Can asylum seekers appeal to their human rights as a form of non-violent resistance?

Rationale

Asylum seekers have arisen as "one of the central issues in the politics of liberal democratic states" over the last two decades. In the context of globalisation and the proliferation of human rights as a discourse within international politics asylum seekers represent a key site for examining the potential and limitations of the contemporary political discourse of human rights. (Gibney, 2004)

The liberal discourse of human rights holds them to be rights all persons have in virtue of our common humanity. They function to protect fundamental human interests or access to the objects of our "basic human needs" from the neglect, imposition, sovereign domination, or violence of others in the name of their own interests or needs. (Griffin, 2001; Pogge, 2008)

The UK asylum process can be understood using Foucauldian conceptions of sovereignty and governmentality. For Foucault (2002; 1997) sovereign power involves the authority to determine and legitimate the normative status of identities within a discourse. Governmentality is the "conduct of conduct", a normative framework in relation to which subjects 'self-govern' and so conform to particular normative identities and behaviour. In the context of the nation state governmentality serves to perpetuate and reiterate sovereign power by determining the scope of political agency, "the possible field of action of others".

In relation to governmental processes in the UK asylum seekers are produced as subjects excluded from the national identity and political community and so from political agency. I propose to analyse whether human rights provide a possible framework to challenge this exclusion of asylum seekers in the UK.

Poststructuralists criticise how the liberal assertion of a particular conception of the 'human' subject as the universal condition for the possession of human rights radically limits the possibilities of political agency and is necessarily exclusionary. (Peterson, 1990)

My research shall examine how the liberal human rights discourse itself constitutes a process of governmentality that reinforces the exclusion of asylum seekers from political agency and therefore is insufficient as a framework for resistance against such exclusion. Moreover I shall examine whether a poststructuralist alternative theory of human rights may suggest possible strategies for such political resistance.

Research Contribution

In order to consider the strategic potential of human rights as resistance, I shall combine Pin-Fat's (2000) theory of (im)possible human rights with Butler's (2004; 2009) theory of ethical non-violent resistance.

Pin-Fat argues that the discourse of liberal human rights is a "language game" involving a contest over who is to 'count' as human and so is recognisable as a political agent within the realm of political possibility.

For Butler, our inherent "vulnerability" to each other places an ethical responsibility on us engage in non-violent resistance to exclusionary modes of government in society. This involves an aggressive, yet peaceful, struggle *for and with* the foreign 'other' and a performative, experimental criticism of governing societal norms so as to open up the space for ethical political relations based upon recognition of our inseparability *and* our difference.

My research shall examine whether, by understanding human rights as a contest over who 'counts', appealing to human rights can be seen as a strategy of non-violent resistance against the political exclusion and resulting vulnerability of asylum seekers in the UK.

My research shall be an empirical contribution to theories of modern state governmentality as well as to on-going poststructuralist critiques of political and philosophical liberalism.

I shall contribute to wider debates concerning the possibility of resistance in the face of pervasive governmentality and sovereign power. By applying this particular theoretical approach to the empirical study of asylum seekers, I hope to identify possible sites and strategies of non-violent resistance thereby enhancing understandings of the form resistance may take and so provide suggestions for reimagining international politics generally and UK asylum policy more specifically.

I propose to research the possibility of a non-violent and 'productive' resistance and so demonstrate how human rights are a continuingly relevant and powerful force for ethical and political change within international politics.

Departmental Fit

Within the Centre for International Politics at University of Manchester my research is directly relevant to the work of Dr Veronique Pin-Fat. As well as benefitting enormously from Dr Pin-Fat's supervision, my research shall contribute to Dr Pin-Fat's research by offering an original perspective from which to develop her theory of human rights. I shall contribute to Dr Pin-Fat's research insofar as it is an empirical application and exploration of her theory.

My research is also relevant for Dr Cristina Masters' research on Foucault, governmentality, Butler, and security and through her supervision my research will greatly benefit from her expertise in these areas. Furthermore, both Dr Pin-Fat and Dr Masters have successfully collaborated in supervising several PhDs.

There are several research groups at University of Manchester, such as the Poststructural and Critical Thought Research Cluster and the Poststructuralism Reading Group, within which my research would be perfectly placed and which would provide an

invaluable intellectual environment in which I will be able to present papers and receive feedback and which will offer me the resources necessary to the successful development of my research.

Additionally, the Manchester Centre for Political Theory (MANCEPT) offers the opportunity to engage with contemporary liberal political theory directly and rigorously alongside leading liberal justice and rights theorists such as Prof Hillel Steiner, Dr Jonathan Quong, and Dr Tom Porter. This will provide the opportunity to develop my critical understanding and arguments concerning liberalism so as to improve and refine the criticisms within my research.

Methodology

My research shall involve a comprehensive analysis of the strategic potential of human rights through examining processes of governmentality and resistance within law, government policy, human rights theory and human rights practice, for example by charities or NGOs such as Boaz Trust in Manchester.

As a case study asylum seekers exemplify how, in relation to state governance, the liberal human rights framework produces certain subjects as politically excluded and so constitutes a process of governmentality.[1]

My research shall focus on how liberal theory and government policy identify asylum seekers in ways that enable their political exclusion in practice, and how alternative ways of identifying them provides strategic potential for NGO, charity and campaign approaches that challenge the dominant government practices. To do this I shall implement a methodology of poststructuralist narrative analysis for which I have identified the following sources: (i) legal documents such as the Universal Declaration of Human Rights, the UK Immigration, Asylum and Nationality Act 2006, Criminal Justice

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[1] Produced, for example, within international edicts such as Article 14 of the Universal Declaration of Human Rights (UDHR) and the 1951Convention Relating to the Status of Refugees (CSRS).

and Immigration Act 2008 and Borders, Citizenship and Immigration Act 2009;[2] (ii) government policy documents such as UKBA 'asylum policy instructions';[3] (iii) speeches and press releases given by government politicians; (iv) the manifestos, mission statements, policy documents, campaign plans and publicity statements of NGOs such as Amnesty International, charities such as Boaz Trust and other campaign groups such as Student Action for Refugees.

Preliminary Chapter Design

Introduction

Chapter 1: Liberal Human Rights: Universalism and Enforcement

Chapter 2: Human Rights in Law and Government Policy

Chapter 3: Asylum Seekers: Political Agency and Exclusion

Chapter 4: Strategic Human Rights in Non-Governmental Organisations

Chapter 5: Appealing to Human Rights: Asylum Seekers, (Im)possibility and Resistance

Conclusion

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[2] These may be found online: http://www.legislation.gov.uk/all?title=Immigration
[3] These, among others, can be accessed online here:
http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/

Completion Timeline

Year 1:

 - Identify, contact and arrange fieldwork participation in NGOs.

- Additional research training and research design.

- Research and write Introduction and Chapters 1 and 2.

Year 2:

- Carry out fieldwork and collate data collected.

- Research and write Chapters 3 and 4.

Year 3:

- Research and write Chapter 5 and Conclusion.

- Revision and amendments.

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