

Redrawing the Lines of Control
Political Interventions by Refugees and the Sovereign State System

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This paper questions how it became acceptable to detain refugees arbitrarily and indefinitely. I contest the appropriateness of detention as the casual response to asylum seekers by demonstrating how political action by detained refugees undermines the logic supporting detention. I argue that a methodical, if non-linear, process promotes the construction of an image or an understanding of refugees as apolitical actors. This understanding directly relates to the advancement of the Westphalian state system as the indisputable reality of modern politics. The refugee must be seen as devoid of agency so that she can be more easily confined, both ideologically and spatially. The figure of the refugee as an apolitical actor has become prominent in many fields, including the more obvious offender of policymaking but also the unlikelier one of forced migration studies. One result of the acceptance and repetition of this line of thinking has been a willful ellipsis of the politics conducted by refugees. I therefore turn away from a limited reading of the nature of detention and towards an appreciation of the interventions instigated by refugees from within detention centres.

I will demonstrate this turn through an examination of the construction of the refugee and the international state system. I will explain what I see as the dynamic of inclusion/exclusion and how this idea reaches its apotheosis in the detention estate. I will look at specific instances of refugee resistance from within the British detention estate, and demonstrate how these acts reveal the political capacity of the refugee. Throughout this paper, I will employ aspects of feminist and critical international relations [IR] theory

along with the ideas of Giorgio Agamben to begin to construct a framework for understanding these phenomena.

THE CONSTRUCTION OF THE REFUGEE

When we strip the refugee of her political dignity, it becomes permissible to subject her to actions that would otherwise be unacceptable. Detention is a formidable marker of the state's stamping of the political worthlessness of arriving asylum seekers. As demonstrated in multiple studies, incarceration is always political: it serves a variety of political interests, and serves as a potent substantiation of the coercive powers of the state (Smith 2004 925). The fact that there is relatively little public outcry about the incarceration of refugees admits to the public's tacit concession to the denigrated status of the refugee in politics. Since detention *is* a political move, however, we cannot say that the refugee is an entirely de-political figure; my contention is that she hovers somewhere around apoliticization.

There are certain prevalent categories and narratives that contribute to the delineation of refugees as marginal to sovereign politics. Such constructions include the refugee as victim, unnatural aberration, wanderer, child, saboteur, and criminal. For example, Prem Kumar Rajaram examines the presentation of refugees by the non-governmental organization, OXFAM. Intentioned to tug at the heartstrings of donors, OXFAM circulates photographs and descriptions of asylum seekers that Rajaram, following feminists like Cynthia Enloe, labels "womenandchildren". Rajaram concludes that OXFAM essentializes the subjectivity of groups of displaced persons into predetermined corporealities of sexless, voiceless bodies (Rajaram 2002). Another example is the innovative work on language and refugeeness produced by Liisa Malkki

wherein she contests the “natural” links connecting attachment, displacement, and soil or roots. Malkki examines the high value placed on individuals fitting readily into nation-states, and notes that our “sedentarist assumptions about attachment to place lead us to define displacement not as a fact about sociopolitical context, but rather as an inner, pathological condition of the displaced” (Malkki 1992 33). Through analysing the deployment of metaphors of the displaced as natural disasters or terrorists, Michael Pugh isolates and questions the construction of boat people as stateless wanderers (Pugh 2004 54 - 56). Other identities traced onto the bodies and minds of refugees include the refugee as a child needing a paternal hand to be guided homeward, and the refugee as a saboteur of Western social stability. Roger Zetter argues that even the term “refugee status” has become a commodity that is bought and sold, implying the criminalization of migrants and the people who facilitate their movements (Zetter 2007 186). Ultimately, the emptying of refugee subjectivities into a preordained set of constructions is a ploy to silence asylum seekers (Nyers 2006 20). As Nevzat Soguk writes, what we perceive as the voicelessness of the refugee “is the *effect* of the refugee discourse, not the refugee’s essence or the peculiarity of the refugee’s existence in life” (Soguk 1999 9).

Although critics may argue that some of these constructions contain a kernel of truth, we nevertheless ought to reject them as a mystification of stereotypes and negative clichés into a truth propagated to benefit a select group of people. It is expedient for groups such as the Office of the United Nations High Commissioner for Refugees (UNHCR) to present refugees as a helpless mass. For UNHCR, the state constitutes the spatial as well as the political point of reference. Giulia Scalettaris remarks that the UNHCR views refugee movements as proceeding directly from “countries of origin” to

“countries of asylum”. UNHCR maps people’s movements almost strictly in relation to state borders (Scalettaris 2007 46). Indeed, the power of UNHCR emanates from its blanketing of any nuanced definition of what constitutes the refugee through its policies and statements. Paradigmatic documents such as the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol reinforce stereotypes by enshrining certain characteristics as legitimate, thereby discounting claims that might be based on experiences specific to other races, religions or countries of origin. In prominent essay, BS Chimni accuses the Office of the UNHCR of complicity in a state-led attempt to deter refugees from crossing borders, especially those separating the Global North and the South. Chimni writes that

The concepts which have already emanated from UNHCR in the post-Cold War era – in-country protection, preventive protection, the right to remain, temporary protection, closer co-operation with the Security Council – coupled with ideas that UNHCR has gone along with – safe havens, safety zones – have sought to operationalize the vision of ... the powerful donor countries. (Chimni 1998 367)

This move allows UNHCR to speak confidently and expertly for refugees, and to remain the world authority on dictating how to govern their movements. The mystification of the refugee into two-dimensional constructions meant to facilitate the authority of one group further strips the refugee of her political status.

Negative representations of refugees are circulated in photographs, literature, calendars, and the general media, such as those deconstructed by Rajaram in the aforementioned article. A study of media representations of refugees in England, for instance, reveals a series of “grotesque images” being repeatedly associated with refugees. The report, published in 2004 by the Information Centre About Asylum and Refugees in the UK, details the negative language employed in British newspapers as

including the following descriptions of asylum seekers:

crime, dirty, thieves, fraud, deception, bogus, false, failed, rejected, cheat, illegal, burden, drugs, wave, flood, influx, scrounger, sponger, fraudster, tide, swap, flood mob, horde, riot, rampage, disorder, race war, fight, brawl, battle, fighting machine, deadly, orgy of violence, fury, ruthless, monsters, destruction, ruin. (qtd. in Tyler 2006 191)

Further studies have revealed the media's explicit and unfounded linking between refugees and heinous crimes. For instance, again in England, asylum seekers have been associated in newspaper reports with the manufacture of ricin; the murder of Stephen Oake, a Special Branch police officer in Manchester; and the planning of terrorist attacks and hijackings in India and Pakistan. Margaret S. Malloch and Elizabeth Stanley convincingly compare these associations with the creation of contemporary "folk devils" for the allocation of blame (Malloch and Stanley 2005 57).

Another perpetrator in this crime of misrepresentation is academics. We engage in apoliticizing language when we speak of forced migration and the involuntary movements of refugees. Flight is the ultimate survival strategy for a person facing an uncertain future (Loescher 2002 47). In contrast to this heroic portrayal of the act of flight, David Turton argues persuasively that the academic language of forced migration can present asylum seekers as "simply passive victims of circumstances". Our own complicity in the assembly of an image of the refugee as an apolitical actor helps to make it possible for us to "respond to forced migrants not as individual human beings, ... embedded in contingent social and historical circumstances, but as anonymous and dehumanised masses. As people who are members neither of our civil nor our moral community" (Turton 2003 10). In tandem with his call for a more finely shaded picture of refugees to be redrawn in academic circles, Turton's point also underlines the authority

of Western scholarship in the field. As Zetter says, we are all incorporated in the political project of constructing the refugee in convenient (apolitical) images (Zetter 2007 190).

THE HEGEMONY OF THE SOVEREIGN STATE

Following John Gerard Ruggie and others, this paper takes the position that territorial state sovereignty is a specific historical development that grew out of a distinct background and will eventually pass (Ruggie 1998). We are constantly affirming and re-making states through our participation in minute rituals. As Walker argues, “the state appears in the conventional story as a formal and almost lifeless category, when in fact states are constantly being maintained, defended, attacked, reproduced, undermined and re-legitimised on a daily basis” (Walker 1991 45). Following this post-positivist approach, I contend that it is our ideas about sovereignty that grant significance to the structures, not the practice of formal international relations by itself. Political theory and political practice are co-constitutive. The boundaries of states are validated in a similar manner: the drawing of state borders is less consequential than the reproduction of the boundaries and corresponding communities through institutionalized processes, regimes of power, and the everyday actions of individuals (Morehouse 2004 32 - 33). We thus stabilize impermanent boundaries through circulating shared ideas that affirm the importance of the impermeability of those boundaries. In the words of Cynthia Weber, when we speak about or even question sovereignty, we engage in “writing the state” and thus contribute to the symbolic representation of sovereignty (Weber 1995 3 - 7).

The state may be a product of our collective political imagination but it has undoubtedly become the central feature of our practice. Its overarching influence on time and space virtually dictates how we think about politics. Seyla Benhabib makes a similar

point when speaking about nation-states:

The control of territorial boundaries ... seeks to ensure the purity of the nation *in time* through the policing of its contacts and interactions *in space*. The history of citizenship reveals that these nationalist aspirations are ideologies; they attempt to mold a complex, unruly, and unwieldy reality according to some simple governing principle of reduction, such as national membership. Every nation has its others, within and without... Through membership practices the state controls the synchronic and diachronic identity of the nation. (Benhabib 2004 18)

Discourses of sovereign power necessarily place strident limits on how we interpret contemporary trends and future possibilities (Walker 1991 448). While borders were arbitrary at the point of conception, they have come to bear real, if not extreme, political significance for contemporary global politics (Parker and Brassett 2005 239).

Along with post-positivism, this paper also reads the sovereign state system through a feminist lens. The theorists working in feminist IR are unraveling the power mechanisms that mystify subjugation and domination into appearing as natural, unproblematic occurrences. One of the most familiar and widely accepted strategies of feminist IR theory is the move to make women visible. In so doing - and taking care to go beyond a formulaic "just add women and stir" approach - we can reveal the andocentric assumptions of conventional accounts of politics. This strategy inserts actual women into our picture of so-called reality, and reveals women to be agents and activists, as well as victims of violence (Peterson 2004 38). Of particular interest to this paper is the role played by sovereign state power in maintaining the silence of marginalized political actors. In contradistinction to many realist theorists and their model of a world of billiard balls bouncing against each other, many feminists stress that we cannot speak of the state as a unified actor no more than we can say that only states conduct global

politics. As Wendy Brown argues, the domain we call the state is not an “it” but rather “a significantly unbounded terrain of powers and techniques, an ensemble of discourses, rules, and practices, cohabiting in limited, tension-ridden, often contradictory relation with one another” (Brown 1992 12).

Various mechanisms work to give the messy nature of the state an appearance of solidity and completeness. I argue that the power to control outsiders who cross a state’s territorial boundaries is one such important mechanism. Feminist IR theorists argue that closer attention to the practices or values associated with women’s experiences pulls back the veil of distortion that bureaucratic regulation drops over our lives. This paper augments this call with a larger skepticism towards universalizing discourses and common constructions. Instead of perceiving difference as inevitably a problem, we ought to see it as positive (Phillips 1998 10, 15). By listening to the voices of refugees silenced by the state through their detention, we can see the falsity of sovereign borders and boundaries and the importance of questioning its margins and silences.

THE DYNAMIC OF INCLUSION/EXCLUSION

Sovereignty has an internal as well as an external dimension. This double-sidedness means that we imagine states to face outwards to watch other states while simultaneously facing inwards to gaze at their own populations. The separation and identification of these faces are interrelated; each side of a state’s territorial border is defined by not being its other. Diana Coole notes that such spaces are always interpreted normatively in political theory. They are ranked in terms of higher and lower, or inclusion and exclusion; in other words, they are compared on the basis of certain metaphysical judgments about what it means to excel as a human subject. This

distinction excludes the ethos and practices of one realm in a political move to separate it from the other. It is a question of power, not geography (Coole 2000 338). This move necessarily creates a dualistic, subjective view of the world. This complex condition is known for RBJ Walker as the “inside/outside” of international relations; for Michael Shapiro, it is “modernity’s dominant spatial story”; and, for Michael Dillon, it is the “ontopolitics” of the state-based system (Soguk and Whitehall 1999 680). More recently, Giorgio Agamben has interpreted aspects of this dynamic under the title of “the sovereign ban” (Agamben 1998).

While for many people this dynamic of inclusion/exclusion may assume a benign form, we quickly recognize its frightening scope when we turn to the position of the refugee. The refugee is cornered into a series of inclusion/exclusion paradoxes. The most obvious instance of the dynamic of inclusion/exclusion is the refugee’s entrapment in a system that marks her cross-border migrations as a trespass. Yet, since the sovereign system is what labeled her as a trespasser and confined her to a limited political status, she is also inextricably caught in the web of nation-states. This aspect of the inclusion/exclusion dynamic means that states each carry responsibility towards the refugee while no one is held individually responsible to care for her needs, political and otherwise. For example, the United Nations Declaration of Human Rights enshrines the right to seek asylum in another country as the fourteenth basic right. The Declaration is quiet, however, on states’ obligations to grant entry to foreigners, to uphold the right of asylum, and to permit citizenship to alien residents and denizens (Benhabib 2005 674). The conflict between territorial sovereignty and universal human rights is written into the

logic of this paradigmatic document. Once again, refugees are excluded from rights while being included in law-making.

The dynamic of inclusion/exclusion therefore traps the refugee within the system of states while simultaneously rejecting her basic human rights as enshrined in the primary documents guiding the states' conduct. Human rights are no longer individual rights but the rights of citizens legally inhabiting recognized nation-states. Moreover, since she is trapped in an indefinite state of emergency or exception, there is nowhere remaining for the refugee to go to reclaim these rights. In her seminal essay, "The Decline of the Nation-State and the End of the Rights of Man", Hannah Arendt reveals the essential connectedness of the fate of human rights and that of the modern state. The paradox is that the refugee – who is the actor most in need of access to rights – is precisely the individual who reveals the ineffectiveness of the concept of rights. Arendt writes eloquently of this calamity:

We became aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one's actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation... Only with a completely organized humanity could the loss of home and political status become identical with expulsion from humanity altogether.

(Arendt 1976 297)

Arendt uncovers the fact that the Rights of Man are actually the rights of citizens only. The actor who would presumably most need the chance to call upon these rights is thus refused the opportunity. The refugee exists between states rather than within them (Haddad 2003 319), and she is prohibited from reclaiming these rights because of the absolute division of the world into sovereign states.

DETENTION AS A MANIFESTATION OF THE DYNAMIC OF INCLUSION/EXCLUSION

The detention of refugees represents a crystallization of this dynamic of inclusion/exclusion. It is an enclosure within a prison and yet it is an exclusion from the receiving society. Since the primary purpose of traditional incarceration is punishment for a crime, or as a means to hold someone on remand, detention is different from incarceration because the detained refugee is not awaiting trial. Rather, detention can be indefinite and is currently prohibited in international law. Despite these measures, Article 5 of the European Convention on Human Rights and Fundamental Freedoms proscribes certain cases where detention is permitted, and these cases include the control of foreigners (Bloch and Schuster 2005 497 - 498). Such a *legerdemain* apoliticizes detained refugees since it grants them fewer rights than are accorded to a convicted criminal. In a sly twist, Arendt makes light of these circumstances and advises the asylum seeker to break the local laws because “it was better ... to become an anomaly for which [the law] did provide, that of the criminal” than to live outside of and at the mercy of the law as a refugee (Arendt 1976 286).

Detention represents the contemporary *cordon sanitaire*, both literally – through the erection of detention centres – and metaphorically – through a silencing of refugee voices by aid agencies, government bodies, and other groups claiming to work on their behalf without giving refugees the opportunity to speak for themselves. In the past, detention was used only intermittently in liberal democratic state; when it was used, detention usually represented a response to particular events or crises. For example, prior to 1988, asylum seekers were rarely deported or detained in the United Kingdom with an average of between 200 – 300 people in detention at any given time. By 2003, that

number had escalated to over 2260 people detained, including children and pregnant women (Welch and Schuster 2005 402). By the end of the twentieth century, deportation, detention, and most recently dispersal had become normalised in an ongoing attempt to control or manage the flows of people throughout, into and out of the Global North. Gil Loescher notes that for over two decades, states have been searching for measures to curb the entry, admission, and entitlements of people claiming refugee status.

Detention works in tandem with these policies of control, some of which include:

extending border controls through stringent visa requirements, imposing sanctions against airlines and other carriers for transporting undocumented individuals, stationing immigration officials abroad, detaining asylum seekers before they reach national borders, negotiating agreements to send home those refused asylum, and threatening to withdraw financial and development aid if regional host countries will not take back those asylum seekers rejected in the West. (Loescher 2002 52)

Thus, detention is implicated in a larger complex of procedures intended to curb the movements and, notably, the asylum requests of refugees.

All states retain the right to deport people whom they deem unfit to live within their territorial jurisdiction. As such, the use of detention is often defended on the grounds that deportation without detention would be impossible. Liza Schuster correctly notes, however, that Britain, France, Germany, Italy and many other countries detain arbitrarily: “some asylum-seekers are detained on arrival and some after an initial rejection of their claim and before their appeal has been heard” (Schuster 2005 612). The British Independent Asylum Commission (IAC) concurs in a recently-published report that asylum seekers can be detained “at any stage of their application to enter or remain in the UK – on arrival, with appeals outstanding, or prior to removal” (Hobson, Cox et al. 2008 54). The United Kingdom also retains the right to disperse asylum seekers to areas within

its territorial jurisdiction that it decides to be more appropriate for refugee resettlement. British policy-makers argue that detention is needed to facilitate dispersal, or to punish people who do not follow the specific instructions of dispersal policies. Dispersal is a key instrument of sovereign power and one that frighteningly reinforces the notion of the refugee as a temporary aberration. Like detention, dispersal is “disconnected from the modalities of integration and the support services needed for settlement” (Zetter, Griffiths et al. 2005 176). The arbitrary and indefinite nature of detention diverges from its stated purpose of facilitating and commandeering deportations and dispersals, however, and this incongruity shines a light on the fallacy of understanding detention as simply a means to another end.

By restricting people’s access to basic freedoms and rights through detention and the associated control mechanisms of deportation and dispersal, the state reasserts its strength as the adjudicator on legal and political subjectivities. This effect engenders the provisional aspect of refugee crises, as it mystifies the refugee experience into an interim afflicting being visited upon an otherwise well-functioning Westphalian system. In requesting asylum as a rights-invested refugee, the political asylum seeker breaks out of the perimeters of accepted subjectivities; such a defiance necessitates punishment through detention, deportation, or dispersal. These policies of control represent an effort to re-establish the “normal” order of citizen-subjects (Nyers 2006 23). Detention is a threshold case whereby the division and discipline of the detained population is conducted through extreme measures and the apoliticization of the incarcerated is completed.

AGAMBEN'S INSIGHTS AND THE STATE OF EXCEPTION

The Italian theorist Giorgio Agamben is perhaps the best-known critic of refugee detention centres and border camps. His ideas on the subject are elaborated in the influential 1998 work, Homo Sacer: Sovereign Power and Bare Life, as well as in State of Exception, a treatise that was published in English in 2005. He argues that detention centres and border camps constitute a pivotal lens through which we can begin to deconstruct the operation of sovereign power. Agamben groups most people into either the category of “bare life” or that of “sacred life”. In a nod to the ancient Greek city-states, he uses the term “the city” to refer to any country with sovereign and territorial adjudication. The Hobbesian state of nature is the exception and the threshold that constitutes the city. It is “a condition in which everyone is bare life and a *homo sacer* for everyone else” (Agamben 1998 106). The anarchy of bare life that Hobbes imagined as seething just beyond the gates of the city is the “always present and always operative presupposition of sovereignty” (Agamben 1998).

Agamben gives the title of *homo sacer* to those persons whose negation outside constitutes the community within the city. This negation occurs when people are banned from the city because they are foreigners, refugees, or bandits, or, more ominously, when they are punished by death. Agamben names this process of negation the sovereign ban. It is “the force of simultaneous attraction and repulsion that ties together the two poles of the sovereign exception: bare life and power, *homo sacer* and the sovereign. Because of this alone can the ban signify both the insignia of sovereignty... and expulsion from the community” (Agamben 1998 110 - 111). In contrast to assumptions about the development of sovereign power and our attitudes towards refugees, the sovereign ban is

not independently constituted or unconsciously constructed. Agamben writes that topographical assessments of sovereignty as an inside/outside dialectic are insufficient explanations (Agamben 2005 23). Rather, he argues that sovereign power is a more minute, intimate process that relates inclusion to exclusion, and bare life to political life (Agamben 1998 8). The epitome of this “secret and truer” complex is the state of exception (Agamben 2005 62).

Agamben draws on Carl Schmitt’s famous ideas on the exception as proving and becoming the rule of sovereignty; he claims, however, that Schmitt misinterprets the principle of the exception (Agamben 1998 36 - 37). Agamben traces the exception as being premised on the divisions of political life as resolved by sovereignty. The difference between sacred life and bare life, for Agamben, is that sacred life can be sacrificed in the name of the sovereign but bare life can only be killed as an example of sovereign power. *Homo sacer* describes the sovereign view of a non-citizen as an unholy approximation between man and beast (Agamben 1998 109), and so the death of *homo sacer* cannot be a sacrifice since it is not holy to the order and thus rendered meaningless. In this way, we can link bare life with refugeeness.

Referencing Schmitt and Walter Benjamin, Agamben surmises that the refugee camp – which, for our purposes, can be linked to the detention centre - is the *prima facie* “state of exception” that constitutes law while simultaneously suspending it. The border camp is a “zone of indistinction between outside and inside, exception and rule, licit and illicit, in which the very concepts of subjective right and juridical protection no longer make any sense” (Agamben 1998 170). The camp is the space that abandons the outsider/enemy/Other is abandoned to a void that is more nebulous and multifarious than

Schmitt's more straightforward friend/enemy dichotomy. The existence of the camps is a form of violence without juridical form – a formless violence – enacted upon the refugees who are forced to live within it (Agamben 2005 59). It simultaneously places the refugee in a condition of suspension, and removes the refugee from the reach of the law (Papastergiadis 2006 435).

Since, for Agamben, the primary reason for its existence is to serve as a state of exception that normalizes sovereign law in the city, the camp marks the threshold for the power of the sovereign. Agamben contends that the camp serves an additional, interrelated purpose of shoring up the borders of sovereign state rule by contributing to the spatialization of politics. In locating bare life within the refugee camp, “the banishment of sacred life is the sovereign *nomos* that conditions every rule, the originary spatialization that governs and makes possible every localization and every territorialization” (Agamben 1998 111). It is an “empty space, in which a human action with no relation to law stands before a norm with no relation to life” (Agamben 2005 86).

The camp is successful at disciplining because it stands outside of the law while demonstrating that the law is founded in violence against persons. Like refugees, the camp belongs to sovereignty but stands outside of it. It is difficult to argue against the camp because it virtually defines how we conceive of politics. Agamben explains:

From the real state of exception in which we live, it is not possible to return to the state of law [*state di diritto*], for at issue now are the very concepts of “state” and “law.” But if it is possible to attempt to halt the machine, to show its central fiction, this is because between violence and law, between life and norm, there is no substantial articulation... To live in the state of exception means to experience both of these possibilities and yet, by always separating the two forces, ceaselessly try to interrupt the working of the machine that is leading the West toward global civil war. (Agamben 2005 87)

The essential paradox of the camp is also the paramount reason for sovereign states to ensure the shunning of refugees from mainstream politics: they both must remain as political elements subjugated to the hegemonic rule of sovereignty over law, violence, and freedom.

The Agambenian camp is a political response to crisis, and so it cannot be understood through legal or constitutional frameworks. Rather, this state of exception is presented as the legal form of that which can have no legal form. The state of exception follows from Arendt's observation that human rights are citizens' rights, and Michel Foucault's "biopolitics" formulation as the right to life being the sovereign power that permits its subjects not to die. The state of exception stands for the no-man's land between politics and law, or between life and the sovereign. This middle ground is inhabited by the mediating presence of bare life. When the two forces confront each other and begin to blend in the state of exception, however, "all life becomes sacred and all politics becomes the exception" (Agamben 1998 148). In the state of exception, human rights are suspended and all life becomes "sacred" in the Romanic sense of "destined to die".

Agamben's camp or, in our case, the detention centre, is a place of limbo. It is the site where power is manifested through the organization of bodies, and where the power of bodies is coupled – and, significantly, uncoupled - with political meaning. In the same way that we can claim that the refugee is not an aberration from but rather an inevitable product of the state, Agamben is correct when he argues that the detention centre is an extension of the power of the state and not a temporary last-resort. His argument pertaining to the state of exception is undoubtedly profound as well as quite valuable in

the flowering of discussion on responsibilities towards the refugee.

There are some aspects of Agamben's theory, however, that I find problematic, especially given this paper's theoretical commitments. The most notable among these difficulties is his projection of sovereignty as a unified mass that cannot be rethought or overcome. As mentioned earlier, this paper takes a post-positivist / feminist IR perspective that understands the state not as a complete whole but rather as a series of overlapping powers and techniques. This point of view also necessitates an understanding of sovereignty as an artificial, historically specific development. In contrast, Agamben posits the state as the key, if not commanding, agent shaping all politics of repression. This portrait of power has "a restricted image of geographic and symbolic borders." Indeed, as Nikos Papastergiadis aptly notes, "the camp is seen [by Agamben] as a sealed and homogenous enclosure. Agamben exaggerates the levels of control. Even the totalitarian states with their 'closed' borders and their countless citizen 'informers' never succeeded in totally controlling their societies" (Papastergiadis 2006 437). Agamben's depiction wrongly exaggerates the state to seem like an impenetrable bulwark to which there can be no response or retaliation. This model of the sovereignty contributes to the silencing of people on the margins of power and trivializes the importance of acts of resistance.

Another critique of Agamben stems from what can be interpreted as his fetishization of the refugee. Since Agamben sees the state as all-powerful, the refugee cannot but accept her fate as discarded bare life. Bare life cannot, by its definition, spark consequential political action and so any refugee-led resistance is worthless. This turn mandates that the radical political potential of the refugee resides solely in her potential

for alerting us – political life – to the contradictions and injustice of the sovereign state system. Tyler writes that this “Wizard of Oz scenario, in which the curtain of illusion falls back to reveal the operations of power, is incredibly simplistic despite Agamben’s theoretical complexity” (Tyler 2006 197). Agamben does not endeavour to relocate the refugee from the quasi-invisible position dictated by sovereignty to a position that could contest his intricate web of inclusion/exclusion. Feminist theorists might argue that he is not paying enough attention to local action, and is too fascinated with the macro levels of power to see changes on the micro level. Feminist theorists could also fault Agamben for mystifying the structures of power, even in his attempt to deconstruct it productively. For Agamben, then, the refugee remains a marginal figure; her utility is to help *us* reimagine *our* politics rather than to carry importance as a speaking, acting figure in her own rights.

THE BRITISH DETENTION ESTATE

In the United Kingdom, as in other liberal democracies, the apoliticization of the refugee and the inclusion/exclusion dynamic are brought to their inevitable conclusions in concrete forms. The Independent Asylum Commission (IAC) recently determined that the British asylum system is “not yet fit for purpose” and that it “is marred by inhumanity in its treatment of the vulnerable” (Hobson, Cox et al. 2008 2). Through a series of policy maneuvers, the British government forces asylum claimants to accept their status as apolitical agents resigned to outsider status. Imogen Tyler catalogues the apparatus of this newfangled welcome wagon:

[O]nce an asylum-seeker is identified, they are issued with an asylum-seeker’s identity card, become subject to detention, dispersal and electronic tagging, barred from access to paid work and have limited (if any) access to education, health care, social housing and income support.

For the asylum-seeker, the first and most critical stage moment in this process is being identified as an asylum-seeker. (Tyler 2006 188)

This process is demoralizing and immediately distances the refugees from the local population upon arrival in England. It leaves asylum seekers socially excluded and marginalized in the new communities (Bloch and Schuster 2005 493). This stamp of outsider status is a classic manifestation of the inclusion/exclusion dynamic.

Since passing the 1999 Immigration and Asylum Act, the British government has expanded its detention estate considerably. It can now accommodate approximately 2,700 detainees with plans underway for an additional centre to open at Gatwick Airport in 2008. Currently, there are ten “immigration removal centres” in the United Kingdom; of these ten, private companies contracted to the Immigration and Nationality Directorate of the Home Office run seven with the remaining three being operated by the Prison Service. Christine Bacon rightly criticizes this partnership between private companies and the government as being conducive towards establishing “a large, politically and economically powerful private industry which relies on the continued profits and consequently the continued incarceration of a growing number of asylum seekers” (Bacon 2005 25). Despite government promises to end the practice, detainees are also held in prisons, police stations and short-term holding facilities, usually at ports (Hobson, Cox et al. 2008 55). Watchdog groups report that, in clear violation of its purported justification as an administrative power, detention is sometimes used in England as a punishment against uncooperative detainees (Welch and Schuster 2005 402).

The primary reasons volunteered by the British Immigration Service for detaining refugees include the belief that the refugee will abscond if released; the need to establish

conclusively the refugee's identity; or the imminent dispersal or deportation of the refugee (BID (Bail for Immigration Detainees) 2007 3 - 4). Disturbingly, asylum seekers in the United Kingdom can be detained at any stage of their application process and for an indefinite period of time. The Indian national, Karamjit Singh Chahal, suffered the longest known period of detention in the United Kingdom; he was finally released on 15 November 1997 after six years and two months of incarceration (Welch and Schuster 2005 403). Importantly, while most states have set limits on the amount of time that detainees can be held, there is no such maximum period enforced in the UK (Schuster 2005 613).

The practice of arbitrary and indefinite detention is deplorable and represents a significant attack on the basic rights of asylum seekers. Critics have been condemning this aspect of the British immigration system for many years. In its Report summarizing key findings from a fact-finding mission undertaken to the United Kingdom in 1998, the United Nations Working Group on Arbitrary Detention expresses its concerns regarding the indefinite detention of asylum seekers in England. The Report warns that the "functioning of the legal regime on occasion makes the restriction on liberty and free movement sufficiently prolonged that it might in specific instances result in arbitrary deprivation of liberty" (United Nations Working Group on Arbitrary Detention 1998 12). The IAC also makes note of the disheartening nature of arbitrary detention, and how its unpredictable enforcement prohibits asylum seekers within England from establishing stable livelihoods (Hobson, Cox et al. 2008 55). The state's unpredictable attempts to strip the refugee of her rights to freedom and movement are emblematic of its view of the refugee as an apolitical figure.

A significant number of detainees have reported injuries at the hands of escort companies and detaining officers. In April and May 2004, a general medical doctor employed by Médecins Sans Frontières –UK carried out free medical assessments of thirteen adults and three children being detained under Immigration Act powers in the UK at the request of the NGO, Bail for Immigration Detainees. The key findings include irregular continuity of care, inadequate interpretation services, and, most seriously, mental health problems and deteriorating overall health of all sixteen people assessed (BID (Bail for Immigration Detainees) 2007 4 - 5). The unaccountability of private security companies also raises concern for the well-being of detainees. These abuses have been pardoned – if not sanctioned – by the British state apparatus, and such neglect indicates an understanding of the refugee as a figure of bare life. Refugees are effectively placed beyond the framework of basic rights structuring each liberal democratic country. The body of the refugee carries no meaning for the state, and so it is subject to discipline as the state sees fit. Beyond the pale of accountability and cloaked in the bureaucracy of private firms and government claims to security interests, the bare life of the refugee exposes her to multiple levels of mistreatment.

DETAINEE RESISTANCE

A series of protests by refugees have taken place within British detention centres over the past decade. These interventions call to our attention the political nature of the refugee. An individual who is dispossessed of her political and human rights in detention centres is reduced to a bare existence. Such a person turns to self-sacrifice in the name of revolt against the state apparatus. Michel Foucault famously examined the nexus of

power and resistance, and claimed that the two are inextricably linked (Foucault 1995). Agamben's reading of Foucault picks up on this linkage but goes one step further: Agamben posits a biopolitics in which living itself is at stake (Enns 2004 1). However, Agamben dangerously forecloses the political potential of the refugee and thus discounts the importance of any resistance to sovereignty as futile. Following feminist and post-positivist IR theory, I argue that these acts of resistance against the detention estate signify important breaks from the control of sovereignty. Moreover, refugee interventions disrupt the Foucauldian cycle of power-resistance and relocate refugees from a place of bare life to that of political life.

The National Coalition Against Deportation Campaign has recorded 157 incidents of detainees self-harming while incarcerated in the period of January, 2007 – December, 2007. This figure equates to one act of self-harm every 2.3 days (NCADC News Service 2008b 1). Recorded acts of self-harm include hunger strikes, naked protests, cuttings, and suicide attempts. Each act of resistance is a concerted attempt by detainees to take back possession of their bodies as well as the political meaning of those corpuses. They represent individual abdications of the bare life stigma embossed on their bodies by sovereignty and a willful repossession of their political status as actors with self-determination. Instances of self-harm may at first appear destructive but they can be read as generative of new identities and productive of new politics.

A mass protest along these lines took place in Haslar detention centre, Portsmouth, and in Campsfield House, Oxfordshire, in September, 2001. The protest was intended to prompt a meeting with high-ranking immigration officials to discuss refugee discontent. During the unfolding of the protest, more than two hundred detainees went on hunger

strikes. The protest was sparked after a high court ruling decreed it illegal under the European Convention on Human Rights to detain asylum seekers without clear evidence that they would otherwise abscond or misbehave. The detainees wanted to know why the ruling did not apply to them (Travis 2001 11).

This protest with a chorus of two hundred can be understood as an attempt by detainees to relocate from bare life to political life. In political communities claiming allegiance to liberal democratic views, aggrieved members can expect to have their complaints aired and be responded to with respect and dignity. In detention centres situated inside these states, this conversation is not possible. An audit from November 2007 published by the Border and Immigration Agency found that only eight percent of complaints filed by detainees were investigated with interviews and that less than eighty-four percent of those investigations were balanced or thorough (qtd. in Campsfield 2007 / 2008 3). An overarching issue of accountability has plagued many of the detention centres, especially those managed by private security firms (Malloch and Stanley 2005 64). The self-organized mobilization of two hundred detainees is remarkable for its scale and its breadth. Such an effort demonstrates the political will of the refugee as well as her maturity and sophistication in successfully performing such a protest. Moreover, this protest attests to the level of anger within the detainee communities. This anger is directed at a system that continues to perpetrate crimes against the refugee that its higher courts deem illegal, and a system that deliberately ignores the refugee's demands.

A number of these instances of refugee intervention are particularly striking because they simultaneously highlight the political will of the refugee and the conditions to which detention subjects her. For example, incarcerated mothers in the Yarl's Wood

centre recently held a protest during which many of the fifteen women involved stood naked in a corridor and went on hunger strike. These actions were intended to prompt a much-delayed meeting with the Border Agency on the issue of child detainees and overcrowding. The confrontation began on 9 April, 2008 after eleven detainees tried to stop the removal of a mother and child; it escalated after a pregnant Nigerian national was separated from her six-year-old, allegedly as a punishment for leading the protest.

In a collective statement directed at the British Home Office Secretary, the detainees who engaged in the protest at Yarl's Wood state:

We are not criminals ...To seek Asylum is not a crime but the way the government is treating ... asylum seekers is not good at all... This is cruel and insult to these poor children, these poor children they have got their own rights in this country but you have taken their rights. The bad thing is that most of the families have been in detention more than a month now, flights have been cancelled, judicial Reviews have been lodged but the Home Office are keeping us and they know that Yarl's Wood is one of the worst detention centres in England according to how they treat the people. They treat people like dogs; even a dog is better treated...this is a cry for help.
(NCADC News Service 2008a 1)

This statement was volunteered and composed by the detainees. The mothers claim both a disavowal of trespass ("We are not criminals") and an assertion of their humanity when they argue against being locked into spaces more appropriate for dogs. Yet, we can also detect that, underneath this claim for equality and call for dialogue with policy-makers, there is a latent fear of helplessness. The detainees are upset at the haphazard scheduling of their deportations and also at the length of their incarcerations. They also appeal to outsiders for help since their protests are not sufficient to impede the machinations of the British detention estate. From a theoretical point of view, I would argue that this statement points to an awareness by the detainees of the shifting lines of bare life and political life that shape their incarcerated lives.

One of the mothers who stood naked in the corridor, twenty-two-year-old Mercy Guobatia, complained of the noxious conditions in the centre and said of her action: “I took my clothes off because they treat us like animals. We are claiming asylum, we're not animals. They treat us as if we've done something terrible” (qtd. in Dugan 2008). Guobatia and the other mothers expose the injustice of the system through their resistance against it. They have no tools or official avenues to protest through so they use their bodies to subvert the control exercised on *homo sacer*. This refusal is enacted on two levels: the first is through their nakedness and the second is through their choosing to forgo the nourishment provided by the detention apparatus. In other words, these women would rather be naked and starving than suffer the injustice to which they are being subjected. Of course, the poignancy of the intervention is heightened by the women’s position as “mothers”. This status alerts us to not only their life-giving capacities but also to their essential humanity with which anyone can associate. If “the naked body of the *homo sacer* is the negative limit of humanity and its passivity” (Diken 2004 102) then the willfully naked and starving body of the mother-refugee is the ultimate symbol of political aspirations and self-repossession.

CONCLUSION: A HOPEFUL FUTURE

Through considering these cases of resistance, we see a new portrayal of the refugee beginning to take shape. In sketching the outline of this emerging depiction, I benefit from insights gleaned from feminist and post-positivist IR, as well as a critical understanding of the work of Giorgio Agamben. In this paper, I demonstrate the importance of acknowledging the political agency of the refugee by revealing its

incontrovertibility. Through a deconstruction of the apparatus of the international state system, I critically evaluate the placement of the refugee in global politics, and expose the mistake of trusting the accuracy of predominant constructions. I explain the dynamic of inclusion/exclusion and how it reaches its climax in the modern detention estate. I detail a case study of the British immigration detention system as well as refugee resistance against it. Finally, we come to one interpretation of the meaning of refugee resistance for international politics and its far-reaching implications for international politics.

Of course, I acknowledge that in this depiction – which, admittedly, amounts to another construction - the refugee is still positioned on the periphery of sovereign politics. In our portrayal, however, she is actively relocating herself towards a more central role in political theory and practice. The veil of apoliticization thrust on her body and her politics by the sovereign system is falling away. We read an emergent post-Westphalian system being signaled in the refugee's refusal to submit to the silencing mechanisms of detention. In her acts of self-harm, hunger strikes, public statements, and naked protests, we can sense the cracks that are destabilizing the dynamic of inclusion/exclusion. In our own refusal to accept the sovereign system as the only reality simply because it is the status quo, we loosen the grips that sovereignty holds on our political imagination. By breaking free from the false understanding that the presence of the refugee is no more than a temporary aberration, we start to appreciate more fully the acts of resistance that cross fault lines of sovereign power.

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