Title: Honneth’s Theory of Recognition: A More Hospitable Asylum Seeker Policy

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Abstract

Given the ongoing refugee crisis in Europe, the realities of asylum seeker policy outcomes are in the media almost every day, as is debate about what works and what does not. Policy directions in this space can have profound effects on those seeking help from the state.

This thesis critiques contemporary asylum seeker policy using Axel Honneth’s theory of recognition as a basis for analysis. Honneth’s theory challenges the contemporary securitisation of asylum seeker policy and suggests that justice based approaches alone are not sufficient in this space. Using Honneth’s theory, the thesis imagines asylum seeker policy positions that are more hospitable, generous and caring compared to the status quo, without discounting the need for appropriate security for citizens.

As Honneth and his concept of recognition sit within the school of critical theory, the thesis incorporates a Gesellschaftskritik methodology, an approach that identifies societal behaviours that are damaging or morally questionable and offers alternatives that, it is hoped, will improve society. The critique focuses on three case studies of contemporary asylum seeker policy: the United States of America, New Zealand and the United Kingdom. These case studies were chosen because their asylum seeker policies show traits consistent with securitisation. Moreover, all three countries have the political stability, infrastructure and wealth to be more hospitable if the political will existed.
Statement

I certify that this work contains no material which has been accepted for the award of any other degree or diploma in my name, in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. In addition, I certify that no part of this work will, in the future, be used in a submission in my name, for any other degree or diploma in any university or other tertiary institution without the prior approval of the University of Adelaide and where applicable, any partner institution responsible for the joint-award of this degree.

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Paul Relf-Christopher
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Chapter 1: Introduction

The plight and stories of asylum seekers are very visible in contemporary media. With this profile comes a wide spectrum of opinions about how to adjust policy to manage refugee flows and asylum seeker welfare. There are those who promote a stringent border regime, others who advocate for a more generous approach to asylum seeker policy and many who sit somewhere in between. The ongoing divergence of opinion and reporting between Sydney’s Murdoch-owned *Daily Telegraph* and *The Guardian Australia* is one such example. But before differing opinions can be scrutinised, it is important to define who refugee and asylum seekers are.

The legal definition is based on the United Nation’s Convention and Protocol Relating to the Status of Refugees (the Convention), which defines a refugee as someone who:

> owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (UNHCR, 2007, p. 14)

An asylum seeker can be defined as “someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated” (UNHCR, 2015). In other words, an asylum seeker requests protection as a refugee and the host country will recognise their status once the appropriate assessment is made¹. For the sake of clarity, the thesis

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¹ A person who meets the definition of a refugee is a refugee prior to a state’s assessment. The assessment merely acknowledges that status; A person is a refugee within the meaning of the 1951 Convention as soon as he fulfils the criteria contained in the definition. This would necessarily occur prior
will use the above definitions only when referring to asylum seekers and refugees. This is not to discount the broader category of forced migration\(^2\), that includes internally displaced people\(^3\), environmentally displaced people and economically displaced people (Betts, 2009). Although not dismissing the importance of these subcategories, nor the impact these situations have on individuals, these broader definitions will not be included in the thesis\(^4\).

When someone meets the convention’s definition of a refugee, and in many instances even when they do not, seeking asylum is not a choice but instead an imperative. Contemporary flashpoints such as the violence inflicted on the population in states such as Afghanistan, Syria and Sudan force people to migrate; there is no option but to get out. As Alexander Betts (2009, p. 1) asserts, “What these categories of people have had in common is that, as a result of an existential threat, they have faced significant constraints in their ability to remain within their home communities”. They are “human rights abuses made visible” (Betts, 2009, p. 5).

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\(^2\) Alexander Betts defines forced migration as “movement that takes place under significant structural constraints that results from an existential threat” (Betts, 2009, p. 5). The study of asylum seekers sits as a specific literature within this broader category.

\(^3\) Noting this cohort is not covered by the convention.

\(^4\) The use of the broader category of forced migration in the thesis was not possible due to space constraints. However, some of the discussion and ideas in the thesis do have implications for and could be applied to the broader category of forced migration, while noting a number of caveats including: the numbers displaced, applicable legislation, appropriate organisations responsible, not to mention the infrastructure, resources and political will available.
Asylum seeker flows are either managed, through organisations like the UNHCR, or are independent or spontaneous, with asylum seekers crossing borders either by themselves or with help from others without prior permission to do so. Destination states have various policies, legislation and practices in place to manage asylum seeker flows. Policy does not stop at managing flows; it also assists the settlement of asylum seekers into their community (Geo-Jaja, 2011).

With asylum seeker policy being consistently debated in the public sphere one would be forgiven for thinking that it is a huge (numerical) issue; however, Hedley Bull (2011, p. ix) notes: “The fact that Western countries receive only a small proportion of total emigrants from the Third World reflects the barriers that exist to it, rather than the lack of pressure for it”. Bull’s assertions are supported by fact. The United Nations High Commissioner for Refugees (2015, p. 2) notes that 86 per cent of refugees are hosted in developing countries, while the thesis will provide examples of the barriers Bull refers to in the third chapter.

The ongoing refugee crisis in Europe, stemming largely from the war in Syria, does force one to question whether contemporary asylum seeker policy is best practice. In the 11 months to November 2015, the German government received 760,000 asylum requests (Le Blond, 2015). More than 900,000 asylum seekers arrived in Greece in 2015 (Kingsley, 2015) and in November 2015, in excess of 3,000 asylum seekers were still arriving daily on the small island of Lesvos. Over 3,000 asylum seekers lost their life crossing the Mediterranean in 2015. No doubt, the ongoing crisis is elevating the asylum seeker debate to new heights, especially in the North (Kingsley, 2015).
The response by European governments has been varied. Germany has demonstrated traits of hospitality, by opening its doors to these asylum seekers (Lyons, 2015) and investing massive resources to help the fleeing fit into German society (Hennelly, 2015). The concept of hospitality, based on Jacques Derrida’s theory, is a central concept of the thesis that will be discussed in the chapters ahead. In summary, the theory argues for the welcoming of those in need without conditions imposed (Derrida, 2005). Conversely, other European countries have been reluctant to offer the same level of hospitality. A range of causes have been cited such as economic considerations, cultural difference, resistance to European Union interference and nationalism. The language from associated leaders has however been unequivocal. Hungarian Prime Minister Vicktor Orban describes the flows of asylum seekers as a “rebellion by illegal immigrants” (Lyman, 2015), while during Poland’s 2015 elections, the leader of the Law and Justice Party Jaroslaw Kaczynski asserted that “refugees were bringing diseases like cholera and dysentery to Europe” (Boyle, 2015). In other words, these asylum seekers are presented as a security threat to receiving countries.

The 2015 Paris terrorist attacks and San Bernardino massacre have further inflamed sentiment about asylum seekers. US Republican presidential candidate Donald Trump responded to these attacks by declaring Muslims should be prevented from entering the United States because of the security threat they pose (Stelnbuch, 2015). Orban similarly declared “Hungary’s defences must be increased and we must respond to these monstrous terrorist attacks” (Adam, 2015) and that “all the terrorists are basically

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5 For a summary of reactions, see Lyman (2015).
migrants” (Mortimer, 2015). The rhetoric of Orban, Trump and Kaczynski are examples of the securitisation of the issue of asylum seekers. Securitisation will be introduced and explained in the next chapter. Briefly however, securitisation widens the traditional notion of security from protecting the state against military threats only to one that incorporates any perceived threat to the state, including asylum seekers. This widened scope allows states to incorporate out of the ordinary measures to respond to such non-military threats, real or imagined (Hammerstad, 2011).

The crisis in Europe has highlighted the divergence in approach and opinion about how to manage asylum seeker flows6. Further it has emphasised the securitisation of asylum seekers as the discourse used to alienate, perhaps even demonise, them. It appears that the best practice policy solutions are still contestable, hence the importance of presenting new strategies for consideration, not just for new ideas but to challenge the status quo.

**Methodology**

Hospitable policy options are available to states seeking to manage their asylum seeker flows, yet its prevalence in countries, such as the ones discussed in this thesis, who have ample resources, infrastructure and stability to implement such approaches is low. As the thesis will demonstrate in the chapters ahead, hospitable policies are in the best interests of asylum seekers, given the dire, inhospitable circumstances required to force

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6 Campaigning in the United Kingdom’s recent referendum to leave the European Union is one such example (AFP, with Staff Writers, News Corp Australia Network, 2016)
someone to leave their own home. Accordingly, the consideration, production and testing of hospitable asylum seeker policy alternatives is a worthwhile undertaking.

The thesis will use Axel Honneth’s theory to conceptualise and critique contemporary asylum seeker policy, including its securitisation, and offer a different hospitable approach to consider. Honneth’s theory will be discussed in detail in the chapters ahead, however in summary it speaks about the recognition of others through acts of love, the affording of rights and demonstrative solidarity (Honneth, 1995). A critical theory like Honneth’s allows an alternative viewpoint, one which focuses on more ethical or normative concerns (Forst, 2015). This differing focus will challenge the status quo.

To achieve such a hospitable position, the thesis will also argue that justice based approaches7 in isolation do not sufficiently address asylum seeker needs. It will be argued that in an addition to justice, polices must also demonstrate care, support and solidarity to affected asylum seekers, given their vulnerability and immediate needs. Honneth’s8 theory of recognition will be used to justify the thesis’ position9 and to act as a hospitable counterweight to the securitisation of asylum seeker policy.

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7 That is, the laws and associated policies that formalise “a just ordering of social relations within a society” (Fraser, 2008, p. 13).
8 Honneth is a philosopher and critical theorist who focuses on ethics, social theory and political as well as social philosophy. He is currently the director of the Institute for Social Research, regarded as the home of critical theory (Instituts für Sozialforschung, 2016).
9 The aim and structure of the thesis will be outlined in detail later in this chapter.
The thesis’ mode of analysis will be normative\(^\text{10}\), which sits neatly within critical theory’s scope. Moreover, its normative orientation will follow Honneth’s, namely its analysis will be rooted in Gesellschaftskritik principles. Gesellschaftskritik is a philosophical approach that identifies societal behaviours that are damaging or morally questionable and offers alternatives that can improve society and the behaviour of its actors (Varga & Gallagher, 2011). This thesis will, using Honneth’s theory of recognition, attempt to imagine preferable approaches to asylum seeker policy. Erick Lachapelle (2005) argues that traditional international relations approaches, such as realism\(^\text{11}\), do not give adequate attention to ethical or normative issues in their research. Critical theory does (Roach, 2010). Ethics and normative analysis are very relevant to the construction and assessment of asylum seeker policy as it focuses not only on the triggers for people to seek refuge, such as war or persecution, but primarily the ethical responsibilities that countries have when people seeking asylum ask them for help (Brown, 2011). Ultimately, as Andrew Linklater (1998, p. 5) states, the usefulness of critical theory will be “judged not only by its contribution to ethics and sociology but by the extent to which it sheds light on existing political possibilities”.

There is a counter-argument of course to the normative approach which is championed by positivism. For positivists, empirical analysis takes precedent over normative assessments, which could taint ‘value-free’ analysis (Neufeld, 1995). While the relevance and indeed dominance of positive analysis in international relations is noted, it falls short as an exclusive methodology for this thesis. Positivism produces arguments explaining what is or was, but struggles to conceptualise a future. Mark

\(^{10}\) That is, determine reasonable and appropriate policy responses to given situations (Fieser, 2016)

\(^{11}\) Where the national interest takes absolute precedent over hospitality, altruism or protection of those seeking asylum (Larking, 2012)
Neufeld (1995, p. 33) notes: “positive knowledge – in contrast to ‘metaphysical’ or ‘theological’ knowledge – is reliable because it corresponds directly to the observable, empirical realm”.

This is not to say that empirical analysis is not required in this thesis. On the contrary, it is vital and will be incorporated into the thesis. Improvements or alternate approaches cannot be imagined without an empirical understanding of the current situation. Using three case studies of contemporary asylum seeker policy\(^\text{12}\); the United States of America, New Zealand and the United Kingdom, an empirical analysis will document current asylum seeker policy initiatives, the policy rationale articulated by their creators and champions, and the effects these policies have on asylum seekers. As Neufeld notes, removing empirical understanding of an environment “would rob critical thinking of exactly the kind of productive engagement with the world around us that meta-theory is meant to clear the way for and certainly not to supplant” (Neufeld, 2000, p. 42).

This thesis will use congruence analysis methodology to compare the case studies. This methodology was chosen because it fits the aims of the thesis well as, under this approach, “case studies are conducted with the aim of contributing to the theoretical debate in a discipline or field of research” (Blatter & Haverland, 2012, p. 24). It is qualitative and does not produce statistical outputs, but rather tests theoretical approaches and assumptions using case studies as a sandbox (Blatter & Haverland, 2012). In keeping with congruence analysis methodology, Honneth’s theory of

\(^{12}\) Which will be discussed in further detail below.
recognition will be applied to three case studies to determine (from Honneth’s theoretical standpoint) what alternate possibilities are available for contemporary asylum seeker policy developers.

There are so many different approaches to refugee studies within international studies: for example, realist, liberal and constructivist\(^{13}\); however, the field is certainly not dominated by critical theorists. Moreover, and as the second chapter will explain, there is very limited research that directly addresses refugee issues and policy using Honneth’s theory of recognition.

The lack of previous research provides an opportunity for a unique approach to critiquing contemporary asylum seeker policy. Moreover, this thesis argues the use of Honneth’s theory in such an endeavour is sound. Honneth’s theory of recognition speaks about central issues of asylum seeker policy: to seek shelter, rights and safety from others as well as build a new life with the support of a new community. These core issues of asylum are reflected in Honneth’s notions of love, rights and solidarity. These traits are in direct contrast to securitisation’s valorisation and prioritisation of control, power and national interest. The theory can be applied to asylum seeker policy development in a way that challenges securitisation. Honneth’s theory is normative, positing what should be done rather than focusing exclusively on what currently is being done and why. Honneth’s appreciation of Jean-Jacques Rousseau’s approach to

\(^{13}\) For further reading, see the various chapters from scholars of competing international relations disciplines in *Refugees in International Relations* (Betts & Loescher, 2011).
social philosophy is telling and explains the importance of the normative focus on improving society:

Where Hobbes was concerned with how to arrive at a form of social order to which all could assent, Rousseau was more ambitious: how to secure a society that values the imperative of justice as well as how to secure a good life for the individual members of society. (Pedersen, 2012, p. 630)

Like securitisation, Honneth’s theory seeks to improve a person’s situation within society. Applied to this thesis, Honneth’s theory will be used as a discourse to promote; improving the plight of asylum seekers, the benefits for the host nation and the policy underwriting the formal components of this interaction.

**Case Studies**

It is reasonable to ask ‘why choose New Zealand, the United Kingdom and the United States of America as case studies?’ Most importantly, all three states exhibit a tendency towards securitisation within their asylum seeker policies which makes them appropriate for critique using recognition theory. Moreover, all three case study countries have the financial capital, resources, infrastructure, institutions and stability to afford to change policy paths and be more hospitable if they choose to be. This means that any practical changes imagined using Honneth’s recognition could in theory be implemented if the political will existed.

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14 Which will be discussed in detail in the third and fourth chapters.
The United States and the United Kingdom are examples of states that process large intakes of asylum seekers. In contrast, New Zealand, although similar to the United States and the United Kingdom in its status as a member of the North, has a relatively small number of asylum seekers that reach its shores.

**Approach to Policy Formation**

The approach to and outcomes derived from this thesis’ endeavours could take many paths. Using critical theory’s mantra of nothing is immutable (Zanetti, 2004), the policy suggestions discussed in the fourth and fifth chapters have the potential to be quite radical, and in some cases difficult to implement. Conversely, a conservative approach may be easier to implement, given the shift from the status quo would be minimal, but such incremental change would miss opportunities to get a better outcome. With this in mind, this thesis will adopt somewhat of a middle path by using Joseph Carens’ approach to possible political change through ethics.

**Gesellschaftskritik** demands that change for the better is considered and a driving force, so this thesis has an obligation to be innovative. Accordingly, this thesis will adopt a critical and imaginative approach to determine improvements. However, these improvements must be possible and not idealistic to the point of being irrational. This position is consistent with Carens’ who promotes an ethical position between the two extremes of idealism and realism. Carens argues that we should critique the status quo and challenge what we believe to be unjust; however this should not occur in an idealistic vacuum. Improvements and ideals must be tempered with an assessment of
the political environment of the time, which at times can be an ugly reality. As Carens (1996, p. 156) notes:

There are two approaches to morality. The realistic approach wants to avoid too large a gap between the ought and the is and focuses on what it is possible given existing realities. This approach, however, inhibits us from challenging fundamentally unjust institutions and policies. The idealistic approach, in contrast, requires us to assess current reality in light of our highest ideals. Its weakness is that it may not help us answer the question of how to act in this non-ideal world.

Honneth’s theory does challenge the status quo and will produce ideas about asylum seeker policy that could be viewed as idealistic; however Carens’ cautions about absolute idealism and realism are noted. Accordingly, any policy ideas generated from this venture will consider both what the policy could do better and what is possible in the contemporary political context. In summary, this thesis will propose achievable, innovative policy outcomes that challenge and improve the status quo.

The following is an example of a more progressive approach to political change that could have been adopted instead of Carens, however given the aims of the thesis, it was not the best fit for the reasons that follow. Using discourse ethics, Seyla Benhabib advocates a synthesis between justice, the moral right, virtue and the good in positive, generous interactions with others. This approach opens up possibilities of radical change, where virtue plays a greater role in determining policy:

The gap between the demands of justice, as it articulates the morally right, and the demands of virtue, as it defines the quality of our relations to others in the everyday lifeworld, can be bridged by cultivating qualities of civic friendship and solidarity. These moral attitudes of civic friendship and solidarity involve the extension of the sympathy and affection we naturally feel towards those closest to us unto larger human groups and thus personalize justice. (Benhabib, 1992, p. 140)
The radical change that such an approach may foster could alienate segments of the populace as well as some in power who can affect such change. The change may be too fast for people to feel comfortable with or it may challenge the populace’s understanding of what is good versus what is acceptable to the point that resistance is their natural response. The realities of governing suggest that ideological outcomes without compromise, irrespective of their benefit or good intentions, are difficult to achieve. If a utopian policy idea on asylum seekers does not have the necessary political or societal good will to take hold, it risks not gaining any traction at all. Using Carens’ approach moderates this risk and curtails idealised policy positions devoid of realistic implications, given the risk that they will have little hope of implementation.

**Chapter Outline**

After this introductory chapter, the second chapter is dedicated to the discussion of Honneth’s theory of recognition, including its application in an institutional context. This chapter will present the theoretical framework for the thesis and introduce the central concepts of Honneth’s theory, with an emphasis on love, rights and solidarity as values to be actively pursued and enshrined in asylum seeker policy. Further it will present Derrida’s theory of hospitality as a reference point for appropriate interaction with asylum seekers, as well as define securitisation. The discussions in the chapter will inform the fourth chapter’s critique of the case study countries’ asylum seeker policies.
Once Honneth’s theory of recognition has been described and unpacked in the second chapter, the third chapter will present examples of asylum seeker policy. Although research on asylum seekers in general will inform the thesis, the main understanding of the contemporary landscape of asylum seeker policy will be derived from three case studies: the United States of America, the United Kingdom and New Zealand. The case studies will focus on the legislative and policy settings in place for each state that address their respective asylum seeker issues and dynamics. Primary sources such as legislation, government policy documents, government statements and relevant data will be used to inform the thesis.

The fourth chapter will critique the contemporary asylum seeker policies of the three case study states discussed in the preceding chapter, using Honneth’s theory of recognition, and offer alternate approaches. The thesis will argue against the status quo and promote a policy setting that ensures asylum seekers receive adequate support and are treated in a hospitable way without compromising the security of the populace. It will also argue that the security threat posed by asylum seekers is overstated by securitists and that a more hospitable approach is realistic. The hegemony of national interest over altruistic sacrifice and the promotion of the asylum seeker as the dangerous ‘other’ are also challenged. Upholding the notion of Gesellschaftskritik, the policy alternatives offered seek to improve society and the behaviour of its actors. Finally and importantly, the fourth chapter highlights how a purely justice based approach to asylum seeker policy may not be sufficient in isolation given the vulnerability of claimants and the experiences they have endured in order to seek sanctuary.
The fifth chapter presents the conclusions of the thesis and will reiterate the key literature discussed, the outcomes of the case studies and the unique contribution the thesis has made to the field of refugee studies. It will advocate the need for kinder and more supportive asylum seeker policies that go beyond a purely justice based approach.
Chapter 2: Axel Honneth’s Theory of Recognition

This chapter will focus on the literature associated with the thesis. Specifically, it will supply a brief background of other research relevant to the thesis’ topic, as well as discuss Axel Honneth’s theory of recognition, Jacques Derrida’s theory of hospitality, and securitisation. Recognition will be the focus of the chapter, and its concepts of love, rights and solidarity will form the backbone of the analysis. In Chapter 4, this chapter will form the base for critiquing policy positions outlined in the case studies.

Other Relevant Research

As mentioned in the previous chapter, there is little research that directly applies Honneth’s theory of recognition to asylum seekers or refugees. Accordingly, the thesis is charting new ground and providing a unique critique of contemporary asylum seeker policy.

The best example of such research is a book chapter by Ruth Cox (2012b) that articulates the struggle for recognition immigrants endure. Firstly, it acknowledges the applicability of Honneth’s theory to immigration. It notes both the recognition the state provides and denies to immigrants, the structures in place supporting such actions and the consequences. Cox also acknowledges the appropriateness of applying recognition to an institution, rather than an individual. This chapter focuses, among other immigrant cohorts, on asylum seekers and refugees and it does inform this thesis, especially in regards to the institutional application of the theory.
This thesis however goes beyond the scope offered by Cox for a number of reasons. The thesis offers a detailed critique of contemporary asylum seeker policy, including the policies and legislation underpinning it, using Honneth’s theory of recognition. Moreover, it offers a glimpse of what asylum seeker policy would look like if influenced by Honneth’s theory of recognition, including the suggestion that rights-based justice alone may not be a sufficient benchmark for asylum seeker policy.

Another example is Fiona Thomas’ (2010) use of Honneth’s theory of recognition to argue that the capacity of refugees within Nepal to cope with their predicament is influenced by the lack of legal recognition afforded to them. Like Thomas, Kati Turtiainen’s (2012) research on refugees using Honneth’s theory is focused on refugees after their claims were determined, rather than the assessment process that precedes it. These are both very useful studies; however, unlike the thesis, they do not critique government policy that determines how an asylum seeker’s claims are processed or the suitability of the assessment process to determine whether they are allowed to stay as a refugee.

Other critical theorists such as Patricia Owens (2011) have produced useful works about forced migration, but their focus has not been on recognition. Cosmopolitan arguments, such as those of post-structuralist Jacques Derrida (Roach, 2010), as well as other critical theorists such as Jürgen Habermas (Cronin, 2011), construct theoretical spaces where forced migration can be addressed within a cosmopolitan context. Once again recognition is not paramount to the cosmopolitan approach.
Introduction of Honneth’s Theory

Axel Honneth’s theory of recognition is drawn in part from Hegelian philosophy. According to Honneth (2012), Hegel’s concept of consciousness was concerned, among other foci, with a subject’s ability to mute some of her/his desires and drives in order to be social with another.

Hegel’s concept of self-consciousness is absolute, being the only vantage place available to view the world, both external and internal. This absoluteness is described as follows: “we might say that self-consciousness takes itself to be the lord who reigns over the kingdom of laws, that is, who reigns over all of natural reality that it has constructed. It is all nothing but my object” (Kain, 2005, p. 39). Hegelian self-consciousness cannot actually materialise without desire. Philip Kain (2005) argues that in Hegel’s concept of desire it is not the object of fascination that is the focus; rather it is the feeling within the individual desiring it. For example, the desire to be part of a social group is not an infatuation with the group, but rather a self-conscious need to negate a feeling of loneliness or insecurity.

Of course, the subject’s consciousness is not unique as there are many actors with their own conscious realities, needs and desires. This situation creates a conflict, where the desires of others are in competition with the subject, and peaceful coexistence requires compromise to be made through adjusting one’s own requirements for the sake of the other. Reciprocity of this behaviour is expected. The essence of this muting of drive
and desires is recognition. That is, an act of giving to another despite the fact it may conflict with and compromise one’s own needs. The recognition of the other, their rights and needs as well as importantly one’s own dependence on them creates a ‘struggle’ where each party’s requirements jostle for balance (Honneth, 2012). Honneth’s critical theoretical approach to recognition builds on this Hegelian philosophy.

Similar to the Hegelian approach, Honneth is also influenced by Kant’s notion of ‘respect’ which can be summarised as the relinquishment of one’s own egocentric aims for something or someone. For example, it is represented in the act of giving an elderly passenger your seat on a bus even though this means you have to stand for the duration of your journey. Acknowledging the worth of others through the act of respect forms the basis of recognition:

The act of recognition is, as we have seen, the expressive demonstration of an individual decentering that we carry out in response to the worth of a person: we make known publicly by means of corresponding gestures and facial expressions that we concede to the other person a moral authority over us, on the basis of their worth, that sets limits to the realization of our spontaneous impulses and inclinations. (Honneth & Margalit, 2001, p. 114–115)

Kant’s concept of respect is anti-reifying in nature, where humans are people and not commodities (Teuber, 1983). Likewise, and similar to recognition, respect is not afforded in order to receive a prize in return and to do so would render it something else. Like recognition, respect does not have a price (Teuber, 1983).
While acknowledging respect for others as people is required, Peter Balint (2013) argues that it is wrong and in violation of liberal principles for states to require their citizens to show respect for the different traits, customs or views held by someone else. Instead Balint promotes a lesser expectation that one tolerates the differences of another. He notes “tolerance for difference, can be described as a demand that citizens respect each other as fellow citizens despite their differences” (Balint, 2013, p. 264)\(^{15}\).

Moving beyond the individual, Balint describes the traits of institutional tolerance as: “(a) objecting to something; (b) the power (including both opportunity and willingness) to negatively interfere with the thing or its holder and (c) intentionally not negatively interfering with this thing or its holder” (Balint, 2014, p. 264).

In an asylum seeker context and at an institutional level, Balint’s position on tolerance suggests that, even if a state does not support some of the differences asylum seekers practice or represent, it could tolerate these differences, without limiting this cohort’s freedom or restricting their entry to the country in the first place, even though it could if it chose too. However, for individual citizens within the state, Balint’s position only stipulates one should respect the humanity of asylum seekers\(^ {16}\). While the tolerance outlined by Balint does not place an expectation on citizens to welcome asylum seekers openly, it still allows those seeking refuge a space to adapt to their new surrounds without persecution. Compared to Balint’s position, Honneth’s theory of recognition places more of a burden on the state and the citizen to respect the other and to recognise their worth. These expectations will be outlined later in the chapter.

\(^{15}\)The thesis interprets the term citizens more broadly to mean humans or global citizens, rather than specifically citizens of a particular state; i.e. to respect each other as people.

\(^{16}\)Balint’s position does not prevent or argue against the community going beyond this base requirement and for example, embracing some of the differences asylum seekers may have.
Anna Elisabetta Galeotti (2015) takes the notion of tolerance further towards Honneth’s recognition than Balint does by focusing on the segments of the community that are the minority or marginalised in some way. Galeotti speaks of recognising the disadvantage of the marginalised and seeking justice to redress the exclusion and oppression these cohorts experience.

Toleration can be seen as responding to and satisfying these requirements of justice if it is understood as a recognition of excluded, marginalized, and oppressed identities. It can, however, work as a form of recognition only if it is considered symbolically as a public gesture intended to legitimize the existence of difference and place them on the same footing as the habits and practises of the majority. (Galeotti, 2002, p. 11)

Galeotti (2002) is however careful not to assume redistributive recognition, where income, social structures, laws and policy are adjusted to prevent disadvantage,17 is the answer. Galeotti instead focuses on the need for acceptance of difference rather than discrimination based on such difference within society.

Showing tolerance demonstrates acceptance of someone’s humanity irrespective of their differences. Equal access to legal rights and fairness to all who are subject to the law implies acceptance of difference. Tolerance is required within a Honnethian concept of recognition. However, Honneth’s keys concepts of recognition – love, rights and solidarity – speak of acts that go beyond those expected by tolerance.

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17 As a proponent of such measures, Nancy Fraser and her theory of redistribution will be discussed later in this chapter.
Honneth (2012) claims that widely accepted manifestations of recognition can be summarised into four categories. Firstly, recognition is celebrating and acknowledging what is good about people or societies. It is the act of acknowledging a person and making them feel good about being present. Secondly, recognition is a mode of action rather than just symbolism. For example, affirmative recognition of asylum seekers is not found purely in political speeches or official policy, rather it is evident on the ground in the way political actions convey (or do not convey) recognition towards an individual or group. Thirdly, recognition is only recognition if its genuine purpose is to positively acknowledge a person or group. Using recognition as a vehicle for an ulterior motive renders the act something else. Finally, recognition is not neatly packaged as one definitive concept; it is multi-layered and multi-faceted. As Honneth (2012, p. 80–81) explains, “[r]ecognition should be understood as a genus comprising various forms of practical attitudes whose primary intention consists in a particular act of affirming another person or group”.

Drawing on the works of George Mead and Hegel, Honneth presents three components of recognition displayed in social interactions: love, rights and solidarity (Honneth & Markle, 2004). The critique of asylum seeker policy in Chapter 4 will especially focus on these three components of recognition. Honneth asserts that interactions displaying the characteristics of these three constructs serve as an

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18 For an illustration of this concept in action, see the following footage of an Edward Sharpe and the Magnetic Zeros concert, where an audience member with a harmonica is encouraged both by the lead singer and the crowd to participate. The audience member, although shy, experiences a warmth of belonging from the crowd, of inclusiveness, which is expressed in a genuine appreciation towards him; an act of recognition. The footage can be accessed via the following link: http://www.youtube.com/watch?v=n-C2heY6kAQ.
opportunity for moral development (Honneth & Farrell, 1997). Moral development through mutual recognition is, in turn, thought to result in self-realisation through the building of self-esteem, self-respect and self-confidence (Honneth, 1995).

Love

Honneth (1995, p. 95) describes subjects receiving and extending love-based recognition as being “united in their neediness, in their dependence on each other”. This reciprocation of recognition actively displays support for participants, affection for one another and solidarity. It is self-sacrifice for the sake of another’s benefit. Honneth borrows from the work of the psychoanalytical theorist and psychiatrist Daniel Stern to provide an empirical basis for his theory. Stern’s (1977) research focused on the positive engagement and communicative behaviour between infants and their caregivers. The communication, both verbal and non-verbal, from the caregiver to the child emphasises their love and willingness to support the child’s endeavours; it is a true display of recognition. This action creates an environment where one can feel confident to seek to have one’s needs met knowing that support will be forthcoming. Further, this nurturing and support forms an understanding of one’s own rights within one’s world, giving one confidence and a sense of ease about what can be expected within one’s environment: “At this level, one seeks recognition of one’s existence – that is, recognition that one has the right to exist as the kind of person one is” (Huttunen, 2012, p. 345).
Manifestations of Love

The state could show a form of affection by actively making asylum seekers feel welcome or by providing support services. Acknowledging the plight of asylum seekers is also an example of affection as well as a display of solidarity. The act of a public servant greeting an asylum seeker, showing genuine empathy and care for him/her on behalf of the institution they represent is an agape form of love that is not restricted to Christian adherents. It is an active form of love, what Iorio and Campello (2013) describe as agapic action:

If we try to understand it in this way, the question turns again on the difference between solidarity and love, but now love not understood just as a feeling, but love as agape, which requires a different kind of concrete action. (Iorio & Campello, 2013, p. 257)

There are benefits from providing love to an asylum seeker. The state’s initial sacrifice to accept and support newly arrived asylum seekers in many cases is more than paid back over time. This return can be in the form of tax revenue, new ideas, contributions to local culture and society, or future goodwill towards the government who supported them. The idea that asylum seekers can provide benefits to their host community challenges the traditional notions of responsibility sharing, where the implied net negative impact of asylum seekers is not shouldered by a few.

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19 Agape behaviour is a focus on the needs of others, sometimes at the expense of one’s own needs. As Stephen Post (2002) notes, however, agape is beyond altruism due to the affirmation for others this type of love generates. It is helping someone who is in need, even if you do not like them, because they are human. Post (2002, p. 56) notes agape is an “other-regarding love … elevated by an overwhelming sense of equal regard derived from a spiritual belief in the love of the Supreme Being for all humanity”.

20 For an example of this argument, see Kalena Cortes (2004).

21 For an example of a discussion of responsibility sharing, see Eiko Thielemann (2005).
A concern is whether the love displayed by the state is well intentioned or instead a calculated ploy to obtain benefit, if it believes such benefit is sufficiently compelling to exhort the effort afforded to asylum seekers initially. While the concern is noted, regardless of motive and intent, practical benefits associated with love, such as security and shelter, will be provided to asylum seekers. Further, such an environment created by the institution may foster genuine acts of love from public servants administering policies at the coalface.

**Rights**

Rights in the context of recognition focus on the construct of law to establish recognition of others (Honneth, 1995). Recognition materialises in interactions between different individuals who share the understanding that each person has equal rights within a structure, constructed and agreed upon using normative morality, which respects these rights afforded to everyone regardless of contingent status or characteristics. It is perhaps a ‘coming of age’ moment in the recognition afforded: “Self-respect, in this context, means that a person in a community of rights gains recognition as a legally and morally mature person” (Huttunen, 2012, p. 345). Responsibility also comes with new-found recognition, namely that one is expected to display similar behaviour to others, creating what Hegel would describe as a *sittliche*, or ethics-based, community (Huttunen, 2012).

Judith Butler explains that universal legal standing is an ideal and not a reality for many, and this lack of recognition has a direct effect on the recipient: “if recognition is fully lacking, that is, a life is unrecognized, is refused recognition, and has no standing before
the law, or is deprived of legal rights and protections, then that life is actually imperilled by the lack of recognition” (quoted in Willig, 2012, pp. 140–141). This perspective is a negative approach to understanding recognition which differs from Honneth’s positive approach (Honneth & Margalit, 2001). In other words, the negative approach understands recognition by analysing the impact on an individual when it has been denied to her/him, while the positive approach understands recognition by studying the impact it has on someone who is either giving or receiving it. Although Honneth’s approach is positive, he has not ignored negative outcomes of recognition, having addressed them at length in his work on reification, which is discussed later in the chapter (Honneth, 2008).

Honneth (1995) asserts that rights should negate a social hierarchy that affords or denies privilege. Furthermore, he argues that rights are universal; they are human rights that attach to everyone everywhere. The construct of rights is clearly pivotal in the understanding of asylum seeker policy using Honneth’s theory of recognition. Its application does however force one to consider the potential cosmopolitan leanings Honneth’s theory can produce. If rights are to be afforded equally to all without prejudice, why have state boundaries or separate state entities? Why should a state have the exclusive responsibility or privilege to decide who enters and who does not? Similar questions have been asked in studies on cosmopolitanism.

Cox (2012a, p. 32) notes that a cosmopolitan “world means the development among people of the capacity to put themselves in the minds of others, in order to see why they might be inclined to act in the different ways that they do”. Habermas (1990)
concerns with this notion of tolerance and understanding in his own musings on universalism. Cosmopolitan legal approaches as outlined by scholars such as Omid Shabani (2007) and Seyla Benhabib (2009) also act as an avenue for addressing refugee policy from a critical perspective.

Seyla Benhabib (2004) talks of a cosmopolitan federalism and moral universalism as a potential solution to the plight of asylum seekers, refugees and undocumented migrants. This approach is not a pure form of cosmopolitanism, where borders cease to exist; rather the state would administer ‘porous’ borders as opposed to ‘open’ ones but would still ultimately decide who was allowed to stay (as opposed to who was allowed to enter). In this instance Benhabib (2004, p. 221) argues for “first-admittance rights for refugees and asylum seekers” whilst acknowledging “the right of democracies to regulate the transition from first admission to full membership”. It appears to be a sensible approach that promotes a Honnethian love and hospitality for asylum seekers while their claims are being assessed, while also supporting the state’s need for appropriate checks to be conducted on claimants and to have ultimate control of who can stay.

Perhaps the best known argument against Honneth’s concept of justice through recognition is made by Nancy Fraser. Fraser (2003a) and Honneth’s debate focuses on the best approach to achieve justice and an acceptable ethic via the means of redistribution of resources or recognition or both. Nancy Fraser’s redistribution theory calls into question society’s economic imbalances and seeks to make the necessary adjustments required to prevent a paradigm of advantage versus disadvantage.
Envisaged changes could include the redistribution of income and changing the social, legal or political structures that enable disadvantage to flourish (Fraser, 1997). Fraser (2003b) does not discount recognition as a legitimate form of respect, but argues that it is insufficient in isolation to deliver justice without redistribution being concurrent. In fact, Fraser goes to great lengths to integrate the two approaches without creating what she refers to as ‘philosophical schizophrenia’, namely the lack of clarity caused when two seemingly diametrically opposed concepts are morphed into one (Fraser, 2001).

Fraser does seek amalgamation by changing the philosophical position underpinning recognition from the good life to a concept of justice, and from identity to a model of social status (Fraser, 2001). Fraser argues that when viewing redistribution and recognition from the perspective of justice one can ascribe a sense of fair opportunity to obtain either, irrespective of one’s background or predicament. This is not to say that all must have the same level of material wealth and recognition, but instead that all should have the same opportunity to obtain these dues. As Fraser notes, it “involves bringing both dimensions under the deontological norm of participatory parity” (Fraser, 2001, p. 38). In response, Honneth (2003) also does not discount the positive effect redistribution can have but contends that redistribution can be encompassed within his theory of recognition. Honneth (2003, p. 171) argues that ethical distribution is a symptom of recognition, as redistribution is a “specific kind of struggle for recognition in which the appropriate evaluation of the social contributions of individuals or groups is contested”.
Solidarity

The third form of recognition, solidarity, unlike rights focuses on the attributes of the individual as opposed to a collective recognition afforded by law. Solidarity moves beyond the tolerance articulated by Balint (2014) and Galeotti (2002) discussed earlier in the chapter. It is recognition’s ability to gift and build self-esteem of an individual by society’s appreciation of their unique gifts, traits and potential (Honneth, 1992). It is a maturing of the giving and receiving of recognition that helps create a more moral and good society:

By his own action, he creates a possibility for morally good behaviour (sittliche action) – and good life – for others and for himself. Only by working together people are able to achieve good self-esteem and full moral maturity. (Huttunen, 2012, p. 346)

This reciprocal behaviour creates solidarity and is critical to forming an asylum seeker policy based on Honneth’s theory of recognition. Solidarity, as per Honneth’s interpretation, forms a basis for an individual to feel like she or he belongs to a society, a gesture often denied to asylum seekers. An asylum seeker is someone who seeks refuge and by this virtue cannot definitively belong to any society until protection (acceptance) is obtained. As Honneth (1995, p. 128) asserts, attaining self-esteem through recognition means “the individual knows himself or herself to be a member of a social group that can collectively accomplish things whose worth for society is recognized by all members of society”.

Honneth (1995), basing his ideas on the work of Hegel and Mead, asserts the role recognition has for identity formation. Charles Taylor, one of the key recognition
theorists, also supports the link between identity formation and recognition. Taylor has argued that recognition and identity are deeply entwined because of humanity’s “dialogical character” (Taylor, 1994, p. 34). To understand one’s identity there is a need to interact with other humans at a dialogical level to enable the concept of one’s self to become sharpened. Taylor asserts:

> discovering my own identity doesn’t mean that I work it out in isolation, but that I negotiate it through dialogue, partly overt, partly internal with others. That is why the development of an ideal of inwardly generated identity gives a new importance to recognition. (Taylor, 1994, p. 34)

Taylor notes non-recognition has the potential to affect an individual’s internal view of themselves negatively. After experiencing enough non-recognition, an individual may start believing the associated rhetoric they are subjected to (Taylor, 1994).

In an asylum seeker context, Taylor’s argument implies some members of this cohort will start to internalise negative terms such as illegal immigrants, queue jumpers, economic opportunists or security threats and begin to view themselves in this way. Through acts of solidarity, however, individuals will be welcomed and their positive traits acknowledged. This sense of belonging and the positivity afforded to an individual about who they are can also be internalised.

Honneth asserts that positive recognition through solidarity promotes harmony in society as individuals learn to understand what is unique and worthy in others and accept these traits as contributing to the common good. It is an argument against xenophobia. Bart van Leeuwen however contends that this form of recognition is not
as simple as Honneth claims. If the recognition in this scenario is not a genuine expression of someone’s feelings it can become strained or perhaps even offensive: “to be the recipient of a positive evaluation that results from a sympathetic willingness to express one’s solidarity, can be condescending or even ethnocentric” (van Leeuwen, 2007, p. 184).

Although van Leeuwen’s comments should be considered, he does not defeat Honneth’s argument. Instead these comments inform how one should behave in such an interaction. Van Leeuwen’s approach implies the individual should consider what they are really thinking about the other. Why is the individual about to provide a positive evaluation of the other? Is it because of social awkwardness, or mislaid best intentions to make the other feel welcome, or is there a genuine appreciation of their traits? Although it does reduce the naturalness of the moment to some extent, such discernment forces the individual to think about the other, rather than being automatically dismissive because of preconceived ideas or over reliance on their social autopilot to navigate such interactions in a polite manner.

Solidarity is providing people with a sense of belonging irrespective of their previous affiliations, views, or difference to the local community. In a way this is a very Stoic approach. It is viewing someone from afar with the same generosity and respect as someone close to you. As Lisa Hill (2000, p. 67) notes:

Community is derived from the fact of our common humanity, which the Stoics described romantically as ‘the reason for the universe’. They sought to honour and preserve human as opposed to national or ethnic identity; Marcus tells us that the community of rational beings is based not on ‘blood’ or ‘seed’, but on ‘common mind’.
In other words, there should be no preferential treatment for locals over others and a balance of love for all. This theory of oneness is derived from a central concept of stoicism, that all of humanity is interconnected as one larger spiritual entity:

not only do we all worship the same god, but we are all fragments of the same god (Epictetus, 1989). All of humanity shares in a common soul and each of us bears a particle of the divine ’mind-fire’ spirit of God. (Hill, 2000, p. 68)

Institutional Application of Honneth's Theory

Honneth (2012) acknowledges the ability of institutions rather than merely individuals to produce forms of recognition. He argues institutional recognition reflects the normative and structural traits of recognition at the individual level. Policies can be interpreted as “embodiments of the specific form of recognition that subjects accord each other on the basis of specific evaluative qualities” (Honneth, 2012, p. 84). The articulation of asylum seeker policy can therefore demonstrate recognition both in meaning and construction. Indeed, other forms of migration policy already do this. An example is Australia’s skilled migration program which recognises and affirms the traits of applicants and the state’s need for them, therefore implying they are valued by the institution (Department of Immigration and Citizenship, 2012).

Recognition is also displayed by the institution by the way standard procedures dictate how it interacts with the individual (Honneth, 2012). An example of this is the recognition of a client's privacy by asking all clients for certain identifiers to confirm who they are before providing client-specific information. The contradiction occurs
however when applicants need to comply with the norms and rules of the institution for them to be accepted and recognised in the first place. As Honneth (2012, p. 84–85) explains:

This second case of institutional recognition is surely critical when it comes to the question of how, and in what sense, certain specific patterns of recognition possess an ideological character, owing to the fact that they encourage subjects to freely subordinate themselves to the prevailing system of rules and expectations.

In other words, even if a person objectively meets the legal definition, they will not be deemed a refugee or even an asylum seeker by the state until they submit to the institution’s processes, including identity verification and the visa application process. Further, asylum seekers or refugees who have not submitted to the institution’s processes\(^\text{22}\) risk not gaining access to support they are entitled to, because their status is unverified or their presence and predicament are unknown by the state.

There is wider support for the successful application of Honneth’s theory of recognition at the institutional level. Emmanuel Renault (2011) argues that institutions, such as government, reflect acts of recognition within a particular society. He notes:

the recognitive relationship is conceived of as being made up of relations between the I and Thou, which are themselves not social. On the other hand, the recognitive relationship allows an evaluation of those social relations that condition the relations of I and Thou, depending on the extent to which these social relations further or prevent recognition. It is in this sense that social relations and institutions express more or less recognitive relationships. (Renault, 2011, p. 210)

\(^{22}\) Either unwittingly or intentionally.
Ruth Cox (2012b) agrees with Renault’s assertions and adds that there are many institutionalised acts of recognition, noting that “rules and practices of institutions can express and enforce particular conceptions of which human qualities should be awarded recognition and how this ought to be done” (Cox, 2012b, p. 195). Cox (2012b) explains that norms and laws relating to marriage as well as special provisions and expectations for childhood are examples of love-based recognition at an individual level that have been institutionalised by the state.

Jean-Phillipe Deranty and Emmanuel Renault (2007) argue that, for such examples to exist, the state permits such recognition to occur within society. Conversely, the state could also act as a roadblock, preventing such relationships from manifesting. In the context of this thesis, the state could therefore choose to formally permit recognition of an asylum seeker by the society it represents or instead foster its denial. For example, the state could actively promote its humanitarian responsibilities and justify why asylum seekers should be helped and welcomed, or it could instead securitise the asylum seeker and the debate surrounding their arrival23.

Perhaps the component of Honneth’s theory that seems most out of place in an institutional setting is love. The display of love explained above is commonplace in a family environment, but how does this translate to an institutional setting? How can an institution exhibit behaviour akin to love towards a stranger, especially one that is outside of the institution’s state borders?

23 For example, as the German and Hungarian governments have done so respectively.
Hegel spoke of love in his early writing as something that can be expanded beyond the immediate relationships of the individual. Clearly this was not a romantic, sexual love but one that was practical and community focused. It was a form of love based on the Christian teachings of *agape* (Iorio & Campello, 2013). Hegel’s focus on love later moved away from this form of *agape* love to one focused on the romantic. Honneth suggests the influence for this progression in Hegel’s thought was the reality of capitalism:

He [Hegel] sees, through reading Adam Smith and others, that we now have to live with this new medium – the capitalist market, which, let’s say, interacts with the possibility of continuing to base society any longer on more ethical orientations. (quoted in Iorio & Campello, 2013, p. 249)

Honneth widely acknowledges the feelings of sympathy, compassion or injustice one feels for a stranger, but disagrees with this being an example of *agape*, or a community form of love for the other, instead rendering these feelings as expressions of solidarity. As such he resists the notion that love (as a function of recognition) can be exemplified at the institutional level. Honneth in a 2013 interview explains:

> to what degree does this specific attitude, which we can describe with the notion of agape, to what degree does it constitute specific forms of social bonding in modern societies? That for me is the decisive question. And what I believe is that it doesn’t constitute social networks in modern societies, which are constitutive for those societies. Because the emotional or personal resources from which these constitutive networks arise, by which they are constituted or, let’s say, produced, they are different, they are, as I said, either arising from love in the more narrow sense, or coming from solidarity, or coming from law as another specific form of social integration, but they are not arising, as I would see it, from agape. (Iorio & Campello, 2013, p. 253)

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24 An example of a biblical notion of *agape* can be found in the Bible verse Luke 6:35. In this verse, the Koine (ancient) Greek word that is generally translated into English as love is ἀγάπη (*agape*).
Despite Honneth’s position, this thesis argues that an agape style of love, which is not restricted to Christians, is a form of recognition at the institutional level. The love that manifests at the institutional level is unlikely to be an emotional response that an individual may have towards another as it is improbable for an institution to behave in such a way. Instead this show of institutional love is action based in line with agape.

For example, a state with a refugee program is willing to sacrifice some capital to support asylum seekers by making them safe from the persecution they are fleeing. This alone could be argued as merely an example of justice in practice. However, it is important to look at the rationale driving the policy. If the policy’s genesis is beyond altruism or justice, like for example a Honnethian concept of love, as described earlier in the chapter, or pure acts of hospitality, then one could argue that it is action based agape at an institutional level (Post, 2002).

Institutional examples of recognition are not limited to notions of love. For example, respect towards others, derived from love-based recognition, contributes to society’s understanding of what are acceptable doctrines and behaviours to adopt. An ability to determine norms is necessary for a society to exhibit and practise Honneth’s second construct of recognition: rights. The universality of these rights forces people to deal

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25 Note that, with some exceptions, the universality of rights is only afforded to those who are subject to them, i.e. the “us” versus the “other”.
with each other in a way they deem acceptable to themselves and gives one a sense of security that one’s own rights are consistent with others in the community:

only once we have taken the perspective of the ‘generalized other’, which teaches us to recognize the other members of the community as the bearers of rights, can we understand ourselves to be legal persons, in the sense that we can be sure that certain of our claims will be met. (Honneth, 1995, p. 108)

Honneth’s theory of recognition can be applied beyond the individual level with relative ease to communities that share a common identity, experience or objective. Common experiences are a unifying force that brings forth a unified voice or entity seeking recognition. The Occupy Wall Street movement is just one such example. As Honneth (2012, p. 139) notes: “The starting point in these struggles consists in shared experiences of exclusion, indignity, inequality or disrespect, which motivates the members of such a group to band together and fight in solidarity for legal or cultural recognition”.

The indignity caused by exclusion or lack of recognition is disputed by Jean-Philippe Warren and Eric Ronis (2011), based on their interpretation of the Quebecois nationalist movement. They argue the exclusion experienced by Quebecois nationalists was not expressed by them as indignity, but instead a resolve and pride about what they stood for, expressed in the slogan oui, et ça devient possible. While not disputing the expression of pride evident in the movement, it is reasonable to question whether this was a tactical rather than organic expression of sentiment. Warren and Ronis themselves imply this (perhaps accidently) when they explain:
the Quebec mainstream nationalist message downplayed the sentiment of outrage that revved up the province in the wake of the failure of the Meech Lake (Monahan 1991) and Charlottetown (LeDuc 1993) accords. (Warren & Ronis, 2011, p. 10)

A community approach influences policy by promoting a unified policy position on behalf of a large collective who can affect change through not just noise, but also votes. Harking back to Hegel, his concept of ethical reciprocity, which one could argue is recognition, is also community driven and a catalyst of ethical recognition by treating others the way one expects to be treated, perhaps even loved. As Huttunen observes:

\[ \text{[E]ethical totality}^{26} \text{ grows from reciprocal good behaviour. The ethical totality does not emerge from laws of the state or moral conviction of atomic individuals. It comes from living customs and habits that are actually acted out in the community. (Huttunen, 2012, p. 342)} \]

At the state-to-state level, however, given the diversity of voices represented by an institution, Honneth argues that the community approach is unworkable. Honneth (2012, p. 148) asserts that a desire for recognition displayed by citizens forms the basis of recognition at the state-to-state level in international relations:

\[ \text{We saw that the entirety of a state’s foreign policy stems from a specific interpretation of interests and values. This interpretation must coordinate the functional requirements for maximizing security and prosperity with the public’s expectations about other states’ recognition of its own collective identity.} \]

Honneth notes that state actors have some creative licence in interpreting the recognition their citizenry crave. This admission by Honneth identifies a shortfall in

\[^{26} \text{To describe Hegel's concepts of ethical totality, Huttunen suggests Hegel had “in mind the polis of the Ancient Greek style (city-state) in which every citizen behaves virtuously enabling ‘universal and individual freedom’” (Huttunen, 2012, p. 342).} \]
his argument as it acknowledges by default that the state does not seek recognition on behalf of the collective, but instead just the subset that is either the loudest or the one most convenient to hear.

While arguably states may be influenced by recognition (or disrespect) associated with their asylum seeker policy, it is simplistic to assume that this is the only driver for recognition based behaviour. As outlined above, the electorate’s voice is also persuasive as they ultimately have the power to vote a government in or out. Conversely, a community (or government) may deem the outcome of a policy position sufficiently rewarding, despite the lack of recognition or disrespect it may direct towards them.

Jacques Derrida’s philosophy of hospitality, which will be explained later in this chapter, offers a distinction between hospitality afforded at the individual and institutional level that can inform the institutional application of Honneth’s recognition. Derrida’s distinction between the hospitality of ethics (between individuals) and the hospitality of politics (institutional) could strengthen Honneth’s argument about the applicability of recognition at an institutional level. It is the acknowledgement that in politics compromise is a reality. The distinction is important because it talks about the fact that “ethics can be seen as the realm of metaphysical absolutes … while politics is the realm of the pragmatic compromise and of negotiated rules … both necessary and a perversion” (Still, 2010, p. 8). This statement reinforces the nature of compromise in a political environment and how love can still manifest. Compromise implies imperfection, and getting things done the best one can in the
environment faced; however it does not speak so much of motives, which can still be based on love. Influences that force such compromised outcomes should not however be assumed to be warranted, fair or reasonable, and can be fought against accordingly. Still (2010) acknowledges the shortfalls such compromises expose.\(^\text{27}\)

As discussed, there is sufficient justification to apply Honneth’s theory of recognition to an institution, such as the state. The love shown by the institution will be action based rather than an emotional response, the level of recognition afforded may reflect voters’ own views of asylum seekers\(^\text{28}\) and, based on Derrida’s work, there may also be some compromise within the political environment such policies manifest from.

**Reification**

The positive outcomes from recognition have been explained above; however what happens if recognition is not given? Discussing the benefits of recognition in isolation is insufficient if the negative consequences of withholding recognition are not considered.

\(^{27}\) Still (2010) notes Levinas’ assertion that pure hospitality given by the individual is impossible to replicate at the institutional level, given the reality of compromises in such settings. Still (2010, p. 9) accordingly states that institutions pervert “the laws of hospitality which makes hospitality possible”.

\(^{28}\) Based on the liberal perspective of Peter Balint (2013), I note it may be problematic to compel individuals within society to respect or to have positive emotional responses towards asylum seekers if they do not want to (or are unable to). Whilst acknowledging Balint’s position, given the thesis’ focus is on institutional recognition rather than individual, his argument is not particularly relevant for further analysis.
Honneth’s interpretation of reification describes an event where an individual ‘forgets’ to recognise another. Put simply, an individual will exhibit reified behaviour if they fail to recognise another person in the terms outlined in Honneth’s theory of recognition: “When our relation to other persons is at issue, ‘reification’ means that we have lost sight of our antecedent recognition of these same persons” (Honneth, 2008, p. 63–64). In the context of the case study states, one could argue that state policies aimed at preventing a person from seeking help for the sake of national interest potentially fail to recognise or ignore their humanity as it is not in the state’s interest to do so. Asylum seekers become an unwanted commodity requiring return to their place of origin. Even using the traditional Marxist interpretation of reification, of capitalism’s objectifying effect on workers, one can draw parallels with the plight of the asylum seeker. Asylum seekers are enveloped into a system producing ‘the national interest’ and are forced to play their part as political pawns, as objects, for the nation’s greater good:

Neither objectively nor in his relation to his work does man appear as the authentic master of the process; on the contrary, he is a mechanical part incorporated into a mechanical system. He finds it already pre-existing and self-sufficient, it functions independently of him and he has to conform to its laws whether he likes it or not. (Lukacs, 1971, p. 89)

Georg Lukacs further describes the historical plight of people in mass production ventures as being invisible to society at large. They were dehumanised as slaves who were contributing to the greater good of the nation. Once again, parallels can be drawn between this historical attitude and prevalent mainstream political and media discourse focused on asylum seekers. Lukacs notes that “[t]he slaves subjected to this exploitation … stood outside what was thought of as ‘human’ society and even the greatest and noblest thinkers of the time were unable to consider their fate as that of human beings” (Lukacs, 1971, p. 90).
The normative use of the term reification prompts one to consider the asylum seeker’s plight as once again it focuses on behaviour that dehumanises an individual. Does a government’s use of asylum seekers, as a political commodity for their own benefit, characterise normative assertions of the “particularly extreme forms in which individuals instrumentalize others” (Honneth, 2008, p. 19)?

Honneth’s theory, especially given its departure from traditional approaches such as Lukacs’ (1971), has drawn criticism. Examples of criticism are provided in the following paragraphs to give some context to the academic interpretation of the theory.29

The use of reification as a tool of social analysis was waning until Honneth’s work elicited new interest. The lack of use is in part due to postmodern modes of analysis that have superseded theories such as reification, but also a reluctance by postmodern theorists to employ “implicit assumptions about social reality and possibilities for qualitative change” (Dahms, 2011, p. 95). In other words, the preoccupation with traditional Marxist power structures is deemed no longer relevant by many theorists who instead turn to postmodernist modes of analysis.30 Also, as some feminist theorists note, the traditional concept of reification also fails to consider gender adequately in its analysis (Dahms, 2011). Honneth’s approach does usefully take

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29 It is not however intended for this sample to form a detailed literature review as the primary focus of this thesis is recognition and its application to asylum seeker policy, rather than reification. Honneth’s theory of reification contextualises the loss of recognition faced by asylum seekers and this loss will be the focus of this chapter.

30 For example, social or semiotic analysis.
exclusionary social practices, such as racism or patriarchy, into account and explains these exclusionary acts as examples of recognition being forgotten, where people “have allowed their actions to be guided by a set of convictions that leads them subsequently to deny this original act of recognition” (Honneth, 2008, p. 79).

Todd Hedrick (2014) argues that Honneth’s concept of reification is overly psychological, encouraging the forgetting of previous reifying forms of societal behaviour. He also contends that the interpersonal focus of Honneth’s version of reification does not adequately address the perceived focus of reification, being societal organisation:

for Marx and Lukacs, fetishism and reification are not primarily intersubjective phenomena: it is not so much persons as “social relations” that are rendered thing-like, and while persons may come to seem thing-like, this is a consequence of their being within social structures that appear as a “second nature”, and hence do not appear sustained through ongoing practices of mutual recognition. (Hedrick, 2014, p. 183)

While Hedrick is correctly stating that a traditional interpretation of reification is focused on social structures, there is every suggestion that Honneth’s approach can, if required, be up-scaled to a societal level. As discussed already in this thesis, recognition can be applied at the institutional and societal level in a meaningful way. As recognition is the central theme of Honneth’s interpretation of reification, one could argue that reification can also be applied at the institutional and societal level. If recognition is denied at the institutional level, then it is reasonable to suggest that the institution is itself exhibiting reifying behaviour towards individuals or groups.
Conversely, George Hull (2013) asserts that focusing on recognition does not give the theory enough scope for detail as it focuses on an ‘entire person’. Hull notes:

with Honneth the primary source of the distortion is that his theory of recognition deals primarily with attitudes of engagement one can have towards an entire person, whereas the concept of reification we recovered from Lukács is more fine-grained, having to do with misperceptions not of entire persons but of particular intentional actions. (Hull, 2013, p. 63)

Honneth asserts that intentional actions, such as racism or sexism, are drivers which can cause a forgetting of recognition. These drivers therefore are part of a larger machine of reifying behaviour; they are triggers for reifying behaviour, rather than examples of it. The result is however the same: reification. It is only the analysis and interpretation of the mechanism which is different; both interpretations are two paths that lead to the same landmark.

George Hull also asserts that Honneth’s parameters of behaviour that meet his definition of reification are so rare that they render the concept irrelevant. Hull uses the example of concentration camp prisoners and explains that, despite the awful treatment they faced, the perpetrators still accepted their captives as human:

there can be no question of their tormentors’ actually not realising that these are human persons they are confronted with. After all, they still speak to their victims, expecting an intelligible response – which they wouldn’t do if they didn’t realise they were human persons. (Hull, 2013, p. 65–66)

Hull argues the extreme example provided does not yield any sufficient evidence of one forgetting the humanity of others, and notes that “if reification is socially
induced failure of person-identification, then it is something which never happens – or hardly ever – and is certainly not apt to form the basis for social criticism” (Hull, 2013, p. 66).

Hull rightly points out that Honneth is largely of the same opinion; that the instances of such forgetfulness are so extreme that the conditions would be nearing a social apocalypse. Honneth notes that “only in rare and exceptional cases, only at the zeropoint of sociality, that we find a true denial of antecedent recognition” (Honneth, 2008, p. 157). Honneth explains that ignoring the humanity of another person does not necessarily denote a reified action. Ignoring is very different to forgetting, the central argument behind Honneth’s concept of reification. Only in the situation where one ignores the human aspects of another in such a repetitive way does forgetfulness occur: “it is only when these practices become routine or habitual, however, that they can move us to ‘forget’ all our original recognition and treat the other as a mere thing” (Honneth, 2008, p. 157).

The above assertions by Hull and the apparent agreement by Honneth appear to be focused on individual exchanges between one person and another. Does their position resonate at the institutional level? Does an institutional perspective create an environment where people truly forget that their decisions affect people? Is a government’s focus primarily on quotas, numbers and risk, or on real people seeking help and asylum? Is there a risk that being too far removed from the coalface, in climate-controlled offices in Washington, London or Wellington, will affect these decisions, policies and a perception of humanity? It is not clear whether Honneth or
Hull have considered this. This thesis argues that the institutional environment can exhibit reified behaviour, with the caveat that it is still very much a rare event. A recent psychological study,\textsuperscript{31} which builds on the infamous Stanford Prison Experiment,\textsuperscript{32} concluded that power can induce dehumanising traits towards the people one has power over. The two experiments conducted do lead one to consider whether the results correlate with the contemporary environment of asylum seeker processing. The study noted that, “[a]s a result of randomly assigned power, powerful perceivers animalistically dehumanized the low-power targets in both experiments, attributing relatively less uniquely human traits to them” (Gwinn, et al., 2013, p. 468–469).

There is no question about the power imbalance between the state and the asylum seeker, a balance that is far more extreme than the one witnessed in the two experiments referred to above. One could reasonably hypothesise that the more extreme example would skew the behaviour more profoundly. Secondly, the participants were more interconnected in their interactions than say a policy officer and an asylum seeker. The close level of interaction in the experiments would have reminded the participants about the humanity of the others. The policy officer would need to rely instead on a cognitive and somewhat abstract concept of the other who could be thousands of kilometres away.

\textsuperscript{31} This study looked at dehumanisation and how power affects one’s judgement of others’ humanity. The participants who were assigned more power in the experiments demonstrated dehumanising behaviour towards the less powerful cohort (Gwinn, et al., 2013).

\textsuperscript{32} This experiment simulated a prison to observe how participants, both guards and prisoners, reacted in such an institutional environment. The study noted “at least a third of the guards were judged to have become far more aggressive and dehumanising towards the prisoners than would ordinarily be predicted in a simulation study” (Haney, et al., 1973, p. 69). One of the researchers, Philip Zimbardo (2015), noted: “Our planned two-week investigation into the psychology of prison life had to be ended after only six days because of what the situation was doing to the college students who participated. In only a few days, our guards became sadistic and our prisoners became depressed and showed signs of extreme stress.”
The assertion that a state’s institutional power balance could elicit dehumanising behaviour is complemented by another psychological study which used the concept of essentialism to determine how an ‘ingroup’ perceives the humanity of an ‘outgroup’. The study found that outsiders are perceived as less human than insiders:

Given that individuals are prone to ingroup favouritism, and because people are more concerned with their own group than with outgroups … people attribute ‘the’ human essence to their own group. Consequently, other groups can only receive an incomplete human essence. (Leyens, et al., 2001, p. 407)

Once again this scenario is heightened by the asylum seeker debate, where applicants are very much promoted as the outsider. The sovereign border is in every way the determining marker that constitutes who is in and who is out.

It is not unreasonable to assume that the nation-state does display reified behaviour towards others. Numerous genocides throughout history demonstrate this. But it is important to distinguish between the state and its public servants. One would argue, based on Honneth and Hull’s positions, that the people working in concentration camps or the soldiers committing terrible crimes may have ignored the humanity of those suffering at their hands, rather than forgotten. However, one could also argue that the state, as an institution, in making the decisions to perpetrate such evil may have forgotten the individual given the inhumanity of the crimes ordered. It is also

33 As Robert Fine notes: “The category of ‘crimes against humanity’ was conceived as a supplement to existing offences in international criminal law, notably ‘war crimes’ and ‘crimes against peace’, and was provoked by the unprecedented levels of organised violence directed against civilians” (Fine, 2010, p. 180).
worth considering that the state, as an institution, although comprised of people making and enacting policy, is not itself human. If you take a realist perspective on this matter, it would be reasonable to consider that the state does not reference its behaviour with the same norms as its citizens. For example, Andrew Hurrell (2011, p. 97) notes that from a realist perspective “it is ‘our’ security that matters most; that leaders have a duty to protect national security even at the cost of liberty and the protection of human rights; and that state control should be reasserted over borders, over citizens and, of course, over aliens”.

**Derrida’s Hospitality**

The next two sections will present Jacques Derrida’s theory of hospitality then securitisation theory. The thesis will argue in the fourth chapter that the securitisation of asylum seeker policy, while important, is overstated and that Honneth’s theory can support a more hospitable approach. It is therefore important that the concepts of both securitisation and hospitality are introduced.

It is posited that Honneth’s approach will yield some similar results to Derrida’s notion of hospitality, an established mode of analysis of forced migration. One can see aspects of Honneth’s concept of love in Derrida’s following statement: “Pure hospitality consists in welcoming the new arrival before imposing conditions on them, before knowing and asking for anything at all, be it a name or an identity ‘paper’” (Derrida, 2005, p. 67). By adhering to the notion of hospitality one must not fear the stranger, otherwise it would be illogical to let them in your home. Derrida’s focus on the undesirable consequences of concepts of ‘us’ and ‘the other’, of fear of the foreigner’s
unique traits, complements Honneth’s notion of solidarity, which promotes the gift that uniqueness can bring to society (Still, 2010).

Similarly, Derrida’s focus on conditions and laws placed on people seeking asylum reflects some of Honneth’s work on rights (Brown, 2010). Recognition is in part accepting uniqueness and one of Derrida’s central complaints about refugee law regards the lack of access or understanding of the host language or legal process: “this is perhaps the first violence to which foreigners are subjected: to have to assert their rights in a language they don’t speak” (Derrida, 2005, p. 68).

Derrida’s approach to hospitality also gives rise to a structure that is consistent with Honneth’s recognition. Judith Still (2010, p. 11) notes that “hospitality is by definition a structure that regulates relations between inside and outside, and, in that sense, between private and public”. Hospitality’s structure is focused first and foremost on ethics. Likewise, Honneth’s recognition centres on the appropriate or ethical treatment of a fellow human. Both approaches are about treating people with respect, without preconceptions and without conditions:

Hospitality as ethics is unconditional and unconditioned hospitality, so immediate that nothing of the guest can be known and no invitation can be made. Instead the guest arrives, a visitation, and the host is totally open. (Still, 2010, p. 8)

This unconditional hospitality is referred to as the ‘law of hospitality’ (Still, 2010). This is consistent with Honneth’s concept of love as an act of self-sacrifice for another’s good. Interestingly, the unconditional nature of hospitality undermines the national
interest argument of what benefits the asylum seeker may bring, as these gifts will not affect the determination of who can enter and who cannot. Hospitality’s self-sacrifice is summed up neatly by Still’s (2010, p. 13) following comment, which reinforces action-orientated agape: “hospitality implies letting the other in to oneself, to one’s own space – it is invasive of the integrity of the self, or the domain of the self”. Although in our day-to-day lives it may be difficult to comprehend the concept of loving a stranger, being appropriately hospitable to someone in need could arguably be such an act, using the theory of recognition as a reference point. Moreover, an institutional response to strangers in need could resemble love as recognition. Derrida’s use of the French word hôtes, which means both guest and host, compromises the traditional concept that a guest benefits exclusively from the host. This too is symptomatic of the reciprocal, beneficial effect that recognition provides its participants.

Securitisation

Foucault’s concept of governmentality describes the art of ruling over territory and its inhabitants (Ruiz, 2000). The creation of fear about the asylum seeker suggests that governmentality arguments are relevant within this policy space. The result is an environment where the concept and management of asylum seekers are securitised (Squire, 2015).

Barry Buzan, Ole Wæver and Jaap de Wilde (1998, p. 23–24) describe securitisation as when “an issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure”. The existential
threat addressed by asylum seeker policy is the asylum seekers themselves (Saunders, 2014).

Securitisation is reimagining an issue such as asylum policy as a security dilemma. This reimagining carries all the baggage associated with such a label, such as; military involvement, heightened public, political and media interest, as well as a careful analysis of the national interest. In a refugee context it is “a shift from a paradigm of humanitarian-driven refugee protection ensconced in international law, to one prioritising the protection of national security interests” (Saunders, 2014, p. 72).

The securitisation of asylum seekers is a focus on controlling and eliminating the perceived threat they pose. Policy based on securitisation could manifest in the externalisation of boundaries, such as Australia’s offshore detention and boat turn-back policies which aim to negate people smuggling enterprises (Dutton, 2015), or increased screening for terrorists as was the case in the United States post–11 September 2001 (Betts, 2009). In such scenarios, the threats are deemed sufficient to warrant emergency responses to control the risks posed. It is a chance for those in power to promote fear surrounding the other in order to offer a solution that manages such a threat. Taylor (2015, p. 336) notes that “[i]ncreasingly, asylum seekers are constructed in political discourses as a threat associated with criminality, in part to create ‘the spectacle of being in control’”.
The securitised ‘asylum seeker problem’ and the associated fear generated by this approach is exploited by governments to demonstrate their power, control and worth (Humphrey, 2013). The language of fear about the outsider, of being overrun and vulnerable to crime, and heightened exposure to job insecurity are used to justify the state’s control of the border. The myriad of threats presented creates confusion that only builds concern. The complexity of the perceived problem amplifies the fear. Luckily, the security professionals and government institutions have the problem under control, and this myth is circulated to ensure the worth of these organisations is felt amongst the community. These institutions are the solution to a problem they invented in the first place. As Didier Bigo (2002, p. 65) explains:

> The securitization of migration is, thus, a transversal political technology, used as a mode of governmentality by diverse institutions to play with the unease or to encourage it if it does not yet exist, so as to affirm their role as providers of protection and security and to mask some of their failures.

The reality is that states are increasingly ineffective in managing the flow of people across borders (Bigo, 2010).

This thesis argues that the threat asylum seekers pose to the accepting population is overstated by securitisation. Since 1992, when 672,000 applications were received, each year hundreds of thousands of people have claimed asylum in the European Union (EU) (Eurostat, 2016). From 2013 to 2015, 2.3 million applications for asylum were lodged in the EU (Eurostat, 2016). In 2014, when 627,000 asylum seeker applications were lodged (see Eurostat, 2016), only two religiously inspired terrorist attacks

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34 Arguably those most associated with asylum seekers.
occurred in Europe. Further, there was no evidence that these attacks were carried out by asylum seekers (Europol, 2015, p. 40). In comparison, 67 separatist-inspired terrorist attacks occurred in Europe in the same year (Europol, 2015, p. 40). It is noted that the Paris terrorist attack included perpetrators who posed as asylum seekers (BBC News, 2016); however, even before excluding attacks conducted by non-asylum seekers, the number of terrorist attacks conducted in the European Union comparative to asylum seeker numbers is tiny. Similarly, crime committed by asylum seekers is not an existential threat. For example, in Australia “[a]sylum seekers living in the community on bridging visas are about 45 times less likely to be charged with a crime than members of the general public” (Hall, 2013). These statistics suggest that the level of rhetoric, resources and policy used to securitise asylum seekers is overblown. The threat needs to be acted upon in a proportionate way. This means that security screening of asylum seekers cannot be ignored. The 2015 terrorist attacks in Paris show a threat still exists. What does emerge from the above statistics is that, even though a very small risk exists, it is insufficient to withdraw the level of hospitality Derrida and Honneth’s theories expect. Hospitality can be afforded while security checks are being conducted in the background. Given the data, expertise and technology at the authorities’ disposal, there is nothing to suggest that security and hospitality are mutually incompatible. Quick action can be taken with such assets at one’s disposal when a threat is identified. No system, especially one based on risk management, is perfect but it is reasonable to question whether the current level of resources, political attention and impact on asylum seekers is proportional to the threats posed.

35 It is fairly safe to assume that European nationals would be the dominant cohort involved in these crimes.
It prompts the question: “is there a more hospitable approach?” This thesis argues that Honneth’s theory addresses some of the concerns identified by theorists of governmentality. Recognition acknowledges what is good about people and rejects the fear of the other. The initial act of self-sacrifice, in the process of recognising the other, also mutes the perceived personal impact of acknowledging someone’s right to refuge. From an institutional perspective, the act of action-based love displayed in genuine recognition of asylum seekers would arguably diminish the myth surrounding their threat; it would move the discourse from hostility to empathy. Genuine recognition mutes fear.

In the following chapter, case studies will be presented to articulate the contemporary asylum seeker policies of three First World western democracies. Based on the mechanics of Honneth’s theory of recognition detailed in this chapter, especially its application to an institutional setting, a new concept of asylum seeker policy will emerge which is hopefully in step with critical theory’s pursuit of the good life.
Chapter 3: Case Studies

Background

This chapter will focus on three case studies: the United Kingdom, the United States of America and New Zealand. It will provide insight into the legislative mechanisms in place to manage and perhaps deter asylum seeker flows, understand the processing regime that supports the legislation, assess the policy position of the major political players in each state, describe the assistance provided to asylum seekers once they arrive, analyse the political mood of each nation towards asylum seekers and provide a demographic context to help explain the dynamics at play for each case study. The general legislative and policy approaches taken by the three case study states are generally consistent and each state does exhibit some level of securitisation of asylum seekers. It is important to note that these case studies cannot be interpreted to represent collective northern state sentiment or policy, even though similarities in policies do exist in other states\textsuperscript{36}; each state has a unique approach to asylum seeker policy as the case studies will demonstrate. This chapter instead provides examples of northern policy and sentiment towards asylum seekers that will be used to assess the differences between the status quo and a policy based on Honneth’s recognition philosophy. By understanding the differences between each approach insights can be gained about the strengths and shortfalls of both contemporary northern policy approaches regarding asylum seekers, the securitisation of this policy space and the application of Honneth’s theory to this issue. The case studies will also provide an opportunity to test the practical application of Honneth’s theory to forced migration.

\textsuperscript{36} For example, Australia and Canada.
policy and, once unpacked, assess how different this approach would look to the status quo.

**Statistical Comparison**

**New Zealand**

For the 2012–2013 financial year, New Zealand accepted 306 onshore claims for asylum\(^{37}\). In this same financial year, a total of 321 claims were processed with a relatively low approval outcome of 26.8 per cent. In comparison, for its neighbour Australia, the situation is a little more complex. In 2012–2013, non-maritime arrival\(^{38}\) asylum grant rates for Australia were relatively similar at 33 per cent. However, grant rates for asylum seekers in Australia who claimed after arriving by sea in an unauthorised maritime vessel is much higher at 67.5 per cent (Department of Immigration and Border Protection, 2013).

Sri Lanka, Iran, Fiji and Pakistan were the most prominent source countries for asylum seeker applications in New Zealand (Immigration New Zealand, 2014a). Interestingly, of the four most prominent source countries, only Iran was listed in the top four source countries for asylum seeker approvals during the same period, with Pakistan ranked next best at number seven. Saudi Arabia was listed as the largest source country for this approval category (Immigration New Zealand, 2014a). In 2014 New Zealand

\(^{37}\) This figure does not include refugee arrivals who are part of an offshore resettlement program. The UNHCR (2017b) defines resettlement as “the transfer of refugees from an asylum country to another State that has agreed to admit them and ultimately grant them permanent settlement”. In 2015, 756 refugees were resettled in New Zealand (UNHCR, 2017a).

\(^{38}\) Asylum claims made by applicants who did not arrive by boat in an unauthorised way.
contributed US$5,016,722 to the Office of the United Nations High Commissioner for Refugees (UNHCR). Based on 2012 data, New Zealand was rated globally as the 14th highest donor per GDP and 17th per citizen (UNHCR, 2014).

**United Kingdom**

Compared to New Zealand, the United Kingdom’s (UK’s) onshore asylum seeker program is significant in size. Although well past the peak of 2002 in which over 80,000 applications for asylum were received, a still sizable 19,865 applications were lodged for asylum in the United Kingdom in 2011 (Blinder, 2013). The refusal rates are comparatively similar to New Zealand, with 33 per cent of applications being initially successful. Also similar to New Zealand, the four most prolific source countries for asylum applications were Iran, Pakistan, Sri Lanka and Afghanistan (Blinder, 2013). Although the overall contribution provided by the UK to the UNHCR dwarfs New Zealand’s, per capita and per GDP, their rankings are similar. The UK is ranked 12th per GDP and 14th for per capita donations to the UNHCR globally (UNHCR, 2014).

**United States of America**

Like the United Kingdom, the United States has an extensive refugee program. Refugee arrivals in 2012 totalled 58,179 individuals. Although large, this intake is much smaller than total refugee arrivals in 1980 and 1981, which were 207,116 and 159,252 people respectively (United States Department of Homeland Security, 2013).

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39 This figure does not include refugee arrivals who are part of an offshore resettlement program. In 2015, 1768 refugees were resettled in the United Kingdom (UNHCR, 2017a).
40 After appeal, the overall approval rate is higher (Blinder, 2013).
Surprisingly, the vast majority of refugees are sourced from Asia,\textsuperscript{41} rather than Africa or the Americas, with the biggest two source countries being Bhutan and Burma (United States Department of Homeland Security, 2013). This data uses the definition of refugee as someone who was fleeing persecution and applied for protection while not being present in the United States.

Asylum seekers, like refugees, are fleeing persecution but applied for protection while in the United States (United States Department of Homeland Security, 2013). People granted asylum in the United States for 2012 totalled 29,484. Once again, Asia was the largest source region. It is unknown how many people have sought asylum in the United States but are yet to make formal claims and are thus categorised as unauthorised migrants. The United States government estimates that approximately 11.4 million people reside in the United States as unauthorised migrants (Baker & Rytina, 2013). The United States currently contributes more capital to the UNHCR than any other source; however on a per capita and per GDP basis, the United States’ contribution ranking of 11 for both categories is comparable to New Zealand and the United Kingdom’s. In 2013, the United States provided US$1,041,707,225 to the UNHCR (UNHCR, 2014).

\textsuperscript{41} Total refugee intake from Asian source countries in 2012 was 44,416 (76 per cent of the total intake) (United States Department of Homeland Security, 2013).
Legislation

Although there are some differences in the legislation, as well as the intentions which underpin the law, a reasonably consistent approach across all three case studies is evident.

New Zealand

New Zealand, like the United States and the United Kingdom, is a signatory to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (the convention). Based on section 129 of New Zealand’s Immigration Act 2009 (the Act), the state is required to accept an asylum seeker if they meet the definition of a refugee, as prescribed in the convention (Government of New Zealand, 2014). Under section 164 of the Act, a person who is deemed a refugee in New Zealand cannot be deported unless prescribed circumstances in the convention permit this to occur. The prescribed circumstances highlighted in the convention relate specifically to national security or public safety scenarios (UNHCR, 2007). Further, section 164 protects the claimant from refoulement, that is:

No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. (UNHCR, 2007, p. Article 33(1))

Common law in New Zealand prevents an asylum seeker from gaining refugee status if their claims are deemed to be fraudulent in nature. The convention itself does not directly address fraudulent claims, although it does require the claimant to pass the
genuine test. The New Zealand common law approach asserts that the refugee screening process would be compromised if all applicants, with fraudulent claims or not, had the right to refugee status just because they claimed it. Specifically, *Refugee Appeal No. 2254/94 Re HB* found that when an applicant’s claims are fraudulent an “asylum seeker should be denied the protection of the Convention because of a lack of good faith” (Driver, 2011, p. 98). The group most obviously affected by this precedent are so called ‘economic refugees’ who, although they do not meet the legal definition of refugee, make claims for asylum to improve their life and attain economic safety. This cohort’s plight, in many situations, will still meet the definition of forced migration, as their life may be in immediate peril for economic reasons.

The treatment of refugees arriving by boat was strengthened by the introduction of the 2013 *Immigration Amendment Act* (the amendment). The amendment authorised the detention by way of a warrant of commitment of those who arrive by boat in a group of more than 30 people (Government of New Zealand, 2013). The amendment enables the detention of those defined as part of a mass arrival group for up to six months under the *Immigration Act 2009*, with the option for authorities to extend the detention period if required. The detention technically however is not compulsory as section 317A of the Act (Immigration New Zealand, 2014a) states:

- (1) An immigration officer may apply to a District Court Judge for a warrant of commitment authorising the detention, for a period of not more than 6 months, of the members of a mass arrival group (a **mass arrival warrant**) if –
  - (a) the warrant is necessary –
    - (i) to effectively manage the mass arrival group; or
• (ii) to manage any threat or risk to security or to the public arising from, or that may arise from, 1 or more members of the mass arrival group; or

• (iii) to uphold the integrity or efficiency of the immigration system; or

• (iv) to avoid disrupting the efficient functioning of the District Court, including the warrant of commitment application procedure; and …

Further, under a policy amendment, only temporary refugee status is granted to a migrant claiming asylum as part of a mass arrival group. The temporary acknowledgment of refugee status has effect for three years. After a review by authorities, an asylum seeker’s status can potentially be extended for a further six-month period if their situation still meets the regulatory definition of being a refugee (Immigration New Zealand, 2013). A further change, aimed at deterring would-be asylum seekers arriving by boat, restricts a refugee’s ability to sponsor non-immediate family members (Woodhouse, 2013a).

These additions to the Act are yet to be tested, as no asylum seekers have met the legislative definition of being part of a mass arrival. It is yet to be demonstrated how the measures will be implemented or enforced. One would expect this section of the Act to be enforced if an opportunity existed: “The Bill forms part of a package of changes to disrupt and deter a mass arrival of immigrants, and to manage their asylum claims if they arrive” (New Zealand Ministry of Business, Innovation and Employment, 2012, p. 7). The New Zealand government cited the safety of asylum seekers at sea and associated resource implications as the driving force behind the Bill (New Zealand Ministry of Business, Innovation and Employment, 2012). According
to the New Zealand Minister for Immigration, the primary purpose of detention is not deterrence but to confirm the identities of the people who arrive en masse claiming asylum. Moreover, he asserts that once these checks have been determined, detention is not appropriate: “This bill does not use detention as a penalty, and once the identities and circumstances within the group are understood, the refugees’ immigration status can be regularised, as appropriate, and detention will no longer be necessary” (Woodhouse, 2013a). This legislative amendment certainly has undertones of securitisation. The use of detention and legislative language such as “manage any threat or risk to security or to the public” (Immigration New Zealand, 2014a) signifies an existential threat is looming.

**United Kingdom**

Similar to New Zealand, although worded differently, the United Kingdom also requires an applicant for asylum to meet the definition of refugee as per the convention. Interestingly however, according to section 327 of part 11 of the United Kingdom’s *Immigration Rules* policy document, the onus is on the applicant to prove rather than the state to determine “that it would be contrary to the United Kingdom’s obligations under the Geneva Convention for him to be removed from or required to leave the United Kingdom” (Home Office and UK Visas and Immigration, 2014, p. 2).⁴² This obligation could be interpreted as a security mechanism aimed to prevent undesirable entrants gaining access to the country.

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⁴² One can assume, despite the language used in this section of the policy document, prescribed asylum privileges apply to all genders.
Also akin to New Zealand’s approach, the United Kingdom will not deport an asylum applicant until their claim has been determined. The United Kingdom’s common law position, when managing claims based on fraudulent pretences, differs to New Zealand’s. The United Kingdom’s common law precedent is that fraudulent claims do not extinguish the right of claimants to access consideration under the convention. In the judgement of *Danian v Secretary of the State for the Home Department*, it was made clear that there are sufficient mechanisms within the convention to reject claims from non-genuine refugees and that there is no aspect of the document that makes an assessment regarding the faith of the claimant (Driver, 2011). This precedent reinforced the paramount intention of the convention: “The Court concluded that even if an asylum-seeker had fabricated a claim to refugee status, if there was a real chance of persecution then the Convention applies” (Driver, 2011, p. 99).

Also in step with New Zealand, the United Kingdom abides by the convention’s requirement of non-refoulement (Home Office and UK Visas and Immigration, 2014). Instead of relying on the convention as New Zealand has, the United Kingdom has written into policy the profile of people they will not grant asylum to, namely serious criminals, people who arouse security concerns or individuals deemed dangerous to the community (Home Office and UK Visas and Immigration, 2014). A number of questions arise from both the New Zealand and United Kingdom’s approach of denying asylum to people they deem undesirable. While noting this position is underpinned by the Convention (UNHCR, 2007), how objective is the decision-making process? Although there are valid community safety arguments within this policy, the language used once again infers a securitisation of the space.
The United Kingdom’s legislation goes somewhat further than New Zealand’s by offering a form of protection known as ‘humanitarian protection’. Humanitarian protection is afforded to applicants who do not meet the convention’s definition of a refugee but can still demonstrate a compelling risk of ‘serious harm’ should they return to their country. Examples such as execution or torture are used to describe serious harm in the government’s policy instructions (UK Visas and Immigration, 2013). Undesirable applicants can also be prevented from obtaining humanitarian protection. The circumstances or profiles that preclude someone from obtaining humanitarian protection appear to be more focused on non-peace time incidents. Section 339D of Immigration Rules Part 11, specifically subsections (i) and (ii), imply preclusion if one was involved in a war crime or government-instigated violence:

(i) there are serious reasons for considering that he has committed a crime against peace, a war crime, a crime against humanity, or any other serious crime or instigated or otherwise participated in such crimes;
(ii) there are serious reasons for considering that he is guilty of acts contrary to the purposes and principles of the United Nations or has committed, prepared or instigated such acts or encouraged or induced others to commit, prepare or instigate instigated such acts;

(Home Office and UK Visas and Immigration, 2014, p. 6–7)

The problem with this policy, though seemingly reasonable, is that the onus is on the applicant to substantiate their claims in the United Kingdom asylum process. Further, as per section 339L of the policy document, in some cases claimants need to perform for the assessor to ensure their effort is deemed genuine and coherent. The use of the word perform implies that merely providing the facts of an applicant’s claims sometimes is not sufficient regardless of how compelling the claims are. Indeed, on occasions as the policy suggests, the facts may not be enough. Sara McKinnon explains the similar dilemma for claimants in the context of the United States’ assessment
regime which, although it is a different system, does require a similar performance from applicants:

[[Judges increasingly use credibility to evaluate and determine asylum cases while paying less consideration to the actualities of the claim itself. This emphasis on style over content in audiencing asylum claims surely assists immigration judges in expediting their review of cases; the consequence, however, is that the possibility of asylum, of legal protection, increasingly depends on asylum seekers’ ability to cite repetitively the conventions of cultural/linguistic fluency, rationality, and embodied affect that … serve as judges’ standards for a proper performance of credibility in the asylum context. (McKinnon, 2009, p. 206)

Issues that may affect the performance, for example trauma, nervousness or the innocent loss of supporting documentation, are not addressed in the policy document. Nor is it adequately explained how to assess whether the applicant’s claims are plausible. The guilty until proven innocent positioning of the legislation implies applicants are either untrustworthy or have ulterior motives, that is, they are potential threats. The policy document excludes these cases from acceptance and encourages the claimant to normalise their account of what happened, or to perform, in order to get an outcome that the convention deemed they were already entitled to:

(i) the person has made a genuine effort to substantiate his asylum claim or establish that he is a person eligible [for] humanitarian protection or substantiate his human rights claim;
(ii) all material factors at the person’s disposal have been submitted, and a satisfactory explanation regarding any lack of other relevant material has been given;
(iii) the person’s statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the person’s case;
(iv) the person has made an asylum claim or sought to establish that he is a person eligible for humanitarian protection or made a human rights claim at the earliest possible time, unless the person can demonstrate good reason for not having done so; and
(v) the general credibility of the person has been established. (Home Office and UK Visas and Immigration, 2014, p. 10)
The United Kingdom is a signatory to the European Union’s Dublin II Regulation, formally known as Council Regulation (EC) No 343/2003. The aim of the Dublin II Regulation is to clarify who is responsible for asylum claims in the European Union. Specifically, the first signatory country an applicant arrives in is required to assess their claim for asylum (European Union Law, 2003). For example, if an applicant fled to Greece first and then travelled to the United Kingdom where they lodged a claim for asylum, in all likelihood they would be transferred back to Greece, which would be obliged under the regulation to assess their claim (Home Office and UK Visas and Immigration, 2014). The accord however has been criticised as being another obstacle to migrants entering the European Union through legitimate means and “has fostered a situation where 90% of asylum-seekers are forced to enter the EU irregularly” (Millner, 2011, p. 321). The recent mass influx of asylum seekers into Europe has placed the Dublin accord under sustained pressure. In response, Germany recently suspended Dublin protocols in relation to Syrian refugees so these asylum seekers can be processed in Germany rather than their first arrival point in the European Union (Lyons, 2015).

The United Kingdom’s legislation goes beyond the Dublin II regulations however and allows the transfer of asylum claims to other countries not listed in the European Union if the applicant arrived there first, providing they meet certain criteria to ensure the applicant remains safe (Home Office, 2004). This approach is consistent with the emerging externalisation of Europe’s borders, a trait of securitisation, such as

43 Parts 2–5 of the Asylum and Immigration (Treatment of Claimants, etc.) Act (Home Office, 2004) detail safe country criteria for non-Dublin II countries.
44 Anna Triandafyllidou and Angeliki Dimitriadi (2014) assert that the externalisation of borders beyond the European Union (EU), such as the EU’s Mobility Partnerships, and the enforcement actions by Frontex at the EU border itself protecting individual states within, are examples of the
agreements between Libya and Italy.\textsuperscript{45} Parallels are also evident between this European approach and the regional processing regime implemented by Australia. Deterrence and obstruction are the policy objectives of such practices and they are examples of securitisation in practice:

Often, the main concern for Spain, Italy, Malta and Greece is to keep migration control off their island shores. They thus adopt readmission agreements and joint border control operation at high seas in order to prevent migrants and asylum seekers from even reaching the islands. (Triandafyllidou, 2014, p. 19)

Indeed, Anna Triandafyllidou (2014) argues that externalisation is an active policy driver for northern European states too, including the United Kingdom, and is ratified in the Dublin regulations. The only difference is that the displacement of responsibility is placed on southern European states rather than states outside the union.

\textit{United States of America}

In the United States, applicants who are onshore at the time they make their claim have two ways to petition for asylum: affirmatively and defensively. These claims are managed by the US Citizenship and Immigration Service. Affirmative lodgement involves the claimant proactively lodging a claim within one year of last arriving in the United States, unless they can provide compelling evidence/reasoning why they

\textsuperscript{45} For further information, see: “DEPORTED: The Right to Asylum at EU’s External Border of Italy and Libya” (Andrijasevic, 2010).
were unable to abide by that timeframe. Defensive claims are pursued by applicants as a means to prevent their removal from the United States, commenced due to their irregular immigration status (US Citizenship and Immigration Services, 2011).

The process for affirmative applications is reasonably straightforward: a claim is lodged after arriving in the country, identity and security checks are administered and the applicant is interviewed. The decision on the client’s claim for asylum is made by a delegated officer and reviewed by their supervisor (US Citizenship and Immigration Service, 2014).

As the US is a signatory to the convention, the criteria outlined in section 101(a)(42)(A) of the *Immigration and Nationality Act* of 1952 to determine eligibility as a refugee is almost indistinguishable from the other two states’:

any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion of. (US Citizenship and Immigration Services, 2013)

Like the United Kingdom’s process, the applicant is also required to perform to the authorities to justify their claims. The burden of proof is legislatively placed on the applicant (US Government Printing Office, 2014). It is up to the applicant to

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46 Especially refer to §208.13 *Establishing asylum eligibility.*
demonstrate they meet the legislative definition of a refugee and provide evidence or corroboration when requested, unless it is deemed unobtainable by them (US Citizenship and Immigration Services, 2013). Section 208(b)(1)(B)(iii) emphasises the need for the applicant to perform and assert their credibility in the claim process.

Considering the totality of the circumstances, and all relevant factors, a trier of fact may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant’s or witness’s account, the consistency between the applicant’s or witness’s written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant’s claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal. (US Citizenship and Immigration Services, 2013)

There are three important legal implications in the above extract from section 208. Firstly, the demeanour of an applicant and their willingness to share their experience will be a factor in determining their eligibility. The trauma associated with the reason for seeking asylum, cultural considerations and nervousness are some legitimate factors that may affect the outcome of a claim that may be inherently genuine and credible. Secondly, the accuracy of claims and their plausibility will be subjectively assessed by the government official. People’s recollections of past events may blur, especially if they are traumatic, minutiae may not be recalled or remembered or, as already discussed in regards to the United Kingdom, the threat they are fleeing from may be genuine but deemed implausible by the officer considering their claim at interview. Finally, the last sentence of section 208(b)(1)(B)(iii) implies the claimant is guilty unless proven innocent. An applicant’s claims are discredited until they can
produce a sufficient performance to achieve a creditable status, once again implying they are a threat. This approach may prompt a scenario where an officer is satisfied they meet the definition of a refugee but they fail the test of credibility. Why is the guidance about determining an asylum seeker’s credibility so prescriptive and comprehensive? The detail within the section discussed does imply an element of mistrust of asylum seekers and perhaps facets of securitisation at work aimed at preventing the suspicious other, with motives unknown, from entering.

Comparably with New Zealand and the United Kingdom, applicants deemed unsavoury by the United States are prohibited from being granted asylum. The perceived threat from this cohort promotes a securitised response as, even though they are fleeing persecution, their menace is such that extraordinary measures are seen as appropriate to protect the populace. As per section 208(b)(2) of the Act, serious past criminal conduct, being involved with or inciting persecution of others, being involved with terrorist activities or being a threat to the community within the United States can all potentially extinguish an asylum claim (US Citizenship and Immigration Services, 2013).

This is perhaps an opportune time to pause and acknowledge that sometimes a securitised response is appropriate. Recent examples of terrorist attacks such as those in Paris\textsuperscript{47} show that the state has a responsibility to its citizens to be vigilant in attempting to stop such criminality. This thesis does not dismiss security safeguards as inappropriate but instead wants to question whether the current policy settings in

\textsuperscript{47} Occurring on 13 November 2015 and killing 130 people (BBC News, 2015)
the case study countries are proportionate or a suitable deterrence to the threat of such crimes. These questions will be considered further in the next chapter.

Also similar to the United Kingdom, the United States has the ability to remove an asylum seeker to a third country if there is an agreement with the host country and it is safe to do so. This is especially relevant if the claimant fled to and became resident\(^{48}\) in a benign country prior to their arrival in the United States.\(^{49}\) Like the other case study countries, the United States fulfils its convention obligations relating to refoulement (US Citizenship and Immigration Services, 2013).

**Policy Positions within the Case Study Countries**

Legislation is always a good starting point for analysing a state’s approach to refugees; however its interpretation and future direction is heavily influenced by the contemporary government’s policy of the day.

**United States of America**

Prior to the Paris terrorist attacks and the San Bernardino killings,\(^{50}\) asylum seeker policy settings and the surrounding debate in the United States appeared somewhat benign. The two major political parties had little official policy documentation dedicated to asylum seekers. The Republican Party had no specific mention of refugee

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\(^{48}\) Residing there as opposed to a legislative definition of resident (for example permanent resident).

\(^{49}\) Refer sections 208(a)(2)(A) and 208(b)(2)(A)(vi) of the Act (US Citizenship and Immigration Services, 2013).

\(^{50}\) For an example, see Berman (2015).
policy, but was instead focused on border control and illegal migrants (while not exclusive, the focus was on economic migrants). Both focuses are related somewhat to asylum seekers as they may enter the country without prior authorisation and without documentation or support in order to make a claim and often need to work illegally to survive. There was however a clear securitisation of the space which focused on national security as opposed to humanitarian concerns:

WHEREAS, the 2012 Platform of the Republican Party recognizes the important economic and cultural contributions that legal immigrants continue to make to our nation and that illegal immigration discredits legal immigration, undermines the sovereignty of the United States and the rule of law and reduces the safety of the citizens. The best deterrent to illegal immigration is a well-functioning program for legal immigration, which we do not have … (Republican National Committee, 2014, p. 1)

Further to this position, the Republican Party made an implicit link between undocumented migrants and terrorist threats as well as some of the most severe forms of organised crime:

WHEREAS, in an age of global terrorism, drug cartels, human trafficking, and criminal gangs, the presence of millions of unidentified persons in our country poses a grave national security risk to the safety and sovereignty of the United States … (Republican National Committee, 2014, p. 1)

The key policies adopted by the Republican Party were overtly securitised. They aimed to improve policy and immigration-related technology and “to immediately authorize and complete construction of the double fence along our southern border” (Republican National Committee, 2014, p. 1).51 This measure would be on top of additional funding to allow beefed up government and military patrols and the

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51 Donald Trump used a very similar policy position in his successful bid for the Republican nomination (Markon, 2015).
reclassification of entering the United States illegally as a felony (Republican National Committee, 2014).

The United States’ Democratic Party is largely in lockstep with their Republican opponents when articulating border security. They too focus on the automation of and investment in immigration and border controls, increases in enforcement personnel and tougher penalties for migration-related breaches (White House, 2014a). Economic concerns, especially related to the impact of undocumented workers, feature heavily in the policy positions articulated by the Democrats, as was the case with the Republicans; however their approach does note the requirement to streamline “immigration law to better protect vulnerable immigrants, including those who are victims of crime and domestic violence” (White House, 2014b).

The Democratic Party’s policy also reinforces its support for its refugee program and acknowledges that further work is needed to enhance the program for applicants (White House, 2014b). The Republican Party was not mute in their opinion about the United States’ refugee program, indeed they support it. However, they were certainly economical in their articulated position:

WHEREAS, Americans recognize that for many of those seeking entry in our country, the lack of respect for the rule of law in their country of origin has meant economic exploitation and political oppression … (Republican National Committee, 2014, p. 1)
Silas Allard posits that these policy statements support the notion of asylum seekers as anomalies in traditional international relation perceptions, who are powerless and without recourse to demand help, and instead can only hope it is offered:

The narrative that grounds the asylum policy of the United States portrays asylum seekers as passive objects of external forces. This narrative emerges from the complex interplay of exceptionality and victimization that characterizes the legal status and popular perception of the refugee. (Allard, 2013, p. 121)

**United Kingdom**

The rhetoric and debate amongst major political parties in the United Kingdom regarding asylum seekers is generally more intense than that in the United States. The governing Conservative (Tory) party promotes their humane, yet orderly approach to asylum seekers and their claims. In a speech in 2013, former Prime Minister David Cameron stated: “And to those who think you can’t have a properly functioning asylum system without somehow being cruel, I think the opposite is true again in this case” (Cameron, 2013). This position implies the priorities of the government: efficiency, cost saving and burden reduction. Indeed, Cameron was not advocating generosity or even fairness, but instead he promoted a lack of cruelty. Nicholas Gill points to the example of the frequent movement of immigration detainees and the effect this has on their claims and on the public’s perception of them. For Gill, “[t]he constant moving and repositioning of asylum seekers means that they are depicted as transitory, fleeting and depersonalised to those actors with the greatest degree of influence over them” (2009, p. 186).
Marcelle Reneman (2014) notes the advantages of efficient and speedy processing, specifically the need to give claimants certainty of their status, but also cautions of the risk of not adhering to legislation and relying on assessments that are superficial in nature.

In the same 2013 speech the Prime Minister also talked about the need to improve processing times for the sake of the applicants; however he also outlined a tougher stance. He articulated the need for the United Kingdom to send a “clearer signal right across the world about what Britain does welcome and what Britain does want – of course, we’ll welcome asylum seekers genuinely seeking asylum and take them to our hearts as we have over centuries” (Cameron, 2013). Put simply, the United Kingdom will remove incentives, such as work rights, to discourage people, especially those who are not fleeing persecution. As Cameron said: “I think if we said you could work, we would create yet another ‘pull factor’, as the boffins call it, attracting people to come here, and that would be a mistake” (Cameron, 2013).

What was not articulated is the United Kingdom’s contribution to push factors that create asylum flows, such as the nation’s role in the wars in Afghanistan and Syria, and how much responsibility the state should shoulder for these flows. As Toni Johnson notes:

The UK’s history and responsibility in the production of refugees is disappeared from the narratives presented in court. The detrimental effect this has is to foist the responsibility of refugee status back onto the individual claimant rather than broader networks of power. (Johnson, 2013, p. 137)
Jonathan Darling (2011) argues Cameron’s approach stems from the 2002 White Paper *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* which promoted a tougher stance on asylum claims and promoted increased processing efficiency. He describes this approach as *domopolitical*, meaning treating or managing the nation as a domestic home. For asylum seekers, this results in a shift of policy that moves their claims towards securitisation and advocates assimilation into the ‘home’ once they arrive. It could also be argued that it is perhaps a strategy to deter would-be genuine asylum seekers from choosing the United Kingdom as a place of refuge over other countries who are more generous in their provisions. It can be indeed argued that Cameron’s outward display of generosity is in conflict with a harsher reality of the treatment of asylum seekers. Webber argues that the further reductions to asylum seeker allowances to 35 pounds per week is an example of this approach in practice. Further, he implies that the inevitable burden asylum seekers will place on the public system, due to the small allowance given to them, will swing public sentiment against them:

Savage benefit cuts, too, started with asylum seekers, who for the past few years have been expected to live on not £53 but £35 per week – but have now spread to others in the so-called dependency culture, who (like the asylum seekers before them) are stigmatised as parasites. (Webber, 2013, p. 106)

Public sentiment towards asylum seekers is an important dynamic and contributor to the political debate surrounding their plight and the processes imposed to manage the dilemma. The United Kingdom appears to be targeting asylum seekers as offenders if they are yet to make a claim. The policy behind the *Immigration Act 2014* states, among other directives, that it is a requirement of “private landlords to check the immigration status of their tenants, to prevent those with no right to live in the UK
from accessing private rented housing” (Home Office, 2014, p. 2). The policies in general are anti-hospitality and are quite a contrast to Germany’s openness to asylum seekers fleeing the Syrian conflict in 2015.

For the United Kingdom’s Labour Party, who are currently in opposition, the 2010 election campaign shed some light on their policy position prior to Jeremy Corbyn securing the party’s leadership. In reality these pre-Corbyn policies were very similar to the Conservatives’, which perhaps indicates the electorate’s mood on the topic. Isabel Hardman reinforces this assertion by explaining the apparent awkwardness of the Labour position, stating:

For Ed Miliband, the pain is particularly acute. The Labour leader’s background and instincts are those of a metropolitan liberal. He is fond of talking about how Britain gave sanctuary to his father, describing it as a warm-hearted country with open arms. Yet, as he knows, this is not how his target voters see things. On this, as on many policy areas, Miliband accepts the polls and takes the advice of his ‘Blue Labour’ colleagues Jon Cruddas and Marc Stears. He has to argue against his own intellectual position – and do so convincingly. (Hardman, 2014)

Labour’s policy promoted a strengthening of border control and the application process for migrants in general and for reducing the cost burden of asylum seekers especially. They were also quick to attribute the low rates of asylum claims to their successful management of the portfolio (UK Labour, 2010). Success therefore is measured in a securitised manner that promotes the defence of the nation against an incoming flow of danger. It does not, by contrast, measure achievement by the number of asylum seekers helped in times of need. One ponders which benchmarks will determine the success of Germany’s divergent approach once sufficient time passes to allow hindsight. Since Corbyn was elected leader of the party in 2015, it is
expected their asylum seeker policies will become more generous and less securitised. The following quotation from Corbyn (2015) is an example of his emphasis on the humanity of the European refugee crisis rather than the security issues it poses:

will Britain now sign up to be part of a European wide response to assist refugees from all parts of the world and ensure they have somewhere safe to go, and Britain will play a much greater role in it than it does at the present time; including sorting out the misery and desperation of people living in those camps in Calais and other places – they are human beings too, who need help and support.

**New Zealand**

In New Zealand the policy focus is on asylum seekers reaching the nation via boat. The current policy mood for the New Zealand National Party, a centre-right party that has been in power since 2008, has been influenced by events in Australia, particularly the arrival of asylum seekers via boat. The amendments to the *Immigration Act*, specifically its mass arrival component, are securitised in nature and squarely in response to a perceived threat of boat arrivals extending their journey across the Tasman Sea. The changes are mooted as a defence against organised crime. In 2012 the former Immigration Minister Nathan Guy declared: “An amendment to the Immigration Act introduced into Parliament today contains strong measures to deter people smuggling, making New Zealand a less desirable target” (Guy, 2012). While the message is clear against the ‘people smugglers’, it is interesting to analyse the subtle message contained in the use of the word ‘target’. It could imply a couple of things. Firstly, the requirement to help people in need, as per the convention, is reasonable but it is also reasonable to try to prevent them seeking help in the first place. The

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52 The content of debate in the New Zealand House of Representatives on 3 May 2012 is an example of such influence (New Zealand Parliament, 2012).
restriction of family reunion for asylum seekers deemed to be part of a mass arrival is an example of this message in policy form. Like Australia, the message also implies a militaristic, securitised approach to managing asylum seeker flows. This argument is enhanced by Guy’s statements that “New Zealand will be able to focus on managing immediate risks, rather than being tied up in paperwork and clogging up the courts” and that “we need to be prepared” (Guy, 2012). Also, as in Australia, the rhetoric used by the National Party articulates a fear of the other. The use of terms such as ‘risk’ and ‘mass arrival’ when talking about asylum seekers are examples of this rhetoric in use. The siege mentality and fear is notable, especially as a boat carrying asylum seekers is yet to reach New Zealand shores. It is as if the National Party is looking over the Tasman Sea and witnessing a plague rolling towards their nation without friction: “The Government has been saying for a long time now that it is a matter of when – not if – a mass arrival to New Zealand occurs” (Woodhouse, 2013c). This message plays upon the fears of the electorate and then offers the solution, arguably for the sake of obtaining votes. It is consistent with other examples of hysteria-infused metaphors that remove the humanity of asylum seekers, induce fear and promote securitisation:

hydraulic metaphors imagine flows of migrants (water, blood, diseases) leaving and entering states (reservoirs, lake or the body) that are protected by international borders and immigration laws (dams or surgical instruments). Flows maybe ‘out of control’ threatening the livelihoods of all citizens, thus ‘floods’ of refugees or asylum seekers threaten to ’swamp’ the state. (White, 2002, p. 1056)

Also reminiscent of the political sentiment in Australia, the National Party accuses asylum seekers of cheating other asylum seekers if they arrive by boat, rather than

53 “A mass arrival would likely include people whose identities are unknown or in doubt, so it is necessary to use detention to manage the security risks” (Guy, 2012).
seeking resettlement via the UN. This argument posits that people should flee persecution in an orderly, calm fashion, following international bureaucratic process. Guy explains this rationale, stating: “This legislation is not about punishing people with a genuine claim for refugee status. It’s about sending a strong message that queue jumpers won’t be tolerated, and people smugglers will not be rewarded” (Guy, 2012). Guy’s defence of the legislation, and use of terms such as ‘queue jumpers’ is an example of a securitised desire for order and control (Humphrey, 2013).

The new approach signalled in the Bill troubled the Office of the United Nations High Commissioner for Refugees. Their concern noted the differing legal rights a mass arrival category asylum seeker is afforded compared to other claimants and the tougher, arguably non-compliant path New Zealand has taken:

In UNHCR’s view the combined effect of these proposed measures represents a significant change of direction from New Zealand’s traditional, and very positive, approach to asylum-seekers and refugees. The proposed legislative amendments and the policy changes that will flow from them raise important questions about their compatibility with New Zealand’s obligations under the 1951 Convention and other related human rights treaties to which it is party. (UNHCR, 2012, p. 1)

Specifically, the UNHCR asserts that the bill’s impact on family members does not comply with the convention and could become a pull factor for family members to attempt future dangerous journeys, given the subsequent separation it will cause (UNHCR, 2012).
Despite evident traits of securitisation present in the policy, there is also unmistakable concern for the safety of asylum seekers, both in terms of their journey via boats and their exploitation at the hands of people smugglers (Woodhouse, 2013b). This concern is however muted by the language used to stigmatise and securitise the people trying to reach New Zealand by boat.

In contrast to the government’s push to legislate specifically against asylum seekers entering the country via sea, the New Zealand Labour Party asserts they will revoke the legislation targeting mass arrivals. The party also calls for an increase in New Zealand’s refugee quota, arguing that the current level of 750 migrants per year is inadequate in the face of growing demand for the program (New Zealand Labour Party, 2014). The Labour Party response signals their belief that the amendments are inconsistent with New Zealand’s convention obligations and, if elected, changes to the legislation will be made to ensure these obligations are adhered to (New Zealand Labour Party, 2014). The party’s objection is focused on these asylum seekers being subject to unique legislation because of the type of journey they embarked upon to reach New Zealand, specifically:

This group will be treated differently from other refugees and asylum seekers in that they can be subject to arbitrary detention for up to six months, their application for permanent residence will not be assessed until three years after they were first granted refugee status and family reunification for this group will be limited to immediate family. (New Zealand Labour Party, 2014, p. 8)

The Labour Party, via the former Labour Minister and Associate Spokesperson for Immigration Darien Fenton (2013), accused the New Zealand government of blindly following Australia’s footsteps regarding the asylum seeker debate and warned it will
risk losing public face in the international arena. Fenton also asserted that the prospect of people reaching New Zealand is very remote and that more important immigration reforms should be pursued: “The boat people will likely never arrive. But the migrants who are already here will see the exploitation go on and on. The government is turning a blind eye. Which is the greater threat to New Zealand?” (Fenton, 2013). The Human Rights Foundation of New Zealand reinforced Labour’s assertion that future boat arrivals are a work of fiction. They further questioned the legislation’s compliance with New Zealand’s obligation to the convention:

> a boat carrying asylum seekers has never reached New Zealand’s shores and it seems highly unlikely that one would ever do so. This would suggest that the Bill responds in an alarmingly punitive manner to a problem which does not exist. (Human Rights Foundation of Aotearoa New Zealand, 2013, p. 2)

Like the Labour Party, the Green Party of Aotearoa New Zealand, New Zealand’s third political party, advocates an increase in the refugee intake. Also like Labour, the Greens disagree with the changes made by the Immigration Bill that legislates the National Party’s policy on mass arrivals. Greens Member of Parliament Jan Logie (2012) articulated a similar argument that the likelihood of asylum seekers arriving by boat in New Zealand is remote.

Despite the similarities, the Greens’ policy position on other aspects of asylum seeker policy is more progressive than the two major parties. In fact, its policies are, unlike its political competitors’, primarily focused on the welfare of the asylum seeker as opposed to securitisation. Logie affirmed the Greens’ position against mandatory detention and argued the legislative changes promote “an unnecessary barrier to
integration and an unfounded fear of asylum seekers, which undermines our trust in each other as fellow New Zealanders” (Logie, 2012). Of the three case study countries, this was the only occurrence found of a major political party articulating the politics of fear, being the political articulation of otherness, negativity, undesirability and fear surrounding asylum seekers. Other measures advocated include: increased resources dedicated to resettlement programs, a fairer family reunion policy, fairer processes, promotion of the primacy of international law and the importance of treating applicants with ‘dignity and respect’ (Green Party of Aotearoa New Zealand, 2014b). The following policy statement encapsulates the stance taken by the Greens: “While recognising our limitations, it is our responsibility, based on our principle of social justice, to do what we can to accept as refugees our share of those that are denied social justice in their countries of origin” (Green Party of Aotearoa New Zealand, 2014a). Put another way, if someone is in trouble and if resources are available, help will be given. Another unique attribute of Greens policy is the education of the wider community about asylum seekers and the diverse cultures they represent, rather than exclusively focusing on the transition and assimilation of the migrant. The relevant policy statement provides that it is important to:

Ensure that host communities have suitable orientation and education programmes for refugees and that communities are educated about the arrival of refugees before and whilst refugees are settled. (Rationale: NZ needs to be more proactive in reducing the racism that refugees face, especially when they are settled in State housing areas, that also have high needs. Police need to be trained to deal with refugees and to work more cross-culturally.) (Green Party of Aotearoa New Zealand, 2014a)

Another key aspect of Greens policy is to increase funding to areas that will enhance the likelihood of a fair hearing of refugee claims made by asylum seekers. Mooted
areas of increased funding include the Immigration and Protection Tribunal and the Office of the Human Rights Commissioner (Green Party of Aotearoa New Zealand, 2014a).

**Assistance Provided to Asylum Seekers**

The administration of asylum claims, and the help afforded by the states to claimants, is important to consider as part of the case studies as it highlights traits of hospitality afforded or withheld. Access to review, provision of state-funded legal assistance, assistance with essential support such as shelter, health care and nutrition, the right to work while a claim is being determined and detention provisions for the three case study countries will be discussed. The case studies will show that securitisation is evident, largely through the detention of asylum seekers while their claims are being assessed. Hospitality is also evident in this section of the case study; however, it is the level of hospitality afforded to claimants that poses concern when viewed through a Honnethian lens.

**Right of Appeal**

In the United Kingdom, under sections 82 and 83 of the *Nationality, Immigration and Asylum Act 2002*, the majority of claimants who have had their claim for asylum rejected can appeal the decision via a first-tier tribunal. However, based on Sections 94 and 94A of the Act, an applicant whose claims are deemed to be ‘clearly unfounded’, or who has been returned to a safe third country or resided in a listed Dublin Accord II country, is not entitled to an onshore appeal of their decision. They can however,
by virtue of section 95 of the Act, appeal the decision from outside the United Kingdom (United Kingdom, 2002). If the claimant’s appeal is unsuccessful in the first-tier tribunal, they can petition to have their case reviewed in the upper tribunal. As per rule 26 of the Asylum and Immigration Tribunal (Procedure) Rules 2005, the tribunal will only accept a claimant’s petition if the presiding judge is satisfied that the decision by the first-tier tribunal was tainted by an error of law (HM Courts & Tribunals Service, 2005).

Like the United Kingdom, New Zealand affords claimants the opportunity to have a negative decision reviewed by a tribunal via section 194 of the Immigration Act. Further, section 128 of the Act mandates that an unsuccessful claim for asylum is not “finally determined” until after the review has concluded or the timeframe to apply for review has lapsed (Government of New Zealand, 2014).

In the United States, the review process differs from the other two case study countries; however there are a number of mechanisms to ensure a decision on an individual’s asylum claim is reviewable. Firstly, before the initial decision is made, both for affirmative and negative outcomes, all decisions made by USCIS officers are reviewed by a Supervisory Asylum Officer to ensure that the law has been applied correctly (USCIS, 2014). Secondly, if the applicant is lawfully allowed to be in the United States at the time of the decision (for example they held a valid student visa at the time of decision), they would receive a Notice of Intent to Deny. This notification is not a decision, but an opportunity for the applicant to provide additional documents that may assist in justifying their claim for asylum. Once these documents are received
or the due date for their receipt lapses, a final decision on their case is made (USCIS, 2011). If the applicant is illegally residing in the United States and their claim cannot be granted, their case will be referred to the Immigration Court for review and determination. Applicants who are residing in the United States illegally cannot have their asylum claims denied without this review procedure being initiated (USCIS, 2011).

**Legal Assistance**

United Kingdom–based claimants may be eligible for legal aid to assist them with their asylum claim or tribunal review. Claimants must pass an eligibility test which is largely concerned with their income and assets. Claimants are required to demonstrate that they do not have the capacity to pay for legal representation and that their “problem is serious” (Gov.uk, 2014c).

Consistent with the United Kingdom’s provisions, New Zealand offers legal aid to asylum claimants. Like the United Kingdom, New Zealand’s aid is provided based on the applicant’s financial hardship at the time they are seeking assistance. What differs from the United Kingdom’s system is the applicants may need to pay a “user charge” and in some situations repay the aid provided to them (Ministry of Justice, 2014).

Applicants in the United States do not have access to government-funded legal assistance: “You have the right to bring an attorney or representative to your asylum interview and to immigration proceedings before the immigration court, at no cost to
the U.S. government” (USCIS, 2013b). The Department of Justice does however provide a list of private law firms who are willing to assist asylum seekers with the claim process without charge. It is unclear how practical it is to access such services given the paucity of firms listed. For example, only 10 firms are listed for the state of New York and only one is listed for California (United States Department of Justice, 2014).

**Provision of Essential Support Services**

In the United Kingdom, if an asylum seeker cannot access accommodation and does not have the financial means or community/family support to survive, they are entitled to state-provided support (Gov.uk, 2014a). Eligible applicants have free access to health care and support provisioned by the National Health Service in the United Kingdom. The provision of health care is also afforded to applicants who have had their application refused. Children receive free access to schooling while their claims are being considered (Gov.uk, 2014b). Accommodation is provided to eligible claimants free of charge, albeit not in an area of an applicant’s choosing. Housing is allocated without preferences being considered and it is unlikely accommodation will be provided in the densely populated areas of south-east England, including London. The provision of housing is maintained if an applicant’s claim has been rejected (Gov.uk, 2014b). In the United Kingdom, financial support is also provided to applicants, albeit a very modest sum. Extra payments are made to pregnant mothers or mothers with young children (Gov.uk, 2014b).
The conditions and support provided for refugees in New Zealand is quite contrasting to those experienced in the United Kingdom. Spontaneous asylum seekers, people who claim protection after arriving in New Zealand as opposed to being resettled via the UNHCR, receive little government assistance and ongoing support, including food and shelter. Services and support relied upon by people awaiting their claims are largely supplied by charitable organisations such as Auckland Refugee Council or by family members already settled in New Zealand. The lack of government-initiated services provided to spontaneous claimants is in stark contrast to the provisions afforded to refugees formally resettled via the UNHCR:

NZ Red Cross are contracted by INZ to set up services to support refugees after they leave the centre. These include bank accounts, IRD numbers, Work and Income benefits (if required), housing and furniture. Each refugee or family is also assigned a social worker and volunteer support worker/s to help them for their first 12 months in New Zealand. (Immigration New Zealand, 2014b)

Spontaneous asylum seekers can access government assistance with food and shelter if detained in either a prison, or most likely in Mangere Refugee Resettlement Centre (Immigration New Zealand, 2014b).

Asylum seekers in the United States, as compared with applicants in the two other case study countries, receive little support for food, medical care, shelter and money from the government, which is further compounded by the inability of asylum seekers to work legally within the first 150 days of their pending application. Human Rights Watch (2013, pp. 1-2) notes:

In addition to being barred from working, asylum seekers are also ineligible to receive nearly any type of government benefit while awaiting
a decision on their cases. While the majority of developed asylum-granting nations place certain limitations on the right to work for asylum seekers, the United States stands alone in denying both employment and governmental assistance.

The restriction of services provided to applicants and the bar on them working legally may compound an already dire situation. Destitution, deterioration of health and malnutrition can be very real dilemmas asylum seekers may confront in the United States, especially if they do not have access to support from friends, the community or charitable organisations. These problems faced by some asylum seekers will inevitably force some to seek work illegally, which may further expose them to exploitation (Human Rights Watch, 2013).

**Work Rights**

In the United Kingdom, it is unlikely that an applicant will be permitted by the state to work while their claim is being considered (UK Visas and Immigration, 2014a). The rationale behind the position taken by the UK government is to deter economic migrants from seeking asylum for the purpose of gaining employment rather than protection. If an applicant’s case is more than a year old or if they have another visa which allows them to stay in the country lawfully while their asylum claim is being processed, they may be already entitled to work rights or be granted permission to work. Applicants can only commence paid employment in occupations that are deemed to be experiencing skills shortages (UK Visas and Immigration, 2014b).
In New Zealand, applicants who can demonstrate that they are unable to support themselves while they await a decision on their asylum claim can apply for a special work visa. This visa will allow them to obtain employment while awaiting the outcome of their case (Immigration New Zealand, 2012).

In the United States, asylum seekers are able to work if their claim is yet to be determined after 150 days of processing. Applicants cannot work prior to this date and cannot work automatically once the 150 days has lapsed and must instead petition for authorisation (USCIS, 2013a).

**Detention**

An applicant claiming asylum in the United Kingdom does run the risk of being detained while they await either a decision on their case or, if their case is rejected, their removal from the country. An applicant will most likely be detained if their application is to be determined in a short space of time; however people at risk, such as children or people with health-related issues, or applicants who have demonstrated clear evidence of torture are exempt from detention (UK Government Digital Services, 2014).

In New Zealand, an asylum seeker may be detained pending the processing of their claim. The location of their detention is in prison or temporarily in a police station if, as per section 310 of the Act, their identity is yet to be formally determined or if they are deemed a risk to security. Alternatively, applicants can be accommodated in a
detention facility (Government of New Zealand, 2014). As already discussed, an officer can lodge a mass arrival warrant to detain people who meet the legislative definition of being part of a mass arrival group. Section 315 of the Act does give discretion for people who would ordinarily be detained to be released or exempted from detention. There are, however, some limitations of movement and freedom associated with this provision:

**315 Person may instead agree to residence and reporting requirements**

(1) Rather than causing a person who is liable for arrest and detention to be arrested under section 313, or making an application for a warrant of commitment under section 316, an immigration officer and the person liable for arrest and detention may agree that the person will do all or any of the following things:

(a) reside at a specified place:

(b) report to a specified place at specified periods or times in a specified manner:

(c) provide a guarantor who is responsible for –

   (i) ensuring the person complies with any requirements agreed under this section; and

   (ii) reporting any failure by the person to comply with those requirements:

(d) if the person is a claimant, attend any required interview with a refugee and protection officer or hearing with the Tribunal:

(e) undertake any other action for the purpose of facilitating the person’s deportation or departure from New Zealand. (Government of New Zealand, 2014)

An applicant will be detained by authorities in the United States if they present at the border, are deemed not to have a valid right of entry and claim asylum. If after interview an authorised officer deems that the individual has a credible fear of persecution, section 235(b)(1)(B)(ii) authorises detention “for further consideration of
the application for asylum” (US Citizenship and Immigration Services, 2013). If the officer deems there are no grounds for credible fear, the claimant will also be detained whilst pending removal from the country (US Citizenship and Immigration Services, 2013). There is a move by the government to apply alternatives to detention. Under the Intensive Supervision Appearance Programme (ISAP II), eligible asylum seekers can stay in the community albeit with robust supervision provisions in place:

The ISAP II programme is designed to allow individuals who present a low flight risk to continue to live at home, while adhering to a supervision programme that involves regular meetings with staff assigned to their case. (UNHCR, 2009)

Discussion

This chapter has demonstrated the largely consistent policy and legislative approaches that all three case study governments take towards asylum seekers, whilst also acknowledging the subtle differences. These differences however are not symptomatic of radically different philosophies or policies towards asylum seekers seeking shelter in their jurisdiction, but rather the different implementation of a largely similar approach that is influenced by securitisation. There is evidence of self-interest trumping generosity, securitisation of asylum seeker policy, seeking technical legal adherence to the UN convention (rather than embracing the spirit intended by the document) and overt strategies of deterrence. Language that removes the humanity of those concerned54 suggests reification of asylum seekers is possible, be it intentional or not. Based on Honneth’s theory, it is suggested that the case study countries are not currently exhibiting best practice in managing those seeking asylum,

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54 For example, rather than describing asylum seekers arriving by boat as people or passengers, the former Immigration Minister Nathan Guy instead referred to them as “risks”
given the level of securitisation evident versus the threat posed. The following chapter will apply Honneth’s theory of recognition to the case study countries, and argue for a more balanced, generous, caring and hospitable policy alternative.
Chapter 4: A Honnethian Model of Asylum Seeker Policy

Background

The previous chapter discussed examples of the governments’ lack of hospitality and recognition afforded to asylum seekers, in the name of national interest. In some instances, the rhetoric used has moved from dehumanising to militarising the asylum seeker as an enemy of the state who must be repelled for the good of the nation. This attack on asylum seekers is symptomatic of the securitisation of the associated policy space. As Alison Gerard and Sharon Pickering (2014, p. 339) explain, the securitisation of asylum seekers manifests as follows:

First, securitization seeps into policy development and implementation. Second, securitization is mobilized through political discourse that exaggerates the risks of migration and asylum. Third, securitization constructs migration as a security problem and poses security solutions as the only viable remedy.

There were few examples of purely altruistic behaviour by the states and the political establishment towards asylum seekers. Actions were calculated in large part to discourage a refugee from seeking help. Similarly, the focus on the efficiency of process,\(^55\) rather than the assistance required, further alienates and possibly dehumanises the asylum seeker. Rather than people they become numbers, graphs, percentages or risk profiles.

\(^55\) As noted above, Cameron has said that “to those who think you can’t have a properly functioning asylum system without somehow being cruel, I think the opposite is true again in this case” (Cameron, 2013).
Honneth (1995) acknowledges the need to break free from self-interest, to notice people in need and to help them (without the expectation of reward). This Honnethian agenda is opposed to the security argument that can sometimes stifle such generosity. It is important to note that Honneth’s theory does not imply security should be ignored for the sake of generosity or hospitality. Recognition and security are not incompatible. In this technological era, a government can show recognition, generosity and hospitality to an individual while checking their bona fides in the background.

Generosity was not a prevalent feature of the case studies. It is difficult for the case study states to be generous when they fear the other who needs this generosity afforded to them, or when it is politically convenient to securitise their plight. The fear of the unknown, a fear of their incursion into our space or their acquisition of our stuff, is prevalent and consuming. It is a fear that promotes securitisation’s siege mentality evident in the case studies. Given the policies outlined earlier, that respond to the dilemma in a quasi-militarised way, restrict family reunion, transfer responsibility to third countries and withhold the right to work or access adequate legal assistance, it is reasonable to suspect that the following attitude is prevalent within the case study governments:

one view tells us that we are born into a world in which each person is out for themselves and life is a battle of all against all. Others will dominate you unless you dominate them first. Security for ourselves, our families, our communities, or our nation depends on our ability to get the advantage over them before they get it over us. Fear of the other is common sense, the only possible response a rational person can have in a world where competition is required for survival. (Lerner, 2006, p. 25)
The statistics outlined in the previous chapter suggest the case study states were not overtly generous with their accommodation of the world’s population of asylum seekers or their funding of the UNHCR, which helps administer the management of refugee flows globally. Given their comparative wealth in a global context, the case study countries could have, if they wanted to, contributed more to UNHCR programs. This reality suggests the above quotation from Lerner does have some relevance to the case studies presented. One might argue that, due to contemporary fiscal constraints in the case study countries, there is little room for increased generosity. However, given the capital at their disposal, adequate resources are available to enable a more generous or hospitable policy that would sufficiently address the needs of the people seeking help. It is a question of priority.

Can some behaviours displayed by the case study states towards asylum seekers be deemed reifying? It is difficult to say. Nevertheless, I will argue that the policies exhibited are certainly problematic, given the overemphasis on security policy at the expense of hospitality.

**Chapter Outline**

This chapter will critique the case study states’ behaviour, rhetoric, legislation and their policy towards asylum seekers using Honneth’s theory of recognition. The critique will focus on Honneth’s interpretation of love, rights and solidarity and will be structured

56 For example, in the 2016 fiscal year, the United States’ government’s revenue was US$3.336 trillion. It is noted that there was a substantial deficit in this financial year but it does put into perspective the sheer scale of capital at the disposal of the government (Office of Management and Budget, 2016, p. 115).
accordingly. Further, it will ascertain whether policies, legislation and support are adequately hospitable or if securitisation is unnecessarily dominant. Importantly the chapter will posit alternative policy approaches towards asylum seekers based on Honneth’s work, including the political feasibility of such actions.

The major finding of the chapter, and perhaps the thesis, is that a Honnethian approach suggests that justice based approaches are not sufficient in isolation for vulnerable cohorts like asylum seekers. The thesis will argue that justice must be supported by a gentler policy approach that is kind, supportive, hospitable and generous. Such an approach would give asylum seekers recognition when they desperately need it and a feeling of solidarity with their new community. More than purely providing asylum seekers with the legal rights they deserve, an agape style love\(^57\) gives them some additional resources they need, including a feeling of safety, affirmation of their worth, a sense of inclusiveness, and a hospitable welcome from the local authorities, which is critical given what they have fled from. One could argue that laws underpin such feelings, however an agape love explicitly demonstrates them. It would provide a positive start to, hopefully, a brighter future.

**Love**

As explained previously in the thesis, an aspect of Honneth’s (1995) concept of love requires a level of interconnectedness and reciprocation. Moreover, there is a two-way exchange of support where each entity depends on the other in some form. There is

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\(^{57}\) See Post (2002)
no suggestion in Honneth’s writings that this dependence should be balanced proportionately or is owed in equal measure. In an asylum seeker–government dynamic, dependency requirements are certainly not balanced. However, in Honneth’s statement that participants are “united in their neediness, in their dependence on each other” (1995, p. 95), there is a clear implication that both parties will exhibit some level of dependence on the other. So how does this work in an asylum seeker–government relationship and are there examples of this occurring in the case studies? Prior to answering this question, it is important to recap on another indicator of Honneth’s concept of love, inspired by the work of Daniel Stern (1977), that love, in the context of recognition, is a display of solidarity, self-sacrifice and affection. One could argue that these actions of love are somewhat reminiscent of Stoic self-sacrifice, interconnectedness and bond between humanity (Marcus Aurelius, 1997). Once again, the thesis asks whether this is possible in an asylum seeker relationship and whether it is already occurring in the case study environments.

Upon first inspection, there does not appear to be much Honnethian love evident in the case studies. An alternative point of view would suggest that, given the security and economic constraints present, the generosity afforded was adequate. As already argued, the application of Honneth’s theory does not automatically exclude security. The two can exist and indeed complement one another. One can be generous, hospitable and display recognition towards an asylum seeker while simultaneously ensuring adequate security checks are undertaken. To fail to perform these checks could indeed be viewed as misrecognition of the government’s own citizenry. The citizenry is subject to law enforcement and required to prove their bona fides when relevant. Accordingly, when applying Honneth’s concept of justice, it is reasonable for
asylum seekers to be subjected to the same requirements. Furthermore, not to undertake checks on asylum seekers entering a country could compromise the security of the state’s population. This could be seen as a withholding of support for the community who places trust in the government to provide them with safety, an act contrary to Honneth’s articulation of recognition-based love.

It is hard to make an informed judgement of what came first, negative public sentiment towards the asylum seeker or securitised, inhospitable policies generated by the state and then adopted by the populace. It is a chicken versus egg quandary which questions who influenced whom. In the United Kingdom for example, there are indications of a lack of solidarity with asylum seekers. In a 2004 poll (Populus, 2004, p. 13) of 1016 respondents, 68 per cent of people agreed that “it is right in principle for Britain to admit asylum seekers but we have accepted our fair share and can’t take any more”. Further, 71 per cent of respondents agreed that “the main reason people feel strongly about asylum seekers is that they seem to get priority in providing public services like housing and health services”, while 44 per cent agreed that “the majority of immigrants claiming asylum are bogus and do not deserve to be given safe haven”. Interestingly, this contrasts with an Ipsos Mori poll of asylum seekers, which found that “[m]ore than half the 327 refugees and asylum seekers interviewed … either ‘strongly agreed’ or ‘tended to agree’ the average British person welcomes refugees to the UK” (Travis, 2010).

Importantly for the government in power, the Populus survey indicated that only 13 per cent of people believed the “government had the issue of illegal immigration under
control” (Populus, 2004, p. 1), 68 per cent believed that “the issue of asylum and immigration” would be important when determining who to vote for (Populus, 2004, p. 10) and only 19 per cent believed the government’s statement that “the number of asylum seekers has fallen dramatically” (Populus, 2004, p. 23).

While these results are not produced in a vacuum, they infer a general mistrust or even some level of hostility towards asylum seekers by sections of the British population. The results also indicate an attitude among some of being in competition with asylum seekers, rather than being in solidarity with them. Moreover, it indicates that the majority of those surveyed considered the asylum seeker ‘issue’ important enough to influence their vote. This may imply the ‘issue’ could be used by the government or rival parties to harness affected votes within the population. Albeit in a negative way, these sentiments imply a level of dependence the government has on the asylum seeker. The government needs asylum seekers as a political tool that they can use for their benefit, as a divisive political topic that can be exploited or securitised, or as an invader they can repel.

The results also indicate a level of misinformation or even myth surrounding asylum seekers. While the majority of asylum seeker applications at the time were refused (UK Visas and Immigration and Immigration Enforcement, 2013), there is no evidence available to suggest the majority were bogus as implied in the poll results. A poll

58 The government’s policies in place at the time, as well as the tone and veracity of media coverage could all influence such a result.
commissioned by the British Red Cross also found a level of misinformation amongst the community in the UK:

An ICM poll … shows one in four British people still believe asylum seekers come to the UK to claim benefits. The ICM survey of the British public show 57% believe asylum seekers are given up to £100 a week in vouchers to cover their living expenses when the reality is that they receive accommodation and vouchers worth £35 a week. (Travis, 2010)

The sentiment in the United Kingdom is proportionate with the New Zealand government’s securitised notion of the inevitable arrival of boats filled with asylum seekers. Government and society are built, to some extent, on order. The very notion of this order being broken by people not arriving as the government intended has the capacity to elicit fear and mistrust towards those seeking asylum⁵⁹ and a redoubling of efforts to ensure control, security and order are maintained.

Honneth (1995) noted the importance of recognition being genuine. Recognition is not genuinely afforded if the act is a vehicle for an alternative motive. Recognition serves to recognise someone in the ways Honneth has articulated and nothing more. In some situations, the genuineness of recognition could be questioned where national interest is the primary motivator. For example, if it was in the national interest to afford recognition to asylum seekers to elicit a positive profile for the government globally that could be exploited later, is the recognition given genuine?

⁵⁹ Sometimes with assistance from the media. Daniel Martin’s (2016) article in The Daily Mail titled “Ex-MI6 Boss Fears Migration Could Spark Rise of Far Right and Warns ‘Terrorist Virus’ Will Grow if EU Can’t Control its Borders” is one such example.
One could argue that the case studies have demonstrated misrecognition. The requirement to perform or seeking to expose what is bad in people shows a presumption of guilt and ultimately a stance of misrecognition. Moreover, the securitisation of the asylum seekers’ plight reduces those seeking help to problems, risks or political pawns, rather than humans. Similarly, the lack of institutional love shown to asylum seekers in the case studies, by not offering them a chance to work or providing adequate provisions to support claimants while they await an outcome, again signifies a policy of withholding or perhaps forgetting recognition. It clearly articulates asylum seekers are problematic, a risk and less worthy of basic rights than the citizens of the state they are seeking sanctuary in.

It is simplistic however to argue that this misrecognition is genuine, as one cannot be certain of the governments’ true motivation. Do they want to prevent recognition from asylum seekers because it is, in their opinion, the right thing to do or are their actions motivated by their need to monopolise power by appealing to voters? Arguably the motivators of case study state behaviour and the exhibitors of genuine recognition, or misrecognition, are the voters. Without their vote, the government risks losing some or all of its power. Political or bureaucratic convenience must not, however, be underestimated. If the government benefits out of a particular arrangement, either by way of power or convenience, it is rational to suggest it will exploit this advantage for its own benefit. An example of this is the Dublin II accord discussed in the previous chapter to which the United Kingdom is a signatory. The accord’s ability to shift a portion of the responsibility of asylum seekers away from the United Kingdom to Southern European states, where a significant proportion of asylum seekers first enter, is a convenient one and it is hard to imagine a state forgoing this perceived advantage
without being forced. The contrast between this shift of responsibility by the United Kingdom and Germany’s contemporary policy towards the asylum seekers fleeing Syria is stark. If however the United Kingdom populace, not just activists but the community at large, were aware of the negative effect on asylum seekers,\(^6\) perhaps the government would be forced either to defend their position or to consider an alternative that is more palatable to their citizens.

Drawing on the arguments articulated earlier in the thesis, this display of power by the citizenry is potentially the key to infusing Honneth’s theory of recognition into asylum seeker policy. Hegel’s concept of ethical reciprocity argues that respect for the other does not manifest from the political elite or from an individual. Rather, it is community driven through peer-influenced behaviours and customs (Huttunen, 2012). Hegel’s insight suggests that driving political change to show genuine recognition of asylum seekers in isolation is an insufficient approach. Instead one would also suggest future-proofing these initiatives by influencing or informing community attitudes, as well as promoting awareness, ethics and hospitality towards asylum seekers. After all, it appears that the community of these governments have the potential to be the true custodians of power in this policy space and, further, the best placed to offer genuine recognition, or misrecognition. It would be naïve to contemplate a massive reversal of sentiment towards asylum seekers in the communities of the case studies given the various forces at play. Indeed, it would be hard to image the United Kingdom

\(^{6}\) For example, in the European Court of Human Rights case of M.S.S. v Belgium and Greece: “The Grand Chamber inter alia held that the applicant’s rights had been violated through his return to Greece by the Belgian authorities, in accordance with the Dublin II Regulation. In doing so, the Court held that the Belgian authorities had failed to acknowledge the widely known and freely ascertainable deficiencies in the Greek asylum system that, in effect, the applicant had no guarantee that his asylum application would be seriously examined” (Mallia, 2011, p. 108).
government proactively dismantling the Dublin II protocols given the convenience it
serves by placing the responsibility of processing asylum seeker claims
disproportionately on Southern European states (Triandafyllidou, 2014). However,
Germany has demonstrated it can be done. Indeed, it has done so with political cost.
Support for Angela Merkel has fallen since the European refugee crisis commenced,
while conversely the popularity of hard right-wing parties has grown (Phillips, 2016).
Strong leadership, community sentiment and the degree of love given to the asylum seeker appears to be the key.

Support is provided in varying forms to asylum seekers while their claims are being assessed and one could argue that this support is a small taste of institutional love shown by the case study governments. In the United Kingdom, accommodation is provided as is modest financial support to enable the applicant to survive while their claims are being assessed. In New Zealand an asylum seeker must either rely on charity or, if they can demonstrate an inability to support themselves, can either apply for a work permit or be detained. The United States provides little to no financial support but does allow the possibility of gaining a work permit once a claimant has been in the system for more than 150 days. These policies do exhibit a degree of institutional love, as support is provided to someone in need; however it is asserted that the level of support provided is not sufficient. In New Zealand, far more support is provided to refugees admitted via the UNHCR, which suggests discrimination against spontaneous asylum seekers. Love should demonstrate some level of affection and show a genuine attempt to meet the needs of someone who is dependent on you (Honneth, 1995). The policies of all three case study governments do not meet this standard. The United Kingdom comes closest; however it still falls short, particularly due to asylum seekers
being prevented from working. The lack of work rights inhibits an individual’s ability to interact with the community and build self-esteem by contributing to their own support. In the United States, an asylum seeker is forced to fend for themselves with no initial work rights, which can lead to dangerous consequences (Human Rights Watch, 2013).

Honneth talks about love being self-sacrifice for another’s benefit. Although some resources are spent on asylum seekers in the case study countries, the states in questions could afford to be more generous. While noting an argument exists that generous benefits may become a ‘pull factor’ for asylum seekers61, there is a difference between generous, adequate and meagre support for those seeking help. Honneth’s concept of love does not suggest that asylum seekers should be showered in gifts, but it does imply a level of generosity that enables the asylum seeker to have their immediate needs met (both basic and legal).

Policies derived from Honneth’s theory demand that asylum seekers are safe, secure and be given a level of dignity to go on with their life while their claims are being assessed. It is about giving people as much independence as possible with a full suite of support on standby in the background should they need it. Moreover, it should acknowledge the mutual dependence in the relationship between the community and the asylum seeker by promoting and unearthing the benefits that asylum seekers may contribute to the community. Policy should demystify the asylum seeker and help to diminish the role the current structure of international relations has in supporting an

61 As articulated, for example, by Tony Abbott (News Limited, 2014)
us versus them mentality (Linklater, 1992). This imagined policy setting applies a form of *agape* love in practice at the institutional level and goes beyond a purely justice based approach. It shows self-sacrifice, support, affection and mutual dependence in policy without resorting to gushing sentiment or harsh deterrence strategies. It is a pragmatic love.

**Rights**

As discussed in earlier chapters, rights in a recognition context are the laws that govern the recognition of others in a way society accepts as normative. A fundamental aspect of this application of normative morality is the universal application of the law within society. Moreover, no one, including asylum seekers, can be excluded from its application or denied access to justice. Two key points of this concept of justice need to be critiqued when looking at the case studies’ application of rights. Firstly, what is normative behaviour towards asylum seekers and who has the right to define it? Secondly, how can justice be inclusive of asylum seekers?

It is challenging to pinpoint what drives normative opinion about asylum seekers. However, what is striking is the conviction in the policy maker’s voice within this debate. The normative stance in the case studies, with the exception of the convention, appears to be produced by *us* at the exclusion of the *other*, with the focus being predominately on the national interest rather than the other’s needs. A simple Rawlsian test will ask *us* to consider normative fairness and ethics after imagining these policies
were applied to us after being forced to flee (Rawls, 1971). For example, if policy makers applied for asylum in America would they agree that the level of support provided to them, while their application was processed, adequate?

It is time to revisit some of the key normative indicators within the case studies to determine what policy makers currently deem appropriate. The introductory notes of the Convention and Protocol Relating to the Status of Refugees is explicit about how the convention should be applied: ‘The Convention is both a status and rights-based instrument and is underpinned by a number of fundamental principles, most notably non-discrimination, non-penalization and non-refoulement’ (UNHCR, 2007, p. 3).

Immediately this statement draws attention to New Zealand’s 2013 Immigration Amendment Act, which discriminates against a specific cohort of asylum seekers based on their mode of arrival. If the overarching spirit of the convention discussed in the introductory notes was applied to the legislation, it is questionable whether the Act would remain in its current form. The New Zealand Minister for Immigration asserted that the measures were not a deterrent for, or a penalty imposed on, a particular type of asylum seeker (Woodhouse, 2013a). However, the contradiction between the Minister and his department is clear, as demonstrated by the following statement made by the department in its report concerning the Bill: “The Bill forms part of a package of changes to disrupt and deter a mass arrival of immigrants” (New Zealand Ministry of Business, Innovation and Employment, 2012, p. 7). The ministry implies that

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62 Rawls theory is being applied here in the spirit of Charles Beitz’s (2000) interpretation that permits its use beyond the level of society.
deliberate discrimination is aimed at this cohort to discourage an attempt to seek asylum via this method of entry. The language used is securitisation in practice.

Technically, one could mount an argument that the New Zealand government is not breaching its obligations under the convention. For example, New Zealand is not breaching Article 3 of the convention which states: “The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin” (UNHCR, 2007, p. 17). Nor is New Zealand breaching Article 17(1) in its approach as the asylum seeker’s status is yet to be determined. The 2013 Act however does move New Zealand away from the overall spirit of the convention, as the treatment of mass arrivals is in conflict with the convention’s interlocutory notes.

Equal rights within a structure is a paramount pillar of rights-based recognition. While the securitised behaviour exhibited towards asylum seekers could be driven by any number of misconceptions, motives or any other reason, this hostility affects their rights. This thesis argues that rights go beyond Honneth’s conception of equality before the law. Even if asylum seekers were treated equally to other migrants, asylum seekers or citizens by legislation, the application of law may be affected by the state actively campaigning to securitise them.  

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63 Article 17(1): “The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment” (UNHCR, 2007, p. 22).

64 Which has taken place, as per the case studies in the previous chapters.
It is important to consider not just the universality of rights in isolation, without also reflecting on the associated policies, determined by government, which dictate how relevant legislation is interpreted and implemented. For example, if a government’s position was akin to White’s (2002) comments on hydraulic metaphors, where asylum seekers are viewed as toxins or disease trying to enter the body, there is a risk that this language could influence the administrative implementation of laws at the coalface or the tone of the policy that underpins such legislation. The interpretation could be a very technical one that supports the government’s position, rather than one that is supportive of the underlying spirit of the legislation when originally enacted.

Hegel’s *sittliche* community is not encouraged by the governments of the case study states. The concept of *sittliche* is akin to the religious notion of ‘do to others as you would have them do to you’. It is a community united in reciprocal ethics. According to the UN convention’s (UNHCR, 2007) Article 33(1), asylum seekers are not to be penalised when attempting to gain entry to a country without authorisation. The introductory notes state:

The Convention … stipulates that, subject to specific exceptions, refugees should not be penalized for their illegal entry or stay. This recognizes that the seeking of asylum can require refugees to breach immigration rules. Prohibited penalties might include being charged with immigration or criminal offences relating to the seeking of asylum, or being arbitrarily detained purely on the basis of seeking asylum. (UNHCR, 2007, p. 5)

The expectation of the case study citizens would be that signatories to the UN convention and protocol would not detain them should they seek asylum in another country. Yet the case study countries still deem that detention is appropriate for their
particular circumstances. The case study countries are therefore not adhering to the commitments they signed up to.

Detention is not the only example of the deconstruction of a sittliche-based community within the case study countries. The guilty until proven innocent approach to processing claims by the Unites States goes against established legal and ethical norms. Subsection 208(b)(1)(B)(i) of the Immigration and Nationality Act (US Citizenship and Immigration Services, 2013) explains:

(i) IN GENERAL – The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A). To establish that the applicant is a refugee within the meaning of such section, the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.

This approach is comparable to asking the defence in a criminal case to shoulder the burden of proof rather than the prosecution.\(^{65}\) It goes against the shared legal and community expectation that someone subject to the law is innocent until proven guilty.

Similarly, to force asylum seekers to perform their story to ensure it meets an assessor’s requirements, as section 339L (Home Office and UK Visas and Immigration, 2014) of the United Kingdom’s Immigration Rules Part 11 requires an applicant to do, goes beyond the intention of the United Nations’ convention and protocol and could put

\(^{65}\) It is noted however that sometimes obtaining adequate facts to determine an application can be difficult, especially if conducting verification checks in the source country would be unsafe, if relevant records are unavailable or if the applicant acts to obstruct the investigation.
enormous strain on the participant. Further, it could prevent help being afforded to an asylum seeker who meets all of the convention’s requirements to be deemed a refugee because their performance was inadequate.

A universal legal standing is not experienced by all and the outcomes of the case studies seem to reinforce this argument. From a semiotic standpoint, the need felt by some in the United States to build a fence between it and Mexico signifies the barrier between the rights of us versus the rights of the other. Perhaps mirroring the socio-economic divide in the United States, access to adequate legal representation is not a universal right. Asylum seekers, by not being afforded adequate legal representation by the state, are imperilled by this lack of recognition and are at risk of not receiving a fair hearing. Moreover, when a lack of adequate legal representation is denied, asylum seekers may choose not to normalise their immigration status. This choice will leave them in a stateless limbo without their fair share of rights and with no long-term stability to live the good life. This situation is reminiscent of Allard’s (2013) position that asylum seekers have limited opportunities as agents of their own future and must rely on the goodwill of others to progress towards a normalised life.

The Kantian notion of respect, outlined in Chapter 2, which Honneth drew on heavily in his theory of recognition, does have a lot to say about the case study countries’ approach to asylum seeker policy. Respect in a Kantian context means putting your own self-interest or fears aside and helping someone, even if that means you end up

66 As a guide, more than 1.4 million of the estimated 11.7 million undocumented migrants in the USA were from either China, El Salvador or Guatemala (Baker & Rytina, 2013, p. 5), all of which are significant source countries for USA based asylum seeker claimants (Wasem, 2011, p. 24).
being worse off at the end of the encounter (Honneth & Margalit, 2001). Respect does not imply the case study countries should admit all asylum seekers without assessments being made. It does however suggest at the very least an assessment should be made without national interest or security considerations being the exclusive determining factor and that love, hospitality and recognition should be given while an asylum seeker’s claim is being processed.

Honneth’s theory of recognition, drawing from Kant’s writings about respect, conjures up a different approach to the assessment process. Firstly, Honneth’s theory, with Kant in mind, suggests a gentler approach is required. Given the experiences faced by many of the applicants, Honneth’s theory could suggest a gentler system that sacrifices negative assumptions, deterrence and expediency to ensure the applicant is afforded not only a fair hearing but one that is flexible enough to give the applicant the best chance of telling their story. It would allow a narrative that is decoupled from the obligation to meet an assessor’s checklist. Moving the onus of proof to the state rather than the individual, as is the case in most criminal and civil jurisdictions, would accentuate this approach. It is likely to cost more to administer such a program and perhaps refugee approvals would increase under this approach. However, Kantian notions of respect suggest the state should accept this inconvenience and expense for the greater good that it would enable.

Butler’s desire for redistribution over recognition does enliven some thought about how the case study states act towards asylum seekers and offers insights not yet opened in the above discussions on rights. All three case study countries donated sizable
amounts of capital to support the UNHCR. It is impossible to determine whether the money was an altruistic redistribution of funds to help those in immediate need, or a foreign policy ploy to market the generosity of the state, whether it stemmed from a sense of duty, or a show of solidarity towards the UN or a combination of all or some of these possibilities. The capital supplied by these states has and will make positive contributions to the lives of some asylum seekers, both directly and indirectly. The money supplied does not, however, absolve the case study states of appropriate ethical behaviour towards asylum seekers on their home soil. Fraser’s (2001) notion of redistribution is not about equity of capital but equal access to opportunity. The need for applicants in the United Kingdom to perform during their hearing, the lack of state-funded legal representation for asylum seekers in the United States, and the ‘special’ treatment afforded to mass arrival asylum seekers in New Zealand demonstrate the case study states have fallen short of Fraser’s benchmark. Simply, asylum seekers are excluded from some basic rights in the case study states. Exclusion is not universal access. It is interesting that Fraser’s and Honneth’s different approaches lead to the same conclusion: the treatment of asylum seekers in the case study countries is not currently adequate.

**Solidarity**

Solidarity, Honneth’s third form of recognition discussed in the second chapter, is welcoming of others. Solidarity is focused on the person, rather than society at large. It is an obligation on a society to make someone feel welcome, valued and included in their community, whoever they are or wherever they come from. Instantly, the value of solidarity in asylum seeker policy development is palpable. Asylum seekers are the
quintessential other because they have no home, little support structures and in many cases when seeking help are subject to vilification, persecution and loss of freedom. Moreover, the conditions, violence or fear they are fleeing from may have lasting effects on their health. A nurturing, positive environment can help an asylum seeker with healing in such a scenario. With the exception of the United States, the case study countries do offer limited support for immediate, basic humanitarian needs: food, shelter, basic supplies, medical assistance and legal help. However, for all case study countries, solidarity with the asylum seeker is found wanting. Being in solidarity with the asylum seeker goes against New Zealand’s and the United Kingdom’s measures to deter asylum seekers from attempting to claim asylum in their jurisdiction.

This is not to say that public servants at the front line of operations do not or will not make asylum seekers feel welcome, or will refrain from displaying recognition. These one-on-one interactions may be influenced by the public servants’ own ethical code, intertwined with government procedure and the power dynamics within this environment. Their approach could be described as a hybrid of recognition traits. It is the meta-policy implemented by these governments that imposes the restraint on solidarity. It is difficult therefore to measure the impact on asylum seekers from minimal recognition provided by the institution when it is likely to be diffused or altered by an officer’s own ethical code. The individual representing the government’s policy cannot influence the meta-message from the institution and how this affects the persons seeking asylum, but s/he can affect the way that message is interpreted and implemented at the ground level. Individuals may be averse to adhering to protocols.

67 Remember the study discussed earlier in the thesis that showed the effect power had on the dehumanisation of others (Gwinn, et al., 2013).
without their actions being influenced in some small way by their own personality, experience and ethical positioning. This would be an interesting topic for future research on institutional recognition. This consideration also highlights that a Honnethian-inspired asylum seeker policy’s implementation could also be at risk due to the filtering effect of the personal ethics and personalities of the public servants administering it.

The Green Party of New Zealand had some elements of Honnethian solidarity in its policy towards asylum seekers. Its focus on educating New Zealanders about the arriving asylum seekers would enable the local population to understand what gifts these new arrivals can offer to the public and what help this cohort may need. It affords an opportunity to break the ice and gives both communities a starting point to interact and understand one another. This is a solid foundation for solidarity to occur. By understanding the asylum seeker, by interacting with them, one can appreciate the gifts they can bring to the local community. Based on Honneth’s (1992) work on solidarity, this involvement in and recognition by the local community can have a positive effect on a person’s self-esteem and sense of belonging. The contribution an asylum seeker can make in such an environment has the potential to develop a sense of belonging, purpose and contribution. Further, these traits imply a level of independence that is

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68 The need for the Australian Public Service to espouse the following values, although reasonable to protect the apolitical nature of the public service, suggests the influence of personal viewpoints on public servants is seen as a threat: “APS employees must serve the needs of the Government. This entails providing the same standard of high quality policy advice and implementation, irrespective of which political party is in power and irrespective of an employee’s political beliefs. Employees should ensure that their actions do not provide grounds for a reasonable person to question their ability to serve the government of the day” (Australian Public Service Commission, 2016).

69 Such gifts could encompass a wide array of matters. For example; differing viewpoints, professional skills, qualifications, cuisine, art, culture or work ethic, to name a few.
found lacking in more institutional environments, such as detention facilities, where the detainees have little influence over their life or space.

The policy of the New Zealand Greens is in contrast to the official policies of the case study countries, whose efforts to build solidarity with migrants tend to be focused on the applicants they want most in the name of national interest. As an example, the US Citizenship and Immigration Service describes successful applicants for a permanent EB-1 visa as “persons of extraordinary ability in the sciences, arts, education, business, or athletics; outstanding professors or researchers; and multinational executives and managers” (USCIS, 2010). Huttunen’s (2012) requirements for a successful society, based on solidarity, assumes all members of the community experience and participate in actions of solidarity. The example of the United States government’s quasi-sonnet to EB-1 visa applicants could be interpreted as the national interest dictating who is and is not afforded solidarity at an official government policy level. Contrast this with the perceived need to build a wall separating the United States from Mexico.

The sense of belonging generated by expressions of solidarity is potentially a vital component of an asylum seeker’s path to some form of security and normality. Belonging implies safety, a commodity in short supply for people fleeing from persecution. An example of the importance of belonging is neatly articulated in a study on sexual minority refugee experiences in Canada. In this example people found a place to belong within their new community which provided enough support, solidarity and protection to enable them to recover from the experiences they faced:
Partly in resistance to racist encounters within mainstream queer communities and transphobia/homophobia within particular racialized communities, sexual minority refugees themselves articulated a sense of belonging within queer racialized and sexual minority refugee communities. These spaces were places where sexual minority refugees themselves could build community and resist against the heavy burdens of mental stress they experienced from dominant cultural and social forces. (Lee & Brotman, 2011, p. 268)

Honneth’s theory, especially its central themes of love and solidarity, can craft policy that allows such spaces and support structures.  

Conversely, Foucault’s concept of governmentality portrays a bleak dystopian image where power is maintained at any cost, including the exploitation of asylum seekers as political objects. There is evidence of governmentality traits within the policies of the three case study countries. These traits work against society’s solidarity with asylum seekers. In fact, some of the policies outlined in the previous chapter could arguably be designed to mute that bond and divide groups of people for political self-interest.

The United States asylum seeker legislation implies a lack of solidarity and perhaps the hallmarks of Foucault’s governmentality (Ruiz, 2000). The guilty until proven innocent construct of section 208(b)(1)(B)(iii) implies that asylum seekers could be fraudsters or opportunists, but are unlikely to be refugees (US Citizenship and Immigration Services, 2013). They are signified as a danger that the legislation prevents from sneaking in

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70 Even though the people in the example are refugees the results are relevant, given asylum seekers have similar needs and have faced hardships.

71 An example, outlined in the previous chapter, is the fear propagated by the New Zealand government about mass boat arrivals.
without genuine cause. The asylum seeker has become securitised as a danger that only the government can protect its citizens from (Bigo, 2010).

The New Zealand government’s characterisation of asylum seekers arriving by boat as a security threat is another example of governmentality at play, as the use of language tinged with securitisation by both Guy (2012) and Woodhouse (2013c) to explain the asylum seeker ‘problem’ could signify that the community has something to be afraid of. A sense of urgency is being created without coherently articulating what threat the asylum seekers are posing: “it is a matter of when – not if – a mass arrival to New Zealand occurs” (Woodhouse, 2013c). As the nation-state is positioned as the only entity capable of maintaining the security of the populace, it could be argued that New Zealand is promoting the fear of the asylum seeker, only to demonstrate how they will prevent the imagined fear from materialising. A parallel dance is happening in the United Kingdom, where asylum seekers are promoted as a burden by the government and measures, such as being a signatory to Dublin II (European Union Law, 2003) and the pressure on landlords to confirm an occupant’s immigration status (Home Office, 2014), are promoted as solutions to the problem.

In all three case study countries, asylum seekers are viewed primarily as a burden or security threat, rather than people in need. In the United Kingdom, efficiency is a paramount concern of the government when it turns its mind to asylum seeker policy. Another priority is creating barriers and disincentives that deter asylum seekers from seeking refuge in the first place, irrespective of the genuineness of their claims (Cameron, 2013). These policy positions go against Derrida’s theory of hospitality
which asks the host to welcome people, offer help and, only after they are safe, begin asking questions. Likewise, a Honnethian approach would remove the barriers and reject the discourse of otherness and burden. It would instead focus on the needs of those seeking help by providing safety, fair access to justice, reassurance and opportunities to contribute to society while claims are being assessed. Such policy would demonstrate both inclusiveness and solidarity with those seeking help.

Interestingly in the United States asylum seekers are also subject to a slightly different depersonalisation as a result of governmentality-like policy. Instead of being necessarily branded as a burden or problem, or indeed as people needing help, Allard describes asylum seekers as passive victims within the politicising of their plight:

The narrative that grounds the asylum policy of the United States portrays asylum seekers as passive objects of external forces. This narrative emerges from the complex interplay of exceptionality and victimization that characterizes the legal status and popular perception of the refugee. (Allard, 2013, p. 121)

Allard implies that asylum seekers, rather than needing our help, are an unfortunate cohort of collateral damage within global politics. This dehumanisation serves a similar purpose to other examples of governmentality. By articulating the plight of the asylum seeker as inevitable, the burden of providing a solution is removed from the state.

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72 Although they are not immune to being securitised, as the promotion of border fences and Trump’s threat to prevent Muslims from entering the country attest.
The language used by the case study governments to describe asylum seekers and their securitisation of the policy debate (Humphrey, 2013) suggest existing negative sentiment towards the asylum seeker will be difficult to influence. Small wins however may gradually adjust community sentiment into one that is more hospitable towards asylum seekers and more willing to display genuine recognition to others. The New Zealand Greens policy of educating the community about asylum seekers to reduce tension, as well as alienation, and to promote understanding is an example of a community-driven approach to change the status quo permanently. Derrida’s hospitality of politics suggests that pragmatism is required in an institutional governmental setting and that a perfect, idealised outcome is unlikely (Still, 2010). It does not mean that changes for the better cannot be made or that incremental steps would be a failure. Using the Dublin II agreement again as an example, a comprehensive attempt to educate the community about the barriers the accord creates, preventing genuine asylum seekers achieving refuge, and the impact this barrier has on them, could energise pockets of the community wanting a more hospitable and generous approach. Germany could be used as an example, should their approach be deemed (at the end of the crisis) a success. Further, it could inform the uninformed, enabling a considered community. These small steps may promote some momentum without needing a delusion that everyone will be won over, or that concessions to opposing viewpoints are unconscionable.

Asylum seeker polices based on Honneth’s theory would also likely need to be ones based on pragmatic compromise. Honnethian policy ideas, such as the ones generated in this thesis, would act a starting point in negotiations but may not be realised in full. As Carens (1996) notes, compromise and pragmatism are realities of politics.
A policy built on recognition and specifically solidarity would look quite different to the status quo. Treating asylum seekers as people rather than threats, resisting the urge to challenge their motives without due process and to politicise their plight would be cornerstones of such policy. A counter-argument may ask, if a degree of suspicion was removed, would people be permitted into the country whom society does not want? Indeed, the polls in the United Kingdom presented earlier imply that society is suspicious of asylum seekers and that a government’s role in a democratic society is to represent and address the concerns of the majority. Fair enough, but it is impossible to decipher the baseline mood of an electorate regarding asylum seekers when it has been distorted by rhetoric generated by practices arguably akin to governmentality. What would the populace want if the debate was not politically fuelled? Unfortunately, this question cannot be answered with any degree of certainty. Further, it is difficult to comprehend how informed the electorate is about the life of an asylum seeker and what they can offer the community.

Derrida’s theory implies one should offer help first and deal with the claims of asylum seekers once they are safe and secure (Derrida, 2005). The former Greek Finance Minister Yanis Varoufakis (2015) provided an insight into what Derrida envisaged, when he stated:

if somebody knocks on your door at 3 in the morning and they are wet, they are bleeding, they’ve been shot at, they’re frightened, what do you do? I think that there’s only one answer. You open the door and you give them shelter, independently of a cost benefit analysis, independently of a chance that they may harm you, independently of the idea about values. Values are fungible.
The application of Derrida’s law of hospitality to this context will not necessarily open the floodgates for people who are seeking to exploit a refugee program. Although never 100 per cent effective, immediate security checks to ensure the asylum seeker is safe to be amongst the community would sufficiently negate any immediate risk to the community a claimant may cause. Considered assessments of an asylum seeker’s claims would be made as they are now in the case study countries, albeit without the deficiencies already noted. The big difference would be the quality of life for the claimant in the interim and the opportunity presented by the asylum seeker to the host community. If the applicant does not meet reasonable thresholds to be accepted as a refugee in such circumstances, so be it. At least they were treated with respect and hospitality in the interim.

It has already been established earlier in the thesis that Derrida’s law of hospitality has many similarities with Honneth’s theory of recognition. Moreover, Derrida’s theory strengthens Honneth’s theory’s application in an institutional setting. Derrida’s use of the word hôtes in his theory acknowledges that both the host and the guest receive benefits from hospitable practices (Still, 2010). This mirrors Honneth’s argument that a component of solidarity is acknowledging what is good in others and how they can contribute to the community.

Asylum seekers clearly receive benefits, whether begrudgingly or not, from the case study countries in which they are claiming refuge. Yet in the case study countries there seems to be limited room to allow an asylum seeker to contribute to society. Asylum seeker work rights are non-existent or limited, as is the case in the United States
(Human Rights Watch, 2013), preventing them from sharing their skills, employing locals, paying taxes or providing a service that is in short supply. An asylum seeker may even be detained, denying her/him access to society in the first place. Mistrust is sometimes promoted, as is the case with imagined mass arrivals in New Zealand (Guy, 2012), so gaining acceptance in a community may be harder when stereotypes must first be broken down. In the United Kingdom, the movement of asylum seekers around the country risks denying them a chance to build bonds with a local community and limits opportunities for the local community to understand what each cohort can offer the other (Gill, 2009).

To allow asylum seekers into the community takes trust and self-sacrifice73: “Hospitality as ethics is unconditional and unconditioned hospitality, so immediate that nothing of the guest can be known and no invitation can be made” (Still, 2010, p. 8). This goes against the domopolitical imaging of the nation as a home where barriers are placed to prevent penetration and assimilation is promoted for the ones who make it inside (Gill, 2009); however it does not mean this approach is implausible or radically different. Its foremost differences with the status quo are the level of generosity afforded and the barriers removed. There is every chance that a claimant could make a small contribution to the local community before their claims are either approved or rejected. There is little chance of contributions being made if claimants are denied full access to a dignified and independent life within society while their claims are being considered. It is a risk, but one this thesis and indeed the theory supports as it benefits both hôtes.

73 Again noting that it is reasonable, once welcomed, that adequate security checks are undertaken to determine the applicant’s risk to the community.
In a humanitarian environment, the need for belonging and positive reinforcement is acute as often, especially in the asylum seeker context, the affected have been dispossessed of these feelings. By definition, asylum seekers, until sanctuary is found, have nowhere to belong to and are sometimes subject to all manner of unjust treatment, leaving them desperate about their situation. Hence the importance of this pillar of Honneth’s recognition. For some seeking asylum, being made to feel welcome and good about being present in a country that may grant them sanctuary is a positive and powerful experience, especially when they have been subject to threats or acts so horrible they had no choice but to flee. As Russell Brand (2014) notes, based on his own personal experience, helping someone in need can also have a positive reciprocate effect on the helper. It can give that individual a feeling of worth, and a positive sense of self for doing something that is beneficial to another. One could argue that hospitality is an innate natural expression of humanity (Still, 2010). From a dry policy perspective, this genuine act also creates a good impression of the host by the people seeking asylum, perhaps leading to a more positive opinion of and engagement in the society affording them sanctuary. An approach beyond one that is purely justice based is required to foster such policies.

The case studies suggest that the states involved do not go out of their way to make asylum seekers feel good about themselves and are arguably even less inclined to allow a person fleeing persecution to feel a sense of belonging. The hydraulic metaphors explained in the previous chapter, where asylum seekers are securitised as toxins or

\footnote{An act of misrecognition.}
something akin to a natural disaster, are unlikely to improve the asylum seeker's sense of self and certainly imply a hostile host. As already discussed, the requirement of section 339L of the United Kingdom’s *Immigration Rules Part 11* and the United States’ section 208(b)(1)(B)(iii) require the applicant to perform in a credible way for their claims to be deemed legitimate. This performance requirement implies a guilty until proven innocent construct of asylum seeker identity and points to a general unwillingness to help this cohort feel good about themselves.

The ‘national interest argument’ implies, against the Stoic sages’ better judgement, that the people behind the fence are more important and more deserving than the desperate who are trying to breach it. National interest and securitisation evident in asylum seeker policies are largely anti-hospitality as hospitality demands a generous host even if this generosity negatively impacts on them (Still, 2010). David Miller (2015) argues that a state’s role in accepting asylum seekers should only be to ensure they are safe from the harm threatening them at that point in time. How the state manages this requirement is their prerogative with regard to national interest. He notes: “states may legitimately try to limit their responsibility to what they reasonably judge to be a fair share of the total burden” (Miller, 2015, p. 396) and the state “that offers more – for example gives refugees permanent rights of residence with the possibility of moving towards full citizenship – may use relevant criteria to select them, of the same kind as it uses for economic migrants” (Miller, 2015, p. 397). The case study states have the resources, institutions and capital to afford the material or emotional generosity suggested by Derrida. Indeed, Germany (who also has sufficient capacity to help) is currently

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75 For a political articulation of this argument, see Abbott (2015).
76 As already mentioned, the United States for example has a budget in excess of US$3 trillion (Office of Management and Budget, 2016).
experiencing a massive surge in asylum seeker arrivals and is coping, even though the crisis impacts on the local population, resources and perhaps the political fortunes of those in power (Traynor, 2015). Millers argument is for a society’s right to self-determination. Given the resources available, it appears the case study countries have determined that being hospitable towards asylum seekers is not in their best interest.

The policy settings suggested in this context by Honneth’s theory are fairly straightforward and go beyond justice in their scope. It is a policy that accommodates the vulnerable as well as those in need and is entwined with hospitality, care, generosity, openness and compassion. The policy should ensure the asylum seeker is asked when they first arrive “are you ok?” and “is there anything you need?” Further it should be made clear to the person seeking shelter that they are welcome, that the hosts are glad they are here and that their claims will be afforded deserving attention. In a practical sense the host country should be generous to ensure asylum seekers feel good about themselves and sense a feeling of belonging. The government should provide access to food, shelter, education, medical treatment, legal representation, expat communities and professionals to help them begin to overcome the trauma they have faced. With support, there should also be a gentle immersion into society where each party gets to know and appreciate each other (a process not stymied by mandatory detention). All of this, as well as adequate security checking, should be occurring while their claims to asylum are being tested because hospitality should, according to Derrida, be unconditional and immediate (Still, 2010). These policy settings, in line with Honneth’s
four pillars, are action orientated rather than symbolic and attempt to cover some of the multifaceted nodes that form recognition’s greater whole.\textsuperscript{77}

Using the work of Hanna-Kaisa Hoppania and Tiina Vaittinen (2015), as well as Daryl Koehn (2012) as a guide, similarities are evident between the outcomes of the thesis and the central arguments of feminist care ethics\textsuperscript{78}. Like the outcomes Honneth’s theory generated, care ethics produces action based behaviour, requires one to listen to another’s plight or point of view and to act towards them in a caring way. The care provided is adaptive and appropriate for the situation presented. Both theories reject justice based remedies in isolation, when such approaches fail to consider the plight of those affected adequately. There is also commonality in the acceptance of mutual dependence and the pursuit to improve the plight of the other, the marginalised or the vulnerable. The similarities are an interesting outcome of the thesis and perhaps warrant further exploration in future research.

There are clear differences between how the case study countries act towards asylum seekers and how Honneth’s theory imagines the policy settings should be. This critique, using Honneth’s theory as a benchmark, has exposed deficiencies in current policy settings and articulated a need for change. Further, the application of Honneth’s theory to asylum seeker policy suggests the need to move beyond a purely rights-based

\textsuperscript{77} Once again the New Zealand Greens appear to produce policy that is closest to what Honneth’s theory implies should be in place. The Greens are against mandatory detention, for treating applicants with respect and dignity, want help to be provided, and are willing to inform as well as educate both the host country and asylum seekers to foster a welcoming and cohesive atmosphere (Green Party of Aotearoa New Zealand, 2014a).

\textsuperscript{78} Noting that care ethics is not without criticism, with Chris Beasley and Carol Bacchi (2007) being one such example.
approach to something more supportive, kinder and loving. This will be discussed further in the conclusion, along with concluding remarks about the divergences between the status quo and Honneth’s imagined policies.
Chapter 5: Conclusion

Evidence of securitisation is available in each of the three case studies. In New Zealand, the promotion of boat arrivals as threats to the nation was evident. In the United States, the perceived need to build a wall to stop the human threat lurking beyond was another example of a securitised approach to asylum seeker policy. The self-congratulation by former Prime Minister Cameron in the United Kingdom that the government’s treatment of asylum seekers was not cruel once again showed how securitisation has seeped into this policy space.

This thesis also suggested\textsuperscript{79} that the level of securitisation is out of proportion when considering the threat posed versus the capital and political investments made, not to mention its effect on the thousands of asylum seekers personally. The statistics\textsuperscript{80} just do not back up the level of securitisation deployed, nor the negative categorisation applied to the asylum seeker cohort.

It was noted with caution that security is needed in such a space. It is reasonable for governments to know who is entering their country and why, and to screen them for risk. The 2015 Paris attacks show that it is naïve to presume the need for security is obsolete and that all asylum seekers are threat free. The thesis is merely suggesting the balance is adjusted so that security measures can be deployed as normal, without the

\textsuperscript{79} In the securitisation section of Chapter 2.
\textsuperscript{80} Refer Hall (2013) and Eurostat (2016).
politicisation of the asylum seeker, nor the negative rhetoric and inhospitable practices evident in the case studies. Hospitality and security can coexist.

It would be disingenuous to suggest that Honneth’s theory was designed for asylum seeker policy development and critique. Further, as explained in the second chapter, the theory itself is not without criticism. The fourth chapter however has demonstrated its worthiness as a tool to dissect, critique and construct asylum seeker policy. Its application works and has presented some interesting ideas for others to consider further.

Increasing the level of hospitality afforded to asylum seekers is clearly supported by Honneth’s theory. The three central components of Honneth’s theory of recognition, love, rights and solidarity, at times speak in harmony with Derrida’s law of hospitality. Honneth’s theory pointed to gentler and kinder treatment of asylum seekers. The theory suggested governments should ensure asylum seekers were safe, secure and had support structures in place should they need them. It also suggested asylum seekers should become a part of the community rather than being excluded, for example in detention. Both the host and guest would benefit from such engagement. Being a part of a community affords the opportunity for asylum seekers to feel connected, supported and loved. Conversely, it allows the asylum seeker a space to share their unique gifts with new neighbours. This is before the dry economic benefits an asylum seeker may provide to a state in their lifetime is even considered. The reciprocal value of this interaction reinforces why Derrida used the term hôtes to describe both host and guest.
The most important contribution the thesis made was to show that sometimes a purely rights-based approach is not sufficient. The application of Honneth’s theory to asylum seeker policy would force the policy to address both the rights of this cohort and the individual needs of the asylum seeker. A fair rights-based system in isolation does not address the need for an asylum seeker to feel welcomed, loved, supported, protected and appreciated in their new home. Honneth’s theory generates such conditions. It provides an institutional love to these asylum seekers that many so desperately need given what they have fled from. It gives them solidarity at a time when they are stateless. Importantly, the theory does not forget the imperative of their rights during the process of seeking asylum.

It is not suggested that all government policy will universally benefit from Honneth’s theory. It is a reasonable assumption that the policy and legislation governing drivers licence permits, for example, has little need for Honnethian love. However, the theory’s application to the asylum seeker policy space does suggest its usefulness in other policy spaces with similar traits, particularly involving vulnerable people or emergency situations. The *agape* style love, as well as rights and solidarity, explored in the thesis are arguably needed in many policy spaces where vulnerable people are exposed to, and supported by, the state at a time of need. Natural disaster emergency relief, homelessness and domestic violence policy, to name but a few, may be enhanced by a Honneth-based approach. Future research may be useful to test this further.
The asylum seekers’ plight, particularly in Europe, and the various governments’ responses to the crisis are currently subject to intense scrutiny and debate. This makes the presentation of new ideas and approaches to manage asylum seeker movements all the more important. Policy decisions should come from an informed position that is considerate of a wide range of ideas, viewpoints and goals. This thesis has contributed in its small way to the field by providing a Honnethian viewpoint. It is a unique insight into the debate and should be tested.

Further, it is healthy to challenge policy on a regular basis and the outcomes of the thesis can be utilised in such an endeavour. Such engagement could bring about change, however minor. Conversely, if after being challenged the policy owners decide to maintain the status quo, then so be it. At least they have been forced to consider their own position in the face of an alternative and defend it.

So where to next? The previously untested application of Honneth’s theory of recognition to asylum seeker policy also asks further questions for researchers to consider in the future. Given its successful application to asylum seeker policy, could Honneth’s theory be applied to other debates that tussle between generosity and a government’s fiscal constraints or national interests? Social security policy, international aid and health funding come to mind as possible contenders.

Importantly, examples of contemporary hospitality when managing asylum seeker flows, such as those evident in Germany, must be assessed to gauge the success of
such campaigns. Further, in line with Carens’ advice on innovative but achievable policy, the success of politicians who advocate a more hospitable approach, such as Jeremy Corbyn in the United Kingdom, should be scrutinised to determine the pragmatic obstacles preventing such policies from eventuating. Such empirical research will add to the normative debate.

This thesis argued for asylum seeker policy that is hospitable, caring and generous with a level of underpinning security that is proportionate. Honneth’s theory has provided some unique policy ideas and has been a worthy contributor to the debate. The policies created were challenging and innovative but not politically unworkable. The ideas presented in the thesis contribute to the voices challenging the status quo going forward. You never know, someone may listen.


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