Trevi, the ad hoc Group on Immigration, and the Schengen group (2000:755). This shift was motivated by a desire to protect the social and economic rights of the domestic workforce and political rhetoric ‘increasingly linked migration to the destabilisation of public order’ (Ugur 1995; Huysmans 2000:754). Saying this however, immigration ultimately remained at the periphery, articulated within the continuum of the labour market mainly until the mid-1980’s.

In Ireland’s case, although it became a member of the EEC in 1973 its economic performance remained poor by European standards until the mid 1990’s. This low economic growth coupled with net emigration rates ensured that migration was a topic virtually always domestically discussed in terms of emigration, save for the few refugee programmes outlined above. Interestingly, in 1986 Peter Barry, Minister for Foreign Affairs, reflects the

government's rationale for immigration as still tied to economic reasoning and on the capacity or ability of the country to provide for such immigrants.

“All countries reserve strictly to themselves the right to determine and administer their immigration policies in the light of their own needs. Most countries base immigration on criteria such as their need for skills in short supply, or family relationships to people already resident. Immigration is, therefore, a matter determined by the changing needs, or at least the capacities, of the country of immigration, not on changing patterns of emigration in the countries from which people come” (Dail Eireann 1986).

By the mid 1980's when a 'significant Europeanisation of migration policy took off' Ireland was privy to the intergovernmental fora and thus the discussions of a move towards a common migration policy in the run up to the Maastricht Treaty of 1992 (Huysmans 2000). 'In the framework of the intergovernmental and bureaucratic fora, transnational and intergovernmental policy networks developed which were interested in a co-operative regulation of migration (Bigo 1996:112-145,196-208; Huysmans 2000:755). Specifically, the Schengen Group primarily sought the creation of an internal market; the free movement of persons, goods and services across member states' borders. They were, for the most part, preoccupied with the logistics of such things as custom controls for transport crossing borders, referring sparsely to the need for compensatory measures to maintain internal security (Van Munster 2009:19). Five countries: France, Germany, Belgium, the Netherlands and Luxembourg, under the 1985 Schengen Agreement⁴ consented to remove internal border controls. As Van Munster argues, the first Schengen agreement is interesting 'because it is the first official text in which the abolishment of internal frontiers is discursively linked to the need for compensatory measures in the area of internal security and immigration' (Van Munster 2009:21). Consequentially, free movement and compensatory measures were no longer peripherally distinct, thus the growth and action of one resulted in the growth and action of the other. The meaning of free movement began to be embedded in security practice.

At the time of the Single European Act 1986, ratified by Ireland in 1987, 'much debate surrounded the question of whether the internal market provision would entail the abolition of internal border controls for third country nationals' (Fraser and Harvey 2003:20). The UK was particularly cautious of the removal of border controls and adamant to remain outside of Schengen and so negotiated an 'opt out' concession via a protocol to the Maastricht Treaty

⁴ Of 14 June 1985. This agreement aimed to create a framework to abolish border controls on goods and persons between participating states.

enabling it to opt into its provisions at a later date (Fraser and Harvey 2003:20; Squire 2009:53). Ireland similarly opted out and into the protocol ensuring the preservation of its Common Travel Area with the UK. In the realisation of the Schengen Area the Trevi group, originally set up to co-ordinate the cooperation of policing measures allowing for the abolition of borders, gradually saw the disposition of its actors change and the remit of its responsibilities expand as outlined by Ireland during its presidency of the European Council in 1990.⁵

“The implications for policing which arise from the removal of internal frontiers in the European Community have been under examination by the TREVI group for some time. This group was set up in 1975 when the European Council decided that Community Ministers of the Interior and Ministers for Justice should meet to discuss matters arising in the field of their responsibilities, in particular, matters relating to law and order. The first such meeting took place on 29 June 1976 at which Ministers affirmed their common will to strengthen co-operation in their **fight** against organised international crime and terrorism. Ministerial meetings have continued to be held at regular intervals since then and successive Irish Ministers for Justice have participated in them. In addition, meetings involving police officials and officials of the Ministries of the Interior and/or Justice are held on a regular basis to discuss different aspects of the matters with which the TREVI organisation is concerned” (Seanad Éireann Debate 1990).

“This goes far beyond the area of terrorism, it goes into asylum and other questions” (Dáil Éireann Debate 1990 emphasis added).

It was to be within this original conception of a ‘fight’ that immigration began to be subtly entangled into the area of policing, and ultimately internal/external security.

During the late 1980’s and early 1990’s a special working group of Trevi – ‘Trevi ‘92’ was set up to study the implications of the proposed removal of border controls within the European Community envisaged at the end of 1992 and the common action to be taken at European level to deal with immigration, terrorism, illegal drug trafficking and international organized crime. This specialized group, no longer a majority of transport officials but Justice and Home Affairs representatives working in sub groups, negotiated and challenged the Schengen Convention⁶ (Van Munster 2009:23). It is within the disparate construction of various policy domains in tandem with Trevi ‘92 i.e. Schengen, the AHWGI, and the

⁵ For a detailed discussion and references of TREVI see Van Munster, 2009:24.

⁶ The Schengen Implementing Convention was signed in 1990, but did not enter into force until 26 March 1995. It sets out detailed provisions on the abolition of border controls, the application of common external border controls, police co-operation and measures of responsibility for processing asylum claims (now dealt with under the Dublin Convention/Regulation).

Coordinators' Group,⁷ that immigration in terms of the opening of European borders and European integration facilitated a deeper and complex connection with compensatory measures. It is here that one can identify a process of securitisation emerging at the European level as internal security began to be discussed by security experts (Squire 2009:51; Van Munster 2009:2,22). In fact, Van Munster states that 'only 7 out of the 141 articles' of the Schengen Convention 1990 'do not relate to compensatory measures in the area of internal security with 17 articles specifically addressing the cross-border movement of (illegal) immigrants' (2009:23).

Significantly for securitisation theorists, the Treaty on European Union (or Maastricht Treaty) represents a notable reorganisation and institutionalisation of immigration stemming from the bureaucratic discourses amongst the various groups involved in rendering immigration and asylum issues subject to risk calculations based on the premise of internal free movement. 'Risk management does not focus upon existing existential threats, but seeks to intervene before the situation reaches to the point of extremity in which exceptional measures are called for' (Van Munster 2009:40). Thus the process of securitisation is diffused into the technical everyday management of the events identified as threats to free movement and the internal market. This process was aided by the construction of the Justice and Home Affairs (JHA) pillar. The JHA pillar functioned to provide partial cooperation to communitarise policies relating to justice and home affairs while also allowing those countries who were hesitant the right to veto policies put forward by other member states (Van Munster 2009:51). Ultimately it functioned to provide a space of coordinated mutual recognition and opposition to the areas of common interest:

'...Asylum policy; rules governing the crossing by persons of the external borders of the Member States and the exercise of controls thereon; immigration policy and policy regarding nationals of third country: conditions of entry and movement, conditions of residence, and combating unauthorized immigration; combating fraud on an international scale; judicial cooperation in civil matters; judicial cooperation in criminal matters; customs cooperation; police cooperation for the purpose of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime' (European Union 1992: article K.1. in Van Munster 2009:52).

The JHA pillar was strengthened in the area of security due to the development and exchange of electronic connections through the Schengen Information System (SIS). Moreover, this

⁷ See (Van Munster 2009: 20-35) for an in-depth account of these groups which for example introduced the illegality of undocumented immigration thus identifying, categorising and managing particular migrants as a dangerous population.

was facilitated by the Horizontal Information Group (HIG) linking in the Centre for Information, Reflection and Exchange on Asylum Matters (CIREA), and the Centre for Information, Reflection and Exchange on the Crossing of Borders and Immigration (CIREFI) (Van Munster 2009:57). These groups provide knowledge of subjects as risky or dangerous to be governed through various policies. Electronic interpellations of subjects formed from the structuring, filtering and categorizing of identity checks and migration movement ‘constitute the practical knowledge that make it possible for immigration to be defined and governed through security measures such as visa-regulation, border controls and identity checks’ (Van Munster 2009:57). The organization and institutionalisation of the knowledge of immigration within the JHA pillar suggests a spiral towards insecurity which in turn had the effect of routinely reinforcing security as evident in the post-Maastricht years in terms of intensified border controls, hyper developed knowledge of immigration flows and human trafficking as a means to circumvent controls. In this context, Squire (2009) argues, ‘the Maastricht Treaty could be conceived of as dislocatory of the territorial articulation of governance and belonging’ as the EU gained legal authority to ‘deal with visa controls, immigration, asylum, policing, internal security, law and conventions’ under the Treaty’s third pillar of the JHA (2009:53).

4.5. From ad hoc Administration to the Beginning of Legislation in Ireland

Ireland gradually over four decades (section 4.3.1) began to respond to convention refugee programmes in a piecemeal fashion. It was not until the late 1980’s early 1990’s that the state began to respond in a somewhat responsible manner. The evidence of an evolution of positive engagement by the state to convention refugee programmes is visible in the early 1990’s. At this time the primary responsibility for programme refugees moved from the Department of Defense to the Department of Foreign Affairs. Thus in the early 1990’s the Department of Foreign Affairs merged the Policy Advisory Committee and the Refugee Resettlement Agency to form the Refugee Agency in 1991. This agency was mandated to settle and support programme refugees. It was under the aegis of this agency that approximately 170 Bosnians, displaced by war in the former Yugoslavia, were accepted in 1992. Certain provisions, omitted at the outset of previous programmes, were in place in advance i.e. allocated housing, language training and, importantly, the involvement of the refugees themselves in the daily operation of running the reception centre. Employment remained a problem although bridging programmes were established to provide skills and training for

entry into the workforce. Ultimately, it was the establishment of the Bosnian Community Development Project (BCDP) in 1995 that succeeded in employing Bosnians and extending support and services within the community. The Bosnian refugee resettlement project can be heralded, in most senses, as a success and a model of good practice of government for future programmes even though employment problems persisted (Ward 1999:47).

During this time the emergence and effort of state responsibility coincided with the debates at a European level towards integration and so greater attention and harmonization of migration legislation. Notably, the discussions stemming from the implications and practices of the Schengen Agreement 1985, the Single European Act 1986, the Schengen Convention 1990 and, heretofore unmentioned, the Dublin Convention, led to greater awareness of the need for asylum legislation in Ireland. The Dublin Convention of 1990 sought to establish a system to determine the state responsible for asylum seekers who had migrated within the EU, or to prevent what was later labeled ‘asylum shopping’ (Hurwitz 1999). So far this chapter has predominantly illustrated the movement of debates within Europe towards greater securitisation of migration in the realisation of an internal borderless market. Tangentially it has aimed to illustrate the position from which Ireland participated in these debates in order to provide greater contextualization for the emergence of asylum discourse in Ireland. The final section of this chapter begins to explore Ireland’s repositioning via the specific investigative questions aforementioned.

4.6 How the state defines the problem of asylum to which it responds in the construction and operation of an asylum system.

Legislation was brought forward by Deputy Shatter through Private Members’ Business in 1993. Up until then the state had been basing and operating its immigration legislation on the Alien’s Act of 1935. This Act predated any commitment or progress made in the signing of the Convention and Protocol of 1956 and 1968 respectively, and in one sense, illustrates Fanning’s (2002) point of the ability for pre-Convention thinking to remain throughout the decades following the signing of the Convention. However, it is clear that post-Maastricht (which came into force on the 1st November 1993), the move in Europe towards the co-operation and harmonization of immigration legislation made it necessary that Ireland introduce measures to create its own system at a national level for eventual synthesis at a European level. It is clear that one could posit a causal relation between the mechanism that

is the EU and the necessity to create a legislative asylum system in Ireland. However, how Ireland approached and developed the construction of its legislation is widely symbolic of the context in which this occurred. In this sense we can begin to decipher the repositioning emerging in terms of immigration, that is, how the state defines the problem of asylum to which it must construct the rules of operation. The discussions surrounding the Refugee Protection Bill, 1993 are illustrative of the beginning of this form of government.

4.6.1 “Lord give me a refugee Bill but not just yet”: constructing the rules of operation to meet ‘today’s situation’.

In Ireland prior to 1996 decision-making was based on administrative guidelines in regards to asylum applications, which numbered below 50, and lay in collaboration between the UNHCR, the Minister for Justice and the Department for Foreign Affairs. These guidelines provided a formal arrangement for processing applications, with opposition to determination rarely deviating from the recommendation by the UNHCR who were considered experts in the field. Blatantly, the procedure was chastised as being a secretive, ad hoc, and a discretionary affair with ultimate decision-making power resting with the Minister for Justice at the time. Moreover, stories such as the one below were commonplace in the early 1990’s prior to legislation, as told by Deputy Shatter who, as opposition in government, put forward the Refugee Protection Bill 1993:

“Last November there were extraordinary scenes in Shannon Airport when a large number of Kurdish refugees were physically forced back on a plane flying to Canada. Access to them by individuals concerned about their plight who wished to ensure they had access to legal help was denied by officials at Shannon Airport and they were forced out of the country before their position could be independently clarified. I can tell the House that on the evening in question I made a number of telephone calls to Shannon Airport to try to ascertain the position and I was finally allowed to talk to someone in authority after the plane had taken off from the airport” (Dail Eireann Debate 1993a)

The proposed Bill sought to ensure five primary obligations once an asylum seeker landed on Irish soil, 1) the right to legal advice, representation and access to an interpreter as fundamental, 2) to ensure communication and correspondence between the applicant and the Minister for Justice, 3) that the applicant will be interviewed by an official who is familiar with the provisions of the United Nations Convention and the State’s obligations under that convention, and 4) it guarantees that a person who seeks asylum will be entitled to communicate independently with the UNHCR and will be advised in writing of the decision reached and the reasons for the decision, and finally 5) it provides for a right of appeal to a

newly established refugee appeals tribunal. The Bill was progressive in its intention to provide a transparent statutory system with an appeal process and a move away from such criticism like that of Mr. Krentz, the new representative for the United Kingdom and the Republic of Ireland of the UNHCR in 1993, who described the asylum process as “‘a discretionary thing’ in the hands of the Minister for Justice’ (Dail Eireann Debate 1993a). Prior to the establishment of the asylum system the administrative process was predominantly arbitrary with sovereign power resting with the Minister for Justice to adjudicate and regulate the external signifier of the migrant. The move towards the creation of a statutory process was to provide a clear and efficient system with the ability to identify the ‘genuine’ refugee from the ‘bogus’ applicant ‘in a regular ordered way’ (Foucault 1977:78-81; in Haugaard 1997:77).

However, Deputy Shatters’ proposed Bill reminded the government of the ‘curate’s egg; it may honestly be described as being good in spots. But good in spots is not good enough’ (Dail Eireann Debate 1993a). Moreover, it was still felt that asylum applications were in negligible numbers and that the unnecessary introduction of the proposed legislation was ‘in the nature of a sledge hammer being used to crack a nut’ (Dail Eireann Debate 1993a). The opposition in response, characterised the State’s approach towards refugees as ‘governed by undertones of racism and ambivalence to our international obligations’ (Dail Eireann Debate 1993b). This comment relates directly to the suggestion that Ireland’s position of passive ambivalence towards immigration was marred by lingering racial undertones of pre-Convention thinking.

The government acknowledged the proposed Bill in spirit but opposed it primarily because the *Programme for Partnership for Government 1993-1997* sought to address the need for policy in this area itself, campaigning that a “policy towards treatment of refugees, asylum seekers and immigrants will meet the highest international standards”. Thus, the Minister for Justice, Ms. Geoghegan-Quinn, sought to ‘ensure that this State’s obligations with regard to the rights of refugees are adequately provided for *to meet today’s situation*’ (Dail Eireann Debate 1993b emphasis added). ‘Today’s situation’ to which the Minister is referring is the increasing instance of blurring the distinction between refugees and economic migrants, of connecting asylum to an immigration continuum in the context of the break-up of former Yugoslavia.

‘Asylum is essentially a humanitarian approach by the State to provide protection for those who are vulnerable, in fear of persecution and in urgent need of sanctuary. Immigration, however, is a matter of State sovereignty and it is the State itself which decides, for its own good reasons, if citizens of other States are to be admitted. Europe has now entered a phase whereby increased numbers of international movements of asylum-seekers with very weak or not genuine claims are **threatening the established system**. The development of a Single European Market within the European Community, with no internal border control and joint external borders as one of its aims, combined with the overburdening of the asylum procedures in industrialised countries, and a certain number of abusive or weak claims, will pose **new challenges** for all European Governments including our own’ (Dail Eireann Debate 1993b emphasis added).

The Minister outlines asylum as a humanitarian approach by governments, however, her speech makes it clear that asylum can no longer be considered in isolation and is now tied to the broader spectrum of immigration, and the free movement of persons. Particularly, asylum seekers are brushed as threatening to the ideal of the single market and free movement of European citizens as the overburdening of procedures by weak, abusive claims increases. Implicit in this ‘new challenge’ is the problem of order, of the process of identifying economic migrants, deciphering the refugee from the weak claims of the ‘bogus’ applicant, the ‘desirable’ from the ‘undesirable’. It is this factor that government indicates is omitted from the proposed legislation and debate put forward by the opposition. “It is important that what we do now is right for the *existing situation*, as well as for any potential *future situation*” (Dail Eireann Debate 1993b emphasis added). The Minister continues to outline the ‘problems our European partners have to face, problems which we may have to face in the future and which would have a **severe impact on our economic and social well-being**’ (Dail Eireann Debate 1993b emphasis added).

‘Recent events in Eastern Europe have made people throughout the world aware of the serious refugee problem faced by the European Community. It is on a scale that has no precedent since the Second World War. The most effective way to tackle a problem of this gravity is to have co-ordinated, structured action at European Community level. The efforts of individual countries, while useful and important, are no substitute for close co-operation among member states. The Maastricht Treaty provides such co-operation...**Asylum is a matter of close co-operation**, but it cannot be stressed too strongly that emigration is a matter of State sovereignty. The State alone decides if citizens of other states are to be admitted. However, the map of Europe is changing and Europe needs to respond to this change urgently. A **complex problem** now exists where **increasing numbers** of asylum seekers have claims that are **weak** or **not genuine**. Those people are **eroding the functioning of the current system**. This **problem** is further complicated by the Single Market, with no internal border controls and with joint external borders are one of its aims. In other member states asylum procedures are overburdened and strained. The Community is faced with a complex and difficult **problem** and it is not one that lends itself to easy answers or solutions’ (Dail Eireann Debate 1993c emphasis added).

According to the Minister for Justice in her early differentiation between an asylum seeker and an economic migrant, the phrase “well-founded fear of being persecuted” is core to the definition of a refugee. ‘There may be many reasons that are compelling and understandable, but only one motive has been singled out to denote a refugee...by indicating a specific motive automatically makes all other reasons for leaving a country irrelevant to the definition of a refugee’ (Dail Eireann Debate 1993c). An economic migrant on the other hand, ‘is a person who for reasons other than those contained in the definition, **voluntarily** leaves his country in order to take up residence elsewhere’ (Dail Eireann Debate 1993c emphasis added). The introduction of legislation in Ireland sought to draw on the experience and practices of its European counterparts ‘to achieve the essential balance of due concern for the genuine refugee allied to appropriate measures to ensure that the system is not clogged up by bogus applicants. The experience in Europe has shown that those who would abuse the asylum procedures are those who would seek to migrate to Western Europe by way of the asylum system’ (Dail Eireann Debate 1993c). Thus, asylum seekers, bogus applicants and economic migrants were mashed together in opposition to ‘genuine’ refugees, with an essential balance of concern now allied to appropriate measures. Such a dichotomous polarization is a strategic form of boundary making. The negative aspect of exclusion is symptomatic of the construction of unities, thus the subjectification process of the refugee system and the negative subject positions it sought to elicit mark the asylum seeker as a ‘threatening’ stranger.

In the same debate Ms. McManus acknowledges the streamlining mechanisms that were coming into operation at a European level.

‘These countries are moving towards a Fortress Europe policy, using the armed forces to prevent illegal migration by land, sea or air...Here in Ireland our traditional insularity may well be of little use in the years ahead as our commitment to Europe will be put to the test...our response to this Bill will be an indication of how we, as Europeans, propose to cope with immigration. It is not that it is a Bill about immigration, but it does raise a question about how we have, in our own way, built a Fortress Ireland’ (Dail Eireann Debate 1993c).

Pertinent in this extract, rather than the notable debate on “Fortress Europe” or “Fortress Ireland”, is the emphasis on the dislocation of state governance and national belonging. ‘We’, as Europeans, will be required to place ‘ourselves’ and ‘our’ legislation within the broader context of European integration. In forming the legislation it becomes imperative that Ireland realigns and rearticulates its positioning of the ‘us’ in relation to the ‘them’. Indeed, the heightened tensions between domestic and European renderings of political community

played an important role, among various events and processes, in creating the conditions of emergence for exclusionary subject positions in Ireland. Such dislocations are not effectively covered over by government processes of asylum formation during the early 1990's, but rather they would seem to have had begun to be played out within the Dail debates during the second reading of the proposed legislation as discussed above.

Stemming from this second reading of the proposed Refugee Bill 1993 is a notable move by the government in its opposition to the Bill to restrictively realign its recognition of asylum and immigration in line with the EU, which progressed with full force by the late 1990's towards a governmentality of asylum in terms of security. The late 1990's can be indicated as a time where territorial governance and belonging were reconstructed in terms that brought Ireland and the EU into an exclusionary relation of mutual equivalence, or collective unity, against the 'threatening supplement' of asylum (Squire 2009:54).

4.6.2. Refugee Bill, 1995 to Refugee Act 1996: Ireland is not part of Fortress Europe

Despite the governments recognition of the escalation of migration related security concerns at a European level the Refugee Bill 1995 was deemed progressive yet remained an "Irish solution to an Irish problem". It was deemed progressive in that it expanded the Convention definition of a refugee to include within the definition 'persecution for reasons of gender, sexual orientation, or membership of a trade union' (Dail Eireann 1995). Furthermore, it sought to provide an extensive appeal system. It claimed to seek out the 'genuine' applicant by addressing core statutory obligations. Firstly, onus was now placed on the immigration officer to identify an applicant, to make them aware of their rights, provide an interpreter 'where necessary and possible' upon arrival, and was also obliged to give the applicant leave to enter the State. Secondly, once an application for refugee status had been made it was to be referred to the Refugee Applications Board and the UNHCR was notified. Thirdly, the applicant had permission to remain in the state until his/her application was determined including appeal stage. During their stay, and pending the outcome of their application, the applicant is not entitled to work, as the government did not wish 'to create conditions which could make it attractive to abuse the asylum procedures', it sought to minimise the 'pull factors' from the outset. Fourthly, an independent commissioner, who will make a recommendation to the Minister, will determine the application. The commissioner will have at least seven years experience as a practicing barrister or solicitor and is required by the Bill

to be independent in the exercise of his or her functions. Fifthly, the right to an interview by an authorised officer became a necessity in the Refugee Bill of 1995 and this authorised officer would report to the commissioner on the application. Lastly, the JHA pillar of the European Community in charge of immigration matters concluded in 1992 a resolution to identify ‘manifestly unfounded’ cases. The function of this special procedure of ‘manifestly unfounded’ cases was to weed out those applications that were perceived as not genuine and as potential abuse to the system. Thus, if the commissioner perceived an application as manifestly unfounded, then he/she may stop the application and inform the applicant that it is considered unfounded at which point the applicant will be given the opportunity to forward his/her case to the contrary. If the commissioner is still of the opinion that the application is unfounded he/she can declare it so. The applicant can then avail of the appeal system in order to prove his/her case simply warrants investigation. Should the commissioner, after a full investigation, make a negative recommendation on an application the applicant has the opportunity to avail of the appeal board. The appeal stage provides the applicant with the occasion of an oral hearing before the appeal board who can then make the final decision on the application. The minister has the power to reverse a positive recommendation only in the context of a threat to national security or public order, otherwise he is obliged to conform to the recommendation of either the commissioner or the appeal board. In the case of a positive recommendation, in that the applicant receives refugee status, it is then possible for the applicant to request that close family members, where a dependency relationship can be proved, can be admitted to reside in the State also. The refugee and his/her close family members will be entitled to similar rights as Irish citizens i.e. right to reside and travel freely, health, social welfare, housing, education, employment, religious freedom and access to the courts (Dail Eireann 1995b).

The Refugee Bill of 1995 which was passed and enacted as the Refugee Act 1996 was perceived as being markedly different from its European counterparts in that it provided an expansion of the Convention definition, maintained its collaboration with the UNHCR, and a fair appeal system to ensure all rights were afforded to the applicant. ‘In finalising this legislation we have an opportunity to put down a clear marker not only nationally but within the context of the EU, which will ensure that Ireland is not part of the fortress Europe which we see rising around us’ (Dail Eireann 1995b). It seems almost assumed that the subjectification process, or governmentality of refugees created by the legislation and its subsidiary bodies had boycotted the pitfalls of its European counterparts and was sufficient to

process the relatively small numbers of asylum claims to Ireland. It became the first statutory legislation in Ireland as regards asylum. It was envisaged that the Act would become fully operational once recruitment of staff was completed in order to efficiently propel the new independent bodies created within the new system, and thus deal with the backlog of applications. Although the debates leading up to the construction of the refugee system were somewhat based upon European experience, and the passing of the Refugee Act 1996 discussing who and what the logistics aimed to achieve, the reality of the operation as it sprang into motion created a spurious conception of the refugee system. The state's reaction from 1996 onwards provides greater depth for investigating the subject positions and the modes of subjectification that the state engenders in order to make the system operate according to specific ideals.

4.7 What are the subject positions and the modes of subjectification at a European level that the state engenders in order to make the system operational?

4.7.1. *'Illegal immigration at a level unheard of...': narrative of numbers*

At the end of 1997 the fundamentals of the Refugee Act 1996 remained stagnant. There was prolonged interdepartmental difficulty in recruiting and financing the additional staff required to process applications and more importantly a High Court injunction preventing the appointment of a Refugee Applications Commissioner under the Act. The Minister for Justice, now Mr. John O'Donoghue, ordered sections 1, 2, 5, 22 and 25 of the 1996 Act to commence, these sections together with the Hope Hanlon procedures (an updated version of the Von Arnim letter) provided both the legal and administrative system upon which the application process was to function. As the number of asylum applications began to surmount; 39:1992, 91:1993, 355:1994, 424:1995, 1,179:1996 to 3,883 in 1997, the increased circulation of asylum seekers and the backlog of cases due to much of the processual aspects of the Refugee Act of 1996 being unimplemented, asylum seeking began to be focused upon as solely a 'problem'. As one politician pre-empted '...the present delay in processing these applications is undesirable and is giving rise to tension which ultimately results in a very unhealthy type of politics' (Dail Eireann 1997a). Myths began to circulate in the media of 'Ireland being swamped by refugees' when 'in fact between 1996 and 1997 Ireland came 5th from the bottom of the league among the EU countries in regard to asylum applications.' (Dail Eireann 1998a).

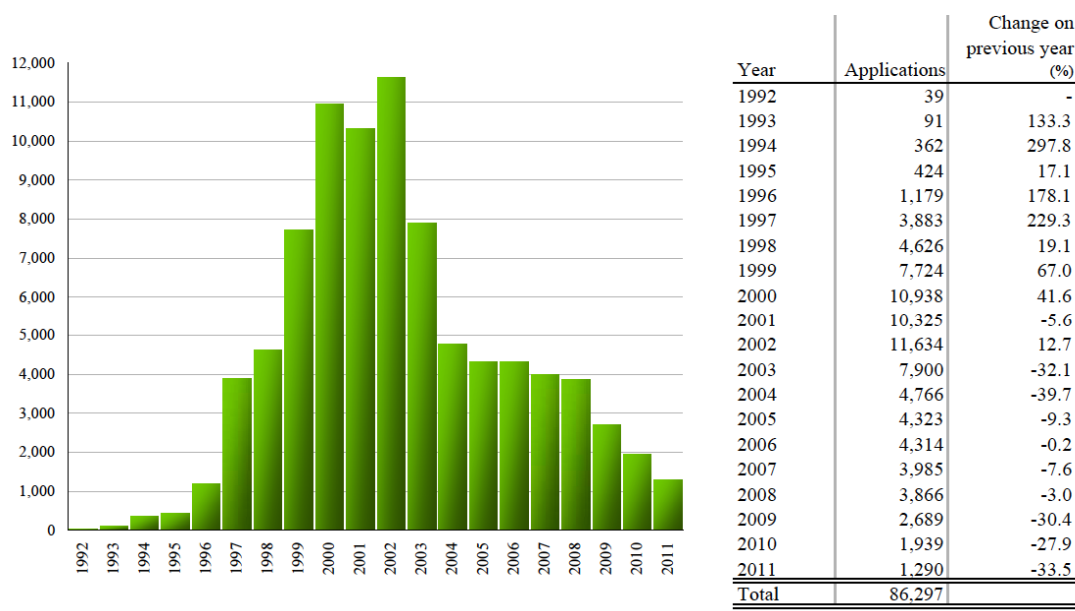


Fig 3: Number of applications per year from 1992 to 2011 (ORAC Annual Report, 2011)

With the surmounting background of cases and the development of mythical swamping, 1997 can be pin-pointed as a year within which both legislation and media discourse converged to focus heavily upon the articulation of the biopolitical nature of the asylum seeker as a burden on welfare resources, a migratory movement to Ireland in need of restrictive control, and as a criminal activity. Paul Cullen (2000), development correspondent for the Irish Times from 1996 - 2007, commented on the journalistic exaggeration and insensitivity present in the media during the years 1996-2000 in relation to the plight of asylum-seekers. ‘Emotive language has been widely used to whip up widespread fear of new arrivals’ (Cullen 2000:37). He draws on a selection of national newspapers headlines to highlight this:

‘Services face overload as refugee flood continues’ – *Sunday Business Post*, 18/5/97

‘Why Irish Eyes aren’t smiling on the great Romanian invasion’ - *Irish Independent*, 23/5/97

‘Floodgates open as a new army of poor swamp the country’ – *Sunday World*, 25/5/97

‘Crackdown on 2,000 “sponger” refugees’ – *Irish Independent*, 7/6/97

‘Gardai move on dole fraud by daytrip refugees’ – *Irish Independent*, 5/5/97

During 1997, the Irish Times articles similarly report in a more subtle way that the ‘**scale** of the increase is **astonishing**, and **threatens** to **overwhelm** the **modest resources** allocated to

deal with asylum seekers' (Cullen 1997 emphasis added) and that 'the increase in numbers has added to the **burden** on community and welfare services' with the Minister for Foreign Affairs Ms. Joan Burton "“**very worried**” that unscrupulous agents are targeting Ireland as an easy country in which to smuggle people' (Editor 1997). The election campaign in 1997 was the first in which race had overtly been an issue. 'Resentment against immigrants from Africa and Eastern Europe', which has been 'simmering under the surface of media campaigns, but emerging directly on the doorsteps' (O'Toole 1997). In Cork, one election candidate stood solely on an "immigration control ticket" stating: 'I value the level of homogeneity we had in this country...I don't want us to end up with cities like Bradford or Notting Hill...Political asylum is not a human right, it's a charity to be extended by a government...Let's put Romania on a white list this week' (O'Toole 1997).

Interestingly, these articulations of nationalistic sentiment relate to and emphasise the idea of the nation as a social and political organisation structure. National identity and nationalism has been a primary mode of collective identity in modern times (Billig 1995). Michael Billig's theory of banal nationalism emphasises the routine and common everyday nationalisms expressed by individuals through their discursive consciousness (1995:6-7). This type of nationalism becomes particularly evident in times when specific circumstances threaten the previously understood way of life. Language such as 'flood', 'influx' and 'swamp' represent the visibility of immigrants in Irish society and so simultaneously represent both the nation and those considered excluded from it. Ireland's territory was transforming into a desirable host destination for immigrants rearticulating the political community in terms of its taken for granted knowledge, expressions and social practices. Emphasis on the understanding of 'pull factors' was a common mode of outlining and defining the response of the government. "Images aimed at tourists attract refugees as well" (Cullen 1997). "Now that the economy is doing well, and we have a high-profile boom, we have become more attractive to come to" (Cullen 1997). Understanding the 'pull factors' in domestic economic terms served to reinforce the immigrant as an economic migrant legitimising the increase in asylum applications due to weak, bogus or abusive asylum claims. 'Juxtaposing the terms "immigrant", "illegal" and "refugee" in such a haphazard way, creates the provocative impression that the people in question are breaking the law' (*The Irish Times* 1997).

It became evident to the Minister for Justice that with increasing numbers it was almost impossible to maintain a liaison with the UNHCR on each application and the speedier process as was drafted in the Refugee Act 1996 was desperately needed. In this context the state bodies now began to get more involved in the operation of the asylum process providing knowledge of the asylum population. On 29 June 1997, the Aliens (Amendment) (No. 3) Order 1997 (S.I. No. 277 of 1997) came into effect. 'By virtue of that order, an immigration officer may examine persons arriving in the State from Great Britain or Northern Ireland for the purpose of determining whether he or she should be given leave to land in the State... These controls were justified due to the evidence of **abuse** of the common travel area by people with no right to enter Ireland. Almost 1,000 have been detected trying to enter the State illegally since the new measures took effect' (Dail Eireann 1997b). Controversially, this Order effectively ended the Common Travel Area between the UK and Ireland as immigration officials could now examine persons who do not fit the 'normal criteria' crossing the border (Tynan 1997). Human rights groups strongly criticised the measure as racist, as identity markers such as non-white travellers and accent were more likely to be utilised by immigration officials who boarded buses and trains from Northern Ireland thus binding racialisation with the logic of selective opposition.

Governmentality scholars stress the role of numbers in the production of knowledge in relation to the object domain, in this case the illegal immigrant. Xavier Inda (2006) outlines how enumerative numbers generate the size and scale of the object domain, whereas surveying numbers i.e. percentages, averages, rates etc., generate an overall probable picture of governmental domain (2006:65). Thus in the development of the asylum system in Ireland the techniques of counting the scale of illegal immigration, articulated as 'influx', 'flood' or 'swamp', served to legitimise restrictive legislation of governmental control as regards illegal immigration and to effectively mark out the asylum seeker as a 'problem', 'burden' and 'criminal'. 'The evidence collected by immigration authorities has prompted renewed Government concern that Ireland is being targeted by organised gangs specialising in the trafficking of refugees or in social welfare fraud' (Cullen 1997). Squire (2009) argues that the 'managerial articulation of asylum as a 'problem' of increased numbers of unauthorised entrants is effectively produced through the deterrent technology of interdiction (2009:94). This governmental technology would play a key role in the legitimisation of Immigration legislation, the introduction of calculating authorities, and a policy of dispersal towards asylum in the late 1990's early 2000's.

In May of 1998 the Interdepartmental Committee on Immigration, Asylum and Related Issues concluded its deliberations and reported significant recommendations. It recommended that:

- 1) An amnesty should not be granted to asylum seekers.
- 2) When the additional staff for processing asylum applications is in place, the majority of the staff should be allocated to deal quickly with new applications so as to bring about a speedy and effective system for dealing with new applications while cutting the backlog.
- 3) All appropriate assistance should be given by the relevant public bodies to facilitate the integration into Irish society of persons recognised as refugees or given leave to remain in the State on humanitarian grounds.
- 4) Repatriation, acknowledged by the UNHCR (among other bodies) as necessary in order to preserve the integrity of the asylum process, should, as far as possible, be on a voluntary basis.
- 5) Ireland should participate in the work of the International Organisation of Migration and in the Intergovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia.
- 6) Ireland should conclude re-admission agreements with appropriate countries.
- 7) Legislation should be examined to see what changes might be possible to eliminate abuses of Irish citizenship law in regard to post-nuptial citizenship and the deliberate arrangement of births to non-national parents here.
- 8) New legislation should be brought forward on immigration matters which should cover visas and other pre-entry clearance systems, admission and refusal of admission, residence permits and the regulation of employment, long-term inward migration and a more straightforward system for removal of persons who have no permission to be in the State.
- 9) Legislation should be put in place to criminalise trafficking in illegal immigrants and to penalise persons who employ such immigrants,
- 10) When a new system of residence permits is in place, the providers of publicly funded services such as social welfare, health, education, employment training and accommodation should notify the Department of Justice, Equality and Law Reform of applicants for these services who do not have the appropriate documentation.
- 11) The proposed new immigration legislation should make suitable provision to regulate the immigration of persons who do not need to come in contact with State services.
- 12) A comparative study between Irish legislation and that of EU partners should be carried out to ascertain what changes might be necessary to the Refugee Act to align Irish policy more closely with that of EU partners (Dail Eireann 1998a).

The Government accepted these recommendations and agreed that the new legislation referring to the pre-emptive interdiction of immigrants should be brought forward on a priority basis. To a large extent these recommendations indicate a curtailment and increased regulation of the 'pull factors' for immigrants to Ireland. Saying that however, amnesty in 1999 for those cases stationary in the processual stagnation of the system for 2-3 years, was granted as an exceptional measure. Those who had been in the country and the application

process for more than twelve months would be given the right to seek work here. ‘The government decision which allowed certain asylum seekers seek employment agreed that (i) applicants who had made their applications for asylum on or before 26 July 1999; (ii) whose applications are over 12 months old and have not been finally determined; and (iii) who have been complying with their obligations as asylum seekers may seek employment’ (Dail Eireann 2000a) Readmission agreements together with technologies of pre-emptive interdiction, deportation and criminalisation were to be implemented in conjunction with an update and alignment of asylum policy to its European partners. These recommendations mark an institutionalised approach to the processes of securitisation and criminalisation that the subject position of the asylum seeker became subject to and the modes of subjectification on a European level that the state engendered in order to make the system operational.

4.7.2. Depictions of rogue and bogus asylum seekers

In the realm of refugee systems the Australian system is noteworthy for the way in which it classifies the mode of arrival of asylum seekers, those by boat and those by air, and the conditions of its long-term mandatory detention of asylum seekers, minors and non-citizens, and its forceful deportation measures. These controversial measures implemented mostly during the 1990’s only became subject to change during the Labour government in 2007. However, the detention centres in Australia are pictured as high, razor fenced encampments in the dusty outback where asylum seekers are confined to await determination in isolation from civilisation. Famously, 12 asylum seekers who were already on hunger strike stitched their lips in a further demonstration of the conditions, and delay, in which the system operated. Bertie Ahern, (Taoiseach from 1997- 2008) in his state visit to Australia in 2000 which included an exposition of the asylum system stated that: “I am conscious that the Australian system is probably the best in the world for dealing with immigration” and that “Unlike your system here, the asylum-seekers we are dealing with are not through the process. They are totally illegal...we allow them through the process to deal with them.” (Kennedy 2000). He went on to explain that ‘there were over 1,000 applications from asylum-seekers every month. Whether legal or illegal immigrants, they were all allowed enter Ireland and receive Social Welfare benefits and accommodation “usually better than we would give to our own people seeking affordable housing”’ (Kennedy 2000). Depicting and understanding the operation of the Irish asylum system as processing illegal immigrants indistinguishable from asylum seekers, and of ‘allowing’ the system to determine one as

‘legal’ or ‘genuine’ signifies a crucial break in the traditional humanitarian image of Ireland and even asylum as protection. It signifies a system with a different purpose, one which has evolved and expanded to negotiate the ‘desirable’ and ‘undesirable’ movement of persons to, and within, Europe, and a failure of the Government to orchestrate an immigration system that caters for economic needs separate from the humanitarian request for asylum. Moreover the crude populist reference to asylum seekers getting better treatment than ‘our own’ serves to enhance the conception of ‘bogus and rogue asylum seekers’ and the concern ‘about the block of people coming to Ireland to cash in on benefits asylum seekers are able to claim’ (Donohue 1999) as articulated by TD Ivor Callely. Exclusionary articulations such as these did not just occur on international and national platforms, but in regional media platforms also as depicted in *The Wexford People*. A concern of a ‘refugee crisis’ and the rising numbers of immigrants arriving at Rosslare to the hostility of the local people was voiced in the paper’s editorial:

‘The annoyance of many ordinary Wexford people who are struggling to make ends meet is understandable when they see new arrivals dressed in the latest designer shirts and jeans, eating their meals in a down-town restaurant and relaxing on the balcony of their apartment in an exclusive block, with the bills for their entire way of life being picked up by the Irish taxpayer’ (Walsh 1998).

This narrative serves to naturalise the asylum-seeker-cum-illegal-immigrant as ‘criminal’, a ‘burden’ on resources, ‘spongers’ and ‘fraudsters’ in opposition to the ‘Irish taxpayer’.

In March of 2001 Deputy Shatter challenged the Minister for Justice, Equality and Law Reform to clarify the use of the term ‘bogus’ applicant that was appearing in media articles in relation to asylum seekers and whose origin seemed to be associated with his department. In response to this the Minister answered that:

‘There is a reality that the asylum system currently operating internationally is being misused and many would argue being extensively abused with large numbers of persons seeking protection under the Geneva Convention for the sole purpose of evading legitimate immigration controls in order to gain a foothold in countries for economic reasons. The UNHCR in the past has also expressed concern about the abuse of the asylum determination systems. Governments and agencies involved are spending vast amounts in dealing with unfounded applications. As well as the heavy financial burden that this places on national exchequers and taxpayers in the receiving countries, it is also diverting resources – both financial and human – away from dealing speedily with those persons whose claims for refugee status are well-founded having regard to the provisions of the 1951 Convention and the 1996 Refugee Act. It is also the reality that our asylum determination process is being abused by traffickers and people smugglers’ (Dail Eireann 2001a).

The treatment of the refugee system in economic terms, as a system to be efficiently coordinated and administered by competent policies that reduce the burden on national exchequers serves to justify the increase in restrictive controls. The growing dominance of the asylum seeker depicted as a burden on resources, abusive of the system and bogus in his/her claim for asylum is evident in the statement above.

4.8 What fields of intervention does it mark out as legitimate, and the strategies it utilises in order to direct and manage the particular population?

4.8.1. The Emergence of Restrictive Controls

“I was interested to hear the UNHCR representative speak on discouraging the abuse of asylum procedures. He said that a number of migrants seeking employment, rather than protection from persecution, circumvent legal immigration regulations and request asylum...such abusive claims have greatly contributed to the confusion between refugee and illegal migrants and, in turn, reflect negatively on the asylum institution and, hence, on bona fide refugees. The UNHCR also underlined another major concern of states and the UNHCR alike namely, the phenomenon of asylum seekers who leave countries in which they have found, or could have found, protection in order to seek asylum elsewhere.” (Dail Eireann 1998c)

Interestingly, Ireland’s use of the UNHCR as an authoritative voice and expert in the area of asylum and refugees at the beginning of legislative discussions moved from being one concerned with the plight of refugees and thus a humanitarian focus, to one of legitimising the need for restrictive control and compensatory measures. In the above statement, implicit is the notion of ‘desirable’ and ‘undesirable’ migrants indicating the necessity of intensified restrictions for the development of a liberal and humanitarian approach to immigration and refugee protection. It is the reference to ‘abuse’ and ‘abusive claims’ that is indicative of the exclusionary dimension inherent to this approach, in which political community is defined against the asylum seeker qua ‘culpable’ or ‘threatening’ subject (Squire 2009).

Ireland opened a one-stop-shop for asylum seekers on Lower Mount Street in Dublin in October 1998. It was envisaged that this new office would house the newly recruited officials processing applications, the appeals authorities, UNHCR, Eastern Health Board and medical screening. It was acknowledged by the Minister for Justice Mr. O’Donoghue that the Refugee Act of 1996, hailed as progressive and an example for other European countries, was envisaged to deal with 300-400 applications per annum, not the 4,000 plus applications that were submitted annually by 1998. Furthermore, the Act only provided for the appointment of

one refugee applications commissioner and one appeal board with no powers of delegation, neither did it provide legal advice nor representation for asylum seekers throughout their application. By the end of 1998 with more than 5,000 applications for asylum already on hand and a further 4,000 applications by the end of October 1998, the legality of deportation and repatriation agreements began to be reconsidered.

In February of 1999 the Minister for Justice Mr. O'Donoghue brought forward the Immigration Bill 1999 'for putting on a statutory footing the principles governing the power to deport and the procedures to ensure that the rights of individuals are respected when deportation is being contemplated in any case', in short, 'the policy is one of welcome, consistent with the administration of justice' (Dail Eireann 1999a). It was the intention of the Minister, with the proposed new Bill, to put provisions in place in order to allow the Minister legislate these matters of deportation by way of ministerial orders. 'Its sole purpose is to provide powers, principles and procedures regarding the deportation of non-nationals' (Dail Eireann 1999a), thus in essence, to transfer sovereign power of deportation decisions to the Minister for Justice. As addressed by Lippert (2004), sovereign power is not solely or necessarily coercive involving extreme symbolic punitiveness, but is also the making and unmaking of laws, ministerial discretion and ministerial decisions on "humanitarian and compassionate grounds" (2004:544). Thus 'it is not the outcome but the capacity to make the decision and have it obeyed that renders it sovereign' (Lippert 2004:545). Mr. Gormley of the Green Party claimed that:

"This bill strips people of dignity, treats them as lesser beings, unequals, as a problem and a burden on the state. We deal with them in a harsh, clinical and bureaucratic manner. That is not the way to deal with human beings.' (Dail Debate 1999)

The proposed Immigration Bill 1999 was criticised by the opposition as being a far cry from the opening speech the Minister gave when he became Minister for Justice. In October 1995, in relation to the progressive Refugee Act 1996, he was quoted as saying: "We are presented with a unique opportunity to reverse the general perception of Irish refugee policy by initiating one which is sensitive, reasonable and which has at its heart the aim of protecting those who need it rather than immunising ourselves against fears which others suffer" (Dail Eireann 1999c). However, with the growing number of applications and the further consolidation of Europe as a Union, Ireland went down the road of 'dry, bureaucratic speech

devoid of sentimentality’ (Dail Eireann 1999c) with deportation seen as essential to the integrity of the system.

“This Bill ensures that there are adequate safeguards in the system not just for failed asylum seekers, but for other non-nationals liable for deportation. It behoves us all to grasp the nettle that deportations will in some cases be necessary and that Ireland is at present without that “inescapable part of a fair and efficient process”. That is why we need this legislation” (Dail Eireann 1999d)

4.8.2. The Treaty of Amsterdam and the Communitarisation of Asylum legislation in the EU.

During 1999 numerous important issues were debated as regards immigration law in the context of the common EU immigration and asylum policy that would come into force under the Treaty of Amsterdam. This tallied with Ireland’s interest in updating and aligning its policies with those in operation in the EU. The Amsterdam Treaty came into force in May 1999, granting the EU competency in interrelated areas of asylum and immigration by moving them from the ‘third pillar’ of intergovernmental co-operation to the ‘first pillar’ of Community Law. In the post-Amsterdam period internal security became more firmly associated with the everyday security of individual citizens as integration was now ascribed at the forefront of objectives for the EU (Fraser and Harvey 2003:23; Van Munster 2009:72). As Van Munster (2009) argues, the concern of the EU oscillated between a ‘freedom to’, in that, there are less barriers to movement, but this was dependent upon a ‘freedom from’ those who would seek to abuse that freedom (2009:74). Thus absolute freedom is ‘tempered to make sure that the free movement of some does not encroach upon the free movement of others’ (Van Munster 2009:74). Thus ‘internal security measures and risk management are developed as defensive mechanisms to protect individuals from encroachment by others’ (Van Munster 2009:74). Ireland notably in the post-Amsterdam years moved towards developing fields of intervention by which internal security measures and risk management could be utilised as legitimate strategies for directing and managing the asylum population.

In an Adjournment debate on a review of Immigration Policy, Deputy Howlin singled out the Minister for Justice as being primarily responsible for ‘a doom-laden, ad hoc policy, as chaos and a shambles’ Deputy Howlin criticised the Minister for ‘the increasingly harsh and intolerant tones that have come to characterise public pronouncements on this issue’ of immigration, drawing in particular on the Minister’s RTE (national television channel)

appearance in which he described the country ‘being swamped with asylum seekers’ (Dail Eireann 1999e). Furthermore he claimed in his speech that:

‘Immigration into this country from outside the EU is a fact of life with which we will have to live. We have two choices – we can see it, as the Minister does, as a problem to be dealt with through restrictions, harsh measures, legal sanctions and deportations or as a potentially positive development which provides us with an opportunity to promote diversity in Irish society and to meet the labour shortages already identified’ (Dail Eireann 1999f).

Deputy Howlin’s comments above clearly indicate the progression towards the restrictive realignment of policy in Ireland in relation to asylum. However, more significantly it indicates the complex notion of ‘absolute freedom’ as argued in the context of EU integration, in that, immigration has become ‘a fact of life’ entailing two choices, either ‘freedom to’ by positively removing barriers for the promotion of diversity and the fulfilment of labour markets or ‘freedom from’ ensuring restrictions and risk measurements are in place for those who seek to abuse the system. Indicative in Deputy Howlin’s speech is a notion of choice, an either/or scenario, which arguably fails to take into account the continuum in which asylum has come to be articulated. Thus Deputy Howlin’s choice that he refers to is not a choice per se but becomes a choice of liberal articulation, of immigration as something to be articulated positively as ‘desirable’ and constitutive of a pro-immigrant stance (Gray 2006), while asylum is something that symptomatically necessitates control and is ‘undesirable’. This ‘undesirable’ articulation is symptomatic of the move by Ireland towards developing internal security measures such as the Garda National Immigration Bureau (GNIB), Carrier liability through the *Illegal Immigrants (Trafficking) Act 2000*, the Citizenship referendum in 2004, together with the policy of dispersal and direct provision introduced in 2000. Such restrictive policies are legitimised as necessary to the development of a liberal approach to economic migration and to a humanitarian approach to refugee protection (Squire 2009:83).

4.8.3. (Carrier Liability) *Illegal Immigrants (Trafficking) Act 2000.*

At the beginning of 2000 the attitude of the Minister for Justice had turned towards the benefits of the harmonisation of Immigration law with other European countries. ‘It is widely accepted that a harmonised approach to asylum matters is by far the best approach’ (Dail Eireann 2000b). In tandem with the harmonisation of immigration law to that of its European counterparts was the language denoting the ‘abuse’ of the asylum system as the rationale for this harmonisation or securitisation of the system, circumvented by its association with

human trafficking. ‘Illegal immigration to Ireland is most often associated with the abuse of the asylum system, which is being encouraged by internationally organised criminal elements who engage in widespread trafficking in human beings across European boundaries’ (Dail Eireann 2000c). The opposition accused the Minister for Justice as depicting the majority of asylum seekers as bogus and inflaming a populist conception of the asylum seeker as criminal.

‘The Minister for Justice, Equality and Law Reform said that 90% of asylum seekers in this country were bogus. The Minister of State repeated that some time later...In reality what he is doing, and he raised it now again, is going on an alarmist binge about the hordes who are waiting in the shadows to invade this fair island of Ireland only for the Minister for Justice, Equality and Law Reform who stands in their way with the resolute measures he has taken’ (Dail Eireann 2000d).

In order to tackle this ‘abuse’ of the system many measures were subsequently under debate in 2000 i.e. conferring power on immigration officers to carry out checks on persons arriving in the State from elsewhere in the common travel area and to refuse such persons leave to land on the same grounds as apply to persons arriving from outside the common travel area. Also, the Illegal Immigrants (Trafficking) Bill, 1999 sought to criminalise the activities of traffickers and hopefully curb the attraction of Ireland as a destination of choice. Similarly, carrier liability was being considered, in that, a carrier would be penalised should a person travelling onboard its vessel not have appropriate documentation thus extending the external borders and jurisdiction of the nation.

During the preliminary opening debate on the Illegal Immigrants (Trafficking) Bill 1999 Deputy Shatter condemned the Minister’s approach to immigration over his past two years in office. ‘We have seen a series of fire brigade legislative responses to perceived threats to the country or its social structure. The approach of the Minister is symptomatic of the “fortress Ireland” mentality...immigration is perceived as a threat, something to be controlled, curtailed and stopped.’ However, in acknowledging Ireland’s need to move towards harmonisation of legislation in line with that of Europe, considering both the communitarisation of asylum post-Amsterdam and the Tampere Conclusions 1999⁸, such restrictive legislation became necessary in order to feed information from Ireland to data systems such as Eurodac and SIS, which functioned to maintain the efficiency of the Dublin Convention II and knowledge of immigration flows in general.

⁸http://circa.europa.eu/irc/opoce/fact_sheets/info/data/policies/freedom/article_7305_en.htm

The tragedy of the death of 58 immigrants concealed in a lorry in Dover in 2000 acted as an ‘event’ (Dean 2010) that compounded the request throughout Europe for a common asylum and immigration policy that would seal the EU’s borders from the outside and tackle the racket of trafficking that continued on the inside (The Guardian 2001). Such an event marks the actuality of the process, the real seeping in, and provides legitimacy to further curtailments of movement. The Irish government ‘recognises that a strengthening of international liaison with those countries is important in identifying immigration trends and flows and co-ordinating immigration related activities both at a policy level and at a day to day operational level’. Thus the debates introducing the toolbox of restrictive measures to control asylum-cum-illegal-immigration in the effort to propel Ireland in line with its European partners illustrate the dislocations of governance and belonging continually being projected onto asylum seekers, who are rendered as ‘culpable’ and ‘threatening’ subjects and are held up as necessitating the extension of restrictive controls. Arguably, this interpretation of the event was not the only plausible one. The plight of these refugees could have been seen as proof that these people were in a desperate situation, deserving compassion, and a relaxation of the stark distinction between bogus and genuine refugee. However, instead the equivalence link was made to organised crime, thus to the discourse of security.

A similar tragedy that occurred in Wexford, Ireland in December 2001 with a different result: 8 migrants suffocated in a freight container that travelled from Belgium to Rosslare Harbour, which drew national attention to the restrictive security measures utilised by the European Union at their borders. The tragedy at Wexford highlighted what the shortfalls of a common passive pre-emptive exclusion policy as regards asylum within Europe entailed. The restrictive security checks on documents forced irregular migrants into the hands of smugglers in order to secure passage. Furthermore, the tightening up of borders extended the physical borders of European countries making each country responsible for the movement of migrants throughout Europe, in that, each country became responsible for both the migrants arriving at its borders and those leaving its borders. The question asked after the Wexford tragedy was, if those migrants had presented themselves at either the border at Cherbourg or at our border in Wexford would they have passed through? The Minister responded by commenting that ‘it is clear that a policy of control of the external borders alone will not work. There is a need to work with the countries of origin of migrants to try to tackle the root causes of migration’ (Dail Eireann 2001b). Interestingly between the two events, the Dover example above articulates Ireland’s European response to a global issue being that of further

harmonisation of restrictive measures. Conversely, the Wexford example illustrates Ireland's national response of a humanitarian responsibility to aid the factors that force migrants to move.

4.8.4. Direct Provision: Disciplinary and governmental practices

Under the 1951 Convention asylum seekers are allowed to enter a state in order to seek protection, however, the process by which they are scrutinised and examined while in the state is less tolerant. As Squire (2009) correctly points out, asylum seekers that apply are 'already discursively inscribed as 'threatening' transgressors' (Squire 2009). The disciplinary nature of the dispersal and direct provision system in Ireland is widely covered in the literature by legal academics and researchers (Breen 2008, Egan 2000, Fanning and MacEinri 1999, Mafu 2006), and most prominently by agencies providing support to those seeking asylum (i.e. Vincentian Refugee Centre 2004, Refugee Agency 1997, Trócaire 1998, Comhlámh 2001, FLAC 2003). Securitisation theorists view the operation of detention and deportation as a 'criminalising technology that inscribes the asylum seeker as 'culpable' subjects' (Squire 2009). The dispersal and direct provision system is viewed alongside such technologies in constructing the asylum seeker at the diffuse local level as a subject of threat, criminal, and bogus prior to, and in the absence of, deportation.

The policy of dispersal and direct provision within the asylum system highlights the convergence of disciplinary and governmental practices that asylum seekers experience. The exclusionary policy was implemented in Ireland in 2000 as a planning mechanism to ease pressure on housing for asylum seekers in the location of Dublin city where their applications are processed. It was conceived at a similar time to the introduction of direct provision in the UK, to circulate the asylum population in rural localities. 'Given that we maintain a common travel area with the UK... a decision of this character has to be taken into consideration very seriously by any Irish Government' (Dail Eireann 2000d). The allocation of all registered asylum seekers to particular housing centres would allow for greater management of the asylum population. That is, to instil modes of discipline on the individual asylum seeker while regulating the conduct of the asylum population. Thus the establishment of the direct provision system can be seen as an attempt to govern both the individual asylum seeker and the asylum seeking population in a realm beyond the administrative and political. For in one sense the policy is a governmental technology that circulates and distributes the population of

asylum seekers outside of a localised centre and into rural communities, while in another sense also a method of statistically enumerating the population of asylum seekers overseen by the governmental body of the Reception and Integration Agency (RIA). Inda (2006) denotes such measures as “anti-citizenship technologies”. He describes ‘an anti-citizenship technology’ as ‘one that seeks to shape human conduct and achieve specific ends not through the empowerment of individuals but through their incapacitation and containment’ (Inda 2006:127). Although asylum seekers are relatively autonomous within the centres, free to come and go into the local communities, there is a system of monitoring through compulsory ‘sign in’ which institutes a day-to-day routine of surveillance of the asylum seeker by the centre. Although most asylum seekers abide by this daily routine, disciplinary mechanisms are in place should an asylum seeker fail to comply with routinely signing-in. As we shall see later through ethnographic research, these processes constitute an attempt to render these social subjects abject, incapable of reciprocity. They enter a realm of the exception where subjects are not citizens and therefore subject to arbitrary domination.

4.8.5 Significant Actor

In June 2002 Deputy Michael McDowell became Minister for Justice, Equality and Law Reform, succeeding Minister John O’Donoghue. The appointment of Minister McDowell, a member of the Progressive Democrats, is significant as the discourse of the Minister is notably directed towards a neo-liberal approach and the harmonisation and implementation of Irish policy with that of its European counterparts rapidly activating the technologies of security that had been under discussion. Post –Amsterdam Ireland had adopted, like the UK, certain aspects of the Schengen *acquis* which allowed Ireland to participate in some of the provisions relating to police co-operation, mutual assistance in criminal matters, narcotic drugs, and the Schengen Information System, however, its common travel area with the UK remained. Bilateral readmission agreements were negotiated and signed with Romania, Poland, Nigeria and Bulgaria constituting ‘a valuable instrument of an active expulsion policy’ (Dail Eireann 2002) and ‘suggestive of an exclusionary extension of migration control beyond the territorial borderline’ (Squire 2009:97).

The suspicion of abuse of the system by immigrants who did not have any documentation is evident in a response by Minister McDowell:

‘One of the problems in the area of asylum and immigration is that when asylum seekers destroy their original documentation, it is possible for them to create a series of personas. If I can use a Cheltenham phrase such people are able to run a number of horses in the immigration and refugee stakes. The temporary residence certificate for asylum seekers contains fingerprints at present. I would like, generally speaking, to extend this provision to all persons, so that we can determine who is who’ (Joint Committee 2003).

Suggestive of this comment is that the Minister sought to rid the system of the arbitrariness as regards the status of immigrants; whether one is an asylum seeker, a refugee or an illegal immigrant it would mean each immigrant to Ireland being fingerprinted and a record of their data being kept. Such a method is indicative of targeting, categorising and marking out specific individuals as risky. Thus in the move to eliminate arbitrariness in a bid to create a more efficient system what actually is being invoked by the Minister is a precautionary measure of security indicative of the second crisis of neo-liberal governmentality, that is, ‘an inflation of the compensatory measures of freedom’ (Dean 2010:463) where ‘all persons’ are to be fingerprinted like criminals and made visible and knowable for categorisation as risky. Following the logic of security, such a move increases the abjection of the individual, marking them out from the indigenous population and so deepening the exclusion by inclusion.

4.8.6. “If it is a disgrace, it is a disgrace that is common to all Europe” Minister McDowell (Dail Eireann 2005)

The year 2003 saw the Immigration Bill, 2002 being debated, which finally introduced to Irish legislation the notion of carrier liability. With €350 million per annum now being spent on the asylum system the government felt justified to implement such a sanction as ‘the last country in the EU to adopt this measure, which we are required to do by our partners in Europe’ (Select Committee 2003). Apparently, ‘carrier liability is all about telling airlines they cannot move people around regardless of the consequences and they share responsibility for doing so...They are being asked to check whether an individual who, on the face of it, appears to have the right to go to the place to which the carrier is agreeing to carry him or her, that is elementary common sense’ (Select Committee 2003). This sanction of carrier liability was debated in relation to Article 33 of the Geneva Convention, of whether it was stymieing refugee applications or worse indirectly resulting in *refoulement*. The Minister clearly stated that ‘we live in the real world. We are a member of the European Union and we are doing what other European Union member states are doing. It is nothing to do with

immigration' (Select Committee 2003). This last utterance by the Minister is significant in that 'it has nothing to do with immigration', and is suggestive that the sanction of carrier liability is part of a broader subversion of the traditional liberal distinction between public and private. The introduction of carrier liability absorbs carriers into the complex transnational network of security liaison officials extending public-private partnerships. Carrier liability is deployed as a private solution to a public problem, privatising the notion of the risky traveller subject to abject scrutiny and stimuli of self-government amongst private actors.

Again, during such a debate, the need was stressed for a strong migration route in which would-be economic migrants could apply through the correct channels for work visas rather than claiming asylum seeker status and remaining in limbo for years in the system hoping for integration. There was a clear effort being articulated of a need to separate economic migrants from asylum seekers and provide immigration routes through which economic opportunities can be fulfilled. Asylum law had to be specific and different, rather than economic migrants it is dealing with people who are saying that they are in fear of persecution and lay claim for protection here while their application is being considered. Minister McDowell stated that

'No ideological attachment to multi-ethnicity and fairness in the international economic order should confuse us into having an asylum seeking law which will effectively just be a bolt-hole through which everybody walks, talking about asylum until they get established here and then, as is the case, simply abandoning their application disappearing into the work force and announcing that they have achieved their aim and do not want to claim the protection of the Irish State anymore' (Select Committee 2003).

By September 2003 a 50% reduction in applications was recorded, this downward trend was attributed to the Supreme Court decision on Irish-born children (*Osayande v. Minister for Justice*) and in the context of the new legislative measures that were introduced i.e. dispersal and direct provision system, powers to deport, carrier liability and conferring powers on immigration officials.

In the Select Committee debate on the Irish Nationality & Citizenship Bill of 2004 Minister McDowell pointed out the significant teething problems the asylum system faced in the late 1990's. He claimed that 'a significant proportion of asylum applications at the time were driven by a combination of factors: first, our citizenship and nationality laws; second, the simple difficulty the Department had in the early years of putting together systems and

personnel to deal with the issue; third, the system in the Department at that point was very soft and open to manipulation...The State is not as vulnerable as it was to the abuse of asylum-seeking' (Select Committee 2004). Furthermore, the Minister defended the discretionary powers afforded him in the Bill. 'I must be in a position to distinguish between someone I suspect is a sympathiser with extremism and somebody who is not without having the matter decided by the judges. I also need to be in a position in exercising discretion to make judgements on the true motivation of someone in seeking Irish citizenship'(Select Committee 2004).

The Immigration Bill 2004 was labelled as 'a draconian piece of legislation lacking in basic safeguards and divorced from the practical operations of the immigration system' (Dail Eireann, 2004). However, the Minister argued that immigration officers must be conferred with the power to carry out collateral searches on people arriving at the border of the State and draw inferences from documents in their possession. In saying this, the Minister claimed that this daily operation of searching is essential to the system, that 'this is the most elementary legislative underpinning for what happens day in, day out at our common external border' (Dail Eireann 2004a). The external interdictive controls of immigration officers function to maintain exclusionary operations and effects of restrictive techniques of control. Squire (2009) claims that their technique of interdiction masks the dislocations of a territorial order by reactively projecting them onto 'undesirables' such as asylum seekers constituting them as 'culpable' and 'threatening' subjects (2009:95).

4.9. What promises and goals are hoped to be achieved by this system?

4.9.1. GOVERNMENT'S IMMIGRATION POLICY IN 2004

'The government's policy on immigration is to facilitate the orderly migration of non-nationals to the state for a purpose and in a manner which is consistent with the needs of our economy, the security and authority of the State itself, the general welfare of our citizens and respect for the rights of immigrants. The government's view is also that Ireland must, as a fundamental expression of its humanitarian ideals, afford protection to refugees and fair consideration, accommodation and sustenance to those claiming refugee status. The government is determined to ensure that our immigration laws and procedures are respected, upheld and enforced, not alone in the interests of the welfare of our citizens, but also in the interests of the efforts of the international community to combat transnational crime syndicates that exploit and abuse the human rights of migrants' (Dail Eireann 2004b).

The Government's statement on its policy in regards to immigration by 2004 succinctly represents a reconstruction of the political community from which discussions began in 1993. The government's role is now as facilitator of 'orderly migration' in terms that serve the security and authority of the state. The neo-liberal demand for flexible labour brought on by the Celtic Tiger served to open up migration routes to Ireland while domestic articulations of the security and welfare of citizens demands their partial closure. Within this ambiguity migration is divided into its 'desirable' and 'undesirable' elements in terms that define intensified restrictions as necessary for the development of a liberal humanitarian approach to immigration and refugee protection. Migration is now primarily articulated within a neo-liberal framework that views successful efficiency of the system requiring securitisation processes. It is the reference to 'abuse' that is indicative of the subjectification process inherent to this approach in which political community is defined against the asylum seeker qua 'culpable' or 'threatening' subject and in which Ireland is in mutual opposition with its European counterparts.

In January 2005 new arrangements were announced that would lead to the faster processing of applications. The new arrangements allowed for: (i) faster processing at first instance, from 6 weeks to 3 weeks; (ii) faster appeal determinations by the Refugee Appeals Tribunal, 5 weeks to 3 weeks; (iii) full access to legal service will continue to be provided within the accelerated process by the Refugee Legal Service; (iv) dedicated accommodation centres for applicants while their asylum claims are being processed; (v) failure to comply with the residency and daily reporting requirements which will be imposed on applicants at the time of application may result in the imposition of specific penalties set out in statute; (vi) non co-operation with the investigation of an asylum application will continue to have the potential result in a refusal of the application for refugee status. These speedier arrangements allowed for the effective detailing and monitoring of applicants so that should their applications be refused it made them more readily available for deportation.

The Irish Naturalisation and Immigrations Services (INIS) were set up in March 2005. This non-statutory body was an effort to consolidate and provide a 'one stop shop' of the various bureaucratic services for migrants. The INIS was to incorporate the Department of Justice, Equality and Law Reform's asylum, immigration and citizenship functions and structures. It was also to create a virtual link between the issuing of work permits and visas and the Department of Enterprise, Trade and Employment. The service would also include a new

immigrant integration unit to promote and co-ordinate social and organisational measures across the whole spectrum of Government for the acceptance of lawful immigrants into Irish economic and cultural life.

The short-term direct provision measures that were established to deal with the accommodation and dispersal of asylum seekers were, by 2006, creating many complaints. 'From Kiltimagh perspective, unless the clients accommodated in the centre are acceptable to the local residents and contribute to the way of life in Kiltimagh, the centre should be closed' (Dail Eireann 2006a). When 41 Afghan asylum seekers went on hunger strike the Minister was urged to negotiate and open up a communicative channel with the hunger strikers. The opposition blamed the hunger strike on the failure of the asylum system, particularly, 'the lack of compassion in the system, the prejudicial assumption of illegality against applicants, the blind adherence to the Fortress Europe doctrine and the failure to introduce complementary protections for individuals who fall outside the narrow convention criteria for refugee status but who may still be in grave danger should they be forced to return to their country of origin' (Dail Eireann 2006b).

The Subsidiary protection instrument, introduced in 2006, functions to protect those individuals who fall outside the Convention definition of refugee. However, ongoing judicial debates surround Qualitative Directive 2004/83/EC Article 15 that seeks to protect those individuals that suffer from 'indiscriminate violence':

- a) death penalty or execution
- b) torture or inhuman or degrading treatment or punishment
- c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

This definition has provided a clash with the notion of 'differential impact' incorporated into Article 3 of the European Convention of Human Rights, on the prohibition of 'torture' and 'inhuman or degrading treatment or punishment'. Differential impact refers to the 'risks to which a population of a country or a section of the population is generally exposed' but which create in themselves a significant risk and individual threat of serious harm. Indiscriminate violence and differential impact have been played against one another, where either the indiscriminate violence of the situation in which the individual is seeking protection from is not grave enough for them to be randomly harmed, or the differential

impact and threat of serious harm to the individual from such a situation is not individualised enough. It has been suggested that ‘the word “individual” must be understood as covering harm to civilians irrespective of their identity, where the degree of indiscriminate violence characterising the armed conflict taking place...reaches such a high level that substantial grounds are shown for believing that a civilian...would, solely on account of his presence...face a real risk of being subject to the serious threat referred to in article 15(c)’. It seems to operate on ‘the more the applicant is able to show that he is specifically affected by reasons of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection’ (Ronan Toal, Subsidiary Protection & Article 3, ECHR). According to the Irish Refugee Council, between 2006-2010 Ireland has granted 40 applicants subsidiary protection (see fig.4 below for 2010).

Applications for Subsidiary Protection 2006 – 2009			
Year	Applications received	Applications Granted	Applications Refused
2009	1,758	21	56
2008	1,498	7	472
2007	1,341	2	97
2006*	185	0	0

Source: [Department of Justice and Equality](#)

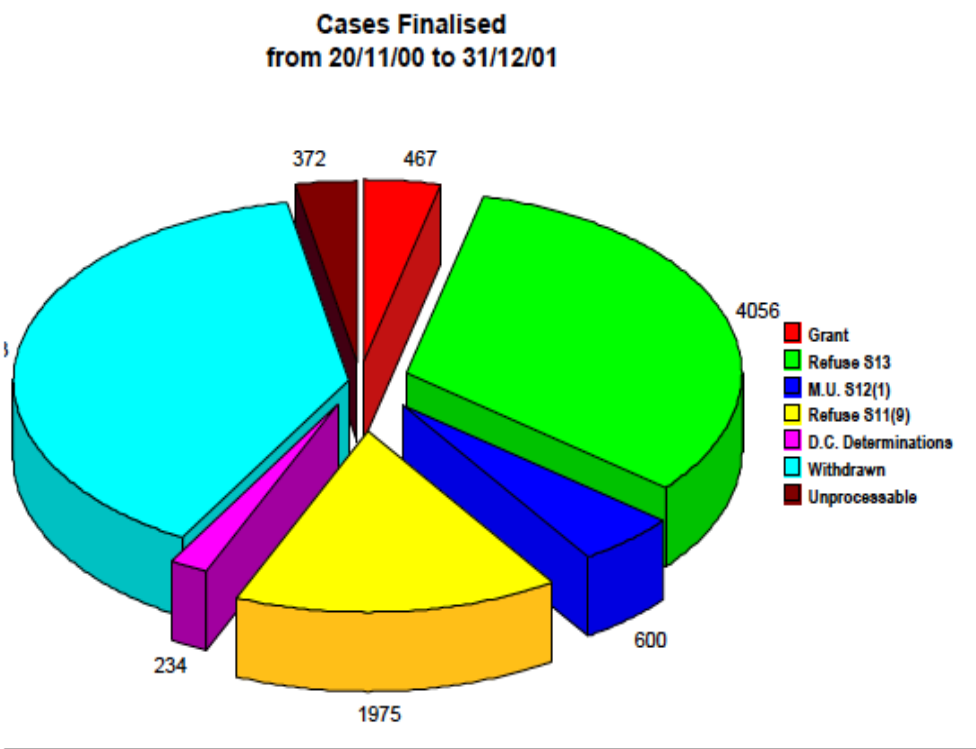
*Subsidiary Protection regulations came into force on 10 October 2006

Fig 4: Subsidiary Protection Statistics. European Migration Network.

The Immigration, Residence and Protection Bill, 2008 was postponed and reintroduced in 2010 and is currently awaiting reading in the Dail. The proposed Bill seeks to streamline the legislative process of the current asylum system. Presently, the system operates as a tiered process rather than a unified system like the rest of Europe. This means that in Ireland asylum seekers in their application declare themselves Convention refugees even though they may be seeking protection under the grounds for subsidiary protection. In the rest of Europe these are considered alongside one another, their applications are not confined to being one or the other. However in Ireland, they must fail official recognition as a refugee in order to be able to apply under the grounds for subsidiary protection. The problem that arises from this is twofold. Firstly, it is worth noting that any entitlement to remain in Ireland to seek protection ends when the applicant receives notice of the refusal of a refugee application (section 9(2) of the Refugee Act 1996). A person who applies for subsidiary protection is in the "deportation process" and has no permission to be here from the Minister. He or she is in fact unlawfully

in the State (section 5 Immigration Act 2004). Upon refusal you are unlawfully present and retrospectively have been since your arrival, if refused you are the bogus. Secondly, is the fact that the grounds for refusal of refugee status carry through to the adjudication process of subsidiary protection, if not legally addressed by the applicant's representative. If this refusal remains unchallenged by way of Judicial Review, or legally addressed by the applicant's representative, then the consideration of refusal by the Tribunal is brought forward and is used by the Minister in determination of the subsidiary protection application, particularly if the claim for subsidiary protection is put forward on the same basis as the refugee application. If new evidence is not produced that differs from the original case then it is likely that the original decision is upheld. Moreover, no communication between the Minister and applicant occurs during this part of the process. This tiered legal recognition system in 2010 produced 98.9% failure of declarations in first instance, that is, recognition as a refugee under the Convention definition, and in 2009 granted 21 applications for subsidiary protection out of 1,758. I have provided two illustrations of statistics below to juxtapose the variation in both numbers and adjudications between the years 2001 and 2011. Our tiered approach to asylum / protection applications serves to enforce the dichotomy in which asylum legislation was constructed - bogus Vs genuine, rather than a move towards a unified system that considers each application on its own merits.

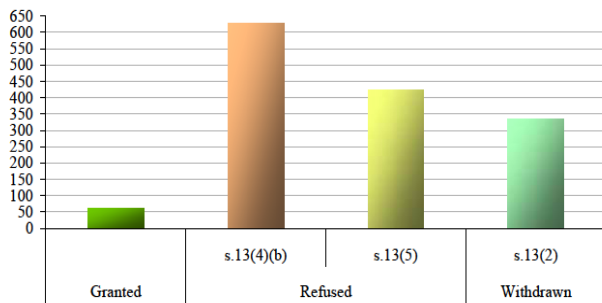
Cases finalised 20/11/00 - 31/12/01



Grant: The Commissioner has made a recommendation that the applicant be granted refugee status.
Refusee S13: The Commissioner has made a recommendation that the applicant should not be granted refugee status.
M.U. S12(1): The Commissioner has made a recommendation that the applicant does not meet the criteria set down in Section 12(4) of the Refugee Act, 1996 and is deemed to be 'manifestly unfounded'.
Refusee S11(9) Where the applicant fails to attend a second scheduled interview the Commissioner makes a recommendation that the applicant should not be declared a refugee.
D.C. Determination: Where it is established that the applicant's claim for refugee status should be determined in another Dublin Convention country.
Withdrawn: Where the applicant has withdrawn from the asylum process.
Unprocessable: Where it has become apparent to the Commissioner that the application is unprocessable.

Fig 5: Cases determined and finalised 2000-2001 (ORAC Annual Report 2001)

Table 13. Recommendations issued 2011



Recommendation *	Total (%)
Granted	4.2
Refused s.13(4)(b)	43.3
s.13(5)	29.2
Withdrawn s.13(2)	23.2
Total recommendations made	1,447

* Excludes cases processed under the Dublin II Regulation.
 Sections refer to those of the Refugee Act, 1996.
 Percentages may not add up to 100% due to rounding.

Fig 6: Cases determined 2011 (ORAC Annual Report 2011)

4.10 Conclusion

This chapter has endeavoured to illustrate the intersection between the discursively articulated rationalities of the asylum process and the practices that are generated performatively at an everyday level through the technologies that become institutionalised and accepted as legitimate and routine. Opening with a historical analysis of post-war Alien policy which was articulated in a discourse of race, and the failure of ad hoc Convention refugee programmes, the first part of the chapter suggested that the articulation of asylum might be conceived as a reiteration of the subject positions of immigration during the second world post-war, developing on an ad hoc basis in the post-war period. In hindsight, one could deduce from the analysis of these failed integrative programmes that Ireland has a longer-standing affinity of governance and belonging that is articulated according to a logic of selective opposition. The analysis also suggested that a wider affinity at an EU level, drawing on the work of Squire and Van Munster, exists with that of Ireland. While the analysis of European discourse provides a background shift towards the enhancement and protection of market economics in the construction of an internal free market for Europe, the exercise by which this is achieved is predominantly through a rationality of security. As Breda Gray observes, ‘the “normalisation and institutionalisation of a governing neo-liberal economic paradigm” (Hay 2004:501) based on the apparently non-negotiable character of external economic imperatives means that politicians and policy-makers have to present themselves within the terms of the neo-liberal framework in order to be seen as credible and competent administrators’ (Gray 2006:358). If the ‘phase of neo-liberalism’ in which ‘no alternative is conceivable’ then ‘a governmental rationality for a social arrangement that relies upon *new kinds of citizen-subject* and *new techniques for governing them*’ must be created (Hay 2004:509, 518; in Gray 2006:358). Security can be considered as a second rationality of governance that works in a complex relationship with economic imperatives. Security creates a ban-opticon that filters to protect the new kinds of citizen-subjects, abjecting those who constitute a security threat, and so must be excluded.

Ireland’s necessity to remove the arbitrariness of the administrative refugee system in operation, and create a statutory system was a move that decentred sovereign power in an effort to create an efficient, transparent, orderly and regulatory system. Sovereign power was diffused into the wider political and societal bodies, alliances and programmes that sought to manage, control and direct asylum seekers. As Dean claims, sovereignty ‘is always an open

question, a matter of historical, political, linguistic and symbolic construction and contestation' (Dean 2007:141). It was also a move in line with its European partners. Significant in Ireland's transition was its initial floundering and denial of a need for such a system and yet its adoption and adaptation of meanings and practices from existent discourses in operation on the issue. Security, or the securitisation of migration marks a crisis in neo-liberal governing where a dichotomous interpretation of liberal democratic citizenship emerges as it succeeds in constructing subject positions of the asylum seeker-cum-illegal immigrant as an undesirable subject, one to be marked out for abjection, as abusive, risky, a burden and a threat. Identifying particular individuals as such renders them exposed to the inflated modes of subjectification, or the technologies of security that harness, regulate, and direct their activities.

Despite negligible tensions between Ireland and the EU in relation to governance and belonging, particularly at the beginning of statutory legislation in Ireland, the analysis suggests that exclusionary processes of securitisation and criminalisation emerge across European and Irish governmental discourse drawing them together in mutual opposition to asylum-cum-illegal-immigration. This discursive frame of EU and Irish discourse binds the territory in which the political community is articulated even though the frame is subject to consistent disruption. It is in this sense of disruption where the intersection between the discourse and the performative encounter are played out that the subjectification process of asylum and the fields of intervention reconstruct the territorial order in terms that divert attention from its dislocation. Specifically, this chapter suggested that the extent of encounters surrounding restrictive asylum policy developments in Ireland have been limited by a wider shift towards restrictive policy changes at an EU level and a dominance of exclusionary narratives that cross party political and press texts (Squire 2009). The crossover of narratives is pertinent for grasping the naturalisation and thus dominance of asylum as a 'problem' or a 'threat'. Squire (2009) argues that this 'brings a contradiction to the very heart of an exclusionary politics; a contradiction that is productive in the sense that it facilitates a covering over of territorial dislocation through the contestation of a selective and exclusionary distinction between 'desirables' and 'undesirables'' (2009:90). In this sense the chapter argued that while the mobility of EU citizens is promoted, the mobility of asylum, abjected as rogue and risky subjects, is channelled through technologies of security such as carrier liability, power of immigration officers or significant politicians, direct provision and dispersal, and deportation. These technologies of security seek to render asylum seekers

increasingly immobile through preventing them from moving, or, in case they move, by restricting and channelling their movement through technologies of risk management or what Bigo (2002) has termed the ban-opticon.

CHAPTER FIVE

5. Negotiating the Immigration System: Whose reality is it?

In the previous chapter I examined the political discourse on asylum, particularly its historical contextualisation as a ‘problem’ or ‘threat’ entailing exclusionary measures. This chapter follows by outlining the limbo period of the immigration process. It focuses on the complex interactions by asylum seekers with immigration officials whilst establishing and awaiting determination of status. This will provide an overarching context within which I explore the mode by which the refugee case is constructed, deconstructed and reconstructed by immigration officials. In particular, the most significant encounter is the *reactivation* of the refugee’s story of persecution via the Refugee Appeal Tribunal (RAT). The bureaucratic and legal process, (the application of the juridical norm), leading to the appeal dissects this story, rearticulates it as a case by making assessments and using specific legal definitions. I argue that in this process the juridical norm and application are separated and instead a Procrustean tactic of power applied.

“Migrants are never purely a machine or a number in a calculus. They are captured in a game of domination and subordination and a symbolic game of defining the good and the right life.”

Jef Huysmans (2000:151)

5.1 Introduction

Heretofore this thesis has used the focus of Foucault's work to examine the development of the refugee system. This chapter aims to continue to draw attention to the multiple practices by which an assemblage of institutions, authorities and agencies act to shape the actions of a population, and the mentalities that normalise these (Dean 1999). In the previous chapter, scrutiny of the parliamentary debates on asylum issues drew out the specific form of governmental power which addresses the administration, control and regulation of asylum seekers as members of the population: fingerprinting, identity cards, dispersal, health screening etc. Foucault's notion of governmentality as a liberal practice oscillates on the notion that individuals are free and at liberty to oppose government in legitimate ways (Christie and Sidhu 2006:451). However, as Mariana Valverde (1996) argues, modes of governance are, in practice, often contradictory, and illiberal moral regulation is sanctioned within liberal ethics itself. Moreover, what distinguishes liberal from despotic regimes is the forms of rationality justifying illiberal action (Christie and Sidhu 2006:451). On this thread I argued in the previous chapter that a rationality of security as a practice of exclusion regulates and controls the flow of people, particularly asylum seekers. This official discourse is reinforced, and legitimated, by the media discourse of portraying asylum seekers as spongers and free loaders. Such rhetoric contributes to justifying their exclusion, placing these people outside the moral order, and into the realm of abjection (Rose 1999:253). Lastly, and what this chapter specifically addresses is the issue that refugees are predisposed to the value of citizenship attributed by states as members of the political community. 'The problem of refugees – the problem that requires intervention – is that they are outside the state-citizen order of things' (Lui 2002:3; Christie and Sidhu 2006:453). Following Pettit (1997), Iseult Honohan (2001) argues, from a republican perspective, that 'anyone subject to the arbitrary power of others is systematically unfree' and that 'such people are unfree even when not actually interfered with', asylum seekers are exemplary of this type of non-freedom. 'Freedom is limited if persistent fear of arbitrary interference forces people to adjust their actions to avert the threat of violence and ingratiate themselves with the powerful' (Honohan 2001:17).

This chapter is an analysis of the construction of the asylum seeker case in Ireland tallied with an asylum seekers experience of the immigration appeal. The reason I choose the appeal stage is threefold. Firstly, I had met the asylum seeker in this chapter two months after she made her declaration as a refugee so the first substantial ORAC interview had already taken

place however her reflections of this are drawn upon. Secondly, the appeal stage is significant, in that, the determination made here justifies the original decision made by ORAC and is also carried forward in any further proceedings by the applicant i.e. an application for Subsidiary Protection/Humanitarian Leave to Remain or Judicial Review. Moreover, the decisions of the RAT are not published and are only made available on a very limited basis depending of the significance of the outcome of the decision (Quinn 2009). Throughout the analysis I endeavour to make immanent the limbo period, that is, the period of ‘becoming abject’ (Rose 1999), of the immigration process. Thirdly, from a sociological constructivist point of view, this stage is ethnographically rich in showing how identity and subject position is performed, rejected by the validating audience, and fought for again. Theoretically it shows social subjects as anything but ‘cultural dopes’ or as passive internalisers of systemically generated subject positions.

5.2 Convergence

In this chapter I address the convergence of the asylum seekers story with immigration officials. When people claim asylum they engage in a series of complex articulations with the immigration system as they aim to reach refugee status, the most significant being when an asylum seeker recounts their story of persecution. It is at this point that their entry creates a convergence, or a dislocatory event necessitating identification processes. Building a case primarily entails a process of loosely articulating the applicant’s story within the legal parameters that define an applicant as a refugee. If lucky, this is done with the assistance of a legal representative, but unfortunately this is not always the case. It is the proceeding process of assessing, defining and refining the applicant’s loose articulation, submitting it as an object of scrutiny for dissection by immigration officials, that transforms the declaration into a *case*. Discursivity, hegemony and truth are the tools that provide the interface between *story* and *case* and therefore influence the articulation of the convergence. These tools are employed by immigration officials and contribute further to the abject period of asylum seekers.

In this chapter I mainly draw on post-structuralist discourse theorists in order to explicate the way in which the story is refined into a case. Building on Gramsci’s relational account of the social formation, that the construction of any discursive formation would entail the exclusion of some elements, Laclau and Mouffe (2001) try to set up the conditions of possibility for the construction of a discursive formation. They argue it will involve the construction of

antagonisms, the division of the social into friend and enemy, 'us' versus 'them'. This polarisation involves the establishment of boundaries, which divide the social and provide some identity to that discursive formation. Every discursive formation depends upon a constitutive outside. It is going to rely on something external and excluded from this formation. The aspect of exclusion is characteristic for the construction of unities, which they argue, depends on the condition of possibility for the creation of that formation. There is always something outside and excluded, and that outside always has the potential to subvert the inside. I employ Laclau and Mouffe primarily to explore how limbo can be considered as a realm of abjection and, also as an appropriate way of describing the hegemonic governmentality that is founded on the discursive formation of the case to fit within the boundaries of the immigration process. I further draw on their use of Derrida to apply their notion of contingency in order to show how the story can be rearticulated as a case. I use their conception of hegemony as an articulatory practice to dwell on the antagonistic forces that maintain the dichotomous relationship and the instability of such frontiers. Lastly I return to Foucault to discuss the notion of truth. The direction of the arguments of the above theorists' assists my own argument, that is, drawing out the complex construction, deconstruction and reconstruction of the asylum seekers story as it is transformed into a case by immigration and legal professionals.

There has been a great deal of interest in the relationship between immigrants and the immigration process of the Irish state (Fraser and Harvey 2003; Drudy 2006; for extensive citation see Mac Einri and White 2008). In this chapter, my interest differs from these various scholars because of my focus on the convergence of asylum seekers with immigration and legal officials. When exploring the immigration appeal the literature often overlooks the impact of the context of limbo or 'becoming abject' (Rose 1999:253) and the convergent application of discursivity, hegemony and truth. The concept of convergence is significant because it reveals the complexity of the articulatory practice as it encompasses the development of story into case. In this process an asylum seekers story is represented, analysed and dissected into easily identifiable parts by Irish immigration officers so that the asylum seekers story can be rearticulated as a visible and intelligible subject position. The antagonism between the hegemonic construction and its constitutive outside in the convergence reflects the tension of the subjectification process and the friction between self and other in the identification process.

Here I will lead to a final focus on one specific phase of the immigration process: the Refugee Appeals Tribunal (RAT), which I examine through an analysis of a particular transcript. Again, it is important to emphasise that my interest is not in the asylum seekers' stories per se, but on the *reactivation* of the process and context within which these stories are elicited and reworked by the convergence of officials transforming them into a case (Glynos and Howarth 2007:116). Reactivation is a Husserlian concept that addresses the activation of the original moment that gets diluted in the process of sedimentation, in the routinisation of the original intuition (Glynos and Howarth 2007:116).

5.3 The limbo of 'becoming abject'

The state of limbo is well represented in Jimmy Cliff's famous song "*Sitting in Limbo*", the state of precariously waiting in a transitory process, in this case the immigration system. Apart from the religious definition, limbo is defined as 'a place or state of restraint or confinement; a place or state of neglect or oblivion; an intermediate or transitional place or state; and a state of uncertainty' (merrimam-webster dictionary) and is a common label attached to the period in the immigration process from declaration to determination in which an asylum seekers identity is plially moulded in various directions by specific authorities and by themselves as they await a decision.

Stemming from Heidegger, social actors are 'thrown into' a system of meaningful practices, an engagement that both shapes their identity and structures their practices. I suggest that this is the case with asylum seekers and that the determination process can be understood as a complex limbo period in which asylum seekers struggle with ontological security as they pass through the intricate transitional phases structured by the immigration process. Crucially for post-structuralists they critically add that structures are ontologically incomplete and that when a gap within social structures is rendered visible through a crisis of events, or dislocation, then it is at this point that the political subject can emerge. Similarly, Giddens' (2004) theory of structuration, which is a useful corrective to any passive accounts (cultural dopes) of structural reproduction, also stems from a Heideggerian conception of social actors binding time and space in an effort to create and maintain ontological security. The human condition of knowing, in terms of a duality of structure, how to "go on", that is, how to apply, adjust and reapply the rules of everyday consequential to inconsequential activities through their practices. I argue that the asylum determination process can be understood as a complex

limbo phase, which has several dislocatory events in which subversion or sedimentation has the possibility to occur in the quest for ontological security. This is particularly evident in the boundaries that are drawn as the determination process proceeds (**fig. 7: Asylum determination process in Ireland**) from one status (asylum seeker) to another (refugee or deportee).

This is an overview of the asylum determination process as it stands at present. At this basic level the process consists of 6 stages.

Entry: Asylum seekers are encouraged to claim asylum as soon as practicably possible. Failure to do so can affect the credibility of their application.

Preliminary Interview: All asylum seekers have a preliminary interview to gain biographical details and to establish the grounds upon which the person wishes to make a claim. This interview is replicated by a standard form (ASY1 form), which is completed and signed by the applicant. The applicant is given a detailed questionnaire to complete and return within two weeks. During this time asylum seekers are encouraged to seek legal advice from the Refugee Legal Service (RLS), or private legal advice. Applicants are photographed and fingerprinted to be issued with a Temporary Residence Certificate/Card.

Substantive Interview: All asylum seekers will have at least one substantive interview. This is carried out by an ORAC caseworker, with an interpreter provided where required.

First Decision: This can several weeks to several months. If the applicant is successful, the asylum seeker then can access benefits and start the process of settling in Ireland.

Appeal: Applicants who receive a negative recommendation are entitled to appeal within 15 working days and to request an oral hearing.

Appeal Decision: If the appeal is not successful the asylum applicant no longer has entitlement to remain in Ireland as an intention to deport is in place following refusal and must choose one of three options: i) Leave the State before the Minister decides on a deportation order, ii) Consent to a Deportation Order or, iii) Apply for subsidiary protection and/or submit representations to the Minister under Section 3 of the Immigration Act, 1999 (as amended) setting out the reasons as to why a Deportation Order should not be made against you.

Fig 7: Asylum determination process in Ireland (www.orac.ie)

At the very beginning of the immigration process, asylum seekers are preliminarily interviewed by ORAC officials to gain mainly registration details such as, biographical details, grounds for their claim and, to issue them with the questionnaire. The questionnaire, obviously via specific questions, provides written evidence by the applicant of their claim for asylum. They are also given the opportunity at this stage to submit a witness statement which allows them elaborate on certain questions should they feel the need. The substantive interview follows in which the asylum seeker is given the opportunity to expand, clarify or reiterate aspects of their questionnaire or witness statement.

On the basis of the findings of the preliminary interview, the completed questionnaire, the substantive interview and any relevant documentation, including country of origin information, the caseworker prepares a report on the application. This report represents a convergence of immigration authorities in the determination of a decision and a reworking of the asylum seekers story to elicit a recommendation on whether or not refugee status should be granted, as well as the reasons for this recommendation. In the case of a negative recommendation the appeal is of greater interest because it can be considered as an effort to ‘reactivate’ a radical political demand (Glynos and Howarth 2007:115). A demand is “political” in the sense that it is ‘referring to a type of action whose objective is the transformation of a social relation which constructs the subject in a relationship of subordination’ (Laclau and Mouffe 2001:153; Glynos and Howarth 2007:115). Arguably, this is the case by which the appeal process is enacted, the asylum seeker rejects the subordination (‘the decisions of another’) as a relation of oppression, that is, a site of antagonism. Moreover, it can be argued as a relation of domination ‘those relations of subordination which are considered as illegitimate from the perspective, or in the judgement, of a social agent external to them, and which, as a consequence, may or may not coincide with the relations of oppression actually existing in a determinate social formation’ (Laclau and Mouffe 2001:154).

This is to say that the asylum applicant challenges the determination of the Refugee Applications Commissioner as an antagonistic subversion of events and attempts to reactivate through a political demand, that is the launch of the appeal, for a rearticulation of events and acknowledgement of the persecutory elements of the declaration.

Limbo, or becoming abject is an appropriate term to apply to the positionality of asylum seekers within the immigration system. Asylum seekers are ‘years living in uncertainty’ (IRC: Roadmap for Asylum, 2011). They are no longer residents of their home country, they are not stateless, nor are they refugees assigned the same rights as permanent residents in Ireland. ORAC dissect and analyse the performance of the asylum seeker in order to rework the story onto the frame of a case in order to make a determination. The immigration process functions as a *dispositif* – that is, as an apparatus to record, interview, research, process and consider the truth of an application for asylum. The case strategy of honing the asylum seekers story to fit within the *dispositif* elicits a Procrustean tactic of power⁹, that is, ‘hacking the heretofore uninjured individual down into the shape of a victim, and, concurrently and simultaneously stretching a victimizer out from that same individual’ (Walsh 2012:16). Procrustes’ ‘one size fits all’ bed options ‘represent crude efforts to force reality into fitting with some arbitrary ideal or standard. Procrustean logic means to simplify a world that rarely, if ever, conforms to our most fiercely treasured ideals’ (Walsh 2012:17). In this sense the immigration process applies Procrustean logic as it hacks the asylum seekers story to fit with the essentialised ideal of asylum seekers as ‘bogus’ or ‘genuine’. In the following section I will examine the asylum seekers story as a function of language, as they try to avoid the short Procrustean bed of bogus, and try to fit themselves into the lengthier bed of genuine refugee.

5.4 Asylum seeker story as performative

The experiences an asylum seeker arrives with, that is, his/her stock of knowledge is communicated through language. Language functions as a means of discursively representing this stock of knowledge, that is the subjective interpretations of their experiences and stock of knowledge, or practical consciousness (Giddens 2004). Language becomes the foundation and apparatus by which we communicate our practical consciousness knowledge. The shifts and changes within this discursive operation occur by linguistic means – all forms of

⁹ ‘In Greed mythology, Procrustes was a sadistic brigand who lived along the roadside near Erineus (Plutarch 2006:6). Legend holds that he invited travellers to rest in his home where he maintained two beds of different sizes, “one small and the other big” (Apollodorus 1921:133). Of course, his victims never perfectly fit either bed, but the villain would murderously reshape his doomed guests until they conformed to his standards... If the sleeping traveller was taller than the length of the bed, Procrustes “sawed off the portions of the body that projected beyond it” (Apollodorus 1921:133). The hapless amputee would simply bleed to death. Travellers that were shorter than the bed would be bound with manacles and fatally bludgeoned into a longer size’ (Walsh 2012:16).

practical consciousness are continually influenced by the societal context, and are part of this diachronic process. Language serves as a vault for a large collection of tacit knowledge. This tacit knowledge provides ontological security, in that it can be reflexively drawn upon without interrupting our processual daily routines. It can be said that in order to learn the predictability of reality, to sustain our ontological security, it is necessary to develop our practical consciousness knowledge. The development of our practical consciousness knowledge is based upon rule-following, the repetition and interpretation of routine within a social context (Giddens 2004).

Focusing on the language of asylum seekers as speech-acts makes it possible to examine the dialectical or relational aspect between the social relations communicated in the instances of convergence with immigration officials. It is not to solely focus on the ‘what’ of that which is being said, but on the function of speech-acts – how they are played out and what they represent. Examining speech-acts in the context in which they are constructed furthers our understanding of what it means to cope, negotiate, and reactivate the process of seeking asylum. In doing so, I suggest that the speech-acts of asylum seekers articulated in their accounts told during the recapitulation of their story provides the language necessary for the convergence of the story with the discursive frame that is constructed during the case process.

As addressed in section 3.12, speech-act theory was developed through the work of Austin (1975) and Searle (1969) to understand and ‘explain how the speaker can intend and the hearer can understand a second speech act from the making of the first speech act, the statement’ (Searle 1989:535). Searle claims that ‘some illocutionary acts (doings) can be performed by uttering a sentence containing an expression that names the type of speech act,’ using his example, “I order you to leave the room” (Searle 1989:536). Butler (1988) also addresses the performativity of speech-acts by explaining that as social actors we perform the ideologies and conventions, the norms, of the social world and in doing so we embody that reality, despite it being a social construct. Consequently, we are convinced that our very performativity provides us with agency, but Butler points out that it is actually our performance of the performance that constructs the social world and its subsequent embodiment (1988; 1997:221).

A ‘performative’ concerns the process by which identification is enacted and iterated in social interaction – both referring to the individuals conception of self within the group and

the group itself (Austin 1975). However a ‘performance’, as understood by Goffman (1959), is ‘all the activity of a given participant on a given occasion which serves to influence in any way any of the other participants’ (Goffman, 1990:26). Austin (1975) claims that the performative utterance meets with either felicity or infelicity, conducive or inappropriate within the context of the interaction. It is here that people strive to communicate and perform ‘belonging’ to a place inhabited and shaped by others whilst attempting to make this place anew for themselves. The symbolic language associated with the particular interaction, represents something that is publicly understandable and which is embedded in routinised practice. In this sense, asylum seekers generate themselves through their stories performatively, ‘but these performances are bound into orders of knowledge, lines of force, and power relations’ (Brockling and Krasmann 2011:14)

Searle’s (2003) analytical approach to the structure of social reality has influenced the contemporary research field, with a focus on the social ontology within political power relations as articulated through collective intentionality, status functions and constitutive rules. These analytical tools, he argues, are operationalised in society through what is distinctly human – our political systems. The discourses and performatives, competing for authority to define these systems, produce specific constitutive rules and status functions that provide premises for a collective intentionality within this social reality, thus arguably defining the boundaries of a relationship of inclusion by exclusion in terms of asylum and asylum seekers in Ireland.

5.5. What is a case?

A case is a discourse, that is, it focuses on ‘the “rules of formation” that condition the production of utterances within a particular setting. ‘The rules of formation regulate what can be talked about; how to talk about it; who is authorised to talk in such a way; and how utterances can be combined in the strategic elaboration of the discourse’ (Torfing 2009:112). A case is also a method of deconstructing and analysing a subject’s positionality and then rework the subject within a discursive formation. As I will show, the asylum determination relies heavily on an investigation of the applicant’s stories akin to a criminal investigation, in that, witnesses are drawn upon for statements, documentation of personal history is analysed, family relations questioned, and the collection and analysis of any other information relevant to the story. In 2010, only 1.1% of applicants were granted refugee status by ORAC (IRC

Roadmap for Asylum Reform, 2011). Conversely, 98.9% were turned down, often – as I will show - on grounds that have an almost Procrustean logic. As I illustrated in chapter 4, the discursive patterns by which these political categories are being constructed and situated is in terms of exclusion and inclusion, of representing ‘genuine’ or ‘political’ as ‘legitimate’ versus ‘bogus’ as ‘economic’ hence ‘illegal’ (Blommaert 2001:417). Consequently, every aspect of the applicant’s performance is carefully dissected and analysed in the search for clues to use as criteria for challenging the ‘truth’, ‘trustworthiness’, ‘coherence’ and ‘consistency’ of an applicant’s claim (Blommaert 2001:417). The applicant’s performance is methodically questioned, queried, and dissected in order to develop credibility of the applicant. The collated documentation and interview are then pieced back together and reconstructed as a case. Finally, the applicant under scrutiny is either accepted as a suitable subject or rejected from Irish society.

The purpose of the case is to render the applicant as knowable and intelligible. As Foucault argues, discourses constitute subjects as objects of knowledge by which they are in turn subjected to, or understood as, specific modes of being. This is the shift by which the applicant comes to be adjudicated by the immigration process as a refugee or bogus asylum seeker. I argue that the asylum seeker is not just a subject position within the discourse but a positionality that can negotiate and affect the discourse. In terms of an immigration case, the collation, investigation, and adjudication constructs the asylum seeker as a subject position, whether their specific mode of being is to be granted refugee status.

Irish immigration officer’s official guidelines for processing and assessing applications “are part of ORAC internal policies and procedures and are not published”¹⁰. In other words, there is nothing dialogic. The rules of the game are defined by the powerful bureaucratic agent and neither the subject nor the legal representative, who is expected to conform to, and is to be judged by, these rules, has any access to them. In an immigration case, the process followed by immigration officials that I compile can be gleaned from a tally of the “Investigation of your application by the Refugee Applications Commissioner”, UNHCR Handbook on Procedures and Criteria for Determining Refugee Status, and from the recommendation reported to the applicant. It is clear that the immigration officer considers all documentation supplied by the applicant in support of her application, conducts interviews to establish the

¹⁰ ORAC customer service response 23.08.2012

full details of the claim for a declaration as a refugee, and gathers relevant country of origin information. “Each application is assessed on the basis of the circumstances of the individual case and having regard to both the subjective elements (the applicant’s own account or personal history) and objective elements (up-to-date information on the applicant’s country or place of origin)” (ORAC correspondence). The ORAC caseworker makes a determination by referring to the objective evidence provided by the applicant in the written and oral presentations while simultaneously assessing issues of credibility. It is here that a determination intervenes to control and manage the acceptance or rejection of the applicant. The process of the case can be considered as having a productive role in the shaping of meanings and identities, linking its determination to imbedded dispositifs as regards immigration.

The movement of the case is diachronic as the layers of discourse that are formed through the various stages of the case take shape (Torfing 2009:112). Consequently, subjects are constituted within the discursive formations relative to the formation of the case, they are tied to their past circumstances, their story, and their performatives, which form part of the discursive meaning by which they can act within the field of possible experiences. Thus the case manifests in relation to the asylum seekers story. However, because of its productive role in shaping meanings and identities, discursive power is intrinsically linked to knowledge, and local forms of power-knowledge are imbedded in institutions, technologies, or what Foucault calls ‘dispositifs’ (Torfing 2009:112).

Although the way in which an asylum seekers story is told is generated performatively, the accumulation of objective evidence together with a consideration of credibility firmly plants the case in an enduring concreteness, so that meaning is established. ‘Thus subjectification designates a potential for action, but always a form of adherence as well – to ideas, and to manners of articulation and recognition’ (Brockling and Krasmann 2011:14). The case constructs meaning from those who are authorised to talk, utter, combine and, ultimately, strategise the rules of the discourse.

In the telling of a story the asylum seeker relays an articulation of herself as a subject, performs agency, but a case absorbs that story into its discursive frame. In articulating themselves as subjects they take part in power relations, thus reproducing and transforming themselves in the manifestation of a determination. The subject is deconstructed and honed

by the various layers of the case as an object of knowledge, while simultaneously being reconstructed as a specific subject by the various bodies authorised to address the asylum seekers claim. This discursive operation constitutes the subject as an object of knowledge by which they are in turn subjected to, or understood as, specific modes of being. This tension is synonymous with the subjectification of the asylum seekers context. The participation of the asylum seeker in the various layers of the process is an important mark of their ‘self-will and agency’ to negotiate the discursive practices (Brockling and Krasmann 2011).

Having explored the terms ‘story’ and ‘case’, in the situation of asylum seekers and their immigration counterparts, I suggest that the case represents ‘an encounter’ (Miller and Rose 2008) with the Irish state where, despite the inequalities of power and rule making the asylum seekers story is constituted through negotiation.

5.6. Convergence of Story and Case

Story and case are inextricably linked, as is the encounter between asylum seeker and the state. Asylum seekers’ stories are entrenched within the case process at the point of their very declaration, yet one cannot be a refugee without such a declaration. Hannah Arendt’s (1958) account of the dialectical constitution of the individual agent captures this paradox nicely:

‘...nobody is the author or producer of his own life story...the stories, the results of action and speech, reveal an agent, but this agent is not an author or producer. Somebody began it and is its subject in the twofold sense of the word, namely its actor and sufferer, but nobody is its author.’

(Arendt 1958:184)

This is also true of identity ‘as an actor is only fully realised in and through action in the public, political realm’ (Allen 2002:138). To quote Arendt again, ‘...without a space of appearance and without trusting in action and speech as a mode of being together, neither the reality of one’s self, nor the reality of the surrounding world can be established beyond doubt’ (Arendt 1958:208; Allen 2002:138/139). Both Arendt’s quotes allude to overcoming the ‘central theme of existentialism: to live is to suffer, to survive is to find meaning in the suffering’ (Frankl 1992:9). Thus our ways of talking about things, our discursive practices emphasise tacitly instilled stocks of knowledge that seek to ensure our ontological security. This is a particularly relevant point in understanding the case and story. To illustrate this point, I now turn to the Refugee Appeals Tribunal text. Saying this however, I will first return

to various layers in the case that are activated as the asylum seeker encounters the hegemonic governmentality that is founded on particular discursive constructions of the subjects, objects, means and telos of government as regards immigration (Dean 1999; Torfing 2009:113). I reflect on this then by drawing upon the *reactivation* of these encounters that occur during the appeal tribunal hearing.

As such, I now present a convergence of discursive formations which encompass the entire process of rearticulating a story into a case, where story as performative and story as discourse merge. Such a convergence highlights the strategies generated in such interactions. It is within this engagement that the tools of post-structuralist discourse theory come into play – discursivity, hegemony and truth. These can be seen to both contest and obscure processes of power. This is the basic premise of post-structuralist discourse theory, using a semiotic dimension it wishes to expose and examine the dialectical relationship that both naturalises and legitimises power relationships. The post-structuralist account assumes that all social relationships are discursive, that they are incomplete partial systems that in turn never dominate discursivity. The mode of rearticulating a story as a case is generated through social interactions, that is the dialectical relationship, in this instance, between the asylum seeker and the immigration authorities. Asylum seekers identities are reworked by immigration officials overtly through their status and covertly through processes of power. Consequently, in this next section, I turn to the concepts that converge to reveal the hegemonic governmentality at work during the limbo period of seeking asylum.

5.7. Discursivity

The asylum seekers story becomes rearticulated as it converges and is reworked into a case, particularly evident from the reflection in the appeal stage of the process. Significantly, the story/case convergence occupies a radical contingency in which context, space and time are reformulated within a field of discursivity. Drawing on the Derrida discussion in section 1.3.2., the melding of story and case evokes the Derridean model of arche-writing in which deconstruction operates to destabilise binary oppositions that appear naturalised and are reworked at the paradigmatic level towards differences of degree. Instead of a system of differences as outlined by Saussure, Derrida introduces temporality into Saussure's synchronic system. The radical temporality that he introduces, stemming from Heidegger, is the notion of *différance*. *Différance* is a complex term that captures the idea of both the

difference between elements and also the production of the differential system itself through a logic of deferral. The production of any trace structure, because there is a surplus of possibilities, is going to be foreclosed or deferred. By adding deferral to the picture Derrida is allowing for the conception of change. Time is the dynamic way in which the structure can be changed, that is, through the exclusion of certain possibilities we have what he calls *différance* or deferral, which over time, is the calculus for change. Iterability is also significant for when we repeat a sign there is always going to be repetition and alteration as an effect of context.

Context, in the Derridean sense, can be thought of as a collection of traces, and if so, then the identity of any element is going to be shaped by its relationship to other elements i.e. certain contextualisation is necessary to identify refugees. Language and the trace can always be repeated in another context, however, when it is inserted into another context, though it is the same trace because it is related to other elements, its meaning is necessarily altered in some way. As soon as you take an element out of one context and put it into another its meaning is going to be altered to some degree. Derrida's dynamic theory of language illustrates that when we use signs a double operation unfolds, an effect of a trace being inserted into a new context is the effect to the identity and meaning of that trace by differences of degree. This perspective of language helps us to recognise that during each process of the immigration system in collating a case from the asylum seekers iteration of her story, the convergence represents a reworking of that story to fit the articulation of a particular context. For example, take the preliminary questionnaire and witness statement, where the questionnaire influences the details given by the asylum seeker, thus influencing how the asylum seeker will recall their story. This is further reinforced in the context of the substantive interview, where the very questioning influences the way in which an asylum seeker will articulate their story. When an asylum seekers substantial interview is recorded, the interviewer's questioning influences its very conceptualisation and therefore the response. The influence of the questioning and the transformation of the answers succeed in creating deferral and difference, or *différance*. *Différance* introduces both a spacial and temporal element that cannot be accounted for, it represents the presence of absence within the undecidable structure. Derrida's discussion of arche-writing as absence, *différance* and iterability can be likened to the convergence between story and case, where the two interconnect. My argument is that although from the outset the reworking of the story to fit into a case is formulated through the immigration process, there is a temporal and spacial absence that is not accounted for by the

immigration system nor the asylum seeker. This occurs not just absently in time and space but affects the context of the story as it is formulated as a case.

5.2 About your Interview

- You will be notified in writing of **a time, a date and a place to attend for interview** in connection with your application.
- If you require an interpreter, every reasonable effort will be made to provide one. You should specify the language or dialect for which you require interpretation when you are confirming your attendance for interview.
- If, for some exceptional reason, you **cannot attend for interview**, you **must contact the Office of the Refugee Applications Commissioner immediately** and outline the reasons.
- If you **fail to attend for interview on a date and at a time fixed and you fail to provide the Refugee Applications Commissioner with an explanation not later than 3 working days from that date which in the opinion of the Commissioner is reasonable, your application shall be deemed to be withdrawn and the Minister shall refuse to give you a declaration.**
- The purpose of the interview is to establish the full details of your claim for a declaration as a refugee.
- You should explain **clearly and precisely** why you are seeking a declaration as a refugee and provide all the information and details relevant to your particular circumstances.
- It is your duty to **co-operate fully and to be completely truthful**. Failure to do so may result in your receiving a negative recommendation.
- You will be interviewed by an Authorised Officer on behalf of the Refugee Applications Commissioner who has received full training in interviewing persons seeking a declaration as a refugee and will have detailed information available on your country of origin.
- A written record of the interview will be kept by the interviewer. You will have an opportunity to review the record and you will be asked to sign each page to confirm that it is an accurate account of your interview. If you feel anything written down is not accurate, you will be given an opportunity to have it rectified during the interview.
- You may submit any documentary evidence or make other written submissions in support of your claim prior to, or at your interview.
- The sole function of an interpreter (if present) is to interpret the interviewer's questions and your responses, accurately and literally. The interpreter will neither offer advice to you nor will he or she express any opinion on the merits of your case. The interpreter is aware of the confidential nature of the interview.
- If you wish to bring a legal representative with you, he or she will normally be allowed to observe at the interview. Your legal representative, if any, will be given an opportunity at the end of the interview to make any points which are considered necessary.
- **There are no facilities for children in the Office of the Refugee Applications Commissioner, so arrangements should be made by you to have your children looked after while you attend for interview.**
- **You should make all information relevant to your application available to the Refugee Applications Commissioner. If you receive a negative recommendation and seek to bring forward additional information at appeal stage, this will be taken into account by the Refugee Appeals Tribunal in assessing your credibility.**

Fig. 8: Information Leaflet for Applicants for Refugee Status in Ireland.

Context, that is, the societal circumstances, or conventions, that form the setting, is a subtle and arbitrary notion which is always present and yet absent from the present because it resides in the space and time of *différance*. However, the asylum seeker's story is positioned within the context as part of a field of discursivity, affecting how the single story is interpreted. The historical context contains significant information about the discourse per se, and by analysing the convergence one can gain knowledge of the social surroundings. The convergence is significant as the discursive formations that story and case form are the socially relevant aspects. When interaction occurs between asylum seeker and immigration official practical consciousness knowledge is discursively articulated, a perception of reality dominant in a specific context. This in turn activates the views on the self and the social surroundings within this *habitus* for the asylum seeker. The asylum seeker moves between different contexts, submitted to different discursive formations, negotiating his/her own position. In this sense the abjective transition is active as the convergence between story and case is underway. Within these official immigration interactions the reality within the specific context is brought to the fore, and particular discursive formations and performatives in this setting are activated – as are the notions of the self. Therefore specific identifications are active in this transitional limbo period reflective in the asylum seeker's common unconscious ascription of 'being a liar'.

The context of the substantive interview itself is generally quite stressful for asylum seekers; they will have been at least six weeks in direct provision by the time their substantial interview date arrives. Within this time they will have heard stories, or been given legal advice as regards the importance of the interview, and how it will be conducted.

“The 20th of May I was really worried. That was the day for the interview. I was told you have to be very careful; you have to be...I was very tired, and you want to talk about anything in the world except for your interview. I went for the interview and I actually, my attitude was, and I don't know how that seemed but I didn't want to look miserable, in fact, I bought new clothes for that. I wanted to look good. I don't know how that seemed, they might have thought, oh right she's lying. But why should I just look miserable, for again just enjoying my right? I think the interview went well, and I'm saying I think because you didn't know, because the person who asks, it was a woman who asked me, she was either really smiling or it was a fake smile and the attitude you have is that, unfortunately, those people are just there to tell you that you are lying so you can't just avoid this and you can't have a friendly relationship with this person, and you just want to finish.”

(AS6, Palestinian, Galway 2011)

In the above excerpt we can see that not only is AS6 worried and nervous but also has a low level of motivation for the outcome of the interview. Regardless, she is conscious of how to

represent herself in the context, how to manage the impressions that will be formed of her, how she will be interpreted or objectified by the interviewer. By *'looking good'* she hopes to somehow manage the 'front stage' and 'backstage' impressions formed by the interviewer which in turn may reduce her proximity for psychological penetration and lessen her vulnerability given 'the situation' (Goffman 1983; Jenkins 2008b). 'The capacity to influence what others do, not least what they do *not* do, through techniques of 'other management', whether direct or indirect, physical or psychological, coercive or manipulative, is, self-evidently, power' (Jenkins 2008b:162) Moreover, in what Goffman calls 'people – processing' encounters of which the interview with ORAC is an example, there is according to Jenkins, a procedural form of the interview within which resources are unequally distributed, 'among other things with respect to legitimate authority to allocate or deny resources or penalties, procedural competence and control of the staging of the encounter in time and place. In other words there is a power difference that is 'situational'' (Jenkins 2008b:165). Overlapping with this situational encounter are situated aspects, such as, the categorical identities of the interview and interviewee that are not random, the process that the interview must follow in order to be considered legitimate (**fig. 8 above**), and the discriminatory predisposition of the interviewer (Jenkins 2008b). 'These factors are both, in Goffman's terms, 'situated', contingent matters of performance during the encounter, rather than 'situational' matters of procedural form' (Jenkins 2008b:165). Consequently, in the very process of story to case, where an asylum seeker tells the story and it is transferred to text influencing factors include space, time and context, and yet these are not overtly recognised in speech and writing. Therefore, it is apparent that discursivity alone does not provide an accurate articulation of the reworking of story into case as it clouds the influential factors of context, space and time. There is no order in a sense, the articulatory practice that Laclau and Mouffe (Laclau 1990; Laclau and Mouffe 2001) develop is to respond to these contingent elements to construct discourses in the field of discursivity and transform the floating elements into moments of a discourse.

5.8. Hegemony

Post-structuralist discourse theorists like Laclau and Mouffe attach themselves to the idea of power as a strategic relationship in order to expand upon their conception of the political. They supplement the Foucauldian perspective of power with Gramsci's notion of hegemony as both a form of practice and a type of political rule. Gramsci was interested in the

strategical relationship of power, how power can be maintained. In the hegemonic sense power is maintained through a balance of force and consent, through passive revolution and transformism, a war of position which is constantly negating and absorbing demands in order to maintain rule. Laclau and Mouffe conceive of hegemony as ‘an articulatory practice that partially fixes social meaning and identity’ (Torfing 2009:118). It is not that within the field of discursivity, of floating elements, that everything is contingent. Articulatory practice constructs the partial fixation of meaning by drawing antagonisms. This tension or antagonism provides a partial fixity of meaning to the dominant discourses while at the same time creating an exclusionary ‘other’ that serves to reinforce the articulatory practice of the hegemonic discourse. They ‘will call *articulation* any practice establishing a relation among elements such that their identity is modified as a result of the articulatory practice. The structured totality resulting from the articulatory practice, we will call discourse’ (Laclau and Mouffe 2001:105). The strategy in which this discourse is maintained they call hegemony. They view hegemony as ‘a field where “elements” have not crystallised into “moments”... hegemony supposes the incomplete and open character of the social, that it can take place only in a field dominated by articulatory practices’ (Laclau and Mouffe 2001:134). The success of the hegemonic discourse is its construction in relation to its constitutive outside, what is excluded in order to reinforce inclusion. For example, if I think of asylum in terms of hegemony - as an articulatory practice with antagonism as central, then understanding asylum seekers as the excluded ‘other’, as those that are not included allows me to look at the ways in which various elements within the dominant discourses are held together in order to maintain the tension of the antagonism.

I suggest that this notion of hegemony elucidates the role of the state in the construction of asylum seekers. For example, Squire states that ‘asylum is dislocatory of a territorial order because it brings into visibility the instabilities that are inherent to the social formation through which state governance and national belonging are constituted. It is where this failure of the territorial order to fully constitute itself is projected onto a supplementary ‘other’ that an exclusionary politics emerge’ (Squire 2009:34). Thus the immigration system produces the imaginary figure of the asylum seeker as ‘other’ and ‘bogus’, which must therefore be managed and controlled. This political antagonism coerces Irish citizens to respond defensively against the arrival of asylum seekers. At the same time, the pervasiveness of this political and social hegemony engages asylum seekers with the immigration system. This is particularly extensive considering the tiered immigration system that Ireland operates. The

pinnacle of the antagonism is evident in the rearticulation of the asylum seekers status in the Refugee Appeals Tribunal transcript. It reveals the elements of the asylum seekers story that the immigration system particularly engaged with in order to reconstruct and rearticulate a determination, or construct the asylum seeker as a particular identity. I consider the appeal process a negation or refusal of that engagement by the asylum seeker, as an attempt to dislocate the antagonism maintaining the legal disciplining and reconstruction of their story. Although asylum seekers consent to the legal process in the declaration as a refugee, the hegemonic power of the state authoritatively pervades in reconstructing their identities.

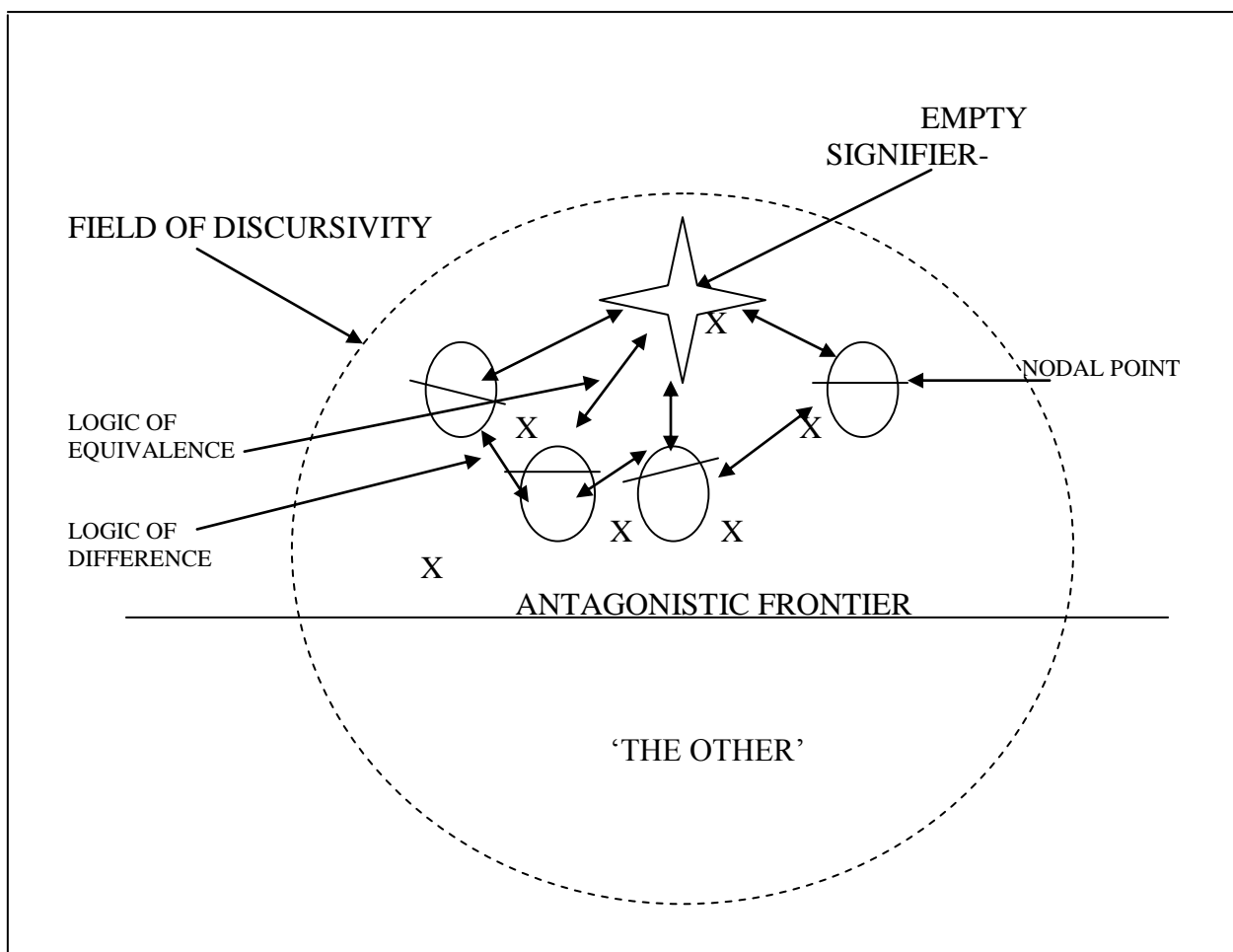


Fig.9. Model of Hegemony/boundary formation

5.9. Equivalence and Difference

The strategy in which hegemony is maintained is illustrated in their use of the logic of equivalence and the logic of difference. The logic of equivalence creates a link between articulated contingent demands, it identifies a sameness which draws demands together while at the same time highlighting those demands that are excluded and cannot be linked.

Alternatively, the logic of difference is the formation of articulated contingent demands that have the potential to subvert the existing order, it can be those demands that were not subsumed by the logic of equivalence. (See **fig. 8. model of hegemony**). It is these demands created by the asylum seeker at the appeal stage and responded to by the Tribunal that creates a picture of the hegemonic power of the immigration system. I use documents from AS6's case provided to me to illustrate the demands of 'the other' for recognition of her declaration of status in response to the convergence of the story and case and the articulation of the determination.

5.10. Credibility

Again, this is not about the 'truth' of the story, nor the 'truth' of the determination, but about the process. The refusal at first instance is the refusal issued by ORAC, the administrative and bureaucratic body that collates and dissects the asylum seekers story into a case. The foundation of AS6's declaration as a refugee is her plight from Palestine, more specifically from the ongoing conflict between Hamas and the Israeli authorities. The regime that Hamas run in Gaza, where she lived, is fundamentalist and deeply sectarian in which dissent is not permitted. In this light, her declaration is based upon political opinion, in that, she is a supporter and was an employee of the opposition government Fatah, and membership of a particular social group i.e. belonging to the female sex, these issues together with grave ongoing instances of personal and family persecution form the basis of her declaration. Following analysis and consideration under the legal basis for assessment ORAC dissected her story. They determined that although the instances of persecution declared by the applicant

'May be considered to constitute a severe violation of basic human rights and therefore may be considered as being of a persecutory nature and as such should satisfy the persecution element of the refugee definition. This, however, is without prejudice to an examination of the well-foundedness of the fear of being persecuted in accordance with Section 2 of the Refugee Act 1996 (as amended)'

(Report Pursuant to Section 13 (1) of the Refugee Act, 1996 (as amended), File Reference No. 69/285/11)

I want to suggest that the instances of persecution declared by the applicant are instances of articulated contingent demands that have the potential to subvert the existing order. It is these demands that have the potential to be subsumed as equivalent to the master signifier or empty signifier that is the goal of the process, "status". The logic of equivalence in this case is

determined by a 'well-founded fear'. A well-founded fear is primarily established by determining a connection through an evaluation of the equivalential chains of the subjective condition of the applicant's statements, as well as the objective situation of the claims (UNHCR Handbook). As Laclau and Mouffe state, 'equivalence creates a second meaning which, though parasitic on the first, subverts it: the differences cancel one other out insofar as they are used to express something identical underlying them all' (Laclau and Mouffe 2001:127). It is the process of dissecting the instances of persecution declared by the applicant on the basis of well-foundedness, which is otherwise articulated as credibility, that succeed in subverting and abjecting the asylum seeker as 'other'.

Credibility places emphasis on the assessment of the continuous future fear the applicant has of persecution (subjective element) based on whether the applicants explanation of the situation in his/her country of origin is accurate (objective element) (UNHCR 1992:P.37-50; Drudy 2006:87). Corroboration of their accounts is sometimes provided through independent evidence, e.g. media stories or NGO reports, however the result of gaining these stories is difficult or whether they even exist in most cases, 'thus success in application will rest on being granted the benefit of the doubt' (Drudy 2006:87-88). However, benefit of the doubt is granted where the decision-maker is 'satisfied as to the applicant's general credibility' (UNHCR 1992:P.204). Kagan (2002) identifies positive and negative criteria concerning assessment in matters of credibility. Positively, weight is given to 'detail and specificity, consistency, providing all the facts early and plausibility of the account. The negative criteria are vagueness, contradictions, delayed revelation of key facts and implausibility' as well as the general demeanour of the applicant. (Kagan 2002:384; Drudy 2006:89). Demeanour of the applicant is generated from the manner of their verbal responses to questions i.e. 'readiness to answer questions in a detailed manner, the display of appropriate emotions or making eye-contact', or conversely negative impressions such as 'inconsistent, vague or tentative answers, the display of too much or too little emotion, or disinterest and avoidance of eye contact' (Drudy 2006:90). These notions of appropriate communication are seen as universal but lack attention to the cross-cultural context that can lead to misinterpretations of body language or linguistic expressions (Drudy 2006:90). For example, the extract below is taken from the ORAC refusal issued to the applicant:

3.3.3

According to the applicant, in July 2007 her mother's cousin, W, was killed by Hamas because they thought he was a collaborator with Israel. She maintains W was arrested along

with his brother K. K was later released by Hamas and was able to tell the family that W had been tortured and killed by Hamas (Applicant's statement; p.4).

The applicant submitted a report from *InfoSud Human Rights Tribune* that she claims is written about W's death. However, this article suggests that a third brother in this family, Q was also arrested several days after W and K's arrest. Q was allegedly also detained and subsequently released at the same time as K and attended the hospital to see W's body at the same time as K (Appendix B). When this was put to the applicant she stated "The article I submitted stated W and K only".

Not only would the applicant be **expected to know** that a third brother in the family was arrested by Hamas, if these were in fact her mother's cousins, **she would also be expected to be familiar** with the documents she submits in support of her claim.

This dissection of the asylum seeker's story through the consideration of their credibility and extent of their reasonable behaviour allows for the story to converge as a case. This occurs not only in the analysis in terms of the credibility of their statements, but also on the basis of what is socially acceptable according to the decision-maker. It is assumed a norm to be close to and have knowledge of one's extended family. As such, the repression of alternative possibilities involves the active exercise of power in the form of decision (Laclau 1990).

A significant bone of contention in refugee determination lies with any delay the applicant may have taken in making a claim. It is assumed, expected, and cited in national regulations that one should almost immediately make the declaration to seek refuge, or give a reasonable account if otherwise. The applicant in question, AS6, orchestrated her departure by undertaking a Masters via a scholarship and valid student visa, which in her opinion ensured safe passage out of Palestine. The need to declare herself a refugee and give up her homeland was unnecessary, as her plan allowed the hope to remain that she could return to her country of origin should the situation change. 'One person may make an impulsive decision to escape; another may carefully plan his departure' (UNHCR 1992:40). Within the time frame that her plan allowed, her situation in Gaza worsened and the 'decision, which is very very very huge' to claim asylum had to be taken. The ORAC refusal analyses the majority of the applicants' declarations of persecution by negating them in terms of the applicants delay in applying for refugee status. For example:

3.3.4

...The applicant claims she was under investigation by Hamas before she left Gaza for Ireland in 2008. She states her mother's cousin was killed despite not having any connections to politics and after Hamas fabricated evidence to justify this. **Given this, it is not credible that the applicant did not seek asylum in Ireland when she arrived in 2008.**

...It is also noted that prior to the applicant's departure from Gaza in 2008, Hamas had arrested hundreds of members of Fatah. **This again serves to question why she did not apply for asylum when she first arrived in Ireland in 2008.**

Or:

3.3.5

At the interview she was asked why she did not visit her family in Gaza at any stage during her time in Jordan given its proximity to Gaza. She stated "*Because the situation is very difficult in Gaza...if I get in I wouldn't be able to get out...The level of conflict was getting deeper and deeper between Fatah and Hamas...So I couldn't go. The idea of living in Gaza in insecurity and fear always scared me and made my life a nightmare*"

This being the case, **it is not credible that the applicant would fail to apply for asylum soon as she arrived back in Ireland** in November 2010. In answer to this she stated "*The serious threat just happened in February 2011*" However, she had maintained that she did not visit Gaza while researching in Jordan because the idea of living in Gaza in insecurity and fear scared her and the conflict was worsening. **If the applicant genuinely held this belief, she would be expected to have sought asylum upon her return to Ireland in November 2010.**

Through the mechanism of credibility assessment the case-worker dissects and destabilises the contingent articulated demands of persecution. The articulated logic of the decision-maker determines whether an applicant has met the burden of proof to show that s/he is a refugee. 'Credibility assessment can embody a struggle between norms of subjective and objective decision-making' (Kagan 2002:374). Such a mechanism culminates in the application being 'deemed that the benefit of the doubt cannot be afforded in this case. It is asserted that the applicant has not demonstrated that she has an individual well-founded forward looking fear of persecution' (Report pursuant to Section 13(1) of the Refugee Act, 1996 (as amended)). This is based primarily on the fact that she orchestrated her departure in such a way that it delayed her necessity to declare herself a refugee, significantly it does not contest the fundamental persecutory elements, for instance, that the applicant was interrogated by Hamas, that family members were tortured and murdered, that her brother and sister have refugee status in another European country. As such, the subversion of events through the articulated logic of the case-worker succeeds in abjecting the applicant. At the same time, the negation of the applicant draws attention to the limit of the order, to the antagonism or boundary within the social order itself.

Laclau and Mouffe contend, using a comparative example from linguistics, 'that the logic of difference tends to expand the syntagmatic pole of language, the number of positions that can enter into a relation of combination and hence of continuity with one another' (Laclau and

Mouffe 2001:130). The above examples extracted from the refusal in the asylum applicant's case illustrate the delicate act of credibility assessment and also the negation of the possible positions that can enter the social order through an excessive weight being placed on the credibility of the applicant over and above the contingent declarations of persecution. While 'incentive to manipulate the present refugee protection system undeniably exists, credibility assessment is a necessary evil' (Kagan 2002:414). If refugee protection is to have any meaning in the system in which it exists it must be able to distinguish refugees from other migrants. However, credibility cannot expect to determine all cases of abuse. 'Refugee status determination needs consistent credibility assessment that does not blindly accept refugee claims, but which judges them on a liberal standard that errs on the side of protection and considers all of the obstacles genuine refugees face in articulating their cases. Credibility assessment is a necessity, but it must be approached with substantial caution' (Kagan 2002:414).

5.11. Refugee Appeals Tribunal (RAT)

Negative credibility assessment, that is, negating the performatives of asylum seekers accounts for the leading reason for rejection in most refugee determination systems. Due to a lack of published statistics and limited publication of determinations by the Refugee Appeals Tribunal here it is difficult to assess the relevance placed upon issues of credibility in Ireland. However some statistics should help develop the picture. The "Refugee Appeals Tribunal Annual Report 2010" stated that the process by the Tribunal to complete an appeal takes approx. 33 weeks. During 2010, the RAT received 1,548 cases of appeal, out of which 914 were substantive 15-day appeals¹¹. Out of the 2,964 completed appeals¹² in 2010, 2,783 decisions were issued. In 2010, the tribunal affirmed 94% or 2,560, of the substantive 15-day decisions made by ORAC. The table below (reproduced from the Annual Report) indicates by nationality the number of cases affirmed, and set aside, that is decisions over-ruled, by the Tribunal.

Table 6.11.4 Summary of Substantive/Substantive 15-day and Accelerated Appeals by Nationality Affirmed and Set Aside from 1st January 2010 to 31st December 2010

¹¹ Others include appeals against Accelerated measures or Dublin II Regulation.

¹² Appeals completed include Substantive/Substantive 15-day, Accelerated and Dublin II Regulation Decision, Withdrawals, "No-Shows" and Abandoned cases.

Nationality	Affirmed	Set Aside	Total	Total Set Asides as % of Total Decisions
Nigeria	658	14	672	2%
Pakistan	216	3	219	1%
DR Congo	139	5	144	3%
Somalia	115	12	127	9%
Zimbabwe	115	4	119	3%
Ghana	109	1	110	1%
Sudan	78	4	82	5%
Other*	1130	86	1216	7%
Total	2560	129	2689	*

*Others covers 84 countries and includes Cameroon, Iraq, Georgia, Bangladesh and Albania.

Table 4. : Refugee Appeal Determinations, 2010

To put my informant's case in statistical perspective, her case would be considered as 'other' and so one could deduct that she has a 7% chance of the ORAC decision being over-ruled by the RAT based on previous accounts.

The relevance of credibility to the outcome can be grounded in the number of judicial review cases pending that are dealing with negative credibility issues and also from emphasis placed upon credibility in section 11B of the Immigration Act 2003. I view the appeal lodged by the applicant in response to the ORAC refusal as a challenge to the denial of the asylum seekers identity. The ORAC refusal functions in this sense of denial, to further dislocate the asylum seekers identity. The appeal lodged by the applicant thus reorganises and reiterates the performative in order to challenge this negative credibility.

To continue to take AS6's case as exemplary, her appeal application accused ORAC of erring in law and fact on five grounds. 1) It addresses the issue of delay that the decision-maker used to challenge the credibility of the applicant by drawing on the various explanations proffered by the applicant - that she hoped that it would just be for a short time; that the situation in Gaza would improve; that elections were due to take place and President Obama was promising a resolution to the situation in Palestine. In 2008, the opportunity to study in Ireland coincided with the applicant's first investigation by Hamas; she took the chance to leave the country. During her time abroad, she continued to hear of threats to her family. It was however in 2011 when she was told that Hamas had stopped and questioned her father and brother in relation to her whereabouts that she realised the situation had not improved for

her and so she began to consider asylum. 2) It accuses ORAC of failing to adequately address the personal and ideological views of the applicant as regards the wearing of the hijab, 3) failure to adequately question the applicant in relation to her third cousin, Wa'el, that was also arrested, 4) the applicant stopped going to work for the PNA after the Hamas coup in 2007, however she continued to work for the PNA from home until 2008. The PNA continued to pay her until 2010 for reasons she does not know or did not question. ORAC deemed this information inconsistent since she could not account for remaining on the payroll and, 5) they accused ORAC of failing to adequately take into the account the extent of informative documentation submitted by the applicant to corroborate her story and for further criticising her for not providing more.

Upon receiving her refusal letter AS6 made an appointment to talk through the refusal reasons with her caseworker in Legal Aid and prepare for the appeal stage of the process:

“I met the caseworker of the legal aid board and he is very good...What do you need? You need someone who tells you what to do and what not to do. It is not about putting words in your mouth, no. From his experience he is telling you what to do – it is not about telling the truth it is about how you tell the truth. If I tell you I claimed for asylum after I did this and this and this, you will just say according to the law you cannot spend this time, but I am telling you the truth. That is what most of my Irish friends think, that you should tell the truth, you should be yourself. But now I understand that is it not to say the truth only, it's how to say the truth and in some stages I felt that it depends on the mood of the tribunal member...He said, and I was surprised - some people are nice, good, respect the asylum seeker, but some people, no. They basically don't respect them and he was right – the stories that I have heard from the people at the hostel one of the women said that one of the people in ORAC was using some verbal expressions like..uhfff...while she was talking. This is what she told me, which is like – what are you doing here, we are not kids. But he told me to be prepared for that.”

(AS6 Palestinian, Galway 2011)

Foucault claims that:

Each society has its regime of truth, its ‘general politics’ of truth; that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true.

(Foucault 1980:32)

Such a regime of power effectively marks out in reality notions of the asylum seeker as ‘bogus’ or ‘genuine’ by which immigration officials are able to legitimately submit to the division of true and false. By emphasising the notion of truth as credibility, immigration officials are able to successfully rework an asylum seeker’s story into a case. In essence it can

be argued that in this case a regime of truth production is a judgement as to which type of performativity counts as constitutive of ‘genuine’ refugee, and which can be disregarded as outside the conditions of truth as felicitous performance. Interestingly, the caseworker suggests that such an enforced performative does constitute a Procrustean act of forcing the applicant into a pre-constituted subject position:

“well I’m not surprised because a lot of people in her place would be thinking that you are taking advantage because you were here on a scholarship and coming back you are just taking advantage of being in Ireland, like everybody did...”

(AS6, Palestinian, Galway 2011)

Regardless, the caseworker portrays the necessity for a reorganization of the truth, which maintains a half-way position between seeing the truth regime mode of constructing the subject positions as political refugee versus bogus refugee, and legitimating the process. To the officials the infelicitous performance is false, while to the caseworker it is a badly organized or presented truth-claim. This position, on the part of the caseworker, implies recognition of the constructed process of subjectification implicit in the official discourse. Yet, his position allows for rehearsal of what would constitute a successful performance. In order to prepare the applicant for the final oral hearing her caseworker suggested that she organise her story along a timeline, which would mean that she would always have a time and date in mind of when certain events occurred in order to answer questions accurately, it also meant that she could draw incidences together from various parts of the time line that related to specific issues raised by the tribunal member. She anticipated the tribunal member to draw from three specific issues upon which she based her declaration: a) her membership of the female sex, b) as a threatened woman by Hamas, and c) the delay issue. She organised, prepared and somewhat rehearsed her answers to feel confident and coherent that she was articulating the persecution while simultaneously laying it out along the time line in order to provide continuity and grounding to the claim.

5.12 The Appeal

The appeal decision represents a summation of the applicant’s performatives in the declaration for refugee status, the basis upon which a determination was formed and whether this be upheld or reconsidered. The appeal consists of a board meeting style scenario where the tribunal member adjudicating is present along with an ORAC case worker, the applicant, and the applicant’s legal representative. In Section 6: Analysis of the Applicant’s claim, the tribunal member claimed that he was ‘not generally satisfied by the objective credibility of

the particular claim for asylum advanced by this appellant' and that it was 'obvious to the Tribunal that much of the appellant's evidence sought to be self-serving'¹³. Kagan argues that 'negative credibility findings should not be based on unsubstantiated suspicions that claimants' testimonies are self-serving' (Kagan 2002:372). In order to corroborate his suspicion the tribunal member claims that 'when one item of evidence had been proffered in response to a credibility issue which had been put to her, that response, whilst on its face sometimes plausible, contradicted another item of evidence she had given elsewhere'¹⁴

To take an example:

'the appellant sought to explain the **vagueness** of her evidence in relation to two cousins which she alleged were Fatah bodyguards as being due to her and her parent's knowledge that Hamas hack their computers and that any conversations she would have with them over "Skype" (internet based voice telephony) would be monitored by Hamas and would tend to further implicate her in involvement with Fatah. However, at p.2 of her S.11 interview, she disclosed that she was quite happy to use the same internet connection to email scanned copies of her Fatah work card.

Quite apart from the obvious contradiction, it was pointed out by the Commissioner in para. 3.3.10 of the s.13 report that she was told all of the details regarding her relative's alleged problems in February, 2011 by her parents over "Skype". Accordingly, the commissioner concluded that her explanation (i.e. that it was dangerous to ask for details over Skype) for her lack of details with regard to her cousin's and uncle's situation is not considered reasonable and the credibility of her vague testimony in relation to her cousins' and uncle's situation and how it may relate to her asylum claim is called into question.

The tribunal member's examination and understanding of events illustrates the dissection of the story and consequently the person's application of truth. I suggest that the tribunal member refers to an articulated logic in which issues of credibility are deemed concrete and universal. This dismisses the historical context and the strategic formation of discourse within which the notion of truth resides. As aforementioned, the success of the hegemonic discourse or hegemonic governmentality is its construction in relation to its constitutive outside, what is excluded in order to reinforce inclusion. In moments of dislocation, or a structural fault, the possibility for alternative structuration practices occur that attempt to transform structures.

For example, in accepting the determination by the refugee applications tribunal the applicant submitted an application for subsidiary protection and leave to remain (the 3rd tier of the legal

¹³ (Decision of the Refugee Appeals Tribunal under section 16(2)(a) of the Refugee Act 1996 (as amended)

¹⁴ (Decision of the Refugee Appeals Tribunal under section 16(2)(a) of the Refugee Act 1996 (as amended)

process) through a private solicitor and barrister who have accepted to represent her pro bono. In their additional submission to the Minister for Justice as an adjunct to the subsidiary application they address the adverse credibility findings of the Tribunal member. This is a necessary process that is not always followed as otherwise, going forward, the negative credibility assessment stands in any further application. What is interesting is how they transform the adverse credibility finding by the tribunal drawn on above, that is, in relation to the applicants 'vagueness' and to "Skype".

"The tribunal member stated that the Applicant had sought to explain the vagueness of her evidence in relation to her two cousins who were Fatah bodyguards as being due to her and her parent's knowledge that Hamas hack their computers and that any conversations on Skype would be monitored by Hamas. He sees that as contradicting the fact that she had used the same internet connection to e-mail scanned copies of her Fatah work card. In relation to the finding of excessive vagueness regarding the work of her cousins, the Applicant explained, at Para. 11 of the written statement, the reason why her knowledge of their work was limited:

"My cousins, on my mother's side, A.S.A.D. and Ad.S.A.D.were bodyguards for important Fatah leaders. I don't know who they were bodyguards for as they are not supposed to say"

Thus, while the Applicant did state that Skype communication was monitored and had to be done carefully, it is clear that her limited knowledge regarding the work of her cousins who were bodyguards was due to the fact that they were not permitted to give details of their work. As regards the e-mailing of the Applicant's birth certificate and work card by her parents (page 2 of the Section 11 interview), Hamas were aware from August 2008 that the Applicant had worked for the PNA, as she had told them so in her interview at the police station in August 2008 (see p. 21 of the written statement). Therefore, this was not something her family was attempting to hide. It does not contradict the evidence that Hamas exercises surveillance in Gaza, a fact that is also supported by Country of Origin Information."

Thus the adjunct submission attempts to rearticulate the logic of the antagonism, and of the asylum seeker as 'bogus'. In its rearticulation it attempts to address the syntagmatic pole of language by addressing the logic of difference, that is, the persecutory elements that the asylum seeker declared as her 'genuine' reasons for fear. Such a rearticulation aims to include the position of the asylum seeker through an articulation of demands that combine and coalesce with one other to ensure recognition, and in the long term instil continuity in the order. Moreover, this rearticulation takes place relative to a law of non-contradiction, where absolute consistency or credibility is demanded, irrespective of where the contradiction is found. Interestingly, the fact that Hamas know that the subject is a recognised member of Fatah, that her cousins are well-known also, and that this would give rise to fear of

persecution is not contested. In fact, that this should give rise to reasonable expectation of persecution is validated in the last sentence. So, the substance of her position (that she is a member of Fatah and that this would make her unsafe) is actually confirmed but she is still rejected as a genuine political refugee because she is not consistent about her use of Skype. Maybe she is mistaken in thinking that Hamas monitor Skype, maybe she is inconsistent in her use of Skype, even foolish, but the veracity of her fundamental contention (membership of Fatah and its attendant dangers) is not undermined by these inconsistencies. Yet, the inconsistency serves as grounds for judging infelicitous performance and denial of subject position. Interestingly, what is considered felicitous is taken as a whole, presupposing a highly centred perspective of agency. In everyday life, social competence requires inconsistency whereby agents act according to different logics as circumstances demand. This is particularly so in moving between spheres, such as the familial and affective, and the political - in this case, from family to Fatah. However, to officials empowered to assert recognition the agent is singular, and any performance which is inconsistent with any other performance has the power to destabilize the entirety of the subject's performance. Ironically, while the official has the power of world creation, or what Bourdieu referred to as symbolic violence, this is explicitly denied by official discourse: 'Recognition of his 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 recognised because he is a refugee' (UNHCR 1992:28).

5.13. Conclusion

The abjective phase of the immigration system is a series of dislocatory events that the asylum seeker must negotiate. The performance of seeking asylum requires declaration to, and participation in, the immigration process. In the performative of one's story to immigration officials, the officials make a judgement based on credibility, that is whether the basis of their claim is conducive to the context. However, the process is far more complex than claim and assessment. The process of honing an asylum seeker's story into a case reveals an intricate web of interactions based on an antagonism of the 'other' through the regime of truth that is credibility. I have explored the various ways in which the asylum seeker's story is honed onto a case frame using the tools of discursivity, hegemony and truth as credibility. I suggest that what is perhaps of most interest throughout the process of convergence is that the attempt to sediment meaning, or the regime of truth production, reveals a subversion and judgement as to which type of performativity counts as constitutive

of 'genuine' while simultaneously illustrating the negotiation over the control and construction of relational identities.

The convergence between story and case correlates the antagonism between the national identity portrayed by the government and the identity of asylum seekers. It is through their performatives that asylum seekers' identities are negotiated. It may seem from the outset that the immigration process is responsible for the Procrustean logic that hacks the asylum seekers identity. However, as I will argue throughout this thesis, the subjectification process is a relational engagement. During the rearticulation of story, an asylum seekers' performative fluctuates between a perceived subject position of self (*individual order*) and an imposed asylum seeker subject position (*institutional order*), while at the same time seeking confirmation of their asylum seekerness (*interaction order*) (Jenkins 2000:10). It is in a sense, dislocated and in search for ontological security, reflecting a period of intense transition for asylum seekers.

Zetter argues that categorising refugees, assigning a label in the instrumentality of official procedures to create an official status establishes an asymmetrical relationship between power and powerlessness (Zetter 1991:59). While this in some sense may seem accurate, and as I have illustrated in this chapter, the state (institutions, authorities and agencies) plays a major role in constructing the asylum seeker subject position for it is the state who designs and controls the individuals position vis-à-vis the state and the immigration process. It is the state that labels and shapes a person's experience, situates the transition and transforms the story to case, and therefore categorises a person's identity as 'asylum seeker'. As Foucault argues, it is a power that 'categorises the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on him which he must recognize and which others have to recognise in him' (Foucault 1982:781). However, as the chapter has alluded to, following Foucault and Jenkins, subject formation is twofold, that is 'subject to someone else by control and dependence; and tied to his own identity by a conscience of self-knowledge'(Foucault 1982:781). Of course, the positioning of asylum seekers within the dispositif of the immigration process does reduce the agency of the individual to act within a set of bureaucratic processes. However, asylum seekers simultaneously resist this external construction. What emerges is that resistance is not simply a process of saying no to an imposed identity. Rather, it entails the formation of new kinds of resistant identities So far, in this chapter, this has been illustrated in the way in which asylum seekers represent and

perform the story of their past experiences in the various stages of the immigration process. Although it may seem as though asylum seekers are completely powerless and entirely at the mercy of the state, there are somewhat subtle ways in which asylum seekers constantly re-adjust to their circumstances. In regards to AS6 her interaction with her case worker, and with the Irish Refugee Council provided her with the ammunition to perform the appeal stage of her process. It also provided her with a pathway to an external solicitor who accepted her case pro bono which resulted in a comprehensive rearticulation of her demands for refugee status.

This resistance to subjectification takes place through mutual intentionality, in Searle's sense (Searle 2006). Resistance is, of course, not pure resistance, rather, it is the formation and reiteration of a 'we' identity among asylum seekers in a 'we' group. As we shall see in the next section, the capacity of asylum seekers to resist official subjectification in the hands of the Irish state, results in the formation of strong collective bonds. Although asylum seekers may come from groups which have apparently disparate identities, the need of ontological security realised by finding a group that render it felicitous, means that they do actually create themselves as a kind of new subject. Nigerians, Palestinians and so on, who under normal circumstances represent something diverse, a differentiated set of subject positions, come together in creating communities of felicity, and in so doing, a new kind of subject is formed, which is different from the subject position of 'bogus' versus 'genuine' asylum seekers.

The next chapter seeks to chart the rough waters of this cross-cutting process of attempted subjectification, resistance to subjectification and the creation of new subjects whose identity is forged by the need for communities of felicity. A person is not an island unto themselves: they may reject the official bureaucratic process of subjectification, but they cannot do so on their own. Ontological security is not a singular process, it is collective. Out of collectivities arise new ways of being in the world.

CHAPTER SIX

6. Negotiating felicitous communities: Interactions between asylum seekers

In Ireland, asylum seekers are dispersed to regional parts of the country after no longer than a month in the central processing centre of Baleskin in Dublin. These dispersed asylum seekers form a diverse mix of differentiated subject positions, often the sole representatives of their ethnicity within the direct provision centre, preventing a substantial community of a specific ethnic origin to form. Subject positions allow one to be perceived by the self and others in specific contexts; the discourses of asylum address asylum seekers as particular kinds of persons. Despite this, what emerges is a sense of we-relations, alliances and friendships amongst asylum seekers as they share the context of the direct provision system, consistently acted upon by the immigration system, locals and support workers, in a period of limbo. In this chapter I examine how subjectivity is negotiated in social life, both how one is subject to discourse and how this subjectivity is negotiated. I use a succession of interviews with a particular asylum seeker as she enters the system as an ideal type to base an examination of the fluctuating positions of the *identity* and *identification* processes in her quest for “status”. I follow these observations through simultaneous interviews from fellow asylum seekers who have been in the system for a longer period. This chapter specifically examines the coping strategies and we-relations between asylum seekers through performatives.

“The desire for live encounters, by both artists and audiences, was partly a reaction to the economic and political climate, said Dercon. Artists and audiences were expressing a disillusion with the impersonal systems that dominate modern life, and reaching for the human encounter. “I’m not going to talk about politicians and banks, but we are completely surrounded by systems that do things to us and at us. Performance proposes a new form of interconnectivity.””

*Chris Dercon – Tate Modern Director
(Higgins 2012)*

6.1 Direct Provision

“Imagine yourself fleeing from your country leaving your home and your family behind, looking for freedom and security even for your dreams. Then suddenly you are asked to live in a place sharing the room with people God only knows where they are from, with whom you exchange accusation and rarely exchange culture. Your life becomes all about how and when to get your portion of food and money on time otherwise you become hungry and penniless. Your every day task is waiting and waiting, waiting for someone else who lives in (a) totally different condition, his/her only concern is where s/he can spend the weekend with his/her boy/girlfriend or family, to decide for you.

In many stages this feeling frustrates you and takes all your energy away leaving you with even no smile. Therefore, part of yourself starts to resist this feeling of oppression. But you are still not strong enough to fight the direct source of oppression so you look for someone who is weaker than you or even at the same position as you to release yourself from that oppression. You do not care how needy or miserable that person is, you only care to show yourself that you can do it.”

(AS6 in correspondence to her Afghani friend via email, Galway, July 2011)

The experience of Galway for my informants began when they were dispersed from Dublin or an alternative regional direct provision centre. From 2000 asylum seekers were dispersed by a central directorate to different parts of the country, such as Galway, to be accommodated whilst their asylum application was being processed. In November 1999 the Irish Government’s DASS (Directorate for Asylum Seeker Services) later in 2001 renamed as the Reception and Integration Agency (RIA), began to coordinate a dispersal of asylum seekers out of Dublin and into regional locations. This dispersal policy was to address a similar measure being introduced in the UK as stated by the Minister for Justice: ‘given that we maintain a common travel area with the UK...a decision of this character has to be taken into consideration very seriously by any Irish Government’ (Dail Eireann 2000e). Moreover, it was to address emergency accommodation shortages in the Dublin area and so to disperse asylum seekers to more readily available accommodation, localising service provision in the process. No consultation with local communities, local NGO’s or asylum seekers themselves took place. No needs assessment is carried out before deciding where to place an individual asylum seeker. A resident cannot request where they are to be placed and once placed it is difficult to negotiate a transfer. However, despite this sense of enforced isolation, the shared experience of direct provision draws asylum seekers together. In having a similar relationship to this background, asylum seekers share experiences of the place which in turn draws them together.

- **Institutionalisation:**
 - Lack of access to education and no right to work = no up-skilling
 - Skilled / Educated people confined to voluntary work
 - Lengthy application process. Need for a fair and efficient process so people can get on with their lives regardless of outcome.
 - Comparison of Direct Provision to Prison: Limit on length of time; Access to education
- **Inadequate Food:**
 - Need for self-catering
 - Cooking instruction for chefs
- **Right to Privacy:**
 - Overcrowding
 - Security / Surveillance (CCTV)
 - Unauthorised access of CWOs to bank details and account balances
- **Irish policy vs. EU law:**
 - Right to work in other countries after a certain period of time
 - Right to find own accommodation
 - Cash benefits rather than benefits in kind
- **Health:**
 - Negative impact of living conditions on mental and physical health
 - Overcrowding leading to stress and sleep deprivation
- **Lack of independent complaints mechanism:**
 - Lack of freedom of expression
 - Threats / Punishment (i.e., Transfer to another centre)
- **Right to Dignity:**
 - Self-sufficiency: Need to give people the means to care for themselves.
 - Abusive / Threatening treatment from hostel staff

(List of issues, focus group in preparation for IHRC visit, GRSG 2011)

Seeking asylum in Ireland is a lengthy, complex and abject process. It can take between 6 months and seven years for an asylum seeker's application to be processed and determined by functional arms of the Department of Justice¹⁵. During this time many asylum seekers are dispersed to regional areas of Ireland, housed together and prohibited from accessing higher education, employment and social security benefits equivalent to that of Irish citizens. The process of seeking asylum permeates every aspect of asylum seekers' lives, from political to social, health, ethnicity, culture and identity. The list of issues shown above was compiled in preparation for a visit by the IHRC (Irish Human Rights Council), as testimony to the pervasive impact the dispersal and direct provision system inflicts upon the rights of the

¹⁵ RIA (Reception and Integration Agency) is a functional arm of the Irish Naturalisation and Immigration service (INIS) who are in turn a division of the Department of Justice. RIA is charged with providing accommodation and ancillary services to asylum seekers under the Direct Provision system.

individual seeking asylum. This list reveals the diversity of asylum seekers' experiences and includes broad aspects such as living in an institutionalised environment, the immigration system and bureaucratic interaction. Fundamentally what runs through all the complaints is a lack of agency and, what Pettit would term, domination through arbitrary power (Pettit 1996). In Pettit's article "Freedom as Antipower" he outlines modes of subjugation that constitute domination over another: 1) they have the capacity to interfere, 2) with impunity and at will, 3) in certain choices that the other is in a position to make (1996:578). If we look under the heading **institutionalisation**, the lack of agency appears in the three sub-headings concerning skills and education. The arbitrary power is found in the critique of the application process, and a sense of interference in the intentional worsening of the agent's choices. In the next box, moving from left to right, the **policy** and **law** box points towards an absence of rights, which suggests arbitrary power over them, and the **health** box concerns the undermining of agency. The inadequate food is not simply about calories and so on, as the right to cook, and education for chefs suggests this is a wider issue of autonomy. The right to cook is clearly agency. In the direct provision centres there are adults with children, who all of a sudden are deprived of the right to cook. To women from traditional societies, this is experienced as a full-frontal attack upon their identities as women. The instruction of chefs points to a level of symbolic violence which goes on, whereby their sense of self is violated in being cut off from their normal diet. Not only are they in a strange place but the food is strange. The bottom right box is clearly all about their subjection to arbitrary domination and absence of the right to reply. Freedom of expression in this case is not some wider principle concerning the right to express controversial ideas, in their case it is about the right to be treated as reasoning beings whose viewpoint will be listened to. As has been argued by Forst (2012) based upon Habermas' concept of ideal speech (Habermas 1985), the fundamental right that underpins the Kantian categorical imperative is the concept of the right to be treated as a reasoning being, who has the right of reply, in a meaningful sense, or the right to redress. The lack of freedom of speech in this case is the lack of a right of reply, of asserting a response. At this juncture we can see the coming together of what it means to be abject, and to be subject to arbitrary power, or domination. In that sense the last heading, the right to dignity, says it all, it is the right to *be*, as a social being-in-the-world. The right to dignity contains two elements as presented, the 'right to self-sufficiency', which is the right to agency, not to be made abject, and the right to not be abused, which refers to arbitrary domination. In those last two we have the nub of subjectification as arbitrary domination.

6.2. Fluctuating identification

As discussed in both chapter three and four, asylum seekers are subjects of a banopticon. They are subject to an active force of abjection that exceptionalises them, that renders their *'every day task is waiting and waiting, waiting for someone else who lives in (a) totally different condition, his/her only concern is where s/he can spend the weekend with his/her boy/girlfriend or family, to decide for you'* (AS6, Palestinian, Galway 2011). This constraining position not only results in fluctuations of their identity as they seek ontologically security in such a position, but it also makes them increasingly susceptible to the whims of those who authorise the local rules of the game. As has been argued by Giddens (2004), the formation of self presupposes a certain core *habitus* or practical consciousness knowledge. When that is under stress, as in a situation of subjectification, the *habitus* either capitulates or tries to find equilibrium through the formation of structuration practices that validate the existing self. Giddens (2004) called this process the formation of ontological security. Thus resistance to technologies of domination are fundamental to asylum seekers' ability to negotiate their existence as secure beings in the world. It is this very flux in the transient nexus of limbo that asylum seekers inhabit, which allows for an investigation of the speech-acts that generate creative negotiations of existence.

This chapter establishes the complexity of asylum seeker interactions as they negotiate the asylum seeker subject position triggered by the shared experience of direct provision and the limbo period of the immigration system. What was observed in my successive interviews with an asylum seeker who transitioned into the system was the struggle of the fluctuating identification process of her subject position as she moved from one specific discourse to another, that of a student to that of an asylum seeker. This was reinforced by the experiences told to me by my other informants who had been in direct provision for a longer period. The different experiences the subject ascribes to or is placed in may be relevant in different settings, defining the situation of the subject in different ways. What is interesting is the infelicitous and felicitous aspects of the student position relative to the context of the asylum seeker. Being an integral part of the discourses the subject positions are produced and justified by, these can only be decoupled analytically. The experiences are reinforced through performative strategies, justifying the existing social order as felicitous; when the social settings change, context-bound positions may lose their legitimating power, or are considered infelicitous, calling for new means of justification. Subject positions represent

institutionalised forms of identification. What is interesting is how the subject position of the asylum seeker is signified, or performed, as asylum seekers engage with one another. The coping strategies, that is, individual creative approaches to negotiating the positions the subject is placed, and when communicated to others in the direct provision system, function as ways of relating and transforming these subject positions. Performatives are a primary form of social action through which this relationship is affected, that is, reflected upon, routinised and ultimately legitimated as felicitous.

Distrust or suspicion is a common theme presented in such performatives, not solely those interactions borne from close association whilst sharing residency in the hostels of Galway. Distrust also appears from stories of individuals prioritising themselves over the group, those displaying a lack of symmetry, which consequently draws awareness from authorities applying the asylum seeker subject position. I suggest that distrust has a double entente performance; it acts as a defence mechanism signalling endangerment to the group, while also preserving one's own position and those of the group. These asylum seekers share a common and competitive goal of attaining refugee status, and subsequently there is a sense of distrust which is evident in the way they talk about each other should someone step out of line. There is also general irritability and anger generated by people who are forced to live in a differentiated community and who share the strain of delimited immigration status and isolation of place, that is, abjection.

"I have to meet people that I don't know of...if I have to or not...I don't want to...they are ok, they are nice...they are tired. I don't want to see tired people. I just feel like I have had enough of that. I just want to start something new."

(AS6, Palestinian, Galway 2011)

And yet, this same forced co-existence has forged strong friendships, alliances and collaboration amongst asylum seekers, in essence a spirit of comradeship. As Frankl observes in dire camp situations 'man does have a choice of action...apathy could be overcome, irritability suppressed. Man *can* preserve a vestige of spiritual freedom, of independence of mind, even in such terrible conditions of psychic and physical stress' (Frankl 1992:74).

"My roommates are great. That is a positive thing. It was really, every time I got to my room I feel happy, the girls are really nice, they check on me I check on them. The relationship is not...how can I say that...it has not built up very quickly but I can see some caution in that, but still it is nice to feel welcome in your own room where you sleep."

(AS6, Palestinian, Galway 2011)

The interactions of asylum seekers have a paradoxical and fluctuating relation. First, there is a fluctuation of an asylum seeker's strategic possibility of a collective or an individual identity, the self is both surrounded by and conscious of the other interacting subjects; to make it easier to orientate we structure our social sphere (Schütz and Luckmann 1980). Second, asylum seekers see interactions between them as a fluctuation between collaboration and distrust. An affiliation with the collectivity or we-relations of asylum seekers is referred to in performatives as being comparable to *I am like them* – I identify myself with an “Us” – this “We” (that in principle would signify everyone) can be restricted in scope, to include those I perceive as sharing a similar experience of the world as mine, indicating a similarity and a closeness of selfhood (Schütz and Luckmann 1980:61). An affiliation with I-intend or self-perception is referred to in performatives as comparable to *I am not like them* – the ones I perceive as not sharing my relevance system indicating a differentiation and a distancing. I can, according to Schutz, choose between two lines of action: either a conception of differences between “Us” and others unlike us, or a conception of an “Us” including the totality of humans, defined by normality and exceptions (Schütz and Luckmann 1980:61). At times these two aspects may be articulated within the same performative.

In this chapter I begin by exploring Searle's we-relation and how intentionality is formed from meaningful speech-acts. This is a useful preface to his concept of institutional facts, whereby the fluctuation between the differentiated self and the collective whole is considered. This will be explored through the transition by the particular asylum seeker from one subject position to another. It will reflect upon the transforming boundaries of the identification process as the asylum seeker becomes cognisant of, or seeks ontological security in her new context and subject position. By entering a pre-constituted and institutionalised subject position there is limited capacity to affect the conditions by which the position was borne into existence, that is, ‘the public discourses used in describing, justifying, criticising or reflecting on the position in question’ (Alasuutari 2004:131). However, the subject still needs to find their place within the position especially when this position affects and limits their entire existence (Alasuutari 2004:131). This chapter will examine the performatives of the asylum seeker as she interacts with other asylum seekers, forming we-relations. I then explore in more detail the distrust and collaboration within asylum seekers' performatives which reflect the extent to which asylum seekers attempt to signal endangerment to, and preservation of, one's own position and a collective asylum seeker position. I examine the creative way in which asylum seekers draw upon, and make

use of, existing public discourses. Finally, I consider the purpose of these speech-acts and find that their paradox generates creativity and engagement for new beginnings as a refugee. Thus, it is only through interaction, that one confronts how one must rework one's position within the context of the collectivity.

Performatives operate as a primary form of social action through which the fluctuation between the individual and the collective is communicated. Asylum seeker's struggle between self and the collective, the internal and the external, group or categorisation, subjectification or resistance of, is evident when they talk about a combination of perceptions about asylum seekerness within the same performative. So, an asylum seeker may describe distrust of asylum seekers and then talk about their collaboration with asylum seekers:

"One of the things that I was always told to do was not to be nice"

Who told you not to be nice?

"The residents in the place, not to be nice, not to be friendly, not to trust anybody. A friend, she always told me – don't trust people here, they are not your friends, and this is painful. I mean, you can't stay in the hostel for years with someone – eat, drink and sleep in the room or place, that you can't trust."

Do you feel you can't trust the people in your room?

"We have this feeling inside ourselves. What do we do? We trust, but what if someone misuses that trust? Then someone goes – I told you not to trust anybody."

(AS6, Palestinian, Galway 2011)

Such performatives reflect Searle's notion of 'collective intentionality', whereby collective intentionality moves continually between forming and transforming the we-relations of the group, in this sense, the defense mechanism of distrust preserves an awareness of self while simultaneously recognising the other through trust. Speech-acts spoken within this space are consistently wavering, reifying and resisting in terms of collaboration and suspicion amongst asylum seekers. Searle's 'collective intentionality' refers to a range of fluctuations of different combinations as asylum seekers attempt to reach some sort of ontological security. The speaker is caught in her performative between trust, which offers ontological security and a sense of collective we, and its opposite, distrust which creates distance from others. The latter entails a way of being-in-the-world which is isolating and insecure. In the end they succumb to trust – 'we trust', however, it is a conditional trust based upon vulnerability – 'what if someone misuses that trust'. Ontological security presupposes trust, so in the end they do trust – 'I mean, you can't stay in the hostel for years with someone – eat, drink and sleep in the room or place, that you can't trust...' but it is not the trust of a stable social

order, after all, nothing is permanent in a hostel of would-be refugees. The institutional collective intentionality of the hostel is one built upon individual ontological necessity not a genuine sense of collective purpose or commitment to institutional practices.

6.3. Transitioning discursive formations

For asylum seekers who arrive to Ireland for the first time and declare themselves as a refugee, the articulation of the declaration in general is one of relief, of a feeling of safety, particularly as it is told in relation to the context from which they fled. Yet, this is moderated by ignorance of the process. Some did not know what asylum was, or what it entailed:

“I didn't know anything about asylum”

(AS17, Zimbabwean, Galway 2012)

“The whole idea was, I came in. I didn't know I could seek asylum. I didn't know anything about it. I didn't know law. I didn't have a political opinion. I didn't have so many things. I was running away from everything”

(AS12, Sri Lankan, Galway, 2011)

“I know like, I hadn't been exposed to that before and I just knew people that were coming. I wasn't you know...I knew people were coming but I wasn't fully aware of the process.”

(R2, Zimbabwean, Galway 2011)

“That's the way I feel, like now I am safe because since I was there I never see a dead body in the street or even a gunshot or whatever, but in Somalia these are normal things.”

(AS4, Somalian, Galway 2011)

As we see above, these are not social actors engaging in institutional structuration practices which they are familiar with in advance – *“I didn't know anything about it. I didn't know law.”* The attraction of applying for refugee status is based upon a desire for safety, which is often relatively superficially based – AS4 feels safe because there are no dead bodies in the street. The life experience of AS4 prepared him for thinking of safety and unsafety in terms of bodily integrity. What he is relatively unprepared for is the safety and unsafety of entering the bureaucratic system of applying for refugee status. Metaphorically speaking, his life experience does not include the experience of Kafkas' world of “The Castle”, where arbitrary rules define identity, classifying the world into a small number of ‘elect’ refugees and a mass of bogus asylum seekers, which the rules of the Castle are there to ferret out with merciless dedication according to a logic which, as we shall see is difficult to penetrate.

When I first met AS6 she was just one month in the direct provision system and two months since declaring her application as a refugee. It is relatively rare to gain access to an asylum seeker who has been in the system for such a short time, as the circumstances by which one has become a refugee can be traumatic. It takes time for them to adjust to the instilled rhythm of the new life and to trust individuals to talk about their experiences. AS6 is unique in the fact that she had a student visa to be in Ireland since 2008, when she came to undertake a Masters via a scholarship with a private college in Dublin. By 2011, with both personal and political circumstances worsening in Gaza she decided her only option for safety was to declare herself a refugee in Ireland. I asked her to introduce herself in which she responded by setting up her previous position.

“I came here as a student...I have the language...I was lucky to have Irish friends...”

“Things really got very bad in Gaza, and the decision to take asylum is just very huge, it’s very very very huge. And you know what – every step in being an asylum you just realise how huge it is, it’s not just (clicks her finger) and that’s it.”

(AS6, Palestinian, Galway 2011)

Subject positions provide us with the content of our subjectivity, with a particular, limited set of concepts, images, metaphors, ways of speaking and self-narratives that we adopt as our own. In Goffman’s terms, as discussed by Jenkins (2008b), our subject position is part of our capacity to engage in a combination of individual and situational resources. Individual resources include one’s position, interactional competences, and knowledge and control over information. Situational resources incorporate an actor’s awareness of options and risk, availability of rules, accessibility of him/her to other actors (Jenkins 2008b:157). We can see a combination of these being drawn upon by AS6, as being a student provided AS6 with Irish friends, with ‘social capital’ in the sense of access to relationships as resources (Jenkins 2008b). Therefore, unlike most refugees she already had a sense of being-in-the-world that related directly to everyday life in Ireland, which in turn contributed to her ‘cultural capital’, that is, perceived cultivation and distinction as a resource (Jenkins 2008b). Unlike the usual asylum seeker she also has a strong sense of what a big decision she is making. As we shall see, partly what makes the application such a big deal is that it entails a shift of subject position from student to asylum seeker, which the bureaucratic rules of the game define as incommensurable subject positions.

The interplay between individuals not only affects the situational subject positions, but contains aspects of power with the societal tie it entails – when we position ourselves or others in social interaction, our activity has effects beyond the immediate event. Everyday conversations are thus far from trivial – they represent an important arena where self-perceptions are shaped and power relations enacted. The concept of positioning thus looks both at how we are subject to discourse and how this subjectivity is negotiated in the social life, depicting the dual nature of positioning (Giddens 2004:83-92). Subject positions are fluctuant and processual, overlapping social categories of self-perception and societal structures (Jenkins 2008)(Jenkins 2008a). In the interplay of routines and reflexivity, the subject may affect the discourses simultaneously affecting the positioning within these (Alasuutari 2004:25,48). When AS6 declares herself a refugee she becomes dislocated from that of a student, the self-perception and power relations she had are no longer representative of her new context (Glynos and Howarth 2007:129). Consequently, as she interacts with other asylum seekers in the search for ontological security as an asylum seeker, she is compelled to engage in decisions that transform her self-perception and knowledge of the world around her.

Take, for example, the following comment made by AS6 in Galway as she reacts to an incident:

You know, people talk. I came back to the hostel, the girls – my roommates, asked me:

“Well, how was your day?”

“Ok, it was ok, but that lady didn’t give me the money”, I said.

“Why?” they said.

“I don’t know...I don’t know”, I said.

“Ok, she definitely likes you!” as in the cynical – oh she likes you! “Well...if you met her as a student all her attitude will be different”, they said.

I believe them because I was a student and I know how people deal with students, now I am an asylum seeker.

(AS6, Palestinian, Galway 2011)

This comment reveals a fluctuation between a collective and an individualised identity, and also represents collaboration. AS6 is presenting herself within the asylum system, to immigration authorities, social welfare authorities and other asylum seekers as a student, as an individualised identity from the collective identity. What her room mates display in the comment - *“if you met her as a student all her attitude will be different”* – demonstrates awareness that the subject position student and that of refugee elicit entirely different

reactions from those with bureaucratic authority. Significantly, her room mates point out that being a student is not commensurable with being an asylum seeker. These subject positions constitute an either/or choice, not both/and. Interestingly, in observing the difference ‘a latent conceptual agreement’ among the participants in the interaction is taking place. They are developing mutual trust, and thus a move by AS6 towards the collective identity with the assertion – *“I believe them...now I am an asylum seeker”*.

For many asylum seekers this period of official subjectification, of wavering consistently out of context in the asylum process is articulated by asylum seekers as being stuck, or blocked. For Searle, ‘not all social groups are engaged in goal-directed behaviour all the time’ and this is true of asylum seekers. A lot of the time they are, for instance, snoozing in their rooms watching television, shuffling down the corridors in slippers and tracksuit bottoms to make a cup of tea to go back to their rooms, or collecting their child from school as the sole outdoor activity of the day. ‘Now the form of collectivity that exists in such cases isn’t constituted by goal-directed intentionality, because there isn’t any. Such groups are, so to speak, ready for action but they are not yet engaged in any actions’ (Searle 1990:414). However, he argues that they ‘nonetheless have the type of communal awareness that is the general precondition of collective intentionality’ (Searle 1990:414). Regardless of the restrictions and delimitations imposed upon asylum seekers, regardless of their lack of engagement in some cases, there is potentiality for collective intentionality. This accounts for the lack of engagement by some asylum seekers and why support groups and other engaging community groups claim it is only possible to work with ‘bouyant agents’¹⁶.

“But it is stuck, I can’t do nothing. I try to run by wanting but it’s blocked already. Even if I return it is blocked already, you know what I mean. I am no prisoner I know, but everything is blocked. So I said, thanks God because I am alive, and maybe one day everything will change. I am safe.”

“As a peoples, there are a lot of people who haven’t anywhere to go, everything is blocked. I am lucky I have chances. It is good to talk, even if you have stress, even if you have nothing with you, it is good to go, to talk, and see what will happen.”

(AS11, Ethiopian, Galway 2011)

As AS11 articulates, when he arrived he was blocked in all directions, he couldn’t progress nor regress but felt simply alive and safe. He must take for granted that he is blocked, that

¹⁶ Dr. Rhett Moran, RAPAR workshop in NUIM 25.04.2012

others like him are blocked also, but that by interacting with others he is supposing that the others are agents like him, and that this interaction ‘coalesces into a sense of *us* as possible or actual collective agents’ generating the possibility of creating chances for himself (Searle 1990:414). I suggest that if this move towards interaction does not take place relative apathy builds within asylum seekers where they can become listless, feeding a sense of helplessness, of isolation and essentially of being blocked. Over time, this can lead towards the depressive nature and state within which some asylum seekers feel abjected and powerless. This sense of being blocked comes from absence of real agency, of entering a world in which their agency is removed from them.

6.4. Precariously building self-perception as an asylum seeker

The second time I met AS6 she had begun to strip away her previous position and unconsciously monitor the events occurring around her to reflect upon as her self-perception changed within the context of the direct provision system and her interactions with fellow asylum seekers.

“It is a temporary place that you stay in...there is no belonging here.”

“...From the stories that you hear, you feel like it is going to be very long and it’s very silly and stupid to think that your story is going to be quicker than others or that your case is going to be quicker than others...It’s very easy to get frustrated, it’s very easy not to be frustrated. Sometimes you feel like it’s a single word, only one single word that can make you up, and one single word that make you down. I don’t feel like my education helps me here.”

“...I am like anybody else here.”

(AS6, Palestinian, Galway 2011)

In this account, I suggest that AS6 has moved from the position of ‘I am not like them’ to one of ‘I am like them’. In saying ‘I am like anybody else here’ reveals a strategy to create an autonomy that is aligned to the collective identity of asylum seekers. The assertion and ‘I don’t feel like my education helps me here’, is curious in that it can be interpreted as part of her new collective identity: she is not setting herself apart from the rest based upon her education. Yet, there is also another aspect, which is that education is usually seen as a source of agency, as a form of capital in Bourdieu’s sense. However, this resource is rendered useless, which is a further manifestation of her lack of power. This is further reinforced by her saying

“The sense that you take is that they know whatever the asylum seeker is doing in this process is still an asylum seeker. It is not going to help him or her if she is doing, or I am doing a thesis but still you are an asylum seeker by the end of the day.”

(AS6, Palestinian, Galway 2011)

Writing a thesis does not change her powerlessness as an asylum seeker, because that is what she *is*. These speech-acts also address the move towards a we-relation of asylum seekers. It is not about who you were, your past experiences, but who you are now and will be in the future in light of the common goal of refugee status. AS6 also accepts the idea of asylum seeker as an objective subject position, as something which is in the world, like apples and oranges. At the same time, this speech-act also points toward the instability of her sense of being in the world as she displays the fluctuation between an ontologically secure sense of self and an unstable sense of self, particularly apparent in the example below.

“I’m sorry, you know what because I have nice friends, and I have been in Ireland before I claimed asylum. I feel really guilty and I don’t like what I say sometimes about the Irish government or the Irish process and all this, because it’s not...I feel like I have a double face and I am not this way. But to be honest, I feel like very very (she shrugs and sighs)...not myself...”

(AS6, Palestinian, Galway 2011)

These speech-acts also reflect the difficulty in combining the co-existence of sameness and difference of self and other. She is made insecure by the shifting relationship to her Irish friends brought about by her own move of subject position. As a student they were simply, and straightforwardly her friends. They were we subjects. Now, as an asylum seeker she also has a new ‘we’, which makes her Irish friends ‘them’. Facets of identity are constantly adjusted and reworked in response to one’s interaction with others and their environment within which others are encountered.

Performatives also reveal an ambivalence between a collective and an individualised identity as well as a fluctuation between distrust and collaboration. For example:

“Now, I understand why people would go for lying because...because those people in social welfare are just pushing you to lie, pushing the person to lie and not to be honest. Because what do you expect from a person when you are all the time assuming that s/he is lying? Ok, I understand that there are a lot of people lying – I know that we are not in an innocent place, but still, you cannot apply it to everybody, you cannot just think that everybody is going to do this.”

(AS6, Palestinian, Galway 2011)

All of this marks a competitive element amongst asylum seekers in relation to the asylum process and future possibilities in securing refugee status. The performatives of asylum seekers reflecting on engagements between asylum seekers reveal a struggle for autonomy that is free of the asylum seeker subject position. However, as this chapter endeavours to show, the more that an asylum seeker struggles to escape the asylum seeker trappings, the more entangled in the authoritatively assigned subject position they become. They are assumed to be liars so they might as well be, which, of course, in the end becomes a trap to exclude them. Lying equates to the subject position bogus asylum seeker. As asylum seekers struggle to differentiate themselves from the subjectification process, they do so from within an encompassing collectivity of asylum seekers, thus becoming more entangled. This tells us a great deal about how asylum seekers employ different strategies to negotiate this encompassing collective identity.

Jenkins (2000) claims that the ‘internal-external dialectic of collective identification: group identification and categorisation are utterly interdependent’ and based on some basic processes which I combine with aspects from Giddens and Searle (2000:9; Giddens 2004).

1. Group identification is likely to process, at least in part, through categorising others, positively or negatively.
2. Categorisation by others effects our internal definitions, that is, people become both objects for others and subjects for themselves.
3. Categorisation may strengthen existing group identification through resistance and reaction.
4. Recognition and validation by Others are crucial in setting the limits to possibility.
5. Although interaction is dyadic in nature, it is mediated by something outside – resources.
6. It is routinised and reflexive – i.e. the ability to lie.
7. The instability of human consciousness – the way our awareness continually drifts or oscillates between an ontologically secure sense of self and an unstable sense of self.
8. Human co-existence – I and thou are similar and yet separate, the same and yet not the same.

(Searle 1996; Jenkins 2000; Giddens 2004:14-16, 60-64)

The type of identification processes evident in a performative may be as infinite as the multi-faceted nature of identity. Ultimately, these eight types of dialectic possibilities culminate in the question of human co-existence: I and Thou are similar yet separate, one yet not the same (Jenkins 2008) . I suggest that the combination of processes from Jenkins, Giddens and Searle accounts for the random and ad hoc nature of interactions. The likelihood that performatives might incur one or more of these eight types of dialectic possibilities reflects the creativity and engagement inherent in the quest for balance between self and other. I will now provide an example from my interviews of the type of dialectic possibilities that may occur within a performative:

“I can tell you as to why I don’t use asylum seeker – because I feel sorry for myself. I can’t guarantee what is in people’s minds about, or the image in people’s mind about asylum seeker so I don’t want to represent myself in this. I can’t guarantee how much they can respect me or appreciate what I am going through. That is the first thing, the second thing I don’t want to make them feel that they should feel sorry for me and this really makes me feel not empowered because all I am doing now is empowering myself, putting myself together, learning new skills all this so I don’t want to sound this as a reaction for my situation, of course I am an asylum seeker I will talk about this and this and this, but I don’t want to show myself as vulnerable all the time.”

(AS6, Palestinian, Galway 2011)

In this performative, we might recognise the fluctuating identification process operative in the subjectivation process. AS6’s speech is evident of the subjectification of self and the objectification by other people. She says she does not want to present herself as an asylum seeker in everyday life to her Irish friends because she does not want to deal with the preconceptions, which includes a certain pitying condescension. This awareness of the affects of her asylum seeker status from other people inadvertently creates a relationship of uncertainty. Although the uncertainty felt within this dyadic relationship can be alleviated to a certain extent by a shared notion of friendship. At the same time, this performative points toward the instability of her sense of being in the world as AS6 displays the fluctuation between an ontologically secure sense of self and an unstable sense of self. These performatives also reflect the difficulty in combining the co-existence of sameness and difference of self and other.

Frequently, an asylum seeker will begin a speech-act with an individualised ‘I’ and then move toward a shared notion of asylum seekers drawing attention to an all-encompassing

asylum seeker label that threatens to dissolve a sense of self and to permanently affix an asylum seeker label (Jenkins 2000:9). Returning to AS6's comments: "*of course I am an asylum seeker*"; this signifies a sharp contrast between the self and the collective, which culminates in an admittance of an asylum seeker identity. This admittance in turn evokes a strategy of negotiation, of manoeuvring oneself back out of the encompassing label and back towards oneself. This is particularly evident in the example below when I asked AS11 if he feels that being an asylum seeker affects how others talk with him:

"Yeah, after six months or something it start to bother me, but before I don't care, even I didn't feel like I was an asylum seeker and because I don't know the meaning, the difference because peoples maybe when they see me they laugh, I totally accept you – you know what I mean – but when they know that I am asylum sometimes they shock. For, you know, they know Atlas House – "where are you from?" I am living in Atlas House – some people they shock, so I don't want to mention after. I started to say – Oh around O'Connell Street, you know."

(AS11, Ethiopian, Galway 2011)

This awareness by AS11 in the above performative signals a reflexive move from an individualised sense of self – *before I don't care even I didn't feel like I was an asylum seeker* – to an awareness of a collective and external label – *some people they shock*. Such a move results in a strategic adjustment of the asylum seekers response, he no longer succumbs to the public discourse that identifies him as an asylum seeker by frankly revealing his address, but directs the response in the general direction of his location in order to avoid the all encompassing asylum seeker label that he feels his location will evoke.

"I especially don't want to say 'asylum' and ah...sometimes peoples when you tell them about your country they know a lot of stories about your country because I know that there is a lot of times famine in my country, it is a very poor country and they shock. It is from I think that for yourself you feel very bad, and sometimes I don't want to mention where I am from. I am from Galway. I am from Africa but if they push me a lot I will tell them, ok Ethiopia. But it is from the situation, I see their faces, if he is like youngsters or something most of the time they don't care, I tell them, but when they are little bit old because they know a lot of history because they listen about our country or something they know so in that time maybe..."

(AS11, Ethiopian, Galway 2011)

This speech-act reveals the sense of pitying condescension that the asylum seeker can perceive from particular interactions. This is not to say that it necessarily is condescension, however the precariousness of the asylum seekers subject position and awareness of the external labelling that is tied to that position makes the pre-cognition in this type of

interaction one he wishes to avoid. The sense of pity that is reflected upon from these interactions evokes a response that draws forth a multiplicity of identities – *I am from Galway. I am from Africa...ok Ethiopia* - in order to manoeuvre himself away of the asylum seeker subject position and back to an individualised ‘I’. This performative leads us to consider the motives and purpose behind the fluctuation between ‘I’ and ‘they’. In the following sections I will explore performatives conveying perceptions of suspicion and collaboration.

6.5. Distrust: signalling endangerment and preservation

Distrust is most evident in exchanges between asylum seekers as a defence mechanism, as the endangerment that other asylum seekers may pose in drawing awareness from authorities applying the official asylum seeker subject position. It is of course also an endangerment to the asylum seeker’s own position of self, which in turn readjusts in the face of such distrust. Performatives that convey a sense of distrust toward other asylum seekers suggest that another may be capable of wrongdoing, stepping out of line, therefore caution and suspicion prevail. As previously mentioned, adjusting to the new context creates evident difficulties for asylum seekers and refugees, this is exemplary in the lack of trust, or distrust, of those whom they are not closely connected to (see Rainbird 2012:147). Here is an example taken from my field notes of a perception of distrust that occurred between one asylum seeker and another in reference to a support group:

R14 (now with residency status) was speaking of her transition from Direct Provision to employment at the culmination of the POWER Mentoring Project one day conference “Ireland 2012: What migrant women can do for you”. She was speaking to the group about being ‘active’, of the importance of identifying with, and aligning oneself to important individuals that can help i.e. local support groups that run courses or, by volunteering you may meet someone or realise something that you can do. One current asylum seeker stood up and angrily asked:

How come people are being cherry picked for courses? How do people get selected?

The question raised nods of approval from other asylum seekers and created a tension in the room as R14 passed the question over to an official of the local support group. She answered:

It is not that people are specifically selected. We run courses all the time with few places and so those that are coming to GRSG know about them, and ask to do them. We do not have places for everyone.

The asylum seeker responded:

People are getting cherry picked. The information about the courses is not open and free. How are we supposed to empower ourselves if we cannot get the information?

For many asylum seekers, the competition created for affiliated courses and for significant references is inextricably linked to the immigration system. Obtaining an affiliated course or significant reference is extremely difficult to negotiate but sought by many. When interviewing R14 she reiterated the discretion involved in sourcing and undertaking external courses.

“I was restricted from access to education but somehow I applied for it and I got it. The Community Development practice, the diploma, and I got the funding and I did various courses...I also told people – you don’t need to broadcast it to the whole world, you don’t need to (...) if you have someone who can pay for you then do it quietly. You can do it quietly.”

(R14, Nigerian, Galway 2011)

The above performative reveals an instance where interactions can be both helpful in instigating new forms of action (taking courses) and endangering (broadcasting it makes too many people aware) as well as supporting their own beliefs as to the trustworthiness of other asylum seekers and how the possibility of taking courses could eventually be realised.

Information, such as how to get a voluntary position and especially a place on an affiliated course, is deemed as privileged information. Information about the course is seen almost as a loophole in the system. Therefore, this kind of information can be empowering in the sense that there is the possibility that it can be used to improve one’s circumstances – it is a source of potentiality. And yet, performatives amongst asylum seekers are double entente, in that, they are both vital for exchanging information and dangerous in so far as how that information may be used. Individuals need to be very discreet about sharing such information. If a loophole is discovered, there is a concern that the more people who know about it the more chance the gap will be closed, hence the advice from R14 to do things quietly otherwise the loophole caves in.

“If you shout about it, some people shout about it and the hostel management knew about it and they stopped it. They wrote to these various colleges and that, these people do not have residency, they should not be doing this. But I told them – don’t you shout about it, do it quietly and then you are out of this.”

(R14, Nigerian, Galway 2011)

In fact R14 acted as a kind of counsellor to others while living within the hostel, having people come to her room for advice, where she can, in a sense, assess their needs and give advice accordingly in a closed and private manner.

“They call me counsellor, if they have an issue, you see my room – everybody used to come in there – “Mama ChiChi what do I do?”

(R14, Nigerian, Galway 2011)

While undertaking this research, such performatives seemed to always occur during discussions about issues that asylum seekers are having with the system and so blaming other asylum seekers for these issues. These other asylum seekers are viewed by the speaker as problematic in that they may be taking advantage of some situations, perceived as victimising themselves by prioritising themselves over the group. When asylum seekers provide such performatives, they try to convey their perception of mistrust. For example, if an asylum seeker is the holder of a piece of information or a contact in the community that may assist them through the immigration process, they become suspicious as the motives of other asylum seekers’ interactions with them. They must act with caution so that another asylum seeker does not take the information or use the contact. For example, in talking with AS5 about his contacts in the community he speaks of his perception of mistrust from other asylum seekers articulating a sense of preserving his own position:

“Even the people in the hostel thinking that – how do I manage to know these people, you know? I don’t even know how they know I know them, but sometimes you don’t know who would come here and sometimes we go out for walks, we talk and like some people will ask – are you working for him, you know try and spy and that?”

(AS5, Nigerian, Galway 2011)

Even when speaking of asylum seekers of the same ethnicity, distrust is commonplace. For instance AS5 who is Nigerian spoke of the common conception of Nigerians as ‘scammers’ or ‘fraudsters’, a notion stipulated in media headlines.

“Even among the different African countries here, even within our own black community we are a laughing stock, you understand. Nigerians – we are thieves, we are fraudsters, we are...you understand.”

(AS5, Nigerian, Galway 2011)

Performatives are used strategically against forces – such as the need to make significant adjustments to the culture of the host society, and responding to the requirements of the Irish

immigration system to prove their claim for refugee status – which may be perceived as threatening to one’s ontological security, a stable sense of identity and self. When asylum seekers of many different ethnicities are housed in a hotel together, it may be useful for information management and problem-solving, but there is also confusion and distrust. For example, there may be concern that perhaps someone may alert the authorities to the fact that they are working illegally or doing courses they ordinarily are not allowed access. The more information that is revealed, the more distrust is ignited.

“I can’t take the initiation and tell them, better not to tell them about this, this is my own business, it is going to be on Saturdays in Dublin so I will just manage myself to go one day a week and it is safer for me to just do it behind them. To be honest, I don’t trust, I have that fear that if I told them they would open their eyes wide at me and they will think – oh she is working, and they will report that to the social welfare. I don’t trust. I don’t.”

(AS6, Palestinian, Galway 2011)

Thus performances have to be staged, to be front stage in Goffman’s terminology, even to the collective we of other refugees. Distrust between refugees entails that their we identity is never fully ontologically secure. Although this example is ultimately about management finding out her movements, this is correlative to other asylum seekers as management can ask roommates or friends where the particular asylum seeker is, thus challenging the distrust between asylum seekers. Distrust operates across the ethnic divide, as their positioning is essentially competitive. Asylum seekers often told me of their distrust of another asylum seeker’s story, or they often suspected fraudulent activities (such as illegal employment as asylum seekers are not allowed to secure paid work), particularly if the person had any sort of active daily routine.

“...one is busy with, I don’t know, her personal stuff so she is always out from 7am-5pm.”

Do you think she is working?

“I don’t know to be honest, I didn’t ask her but yeah, yeah I think she is. I mean they buy a lot of stuff, and I think like, where do they buy all this stuff from?”

(AS6, Palestinian, Galway 2011)

The distrust as to another asylum seeker’s priority is often compounded by the unshared intimate details about their own suffering. Asylum seekers often claimed that they do not talk about their cases with others, and that in general their own stories are not discussed.

“No way, they don’t talk about their cases, they don’t trust anybody.”

(AS6, Palestinian, Galway 2011)

‘Knudsen suggests lying to be a necessary coping strategy because ‘personal data may have undergone modification not merely as a strategy to secure their right to asylum but also as a strategy for identity management vis-à-vis the compatriots one is forced to associate with’ (1995:23; Rainbird 2012:149). It seemed as though there was a camaraderie in the tacit assumption that other people lie – it asserted a sense of ontological security for one’s own story and identity maintenance (Giddens 2004; Rainbird 2012:149).

“...you will say lies, things will be alright but you don’t really believe things will be alright but you say it in that moment because you think the person needs it.”

(AS6, Palestinian, Galway 2011)

The collective intention between asylum seekers might assume a tacit expectation and understanding that authoritative intervention is inherent within their performatives, thus creating caution. Consequently, distrust explains why some information, often empowering information, remains guarded amongst asylum seekers, because there is a large element of distrust in that they will be ‘used’ by their fellow asylum seekers to draw awareness from official authorities, and so acts as a situational resource (Jenkins 2008b:157). While lying may be prevalent, it is still back stage, thus not openly acknowledged yet it is tacitly commonly known and shared. In this context it is worth noting the parallel of Ayaan Hirsi Ali’s case in the Netherlands in which her public pronouncement to the effect that political asylum necessitated lying nearly brought about the revocation of her Dutch citizenship in 2006 and forced her resignation from parliament (Ayaan Hirsi Ali 2006).

As observed by Rainbird (2012) also, I am not implying that distrust prevents people from communicating, exchanging information, and interacting. Rather, interactions occur despite feelings of distrust, a cautionary approach is exercised by asylum seekers as displayed in the examples above. Distrust operates as an artificial bond in such interactions, a kind of tenterhook, a double entente performance, so that an asylum seeker’s collectivity depends on being cautious of interactions and information exchanges with other asylum seekers and authorities while in limbo, it can be understood as a situational resource. ‘Distrust does not prevent people from exchanging information, it makes them more cautious about the information they have received and the perceived motives behind it’, thus drawing them closer to, or away from, the encounter in question (Rainbird 2012:150). Therefore, when

information exchange occurs, asylum seekers' interactions might fluctuate between distrust and collaboration.

6.6. Collaboration

The majority of exchanges between asylum seekers, although interdispersed with distrust, are centred on collaboration. Co-operation in the acquisition of information; retrieving information and ensuring that one can gain information that may ultimately lead to achieving, or learning to achieve a goal, is vital to the maintenance of we-relations. Collaboration in terms of support is also apparent, particularly at heightened points of the immigration process. The interaction and communication amongst asylum seekers that this triggers is crucial for the retelling of personal experiences and vital for creating new strategies for negotiating particular outcomes.

One pertinent example of this is recounted by AS6. Registered letters bring official communication to the direct provision centres. This is usually the positive or negative determination of some point in their case. When AS6 gets her refusal at first instance, i.e. refused her declaration as a refugee, she is annoyed and perceives the reasons for refusal of constructing her as a liar. This is a common perception by asylum seekers conveyed to me, and arguably one derived from the official legal process. She reacts:

“It is a clear accusation of being a liar. And after being in the hostel, maybe someone lied for this, but I don't think so. After being in the hostel and experiencing what has gone in the hostel, though it was a short time you can understand how bad or how difficult the living situation is in there. You just can't realise that someone is lying. Even if someone is lying, but you can't think that this is logical because it is horrible in the hostel. It is not horrible because you are taking food. It is about the isolation. It is how people think about you, you are literally thrown away. Yes, I was lucky to be in Salthill near the beach, but these nice views, they don't do anything for you when it comes to this decision.”

(AS6, Palestinian, Galway 2011)

The above reaction alludes to the attributes of the collectivity of asylum seekers, both of a collectivity whose members recognise it and their membership of it (*After being in the hostel...You can't just realise that someone is lying*), and a collectivity which is identified and defined by others (*It is how people think about you, you are literally thrown away*) (Jenkins 2000:9). Any collectivity will always possess attributes of each on some level of scale. Frequently, the interaction with immigration authorities is internalised as being

constructed as a liar, this is reinforced further by the perception of external categorisation. For Jenkins (2000) authoritative categorisation produces the consequential ‘identity effects’ of both internal and external labelling. This in turn can evoke resistance (Jenkins 2000:9).

The purpose of the fluctuation of identification within collectivities is the strategic possibility of securing a collective or individualised identity, which in this case is to avoid asylum seeker status and obtain refugee status. The refusal determination instigates a reflection upon the attempted subjectification of the asylum process – being a liar, harsh and difficult living situation, being a subject and object that is disposable. This reflection upon the authoritatively generated external definition can affect the internal definition the subject may have of themselves, which in turn can provide reaction and reinforcement of group identification through resistance (Jenkins 2000). This reaction or reinforcement is often expressed in performatives by a rally of support and camaraderie for each other at times of identity crises, retelling personal experiences or details that thus generate interaction and communication. Such communication generates and reinforces we-relations, or the collective action of the group.

“Basically a lot of people in the hostel have started to cheer me up – you still have a chance, you still have the appeal. They have started to tell me stories about people who get it from the appeal.”

(AS6, Palestinian, Galway 2011)

“I found a lot of people from the hostel cheered me up saying – it’s going to be ok. One of the girls in the room said I’m even worse – she got a deportation letter...I don’t know what to do. I feel like I regretted, like I trapped myself in the whole thing. It is not about how many years I am going to spend, it’s what am I going to do during these years.”

(AS6, Palestinian, Galway 2011)

However, collaboration in this sense of camaraderie and support by other asylum seekers is not enough to internally move the asylum seeker towards ontological security in such a case. It does, however, provide the agent with the capacity to act, as we will see.

“I felt I couldn’t stay in the hostel because I will keep thinking about it and keep crying over and I don’t have energy for that. I said, that’s it, I will go to Dublin and stay with my friend and distract myself from that and that is what I did...It’s not because I couldn’t make friends or I don’t like people in the hostel. People in the hostel are just like me.”

“What am I supposed to say, and what am I supposed to do? It’s basically, I felt like I am stuck.”

(AS6, Palestinian, Galway 2011)

What is evident in the culmination of this account is the inevitable entanglement in the asylum seeker subject position. The more you are subjected and objectified by the asylum process the more entrapped within the position you can become. Despite the support from fellow asylum seekers AS6 uses a strategy of distraction by distance, or diversion, taking herself out of the situation to engage and involve herself with other people who are not asylum seekers, but are actors in the process and thus knowledgeable in some format i.e. legal advice in Galway, support from her friend in Dublin, informal legal advice from the IRC. This strategy of diversion ensures that she does not succumb to the inevitable entanglement should she have remained. Although she is getting validation in the hostel from other asylum seekers she also needs the validation of those outside the process. Ontological security requires not only validation from those in a similar situation, those who are de facto, without choice members of your collectivity, it requires validation from those in the external, what is considered, normal world; especially, if officials from that world have branded you a liar. This, in a sense, is a creative way of accessing public discourses in relation to the subject position of the asylum seeker, and in the making sense of, or validating her position, as ‘they have the means by which, and frames within which, other people understand the position (Alasuutari 2004:132).

In addition to ontological security, such reflexivity constitutes a creative strategy or transformative capacity of, and by, the subject. Through such agency, in this instance collaboration, she strives to form alliances that assist and alter her way of being, particularly when her ability to be an agent is demeaned. Such collaboration, or in the power literature ‘power to’, elicits an interaction that generates questioning of self-perceptions and room to actively build up a new awareness of the subject position or group consciousness. Communicating with those who are actors in the process, and who in some format have ‘power over’, succeeds in addressing the subject’s pertinent reflection of ontological insecurity *“what am I supposed to say, and what am I supposed to do?”* when she is ‘stuck’. Yet, such interaction is never purely instrumental, in that, it is not solely on the level of physical, sensory, emotional and bodily interactive level, for it always also entails the desire for validation via conceptual and cognitive terms.

“Oh, before that (going to Dublin) I met the lawyer in Galway and I couldn’t help show that I was really angry and that I thought this was an accusation of being a liar.”

(AS6, Palestinian, Galway 2011)

As is implicit in the “couldn’t help” maybe showing anger is not the most appropriate strategy instrumentally, however, anger is not simply a knee-jerk reaction. Anger, (or *angere* in Latin) means to be troubled and is related to culpability, to the perception of the acts as outrageous (Murchadha 2006). Anger can also build up over time, not as an irrational outburst but directed towards the culpability of another person (Murchadha 2006). Hence the asylum seeker’s visit to her lawyer upon receiving her refusal; someone must be culpable for the brunt of her anger. To be angry is to perceive a culpability in the other, and oneself as violated (Murchadha 2006). One could suggest that certain stages of the immigration process, especially if unsuccessful, instil anger, which in a sense, is traumatic. One has to learn to deal with the trauma of being angry. Anger discloses another freedom, that of the agent to be angry, while also disclosing her as a subject (Murchadha 2006). The reaction by the subject creates potential for a validation of this indignant anger, thus a deconstruction of an imposed identity (bogus asylum seeker), which is necessary for ontological security, in order to ‘go on’ as a social agent.

How did she react?

“We are on your side”, she said. But honestly, I don’t trust that. I don’t trust they are on my side - anyone on the legal level. I could see she was in a hurry.

“We have seen a million like you”, she said. She is only doing her job. I am not blaming her, this is what I felt. Anyway I thought this is not the lawyer’s job, it’s not anyone’s job, it is my job and I have to be very creative in defending myself. That is why I went to the (Irish) Refugee Council for some informal advice. I talked to some friends, I didn’t mind them going through this just to tell me what am I supposed to say, and what am I supposed to do.”

(AS6, Palestinian, Galway 2011)

In the above passage we can see both the ambiguity of trust, even toward those on their side yet culpable, and the difference between representing a position and being in that subject position. The lawyer is doing a job but the refugee is doing more than that, she is defending herself. That is to say, the being-in-the-world that she *is*. That is why being a liar is not simply a case of having said something untrue, it is much deeper than that. Curiously, defending that can entail rehearsing a performance, learning what to say. While others judge by the performance, whether she is genuine or not, she knows that defending the sincerity of her position, entails performing according to the script others expect. Therefore, ironically, successful performativity entails dressage, learning what one is supposed to say.

In this world where everything hinges upon the perceptions of those with power, ‘information exchanges operate to find alternative strategies that circumvent the standard routes of negotiating the immigration and bureaucratic system’ (Rainbird 2011:418). For example, asylum seekers must sign in at the direct provision centres daily, there is a sheet at reception with their name and room number, which they sign their presence across from. It is tolerated to be absent two out of five nights in any one week, being absent more than this incurs disciplinary action by management. Collaboration with others is one way of orchestrating a longer absence than two nights without alerting management. AS6 since being dispersed to Galway travelled regularly to Dublin when completing her studies overlapped with entering the asylum process. When her studies ended she maintained her trips to Dublin, which considering she is no longer a registered student, end up being problematic as we will see.

Do people have to sign in everyday?

“Yes, but I don’t”

How come you don’t? Do you organise it with them that you are away 3 days a week?

“I don’t know. I’m surprised actually because I don’t know if I told you this or not but I went away one time and I didn’t tell them at the desk that I was away because I was very busy...and they called me. They said, “where are you, are you in Galway or Dublin?” I said, “I am in Galway” I lied of course – I told them that I was in Galway and was busy...they said we haven’t seen you around that much that’s why we are calling you, just make sure to sign. I called my roommate and I asked her to sign for me.”

So other people can sign for you?

“Yes. To be very honest my roommate, her name is just before me so she can just sign for me...So a lot of people saying you have to sign, you can’t go to Dublin regularly bla bla bla – you can go to Dublin whenever you want, just make sure to come and collect your money”.

(AS6, Palestinian, Galway 2011)

When asylum seekers exchange and act on such information, the greater the individual benefits are episodically, however over time, this exchange builds tentative interactions with the immigration or bureaucratic system it is engaging with and thus draws attention to the dispositional power of actors at a structural level. I wish to draw here on three significant accounts of organisational outflanking described to me by three separate asylum seekers as they came into conflict with the immigration authorities.

What is interesting in the first participant’s account of his disciplinary scenario is his implicit effort towards social integration. On one level the participant’s account draws out the

structuration practices that he performed in order to assert his identity as an agent beyond the asylum system. On another level, it draws out the episodic power of the agencies involved in the denial of the asylum seekers identity, and draws deeper reflection upon the dispositional power of social integration by drawing attention to the ‘obligatory passage point’, that is the contestation of the performance of integration (Clegg 1989 in Haugaard, 2002:247). In the extract below the contestation is between the performance of integration by a refugee, and of that by an asylum seeker (Clegg 1989 in Haugaard, 2002:247).

AS12 is from Sri Lanka and has been in Ireland for over six years, the first four of which he spent in one of the three direct provision centres in Tralee town until all the centres were closed in 2009 and he was transferred to Galway via a short stint in Limerick.

“...So this is after 3 years yeah, now 3 years most of my friends have got their status and they lived in Tralee. So me, I used to go and visit them and a few of them opened businesses there, they started living, which was really strange. So and then ah...I started spending most of my time there, helping them with the shop. I never accepted money – I said, man, I don’t need. I just help you out, let’s do this, come on, run something.”

(AS12, Sri Lanka, Galway 2011)

As he mentions, after three years some of his friends were given status and moved out of the hostel and into the locality. It seemed strange that they started living, having a routine separate from the hostel, but this gave AS12 the opportunity to expand his identity by enthusiastically involving himself in the development of his friend’s new business – *“I just help you out, come on, do this, run something.”* He does this for free, partly because asylum seekers are not entitled to work, partly because they are his friends, but more importantly because being a part of this project provides him with an opportunity for resistance and being-in-the-world external to the asylum process. In the result of gaining refugee status and setting up a business his friends change to being part of the outside world whose validation asylum seekers desperately seek. However, this act of ontological validation easily slips into resistance, not because of what he does but because of the reaction of others, of the audience with power. Although not intentional, this action by AS12 drew attention to the instability of the order, the agonism between the refugee who is given status and so included and the asylum seeker who has temporary protection status, the ‘other’ who is socially excluded.

“So my friend he opened a grocery store there, in front of the magistrates court, the local court there. I started helping there, and then, maybe this is one of the reasons, and Tralee is such a small town where everyone sees everyone and nobody misses anything, maybe that was one of the reasons I got, and the shop was just next to the social...So...anyway I got

kicked out and I stayed in my friend's house for about 3 weeks and then they gave me accommodation. To where? To Cobh – that's in County Cork – why would I want to go to Cobh? Now me, I was thinking – this is not right, I shouldn't do this and they shouldn't do this to me. So what are the things now – I was starting to think like (names his solicitor) so what is going wrong here? These guys call themselves Reception and Integration Agency (RIA) – Integration Agency – INTEGRATION – me, I am really integrated here, like a circuit! Why would you want to send me there? ...

(AS12, Sri Lanka, Galway 2011)

Integration means becoming part of the community, which is the source of ontological security. Yet, of course, the ironically named RIA, seeks immediately to sever him from integration and of establishing a secure being-in-the-world. However, this subject does not simply let his world be deconstructed in this way, he fights back, using the very structural apparatus of the RIA.

The resistance by AS12 provides him with the opportunity at an episodic level to challenge the overseeing agency of the direct provision centre (RIA) by questioning why they would transfer someone from a locality that they are integrated in. At a dispositional level it is a challenge to the hegemonic rules and practices of social integration. According to Clegg, existing social relations constitute the identities of agencies, whether individuals or some collective loci of decision-making and action (Clegg 1989). Asylum seekers are constructed under a hegemonic discourse regarding the inclusion and exclusion of migrants, and so also the agencies that are established to enact the techniques of government that seek to manage asylum seekers. The remit for RIA in terms of their role in integration is particularly evident from their website link of “*What RIA does not do*”, specifically it has “no integration function. This was assigned to the Integration Unit of the Office of the Minister for Integration (now the Office for the Promotion of Migrant Integration), in July 2007” (www.ria.gov.ie). However, the integrative function of the Office for the Promotion of Migrant Integration deals only with those who are legally resident in the country, not those considered temporarily resident.

I asked, “Why is it I am being transferred there and not to the same hostel?”

They said, “No, Mr. Hussein,” they spoke in a low voice and they were very formal – “No, Mr. Hussein there are new asylum seekers coming in and we need to send them there.”

I said, “But them, they can go anywhere, just like how I would have gone to any place”.

“No, Mr. Hussein”, and finally his voice started raising up and I said there is no talking to you.

I said “ok, you tell me this – me I am not going. I want this place so once this place is available you let me know.”

He said, “no there is no place for you it is all full.”

(AS12, Sri Lanka, Galway 2011)

This further reaction by the agency RIA to AS12’s request to remain in the locality, but more importantly to maintain the integration that he has built up over his three years in Tralee, is met with bureaucratic intransigence. Moreover it is a rejection and denial of the asylum seekers identity leaving him bereft of agency. The above appears final yet AS12 managed to exercise power by testing the veracity of the official’s assertion that the accommodation was full.

I went and talked to the hostel owner. I said “Ms. S,” am...she’s very old and feeble lady you know, I call her Mam S you know.

“Mam S what’s the problem? This Integration Agency they are telling me like this.”

“AS12”...and she has a very broad view of things.

I said “ok Mam, you don’t mind me coming to the hostel?”

“No, if they ask me I will tell them that you are most welcome here.”

I said “ok Mam, me I will take care of this.”

I told them, hey listen, me, I am not going to any place because of these reasons – integration - so you better send me there or I am going to my lawyer. So I went to Dublin to meet my barrister who was doing the Judicial Review. I told her mam this is the problem. Two days and I was back in the same hostel but I was the last person, they made sure that they filled the hostel, 81 places in the hostel and I was the 81st person to get in.

(AS12, Sri Lanka, Galway 2011)

Clegg (1989) states that the resistance to an exercise of power by an agency can manifest in the form of ‘organisational outflanking’, that is, either ‘power may consolidate itself as a new power and thus constitute a new fixity in the representation of power, with a new relational field of force altogether’ or ‘it may be the resistance to the exercise of power which leaves unquestioned the fixity of the terms in which that power is exercised. It merely resists the exercise not the premises that make the exercise possible’ (Clegg 1989:258; Haugaard 2002). In AS12’s account it is the latter part of organisational outflanking that ultimately applies, in that, the focus is shifted towards the exercise of power. It is the action of transferring him to Cobh rather than the premises by which the resistance originally manifested, that is, the recognition of his ability to integrate in his locality, that reify the asylum seeker as excluded. This is evident in AS12’s response to the outcome:

“Fine...so...I just separated, I just retracted. I had nothing to do with RIA anymore. They are, I know them, they are something completely different and I am something completely different...”

(AS12, Sri Lanka, Galway 2011)

From this excerpt, the possibilities and impossibilities of the regime come into focus. The disciplinary practice of a transfer is reacted to by a political demand, in that the participant publicly contests the counterproductive practice of the transfer, in this instance contacting RIA to complain and request to stay in his current hostel and remain in the locality. Moreover, the participant does this in the name of the ideological premise, the principle and ideal, in which he conceives the government agency to be operating, namely integration, but this is integration understood in the hegemonic sense. Integration is an empty signifier or nodal point upon which certain fantasies, in the context of migration, subjects become attached to. In the case of asylum seekers, the logic of asylum in Ireland excludes the extension of the hegemonic construction and understanding of “integration”, for the concept of integration is constructed in exclusionary and inclusionary terms. According to Laclau, ‘the antagonising force *denies* my identity in the strictest sense of the term’ (Laclau 1990). In the above excerpt one can see an acknowledgement of this denial by the participant, he recognises this denial of identity by the very fact that he had to contest his identity in the first place, “*I know them, they are something completely different and I am something completely different.*” Those that the official strategy of “integration” applies to are those persons who are legally resident within the state as outlined by the Minister for Integration Mr. Conor Lenihan in *Migration Nation* (Lenihan, 2008:11). Although asylum seekers are considered legally present in the state their status is considered to be temporarily residing in the state and so are formally excluded until a positive determination of their application is reached. Saying this however, the participant identifies himself as integrated and so in this dislocatory event challenges the asylum regime to recognise him as integrated.

Similarly, AS6 also experiences the disciplinary action of her subsistence payment being cut off. In this instance however, the retelling of the story is almost immediate as I met her in the throes of her reaction. Due to the encounter still being raw, and the issue unresolved at the time, the nuances of the scenario are amplified and complex. This example is drawn out to illustrate the intricacies in more detail.

AS6 goes to the Post Office with her ID card to collect her €19.10, but there is nothing for her to collect. She assumes it is a mistake and so calls the Social Welfare office to speak to the Community Welfare Officer (CWO) in charge of her case file, whom she would have registered with when arriving in Galway, and interacted with over the course of her time in the hostel. As I have illustrated previously, AS6 has maintained alliances and friendships formed in Dublin and frequently travels there, she has communicated her trips to the hostel manager, and uses her roommate to sign her in if she is away longer than tolerated after a call from reception alerted her to the fact that she had to sign in.

“I get a report AS6 about your absence, that you are frequently absent from the hostel” she said.

“But this is not true” I said.

“But the report is from the hostel, from the management in the hostel, that you are not in the hostel all the time” she said. “Who is sponsoring your trip?”

“The €19.10 that I get” I said.

“This could not be possible that you could sponsor yourself with the €19.10” she said.

But this is what happened. She raised the issue about me studying – who is sponsoring you? I said that I was on a scholarship and you have all that on my file.

“I need a paper from your college to say that you have finished your studies. I need a paper to say that you don’t have any money. I need to speak to the management of the hostel.”

Of course I shouted: “You could have come to me first.”

“But the management told me. And this is all that I have so you have to verify the opposite.”

(AS6, Palestinian, Galway 2012)

The conflict here is again raised in relation to social integration, to the asylum seeker’s frequent trips to Dublin that she has maintained regardless of her subject position or ‘status’. As an asylum seeker, the official subject position assumes that a performance of travelling, or indeed the performative or being one who travels, as beyond the limit of what is felicitous. Such a lack of symmetry, an action beyond the limit causes displeasure, hence the CWO’s reaction to the subsistence payment funding the asylum seeker’s travels as not being conducive to the context (*“This could not be possible that you are funding yourself”*). This statement discursively reveals the tacit knowledge of the CWO in regards to asylum seekers particularly as she *disciplines and thus constrains and normalises* (securitises – regulates and manages as subject is really already constituted?) the routine/practice of travelling as infelicitous. As previously stated, having a routine beyond the hostel draws suspicion from immigration authorities and from both examples we can see the relay of suspicion, the strategic circulation of power between the management of the hostel and the CWO that together constrain asylum seekers in their everyday experiences.

AS6 resists by attempting to reconstruct the bureaucratic intransigence from those authorised to manage and control her routine, that is, organisationally outflank the exercise of power in order to reinstate her subsistence payment. It is not so much the necessity for the money that bothers her, but the insult of enforcing a disclaimer that she is not a student, a denial of a part of her identity.

They wanted me to not say I was a student...well I did a lot of things to be a student, and to get that scholarship, so I am not just going to waste it for the sake of the papers here.

(AS6, Palestinian, Galway 2011)

She returns to the hostel to confront management:

“I was really upset and angry. P the receptionist was there. P doesn’t like to talk to people in the hostel. Again, I didn’t hear that from her but I could see her behaviour, she gives only what she is asked for and she is different from other receptionists that I deal with, like they are sociable, they ask how are you and all this. I heard from others that she is not friendly. She is not friendly, not for me, I don’t care. I am following the house rules and doing what I am supposed to do. I heard a lot of complaints about Mrs. A (deputy manager), that she is, that she could easily, what...stab...turn on you, can cause you a lot of harm, and again I didn’t care until today.”

The sense of we-relations through collaboration in the sharing of information amongst asylum seekers is apparent in the above extract particularly when immigration or bureaucratic authorities impinge upon asylum seekers. Also, the anger displays a violation, and another instance of an act considered outrageous. In approaching the receptionist of the hostel the subject outlines who she deems culpable in this instance by asking for the deputy manager and the manager of the hostel.

So I told P I was so angry and she said you can’t make a scene here. Oh, I said, I need to speak to Mr. K (hostel manager), I need to speak to Mrs. A. She said, Mr. K is not here, Mrs. A is not here. I said well, why the management here and the reception here are saying to CWO that I am absent – how come? I am not absent. She said you can’t make a scene here, you can’t attack me. I said I am not attacking you and I am sorry if I am so loud but I am so angry and I am following the house rules here and what am I supposed to do?

(AS6, Palestinian, Galway 2012)

Again this ‘identity effect’ as a result of authoritatively assigned categories consequentially leads to an identity crisis in the form of the now repetitious ontologically insecure reflection: *what am I supposed to do?* In the case of asylum seekers, whose capacity to act is formed from we-relations with other asylum seekers, such ‘subordinated agents are usually able to achieve effective resistance only on the basis of a collective organisation for which they frequently lack capacities for action. With such collective organisation they may be able to exploit fissure and division in the ruling ranks’ (Clegg 1989:19). However, in this instance and similar to AS12’s quandary, AS6 must interact with those that have a role in the management and control of her process and those that can assist her in taking action.

She first gets a response from the receptionist: Response 1.

...I am following the house rules here and what am I supposed to do?

And she said, “Yes, yes you are and that is why you are not getting any warning letters. This is not true, we are not reporting to CWO, we are not telling her, we are not ringing her so...so...we don’t tell her.”

She said calm down and Mrs. A will be back in two minutes and you can talk to her.

She then speaks to the deputy manager of the hostel, Mrs. A: Response 2.

Mrs. A came back and I talked to her. I said, I did this and this today and CWO told me I was absent and this is why my allowance is cut. And she said, yeah this is true you are absent. I said, since when, since when am I absent? And she said, she raised the whole issue of studying. I said, I finished studies in November, and she said I have spoken to you. I said you haven’t spoken to me about it, this is our first time speaking about it and she kept saying, no, we have spoken about it. I said – I am not insane, I could remember if I spoke to you. And she said, well I am not insane either; thank you and I have spoken to you. I said, all I remember is that P called me one day in November to ask me where I am and I told her that I am in university doing my thesis and that is the only time that I was spoken to about being around. Why haven’t I got any warning letters? You could have spoken to me before reporting to CWO. She said, well I can’t speak to everyone here. This is the house rule here and they haven’t changed, and I have spoken to you. I said you have not spoken to me. This is our first time speaking about it. She couldn’t believe it. For the first time I felt I had to defend even my sanity.

(AS6, Palestinian, Galway 2012)

Evident in the above excerpt is the authoritative role or the subject position of the deputy manager of the hostel signified through her insistence that she is correct in saying that the asylum seeker has been spoken too (*‘thank you’*), that she has the authority to confirm her absence and justifies this by referring to the infelicitous nature of ‘being a student’ and ‘being an asylum seeker’. If one is to concede that the hegemonic discourse and governmentality of asylum seekers secures order through an inclusive process of exclusion, articulated as a ‘problem’ and ‘threat’ then such a political system creates institutional facts (*constitutive and regulative rules*), that is, where actors in certain positions, for certain purposes, gain a status function or position of authority. For example, the asylum system creates certain institutional facts whereby the power vested in the role of the Minister for Justice is tied to specific rights and obligations that are constitutive of the social institution of being a Minister. That is, the Minister is an X that counts as a Y – he is Minister because he has a certain role (i.e. granting refugee status or deporting failed asylum seekers) and obligation to that role by being Minister. This act of an X counting as a Y exists as an institutionalised form of identification. Thus while subject positions are a consequence of constitutive rules of the form X counts as Y in circumstance C, once reinforced through performative strategies, they justify the existing social order as felicitous. Hence, the authority of both the management and the CWO have been empowered to regulate, manage and control the asylum seeker’s everyday routine.

In this instance the *regulative* rules, “you cannot be absent,” and “you cannot be a student and asylum seeker”, are designed to monitor and curtail the movement of asylum seekers and in so doing define the nature of relative subject positions. As I will illustrate However, AS6 is not powerless in this conflict as she challenges both authoritative subject positions.

I told her (Mrs. A) that I had been so open with you, Mr. K, and reception here, that I was doing the right thing but obviously I am not. I am so disappointed and this is really annoying me. She said I can't cover you, I can't cover anyone. I said but I am telling you nobody came to me and told me that I cannot go to Dublin. I go to reception I tell them that I am doing this and I go to Dublin for this and this. One time again I had the dates for the conferences and the events I attended. Sometimes I had to go to college to arrange the supporting letters or to know more about my results.

Why are they doing this to me?

(AS6, Palestinian, Galway 2012)

As I mentioned, AS6 asked to meet me the morning of this debacle. In such an instance of high emotional intensity it is difficult to remain themaintain the detached role of *researcher*. Saying this however and knowing my subject, I was conscious that the main purpose of our meeting was to allow her to talk through her plan of action, and for my questions to help generate that. The main conflict was based upon what the CWO wanted from the asylum seeker to justify her absence and what the deputy manager of the hostel wanted her to do not be absent, in a sense, this translates as wanting justification as to why she is an asylum seeker not a student, and wanting her practice to conform to ‘being’ an asylum seeker and not a student. This conflicts with AS6’s own conception of her subject position because, like the previous subject AS12, she is attempting to integrate by interacting with the world outside the asylum process. Added to this she believes such actions will help her application process. So, again instrumental and ontological security become fused and, as in the previous case, those in authority are seen to be indifferent, actually opposed, to integration. and the performatives necessary to achieve the goal of refugee status.

I went to Dublin because I want to integrate. At his stage I am supposed to show some level of integration that could help me with my LTR case. The more I give letters the more I show integration, the more I am successful in this stage. Apparently not the social welfare is happy with this or the management can't cover this. It is not important whether I integrate or not. It was before supposition but now reality. They don't care.

(AS6, Palestinian, Galway 2012)

The strategy that AS6 enacted was twofold, to approach the local support group to represent her in formally writing to the CWO requesting the documentation necessary to reinstate her

subsistence payment considering she had officially ceased to be a student. The other strategy was to approach the manager of the hostel with whom she felt she had built a rapport.

She now recounts her interaction with the manager of the hostel, Mr. K: Response 3.

I want to tell you what happened after I learned about my €19.10, remember I decided to speak to Mr. K. The following day I spoke to Mr. K and I told him – what's up, he said? You tell me Mr. K what is up – my €19.10 has been cut because CWO has been reported from the management, from you, that I have been away without permission. He said, what a minute and he went to the reception and I don't know what he did there. This conversation has to be stopped. I said, but you need to know what happened between me and Mrs. A. Mrs. A insisted that she has spoken to me about being away for long in Dublin but I swear that she has never spoken to me. There is a misunderstanding here and I don't know where it is coming from. I like this place, I follow the house rules and I trust you, and I don't want to let you down because you are supporting me. He said, I know that you are always taking the permission from us or from me to go to Dublin. Now what happened – he was so supportive and he said CWO hasn't, that the management of the hostel didn't report anything. He said, leave your phone number and go wherever you need to go and I did, he called me back in a half hour.

(AS6, Palestinian, Galway 2012)

The above encounter is predetermined by prior interactions between the asylum seeker and the manager of the hostel where trust has been established based on communication regarding the hostel, his management of the hostel, his perception of the residents and of the asylum process.

From what he said, he is always trying to tell the other side of the asylum process, I mean the Justice, RIA, I don't know what other bodies in that, but he is always trying to tell them about the stories, the frustration that he experiences from the residents in the hostel and he keeps telling them – try to understand and try to put yourselves in the residents shoes and try to live for one week, only one week where they live and not to work. I was happy, I was really happy to see someone who is talking about this, saying all this for all these bodies.

(AS6, Palestinian, Galway 2012)

This interaction forms collaboration and a sense of camaraderie and support between the asylum seeker and the manager of the hostel, which in a time of crisis assists her in negotiating a particularly pertinent instance of impinging authoritative subject positions.

When I went back to the hostel, we talked and he said that she wants to find out about your Masters, it's all about my Masters. But what is wrong with my Masters? She wants to know about, who funded this and who paid me for this. But that was a long time ago – he said that doesn't matter. He said, who told her that you are a Masters student? I said that I told, it's there in my statement, in my papers I gave her a letter to say that I am an MA student...He said that you should not have told her. But I said that I was honest. He said you should have not been honest with her.

(AS6, Palestinian, Galway 2012)

AS6 received three different reactions to her situation. Firstly, the girl at reception point blank refused that management had anything to do with the controversy and performed her role in maintaining calm. Secondly, the deputy manager displayed her authority and alignment with the CWO by confirming the asylum seekers absenteeism thus justifying the disciplinary action as conducive to the context, and also implemented herself as being the one who reported her. Lastly, the manager of the hostel takes charge and explains to the asylum seeker the procedure that has occurred and the favour that he has done her.

Mr. K, his attitude is so different he just went to the reception and he showed me how he had been covering for me...Say I wanted to go for a week. I am not allowed for that length so they will mark me for two days that I am absent and then they will "P" me – 'p' for present – that is a new term that I learned – they will p me the rest of the week. They say that I am off – 'x' is I am not there – 'p' is I am there. So they 'x' for two days and 'p' for the rest of the week. There is a sheet that goes to RIA that is just p or x.

When I told Mr. K he asked did I get a warning letter because the system is if I go away, they report to RIA about that – I get warning letter if I am not following house rules and that is followed by CWO. But in my case no, there was no warning letters or report from the hostel. What happened is that she (CWO) called the Eglinton on the 28th of March, she talked to Mrs. A and asked about 5 people, me included, if I was doing a course and someone, they all believe that someone from the residents went there to the CWO and told her about that – that she is always away, she is doing a course. That is the basis or grounds that CWO talked to Mrs. A from. Mrs. A couldn't get away from that, yes she is doing a course – but I don't know what she said...Mrs. A is so gossipy with her. Why not?

(AS6, Palestinian, Galway 2012)

Before I come to the end of these examples, it is pertinent to point out the asylum seekers interaction with other asylum seekers. In this case of prioritising oneself over the group, trying to move beyond the asylum seeker subject position, collaboration with authorities, if problematic, is blamed not only on the individual in question but on the group as a whole, initiating the aforementioned sense of distrust.

Everybody started blaming me for being honest, my Sudanese friend, other friends in the hostel start to say – see we told you don't make them your friend. Do you think Mrs. A will be on your side? What happened, what she told you, it was to be expected...

They all believe that someone from the residents went there to the CWO and told her about that – that she is always away, she is doing a course.

(AS6, Palestinian, Galway 2012)

The more that asylum seekers attempt to move beyond the subject position of asylum seeker certainly the more entangled with the subject position they become. This is the case in terms of both collaboration with authorities and asylum seekers themselves. However, the above example has attempted to show the intricate negotiative strategy that is involved in resisting authoritative ‘identity effects’. Collaboration is necessary with those who have ‘power over’ the subject position in order to gain recognition of the asylum seekers performative as felicitous.

I felt I had to speak to Mrs. A and that I couldn't leave things like this...I couldn't leave it at the stage where we just fought...I went to her to show her the papers. The outcome was she was co-operating with me.

I really want to live in peace because this is my home, at least with the management so why not go and confront that, rather than, oh she is a troublemaker – I know but maybe she is my enemy but she is the one that I have to take as a friend, so it is actually making a friendship with an enemy, whereas the CWO is my enemy and I am treating her as my enemy.

(AS6, Palestinian, Galway 2012)

AS6 succeeded in getting her subsistence payment reinstated the following week, a debacle that usually takes weeks to resolve. Taking a stand for both AS6 and AS12, followed by collaboration, resulted in both asylum seekers regaining some agentive control. Strategic negotiation in these cases does not entail the war-like strategy of “keep your friends close and your enemies closer.” Conflict and disagreement within social institutions in political contexts involves the continuous negotiation of the regulative rules that maintain our identities, and thus guide our performatives. The need to negotiate the extent to which one is subjected to and objectified by subject positions is necessary for the subject to reconstitute his/her sense of self and agency. Perhaps, in these politically fired contexts, “keep your friends close and know your enemies” works best to maintain strategies of diversion and to manoeuvre collaboration.

In the context of both disagreements, miscommunications or glitches in the circuit in the examples above, the variety of responses in both cases in relation to the disciplining and management of the asylum seeker emphasise the strategic circulation of power in the authorisation of the performative norms of the system and the ‘obligatory passage point’ that is integration or grander still, social integration. Interestingly, in the latter example the main heated disagreement is with the deputy manager of the hostel. Curiously, it is the manager

who is seen to engage with the asylum seekers to assist in forming an equilibrium or validation for a return to ontological security.

A similar flare up on a larger scale occurred in the Great Western hostel that houses solely men in the centre of the city in June 2011. The men locked themselves outside of the hostel at 6am to not allow any of the day workers into the hostel, this staff includes the manager, deputy manager, catering and cleaning staff, it also stopped those working the night shift from changing guard so to speak. The hostel residents manned the door and let no one access, in or out. A4 sheets of paper were blu-tacked to the inside of the windows at the entrance with written demands such as:

<i>game over – stop the abuse</i>	<i>a normal life; no respect</i>
<i>no dignity</i>	<i>Ireland can you hear us?</i>
<i>no fair</i>	<i>review management</i>
<i>cut the crap</i>	<i>stop depressing us</i>
<i>we won't sign</i>	<i>proper provisions to be provided</i>
<i>we need free wi-fi</i>	<i>stop treating us like animals</i>
<i>I am stressed of management</i>	<i>freedom to move, socialise</i>
<i>where's human rights?</i>	

Significant in the above demands is the realm of abjection prescribed to subjects of the banopticon. The “zone of indistinction” as described by Agamben, is where individuals are reduced to the exposure of *bare life* (Lemke 2005:6) The direct provision centre is exposed in principle as ‘*the space that is opened when the state of exception begins to become the rule*’ (Agamben 1998:168-9; emphasis in orig.). This overlap of influence and effect from the unintended consequence of actions is articulated in demands such as *no dignity; where's human rights?; a normal life; no respect; Ireland can you hear us?; and stop treating us like animals*. The demands articulated by the asylum seekers protesting reveal the “hidden matrix” (Agamben 1998:166) of the daily political domain that is the direct provision centre, where asylum seekers feel devoid of human rights, stressed from the control and surveillance of management, the routine of daily signing their presence in the centre, a lack of agentic capacity to access information, constriction of provisions, herded and penned in like animals with no freedom to move or respect for a ‘normal’ life. The demand – *Ireland can you hear us?* – is interesting in that, asylum seekers conveyed to me an assumption that Irish society is unaware of the conditions in which asylum seekers reside, or oblivious to the fact that are

constricted in such a way, suggesting the taken for granted nature of – that’s how asylum seekers live.

“The people of the society, they do not know about asylum...The peoples have no idea about asylum seekers...If they get information through the media or something, even if it is negative or even if it is positive, both of them they can judge by their mind. When you go to the post office to take your €19.10 they are thinking like that you are taking big money, and they see you like, sometimes, they see you badly. It is not your choice.”

(AS11, Ethiopian, Galway 2011)

Such a routine and institutionalised way of being shapes the local opportunities and constraints of asylum seekers, defining their individual capacity relative to the wider community symbolised in the demands such as *a normal life; no respect, and freedom to move; socialise.*

When a member of the Garda approached the asylum seekers and asked whom it was they wanted to talk to they began to chant for Mr. S, the manager. Again, it is the manager that is seen to have the capacity for negotiation and empathy with the asylum seekers position; he is also the trusted mediator between the asylum seekers and the RIA. Below is an account of an asylum seeker’s feelings towards the manager of the Great Western as we talk on the day of the protest. What this account reveals is a precarious and strategic notion of trust, used essentially by the asylum seeker for personal gain.

“I can say that the manager for me is just like my father you know, he treat me very good. I treat him like he is my father.” ...

What do you think is going to happen from the recent protest?

From my point of view I can say that I am ok with the manager there. For myself it’s ok, but for some people they find him is a (...) I can see sometime he has temper, he shout and shout when he come he can call you again, ok, sorry about that, and some people can take it the other way – the manager this and this – but see, for myself, the manager is ok. There is at least two other guys, the assistant manager and one of the receptionist. They take their own intuition without concerning the manager, like he can tell you whatever he feel like, or they can even swear at you, even the f-word because they know that you are not (...) and you will never do any mistake. You cannot even write a bad letter to RIA or you will get a transfer.”

Obviously you do not have a connection with him?

I don't' like him and he don't like me.

Does he have a connection with anyone?

No, that guy? No. Because everybody protest that they don't want him there, those two of them, even some of them don't want the manager there.

And does the manager listen to the assistant manager and receptionist?

If you do something wrong the assistant manager takes you to the manager and always the manager he listen to assistant.

I have a couple of problems with him but when I got there they listen to me, to him as well. You can say something back to him to make him maybe feel proud. After that he will call me again and say listen sorry this and this. I know you are very good. I never have any problem for my 4 years down here.

If the manager calls you back and says that – I'm sorry for the assistant manager and I respect you and I understand – are you ok with that then?

Yeah, I do understand, nothing ever change because if he be on my side in front of him that mean he doesn't do his job, so the manager have to impress him – you are doing your job very good, so this and this – this I do understand.

(AS4, Somalia, Galway 2011)

Strategically aligning oneself to those within the hierarchy of management positions within the hostel is a precarious negotiation. The asylum seeker is essentially performing the role of a strategic pawn, between affirming the authorised 'power over' of the management, i.e. *you can say something back to him to make him feel proud*, (perhaps an apology), to satisfy the audience that is the assistant manager. Simultaneously, this is a protective measure ensuring one's place of honour next to him, of one's future defence from the disciplinary actions of the assistant or deputy management position and of assistance and collaboration if, or when, such action occurs in the future. In all three examples alliance with the manager of the direct provision centre acted as a protective measure in the face of impinging authoritative roles. To quote the famous chess player, Bobby Fischer: "That's what chess is all about. One day you give your opponent a lesson, the next day he gives you one." (or this one is good too: "Chess is a matter of delicate judgement, knowing when to punch and how to duck."). The manager is both the management position, as in the one who upholds the rules, and also a friend to AS4. From AS4's perspective he is both refugee and friend of the manager, someone with whom mutual identification can take place between the manager and applicant. Both gain power to/with, or agential power, from this camaraderie. The manager can enforce the rules through the assistant manager, all the while distancing himself from the rules and remaining friends with AS4. AS4 gains certain flexibility and privilege from his friendship with the manager. Yet this power to/with is played out within a game of domination overall.

Pettit (1997) observes that domination is not simply power over or rules, domination is constituted by arbitrary rules. Or, more particularly, rules which are defined by the dominating party only. Actor A defines the rules and can change them at will. Actor B simply responds to the rules. Domination is not simply power over, the rules of the democratic game

constitute power over, but they are rules of the game which, in principle, the subaltern actor B, the one who gets fewer votes, and concedes defeat, also subscribes to (Haugaard 2012), which is different from arbitrary rules.

In the aforementioned sense AS6's reflection below on the circulation of power, and the various responses in her example illustrate the complicit and relational process of power.

“It is all about power and authority. CWO wanted to say that I am powerful, Mr. K wants to take the charge of power, Mrs. A wants to take the charge of power and receptionist wants to take the charge of power and each one of them want to practice it on the most vulnerable one or to cover themselves. I am the most vulnerable one in the story so I have to do all the fighting and acknowledge all this.”

(AS6, Palestinian, Galway 2012)

In the above quotation AS6 shows reflexivity – no party is simply a victim of relations of domination, they both fight *and* acknowledge. Rather, relations of domination are reproduced by skilled reflective actors. It is not a one-way process but a two-way process of dyadic asymmetry. As argued by Jenkins in relation to Goffman, ‘the production and reproduction of order is not the result of normative integration. It is, rather, a matter of cognitive integration in particular with respect to knowledge of...competent everyday practice – the rules, norms and rituals of face-to-face encounters’ (Jenkins 2008b:163).

6.7. Interaction with public discourses

As discussed by Alasuutari (2004), part of the building blocks of creating one's individual coping strategy is using material that is already available. Absorbing public discourses to whet our own understanding allows one to adapt and expand the communication of one's subject positions to others. Asylum seekers use public discourses to expand their subject positions, particularly the myth of being understood as a ‘burden on welfare’. Drawing on the context of the current economic downturn they stress the expense that is spent by the government in maintaining the system of direct provision. This claim of ‘the cost of the system’ is drawn from NGO discourse and those advocating and campaigning on behalf of asylum seekers for reform of the Direct Provision system. A report published by Free Legal Aid Centre (FLAC) in 2009 “One Size Doesn't Fit All” specifically recommended that ‘any assessment of direct provision in relation to value for money should take account of the whole cost of the system, including long-term consequences for residents vis-à-vis health and social inclusion’ (FLAC 2009:138). The Value for Money Report (RIA 2010) published by

the government in 2010 compared four possible options of reform for the way in which asylum seekers are accommodated, weighing up the cost of these options in comparison to the current operation. Three of the four options undercut the current system, however, in each of these cases the report cited an anomaly of 16,000 asylum seekers that do not opt for RIA accommodation facilities and who could potentially claim to avail of any changes to the system. Such changes could be deemed “pull factors” and ‘the number of new asylum seekers could rise significantly’ (RIA 2010:58). The direct provision system is maintained as a control mechanism, preventing future asylum flows and dispersing asylum seekers throughout the country to prevent the overburdening of resources in any one location, namely Dublin city.

Asylum seekers also draw on the importance of maintaining skills and being employable to ensure their ‘benefit’ and ‘competitiveness’ should their future entail the acquisition of status. Together with utterances such as not wanting to be ‘on the social’, asylum seekers are attempting to articulate themselves as capable ‘neo-liberal’ subjects, that is, enterprising, free, self-responsible and ready for risk, and for this type of person to be considered when resources are denied to them while in direct provision (Brockling and Krasmann 2011). For instance, in the example below, the asylum seeker uses the subject position of a dependent welfare recipient to justify the extension of further education and job opportunities during the limbo period.

*“...the problem is the process. The process it takes, sometimes you don’t know how long it takes, as a human being, as personally and even if, as a country the government, in my thinking maybe I be thinking not right, but my thinking, what I am saying – **it is expensive** to fix asylum seekers in one place, to feed them, to pay them a lot of things, for even not about accommodation and for food, to pay them for transport and people when they get deportation order they have to go to Dublin and sign weekly – it is expensive. So the process, the way, how to deal, they do not see it properly. But personally, what I am saying as a (...) when you are blocked in direct provision maybe you get stress and you lose a lot of things maybe after in the future when they give you paper or something, maybe when they grant you like some form, **what you continue in your life, what is the benefit of you for this country**, especially for the **economically things? Will you be a taxpayer or will you be on the social?** When I coming I told you I was positive to continue – I said, oh now I am **free**, I must continue with my studies and I must do something maybe I will be good for the world not just this country. But years by year I lose my mind, I was studying programming language but because of nothing on my hand I can’t practice and now I don’t know any language I only know their names.”*

(AS11, Ethiopian, Galway 2011)

This is, in another sense, a request for Ireland to opt into the EU Directive on the Minimum Standards for the Reception of Asylum Seekers.¹⁷ This important directive, as campaigned by NGO's and support groups, in article 11 addresses employment and requires states to stipulate a time period in which the asylum seeker cannot access the labour market but conversely ensures a timeframe for when they can gain access. As articulated by AS11, such a move would establish a sense of ontological security, exits of validation throughout the limbo period of the process.

“When I am thinking: what is the benefit for the country is what I am saying? You invest in one person for four, five or six years and then you deport him. Even after five years, if you grant him what will happen him? Again, invest on him for the rest of his lifetime, it is not fair, he must be active. So even if it is only direct provision or something like voluntary job why not, it is like take it not voluntary, any asylum seeker after five months he must work, community work around the country, cleaning, or the road, or something. If they push me like that I will be active always.”

(AS11, Ethiopian, Galway 2011)

What the asylum seeker seems to be suggesting is a workfare programme, however, the possibility to access the work force after a six month period, similar to other European signatories of the EU Directive could be beneficial, not only for the applicant but also for the state. The fact that the Irish government does not extend the right to work after a 6 month period, makes it difficult for successful applicants to secure jobs once beyond the asylum system and to satisfy criteria pertaining to the renewal of certain status positions. For example, those granted Leave to Remain status, which is renewed on an annual basis, must provide documentation showing fulfilment of the following criteria: 1) they must be viable economically, 2) professionally employed or in full time education and 3) they must not have engaged in any criminal activity.

This economic irrationality has parallels with Foucault's account of the setting up of the General Hospital in Paris in 1656 (Foucault 1977). The point was not that putting these people to work made economic sense, as is so often assumed. Rather, the point is to create a specific kind of subject position. LTR3 who now has Leave to Remain status, finds these criteria burdensome as policies change annually and the paper work is continuous.

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<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>

I try to get a job – nobody hire you because there's some issue there, that's the true reality there – they just look at you and they are like – ok. You can read from their body language that's simple that. "Where you been last working?" – "ok, you can drop it, I'll call you back." Even if you go through someone, it's work, I mean, in an official way if someone said you need to find it difficult now in recession time what's work now whether you are immigrant or you are Irish, even for Irish people they need to find somebody who is insider to get a job, for me, it's way harder, who is going to hire me. That kind of things makes it harder, the policy they put on the paper doesn't work at this time."

(LTR3, Ethiopian, Galway 2011)

The question where have you been working has a direct relationship to Foucault's account of the failure yet success of the prison system. Once the prisoner is released they are unemployable because they have a prison record (*where you been last working?*). The prisoner then is forced into a life of crime, which reinforces the idea of the criminal type, or subject position. Similarly, refugees are perceived of as liars and cheats, which in the long-term they become because there is a structural bias against gainful employment.

In relation to asylum seekers in general, he says:

"Nobody can hire them because in the first place the language barrier, because of the previous trauma in direct provision, they had blocked them already, they don't have confidence, nothing, because they are already rejected into this kind of..."

(LTR3, Ethiopian, Galway 2011)

At the end of the above quote I would insert the word – abjection. Similarly, the two informants that I spoke with that have refugee status relayed the difficulties of their transition to the labour force. R1 talks of her interview with the company that she first worked for. In her interview the HR person spoke of how they had no history of employing Africans, that she didn't know they spoke English. Again, the feedback from not allowing asylum applicants educate themselves, making refugee and student incommensurable, feeds back into reinforcing the negative stereo-types of asylum seekers. My informant claims they were the first black people in the company.

"We found that people like first were looking at us, I wasn't even comfortable to go and sit in the canteen because I was so scared. I wouldn't even eat because I was scared."...

"They would ask, are you ok? I would say, after some time I just got these funny people. This other old lady she started being my friend, and started teasing me like and started asking me about South Africa then in a week, after 3 weeks I was ok."

(R1, South African, Galway 2011)

The above quote suggests that their negative subject position is reinforced by a lack of familiarity of interacting with people of a different skin colour. This is particularly difficult for asylum seekers as during their time in the process they are aware of the dominant external labels and media depictions that portray asylum seekers as ultimately liars, thus the tacit racist discourse intertwines with the subject position of bogus refugee and interjects in facets of their lives beyond asylum.

“But it is not racist to ensure that you do not wish to share your home with people who have insinuated their way under your roof with lies, who then intend to help themselves to the context of the fridge.” (The Irish Times, Oct 22, 2003)

6.8 Conclusion

This chapter set out to examine the coping mechanisms of asylum seekers when they find themselves “thrown” into a particular cultural setting, with certain choices they have already made and obligations they have undertaken (Guignon 2001:200). The experiences of asylum seekers are reinforced through performative strategies, an individual creative approach to negotiating positions the subject is placed in. I have argued that the interactions amongst asylum seekers in the direct provision centre are somewhat paradoxical, in that, they fluctuate between distrust and collaboration. However, as illustrated, distrust operates as an ambiguous tenterhook, a double entente that signals danger and preservation. Distrust functions to make visible the boundary of the group, both to oneself and to the group as a whole. While distrust may in some cases distance the asylum seeker from the group it may draw him/her closer through preservation to his/her own Self and vice versa. This sense of distrust that I draw upon, of signalling endangerment and serving the purpose of preservation of self and the other can be likened to one of Heidegger’s conception of Dasein, of *being-in-the-world* (Guignon 2001:189). Part of the Heideggerian ontology of human agency, is that they *care* about what they are, what they are amounting to, and the surroundings in which that potential is possible (Guignon 2001:197). This notion of care is similar to Searle’s conception of intention, action that is ‘directed at or about objects and states of affairs in the world’ and to ‘collective intentionality’ (Searle 2006:56). I suggest that signalling endangerment for the purpose of preservation of both self and those within your surroundings is a primal strategic action of human agency, a cautionary strategy necessary in the case of asylum seekers to negotiate the official subject position of asylum seeker status, and the impingement of same in the context of a new setting. According to Heidegger, because human beings care about

who and what they are, what their meaning is for this being-in-the-world, they take a *stand*, seize and enact roles, lifestyles and status relations (Guignon 2001:197). This notion of taking a stand relates to the sense of collaboration conveyed in the performatives of asylum seekers, it is bound within the practicality of what people do to actualise their being. I suggest that in the three explicit examples of collaboration involving AS12, AS6 and AS4, each subject took a *stand* by engaging himself or herself in a certain realisation of the self. Taking a stand does not necessarily entail promoting a singular subject position, quite the opposite in fact. Taking a stand entails validation of the roles or status relations that we enact as part of *ourselves*, as a multiplicity of identities. AS12 takes a stand by acknowledging himself as a person engaging in integrative activities. He does this as an asylum seeker and as a member of the wider community. He challenges the official integration unit to recognise him as integrating and integrated, to being both positions of an asylum seeker, and member of the wider community, positions officially determined as incommensurable (as defined by the local rules of the game). AS6 takes a stand by strategically refusing to be forced to relinquish her student identity. She takes a stand as both student and as refugee, which is a strategy for ontological security. She cannot bear being a refugee all of the time. Yet, the coming together of incommensurable subject positions is also, in the end, what undermines her ability to perform refugee convincingly. Finally, AS4 takes a stand by positioning himself in a place of honour next to the manager, as a friend of the manager and as an asylum seeker, ensuring continued support and protection from management. This consideration of taking a stand can be likened to Jenkins understanding of power, influenced by Weber, Foucault and Goffman, in that, ‘power is a matter of efficacy: the capacity of individuals and groups to get things done, to achieve their own ends and/or to support or frustrate the ends of others’ (Jenkins 2008b:158). What is interesting in these ways of being is that the stands that they take necessitate interaction and collaboration with the dominating party who define the rules, that is, a frustration of the ends of others who authorise the official discourse. What occurs in the aftermath is not simply a surrender to domination, but a form of strategic negotiation that orchestrates power to/with in such a way that both those who dominate and those who are dominated continue to play the same game. Goffman claims that co-operation with disadvantage, or at least co-operation *in* disadvantage is the norm rather than the exception (Jenkins 2008b:163). It is a matter of observing and knowing what procedures are appropriate in particular contexts according to the local rules. What they reveal is how the means of taking a stand are constantly fluctuating and ambiguous. The performatives of asylum seekers in the examples of collaboration show how they are consistently negotiating the making of

themselves, interacting with public discourses to expand their understanding of their subject position to provide ways of rearticulating their position in order for it to be understood as they encounter the *event* that is their “new” lives (Guignon 2001:197). Asylum seekers, though constrained by official discourse, abjected and isolated in direct provision centres, are not powerless, their capacity to activate and negotiate their agency is evident in the fluctuating and paradoxical performatives that they contend with while seeking ontological security and validation within the asylum process.

CHAPTER SEVEN

7. Conclusion

This final chapter aims to draw the various threads of this thesis together. The grafter stitch that combines the first two threads is that of subject positions, of refugee and its negative constituent, the bogus refugee. These threads are woven by a process of government, a practice of subjugation and self-constitution, or governmentality. What begins to emerge is the picture of particular rationalities and technologies that address and actualise the subject positions. Dominant in this weave is the securitisation of migration, a filtering of the bad to protect the good, being included through exclusion. This exclusion is twisted with Procrustean logic, the idea of the subject position ‘becoming abject’ via a regime of truth. Threaded through this abjection is the negotiating capacity of the particular agents, how they embrace, adapt or refuse the official subjectification process as they search for ontological security. This is coloured as performative, dyed as felicitous or infelicitous. As with all rugs of attempted quality, a persian flaw exists and will be marked in this chapter as I recapitulate this process to answer the research questions as presented in chapter one.

“Truth isn’t outside power, or lacking in power...truth isn’t the reward of free spirits, the child of protracted solitude, nor the privilege of those who have succeeded in liberating themselves. Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power. Each society has its regime of truth, its “general” politics of truth.”

(Foucault 1980:131)

7.1. ANSWERING THE RESEARCH QUESTIONS

The main research question in this thesis has been: *what is the role of governmental power in the asylum system in Ireland?* I now recapitulate how I answered the two main sub-questions:

1. How can governmentality and the asylum system be studied?
2. How do governmental power and the asylum system interact in practice?

7.1.1. How can governmentality and the asylum system be studied?

This question is essentially epistemological and is addressed in Chapter 1,2, and part of chapter 3, in the thesis, rooted in the formation of the subject and the modern state. In this light, I began by exploring the definitions of refugee that exist in both the official discourse and the literature. What I argued at this introductory stage is the dichotomous separation of terms, between refugee and economic migrant, and the concern with how asylum seekers are distinguished from, and determined as, genuine refugees or bogus applicants. This initiated a meta-theoretical investigation on the adaptation of abstract concepts to the practice of social life. More specifically, how the term *bogus applicant* became the purely negative constituent of the subject position *refugee*. It was necessary to make use of an interpretative approach to problematise and explore, generate and theorise, interpret and explain, the object of investigation, and the context in which it is encountered and negotiated.

The first challenge therein was linking the notions of ‘refugee’, ‘governmentality’, and ‘power’. This presents a complicated philosophical and semantic task. ‘Refugee’ is an *essentialised* and *institutionalised* subject position, and ‘power’ can be viewed as a so-called *family resemblance* concept (Haugaard 2010). In both cases, this means that the concepts cannot be generically captured in all encompassing definitions or a deferral to their *essence*. In addition ‘the problematics of government’ imply an analytical investigation of the mentality and practice of rule, which cannot be translated into terms of linear causalities and instead implies a problem-driven approach. Therefore the main challenge has been to explore how governmental power relays the subject position of refugee and its negative constituent into the official discourse in Ireland, how this plays out in the context in which it is practised, and how it is negotiated by the agents it encounters. In short, it is an analysis of the micro-

powers to learn how the macro diagram of governmentality is produced and reproduced in regards to asylum in Ireland.

I argued that the exploration of such a task is undertaken through a problem-centred and present-oriented approach which entails not only a theoretical focus, but also needs to be informed by empirical observations as to how asylum seekers (try to) perform and negotiate the subject position refugee, to be recognised. In order to systematically analyse such empirical observations, it was necessary to clarify what is meant in the literature by ‘governmental power’ and to conceptualise it in such a way that it acknowledges the most basic dimension of subject position, i.e. subject to someone else by control and dependence and tied to one’s own identity by a conscience of self-knowledge, of subjugation and self-constitution. Implicit in this notion of governmental power is an understanding of a combination of power concepts, that is, power as both constitutive and repressive, of power as a capacity, and of exercising power to achieve particular goals, which in the instance of encounters are individual or situational resources. As such, chapter 2 adopted the analytical framework for examining how a particular regime of practices in regards to governing refugees emerged, have been maintained and have changed. Key to the starting point is identifying and examining a specific situation in which the activity of governing comes to be called into question; its problematisation, which are then followed by key analytical criteria:

Analytical criteria for governmentality research	
Problematisation	Identification and examination of specific situations in which the activity of governing comes to be called into question.
Priority of ‘how’ questions for regimes of practices	<p><u>Mentalities:</u></p> <p>Who or what is to be governed?</p> <p>Why should they be governed?</p> <p>How should they be governed?</p> <p>To what ends should they be governed?</p> <p><u>Technologies:</u></p> <p>Who governs what?</p> <p>According to what logics?</p> <p>With what techniques?</p> <p>Towards what ends?</p>

Table 1. Analytical criteria for governmentality research

For Ireland, such a situation for problematisation, that is, a questioning of government, began with the visibility of the migrant. Previously, the Irish imaginary collective got its distinct form and substance from its opposition to British, or various Northern Irish identities. This aspect of exclusion is characteristic for the construction of unities, or collectivities; the negative aspect of identification appears when *the Other* is depicted as a threatening *stranger*, terminology discussed by sociologist Georg Simmel (Simmel 1950), and so, not some intrinsic difference. In the social sciences the Other usually refers to someone unlike and distanced from “Us” (Schütz and Luckmann 1980), for example in relation to national identities. The Other is often depicted as a group outside of the norm set by what is considered to be representative of the Us, resulting in the excluded being represented in the ways in which they differ, and so become the stranger (Simmel 1950). In this sense, the migrant became the stranger to Irish society, his membership within the group ‘involves both being outside it and confronting it’ (Simmel 1950). Discursively constructing who is to be excluded, and simultaneously who is to be included, is not attained through a Schmittean or dualistic Manichean hierarchical division of “Us” and “Them”.

In this sense of the arrival of the migrant stranger, of a split within, or dislocation to the social order, political processes and discourses stoke and fuel conceptions of belonging and othering. Chapter 1 specifically addresses the construction of binary oppositions within language, how a dichotomy of Us and Them becomes a constituent, yet isolated factor, within discursive formations. Drawing on structuralist and post-structuralist renderings for the binary oppositions or dichotomisation within language, the Derridean reading allows one to view the migrant as the constitutive outside, or as Squire (2009) articulates it – as the ‘threatening supplement’, the Them which is required to provide definition to the essence or sense of the privileged Us. Foucault’s investigation of discursive practices, the rules and ways in which they are used spur particular beliefs or ‘truth’ about the discourse in question. The linking of power/knowledge affirms truth as a thing of this world and is mutually constitutive in the construction of discourses. In the circulation of power/knowledge within discourses the subject is both subjugated, and self-constituted, by the discourses in practice.

It is here that this thesis begins to incorporate the analytical framework and draw out, in the context of Irish migration – who or what is to be governed as the official discourse of asylum in Ireland begins to be constructed. As observed by Haugaard (2010), the key to reinforcing a discourse surrounding a social institution is to argue that they are not constructed, while

critique of the status quo is based on showing that it is socially constructed and therefore 'arbitrary'. In this sense, Ireland began to construct a discourse of asylum, a move away from the arbitrariness of the previous administrative system to create a statutory system that would reinforce the institutionalisation of particular meanings and practices in regards to asylum. Who is a refugee that is to be governed? Why and how should they be governed? This formation of discourse in regards to asylum requires an acknowledgement of the stranger or the threatening supplement, the external signifier, and an incorporation of that signifier into the internal order, part of Us.

Chapter 1 touches upon the dichotomy drawn out in the legislative debate in the proposed Refugee Bill 1993. This debate borrows and bargains from previous and surrounding discourses on the topic of asylum and refugees. It does this in order to position and formulate the Irish focus. Considering Ireland's history of asylum applications was relatively non-existent, what is significant in the debates that Ireland was drawing upon was the predominant emphasis on the subject matter from Europe. Awareness was drawn to the predicament that Europe, since the 1970's, had been trying to control and orchestrate. The discourse at a European level consisted of the asylum seeker construed as a population of bogus types on the basis of abuse of the system. Pertinent in this articulation of asylum is the signifier of security.

As for research methodology, I argued that this explorative research would be best served by an *interpretative research approach*. As such, this research was based on scientific criteria underlying the interpretative approach – i.e. 'thick description', 'reflexivity', 'triangulation', and 'phronesis' – rather than post-positivistic criteria such as 'falsifiability', 'internal and external validity', or 'generalisability'. I have explored the role of governmental power in the Irish asylum system through interpretative research methods in two case-studies. In chapter 2 I explained my methods of case-selection and data-collection (i.e. ethnography, participant observation, interviews and document reviews) and data-analysis (i.e. discourse analysis and deconstruction).

Moreover, I started chapter 2 by clarifying my epistemological positioning, by discussing the similarities and differences between previous Marxist and structuralist concerns of state power, and the genealogical approach of governmental power underlying governmentality studies on the other hand. While these approaches emphasise the complexity, interpretability,

and uncertainty of societal phenomena, and while genealogy distances itself from positivistic research on linear causalities, there is an important difference. The difference is particularly noticeable in the routes of critique, that between an ideological critique oriented towards the uncovering of hidden logics, interests or meanings, and genealogical critique that questions the present linked to a history of the present, an historical critique of our ontologies. While structural marxism leads to an enquiry into the conditions of possibility of true objective knowledge, Foucauldian critique adopts an ‘attitude’ that examines ‘the movement by which the subject gives himself the right to question truth on its effects of power and question power on its discourses of truth’ (O’Malley and Clifford 1997:507; Foucault 2007:32). Post-structuralist critical analysis therefore focuses upon the contingency of systems, the formation and functioning of discourses and the subjects who are constituted in and through them. Such an approach emphasises the fundamental debate in social research between a normative approach in critical social theory that aims to emphasise how things ‘ought to be’ and an empirical approach that calls for an understanding of how things ‘are’. Governmentality begins with the attitude: how *not* to be governed thus (van Munster 2010). Although its approach is both descriptive and prescriptive ‘it always has to be considered in relation to a field of interaction, contemplated in a relationship which cannot be dissociated from forms of knowledge. One always has to think about it in such a way as to see how it is associated with a domain of possibility and consequently, of reversibility, of possible reversal’ (Foucault 2007:66). Such an approach attempts to challenge the Enlightenment paradigm motivated towards the ‘ought’ and travel the road in the opposite direction towards ‘what is actually done’ (Flyvbjerg 2002; Foucault 2007:67).

Within this ‘attitude’, I have positioned my research as follows. Although governmentality inspires an analytics of government, an investigation of the political rationality and technologies, I have partly distanced myself from merely a ‘problematics of government’ approach that is most often observed in governmentality studies. This is directly relevant for the sub-question under discussion: *how can governmentality and the asylum system be studied?* From a governmentality perspective, the most evident way to go about studying governmental power in relation to the asylum system – and especially the role of power in the asylum system – would be to examine how a particular regime of practices emerged, distinguish rationalities and technologies of government that attempt to maintain and change these practices. Chapter 2 provided several examples and made reference to researchers who take this approach.

While such analysis is indeed important – and thus has formed a substantial part of the analyses in this thesis – I have argued that for governmentality studies, and for me, the challenge does not end here. Politics is not just about that which can be systematically programmed and made subject to government but is also about the outcome that cannot be forecast as it is dependent upon the realisation and operationalisation of resources, tactics and strategies in the relations of contest themselves. Thus the fourth dimension of power reflects the constitutive element of Foucault’s perspective that often gets neglected, that is, the centrality of social relations and the self-constitution of the subject. In this sense the performative relation is drawn upon to illustrate not solely a single history that renders something governable, nor many histories of the processes failure, but the interaction between the governmental strategy and the patterns of resistance that encounter and define each other.

I have related this to the ‘is-versus-ought’ debates in social sciences; between those that claim that social science should primarily aim to ‘describe’ and ‘explain’, and ‘those that say it should ‘prescribe’ and ‘predict’; between those that call for an understanding of how things ‘are’ and those that emphasise the understanding of how things ‘ought to be’. Regarding these debates, I argued that the study of governmental power in asylum is not about universal ideals of truth, reason and justice but about the contingency and conventionality of rules and practices in the multiplicity of forms of life where truth operates at the context dependent, or “local” level. The subject is paramount to the productive engagement of the performative relation. Resistance is not simply a process of saying no to an imposed subject position but a resignification, or negotiation, of the subject position within the performative relation.

‘To be constituted by language is to be produced within a given network of power/discourse which is open to resignification, redeployment, subversive, citation from within, and interruption and inadvertent convergences with other such networks. ‘Agency’ is to be found precisely at such junctures where discourse is renewed’ (Butler 1995:135 ; O’Malley and Clifford 1997:512)

Power, in Foucault’s terms, and as understood in the governmentality paradigm is ‘always a way of acting upon an acting subject or acting subjects by virtue of their acting or being capable of action’ (Foucault 1983:220). Such a recognition of the constitutive role of agents in contestation implies that governance is not insulated from social antagonisms in the

continuous classification of experience as problematic and programmable. In this thesis I have aimed to utilise the analytical framework to study the role of governmental power in the Irish asylum system, which can be used for deconstructive analysis, and for both interpretative and post-positivistic research. Moreover, besides the rather deconstructive and critical empirical analysis of asylum discourses and practices, I have also explicitly aimed to highlight the performative relation, particularly of the subjects, the asylum seekers, as they encounter the problematics of government. As observed by O'Malley, 'governmentality as an explanatory strategy has been the reduction of politics to a 'mentality of rule'. The lack of attention to social relations occurs by epistemological design, not by accident' (O'Malley and Clifford 1997:504).

Foucault's lectures *Security, Territory, Population (STP)* and *The Birth of Biopolitics* aimed to focus upon the formation of the modern state and the decentred subjugation practices of the 'problem of government'. Particularly in STP, Foucault began to investigate what he termed a new form of power, that is, biopower, that connected mechanisms of power to the basic biological features of human beings that subsequently rendered them programmable for political strategies. This new art of government developed, he argued, in conjunction with the formation of the modern state, in particular with circulation and urbanisation. He bases the formation of the type of governing, of the subjugation of individuals, to the Christian pastorate. He claims the Christian church and Christian communities brought forth what he calls pastoral power, that is, 'an art of conducting, directing, leading, guiding, taking in hand, and manipulating men, an art of monitoring them and urging them on step by step, an art with the function of taking charge of men collectively and individually throughout their life and at every moment of their existence' in order to reach the end goal of 'salvation' (Foucault, 2007:165). This form of subjugation of conduct was facilitated by the circulation and infiltration of a new regime of techniques and procedures for securing Christian salvation. The mapping of Christian mechanisms and conduits provided the network of technologies by which a mentality of rule could circulate in the formation of the modern state.

Raison d'état is the art of government by which the state is maintained. Palazzo provided a distinct understanding of a separation between reason and state. For Palazzo reason has two meanings: 'reason is the entire essence of a thing', but congruently reason 'is therefore a means of knowledge' it allows the will to adjust to the essence of what it is (Foucault, 2007:256). For Palazzo a 'state' can be understood in many ways, as a domain, a jurisdiction,

a status of a person, or lastly a state of mobility or immobility. Palazzo defines it as ‘a rule or an art...which makes known to us the means for obtaining the integrity, tranquillity, or peace of the republic’ (Foucault, 2007:257). Chemnitz perhaps provides a more explicit definition of what he understands by *raison d’état*: ‘a certain political consideration that is necessary in all public matters, councils and plans, which must strive solely for the preservation, expansion, and felicity of the state, and for which we must employ the most ready and swift means’ (Foucault, 2007:257). Combining these two definitions of *raison d’état* allows us to determine it as an art of government. It is something practical and knowledge based stemming from the moment of reality itself. The pastorate works on a top down truth, a truth already set in stone and is then taught to others who look for the truth within and return to the pastor for confirmation or advice. The truth as regards *raison d’état* is tied to the functioning of the state. The state is an entity that allows for the rationality of *raison d’état* to be applied. It is the reality in which the rationality for political thought develops and in which an art of government functions. The state becomes an entity of law onto itself. It is not subject to an external purpose or natural law but functions solely with reference to itself. It is perhaps at this stage that we can draw out this new form of government as ‘the conduct of conduct’, this dimension of political power that distances itself from the previous paradigms of law and war. It seeks to circulate a mentality of rule through state apparatuses that guide and govern the individuals of the state for the benefit of the state.

However, population as a notion did not rear its head until the 1800’s and was ‘elaborated through an apparatus that was installed in order to make *raison d’état* function. This apparatus is police (Foucault, 2007:278). The appearance of the state as an entity created the separation, through the Treaty of Westphalia, of separate units that could compete with one another economically. Economic competitiveness created purpose, definition, and stability for the identity of states in comparison to one another. Fundamentally this is what Foucault is trying to get at – that the state exists within the strategic continuation and maintenance of the dynamic forces. Diplomatic relations maintain concord with states, while military might secures the balance between states. Europe became a multiplicity of states made up of different identities but united in its outlook towards the rest of the world, a society of nations independent but bound by common interest (Foucault, 2007:303). The permanent construction of a professional and costly military force ensured the equilibrium of Europe. War became incorporated into the politics and the forces of the state, indeed it became a

professional apparatus that could be called upon to threaten or instigate balance and ultimately peace.

The old regime or formula of ‘remaining true to the essence of a perfect government’ transformed towards an unstable striving for equilibrium between relations of forces (Foucault, 2007:312). This striving requires manipulation, maintenance, distribution, and re-distribution in order to conserve a balance within a competitive force. This is done externally through the assemblage of diplomacy and the organisation of a military apparatus. It is the maintenance of an external and internal equilibrium that is novel to this modern art of government. Foucault declares that ‘this is the great threshold of modernity of this art of government’ (Foucault, 2007:312).

Internal equilibrium is maintained through the assemblage of police. In conjunction with the establishment of the state, the term police adapted. It was no longer a lax authority over a varying community or collection of people, but became more defined, similar to the strategic decentralisation of the state. Police became responsible for the internal workings of the states relation of forces. Von Justi, in the middle of the eighteenth century defined police as ‘the set of “laws and regulations that concern the interior of a state and which endeavour to strengthen and increase the power of this state and make good use of its forces”’ (Foucault, 2007:314). The existence in each state of a powerful internal police force structured towards the maintenance of the good of the state is essential to the balance of Europe. The instrument that provides communication between the external and internal is statistics. The internal knowledge that statistics provide of the object domain, satisfies both the internal and the external equilibrium. Police become interested in what men do, in their activities, providing statistical knowledge. Police become urbanised and economically oriented in line with the state’s interests, guarding and regulating the existence, well-being and circulation of the population, in turn ensuring the continuance, maintenance and growth of the state’s power. The progression of economic rationality from the population of the state, to the responsibility of the individual producer, that is, to private interests, transforms the state’s responsibility from the well-being of the individual and so population of the state, to the regulation of individual interest for the interest of all.

What Foucault progresses towards is an understanding of the mentality of rule by which interference into the private domain is justified. The birth of the modern state facilitated the

spatiality for interference, the political public domain that required government. From *politiques* to *economistes*, the rationality of the state had now subsumed an economic imperative, of individual interests for the benefit of the population. Civil society became the new responsibility of the state. The population of individual interests is complex, it is an entity specific to its surroundings and circumstances, and to a spontaneous naturalness of interaction that fosters development and growth. The government's responsibility will be to ensure that this naturalness can continue to develop, and where necessary, to create regulations to ensure that natural processes continue. 'The fundamental objective of governmentality...will be state intervention with the essential function of ensuring the security of the natural phenomena of economic processes or processes intrinsic to population' (Foucault, 2007:353). One can see how freedom is now introduced as an essential right of the population but also necessary for government itself. On the one hand government will be promoting freedom among the population in order to bolster the forces and strength of the state but it will also be regulating that freedom in order to prevent or repress 'disorder, irregularity, illegality, and delinquency' (Foucault, 2007:353). Instead of one unitary mechanism as described in the seventeenth century understanding of police, we now have a dichotomy between government and police, between the mechanisms and institutions promoting freedom and police regulation of freedom.

This dichotomy between government and the authorities that sanction government is important. It draws in Mariana Valverde's (1996) observation that modes of governance are, in practice, often contradictory, and illiberal moral regulation is sanctioned within liberal ethics itself. Securing circulation within the spatiality of government, or the milieu, means gaining legitimacy for interference within the risk of possible events. It means organising and maintaining circulation that ensures the elimination of its dangerous elements, 'making a division between good and bad circulation and maximising the good circulation by diminishing the bad' (Foucault 2007:18). The problem with the formation of the state-citizen order outlined above for refugees is that they call into question interpretations of liberal democratic citizenship, territorial belonging and free movement. As argued in this thesis, the advance in Europe from the 1970's onwards to determine and regulate the movement of migrants in order to secure economic stability of an internal borderless market resulted in immigration control becoming a key feature of the modern sovereign state. Not only key for the modern sovereign state, but for membership of a political community. Such a frame of control for mobility was initiated by a 'schizophrenic' interpretation of liberal democratic

citizenship in which, the interests of the citizen of the state are legitimately served by the regulation and exclusion of those who present as irregular, illegal and disrupting to the territorial order such as economic migrants and asylum seekers. As observed by Aradau et al., ‘European citizenship is marked by a tension: between a citizenship that is derivative of the nation-state, and a citizenship that is defined by free movement’ (Aradau, Huysmans et al. 2010:945). While being included for government asylum seekers are excluded from the process of government and abjected from self-government. Through the principle of non-*refoulement* they are entitled to enter a territory to seek protection. In this sense they become part of those to be governed, however, as I have outlined above, being governed in the Foucauldian sense means not only being subjugated by government but also having the capacity for self-government or self-constitution. Asylum seekers are exemplary subjects who are governed in the sense that their interests are affected by the decisions that emerge from a political process and will be enacted by political institutions, but who are excluded and abjected from the process of participation (Fine 2011). The circulation of migrants is constructed under those who are good or ‘desirable’ and so included, and those who are bad, ‘undesirable’, and so excluded. Such a construction of inclusion-exclusion alludes to the *stranger*, the political process and articulation of a blurred outside and provisional line for confrontation by the outside, and thus subject to change. ‘Though at any one time there will an ‘us’ and a ‘them’, the ‘them’ is never ‘a permanent outsider’ (Mouffe 1999:51; Fine 2011:633).

7.1.2. How does governmental power and the asylum system interact in practice?

So far this conclusion has referred to the active process that is ‘governing’. Government mediates and relays practical knowledge through rationalities and technologies of government. In this sense, it is concerned with how rationalities are discursively articulated and generated performatively within local systems of meaning, particularly as they become institutionalised and accepted as routine. This focus leads us into the second sub-question of this thesis, of the interaction in practice of governmental power and the asylum system. The answer to this question is primarily empirical but begins to be answered theoretically in chapter 3, and then empirically discussed in chapter 4, 5 and 6. The perspective of these chapters is manoeuvred by the second set of key analytical criteria in governmentality studies – the who considerations.

'Who' consideration sub-questions	<p>What forms of persons, self and identity are presupposed by different practices of government and what sorts of transformations do these practices seek?</p> <p>What statuses, capacities, attributes and orientations are assumed of those who exercise authority and those who are to be governed?</p> <p>What forms of conduct are expected of them?</p> <p>What duties and rights do they have?</p> <p>How are these capacities and attributes to be fostered?</p> <p>How are these duties enforced and rights ensured?</p> <p>How are certain aspects of conduct problematised?</p> <p>How are they then to be reformed?</p> <p>How are certain individuals and populations made to identify with certain groups, to become virtuous and active citizens?</p>
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Table 3. Analytical criteria for empirical research

Such a critical approach aims to examine the creation of subject positions by the subjectification process of government and the negotiation of such subject positions by those who are constituted by the discourses. In the context of migration and in this thesis, this is the subject position of refugee and its negative constituent the bogus refugee. As argued, migration is considered irrupting mobility and calls into question articulations of citizenship, territorial belonging and movement. The tension between integration and mobility on the European platform has been mediated in distinctly territorial and cultural terms, a large scale transposition of territorial boundaries and national belonging to the EU level (Aradau, Huysmans et al. 2010:946). This arrangement covers over the political implications and visibility of those whose rights are limited (Squire 2009; Aradau, Huysmans et al. 2010). In such a contestation emphasis is placed upon discriminating between insiders and outsiders, or between citizens and strangers. The frame in which this predominantly becomes articulated in terms of asylum is that of security, along with the parasitic practices that are embedded in the meaning and action of such a process of securitisation. This is significant particularly as asylum comes to be articulated as a 'problem' and a 'threat', a population of bogus types on the basis of abuse of the system necessitating restrictive and compensatory measures both on

a European platform and at a national level. Securitisation theory expands to take on board the political contexts in which certain issues become articulated as security threats. Not only is securitisation the effect of discursive utterances and the outcome of security practices, and so a technique for governing freedom, it is also a mentality of rule. Security becomes the apparatus for the regulation of freedom in terms of migration in order to repress and abject those who are to be excluded, who are considered a threat to the governing of order. In this sense security can be considered as a second rationality of governance that works in a complex relationship with economic imperatives.

Chapter 4 specifically seeks to utilise the analytical criteria of governmentality research by examining the historical organisation of exclusionary asylum discourse in Ireland. At this stage an intersection occurs between the two analytical frames of governmentality, while examining the ‘how’ questions, ‘who’ considerations ultimately emerge. In order to address the intersection of these subsets of analytical criteria, broader questions were established for analysis. The analysis was discussed under four sub-questions: 1) how the state defines the problem of asylum to which it responds in the construction and operation of the asylum system, 2) what are the subject positions and the modes of subjectification on a European level that the state engenders in order to make the system operational, 3) what fields of intervention does it mark out as legitimate, and the strategies it utilises in order to direct and manage the particular population, and lastly 4) what promises and goals are hoped to be achieved by this system?

Opening with a historical analysis of post-war Alien policy which was articulated in a discourse of race, followed by the failure of ad hoc Convention refugee programmes, the first part of chapter 4 suggested that the articulation of asylum might be conceived as a reiteration of the subject positions of immigration during the second world war, developing on an ad hoc basis in the post-war period. Analysis showed that the move towards, and membership of, the EEC created little disturbance to the form of identity collectively experienced by those in Ireland. Although Ireland was privy to the immigration debates on the European platform during the 1980’s, continued net emigration rates and substantial focus on raising economic performance, ensured that migration was almost always a topic discussed in terms of emigration. The move towards a harmonious asylum system for Europe began to be realised in the early 1990’s. At such time mobility in terms of European integration operated as ‘a socio-economic practice to be contained within a territorially and culturally circumscribed

legal European space' (Aradau, Huysmans et al. 2010:946) The preliminary debates in Ireland to define the arbitrary administrative procedure in the proposed move towards the creation of asylum legislation, and as such, a system, initially indicated such a proposal as unnecessary considering the negligible numbers Ireland dealt with. This approach suggested a continued ambivalence towards asylum by Ireland and persistent racial undertones towards outsiders that were dealt with arbitrarily. At the same time it was also a political move by the government to campaign and address the legislation themselves in their upcoming programme for government.

As the government debated the definition of refugee to be covered, the experience of Europe began to be considered and subsequently a repositioning of the Irish state. The recognition of the European experience and discourse of the perception of increased use of asylum as an immigration mechanism, the risk associated with such movement that was claimed to not only overburden specific resources, but reduce public perception of the humanitarian need for refugee protection, began to draw out the negative constituent of the refugee, the abuser of the system, the bogus applicant. This 'new challenge' was the specific definition of the problem necessitating the introduction of legislation by the state, to protect Ireland from any future situation that could have a severe impact on the economic and social well being of the country. Such an approach drew Ireland in line with Europe in mutual opposition to asylum-cum-illegal-immigration and initiated a dichotomisation of refugee, between genuine and bogus. It orchestrated an approach to mobility as a socio-economic practice discriminating between insiders and outsiders (Aradau, Huysmans et al. 2010). In order to maintain public perception of the operational ability of the system, to successfully filter the circulation of genuine refugees from bogus applicants, compensatory measures were introduced.

The Refugee Act 1996 that was Ireland's first piece of legislation, envisaged a system that could intake 300-400 applications per annum. However, in the year or two following the legislation much of the system faced functioning difficulties such as the allocation of finance, the employment of officials to process applications and a lack of an appointment of a refugee appeals commissioner. The stagnation of these crucial aspects of the system generated a backlog, not only in terms of paperwork, but also of individuals stuck in a newly introduced system. The number of asylum seekers from 1996 onwards increased threefold and the Minister for Justice was called upon to defend his administrative capabilities. The delay within the system created hyper-vigilance of the asylum issue, which soon became a 'crisis'.

‘...The present delay in processing these applications is undesirable and is giving rise to tension which ultimately results in a very unhealthy type of politics.’¹⁸ This tension of the visibility of the asylum seeker together with a dysfunctional system drew forth the language of the negative constituent of refugee, depictions of the subject position of the *stranger*. As such, media articles of the ‘influx’, ‘burden’, ‘astonishing’, ‘threat’, ‘invasion’, ‘floodgates’, ‘crackdown’, ‘rogue and bogus asylum seekers’ all served to depict the subject position of the asylum seeker in negative terms, as a bogus applicant.

The mode of subjectification that Ireland adopted to address the subject position of the asylum seeker is evident in the fire brigade of decisions that began to be passed through legislation. The Immigration Act 1999 saw the power to make or revoke deportation and exclusion orders transferred to the Minister for Justice. Readmission agreements were discussed and signed, carrier liability was passed in the Illegal Immigrants (Trafficking Act) 2000, a dispersal and direct provision system was established in 2000, and the Garda National Immigration Bureau (GNIB) created also. All of these measures established statuses and capacities for individuals to exercise authority, articulated in terms of security, over asylum seekers. The Minister for Justice found his stride as a competent administrator using security as the fulcrum of the asylum mechanism.

‘The Minister for Justice, Equality and Law Reform said that 90% of asylum seekers in this country were bogus. The Minister of State repeated that some time later...In reality what he is doing, and he raised it now again, is going on an alarmist binge about the hordes who are waiting in the shadows to invade this fair island of Ireland only for the Minister for Justice, Equality and Law Reform who stands in their way with the resolute measures he has taken.’¹⁹

The expansion and elevation of authority created specific fields of intervention both externally and internally to the State. Externally, passive pre-emptive forms of interdiction were established via extenuated powers to immigration officers, carrier liability, and statistical input to international data systems such as Eurodac and SIS. Each of these external interventions sought to curtail and securitise the mobility of the asylum seeker, reinforcing our territorial boundaries and emphasising the insider/outsider dichotomy through a process of securitisation. The major field of internal intervention was the controversial introduction of the dispersal and direct provision system. This system fixes asylum seekers in a particular location, removes welfare entitlements and ultimately strips them of the right to dignity. Both

¹⁸ Dail Eireann – Volume 483 – 02 Dec, 1997 – Priority Questions – Refugee Status

¹⁹ Dail Debate – Volume 520 – 31 May, 2000 – Illegal Immigrants (Trafficking) Bill, 1999: Report Stage: 20

these external and internal interventions function as processes that categorise the asylum seeker in relation to security and migration, isolate, marginalise and abject the asylum seeker to experiences of reduced agency and rights. Moreover, such an approach serves to reinforce the predominant conception of European integration, as a mode of territoriality and cultural exclusivity (Sack 1986; Aradau, Huysmans et al. 2010).

The idea of citizenship or political membership as a tension between insiders and outsiders or as territorially bound in exclusive cultural pockets is typically understood as being composed of pre-existing subjects (Aradau, Huysmans et al. 2010:957). Rather, this thesis has adopted a conception of the subject as constitutive within dislocations or ruptures, and so a protagonist in the conditions of possibility for political acts that disrupt institutionalised territorial or cultural practices and norms. As such, this thesis has examined how asylum seekers in such contestations of exclusion, through their performative relations or encounters as identities in flux, articulate themselves anew. Following the literature on mobility as a mode of sociality (political sociology of mobility) such acts are termed ‘acts of citizenship’, that is, understood as ‘those acts when, regardless of status or substance, subjects constitute themselves as citizens’ (Isin and Nielsen 2008:2). Thus the focus shifts towards the ‘other’, the abjected, the one seeking its right to political subjectivity. The question now becomes how does ‘the other’ dis-identify with the identity bestowed upon it by the hegemonic order. What acts of citizenship do they argue for or against in order to be recognised? What bonds of solidarity are created amongst the other that provides enough of a creative moment in which the *habitus* is disrupted and in which institutionally embedded citizenship practices become open to question?

Chapter 5 explored the way in which the existing institutionalised legal order prescribes and bestows pre-existing subject positions upon the asylum seeker. Simultaneously, it sought to examine the performative relation between the institutionalised legal order and the asylum seeker to draw out the political demands articulated by the asylum seeker in such a site of contestation. Considering Ireland’s extremely low recognition rate of refugees in the first instance, I argued that the majority of determinations draw out the negative constituent of the legal application of refugee that separates and suspends the application of the juridical norm resulting in the rejection of the applicant as ‘bogus’ (Agamben 2005). I showed how the refugee application process demands a singular subject position or identity honed by Procrustean logic to fulfil its preconceptions. Rearticulations are generated by the applicant,

the asylum seeker, through their performances in the legal channels of the process. These legal connections are based upon the asylum seeker's ability and capacity to engage with members of the community who can ameliorate their position and rearticulate their demands legally in their stead. This was encapsulated in the decision, or act of power by the applicant to transfer her file from the Legal Aid Board to a private solicitor. This was then actualised in the adjunct submission by the asylum seeker's representatives in which they rearticulated the uncontested and substantive element of the applicants political demand for recognition - the fact that Hamas know that the subject is a recognised member of Fatah and that her cousins are well-known gives rise to a genuine fear of persecution. This demand is political in that it serves to reconstruct the relation of subordination, and indeed domination, by which the asylum seeker's performance is rendered infelicitous.

Asylum seekers are not just *strangers* in a community but more than that, they are abjects or aliens, in that they are forcefully contained to exist in a demoted existence. This constraining position not only results in fluctuations of their identity as they seek ontologically security in such a position, but it also makes them increasingly susceptible to the whims of those who authorise the local rules of the game. Ireland is particularly exemplary in its mode of abjection of asylum seekers through the dispersal and direct provision system. Moreover, Ireland is the only EU member state not party to the EU Council Directive 2003/9/EC (27 Jan 2003) laying down the minimum standards for the reception of asylum seekers. As such, Ireland is the only EU member state with a complete ban on the right to work for asylum seekers, even though for others in the EU states, the right to work is granted after a certain period of time. As discussed in chapter 6, the direct provision system is a site of contestation where relationality within the system is established by reciprocal performatives of distrust and collaboration. The direct provision system institutes a way-of-being, or self-government within the social group of asylum seekers that entails double-entente performances, consistent negotiation of their positions as they fluctuate in search of ontological security and validation of their position. What my analysis showed in chapter 6 is the precariousness of such a position as resistance to technologies of domination entails subscription to the rules of the game. The acts of power initiated by the asylum seekers in my examples of performatives in chapter 6 fundamentally argued for the capacity to subscribe to the rules of the game, in that they challenge the official subject position of asylum seeker. I argued that distrust was mainly observed in instances of intervention by official authorities. In such cases, distrust operated to signal endangerment to the group/self while also initiating preservation of the

group/self. The ambiguous performance of distrust operates as a situational resource, that is, it incorporates an actor's awareness of options and risk, availability of rules, accessibility of him/her to other actors (Jenkins 2008b:157) and serves to maintain a cautionary collective bond between asylum seekers.

"One of the things that I was always told to do was not to be nice"

Who told you not to be nice?

"The residents in the place, not to be nice, not to be friendly, not to trust anybody. A friend, she always told me – don't trust people here, they are not your friends, and this is painful. I mean, you can't stay in the hostel for years with someone – eat, drink and sleep in the room or place, that you can't trust."

Do you feel you can't trust the people in your room?

"We have this feeling inside ourselves. What do we do? We trust, but what if someone misuses that trust? Then someone goes – I told you not to trust anybody."

(AS6, Palestinian, Galway 2011)

Such performatives reflect Searle's (2006) notion of 'collective intentionality', whereby collective intentionality moves continually between forming and transforming the we-relations of the group, in this sense, the defense mechanism of distrust preserves an awareness of self while simultaneously recognising the other through trust. However, it is not the trust of a stable social order, after all, nothing is permanent in a hostel of would-be refugees. The institutional collective intentionality of the hostel is one built upon individual ontological necessity not a genuine sense of collective purpose or commitment to institutional practices.

Collaboration serves as an individual resource; one's position and interactional competence, and knowledge and control over information (Jenkins 2008b:157). What analysis of these collaborative performatives argued was that collaboration within collectivities is not sufficient, in the case of asylum seekers, to bring about ontological security.

"I felt I couldn't stay in the hostel because I will keep thinking about it and keep crying over and I don't have energy for that. I said, that's it, I will go to Dublin and stay with my friend and distract myself from that and that is what I did...It's not because I couldn't make friends or I don't like people in the hostel. People in the hostel are just like me."

"What am I supposed to say, and what am I supposed to do? It's basically, I felt like I am stuck."

(AS6, Palestinian, Galway 2011)

Although she is getting validation in the hostel from other asylum seekers she also needs the validation of those outside the process. Ontological security requires not only validation from those in a similar situation, those who are de facto, without choice members of your collectivity, it requires validation from those in the external, what is considered, normal

world; especially, if officials from that world have branded you a liar. This, in a sense, is a creative way of accessing public discourses in relation to the subject position of the asylum seeker, and in the making sense of, or validating her position across social groups, as ‘they have the means by which, and frames within which, other people understand the position (Alasuutari 2004:132).

In the three explicit examples of collaboration by AS12, AS6 and AS4 that I argued, common to all is the Heideggerian agentic capacity of taking a *stand*. As argued, taking a stand entails seizing and enacting roles, lifestyles and status relations (Guignon 2001:197). This notion of taking a stand relates to the sense of collaboration conveyed in the performatives of asylum seekers, it is bound within the practicality of what people do to actualise their being. Taking a stand entails validation of the roles or status relations that we enact as part of *ourselves*, as a multiplicity of identities. AS12 takes a stand by acknowledging himself as a person engaging in integrative activities.

*“...now 3 years most of my friends have got their status and they lived in Tralee. So me, I used to go and visit them and a few of them opened businesses there, they started living, which was really strange. So and then ah...I started spending most of my time there, helping them with the shop. I never accepted money – I said, man, I don’t need. I just help you out, let’s do this, come on, run something... So...anyway I got kicked out... These guys call themselves Reception and Integration Agency (RIA) – Integration Agency – INTEGRATION – me, I am really integrated here, like a circuit! **Why would you want to send me there?** ... ”*
(AS12, Sri Lanka, Galway 2011)

AS12 challenges the official integration unit to recognise him as integrating and integrated, to being both positions of an asylum seeker, and member of the wider community, positions officially determined as incommensurable (as defined by the local rules of the game). AS6 takes a stand by strategically refusing to be forced to relinquish her student identity. She takes a stand as both student and as refugee, which is a strategy for ontological security. She cannot bear being a refugee all of the time. Yet, the coming together of incommensurable subject positions is also, in the end, what undermines her ability to perform refugee convincingly.

“I said, since when, since when am I absent? And she said, she raised the whole issue of studying. I said, I finished studies in November, and she said I have spoken to you. I said you haven’t spoken to me about it, this is our first time speaking about it and she kept saying, no, we have spoken about it. I said – I am not insane, I could remember if I spoke to you...”
(AS6, Palestinian, Galway 2012)

Finally, AS4 takes a stand by positioning himself in a place of honour next to the manager, as a friend of the manager and as an asylum seeker, ensuring continued support and protection from management.

“I can say that the manager for me is just like my father you know, he treat me very good. I treat him like he is my father...”

(AS4, Somalia, Galway 2011)

Bringing to the fore these performatives of distrust and collaboration allows for a renewed account of asylum seeker subjects. Rather than viewing the subject position of asylum seekers as bogus and abusers of the system, outsiders necessitating securitising measures, the performative encounter emphasises the fluctuating multiplicity of identities of asylum seekers. Furthermore, the significance of their collaboration with authoritative figures, gatekeepers to the local rules of the game, is not simply a surrender to domination. The encounter brings into play the tension between the insider and outsider, and the form of strategic negotiation that orchestrates power to/with in such a way that both those who dominate and those who are dominated continue to play the same game. Such a process emphasises how such relations are the condition of possibility for political acts that disrupt institutionalised subject positions and cultural practices. Asylum seekers are integral to the constitution of the asylum seeker subject position, a subject capable of self-government. While the idea of identity of the modern mobile individual as one in flux is not new, the figure is unsettling as its appearance brings instability to common conceptions of citizens with singular loyalty, identity and belonging (Isin 2009:368). This thesis has sought to draw out two specific sites of contestation, the application process and the direct provision system, in which political demands are substantiated by asylum seekers. These political demands have repercussions to which the state has the capacity to address.

As argued by Aradau et al. (2010) the dominance in the literature of an integrative approach emphasises a territorial and culturalist model of citizenship in which integration is privileged over mobility (2010:949). Such an approach delineates access to the public sphere and the practices by which individuals can access that space. As argued by securitisation theorists in terms of asylum (Huysmans 2000; Aradau and Van Munster 2008; Squire 2009; Van Munster 2009), such a space is securitised with an invisible shroud obscuring the public political space from asylum seekers. This thesis has argued that this is evidentially the case in the Irish

context as the integrative model as a form of governance discriminates between ‘integrated’ and ‘non-integrated’ individuals argued through the performatives of AS12 and AS6 as they sought recognition of their integrative capabilities and engagements, that were denied by the official authorities. Certain measures by the Irish state can redeem a level of visibility for asylum seekers at a local, national, and international level, and reposition the Irish state in line with its European counterparts at a minimum level in its recognition of rights.

7.2. Overall contribution to knowledge

This thesis is related to the existing work of governmentality scholars and theorists of power as it critically examines the emergence of asylum and its associated mode of governance in contemporary Irish politics. Overall, it responds, and contributes to one of the major criticisms of governmentality theory; its neglect of resistance, agency and experience, the effects that are produced in reality. In this sense it contributes to knowledge through its creative synergy of theoretical resources, particularly in its overarching emphasis on the negotiation of the performative encounter, which draws the work of Foucault and Searle together in order to create an alternative critical perspective. Theoretically, it explores a re-evaluation of governmentality analysed in terms of ‘governmental power’, and supplemented with the social power concept of performativity. Governmental power is thought in terms of activity, of the capacity of actors to act upon the actions of others to bring about particular ends that have practical effects (Dean, 1999). In this sense of governmental power, as a game of strategic action, it contributes new knowledge by arguing that regardless of the denial of status to, and thus restraints upon asylum seekers, their common positioning within direct provision centres, and their determination to be recognised by others engenders a capacity at the level of the performative, where actors interact and strategise their agency through their interactions with others, particularly those beyond the asylum system. Governmentality then can be understood as a combination of ‘power to’ and ‘power over’, that although ones choices are constrained by others one still has the ability/capacity to negotiate, perform, and retain some end, as exemplified in the examples of AS6 and AS12. In the case and context of asylum seekers, this can be conceived and understood as practising integration, or enacting and engaging in acts of citizenship. This contribution has important implications for the governmental regime that abjects and securitises asylum seekers, in that, social actors are not simply subordinate to, or dominated by, the discourses that constrain them (cultural dupes): they are active social subjects capable of performing and enacting conceptions of the self that

constitute alternative subject positions that render them as secure beings-in-the-world. This theoretical and empirical insight has practical, and policy, implications for the recognition of asylum seekers, not simply in terms of asylum seekers capabilities to integrate, but of their desire, motivation and need as secure beings-in-the-world for recognition from those in the world around them.

7.3. The subtle art of performance of subject positions

From a bird's eye view this thesis concerns the performativity of subject positions. The world in which we experience, the objective world, in order to be comprehended is dependent on our perspective of it. 'Human beings create the view, but not the world that is viewed' (Alexander 1990:531). As active social subjects, we are not examining entire mirror image reflections but tapping into that mirror image that we find, that is available to us. By extracting shards of reflections we collage together as our human view, as our human individual, yet socially contextual creation. In this sense of piecing objects together we assign meaning and attribute actions to certain things to make them meaningful and comprehensible within our perspective, they are constructed within our form of life. Our piecing of the shards together is a reflection of ourselves, of who we are and what we wish to be. This process is never permanent; the diachronic and dynamic movement constantly renders this perspective problematic and open to contestation. These points, moments of subject creation are historically constituted, as processes of *coming to be*. Such a point evokes a genealogical investigation: how did we come to this?

To return to a concrete example, the definition of a *refugee* is an attempt to construct a comprehensible perspective of the identity of the refugee subject. However, over time this has become problematic as many different ways of comprehending, and of course *being* a refugee has begun to be played out. The asylum process, rather than acknowledging and expanding the possibility of a multiplicity of identities, has armed itself with Procrustean tools of logic; it now operates as a mechanism that defines the exact bed size of an asylum seeker. The mechanism by which this operates is the unintended effects of governmentality. Actors who are abjected find themselves in the state of exception, which is the direct provision system, where they are expected to play out the subject position of asylum seeker. In practice this entails precariously seeking security from inside and outside the process. Although alliances, camaraderie, and equivalences are created amongst asylum seekers in the

direct provision centres these are artificially bonded, a Nigerian is not equal to a Somali, a Somali to a Sudanese, a Sudanese to a Georgian etc., they are disparate identities; therefore never satisfactory or stable. The precarious play of performance of asylum seeker subject necessitates the search for ontological security, engagement with others beyond the centres, in the real world of everyday life, beyond the state of exception, which are represented above in being *a student*, and being *a shop assistant*. These everyday positions offer ontological security but they are incommensurable with the position of *refugee*. This is the story of consistent vacillation between subject positions, where individuals both conform and resist. This state of flux creates ontological insecurity and meaninglessness, which is reinforced by the limbo existence of the state of exception. In this world of instability and incomplete knowledge, asylum seekers also extract shards for reflection, self-images that have meaning. They are active social subjects in their search for an image, they and do not simply have their backs turned; they create their own subject positions, not simply resist.

In conclusion, this is the performance of the encounter of a new subject position and its existent duality; it's opposite – refugee versus bogus applicant. Although this appears as an administrative task, it is more than that. It is the story of the performance of individuals who are enforced to perform to these categories of being. These people are fragile, fragile in the sense that they only rarely get to participate in the collage process, rarely do they get the opportunity to understand the rules of the game and so for the most part remain ontologically insecure. In all, these are subjects who are continually fragile, with only a few succeeding in creating an accurate reflection of the performance that is deemed to be felicitous, by the powers that be, of the subject position *refugee*.

OB23	08.06.2011	Policy & Advocacy Group	GRSG
OB24	15.06.2011	Policy & Advocacy Group	GRSG
OB25	20.06.2011	World Refugee Day	Galway Arts Centre
OB26	06.07.2011	Policy & Advocacy Group	GRSG
OB27	20.07.2011	Policy & Advocacy Group	GRSG
OB28	17.08.2011	Policy & Advocacy Group	GRSG
OB29	31.08.2011	Policy & Advocacy Group	GRSG
OB30	28.09.2011	Policy & Advocacy Group	GRSG
OB31	12.10.2011	Policy & Advocacy Group	GRSG
OB32	16.11.2011	Policy & Advocacy Group	GRSG
OB33	15.12.2011	Policy & Advocacy Group	GRSG

Table 1. Appendix 1: Observed meetings for data-collection

Appendix I: In-depth interviews Community Resources

Code Nr	Date	Function Interviewee	Organisation Interviewee
ID 1	20.01.2011	Director	Western Traveller & Intercultural Development Centre
ID 2	20.01.2011	Director	Tuam Community Development Resource Centre
ID 3	20.01.2011	Staff Member	Citizens Information Tuam
ID 4	20.01.2011	Priest	Catholic Church
ID 5	27.01.2011	Director	Loughrea Family Resource Centre
ID 6	27.01.2011	Facilitator	Youth Work Ireland Loughrea
ID 7	16.02.2011	Director	Gort Family Resource Centre
ID 8	24.02.2011	Director	Clann Resource Centre Oughterard
ID 9	24.02.2011	Staff Member	Dun Gibbons Direct Provision Centre Clifden
ID 10	3.03.2011	Director	Solas Resource Centre Headford
ID 11	14.03.2011	Director	Cullairbaun Community House Athenry
ID 12	31.03.2011	Principal	Creagh N.S. Ballinasloe
ID 13	7.04.2011	Regional Officer	Foroige
ID 14	17.04.2011	Chairman	Angolan Association

Table 4. Community Resources field visits and in-depth interviews

APPENDIX II. INTERVIEWS ‘INTERCULTURAL COMMUNITY’

Table 2 specifies all email correspondence made with community resources and groups prior to telephone interviews. Table 3 specifies the telephone interviews conducted with individuals of the community and voluntary sector that engage with migrants in the region. Finally, table 4 specifies all field visits and interviews conducted with key informants of the community and voluntary sector. I conducted and reported on all of these interviews myself. For each interview the following items are specified: date, function and organisation.

The majority of interviews were set up either by email or from a brief introduction and interview to the project over the telephone. Pertinent telephone interviews were then followed up by a field visit for an in-depth interview using the questions outlined below where appropriate.

Thematic Semi- structured Interview Plan

Key Informants: Community and Voluntary Resource Centres

1. Can you tell me about the establishment and history of this particular community/voluntary resource centre including your involvement in it?
2. Can you tell me about the migrant community in your catchment area? - The first two questions are intended to probe a narrative answer from the respondents. The following few questions will relate to instances and events mentioned as important in the story.
3. What particular programmes/classes do you provide for migrants? If migrant specific then, why? i.e. language classes, women's groups, citizen's information, migrant information etc.
4. Are there other local community agencies that migrants are involved in – i.e. local sports club, dance group, evening classes or other?
5. If there is a specific resource that a migrant is seeking, and if not available through the resource centre, how do you address this or to whom do you refer them?
6. Is migrant employment concentrated in a particular area of the town i.e. nursing home, factory or supermarket?
7. Are there prominent local church congregations active within the migrant community? How?
8. Do they have a migrant contact within the community that I could approach for in-depth interview purposes?
9. Is there anything else you would like to add, anything else you consider important for migrants or the community that we have not mentioned?

Appendix II: Email Correspondence

Code Nr	Date	Function Interviewee	Organisation Interviewee
E 1	1.12.2010	LCDP Leader	FORUM Connemara Ltd.
E 2	1.12.2010	Co-ordinator	Community Forum Galway County
E 3	1.12.2010	Regional Officer	Integration Centre Galway
E 4	1.12.2010	Chairperson	Afro Renaissance
E 5	1.12.2010	Director	Gort Family Resource Centre
E 6	1.12.2010	Director	Aonad Resource Centre
E 7	1.12.2010	Director	Tuam Community Development Resource Centre
E 8	1.12.2010	Director	Cullairbaun Community House
E 9	8.12.2010	Co-ordinator	Spark / Youth Work Ireland
E 10	8.12.2010	Chairperson	Bangladeshi Community Group
E 11	8.12.2010	Co-ordinator	VEC Galway
E 12	8.12.2010	Staff member	Citizens Information Tuam/Clifden
E 13	8.12.2010	Chairperson	Filipino Community
E 14	8.12.2010	Staff	Brothers of Charity Galway
E 15	9.12.2010	Co-ordinator	Community Workers Co-op
E 16	6.01.2011	Staff	Connemara FM Radio
E 17	19.01.2011	Co-ordinator	Galway Volunteer Centre
E 18	19.01.2011	Staff member	DERI
E 19	2.02.2011	Co-ordinator	St. Vincent de Paul
E 20	10.02.2011	Home School Liaison Officer (Gort)	Dept. of Education & Science
E 21	23.02.2011	Chairperson	Angolan Association
E 22	3.03.2011	Project co-ordinator	GCP
E 23	10.03.2011	Chairperson	Portuguese Association
E 24	22.03.2011	Principal	Creagh N.S. Ballinasloe
E 25	23.03.2011	Chairperson	Galway Russian Alliance
E 26	29.03.2011	Co-ordinator	Community Forum (city)
E 27	24.03.2011	Project co-ordinators	Youth Work Ireland (Tuam/Athenry/Ballinasloe)
E 28	24.03.2011	Staff member	Brackernagh Family Support
E 29	4.06.2011	Project co-ordinator	Domestic Violence Response

Table 2. Key Informant email correspondence

Appendix II: Telephone Interviews Key Informants

Code Nr.	Date	Function Interviewee	Organisation Interviewee
IT 1	12.01.2011	Co-ordinator	Citizens Information Centre
IT 2	12.01.2011	Project co-ordinator	Intercultural Health Mediation Unit
IT 3	12.01.2011	Project co-ordinator	Spark / Youth Work Ireland
IT 4	12.01.2011	Project co-ordinator	GCP
IT 5	12.01.2011	Co-ordinator	Galway Community Forum
IT 6	12.01.2011	Staff Member	GRD
IT 7	12.01.2011	Director	Tuam Community Development Resource Centre
IT 8	12.01.2011	Director	Clann Resource Centre
IT 9	12.01.2011	Director	Solas Resource Centre
IT 10	12.01.2011	Director	Cullairbaun Community House
IT 11	12.01.2011	Director	Aonad Resource Centre
IT 12	12.01.2011	Director	Gort Family Resource Centre
IT 13	19.01.2011	Staff Member	Dun Gibbons Direct Provision Centre
IT 14	19.01.2011	Co-ordinator	FORUM Connemara Ltd.
IT 15	19.01.2011	Director	Loughrea Family Resource Centre
IT 16	19.01.2011	Staff member	Meadow Cross Cultural Association
IT 17	19.01.2011	Co-ordinator	VEC
IT 18	19.01.2011	Principal	Creagh N.S. Ballinasloe
IT 19	19.01.2011	Migrant	Loughrea
IT 20	19.01.2011	Migrant	Loughrea
IT 21	19.01.2011	Chairperson	Bangladeshi Community Group
IT 22	19.01.2011	Co-ordinator	Galway Intercultural Forum (city)
IT 23	19.01.2011	Chairperson	Filipino Association
IT 24	19.01.2011	Director	Western Traveller Intercultural & Development Association
IT 25	20.01.2011	Director	NaCalai Portumna
IT 26	20.01.2011	Staff Member	Ballinasloe Social Services
IT 27	20.01.2011	Co-ordinator	Community Workers Co-op
IT 28	20.01.2011	Equality Officer	Galway People's Resource Centre
IT 29	20.01.2011	Director	St. Vincent de Paul
IT 30	20.01.2011	Migrant	Tuam
IT 31	20.01.2011	Co-ordinator	RAPID Project

IT 32	20.01.2011	Home School Liaison Officer	Loughrea
IT 33	26.01.2011	Home School Liaison Officer	Gort
IT 34	26.01.2011	Chairperson	Angolan Association
IT 35	26.01.2011	Chairperson	Portuguese Association
IT 36	26.01.2011	Chairperson	Bangladesh Community Group
IT 37	26.01.2011	Chairperson	Irish-Polish Association
IT 38	26.01.2011	Chairperson	Galway Indian Community
IT 39	26.01.2011	Chairperson	His & Hers Recreational Co-operative Society Ltd.
IT 40	26.01.2011	Chairperson	Latino Community
IT 41	26.01.2011	Chairperson	Association of Nigerians
IT 42	26.01.2011	Chairperson	Russian Cultural Centre "Alliance"
IT 43	26.01.2011	Chairperson	Ahmadiyya Muslim Association
IT 44	16.03.2011	Facilitator	VEC Community Education Project West Galway
IT 45	16.03.2011	Facilitator	VEC Adult Learning Centre North / East Galway
IT 46	16.03.2011	Facilitator	Headford Adult Learning Centre
IT 47	16.03.2011	Co-ordinator	DVR

Table 3. Telephone interviews with key informants

Appendix II: In-depth interviews Community Resources

Code Nr	Date	Function Interviewee	Organisation Interviewee
ID 1	20.01.2011	Director	Western Traveller & Intercultural Development Centre
ID 2	20.01.2011	Director	Tuam Community Development Resource Centre
ID 3	20.01.2011	Staff Member	Citizens Information Tuam
ID 4	20.01.2011	Priest	Catholic Church
ID 5	27.01.2011	Director	Loughrea Family Resource Centre
ID 6	27.01.2011	Facilitator	Youth Work Ireland Loughrea
ID 7	16.02.2011	Director	Gort Family Resource Centre
ID 8	24.02.2011	Director	Clann Resource Centre Oughterard
ID 9	24.02.2011	Staff Member	Dun Gibbons Direct Provision Centre Clifden
ID 10	3.03.2011	Director	Solas Resource Centre Headford
ID 11	14.03.2011	Director	Cullairbaun Community House Athenry
ID 12	31.03.2011	Principal	Creagh N.S. Ballinasloe
ID 13	7.04.2011	Regional Officer	Foroige
ID 14	17.04.2011	Chairman	Angolan Association

Table 4. Community Resources field visits and in-depth interviews

APPENDIX III: ASYLUM SEEKER INTERVIEWS

The asylum seekers were mostly approached through the Galway Refugee Support Group or activities associated with my time there. Transcripts are available in Vol.II.

Appendix III: Refugee/Asylum Seeker Interviews

Code Nr	Date	Interviewee	Location
R 1	20.04.2011	Refugee Status	GRSG
R 2	14.06.2011	Refugee Status	Home
LTR 3	26.04.2011	Leave to Remain Status	Cafe
AS 4	01.06.2011	Asylum Seeker Status	GRSG
AS 5	21.06.2011	Asylum Seeker Status	Eglinton Hotel
AS 6	06.07.2011	Asylum Seeker Status	City Museum
AS 7	18.07.2011	Asylum Seeker Status	Eglinton Hotel
AS 6	22.07.2011	Asylum Seeker Status	Spanish Arch
AS 6	30.07.2011	Asylum Seeker Status	Eglinton Hotel
AS 6	02.09.2011	Asylum Seeker Status	GRSG
AS 11	06.10.2011	Asylum Seeker Status	Geraghty's Hotel
AS 12	07.10.2011	Asylum Seeker Status	Unspecified location
AS 6	04.11.2011	Asylum Seeker Status	GRSG
AS 6	07.11.2011	Asylum Seeker Status	GRSG
R 14	11.11.2011	Refugee Status	NUIG
AS 6	24.11.2011	Asylum Seeker Status	GRSG
AS 6	06.01.2012	Asylum Seeker Status	GRSG
AS 17	09.01.2012	Asylum Seeker Status	Eglinton Hotel
AS 6	08.02.2012	Asylum Seeker Status	GRSG
AS 6	24.02.2012	Asylum Seeker Status	GRSG
AS 6	05.04.2012	Asylum Seeker Status	GRSG
AS 18	18.04.2012	Asylum Seeker Status	GRSG
AS 6	10.04.2012	Asylum Seeker Status	GRSG

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