POLITICS OF EPISTEMIC DEPENDENCE:
AN EPISTEMOLOGICAL APPROACH TO GENDER-BASED ASYLUM

By

Ezgi Sertler

A DISSERTATION

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

Philosophy – Doctor of Philosophy

2018

**ABSTRACT**

POLITICS OF EPISTEMIC DEPENDENCE: AN EPISTEMOLOGICAL APRROACH TO GENDER-BASED ASYLUM

By

Ezgi Sertler

My dissertation aims to build a bridge between analytic social epistemologies, feminist epistemologies, and refugee studies by bringing them into conversation on gender-based asylum cases, i.e. cases where gender-related persecution is the primary consideration for the determination of refugee status. It does so by using the concept of "epistemic dependence," which refers to our social mechanisms of reliance in the process of knowing, i.e. *what* we rely on and *how* we rely on it. In this dissertation, I argue that tracking problematic operations of epistemic dependence can provide an illuminating framework for understanding the epistemological impacts of the social and political structures that govern asylum claims.

My argument works in three stages. First, I demonstrate how decision-makers on different levels are systemically afforded the ability to arbitrarily and ambiguously misinterpret or misunderstand applicants' experiences, cultures, and countries (Chapter 1). Second, I articulate the contours of the affordance of these misinterpretations and misunderstandings by highlighting three different forms of epistemic dependence (interpersonal, communal, structural) enacted by decision makers, lawyers, and advocates. Looking at different forms of epistemic dependence operating in these procedures allows me to identify what authorities rely on interpersonally, communally, and structurally, as well as how they rely on it.

In Chapter 2, I use the lens and language of interpersonal epistemic dependence to analyze why applicants' contributions to knowledge production in regard to their lived experiences (in their cultures and countries) are not usually relied upon. I indicate that applicants seem to suffer

from significant epistemic exclusions on an interpersonal level due to their relevant epistemic labor not being recognized and/or the results of their epistemic labor being denied uptake. In chapter 3, I argue that understanding communal epistemic dependence as depending on communities for epistemic resources can be useful in diagnosing why applicants and their cases are found unintelligible in a systemic and persistent fashion. I demonstrate that decision-makers', lawyers' and advocates' reliance on the communities who develop and circulate certain frames of intelligibility enables and limits how gender-based claims and applicants are understood and assessed. In chapter 4, by developing an account of structural epistemic dependence, I discuss how the institution of asylum (its practices and categories) conditions the possibilities for how gender-based asylum is understood. I argue that state and non-state actors' reliance on different forms of structural conditioning frames how gender-based cases are understood and assessed.

Finally, I use the analysis of the problematic operations of these various forms of reliance to demonstrate the following: Exploitation of these different forms of epistemic dependence in gender-based asylum cases toward arbitrary, ambiguous, and inconsistent yet systemic and persistent misinterpretation and misunderstanding is a form of epistemic oppression where applicants are excluded from social knowledge production processes on different levels. And this exclusion is structurally enabled and maintained by the institution of gender-based asylum. Ultimately, I claim that in the context of gender-based asylum problematic operations of epistemic dependence can illuminate epistemically oppressive institutional practices.

For my grandmother and for my mother.

# ACKNOWLEDGMENTS

# TABLE OF CONTENTS

**INTRODUCTION**

This dissertation aims to build a bridge between analytic social epistemologies, feminist epistemologies, and refugee studies by bringing them into conversation on gender-based asylum cases, i.e. cases where gender-related persecution is the primary consideration for the determination of refugee status. The point of this conversation is to offer an analysis of gender-based asylum by using the concept of "epistemic dependence" which refers to our social mechanisms of reliance (*what* we rely on and *how* we rely on it) in the process of knowing. Using the lens of "epistemic dependence" in the context of gender-based asylum offers a means of tracking problematic operations of epistemic dependence within pervasive institutional practices. I argue that tracking problematic operations of epistemic dependence can provide an illuminating framework for understanding the epistemological impact of social and political structures that govern asylum claims. This epistemological analysis, I hope, can provide an entry point for developing structural and epistemological investigations of international refugee protection mechanisms and its social and political procedures that impact knowledge production. These investigations are significant, I believe, for their ability to reveal epistemic dimensions of the *violence*, *injustice*, and *harm* that impact global refugee populations.

My argument works in three stages. First, I identify how decision-makers on different levels are systemically afforded the ability to arbitrarily and ambiguously misinterpret asylum applicants' experiences, cultures, and countries (Chapter 1). Second, I articulate the contours of, what I call, the affordance of misinterpretation (introduced in Chapter 1) by highlighting three different types of epistemic dependence being exploited in the settings where those claims are decided, i.e. asylum interviews and courtrooms: interpersonal dependence (Chapter 2), communal dependence (Chapter 3), and structural dependence (Chapter 4). Looking at different forms of

epistemic dependence operating in these procedures allows us to identify what authorities rely on interpersonally, communally, and structurally; and how they rely on it. Third, I use the analysis of the problematic operations of these various forms of reliance to demonstrate how knowledge about the applicants' countries, cultures, and experiences are produced and how that knowledge delimits and obstructs pursuing more nuanced understandings. Ultimately, I claim that in the context of gender-based asylum problematic operations of epistemic dependence can illuminate epistemically oppressive institutional practices.

What motivates this dissertation is three-fold. First, given the extensive discussion of gender-based asylum in feminist international relations, legal theory, and rhetoric (e.g. Edwards 2010, Nayak 2015, McKinnon 2016a), it is important to investigate what feminist epistemologies' engagement with gender-based asylum might look like. This is of course not to say that the existing discussions of gender-based asylum do not use epistemological and/or philosophical approaches. However, it is to say that there are not many treatments of gender-based asylum prioritizing a philosophical approach that is epistemological as well as structural. Second, there are recent attempts to discuss epistemic injustice in the context of asylum in general and gender-based asylum in particular (e.g. Rusin and Franke 2010, Wikström 2014). These attempts are rooted in Miranda Fricker's (2007) influential book *Epistemic Injustice*. I think it is important to continue expanding this discussion not only through the tools Fricker avails to us but also through looking at different forms of epistemic exclusions in this context. Third, I consider epistemic dependence to be an important philosophical tool that is employed a lot when discussing scientific knowledge yet not sufficiently utilized in discussing "problems that emerge when one attempts to produce social knowledge about complicated, dynamic landscapes" (Dotson 2017, 418). Thus, in a context like gender-based asylum where there is a continuous production of social knowledge about

complicated landscapes, i.e. applicants' experiences, cultures, countries, it is crucial to develop an epistemological approach, where different forms of epistemic exclusions can be discussed through different forms of reliance that are operative in that context.

In Chapter 1, by drawing on a few examples from Sweden, I discuss how gender-based asylum applicants' experiences, cultures, and countries can be arbitrarily and ambiguously misinterpreted by decision-makers. I use this discussion to demonstrate how the institution of asylum seems to be structured to produce epistemic injustice, at least in the forms of testimonial injustice and contributory injustice. Underlining this structural limit of the institution of asylum allows me to suggest: the forms of reliance employed by decision-makers when they understand and evaluate these applicants' cases are significant for comprehending the reasons for misinterpretation.

In Chapter 2, I use an account of interpersonal epistemic dependence to discuss whether applicants' contributions to knowledge production in regard to their lived experiences are relied upon or not by decision-makers and why that is important. I demonstrate that due to applicants' epistemic labor not being recognized as such or due to results of their epistemic labor being denied uptake, applicants are excluded on an interpersonal level from contributing to the social knowledge being produced about their countries, cultures, and experiences.

In Chapter 3, I develop an account of communal epistemic dependence that underlines how we rely on our epistemic communities for development and circulation of epistemic resources in general and frames of intelligibility in particular. I use this account to identify various communities that are relied upon by state and non-state actors in the context of gender-based asylum insofar as they develop and circulate different frames of intelligibility. I discuss how this reliance explains

why applicants' contributions and their cases are not found intelligible and failed to be understood in a systemic and persistent manner.

In Chapter 4, I provide an account of structural epistemic dependence in order to demonstrate how the institution of asylum enables and constrains at the same time how gender-based asylum is understood and how its cases are evaluated. I show how relying on the institutionalized categories and practices of asylum for this enablement and constraint maintains particular misunderstandings and misinterpretations of applicants' cases and contributions.

These chapters together allow me to make the following claims: 1. There are frequent occurrences of 'failures to believe' (applicants not being believed) and 'failures to understand' (applicants not being understood) in how gender-based asylum is understood and evaluated. 2. Due to different forms of epistemic dependence in play, these failures are systemic, persistent and structural. The three forms of epistemic dependence (interpersonal, communal, and structural) I discuss in the context of gender-based asylum are related to each other in many ways. For example, the effects of structural epistemic dependence practiced by decision-makers can easily be identified in their practice of communal and interpersonal epistemic dependence. However, I do not assume a clear, linear and direct relationship between these three forms of dependence and I do not think of them as encompassing one another.

Finally, there are two important things to keep in mind with respect to this project: First, in a dissertation on epistemic dependence it is only fair to mention that I rely extensively on other scholars' accounts of what has happened in gender-based asylum cases. Unlike many of these scholars, I have not worked with applicants, asylum advocates, lawyers, decision-makers "directly," something which I hope to change in the future. Thus, these scholars' work is what enables and limits my work at the same time. This is of course not to say that "directly" working

with people is not subject to limitations. However, I think that my work not having that component is an important issue to emphasize and address. Thus, this project is limited by other scholars' representations of what happens in asylum interviews and courtrooms. Their selection of quotes from applicants, their interpretations of applicants' cases and their resources that allow those interpretations are what *enables* and *limits* this work. This limitation, however, at the same signals my debt to applicants, activists and scholars who work on these issues and to their labor. Second, I am guilty of not specifying a particular location. Throughout this dissertation, I have looked at gender-based asylum cases from Canada, the U.K, the U.S., and Sweden. This is a deliberate choice. I have made that choice because I believe that in approaching this research project caring about transnational concerns and trends is as important as being attentive to international differences. For instance, we can see that although the cases of women applying for gender-based asylum and how they are adjudicated are different in the U.K., the U.S., and Sweden, the lack of epistemic credibility and authority these women suffer from with respect to their lived experiences seems to be always present. I do not want to deny the importance of paying attention to particularities of host states and underlining differences in their legal, historical, and political approaches to gender-based asylum. However, I think it is important to consider how gender-based asylum is understood and evaluated on a transnational level as well.

**CHAPTER 1**

The Institution of Gender-Based Asylum and Affordance of Misinterpretation:
Epistemic Injustice and Epistemic Dependence

According to the United Nations High Commissioner for Refugees (UNHCR), forced displacement of people has doubled in less than twenty years. In 2015, 65.3 million people were displaced. 40.8 million of these people were displaced in their home country, 21.5 million were refugees and 3.20 million were seeking asylum (UNHCR 2015)[1]. Citing these numbers is a dangerous endeavor. While it is one of the only ways in which we can articulate what is happening on a larger scale, it is inevitably reductive and it leaves untouched the question of how many of us can actually make sense of what it means for 65.3 million people to be displaced in many different ways. Attempting to explore the epistemic dimensions of forced displacement is not an easy task. An attempt has to be context-dependent, movement-sensitive as well as temporally and spatially specific.

One of the recent attempts to explore epistemic dimensions of forced displacement focuses on the institution of gender-based asylum and hopes to detect forms of epistemic injustice within assessments of gender-based asylum applications (Wikström 2014). The institution of asylum, in general, refers to the (internationally) institutionalized reality of the idea of asylum as an important mechanism for international refugee protection as it is practiced through different asylum regimes. "Regime," here, refers to "the institutional environment within which international policies are made" (Bauman and Miller 2012, 8).[2] The institution of gender-based asylum, then, refers to the

---

[1] For detailed definitions of refugees, asylum-seekers, and internally displaced people, see http://www.unrefugees.org/what-is-a-refugee/

[2] I take this definition from Soroos 1986, 21-23 as cited in Bauman and Miller 2012, 8. Asylum regimes can also be seen as sub-regimes of the international refugee regime defined by Liisa Malkki as the international order "in which

institutionalized reality of the idea of gender-based asylum as it is practiced through different asylum systems. I use the term "gender-based asylum claims" to refer to a range of different claims where gender-related persecution is the primary consideration for the determination of refugee status (UNHCR 2002). Gender-related persecution, according to the UNHCR, refers to the kind of persecution where gender "influences" or "dictates" the type of persecution or harm suffered. According to the UNHCR guidelines, gender-related persecution has "typically encompassed, although [is] by no means limited to, acts of sexual violence, family/domestic violence, coerced family planning, female genital mutilation, punishment for transgression of social mores, and discrimination against homosexuals" (UNCHR 2002, 1-2). Karen Musalo (2010) also notes:

> the term 'gender-asylum' is generally understood to describe two types of claims: (1) claims in which the form of persecution is unique to, or disproportionately inflicted on women (for example, female genital cutting (FGC), domestic violence, rape, forced marriage) regardless of the 1951 Geneva Convention Relating to the Status of Refugees (Refugee Convention) ground for which it is inflicted and (2) claims in which the harm may or may not be gendered, but the reason (nexus) it is imposed is because of victim's gender (46-47).

In this chapter, my aim is to demonstrate that the institution of gender-based asylum has a structural limit, i.e. *structured* to produce epistemic injustice at least in the forms of testimonial injustice and contributory injustice. And I will argue that this structural limit can be understood when we realize how the institution of gender-based asylum is formed to provide *legitimacy* to the *institutional comfort* the respective migration courts and boards enjoy in decision-making. By institutional comfort, I mean the ways in which state actors in migration courts and boards are systemically afforded the ability to arbitrarily and ambiguously misinterpret asylum applicants' experiences, cultures, and countries. This institutional comfort afforded to migration boards and

---

contemporary 'refugee problems' are managed" and "in which humanitarian aid and legal protection efforts unfold" (Malkki 1995, 517). Also see Betts and Durieux 2007, 510.

courts by the existing asylum regimes in the current order of nation-states leads to a systemic prioritization of state actors' epistemic resources rather than that of applicants, which, in turn, results in epistemic injustice.

This chapter will proceed in two parts. I will first turn to a recent article by Hanna Wikström (2014), which identifies cases of testimonial injustice in assessments of gender-based asylum applications in Sweden and I will underline three cases where the Migration Court and/or Board's institutional comfort is visible. I will argue that detecting forms of testimonial injustice allows us to observe this *institutional comfort* in three different forms: comfort in denying applicants' experiences, comfort in ignoring available information, and comfort in deciding which information/criteria to use. I will, then, use Gaile Pohlhaus Jr.'s (2012) and Kristie Dotson's (2012, 2014a) analyses of dominant *epistemic resources* in order to demonstrate how the institution of gender-based asylum is formed to provide legitimacy to this institutional comfort. I will conclude by suggesting that analyzing "epistemic dependence" can offer an illuminating framework for understanding the epistemological impact of social and political structures that govern gender-based asylum claims.

1. **The *Institutional Comfort* of the Migration Court/Board**

In "Epistemic Injustice in Practice," Franziska Dübgen (2016) notes that "reflecting on the workings of epistemic injustice" can be a useful tool in grasping different forms of domination and exclusion if "the grammar of epistemic injustice" is used for and adapted to the singular case studies (1, 2, 5). I consider Wikström's (2014) work in "Gender, Culture, and Epistemic Injustice: The Institutional Logic in Assessment of Asylum Applications in Sweden" to be one of these adaptations. By focusing on the workings of epistemic injustice in gender-related asylum assessments, Wikström aims to access and articulate specific forms of domination and exclusion

pervasive in the institutional logic of Sweden. Wikström's empirical material consists of 62 cases

of asylum applications of asylum seekers from a wide range of countries. Among these 62 cases,

Wikström (2014) notes, "5 women and 1 man are accepted as refugees, 27 are given subsidiary

protection, and 29 applicants are denied" (212). The subsidiary protection is granted to asylum

seekers as a temporary form of protection when decision-makers in Sweden do not believe the

applicant in question qualifies for refugee status, and as a temporary form of protection, it does

not offer all the benefits of refugee status.[3]

> UNHCR defines an asylum seeker as follows:

> "…an individual who has sought international protection and whose claim for refugee
> status has not yet been determined. As part of internationally recognized obligations to
> protect refugees on their territories, countries are responsible for determining whether an
> asylum-seeker is a refugee or not…This responsibility is derived from the 1951 Convention
> relating to the Status of Refugees and relevant regional instruments and is often
> incorporated into national legislation" (UNHCR 2014, 5).[4]

The legal definition of refugee status can be found in the 1951 Convention and the 1967 Protocol

Relating to the Status of Refugees:

> [T]he term refugee shall apply to any person 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 of 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.[5]

---

[3]  https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/When-you-have-received-a-decision-on-your-asylum-application/If-you-are-allowed-to-stay/Residence-permits-for-those-granted-subsidiary-protection-status-.html. Also see:
http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/SubsidiaererS/subsidiaerer-schutz-node.html
[4] Here, I should note that we should not confuse the legal refugee status granted to asylum-seekers with a more common definition of a refugee as "someone who has been forced to flee his or her country because of persecution, war, or violence" (http://www.unrefugees.org/what-is-a-refugee/).
[5] http://www.unhcr.org/en-us/1951-refugee-convention.html.

9

In what follows, I will briefly summarize how Wikström emphasizes the importance of credibility assessments in gender-related asylum applications and highlights how testimonial injustice occurs. I will, then, cite three exchanges Wikström narrates between an asylum applicant and the Migration Board/Court that have resulted in subsidiary protection rather than refugee status.[6] According to Wikström (2014), the frequent use of subsidiary protection rather than refugee status in gender-related violence cases suggests that decision-makers in Sweden fail to recognize the kinds of persecution in question as gender-related persecution, and thus fail to recognize those applicants as entitled to asylum (211). The following three exchanges can be used to articulate the institutional *comfort* the respective migration courts and boards enjoy in *deciding* how to read, interpret, and process the cultures and the countries in question and the applicants' experiences within them.

Institutional comfort, here, refers to how migration boards and courts are systemically afforded the ability to arbitrarily and ambiguously misinterpret asylum applicants' experiences, cultures, and countries. In other words, the institutional comfort calls attention to the discretionary space systemically afforded to state actors within their institutional roles and how *easily* this discretionary space can be used to produce inconsistent, ambiguous and arbitrary assessments of applicants' experiences. Even though the existence of discretionary space is not unusual for the institution of asylum in general, how *easily* it can used by state actors to negate applicants' narratives, where gender-related persecution is a consideration, is worrisome (Baillot et al. 2014; Querton 2012; McKinnon 2016a). The internationally inconsistent approach to gender-based asylum exacerbates this situation further. The UN High Commissioner for Refugees has been

---

[6] I should note here that Wikström's analysis is more complicated and extends further than what I will be focusing on this chapter. An important part of the analysis, for instance, tracks how "gender-based" cases are understood to mean cisgender and heterosexual women's cases. I talk about how gender is rendered intelligible by different communities and why that matters for how applicants are understood and assessed in Chapter 3.

encouraging states to develop their own guidelines for gender-based asylum claims, and in 2002 they issued new guidelines to encourage a gender-sensitive interpretation to the Refugee Convention as a whole (Musalo and Knight 2002, 59; UNHCR 2002). These efforts, of course, do not guarantee a clear and consistent international approach to 'why and how gender matters' for the determination of refugee status.

The Migration Board (MB) in Sweden is where the applicants register to start the asylum process. What happens afterwards is that the Migration Board reaches an initial decision. If the decision is negative, it can be appealed at the Migration Court and afterwards at the Migration Court of Appeal. In court, Wikström states, the Board (MB) becomes the counterpart to the applicant and their lawyer. The assessments, Wikström says, focus on the reasons for asylum and the credibility of the applicant's narrative. The applicant has to present and justify that her fear of persecution is well-grounded. That is to say, the applicant has to provide information about their country and their position within their country of origin, which will later be compared with the "available information" that the Board or the Court has on the country in question. In Sweden's case, Wikström (2014) notes, this available information is usually retrieved from the country information database:

> The approach to, and nature of, Country of Origin Information in Sweden is factual. /…/ Lifos [database] is a compilation of "facts." The idea is that there are a number of observable facts about countries and societies that can be captured and structured in a database. The underlying logic seems to be that anyone /…/ can use these facts to come to the right (and thus the same) conclusion (215).[7]

This comparison between the information given by the applicant and the information retrieved from the database is crucial because it allows authorities to justify first whether the

---

[7] Flärd 2007 as cited in Wikström 2014, 215. Wikström (2014) also notes that Lifos (the country information database) relies on a realist/positivist paradigm that the migration authorities depend on in forming their beliefs (215).

applicant's reasons for asylum are well-grounded and further whether there is possibility of protection in the country of origin, which, then, negates the reasons for asylum application. Within this context, Wikström (2014) suggests, "asylum assessments largely rest on credibility assessments," which leads to the argument that asylum applicants suffer from testimonial injustice (210).[8]

Testimonial injustice, for Miranda Fricker (2007), "occurs when prejudice causes a hearer to give a deflated level of credibility to a speaker's word" (1). The prejudice in question tracks "the subject through different dimensions of social activity – economic, educational, professional, sexual, legal, political, religious, and so on" and therefore relates to social identity in a systematic way (Fricker 2007, 27). Fricker (2007) calls such prejudice "identity prejudice" and argues that in a central case of testimonial injustice, a speaker "receives a credibility deficit owing to identity prejudice in the hearer" (28). In other words, testimonial injustice occurs when there is an identity-prejudicial credibility deficit in the hearer where the credibility deficit is caused by a negative identity-prejudicial stereotype, which is defined by Fricker (2007) as follows:

> a widely held disparaging association between a social group and one or more attributes, where this association embodies a generalization that displays some (typically, epistemically culpable) resistance to counter-evidence owing to an ethically bad affective investment (35).

---

[8] Wikström (2014) defines epistemic injustice at the beginning of the article by presenting Fricker's definition of testimonial injustice and hermeneutical injustice together and does not necessarily announce for every case she mentions whether it amounts to testimonial injustice, hermeneutical injustice, or both. One case where she clearly indicates an instance of hermeneutical injustice is related to the use of gender in law, which I will discuss later in Chapter 3. However, since the cases (and especially what I choose to emphasize about the cases here) bring up the issue of credibility assessments, I'm categorizing them as testimonial. I should also note here that because Fricker's discussion of hermeneutical injustice assumes one set of collective hermeneutical resources and does not differentiate between making sense to ourselves and making sense to (different) others (as discussed by Dotson 2012, Medina 2013, Pohlhaus Jr. 2012), applying that notion to asylum applicants and their cases has to be done very carefully (Cf. Rusin and Franke 2010). I return to this in Chapter 3.

The following exchanges between the Migration Board and the applicants demonstrate how the Board gives applicants a deflated level of credibility based on its stereotypical understanding of the applicants, the culture, the culture's norms, and how the culture forms identities. In these exchanges, we witness the Migration Board demonstrating a strong "disinclination to believe" in the applicants' testimonies (Dotson 2012, 27). For Wikström (2014), "epistemic injustice becomes evident as the reasoning of the authorities shows how arguments of culture are primarily used to negate individual claims, and in that resistance to and deviations from dominant cultural norms [that the Board assumes/consider itself to know] are not seen credible" (214). "As such," she continues, "epistemic injustice [testimonial injustice]" occurs when applicants suffer from a deflated level of credibility compared to other sources of information (Wikström 2014, 215).

It seems to me, then, that detecting cases of testimonial injustice in assessment of asylum applications allows us to observe the *institutional comfort* The Migration Board enjoys in three different forms: comfort in denying applicants' experiences, comfort in ignoring available information, and comfort in deciding which information/criteria to use. In what follows, I will discuss each comfort through an exchange between an applicant and the Migration Board/Court.

1.a. The Comfort in Denying Applicants' Experiences

This comfort refers to the ease with which the Migration Board is able to reject the reality of an applicant's experiences. In other words, it refers to how easily the Migration Board can reject a lived reality as narrated by an applicant especially when the lived reality does not correspond to how decision-makers understand these applicants, cultures, and countries (Wikström 2014, 214).

> *Sara is an applicant of Kurdish descent and from Iraq. She claims that her family arranged for her to be married against her will. Despite this, she had a sexual relation with a work colleague of hers. One day Sara's brother caught the couple in her family's residence and a fight and shooting ensued. Sara fled and went to the police. An officer told her he would*

*have killed her himself had she been his sister, and that the police could not do anything 'since it was an honour-related crime' (Verdict 15:2). The Board (MB) turned Sara's application down because it did not find her credible:*

*MB: It is odd and not very likely that she would initiate a sexual relation with another man when she knows she is going to marry her cousin. /.../ That she would be so blinded by love and disregard the consequences is not a reasonable explanation, with the culture that is prevalent in northern Iraq and with her family traditions in mind. /.../ Furthermore, it must be considered striking that, at her age, an arranged marriage has not occurred earlier (Verdict 15:3).*

*[When] "Sara responds to a number of things she claims the Board has misunderstood, she also states that: 'It is not strange for women to initiate secret relationships' (Verdict 15:4)* (Wikström 2014, 214).[9]

In Sara's case , we witness the Migration Board giving Sara a deflated level of credibility by relying on stereotypes that label her as a subject that cannot possibly show any agency within a "homogeneous" culture that has full control over  its subjects.[10]  The interplay between the cultural stereotypes the court holds in terms of what kind of a culture Sara's culture is and the identity-prejudicial stereotype about how a woman in her circumstances behaves (must behave) proves to the board that Sara's testimony cannot be believed. Thus, The Board uses a monolithic "image of an average third world woman" who is "powerless" and doesn't have any agency as a reason to find her experiences unbelievable (Mohanty 1988, 65-66). What is striking, here, is the comfort, i.e. the ease, with which the Migration Board can find her experiences to be unreal or unlikely to occur when she tells them specifically that they are not.

---

[9] As I have mentioned above, later, the Court grants Sara subsidiary protection (Wikström 2014, 215). It is important to remember here that first subsidiary protection only offers a temporary form of protection and does not offer all the benefits of refugee status. Second, subsidiary protection in this case, as Wikström notes, suggests that the persecution Sara suffers from is not recognized as the kind of persecution that qualifies for refugee status in light of the Refugee Convention. Third, I should note here that Sara is granted subsidiary protection only after initially being denied asylum by the Board.

[10] Also see totalizations/totalizing pictures of cultures in Narayan 1997, 15 and "death by culture" in Narayan 1997.

1.b. The Comfort in Ignoring Available Information

This comfort refers to the ease with which the Migration Board can overlook and disregard the information provided in applicants' testimonies. This comfort can be read as both underlying and caused by the first comfort I identified. This is because the ease with which the Board declares an applicant's experiences unbelievable due to essentialist approaches to cultures enables its members to overlook the available information provided in the testimony. At the same time, though, ignoring the available information that is present in testimony (such as it is not strange for women to start sexual relationships) allows the Board to sustain its approach to Sara's "culture". Thus, giving applicants a deflated level of credibility prevents the Board from paying attention to the information present in testimonies or enables them to disregard the available information present in testimonies. This becomes clear in Nesrin's case:

> Nesrin is of Kurdish origins and from Iraq. She claims to have had a love affair with Omed. Nesrin's family rejected Omed's proposal to Nesrin, as she was promised to a cousin of hers. As a result of the proposal, Nesrin's family repeatedly abused and threatened her and Omed. While the couple prepared to escape the country, Omed was murdered by Nesrin's family and Nesrin managed to escape through the aid of a women's organization (Wikström 2014, 212-213).

> In the case of Nesrin, the board finds the protection of abused women in northern Iraq satisfactory:

> MB: For abused women there is generally a possibility of good enough protection against HV (honour-related violence) (Verdict 12:4).

> They further state that:

> MB: Nesrin did not make contact with the police, other authorities or alternative mediation institutions in Iraq [for her protection] before seeking international protection (Verdict 12:5) (Wikström 2014, 215).

In Nesrin's case, the Board does not believe in her testimony that the protection in her own country was not a possibility anymore. The board seems to question Nesrin's capacity to evaluate

her own situation and decide that "going to the police was not an option." More importantly, the Board (in order to maintain that there was good-enough-protection in Iraq) ignores the fact that Nesrin's brother, uncle, and one cousin of hers were employed by the police force. Thus, they ignore the fact that going to the police for Nesrin would be equivalent to going back to her family. Furthermore, the Board ignores "Nesrin's claim that it was a women's shelter that helped her to escape" (Wikström 2014, 216). As Wikström (2014) highlights, ignoring available information seems to be a technique that is frequently used by the Migration Board in order to suggest that the country of origin is still relatively safe and therefore the international protection is not needed.[11]

1.c. The Comfort in Deciding Which Information/Criteria to Use

This comfort refers to the ease with which the migration boards can be arbitrary and ambiguous in their decision-making processes.

> *Almas and Afya are both from Syria; they both refer to HV [honour-related violence] and claim to have been severely abused by their families and threatened to death; they applied for asylum during the same period of time. In the case of Almas, the ruling court relies on six both national and international country reports, based on which The Court concludes that the lack of protection in the country of origin is established by law:*
>
> *MC: HV and murders take place all over Syria. Syrian law statutes impunity or punishment mitigation in honour-related violations. The state indicates that 30 such murders take place every year. NGOs put the number at 2000-3000 such cases. (Verdict 21:7)[12]*
>
> *The case of Almas is rewarded refugee status.*

---

[11] Despite the fact that the Court later ends up giving Nesrin subsidiary protection, it is important to note here that, similar to Sara's case, her application for asylum is initially denied by the Board. However, the Court claims that "according to the country information, the authorities in the Kurdish area have made several efforts to stop HV and murders, but that the protection is not necessarily good enough" (Wikström 2014, 216). Nevertheless, the Court gives Nesrin subsidiary protection instead of refugee status because it argues that the persecution Nesrin suffers from is not gender-related persecution since the man she had a relation with is killed as well (Wikström 2014, 213). And because her persecution is not registered as gender-related, she is not granted refugee status.
[12] Wikström (2014) notes that "the country report from which the number is taken reads '200–300' such cases, not 2000–3000, indicating that the Court misrepresented the number in this citation" (217).

*In the case of Afya (Verdict 24), only the internal report from the Swedish Board is used as country information. The Board, which in its claim stresses the equal legal status of murders with and without honour motives, states:*

*MB: Generally considered, the number of honour killings has gone down in the country in recent years. It is said that people have become more enlightened and changed their attitudes in this matter. Men more often refrain from killing in the name of honour because they know they will be sentenced to harsh prison terms when they are not granted sentence reductions. (Verdict 24:4)*

*This is contradictory to statements made in the case of Almas (Verdict 21). It also differs from what the Court, in the case of Afya (Verdict 24:7), chooses to stress regarding the same country information, namely that HV is said to have 'deep cultural roots', that the 'police see threats and less serious offences as part of upbringing' and that HV has not been a high priority. The Court also states that:*

*MC: Any deviation from the family's rules can lead to punishments. Sometimes you kill the person wronged. Many young women are married off to older men in return for payment. /.../ NGOs report that between 200-300 women are killed in the name of honour each year. The authorities, however, believe that the number is 30-35. (Verdict 24:9)*

*The court refers lack of protection in the country of origin to 'habits of culture', and Afya is granted subsidiary protection* (Wikström 2014, 215).

Being from Syria and claiming honour-related violence do not automatically render Almas's and Afya's cases the same. However, what is striking here is the Migration Board's/Court's *comfort* in turning to different reports concerning honour-related violence in Syria and not identifying why they do so. In other words, the Migration Board and/or Court can *with ease* refer to NGO's reports or not, choose different authorities to count on, and in fact offer two different interpretations of Syria with respect to honour-related violence. This suggests that the Migration Board and the Court can read, interpret, and process the cultures and the countries in question as they please. Wikström (2014) seems to think that the decision processes described in Almas's and Afya's cases "show the arbitrary nature of the use of country information" by the Board and the Court (215). The use of country information can be arbitrary, however the fact that

the Board and the Court *can arbitrarily decide* which information/criteria to use, speaks to the institutional comfort they enjoy. Thus, the problem is not only that they rely on essentializing and racialized discourses of culture and different country reports, but that they can also be ambiguous and arbitrary in their reliance. This is to say that the courts can easily seem arbitrary about their decisions to choose what information to use and they can also be ambiguous about how they will use that information.

I have tried to demonstrate above that the Migration Board and Court enjoy a certain institutional comfort that we can disentangle by following an analysis of testimonial injustice in assessments of gender-based asylum applications in Sweden. This comfort can be seen in three forms: comfort in denying applicants' experiences, comfort in ignoring available information, and finally comfort in deciding which information/criteria to use for evaluations. An analysis of testimonial injustice allows us to address the unwarranted credibility deficit the asylum applicants suffer from. However, what seems to underlie the cases of testimonial injustice is that the Board and the Court can afford to be arbitrary and ambiguous when negating and ignoring applicants' experiences, when selectively determining what is salient about the country in question, and when structuring what "good-enough" or "efficient" protection looks like in the country in question. In these cases, the problem is not that the decision-makers rely on other reports such as country of origin reports and expert reports to assess these claims. The problem is that the decision-makers can afford to be ambiguous and arbitrary in their reliance in a way that usually ends up negating applicants' contributions to these cases. In other words, the Migration Board and the Court can afford to be arbitrary and ambiguous in their reconstruction of applicants' experiences, cultures, and countries during the review process. Being able to afford to be arbitrary and ambiguous in processing the cultures, the countries, and the applicants' experiences in a way that negates

applicants' own experiences is what comprises this institutional comfort. And this institutional comfort performed in the review process at the same time performs the authority of the current order of nation-states in the existing asylum regimes. In what follows, I aim to show how the institution of gender-based asylum structurally legitimizes this institutional comfort and why that is important.

## 2. The Structural Limit: Legitimization of the Institutional Comfort

This institutional comfort is not limited to Sweden's Migration Boards and Courts. Other scholars have pointed out that applicants in gender-related asylum cases in the U.K. and the U.S. get assigned lower epistemic authority and credibility compared to any other source of information (e.g. country of origin reports, other information about these countries, or experts) and suffer from inconsistent, ambiguous and arbitrary assessments (Baillot et al. 2014; Kelson 1997; Kennady 1998; McKinnon 2016a; Neacsu 2003). This suggests that the problems identified and discussed above tend to be regular occurrences in the institution of asylum. This regularity, I think, is a result of the fact that the institution of gender-based asylum continuously juxtaposes how asylum applicants make sense of their situations with how "authorities in respective countries" make sense of applicants' situations. The question, I would like to ask, then, is: Can the institution of gender-based asylum as it is practiced today allow an environment where 'how applicants make sense of their situations' can be acknowledged and affirmed? I think that the answer is most likely, "no." This is because, I argue, the institution of asylum is built to legitimize the institutional comfort of Migration Courts and Boards. And this legitimization prioritizes the epistemic resources of the boards and courts rather than that of applicants. This legitimization further overlooks and actively ignores applicants' epistemic resources. Epistemic resources, here, refer to various sense-making

mechanisms that we need in order to make sense of what is salient and relevant in a given situation.[13]

In order to know the world well, Pohlhaus Jr. (2012) notes, a knower attends to her world. When a knower attends to her world, her particular location in the world matters since it determines what is more likely for her to notice and attend to (what is salient and relevant for her).[14] Knowers, she continues, need epistemic resources that can make sense of their experiences of attending and noticing things in the world. These epistemic resources are developed and circulated by groups of other knowers who attend to the world in different ways. Thus, she says, in a given epistemic landscape, it becomes important for a knower to be a part of the process of developing epistemic resources that are calibrated based on what is salient for her and at the same time enjoy the already circulating epistemic resources' ability to articulate what is salient for her.[15] "In a socially stratified society," however, she notes, "some persons are situated in positions that allow their experiences to count more in the development and circulation of epistemic resources" (Pohlhaus Jr. 2012, 718). Thus, when the dominant epistemic resources (developed and circulated) do not suffice to make sense of what is salient for certain knowers who are situated in particular ways, these knowers need to "recalibrate and/or create new epistemic resources" in order to "know the world more adequately" (Pohlhaus Jr. 2012, 720). However, since creating new epistemic resources is an interdependent endeavor, i.e. cannot be completed only by individual efforts, it is easy to imagine different groups that maintain and cultivate different epistemic resources.

---

[13] Even though I discuss decision-makers' epistemic resources here, Akram 2000 points out that epistemic resources of advocates and lawyers can also be problematic. I return to Akram's discussion in Chapter 4.
[14] Also see Alcoff 2007, Code 1993, Harding 1991, and Hill Collins 2009.
[15] For Dotson (2014a), the former relates to the efficiency of epistemic resources, and the latter relates to sufficiency of them.

Looking at Wikström's narration of Sara's and Nesrin's testimonies, for instance, we see that they know "perfectly well what is happening" to them (Pohlhaus Jr. 2012, 725). As knowers, they have the epistemic tools (developed and [re]calibrated collectively) to make sense of their experiences and what those experiences mean within the context of their country. In other words, they have their own sense-making mechanisms. What seems to happen is that the epistemic resources that the Board/Court uses to make sense of the world are not calibrated for and do not allow the Board to understand the "intelligibility" of Sara's and Nesrin's claims (Pohlhaus Jr. 2012, 725). As Pohlhaus Jr. (2012) suggests, "the resources that would call their [The Board's] attention to those aspects of the world to which they do not attend are the very ones under contestation" (728). Thus, it is nearly impossible to demonstrate to the Board that the epistemic resources they are using to attend to the parts of the world are inadequate without using the epistemic resources that the Board dismisses to begin with.

The Migration Board's insistence to use the dominant epistemic resources that cannot make sense of the applicants' testimonies is at the same time a systematic refusal and active undermining of different hermeneutical resources developed and calibrated by the applicants themselves. In other words, The Migration Board's refusal to find Sara and Nesrin credible is not just a mere "not understanding" or an "inability" but an active, systematic and coordinated misinterpretation of the world as it makes sense to Nesrin and Sara (Pohlhaus Jr. 2012, 731). In Sara's case, the Board *cannot understand* that it is not strange for a woman to initiate secret relationships. In Nesrin's case, the Board *ignores* the fact that she couldn't go to the police or the fact that a women's shelter helped her escape. What seems obvious in both cases is that the Board selectively and systematically refers to the epistemic resources that makes sense of the country, the culture, and Nesrin's and Sara's identities in a way that *ends up* negating Nesrin's and Sara's experiences.

Pohlhaus Jr. (2012) suggests that willful hermeneutical ignorance occurs "when dominantly situated knowers refuse to acknowledge epistemic tools developed from the experienced world of those situated marginally" (715). "Such refusals," she continues, "allow dominantly situated knowers to misunderstand, misinterpret, and/or ignore whole parts of the world" (Pohlhaus Jr. 2012, 715).[16] For Dotson, in this case, the Board commits contributory injustice: The Board's "willful hermeneutical ignorance in maintaining and utilizing structurally prejudiced hermeneutical resources thwarts a knower's ability to *contribute* to shared epistemic resources within a given epistemic community by compromising her epistemic agency" (2012, 32, my emphasis).[17] Thus, in the cases listed above we witness how the Board and the Court can comfortably utilize dominant hermeneutical resources, disregard different hermeneutical resources, dismiss applicants' contributions to the shared epistemic resources and can maintain its ignorance with respect to the applicants' epistemic resources and experiences as a matter of process.

Migration Boards and Courts do this because the epistemological framework that maintains and sustains the institution of gender-based asylum is structured to provide "legitimacy" to arbitrary and ambiguous use of the epistemic resources of the authorities in the given nation-state that is evaluating the asylum applications as a matter of procedure. In Dotson's words (2014a), the problem here is not only that the institution of gender-based asylum structurally marginalizes and ignores epistemic resources of asylum applicants, but also that the structure of the institution is built to "uphold" and "preserve" the epistemic resources of the evaluative mechanisms in the

---

[16] Pohlhaus Jr. (2012) suggests that "willful hermeneutical ignorance may be a type of the broader category of contributory injustice insofar as the former is one way dominant knowers can refuse to acknowledge the significance of contributions of marginalized knowers to the general knowledge pool" (734).

[17] For Dotson (2012), epistemic agency concerns "the ability to utilize persuasively shared epistemic resources within a given epistemic community in order to participate in knowledge production and, if required, revision of those same resources" (24). She also notes that her definition of epistemic agency is influenced by Cynthia Townley's (2003) definition of agency.

respective nation-states (131). In other words, the institution of gender-based asylum is structured not to provide the conditions for the possibility of asylum applicants' epistemic resources to be legitimized.

The epistemological framework that sustains the institution of gender-based asylum and provides the legitimacy mentioned above is supported further by another one: "the contemporary order of sovereign nation-states as given" (Malkki 1995, 502). Liisa Malkki calls this "the national order of things." As Malkki argues, "the national order of things secretes displacement, as well as prescriptive correctives for displacement" (1995, 516). This is also to say that the entire legal, political, social, historical, and economical culture at work positions refugee claimants as problems for the benefit of the states of refuge (Rusin and Franke 2010). Within this national order of things, "the refugee determination process performs the state's authority to protect the freedom of its citizenry, through the right to exclude refugee claimants on grounds of security and past behavior, and to demand particular manners of civil conduct from those who seek refuge" (Rusin and Franke 2010, 195).

This national order of things, for example, is reflected in the arguments made by opponents to gender asylum. As Karen Musalo (2010) suggests, there are usually two kinds of arguments used against gender-based asylum and gender-related persecution (47). The first one states that the 1951 Refugee Convention and the 1967 Protocol were never meant to extend international protection to "domestic" and "private" issues. The second one asserts that accepting gender-based and gender-related claims "will open the floodgates and result in a deluge of claims" (Musalo 2010, 48). Despite UNHCR's efforts to encourage a gender-sensitive interpretation of the Refugee Convention, many countries' failure to follow through guidelines concerning gender-related persecution, their failure to apply their own guidelines in a consistent manner (without forgetting

that consistent does not mean just), their arbitrary interpretation of gender-related persecution demonstrate to us that the current order of nation-states and their border control politics also influence the evaluative mechanisms of those states. Thus, the contemporary order of sovereign nation-states as given, then, facilitates the institutional comfort these migration courts and boards enjoy and legitimizes the epistemological framework that upholds and preserves the dominant epistemic resources, which delegitimize applicants' experiences.

### 3. Conclusion

I have tried to demonstrate, in this chapter, that the institution of gender-based asylum has a structural limit, i.e. structured to produce epistemic injustice at least in the forms of testimonial injustice and contributory injustice. This structural limit becomes visible when we realize how the institution of gender-based asylum is structured to provide *legitimacy* to the *comfort* the respective migration courts and boards enjoy in *deciding* how to read, interpret, and process the cultures and the countries in question and the applicants' experiences within them. In other words, in this chapter, I have followed Wikström's attempt to identify epistemic injustice in gender-based asylum cases and used her article as a case study to show how migration boards and courts are systematically afforded the ability to arbitrarily and ambiguously misinterpret asylum applicants' experiences, cultures, countries. I've suggested that although testimonial injustice can indicate the unwarranted credibility deficit applicants suffer from, contributory injustice can demonstrate to us how epistemic resources of decision-makers are prioritized. Paying attention to this systemic prioritization allows us to underline the institutional comfort and systemic misinterpretation afforded to migration boards and courts by the existing asylum regimes in the current order of nation-states. Underlining this affordance of misinterpretation, in turn, suggests that it matters significantly who and what decision-makers rely on and what forms of reliance are employed by

them in their evaluative mechanisms. In other words, decision-makers' evaluative mechanisms are greatly influenced by what they rely on and how they rely on it when they understand and assess applicants' cases. In the following chapters, I articulate the contours of this affordance of misinterpretation by highlighting three different types of epistemic dependence being exploited in these courts and boards: interpersonal epistemic dependence (Chapter 2), communal epistemic dependence (Chapter 3), and structural epistemic dependence (Chapter 4). Tracking these different forms of epistemic dependence and how they operate in the institution of gender-based asylum can offer an illuminating framework for understanding the epistemological impact of political structures that govern gender-based asylum claims.

# CHAPTER 2

Being Relied Upon or Not:
Interpersonal Epistemic Dependence in Assessments of Gender-Based Asylum Claims

In this chapter, I argue that paying attention to dynamics of interpersonal epistemic dependence in assessments of gender-based asylum claims allows us to demonstrate how the claimants suffer from a form of epistemic oppression, where their contributions to the knowledge production about their countries, cultures, and experiences are delegitimized on an interpersonal level. Epistemic oppression, for Dotson, "refers to epistemic exclusions afforded positions and communities that produce deficiencies in social knowledge" (Dotson 2012, 24; Dotson 2014a).[18] Epistemically excluding claimants from the social knowledge produced about their countries, cultures, and experiences delimits and obstructs pursuing more nuanced understandings. Epistemic exclusion, here, refers to how claimants' ability to participate in a given epistemic community working to produce knowledge on a specific topic (in this case their countries, cultures, and experiences) is inhibited.

Decision-makers'[19] ability to afford systemic yet ambiguous, arbitrary, and inconsistent misinterpretations of gender-based asylum applicants' experiences, cultures, and countries (i.e. the institutional comfort discussed in Chapter 1) demonstrates that the assessments of gender-based asylum claims largely hinge upon the comparison between the information given by the applicant and the information available to the decision makers with regard to the country of origin.[20] This is

---

[18] "An epistemic exclusion," for Dotson, "is an infringement on the epistemic agency of knowers that reduces her or his ability to participate in a given epistemic community. Epistemic agency will concern the ability to utilize persuasively shared epistemic resources within a given epistemic community in order to participate in knowledge production and, if required, the revision of those same resources" (Dotson 2012, 24).

[19] "Decision-makers," here, refers to various decision-makers from lower- level officers such as asylum officers and first level interviewers to higher-level ones such as immigration judges and boards.

[20] See Baillot et al. 2014; McKinnon 2009, 2012, 2016a; Ramji-Nogales et al. 2009; Wikström 2014.

because the comparison between the information provided by the applicant and the information available to decision makers allows state actors to justify first whether an applicant's reasons for asylum are well-grounded and further whether there is possibility of protection in the country of origin, which, then, negates the reasons for asylum application. Within this context, whether applicants' contributions in regard to their lived experiences can be *relied upon* by decision-makers bears significance for how knowledge about the applicants' countries, cultures, and experiences are produced and thus how their claims are evaluated.

I claim that paying attention to dynamics of interpersonal epistemic dependence allows us to demonstrate *why* applicants' contributions to knowledge production in regard to their lived experiences are not usually relied upon by decision-makers. This, in turn, allows us to show why there is significant "epistemic exclusion" on an interpersonal level (Dotson 2014a, 115). The lens of interpersonal epistemic dependence allows us to read these situations in two separate, yet related, ways: First, it suggests that since claimants are not counted as authoritative knowers[21], the possibility of 'relying on them' does not even emerge unless the information they provide aligns with what decision-makers take themselves to know. Second, due to issues of credibility, plausibility and intelligibility, the applicants' testimonies are denied uptake. The former obstructs the recognition of the relevant epistemic labor of applicants, and the latter obstructs the uptake of the results of their epistemic labor. Both of these processes result in epistemically excluding applicants (at least interpersonally) from contributing to knowledge production on their countries, cultures, and experiences, and thus producing less nuanced understandings of those domains.

In order to demonstrate this, this chapter will proceed in two parts. First, I discuss Interpersonal Epistemic Dependence (IED) as the most acknowledged form of epistemic

---

[21] I take the phrase of "failing to be counted as knowers" from Langton 2000, 132.

dependence in social epistemology. I, then, claim that this concept hosts two projects under its roof. The first and more descriptive one highlights the necessity of relying on others' epistemic work and their testimonies for knowing the world in general. The second and more normative one suggests that it is problematic to exclude relevant epistemic labor of other knowers and results of that labor while producing knowledge on a given topic. I take these projects to be quite relevant for assessments of gender-based asylum claims for different reasons. The descriptive project provides the language of "relying on epistemic labor of other knowers" and "relying on testimonies." The normative project, on the other hand, by using that language, allows us to point out why assessments of gender-based asylum claims embody significant epistemic exclusions on an interpersonal level. These epistemic exclusions privilege certain ways of understanding applicants' countries, cultures, and experiences and thus influence the determination of their refugee status. In the second section, then, I claim that assessments of gender-based asylum claims are inquiries designed to produce knowledge on applicants' countries, cultures, and experiences, inquiries which disregard contributions of the claimants themselves. I, then, demonstrate how this disregard occurs on two, related, levels: applicants are not counted as authoritative knowers and/or applicants' testimonies are denied uptake. This is to say that applicants' relevant epistemic labor is not recognized as such and/or the results of their epistemic labor are not relied upon by other contributors to this inquiry. I conclude by suggesting that the systematic and persistent nature of these exclusions might indicate other forms of epistemic exclusions on various levels.

# 1. Understanding Interpersonal Epistemic Dependence and Its Projects

In this section, I characterize Interpersonal Epistemic Dependence (IED) as hosting two projects under its roof: a broader and more descriptive claim of relying on other knowers (their epistemic labor and their testimonies) and a more normative claim about how knowledge inquiries should take place. Epistemic dependence describes our mechanisms of reliance (*what* we rely on and *how* we rely on it) in the process of knowing. Its introduction to epistemological theories speaks to the need that was identified by many theorists in their efforts to return to and reclaim the social world for epistemology (Code 2010). These efforts involved realizing the impossibility of self-sufficiency and self-reliance in our knowledge-related activities. That, in turn, beget the need for a term that can illuminate different ways in which we rely on other people for our knowledge-related activities. As one of the most often acknowledged forms of epistemic dependence, Interpersonal Epistemic Dependence (IED), then, takes what we rely on to be other persons and emphasizes our reliance on the epistemic labor[22] of other knowers and their testimonies (Hardwig 1985; Wagenknecht 2014; Goldberg 2010, 2011b; Pohlhaus Jr., 2012, 2014; Townley 2011). These testimonies, in turn, can be used for adjusting doxastic attitudes and justification of them, e.g. to form a belief, challenge a belief, form and strengthen evidence, and provide justification, etc. (Hardwig 1985, 1988; Schmitt 1988; Goldberg 2011b).

This broad concept of IED has been developed (simultaneously) by looking closely into how we rely on testimony within everyday life, in general, and how knowing communities (scientific or not) operate, in particular. I see the development of this broad sense of IED as based on two, related, descriptive claims about how we operate when we know in general: we cannot but

---

[22] Cognitive labor and epistemic labor can be and have been used interchangeably. However, I think that the emphasis on epistemic labor harbors more possibility for processes that are not traditionally categorized as cognitive yet epistemically relevant (e.g. skilled capacities or practical skills) (Shotwell 2017, Wagenknecht 2014). This is why I mostly use the term epistemic rather than cognitive.

divide the epistemic labor (the presence of division) and we cannot but rely on each other's epistemic labor (the presence of reliance). The first descriptive claim speaks to the limits of our abilities and capacities when we know, and the second speaks to how extensive our reliance on other people's epistemic labor is for knowing (Webb 1995, 96). Even though IED broadly represents the second descriptive claim by definition (the presence of reliance), its development is strongly supported by the first one (the presence of division). Epistemic labor, here, refers to the embodied cognitive work we do when *attending to*, *processing*, and *making sense of* aspects of the world. This labor varies from one individual knower to another due to, for instance, their different circumstances, experiences, interests, desires and practices. Division of epistemic labor, then, as I will argue below, highlights this variation and points out how this variation makes it possible to know certain aspects of the world when we rely on the results of other people's labor.

The claim "we cannot but divide the epistemic labor" emphasizes the presence of division and underlines our capacities and abilities (or limits of those) when we know. The emphasis on abilities speaks to the observation that as knowers, who are engaged in knowledge-related inquiries (scientific or not), we are situated in time and space, and in terms of our capacities. This is to say that we, as knowers, cannot be everywhere. In other words, due to these particular positions we have (or can develop) different accesses to events and things in the world (Craig 1990; Haraway 2004; Harding 1991, 1993; Webb 1993). The emphasis on capacities, e.g. how much we can learn, process, remember things about the world, on the other hand, speaks to the observation that as knowers, we can only know so much. [23] Thus, the claim that we need to divide the epistemic labor

---

[23] I have to raise the question, here, whether it makes sense to separate practical capacities/limitations from cognitive capacities/limitations or vice versa. I think this question has to be answered contextually. In certain cases, we could perhaps talk about a mere practical limitation due to not having enough time to spend on a specific inquiry. However, in some other cases, it might be quite difficult to talk about them separately. For instance, for a scientist who *knows how* to do an experiment but doesn't have the time to do it, at first glance it might seem like her need for dividing the epistemic labor is based on a mere practical limitation. However, as Wagenknecht argues, doing involves skills that should be part of the skills concerning knowing that people associate with expertise. Thus, *knowing how* to do an

is fueled by the observation that our epistemic capacities and abilities are limited and enabled by our specific experiences developed in those particular positions (Alcoff 2007, Code 1993, Hill Collins 2009, Kukla 2006).

For instance, for many scientific inquiries "…the evidence needed to substantiate a conclusion is too much for any individual to *collect* and *process*" (De Ridder 2014, 46, my emphasis). This is to say that given the limited amount of time and effort one can commit to a certain inquiry and the complexity of scientific inquiries, it would be impossible to expect from one individual to be able to collect all the evidence that is needed for all parts of the inquiry (Hardwig 1985). Furthermore, because scientists have specific training and expertise, how much of that evidence they can process is also limited (Hardwig 1985). As De Ridder (2014) suggests, "where multiple disciplines and forms of expertise are involved, individual scientists and assistants cannot check each other's contributions, because doing so requires expertise or cognitive skills that they neither possess nor can acquire easily" (46). As Wagenknecht (2014) puts it, it is usually the case that "…a scientist's knowing, i.e. her believing-that and/or the reason for her believing to be justified" crucially involves what her colleagues know or the epistemic efforts that they have undertaken" (477-8). And, in scientific research projects, these cases are quite prevalent.[24] Thus, a single individual has neither the time nor the capacity to possess the relevant expertise,

---

experiment has to be understood as practical as well as it is cognitive. This is because 'knowing how' in that case cannot be reduced to 'knowing that' (Cf. Shotwell 2017). In other words, Wagenknecht argues, we should not overlook the fact that there are different forms of knowing a research project can involve and doing the "practical work" in certain projects might be a significant part of the expertise required for that research project (Wagenknecht 2014, 486-7).

[24] See Andersen and Wagenknecht 2013. I should also note here that acknowledging the prevalence of IED in scientific practice brings forth the questions such as collective justification and collective knowledge (De Ridder 2014; Fagan 2011; Rolin 2008, 2010). These questions interrogate whether certain beliefs, acceptances, knowledges, and justifications can only be attributed to collectives (groups and communities) in a non-summative way. In other words, acknowledging IED in scientific practice makes questions such as 'whether certain beliefs, acceptances, knowledges, and justifications are irreducibly collective' surface.

knowledge, and skills that are required to understand all epistemically relevant aspects of an entire inquiry (De Ridder 2014, 46).

Even though this example focuses on scientific practice, the importance of dividing the epistemic labor has been presented as very crucial for processes of social knowing as well. Mark Owen Webb (1993) makes the following claim:

> There is a division of epistemic labor, according to which each person is accorded the status of an expert on some topics, and thenceforward, to establish that one is justified in believing a proposition, one need only to defer to the authority of the expert. One subject on which each person is considered an expert is the area of the person's own experiences[25]…It is not only the progress of science that depends on this kind of interdependence, this division of labor. It is only because we divide up the epistemic work in this way we can (260) come to know anything from maps, clocks, thermometers, newspapers, telephone directories, and so on. It is a commonplace that we cannot know very much about history without relying on the testimony of those who were closer to the events than we are; what is overlooked is that we also cannot know a great deal about the here and now without similar reliance on our contemporaries (261).

What Webb emphasizes here is the fact that it is difficult to imagine a world where we do not have to rely on the embodied cognitive work of other people, who have different forms of accesses to events and things in the world, and the epistemic efforts they have undertaken both considering the past and the present.[26] And this difficulty speaks to the relation between the presence of division ("we cannot but divide epistemic labor") and the presence of reliance ("we cannot but rely on this divided labor"). Thus, this claim of "we divide the epistemic labor" due to our cognitive and practical limitations, is usually followed by another: we rely on this division of labor in order to know. What we can also see in this passage from Webb is that relying on other people, and IED, has been interpreted not only as relying on other people's epistemic labor but

---

[25] This chapter actually problematizes this sentence because, in this chapter, I discuss how applicants are not relied upon with respect to their knowledge about or concerning their experiences.
[26] Cf. Craig 1990, Hardwig 1991.

also as relying on their testimonies for information, which usually refers to the results of their epistemic labor.[27]

Looking at how our reliance on testimony functions within everyday life has played a significant role in emphasizing the place of other people and our reliance on them in our social lives. In other words, realizing and investigating the role testimony plays in our social interactions helped the discussion of IED to materialize as a significant one in epistemology (Townley 2011, 1). Theorists and scholars of epistemology of testimony have discussed whether testimony can be seen as a basic source of justification and an original source of evidence, what the epistemic properties being transmitted from a speaker to a hearer are, and whether a speaker's utterance can be judged as assurance rather than evidence.[28]

Despite different positions within these discussions, however, the literature has acknowledged that we depend on the information we gain from other people. The focus on testimony has helped us highlight how our knowledge of biographical facts and historical ones is based "entirely on the say-so of others," how we were not witnesses to the many facts we take ourselves to know, and helped us realize how limited we would be if we disregard the facts we learned from other people and keep only the ones learned from first-person observations (Alcoff 2001; Coady 1992; Craig 1990; Faulkner 2011; Freedman 2015, 252; Fricker 1995; Gelfert 2013; Origgi 2010; Townley 2011). This is due to the fact that "the amount of facts, or at least the kinds

---

[27]Goldberg (2013) separates this mere reliance on testimony for information from reliance on cognitive processing/epistemic work implicated in the production of the testimony. The former, for him, represents an informational dependence, while the latter is epistemic dependence. I do not follow this separation here. It might be the case that informational dependence speaks to a thinner sense of epistemic dependence while relying on other knowers' epistemic labor speaks to a thicker one. However, I still think that both should be discussed under a broad concept of IED. This is precisely because of the connection that exists between these two forms of dependence: relying on other people's testimonies cannot be thought separately from relying on their epistemic labor implicated in those testimonies and relying on other people's epistemic labor cannot be thought separately from how that reliance is practiced, i.e. through testimonies. That is why I choose to include both senses of relying on other people in my discussion here.

[28] See Lackey 2006; Lehrer 2006, Faulkner 2010, 2011; Moran 2005.

of facts that we have the opportunity to learn from first-person observation is limited in comparison to the number and the variation of what we can learn from being told" (Freedman 2015, 255). As Karyn Freedman (2015) summarizes:

> Our reliance on testimony is far-reaching. Indeed, learning from being told is arguably our most common source of belief… Learning from being told is central to our cognitive activities, which makes our epistemic dependence on testimony just about indisputable; recent discussions in epistemology seem to have agreed on at least this much (252).

This "acquisition of information from others via testimony,"[29] did not only strike theorists as crucial for everyday life but also as important in more specialized practices (Townley 2011, 3). Looking at how scientific communities operate, for instance, has strengthened this view, i.e. we rely on testimony extensively in knowledge-related inquiries. Thus, looking at how human beings operate (when they know) from day to day allowed theorists to indicate that we rely on reports that are made by people "who seem to be in a position to know about the matter in question" (Coady 1992; Craig 1990; Fricker 1995, 396).

Thus, the fact that we can only carry out a limited number of knowledge-related inquiries and that knowing more/understanding more as a society is only possible once we rely on other inquiries frame IED, i.e. relying on other people's epistemic labor and their testimonies, as a required operation for knowing in general.[30] In other words, the development of IED is based on the following two observations: Due to their particular locations or due to the particular activities they are engaged in at those locations, people will be in a position to know about some matters better than others. Knowing about those matters, then, will only be possible if we rely on the

---

[29] Cf. Townley 2011: "Often the acquisition of information from others via testimony is the only consideration of epistemic dependence, perhaps because dependence on testimony is ubiquitous" (Townley 2011, 3). Townley later challenges the presumption that testimony's only value is the acquisition of information.
[30] Cf. Kitcher 1990.

epistemic efforts they have undertaken and/or the results of those efforts conveyed in their testimonies.

The development of IED in social epistemology highlights these observations discussed above for knowing in a social world, and thus emphasizes the necessity of relying on others for knowing the world in general. This necessity, fueled by observing the presence of division and reliance when we know, on this account, forms the first and more descriptive project of IED. Alongside of this descriptive project, IED carries a normative one, which is implicit in its development as a concept. This normative project concerns how knowledge inquiries should take place and offers insight into *why* it is problematic for a knowing community to exclude *relevant* epistemic labor while producing knowledge on a particular topic (if understanding more/knowing more about that topic, according to a certain goal, is desired).

It seems to me that the descriptive project of IED underlines our interdependence particularly for knowledge-related matters and emphasizes how important this interdependence is for knowledge production. By interdependence, here, I refer to various and multi-directional practices of IED we (have to) enact for knowing the world in general. IED, then, to use Pohlhaus Jr.'s words (2014), emphasizes how "working in coordination with one another" leads to "greater chance at getting things right about the world" (106-107). As Pohlhaus Jr. (2014) suggests, "…important to this kind of cognitive coordinating is each individual agent's ability… to call others' attention to aspects of the world that those others do not notice…" (106). This is to say that as I have argued above as well, not relying on people who can call our attention to the aspects of the world that we do not notice, disrupts practices of IED in various ways and risks the success of knowledge production occurring as a result of those practices. If knowledge production in general requires various multi-directional practices of IED, then it stands to reason that excluding people

with relevant epistemic labor and/or results of that labor for a specific inquiry can create problems for that inquiry. In other words, the descriptive project of IED emphasizes this big circle of interdependence (involving various multi-directional practices of IED) required for knowledge production in general. The implicit normative project of IED, on the other hand, indicates why 'including the relevant epistemic labor' is required for the success of knowledge production achieved through IED.

We can think of the relatively recent acknowledgment of the importance of interdisciplinary inquiries as a case in point. The encouragement of interdisciplinary inquiries for complex problems acknowledges why excluding the relevant epistemic labor of certain disciplines can be problematic in the sense that it can lead not only to knowing less about complex phenomena but also to overlook the insufficiencies of the already included perspectives.[31] Thus, this normative project of IED hints at why it can be problematic to exclude knowers who have relevant epistemic labor to the inquiry at hand with the descriptive project's support that relying on that labor and results of that labor will yield better understandings of a phenomenon, i.e. will result in successful knowledge production.

In what follows, I use the language the descriptive project of IED introduces, i.e. relying on the epistemic labor of other knowers and their testimonies, in order to show how applicants' relevant epistemic labor is not recognized and how results of that labor are denied uptake.[32] Furthermore, by hinting at the normative project of IED, I point out why assessments of gender-based asylum claims embody significant epistemic exclusions on an interpersonal level and challenge the success of knowledge production taking place in those cases.

---

[31] O'Rourke et al. 2014. Cf. Whyte and Crease 2010, Ferkany and Whyte 2012.
[32] Cf. "epistemic labor invalidation" in Pohlhaus 2017, 21.

## 2. Being Relied Upon or Not: Epistemic Exclusion in Assessments of Gender-Based Asylum Claims

Assessments of gender-based asylum claims can be seen as inquiries trying to understand better what has happened to applicants with the purpose of evaluating whether they can be granted asylum. Thus, these assessments, in part, aim to *know* about applicants' experiences, cultures, and countries in order to determine whether applicants' reasons for asylum are well-grounded and their fear of persecution is well-founded. Decision-makers in these asylum-granting countries, described as "wealthier countries that are geographically removed from crisis zones" by the UNHCR, extensively rely on various reports on applicants' countries and their cultural practices (UNHCR 2012). Within this context, the lens of IED allows us to ask whether applicants and their reports about their experiences, cultures and countries can be relied upon when producing knowledge and/or passing judgment on these countries and their cultural practices. In what follows, I argue that paying attention to dynamics of IED allows us to highlight why this reliance is rendered impossible in many cases. First, since claimants are not counted as authoritative knowers in this context, their relevant epistemic labor is not recognized when it challenges the veracity of the reports decision-makers obtain through other sources. Second, due to issues of credibility, plausibility, and intelligibility, applicants' testimonies are denied uptake. Both situations demonstrate that decision-makers fail to recognize and therefore rely on applicants' epistemic labor. This is to say that on an interpersonal level, applicants are epistemically excluded from the process where social knowledge about their countries and cultures are produced or assessed.

## 2.a. Not Being Counted as an Authoritative Knower

In this section, my aim is to demonstrate how applicants are not counted as authoritative knowers by decision-makers assessing gender-based asylum claims. By authoritative knowers, in this context, I mean knowers who can contribute to the knowledge production even when their contributions "trouble" decision-makers' understanding of these cultures, countries, and experiences (Pohlhaus Jr. 2014, 107). I demonstrate how applicants are not counted as authoritative knowers by showing how applicants suffer from unjust distributions of credibility and epistemic authority compared to other sources of information such as country of origin reports especially when their narratives challenge those sources.[33] As a result, I claim that applicants' relevant epistemic labor is not recognized. The efforts these applicants have undertaken to attend to, process and make sense of their experiences, which are quite relevant and significant for the inquiry at hand, are disregarded.

My understanding of an authoritative knower in these cases is heavily influenced by Pohlhaus Jr.'s discussion of the primary epistemic harm in cases of testimonial injustice (2014). In her discussion, she critiques Fricker's emphasis on epistemic objectification in articulating the primary epistemic harm in testimonial injustice.[34] Pohlhaus Jr. (2014) argues that the problem in cases of testimonial injustice is not that a hearer treats a speaker more like an object and "undermines" "her capacity as a giver of knowledge" (Fricker 2007, 133). Instead she suggests that in cases of testimonial injustice, a hearer treats a speaker like a subject but a "truncated" subject where the speaker's contribution gets assigned lower epistemic authority and credibility especially when her testimony does not fit well within or goes beyond the "scope" of the hearer's experienced world (Pohlhaus Jr. 2014, 111, 112). In articulating this harm, she notes:

---

[33] Medina 2011, Fricker 2007.
[34] See Chapter 1 for testimonial injustice. See Fricker 2007, 132-133 for a discussion of epistemic objectification.

…she [the speaker] is not permitted to contribute in ways that would redirect epistemic practices toward those parts of her experienced world that extend beyond or trouble the veracity of the dominantly experienced world. Any contribution that might do so is summarily denied epistemic support and uptake by dominant members of the community... Being treated as though one's subjectivity is merely derivative of another's, capable of performing epistemic labor but not of negotiating the direction of that labor, seems a more likely candidate for describing the primary epistemic harm encountered in cases of testimonial injustice. Under this model, the primary harm of testimonial injustice is defined as: *being relegated to the role of epistemic other, being treated as though the range of one's subject capacities is merely derivative of another's* (2014, 107, emphasis in original).

Pohlhaus Jr.'s emphasis here on 'being offered epistemic support only when what one claims to know doesn't challenge how the audience understands the world' is crucial for understanding how applicants are not counted as authoritative knowers. This is to say that when the information applicants provide cannot be supported by the other sources decision-makers use or challenges the information other sources offer, applicants rarely get assigned epistemic authority that is "proportionate" to their relevant epistemic labor (Medina 2013, 62). Because of that, their relevant epistemic labor, which can contribute significantly to the knowledge production concerning their countries, cultures, and experiences and create more nuanced understandings of those domains, goes unrecognized.

Decision-makers usually use country of origin reports in order to obtain information about applicants' countries and cultures. The Country of Origin reports can be produced by the UNHCR, the IARLJ [International Association of Refugee Law Judges], the European Asylum Support Office (EASO)" (Baillot et al. 2014, 127). They can also be produced by governments of the receiving states such as United States Department of State's *Country Reports on Human Rights Practices*, Immigration and Refugee Board National Documentation Packages, Australian Department of Foreign Affairs and Trade, etc. (McDonald-Norman 2017, 89). Furthermore, these reports can be produced by international NGOs such as Human Rights Watch or Amnesty

International (McDonald-Norman 2017, 89). In addition, it is important to note here that recently the use of internet and social media has expanded the range of materials used in these reports (McDonald-Norman 2017, 89).

As Baillot et al. (2014) notes, these reports are "designed to provide *objective* descriptions of the on-the-ground situation in the applicant's country of origin, and are intended to assist in checking the plausibility of the applicant's account of persecution, and evaluating the risk of its recurrence in the event of her return" (127, my emphasis). However, as McDonald-Norman (2017) points out, like any research in human rights advocacy, these reports are influenced by current politics and relations of power. Governments desiring to "present other nations in a positive or negative light", local NGO's efforts to use "careful and measured language" to maintain good relationships with local governments," prioritization of well-established or influential/powerful governments' reports compared to other kinds of reports are just a few examples of the fact that what country of origin reports choose to emphasize, downplay, prioritize can be quite selective (McDonald-Norman 2017, 89). As McDonald-Norman (2017) further argues, "the contemporary practices of building archives of country information cataloguing human rights abuses" can easily be seen as an extension of colonial practices of collecting and collating information to establish and maintain control, which also raises the question of how Western voices, concerns, and methods have been prioritized in these archives (90).

Despite these problems, decision-makers use country of origin reports to "provide an exhaustive, comprehensive, and objective" accounts of various instances of persecution happening in those countries (McDonald-Norman 2017, 89). These reports' seeming objectivity, clarity, and certainty is usually used to challenge applicants' "subjective" accounts (McDonald-Norman 2017, 90). The information an applicant provides about their country and their position within their

country of origin, then, is compared with the "available information" that the decision-makers have on the country in question. This comparison between the information given by the applicant and the information available to state-actors is crucial because it allows authorities to justify first whether the applicant's reasons for asylum are well-grounded and further whether there is possibility of protection in the country of origin, which, then, negates the reasons for asylum application.[35]

Within this context, then, it matters significantly whether applicants are counted as authoritative knowers. Wikström (2014) suggests, "asylum assessments largely rest on credibility assessments as many of the actual conditions related to asylum cannot be proven" (210).[36] Here, I am talking about what Baillot et al. (2014) refer as external credibility, which speaks to a claim's feasibility in light of what is taken as objective external evidence (118). Thus, how credibility and epistemic authority are assigned to applicants compared to other sources of information influences how 'the applicants' knowledge of their experiences, cultures, and countries' is perceived. And this perception matters significantly for assessing asylum claims. Let me now turn to three different cases from Sweden, the U.K., and the U.S. in order to demonstrate how applicants suffer from unjust distributions of credibility and epistemic authority and how they are not counted as authoritative knowers especially when they challenge the country information available to decision-makers.

In case of Ajwan in Sweden, the Migration Board, based on the country information database, argues that there *might* be adequate protection in Northern Iraq:

> …Based on the country information from LIFOS [the country information database of Sweden], it is not clear that the authorities in the area fail to take any action or that the judicial system is inefficient. Nor is it clear that protection is refused because of cultural

---

[35] Cf. Good 2007, Lawrance and Ruffer 2015.
[36] Also see Baillot et al. 2014.

structures. There is no general information showing that the authorities in Northern Iraq generally fail to offer protection from persecution related to "HV" [honor-related violence]. (Wikström 2014, 216).

As Wikström points out despite existing testimonies of applicants from Northern Iraq claiming that they suffered from honor-related violence and lack of protection (problems with the police and existing shelters for women), The Board chooses to rely on the country information database to negate applicants' (in this case Ajwan's and Nesrin's) testimonies despite the fact that the information in the database is not clear. The Board uses the fact that the report does not clearly indicate there is no protection in order to claim that there must be some protection.[37]

In another gender-based asylum case in the U.K., a presenting officer (a first level decision maker), relies on a Gambian tourist website. This website apparently "stated that prospective spouses were consulted prior to a marriage." (Baillot et al. 2014, 128). This officer, then, uses this information on the website "to counter the credibility of the applicant's allegation that she had been subject to female genital mutilation, forced into an abusive marriage, and risked rape and domestic violence if returned home" (Baillot et al. 2014, 128). In this case, we witness that an applicant's knowledge of her own experience, culture, and country is not seen as authoritative as a tourist website. Her epistemic authority on issues concerning what has happened and what could happen to her is considered significantly lower than that of a tourist website.[38]

Fauziya Kassindja's struggle with the immigration courts in the United States provides another case in point.[39] Kassindja's journey starts with her fleeing from Togo where she was forced to be married and undergo Female Genital Mutilation (FGM). Kassindja flees to Germany, then to

---

[37] Cf. Kelson 1997, 196-197.
[38] Cf. "use of tourist guides as evidence" in McDonald-Norman 2017, 90.
[39] Cf. Jones 2002. I later touch upon the problems associated with the FGM discourse in the US in particular and in gender asylum in general.

the United States to seek asylum as a refugee. Her case is known for setting a precedent for gender being used as a ground to grant asylum (and especially for FGM). The information Kassindja provides about Togo, traditions, her family, and Ghana gets to be counted as valid only when Merrick Posnansky, a Professor Emeritus of History and Anthropology at the University of California, Los Angeles ends up being the expert witness for her case later in the process by confirming what Kassindja have said about Togo, traditions, family, and Ghana (Kassindja and Bashir 1999, 431). This demonstrates to us that in this case Kassindja is not seen as having epistemic authority on issues concerning her own experiences in Togo and Ghana, and her testimony is not seen credible standing on its own.

Although different from each other in many aspects, these examples allow us to see that applicants usually get assigned lower epistemic authority and deficit of credibility compared to any other source of information, i.e. country of origin reports, websites providing "information" about these countries, or experts. In these cases, the problem is not that the decision-makers rely on other reports such as country of origin reports and expert reports to assess these claims. The problem is that the decision-makers solely rely on these reports and can go as far as relying on a tourism website without acknowledging and integrating applicants' contributions. It is not a coincidence, as Wikström puts it, that we witness decision-makers referring to various NGO reports, expert testimonies, country information databases in a way that often ends up negating these applicants' knowledge of their countries and cultures (Wikström 2014). In Baillot et al.'s words (2014):

> While…asylum claimants may feel that their role is to 'tell their story as they know it', the use of expert evidence to bolster or to undermine the account implies that applicants do not, in fact, 'know' their own story; rather, the integrity of their intimate, personal experiences are often left at the mercy of civil servants or other professionals who construct and present alternative, 'impartial' constructions of the "truth" (128).

This is to say that applicants are usually not taken to know what has happened in their countries and in their experiences. In other words, decision-makers in different legal systems of various asylum-granting countries in these cases have consistently seemed to fail to identify these applicants as authoritative knowers (Dotson 2011, Hill Collins 2009, Langton 2000). This situation occurs due to the general culture of disbelief with respect to refugees and asylum-seekers and "the sizeable amount of discretion" the asylum system offers to decision-makers (Baillot et al. 2014, 115).[40] However, this situation is also exacerbated by the room countries have in interpreting what counts as gender-related persecution and by the unwarranted deficit of credibility female applicants suffer from in their claims about gender-based violence compared to male applicants (Querton 2012, Baillot et al. 2014, McKinnon 2016a) . Thus, applicants end up being assigned lower epistemic credibility and authority to an extent that they are not identified as authoritative knowers of their countries, cultures, and experiences.[41]

When decision-makers fail to identify applicants as authoritative knowers of their cultures, countries, and experiences, they do more than negating their testimonies, they in fact disregard the epistemic efforts applicants have undertaken, the relevant epistemic labor implicated in the production of their testimonies. The applicants cease to appear as knowers, whose epistemic labor can be relied upon in these particular contexts producing knowledge on the situations they were in.[42] Decision-makers can usually read, interpret, and process the experiences, cultures and the countries in question as they please, i.e. without any consideration of the epistemically relevant labor of the applicants.

---

[40] Baillot et al. 2014, McKinnon 2016a, Daniel and Knudsen 1995.
[41] Cf. Medina and Whitt (forthcoming). Also see Fricker 2007, Alcoff 2001, Jones 2002, Wikström and Johansson 2013, Medina 2011.
[42] Cf. Hill Collins 2009 referring to a prevailing interpretation of the oppressed as "less capable of interpreting their own experience" (28).

2.b. Problems with Uptake: Failures to Believe[43] vs. Failures to Understand

One might argue that it is a mistake to assume that applicants are *never* seen as authoritative knowers who can contribute to assessments of gender-based asylum claims, and thus claim that their relevant epistemic labor is never fully disregarded. However, it is also important to point out that even in cases where applicants are attributed with some credibility and authority, their testimonies (conveying results of their epistemic labor) are usually denied uptake due to issues with performance of credibility, intelligibility, and plausibility. Decision-makers expect applicants to perform credibility in certain ways during interviews and/or in courtrooms. These expected norms for performance is one of the reasons why decision-makers *fail to believe*. Furthermore, the disparities between what is intelligible and plausible for claimants and decision-makers render applicants' testimonies nonsensical, impossible, and unreal for decision-makers. These disparities are the reason why decision-makers *fail to understand*. In what follows, I will first briefly talk about the issues concerning performance of credibility. I will, then, discuss issues concerning intelligibility and plausibility.

Applicants' testimonies are denied uptake based on how they perform credibility. Credibility, here, refers to internal credibility which corresponds to "the coherence of the account provided by the applicant" as opposed to its feasibility compared to an external source (discussed under external credibility above) (Baillot et al. 2014, 118). There are many factors which seem to be influencing how the coherence of the account is evaluated by decision-makers and therefore are used as markers for credibility of applicants' narratives. In what follows, based on McKinnon's and Baillot et al.'s discussion, I will mention three of them.

---

[43] I take the phrase of "failures to believe" from Fricker 2007 and Pohlhaus Jr. 2014.

The first marker is inconsistency. As McKinnon (2009) highlights, it is expected of an applicant to "remember simple facts about her life, such as dates, and be coherent and consistent in citing the facts each time she speaks" (213). However as both McKinnon (2009) and Baillot et al. (2014) underline, it is problematic to determine credibility based on perceived inconsistencies in testimonies of gender-based asylum applicants. This is because, their accounts usually involve some kind of trauma and/or sexual violence, and thus "there may be compelling explanations for inaccuracies or inconsistencies in the account provided by a traumatized applicant" (Baillot et al. 2014, 116). As Shuman and Bohmer (2004) also note persecution narratives are complicated and might "begin with confusion about what was happening" (406).

In addition to and as related to inconsistency, "delay" in disclosing important information is also used as an important marker for judging internal credibility. If an applicant discloses important information that she did not in the initial review, this new information is likely to be judged as fabricated. As noted by Baillot et al. (2014), especially in gender-based asylum claims involving rape, if rape allegations appear later in the process, it is usually interpreted as false claims that are fabricated and used to bolster applicants' cases.

The last marker, I will mention here, is demeanor. Demeanor includes "a wide range of behaviours, including body movements, facial expressions, disposition and attitude, tone, volume and pace of speech, externally observable emotional state, and level of articulacy" (Baillot et al. 2014, 123). According to McKinnon (2009), there are numerous cases of negative credibility rulings due to the discrepancies between "the judge's expectations for an appropriate performance of emotionality and what the woman actually performs in court" (214). Thus, decision-makers' expectations of how an applicant from a certain place with a certain culture and with certain experiences might look like, might act like, might speak like becomes the standard with which

applicants' credibility is evaluated. Applicants can be too sad or not sad enough, they cannot cry yet cannot stay calm, they cannot shout yet they cannot speak low if they are sure of themselves and their claims.

These issues concerning performance of credibility demonstrate to us that decision-makers expect applicants to be believable by speaking and acting in a certain way. And when these expectations are not met, decision-makers fail to believe the applicants. The issues concerning intelligibility and plausibility goes beyond decision-makers' failures to believe, they address decision-makers' *failures to understand*. Intelligible, here, refers to what our sense-making mechanisms can render comprehensible. In that sense, then, what is plausible is enabled and limited by what is intelligible since what we can comprehend includes what is likely to occur or to be real-ized.

McKinnon (2016a) summarizes why applicants' testimonies are denied uptake due to disparities with respect to what constitutes intelligible and plausible quite well:

> …immigration judges use their own experiences, knowledge, logic, and worldviews to make sense of what they hear asylum seekers describe in testimony. This mode of sense-making becomes a problem because asylum seekers describe events and experiences that often "don't make sense,' or make sense differently in the evaluator's view of the world… In the context of the asylum courtroom, judges often audience by relying on essentializing discourses of race, class, nation, gender, sexuality, religion, and culture to fill in the sense-making gaps. These discourses also serve to fill in the sense-making gaps when claimants' cases do not easily fit the standard definition of a refugee as someone fleeing from persecution on the basis of race, religion, nationality, political opinion, or membership in a social group, and when individuals flee contest of violence that are rarely covered by the press (13).

Kristie Dotson demystifies what this *making sense* amounts to in her discussion of *accurate intelligibility* and *testimonial competence*. Accurate intelligibility, for Dotson (2011), refers to an audience's ability to understand the content of proffered testimony along with their ability to detect a failure to understand" (245). And "audiences demonstrate testimonial competence," Dotson

notes (2011), "with respect to some domain of knowledge when they demonstrate the ability to find proffered testimony clearly comprehensible and defeasibly intelligible" (245). This is to say that for a conversation to be successful, I should be able to not only find what the person is saying clearly comprehensible but also to detect/sense any possible inaccuracies in my comprehension. Thus, for a successful uptake of applicants' testimonies, decision-makers should demonstrate testimonial competence with respect to the proffered testimony. In other words, applicants' testimonies need to be accurately intelligible for decision-makers.

However, as Ofelia Schutte (1998) reminds us in her discussion of cross-cultural communication, the standards for intelligibility changes from culture to culture. Here, I am using culture as referring to an epistemic culture within a social setting. In other words, standards of intelligibility are shaped by the epistemic culture that determines and legitimates those standards. Different communities can be thought to have different epistemic cultures due to their differing social situations. This is because "… differing social situations (economic, sexual, cultural, etc.)," Lisa Bergin (2002) suggests, "produce differing understandings of the world, differing knowledges of reality" (198). Thus, being located in differing social situations can transform what seems salient and relevant for people (Pohlhaus Jr., 2012). This, in turn, complicates how easy it is to find testimony accurately intelligible given that norms for and standards of intelligibility in differing social situations might not be commensurable and might even be opposing each other.[44]

When talking about different cultures, Schutte (1998) notes:

…it is my view that no two cultures or languages can be perfectly transparent to each other. There is always a residue of meaning that will not be reached in cross-cultural endeavors, a residue sufficiently important to point to what I shall refer to as more abstractly as a principle of (cross-cultural) incommensurability… Another way to think about incommensurability… is to look at nodes in a linguistic interchange or a conversation in

---

[44] Cf. Lugones 1987.

which the other's speech, or some aspect of it, resonates in me as a kind of strangeness, as a kind of usual displacement of the usual expectation (56).[45]

Because "people of different cultures do not speak the same language and do not share the same cultural imaginary order," according to Schutte (1998), the elements of cultural difference referred by the principle of incommensurability, restricts the possibilities for a cross-cultural discourse (61). This is because: first one must understand "what is being said." Second, "one must relate what is being said to a complex set of signifiers, denoting or somehow pointing to what remains unsaid" (Schutte 1998, 61,62). This is to say that understanding and locating what is being said is only possible if there is an understanding of the conditions which establishes what is being said as possible. Thus, in Dotson's words (2011), having testimonial competence requires comprehending the relationship between what is being said and unsaid, and thus it is quite difficult to assume testimonial competence when there is a cross-cultural conversation.

Schutte (1998) argues that we could think of three possibilities with respect to a cross-cultural conversation: what is being said can be "readily understandable, difficult to understand, and truly incommensurable" (62). Reading conversations between applicants and decision-makers in assessments of gender-based asylum claims suggests to me that applicants' testimonies are usually far from being readily understandable for decision-makers. For state-actors, applicants' testimonies are usually difficult to understand and truly incommensurable.[46] The difficulty refugees, who seek asylum on the basis of gender-based violence, experience in Sweden's migration courts can be used as an example, here.

---

[45] The other way of thinking incommensurability is the quantitative approach. Incommensurability as the minus effect, caused by specific cultural differences, to the conveyable message. (Schutte 1998, 56).

[46] It seems clear to me that issues concerning translation and interpretation will complicate this picture further. I will not discuss these issues in detail here. Cf. Maryns 2014.

In "Gender, Culture, and Epistemic Injustice," Wikström (2014) discusses how difficult it can be for the women seeking asylum to explain the gender-based violence they experience in their home countries to the Swedish authorities. When those women explain 'what is risky and not safe to do' in their context, the migration court seems unable to make sense of not only these women's context, but also any sense of danger they have (Wikström 2014). For instance, in one case, the migration court cannot understand that the woman in question couldn't have gone to the police because she had relatives working for the police force, and they would have given her back to her family who was coming after her in the first place. In another case, the decision-makers seem not able to find it intelligible that women can start secret sexual relationships. The words these women utter, then, rarely 'readily understandable,' yet mostly 'difficult to understand' or 'truly incommensurable' for the court. This is of course structural to the extent that these courts are designed to find these women's testimonies 'not understandable,' but that is a separate issue I will not be discussing here.

These issues of intelligibility are closely related to issues of plausibility as well. Baillot et al. (2014) defines plausibility as "inherent likelihood or apparent reasonableness of a claim" in the context of applicants' country and culture (113). They note that the discretionary power of decision-makers usually results in arbitrariness and inconsistency and strongly suggests the absence of standards when establishing plausibility:

> Of course, in practice, there is much room for discretion when assessing what counts as a plausible claim, because often there is, as one UKBA [the UK Border Agency] Presenting Officer told us, 'no way of proving it one way or the other'. In the current study, some decision-makers demonstrated awareness that what seems plausible in relation to 'illiterate women in a village somewhere' will differ from what we might deem plausible for Western women. But essentially, plausibility remains a subjective assessment. A lack of empathy or cultural awareness, or even just limited life experience, may preclude a decision-maker from being able to see an applicant's behaviour as plausible in its own context, for instance in terms of to whom, if anyone, the woman discloses sexual violence, and when … As one

NGO worker put it: 'I'd like to see less disbelief based on a civil servant's ability to imagine or not.' In some asylum cases, then, it may be the most implausible account that turns out to be true; and thus 'the ring of plausibility' can be as problematic a touchstone as "the ring of truth" (Baillot et al. 2014, 113-114).

In one case, for instance, Baillot et al. (2014) notes that the judge finds it implausible that the applicant who had given birth as a result of rape, by her husband, names her baby after her husband (114). In another case, a first-level decision-maker finds it quite implausible that a traumatized victim of sexual trafficking had "quickly formed a relationship" and "had a baby with another man" (114). These cases demonstrate that decision-makers are unable to comprehend asylum applicants' testimonies due to the discrepancies between what is intelligible and plausible for decision-makers and applicants. In other words, applicants' testimonies are denied uptake due to not being found intelligible and plausible.[47]

In this section 2, I have tried to demonstrate that gender-based asylum applicants suffer from epistemic exclusion on an interpersonal level, i.e. their ability to participate in a given community working to produce knowledge on their countries, cultures, and experiences is inhibited by decision-makers. This is because first, they are not counted as authoritative knowers of their countries, cultures, and experiences. Second, their testimonies are denied uptake due to decision-makers' failures to believe and to understand. Using the language of IED allows us to say that in the first case, applicants' epistemic labor is not recognized and in the second case, results of their epistemic labor are denied uptake. This, in turn, makes it impossible for applicants to be relied upon interpersonally and leads to a significant epistemic exclusion on an interpersonal level. For this reason, the knowledge production happening in assessments of these claims is problematic

---

[47] Cf. Alcoff 1991, 2008; Code 1993; Dotson 2011, 2012, 2014a; Pohlhaus, Jr. 2012.

in the sense that it is obstructed and lacks more nuanced understandings of applicants' countries, cultures, and experiences.

### 3. Conclusion

In this chapter, I have used the lens and language of interpersonal epistemic dependence to lend an ear to how interactions between gender-based asylum applicants and decision-makers in assessments of gender-based asylum claims fail to acknowledge applicants' knowledge on their experiences, cultures, and countries. I have argued that paying attention to dynamics of interpersonal epistemic dependence allows us to demonstrate *why* applicants' contributions to knowledge production in regard to their lived experiences in their cultures and countries are not usually relied upon by decision-makers and why that is a problem. This demonstrates that applicants suffer from significant epistemic exclusion on an interpersonal level.

However, both different examples discussed in this chapter and my discussion in Chapter 1 indicate that these cases of significant epistemic exclusions are not isolated incidents within the institution of gender-based asylum but in fact are systemic occurrences. Furthermore, decision-makers' failures to understand due to issues of intelligibility and plausibility demonstrate to us that the exclusion of applicants' relevant epistemic labor is likely to persist due to different sense-making mechanisms in place. Thus, it is crucial to raise the question of why these epistemic exclusions on an interpersonal level occur systemically and persistently. That is why I turn to communal and structural epistemic dependence in the following chapters.

## CHAPTER 3

A Site of Struggle:
Communal Epistemic Dependence in Assessments of Gender Asylum Claims

In one of the famous cases that set the precedent for gender-based asylum in the US, Fauziya Kassindja from Togo tried to explain to the judge that she didn't have to go through Female Genital Mutilation (FGM) while her father was still alive, but her relatives wanted her to do it after her father died. This was, in fact, one of the reasons why she was here now. The judge did not *understand*. The idea that there could be a cultural norm that some men refuse to participate in seemed strange and unintelligible to him (Kassindja and Bashir 1999, Musalo 2010). Furthermore, one of the reasons for the denial of her first asylum application was that the immigration judge couldn't understand FGM as gender-related persecution.[48]

In their recent report (2013), UK Lesbian and Gay Immigration Group (UKLGIG) calls attention to the fact that decision-makers find it difficult to believe applicants who acted in a "risky way" since those applicants should have known that their acts could result in persecution. Decision-makers seem to have a difficult time *understanding* why someone would have sex or be affectionate with someone knowing the consequences. This difficulty in understanding why an applicant in that particular situation might act in a risky way usually results in that applicant's narrative being found unintelligible. As discussed in Chapter 1 and 2, similar difficulties arose when decision-makers in Sweden listen to Sara's claim about a secret sexual relationship which resulted in persecution.

---

[48] Later, the US Board of Immigration Appeals "reversed the immigration judge's denial and ruled that FGM constitutes persecution, and that it was imposed on account of the applicant's membership in a particular social group, which was defined, in part, by gender" (Musalo and Knight 2001, 53). This was one of the first major precedent decisions in the U.S. concerning gender-based asylum.

In Canada, according to a recent report, the decision makers expect LGBTQ asylum applicants to be in touch with the local LGBTQ community in Canada, and in general these decision-makers listen to applicants' claims against an expected narrative of LGBTQ identity and community. This includes certain narratives of "coming out" and "gender dysphoria" that the decision-makers expect to be present in testimony. LGBTQ applicants from different cultures sometimes do not seem intelligible to those decision-makers (Jordan and Morrissey 2013). Furthermore, some LGBTQ applicants can also suffer from their cases not being understood as related to gender-based persecution.

It is not uncommon to come across gender-based/gender-related asylum claims where decision-makers couldn't find 'what the applicants were saying, the experiences they've had, and the cultures they were from' intelligible.[49] This is to say that decision-makers couldn't accurately comprehend applicants' testimonies, experiences, and cultures, which usually results in applicants' testimonies and experiences being found implausible, i.e. unreasonable and unrealistic. In addition, sometimes decision-makers find it difficult to make sense of these cases as gender-based or gender-related asylum and therefore they fail to understand them as requiring protection in alignment with the Refugee Convention. These *failures to understand* significantly influence how applicants' claims are assessed and how their cases are evaluated and in turn impacts the determination of their refugee status. The number of cases and applicants suffering from 'being found unintelligible' is significantly greater than the ones I've mentioned here.[50]

This chapter analyzes the problem of applicants persistently being found unintelligible by demonstrating how these failures to understand occur. I consider this problem to be important because these applicants' livelihood depends on making sense to these decision-makers, and

---

[49] Medina (2017) notes that intelligibility is "a matter of more or less," i.e. a matter of degree (43).
[50] See Akram 2000, Baillot et al. 2014, McKinnon 2016a, and Wikström 2014.

therefore to these institutions. I argue, in this chapter, that *Communal Epistemic Dependence* allows us to articulate why applicants face the problem of being found unintelligible persistently. More precisely, the problem of persistently being found unintelligible can be understood as a consequence of depending on epistemic communities for resources in general and frames of intelligibility in particular. Communal Epistemic Dependence, here, refers to how we rely on our communities in an irreducibly collective manner when we know. Epistemic communities are communities insofar as they structure, i.e. enable and organize, what we know and how we do know as well as what and how we can know. Epistemic resources refer to various sense-making mechanisms we use to render our experiences and interactions in/with the world intelligible for us. Frames of intelligibility, as one kind of these resources, can be understood as interpretative frameworks that offer ways of structuring the conditions of intelligibility for a given social and political phenomenon by generating salience and determining/rearranging relevance concerning that phenomenon (Boykoff 2007, Dotson and Sertler (forthcoming), Hill Collins 2009).[51]

In what follows, I first clarify further what I mean by epistemic communities by juxtaposing limiting and broadening approaches to them and discuss different forms of communal epistemic dependence (CED) (Section 1). My characterization of these different forms of CED takes a broadening approach to epistemic communities. I, then, suggest that resource-emphasizing form of CED, i.e. relying on epistemic communities for epistemic resources, is the most relevant form for analyzing the gender asylum context. This is because resource-emphasizing form of CED highlights the influence of communities on our ways of rendering things intelligible, and thus

---

[51] My use of the term 'frames of intelligibility' is heavily influenced by the work I've done with Kristie Dotson in Dotson and Sertler (forthcoming), Patricia Hill Collins' discussion of interpretative frameworks in *Black Feminist Thought* (2009), and feminist epistemologists' discussion of shared epistemic resources (Dotson 2012, Dotson 2014a, Pohlhaus Jr. 2012, and Medina 2013 in particular). Furthermore, Sara McKinnon's use of 'frames of intelligibility' in the context of gender asylum and her emphasis on intelligibility in *Gendered Asylum* (2016) have influenced my use in this context as well. For a different discussion of frames as structuring the conditions of intelligibility, see Butler 2009.

allows us to focus on frames of intelligibility in particular (Section 2). In other words, resource-emphasizing form of CED allows us to show how communities provide frames of intelligibility. I, then, demonstrate how the problem of applicants being found unintelligible in a persistent fashion can be understood by paying attention to decision-makers', advocates', and lawyers' *reliance* on various epistemic communities insofar as they develop and circulate particular frames of intelligibility (Section 3). In Section 3, I identify two major frames of intelligibility that seem to be operating in gender-based/gender-related asylum cases: an essentialist frame for culture and an (in)complete frame for gender. Furthermore, I introduce a frame of intelligibility that is usually missing from these cases: an intersectional frame for asylum. These three frames of intelligibility, and their development and circulation by various communities allow us to demonstrate why applicants' problem of being found unintelligible can be understood as a consequence of CED. I conclude by hinting at a few implications of my account for how epistemic communities in transnational settings are understood and why that is important (Section 4).

## 1. Epistemic Communities and Communal Epistemic Dependence

In general, I take epistemic communities to be referring to communities insofar as they structure, i.e. enable and organize, what we know and how we *do* know as well as what and how we *can* know.[52] However, this general definition of epistemic communities can be interpreted with

---

[52] This might bring up the issue of communities being the primary knowers as discussed in Nelson 1993, which in turn raises the question of epistemic agency. There are three points I would like to make with respect to these issues. 1. I do not think that a generalized primary and derivative knower distinction out of context is helpful in understanding individuals' and communities' role in knowing the world (see Grasswick 2004, Grasswick 2011). 2. A discussion of epistemic agency needs to be contextualized and needs to be tailored to what kind of practices and interactions we are talking about (Calvert-Minor 2011, Grasswick 2011). 3. One of the significant worries about taking communities as the primary epistemic agents is that it challenges and erases the transformative potential that individuals have in terms of transforming their communities' standards. I understand the worry in terms of formulating dissent about the current standards through those same standards, however I do not think prioritizing communities in approaching epistemic agency erases the transformative potential because I think of transformation as a communal activity as well.

either a *limiting* or *broadening* approach. A limiting approach to epistemic communities attempts to understand epistemic communities through specialized technical skills and a range of joint commitments. A limiting approach, in other words, confines the ability to enable and organize knowing-related practices to groups formed based on specialized technical skills. A broadening approach to epistemic communities, on the other hand, attempts to understand them through the variety of shared standards for and practices of rendering things intelligible present in communities' efforts to understand the world. In this way, it attempts to pay attention to all the various ways in which communities enable and organize their knowing practices while generating understandings of the world.

In what follows, I first discuss these two different approaches to epistemic communities. While doing so, I briefly hint at why I find a broadening approach to be more useful for discussions concerning gender asylum contexts. Following a broadening approach to epistemic communities, I introduce four different forms of communal epistemic dependence. Communal epistemic dependence refers to relying on our communities in an irreducibly collective manner for our practices of knowing and understanding. Here, the irreducible collective-ness refers to the fact that this kind of dependence extends beyond individuals and cannot be pinned down to an individual. The four different forms of CED that I will be discussing here articulate dependence on communities for justification, for coverage, for skills, and for resources.[53] I conclude this section by claiming that although communal dependence for justification, coverage, and skills are important for gender asylum, the resource-emphasizing form of CED is the most relevant form due to its focus on intelligibility.

---

[53] I do not characterize dependence on communities for knowledge as a separate category because all of these categories can be read as depending on communities for knowledge since they are either about generating knowledge or enabling the conditions for generation of knowledge.

A limiting approach to epistemic communities attempts to understand epistemic communities through specialized technical skills and a range of joint commitments. In this way, limiting approaches usually emphasize communities of technical experts with socially and politically recognized expertise. With these approaches, one might argue that the boundaries of an epistemic community are "clearly" drawn, where this clarity depends on how technical expertise for a particular project is defined. We can encounter limiting approaches to epistemic communities especially in policy-related conversations referring to communities formed by, for instance, international relations experts, scientists, public policy experts, etc.[54]   I see Peter Haas' well-known, four-element definition of epistemic communities as a clear characterization of a limiting approach. I choose to use Haas's following definition to exemplify a limiting approach especially because its wide reception in matters concerning international and global policy.

Haas (2011) notes that:

Epistemic Communities are networks of knowledge-based communities with an authoritative claim to policy-relevant knowledge within their domain of expertise… In particular, they are a group of professionals, often from a number of different disciplines, who share the following set of characteristics:

1. *Shared principled beliefs*: Such beliefs provide a value-based rationale for social action of the members of the community.
2. *Shared causal beliefs or professional judgment*: Such beliefs provide analytic reasons and explanations of behavior, offering causal explanations for the multiple linkages between possible policy actions and desired outcomes.
3. *Common notions of validity – intersubjective internally defined criteria for validating knowledge*: These allow community members to confidently differentiate between warranted and unwarranted claims about states of the world and policies to change those states.
4. *A common policy enterprise*: This entails tackling a set of practices associated with a central set of problems, presumably out of a conviction that human welfare will be enhanced as a consequence." (Haas 2011, 787-8).

---

[54] Dunlop 2000, Dunlop 2012, Haas 1992, Haas 2011, Toke 1999.

I take Haas's definition of epistemic communities to be a clear case of a limiting approach to epistemic communities because it prioritizes technical expertise, professionality, and socially recognized authority and, as a result, it limits our understanding of epistemic communities to a group of professionals. His definition has been quite influential in international relations and political science scholarship. As Claire Dunlop (2012) demonstrates in her article "Epistemic Communities," it has in fact been taken up and referenced by many in other disciplines as well. However, Dunlop notes that despite its ubiquitous use, it is usually used as a placeholder for a group of experts or scientists and has not been analyzed in detail.

I take a broadening approach to epistemic communities to be problematizing a limiting approach on two, related, levels. First, a limiting approach to epistemic communities does not highlight the socially and politically recognized nature of expertise and authority. Second, it usually does not entertain how extensive our reliance, i.e. interdependence, on our communities are for intersubjectively defined criteria for knowing and knowledge. This is because a limiting approach, as the name suggests, limits relations of interdependence to a group of experts and tends to overlook other relations of interdependence that exist in larger communities who through social, political, and historical processes have been influencing the formation of those groups.[55] Thus, a broadening approach to epistemic communities issues a caution about the fact that a limiting approach can be quite exclusive of communities who are not socially and politically recognized as having relevant expertise, knowledge and/or projects with respect to particular problem or issue.[56] In other words, to use José Medina's phrase, a limiting approach to epistemic communities might

---

[55] In a recent article, for example, Antoniades (2003) criticizes the lack of emphasis on social recognition in definitions of epistemic communities in international relations and political science, and suggests the following definition: " Epistemic communities are conceptualized and defined as *thought communities* (*Denkgemeinschaft*) made up of socially recognized knowledge-based networks, the members of which share a common understanding of a particular problem/issue or a common worldview and seeks to translate their beliefs into dominant social discourse and social practice. These thought communities might be local, national, or transnational" (26).

[56] See Alcoff 2008, Castleden et al. 2017, Dalmiya and Alcoff 1993, Said 2006, Whyte and Crease 2010.

fail to notice the existing "plurality" of epistemic communities (2013, 103). Because of its

emphasis on the relationship between groups of experts and larger communities they are placed

in, a broadening approach to epistemic communities also underlines our reliance on communities

on a more substantive level in understanding our world.

A broadening approach to epistemic communities highlights the ability of any community

that is formed through social, political, cultural, and historical processes to serve as an epistemic

community. This is to say that a broadening approach can be characterized through its attention to

communities' ability to structure knowing-related practices. We encounter broadening approaches

to epistemic communities in feminist epistemology. Here, I draw on Lynn Hankinson Nelson

(1993), Heidi Grasswick (2004, 2008), and Lorraine Code (1991, 2006) in particular to exemplify

a broadening approach. Within this approach, epistemic communities are communities "with an

appropriate history, knowledge base and system of accepted practices, interests, methods, and

questions" (Nelson 1993, 136). This is to say that epistemic communities are:

1. *Communities with shared knowledge, standards, and practices[57]*: They have "communal ways of organizing things, and systems of connected theories, methodologies, and practices" (Nelson 1993, 139). They offer a limited set of epistemic resources (Grasswick 2004, 99), "a set of discursive possibilities" (Code 1991, 121-22), and "shape the construction of knowledge" (Grasswick 2004, 86).

2. *Communities with priorities and commitments*: Through their shared standards and practices, epistemic communities can set certain priorities for and commitments to understanding the world (Grasswick 2004, 104).

3. *Communities with flexible boundaries*: Epistemic communities are not static. They are "multiple, historically contingent, and dynamic: they have fuzzy, often overlapping boundaries; they evolve, dissolve, and recombine; and they have a variety of 'purposes' and projects which may include (as in the case of science communities) but frequently do not include (as a priority) the production of knowledge" (Nelson 1993, 125). As Grasswick (2008) also argues (following Code 2006), depending on "the circumstances

---

[57] I take this phrase of "shared knowledge, standards, and practices" from Nelson (1993, 148).

and the particular epistemic question at hand," boundaries of epistemic communities can be redrawn (157).[58]

A broadening approach to epistemic communities, then, highlights how communities help their members understand the world and their experiences in it through shared standards for and practices of rendering things intelligible. While doing so, these approaches also emphasize how communities intersubjectively structure the criteria for those accepted standards and practices. A broadening approach to epistemic communities can further suggest that these communities can refer not only to established communities but also to communities who form around a particular problem or issue and articulate a new of understanding of that problem.

A broadening approach to epistemic communities allows us to do three things at the same time, all of which are valuable for analyzing the gender asylum context. First, a broadening approach allows us to acknowledge that epistemic communities are not "just epistemic communities" (Grasswick 2008, 156). In fact, they are also social and political communities. This is also to say that social and political communities can function as epistemic communities as well. As Rosalba Icaza and Ronaldo Vázquez (2013) argue, for example, social struggles can be thought of as epistemic struggles as well because they question our worldviews, they pose questions to current forms of understanding, they can generate knowledge, and sometimes reveal the limits of academic or other frameworks (683, 684).[59] Second, acknowledging the plurality of epistemic communities can allow us to pay attention to "the imbalance of power" between different communities (Maloney 2016, 3). Third, a broadening approach to epistemic communities allows a flexible approach where the identification of epistemic communities can be dependent on what the issue or problem is.

---

[58] Also see Grasswick 2010.
[59] Cf. "imagined communities" in Mohanty 2003.

These three aspects of a broadening approach are valuable in analyzing gender-based asylum. This is because they emphasize not only the plurality and flexibility of epistemic communities but also underline the imbalance of power between these communities. In the context of gender-based asylum, there are various communities with different yet intersecting ways of rendering things intelligible: applicants', decision-makers', advocates', lawyers', international agencies', national agencies', state actors', non-state actors', etc. Hence if we want to talk about how the problem of being found unintelligible persists for applicants, we need to be able to track how these various communities can provide different standards for intelligibility and how reliance on those communities' particular frames of intelligibility can influence how applicants' claims are understood and evaluated. That is why broadening approaches to epistemic communities underlie the following discussion of communal epistemic dependence.

CED aims to identify a form of epistemic dependence that is irreducibly collective. However, based on how we answer the question of "what an epistemic community does and provides for its members" (beyond information transactions among members), the characterization of this form of epistemic dependence changes (Townley 2011, 1). Thus, understanding dependence on epistemic communities requires a detailed analysis of how we answer the following question: What does an epistemic community do that is irreducibly collective? In what follows, I identify four ways in which communal epistemic dependence can be conceptualized based on various discussions in social and feminist epistemologies: Dependence on epistemic communities for justification, for coverage, for skills, and for resources. While acknowledging the importance of the first three forms of CED, I conclude by briefly stating why resource-emphasizing form of CED is crucial for understanding the problem of 'being found unintelligible' in gender-based/gender-related asylum claims.

In order to explain CED as dependence on epistemic communities for justification, I turn to both Jeroen de Ridder's and Kristina Rolin's discussion of collective scientific knowledge. In "Epistemic Dependence and Collective Scientific Knowledge," De Ridder (2014) argues that scientific research takes place in collaborations. This is to say that scientific knowledge is produced through collectives of scientists forming research groups and teams. Given that scientists forming these collaborations have different kinds of expertise and skills, it is almost impossible to expect every scientist to be comfortable with all parts of the evidence required for that specific scientific inquiry. This, for De Ridder, demonstrates that scientific knowledge produced through collaborations requires those collectives to achieve justification in a non-summative way because not every member of that collaboration will have the required expertise and skill to carry out and process all the evidence required for justification. In "Science as Collective Knowledge," Rolin highlights the importance of epistemic communities for justification further. She argues that "epistemic justification takes place in a context of assumptions which function as default entitlements" (2008, 123). These default entitlements cannot be defended by each and every member of a scientific community. However, a scientific community as a collective can defend these entitlements through a joint commitment where the labor to defend these commitments are distributed throughout the community. Thus, one can argue that we depend on epistemic communities for justification not only for justifying collective scientific knowledge in a particular project but also for justifying default entitlements that determine the context of epistemic justification, i.e. render epistemic justification possible.[60]

---

[60] For further debates on collective belief see Gilbert 2002 and Tollefsen 2003; on collective acceptance see Hakli 2007 and Wray 2001, on collective justification and joint commitment see Schmitt 1994, Rolin 2010, and Tuomela 2004. For a debate on whether whole scientific communities or groups can have knowledge, see Gilbert 2004, Rolin 2008, and Wray 2007.

CED as depending on communities for coverage is articulated by Sanford Goldberg in his account of coverage-reliance. Dependence on communities for coverage is concerned with how we depend on our communities for our coverage-supported beliefs in not-p (when we never come across a testimony to the effect of p) (Goldberg 2011a, 92). Goldberg talks about the sentiment expressed in the statement "if that were true I would have heard it by now" as well as its importance for our epistemic reality (2011a).[61] This phenomenon, he argues, can be witnessed every time someone uses the reason that they have "never come across a piece of testimony to the effect of p as support for their belief in not p" (92). I believe that, for instance, an election was not corrupted or manipulated because if there was a sign of corruption or manipulation I would have heard it by now. When I form and sustain this belief, I am relying on the coverage of the sources I have with respect to this domain: I have mainstream news sources that I know will report if they have suspected a situation for manipulation or corruption. I have friends who are watching or following other news sources available on TV or on other mediums. Thus, Goldberg defines coverage-reliance as:

> "A hearer H exhibits coverage-reliance toward some source(s) in domain D when she relies on the existence of sources who are such that, if p is a true proposition in D, one or more of the sources will publicize or broadcast that p, in such a way that H herself will come across the report" (2011a, 94).

Hence, we depend on no single individual but on our communities for coverage when producing coverage-supported beliefs. This, of course, raises concerns for both *assessing* the coverage provided in a community and *accessing* that assessment, something which I will not discuss here.

Third, we depend on our communities for nurturing and developing our capacities as epistemic agents, i.e. our epistemic skills (Townley 2011, 2). As Grasswick (2004) notes, "we

---

[61] Also see Goldberg 2010, 154-184 and Goldberg 2011b.

grow up in communities and learn our epistemic skills within communities" (100). In communities, "through our interactions with others", we learn how to be "an active and reflective inquirer," (Grasswick 2004, 102) we learn how to communicate, how to reason (Grasswick 2004, 100), how to change our minds, how to criticize, how to affirm, etc. (Code 1991, 83). As Cynthia Townley (2011) puts it, as epistemic agents, we "judge credibility, establish justification, critically examine standards, revise practices, endorse or challenge each other's habits and practices and so on" (2). Different social and developmental histories we experience within particular communities lead to particularized epistemic skill sets (Grasswick 2004, 101). This relationship between epistemic skills and the communities in which we develop them can also be observed by looking at how we develop specific "methods and techniques" in more specialized communities (Grasswick 2004, 102).

It would be a mistake to think that these three forms of CED are not important for discussing gender-based and gender-related asylum claims. Justification-emphasizing form of CED, for example, can be crucial in understanding what kinds of default entitlements decision-makers collectively rely on when justifying their decisions. Coverage-emphasizing form of CED, on the other hand, can be useful if we want to assess the coverage available to decision-makers, advocates, and lawyers.[62] Furthermore, skill-emphasizing form of CED can be fruitful in analyzing what kinds of epistemic skills are prioritized in asylum interviews and courtrooms. Nonetheless, I think that the last, resource-emphasizing, form of CED is the most relevant form of CED for discussions concerning intelligibility in gender asylum context.

However, what is important about these three forms of CED that I've just discussed is that they demonstrate what is meant by the irreducibly collective nature of CED. Thinking about CED

---

[62] In addition, it might be important to extend the definition of coverage to epistemic resources and raise the questions of what kinds of epistemic resources are accessible in this context.

through justification, coverage, and skills allows us to consolidate the *communal* aspect of epistemic dependence, i.e. dependence on communities for shared practices and standards that are important for knowledge production. These three forms of CED indicate that when it comes to these shared practices and standards, it is the community that does the developing, sharing/circulating, and teaching. All of these aspects are quite valuable for understanding the resource-emphasizing form of CED as well.

In characterizing the resource-emphasizing form of CED, I particularly draw on Patricia Hill Collins (2009), Kristie Dotson (2012, 2014a, 2017), Gaile Pohlhaus Jr. (2012), and José Medina (2013). Despite their different approaches to communities and various aspects of communities, these authors have agreed that epistemic communities offer us resources to render our experiences intelligible. Because this form of communal epistemic dependence centers the epistemic communities' role in rendering things intelligible, I consider it to be the most relevant form of CED for discussing the problem of unintelligibility in gender-based/gender-related asylum claims. Thus, in the next section, I discuss the resource-emphasizing form of CED in general and frames of intelligibility, as one kind of these resources, in particular.

## 2. Resource-Emphasizing Form of Communal Epistemic Dependence and Frames of Intelligibility

Epistemic communities offer us *resources* to render our experiences intelligible. These resources have been referred as hermeneutical resources (Dotson 2012, Fricker 2007, Pohlhaus Jr. 2012), interpretative frameworks (Hill Collins 2009), tools (Grasswick 2004, Medina 2013), and interpretative resources (Medina 2013). I take these resources to be various sense-making mechanisms. Thus, the resource-emphasizing form of CED can be defined as follows: dependence on epistemic communities for development and circulation of various sense-making mechanisms.

In what follows, I explain this form of CED in more detail and discuss frames of intelligibility as one kind of these resources in social and political contexts in general and in the gender asylum context in particular.

In order to know the world, as knowers, we attend to and notice things in the world. When a knower attends to things in the world, their particular location in the world matters since it determines what is salient and relevant for them (Alcoff 1991, Dotson 2012, Harding 1991, Pohlhaus Jr. 2012). However, knowers also need epistemic resources that can make sense of, i.e. render intelligible, what seems salient and relevant for them. These epistemic resources are developed and circulated by other knowers who pay attention to the world in similar ways (Pohlhaus Jr. 2012, Dotson 2012). This is to say that there is a continuous interaction between what we see as salient and relevant and the ways in which we make sense of that. Usually, the ways in which we make sense of things reclaim what is salient and relevant. If what we see as salient and relevant changes, our ways of making sense amend accordingly. And at the same time, new ways of making sense can render certain other things salient and relevant. And the assumption is that we expect our communities to be able to provide epistemic resources that can make sense of what already seems salient and relevant to us. At the same, we expect them to be able to recalibrate those resources if what we see as salient and relevant changes. In a given landscape, for instance, it becomes important for knowers to be a part of the process of developing epistemic resources that are calibrated based on what is salient and relevant for them and at the same time enjoy the already circulating epistemic resources' ability to articulate what is salient and relevant for them.[63]

---

[63] For Dotson (2014a), the former relates to the efficiency of epistemic resources, and the latter relates to sufficiency of them.

We can understand the importance of this by paying attention to what happens in "a socially stratified society." Pohlhaus Jr. (2012) notes that "in a socially stratified society, some persons are situated in positions that allow their experiences to count more in the development and circulation of epistemic resources" (718). When the dominant epistemic resources (developed and circulated) do not suffice to make sense of what is salient and relevant for certain knowers who are situated in particular ways, these knowers need to "recalibrate and/or create new epistemic resources" in order to "know the world more adequately" (Pohlhaus Jr. 2012, 720). However, since creating new epistemic resources is an interdependent endeavor, this is a communal activity and cannot be completed only by individual efforts. This is because first of all creating new epistemic resources is itself a shared practice since it relies on common experiences of salience and relevance. Second, as a shared practice, creating new epistemic resources involves other shared practices and standards such as "habits of cognition" and "shared language" (Dotson 2017, 422). Hence, new epistemic resources are developed by communities, shared/circulated within communities, and members contribute to their creation or learn about them within communities as well. Thus, we depend on our epistemic communities for development and circulation of various sense-making mechanisms.

What I call 'frames of intelligibility' can be thought as one kind of these mechanisms in social and political contexts. I define 'frames of intelligibility' as interpretative frameworks that offer ways of structuring the conditions of intelligibility for a given social and political phenomenon by generating salience and determining/rearranging relevance concerning that phenomenon. Frames of intelligibility govern attention with the purpose of making a social and political phenomenon intelligible. They govern attention by not only generating salience but also determining relevance. In other words, frames of intelligibility organize 'what matters to us'

(salience) and 'why, how, and where it matters' (relevance). And this organization of salience and relevance enables us to render certain social and political phenomenon intelligible and generate 'understandings or knowledge' about that phenomenon in the process. This organization also enables and limits what is plausible, i.e. reasonable and realistic, concerning that phenomenon as well.

Let's think about 'intersectionality' as an example here; a term that I'll be using later. Black women developing intersectionality as a frame of intelligibility to make sense of Black Women's experience demonstrated to us how the current resources that only made sense of race or gender separately did not really work for (and further harmed) Black women since those resources did not make sense of what seemed quite salient and relevant for them (Crenshaw 1991, 1992; Hill Collins 1998, Dotson 2014b). Intersectionality, on the other hand, allowed them not only to demonstrate 'what matters to them', namely the intersections of race and gender or race, gender, and class, but also why, how and where these intersections matter. It is important to note here that frames of intelligibility are not about linguistic labels (Dotson 2014b, Medina 2013). This is to say that for instance frames of intelligibility, that established intersectional experiences' salience and demonstrated its relevance, have long existed in black feminist thought and are not tied to one word or concept (Dotson 2014b).

Communities provide frames of intelligibility to organize what seems salient and relevant to their members in a way to enable and limit the conditions for intelligibility for social and political phenomenon. However, what this example also shows us is that in a socially stratified society (like most societies including our own), some groups are "situated in positions that allow their experiences to count more in the development and circulation of epistemic resources" (Pohlhaus Jr. 2012, 718). Because of this, some frames of intelligibility developed by certain

communities might seem more legitimate than others because they reclaim what already seems salient and relevant for dominant communities (Pohlhaus Jr. 2012, Medina 2013). Communities questioning intersectionality's legitimacy as an interpretative framework or using it to render marginalized experiences unintelligible can be used as a case in point.[64]

Thus, I claim that one way in which we can understand the problems concerning intelligibility in gender-based asylum claims is to pay attention to how different epistemic communities are *relied upon* (or not) for development and circulation of particular frames of intelligibility. Paying attention to the dynamics of reliance on communities insofar as they develop and circulate frames of intelligibility (i.e. the dynamics of resource-emphasizing form of CED) allows us to illustrate how the imbalance of power between various communities influences which frames of intelligibility will dominate the asylum context. And it is important to note what those frames render intelligible and what they obscure. This is what I will turn to in the next section.

### 3.  Communities at Work: Frames of Intelligibility in Gender Asylum Cases

In this section, I will first identify two frames of intelligibility that are operative in gender-based asylum claims: An Essentialist Frame for Culture and an (In)complete Frame for Gender. I will, then, point out a third frame of intelligibility: Intersectional Frame for Asylum which is unfortunately not employed in many cases. I conclude by claiming that decision-makers', lawyers' and advocates' *reliance on their communities for developing and circulating essentialist frames for culture* and *their reliance on international communities for providing an (in)complete frame for gender*, which translates into reliance on national communities for a complete frame for gender, allow us to explain why applicants and their cases are found unintelligible in a systemic fashion.

---

[64] See May 2014.

Furthermore, *not relying on communities who are developing, circulating, and advocating for intersectional frames for asylum* contributes to the problem of applicants being found unintelligible. The persistence of applicants systemically being rendered unintelligible is due to both relying on communities whose insufficient frames fail to render gender asylum applicants' experiences intelligible and willfully ignoring communities who have developed and circulated alternative frames.

### 3.a. An Essentialist Frame for Culture

In many gender-based/gender-related asylum cases, we witness a particular frame of intelligibility that renders applicants' cultures intelligible in an essentialist way which mostly ends up negating what applicants find intelligible. Essentialist, here, refers to the way in which cultures are interpreted to have an essence that is static and present for every member in the same way. As Trina Grillo (1995) states:

> An essentialist outlook assumes that the experience of being a member of the group under discussion is a stable one, one with a clear meaning, a meaning constant through time, space, and different historical, social, political, and personal contexts (19).

While rendering applicants' cultures intelligible, this frame demonstrates how gender-based violence is not only salient but also "endemic and essential" to those cultures (McKinnon 2016a, 30). As a result, an essentialist frame for culture places gender-based violence "at the core of what it means to live as a woman in the region and these countries" (McKinnon 2016a, 30). It also ends up "racializing" and "ethnicizing" gender-based violence as well, where gender-based violence is understood to be an essential problem of certain races and ethnicities (McKinnon 2016a, 30). In this frame of intelligibility, "non-white" women are intelligible insofar as they are without any agency, "non-white" men are intelligible insofar as they are all aggressive, and their

culture is intelligible insofar as it is all oppressive.[65] In the context of the asylum courtroom, it is when decision-makers *rely on* their communities' development and circulation of this essentialist frame of intelligibility that they find what applicants are saying unintelligible.

Now, let's go back to the cases I've started with. It might be clearer how decision-makers' reliance on their communities for essentialist frames for culture renders applicants' cultures and experiences unintelligible. In Kassindja's case, for instance, it was unintelligible for decision-makers that FGM was described as "a cultural practice" yet her father did not want her to go through it when he was alive. This was because essentialists frames for culture are structured to find "sameness in culture" salient, which means that "a cultural practice" is understood through its ability to dictate all the members of that culture to act in the same way. When Kassindja's case is understood through an essentialist frame for culture, her father as someone who doesn't support the cultural practice in question loses his salience and relevance for the case, and thus rendered unintelligible, which contributes to Kassindja's case being found unintelligible.

As I have also discussed at the beginning, some gender-based asylum applicants are found unintelligible and thus unrealistic based on their "risky" sexual experiences. This is to say that it seems implausible to decision-makers that applicants live in such oppressive cultures yet *attempt* to transgress social norms. This shows us that when applicants' cases are understood through essentialist frames for culture, applicants are understood as not sexual beings but rather as fully oppressed claimants with no agency who can under no circumstances engage in 'risky' behavior. In Mohanty's (1988) words, this essentialist frame for culture, for example, encourages a monolithic "image of an average third world woman" who is "powerless" and doesn't have any agency (65, 66). Thus, her actions and desires for sexual experience are neither salient nor relevant

---

[65] Also see Mohanty 1988 and Narayan 1997.

within this essentialist frame for culture, which ends up finding applicants who "dare to act against social and cultural norms" unintelligible.

When gender-based asylum claims are assessed, we witness different frames of intelligibility for culture at play, developed and calibrated by different epistemic communities in place, specifically that of the applicant and that of the decision-maker. What seems intelligible for applicants given how they understand their cultures might seem unintelligible for decision-makers who rely on their communities for essentialist frames in order to render those cultures intelligible. These essentialist frames for culture can also be supported by the kinds of country information decision-makers use as well.[66]  Since decision-makers' communities are the more powerful ones in this context, the applicants usually end up being rendered unintelligible during this process, which in turn falsifies applicants' narratives and can significantly affect the determination of their refugee status.[67]

Furthermore, Akram (2000) notes that these essentialist frames for culture can be reinforced by essentialist frames for religion that are developed and circulated by communities of decision-makers, advocates, and lawyers. In particular, she points out that advocates and lawyers, while trying to categorize applicants' cases as gender-based asylum, might rely on their communities for providing monolithic and essentialist frames for Islam. These frames make it difficult for Muslim women to profess their faith while at the same time show opposition to their Muslim States in their cases. This is because these essentialist frames used for Islam do not allow

---

[66] It is helpful to remember here that it can also be arbitrary on which grounds applicants' countries are rendered intelligible. See Chapter 2.
[67] Cf. Millbank and Dauvergne 2010; Millbank 2002.

lawyers, advocates, and decision-makers to understand the salience and the relevance of differences between applicants' understanding of Islam and their governments'.[68]

Thus, when decision-makers rely on their communities' development and circulation of essentialist frames for cultures, their ability to find applicants intelligible is limited due to how they find cultures intelligible. Now, I turn to another major frame of intelligibility in this context, which is an (in)complete frame for gender. This frame of intelligibility is developed by the international community (i.e. international advocacy groups, UNHCR, NGOs and non-state actors) and limits what counts as gender-based/gender-related persecution depending on how its development and circulation is continued by national communities, involving state actors, policy-makers, decision-makers, etc.


3.b. An (In)complete Frame for Gender

I think that gender asylum, since it has entered the transnational arena as a socially and politically pertinent issue has been a constant demonstration of our reliance on epistemic communities and the role epistemic communities play in providing frames of intelligibility because the category itself was result of different advocacy groups' efforts to establish a new frame of intelligibility that can render gender-based persecution intelligible within the limits of the 1951 Convention. Gender-based asylum was a result of a new frame of intelligibility introduced by international advocacy groups as epistemic communities.[69] This frame of intelligibility generated and demonstrated gender's salience (gender matters) within the refugee and asylum discussion and

---

[68] Akram's point here further raises the question of epistemic cooperation (or lack thereof) between advocates, lawyers and applicants in building these cases. See Dotson 2008 for understanding why this cooperation matters for epistemically just practices. Akram further argues that the whole category of gender-based persecution makes it more difficult for women's refugee claims to be recognized under the category of religion and political opinion. I discuss this in the next chapter under structural epistemic dependence.
[69] See Code 2006 and Maloney 2016.

tried to determine where and how it applies, i.e. its relevance. The hope was to render gender-related persecution intelligible.

They have argued that the "regular" refugee definition "has been interpreted within an overwhelmingly male paradigm" (Musalo and Knight 2002, 59). Within this paradigm, "persecution was understood to encompass beatings, torture, and political imprisonment but not the multitude of violations that are inflicted mainly on women" (Musalo and Knight 2002, 59). These human rights violations included gender-discriminatory laws in certain countries, "culturally" accepted forms of violence against women, such as domestic abuse, female genital mutilation, honor killings, etc.[70] Salience-generating efforts of advocacy groups wanted governments to recognize these kinds of violence as pervasive and systemic gender violence and therefore political rather than personal.[71]

Bolstered by these efforts, the UN High Commissioner for Refugees suggested that gender-based claims and gender-based persecution can be evaluated under the category of "membership of a particular social group" (UNHCR 1991, Musalo 2010).[72] They encouraged states to develop their own guidelines for gender-based asylum claims, and recently (in 2002) they issued new guidelines to encourage a gender-sensitive interpretation to the refugee convention as a whole (Musalo and Knight 2002, 59; UNHCR 2002).

These efforts, of course, do not guarantee a clear and consistent approach to gender-based asylum. In a recent report, for instance, Asylum Aid notes that despite the common understanding

---

[70] http://www.stopvaw.org/gender-based_asylum
[71] See the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979, Declaration on the Elimination of Violence against Women 1993, Beijing Declaration and Platform for Action 1995.
[72] As Musalo (2010) highlights, this was after EXCOM Conclusion No. 39 in 1985 stating that "...states, in the exercise of their sovereignty, are free to adopt the interpretation that women asylum-seekers who face harsh and inhuman treatment due to their having transgressed the social mores of the society in which they live may be considered as a "particular social group" within the meaning of Article 1 A(2) of the 1951 United Nations Refugee Convention." http://www.unhcr.org/en-us/excom/exconc/3ae68c43a8/refugee-women-international-protection.html

that refugee convention requires a gender-inclusive and gender-sensitive approach, "…there are vast and worrying disparities in the way different EU Member States handle gender-related asylum claims" (Querton 2012, 2). The report further notes that:

> The manner in which decision makers define gender-based forms of harm was examined in the report and the evidence showed that the practice in each Member State varied significantly in terms of recognising gender-based violence as amounting to persecution engaging the Refugee Convention. France, Malta and Romania for example do not always recognise that the risk of being subjected to female genital mutilation may amount to a well-founded fear of persecution (2).

The reason for these vast and worrying disparities, I argue, is the fact that the frame of intelligibility that was developed and circulated by various international communities made gender salient for the Refugee Convention but left the question of relevance somehow unanswered. In other words, by relying on these international communities' frame for gender, advocates, lawyers, and decision-makers were able to say: gender matters for the Refugee Convention but the question of 'why and how it matters' was (and still is) quite complex and answered differently by various national communities depending on how they choose to "complete" the frame, i.e. determine/rearrange why, where, and how gender matters. This is especially because how national communities answer 'why and how gender matters' for the determination of refugee status relies on how they answer the following questions: At what point does discrimination become persecution? What does it mean to belong to a particular social group? What can be counted as gender-based or gender-related?

For instance, Musalo notes that Female Genital Mutilation and Domestic violence now have precedents in the US, but this does not guarantee a constant approach to gender-based violence. For instance, cases based on other forms of violence (such as forced marriage and honor

killings) might still face difficult negotiations of *what counts as* gender-based/gender-related asylum (Musalo 2014/2015, 48).

Relying on the international community for this new frame of intelligibility that rendered gender salient but left the question of relevance unanswered had some questionable consequences as well. Gender-based persecution was usually made intelligible by limiting its application to cisgender and heterosexual women's cases. As a result, for instance, the question of how to categorize the following cases was left unanswered: "men and women fleeing state-sponsored family planning policies, such as abortions, sterilization, and the forced use of birth control; persons targeted for their gender nonconformity; and lesbian asylum seekers" (McKinnon 2016a, 3).[73] Official sources relying on the international community for an incomplete frame of intelligibility for gender and completing it by limiting gender's relevance to cisgender and heterosexual women's cases encouraged informal communities to facilitate new ways of establishing gender's relevance for certain cases. As Jordan and Morissey (2013) note, for example, "in the absence of official sources, informal networks have played a critical role in facilitating access to refugee protection for LGBT forced migrants (15).

This tells us that "what is rendered intelligible" as gender-based or gender-related persecution can be "exceptionally narrow and contingent" (McKinnon 2016a, 3) precisely because it is not always clear *how, where, and why* gender matters for asylum applications. Thus, sometimes the problem of applicants 'being found unintelligible' might be about their cases 'not being understood' as a gender asylum case. This might occur due to adjudicators not evaluating the gender-based violence in question as persecution or categorizing the violence as personal rather than public or political or thinking that the applicant does not belong to a social group that is

---

[73] See Neilson 2005 as well for lesbian asylum seekers.

persecuted. Relying upon the international community for an incomplete frame for gender enables many to introduce gender into the Refugee Convention but at the same time limits what counts as gender-related persecution depending on how that frame is completed and circulated by various communities in different nation-states.

Thus, both decision-makers' reliance on their communities for essentialist frames for culture and decision-makers', advocates, and lawyers' reliance on the international community for an incomplete frame for gender (and thus reliance on national communities for complete frames of gender) are quite significant for understanding the problem of intelligibility in gender-based asylum context. In what follows, I turn to another frame of intelligibility: an intersectional frame for asylum. This frame, unlike the previous two is not quite operative in the asylum context despite the obvious need.


3.c. An Intersectional Frame for Asylum

I understand intersectionality to be a conceptual framework that can be deployed in different social, political and structural contexts and that "issues a methodological demand" (Dotson 2014b, 44) to "identify relationships among multiple dimensions and modalities of social relations" (McCall 2005, 1771) and multiple systems of oppression. In other words, it enables us to think through how "intersections of race and class, or race and gender, or sexuality or class, for example shape any group's experience across specific social contexts" (Hill Collins 1998, 208).

If we go back and remember the five categories in the Refugee Convention: race, religion, nationality, political opinion, and membership of a particular social group, we can see that it matters significantly whether intersectionality can function as a frame of intelligibility when making sense of asylum applications. This is because the operative frames of intelligibility in the

refugee status determination is in fact formed by, to use Kimberly Crenshaw's words, "expectations based on inappropriate nonintersectional contexts" (1991, 1251).[74] Despite the fact that gender-based asylum applicants' experiences can speak to multiple grounds (such as race, religion, and political opinion) in the Refugee Convention, the operative frames of intelligibility developed and circulated by communities of decision-makers can only make those applicants intelligible based on inappropriate nonintersectional contexts.[75]

It seems, then, important to realize that the structure of the Refugee Convention asks for people to be "assimilated" into at least one of those categories, and thus encourages frames of intelligibility that do so as well, i.e. it encourages one-dimensional frames of intelligibility (Crenshaw 1992, 404). This raises the following question: Can people from particular locations that cannot be "assimilated" into any of those categories and their cases be perceived intelligibly when they state their claims? For instance, some applicants are denied asylum on being found too feminine or not gay enough or based on the importance of class not being understood in relation to gender or based on gender-based violence and sexual orientation violence not being considered at the same time.[76] These cases demonstrate the obvious need for new frames of intelligibility for asylum that can make sense of asylum by centering intersectionality. A need that can only be answered with a communal effort since it requires creating new epistemic resources that are intersectional frames for asylum in this case.

The UN Refugee Agency's 2002 guidelines encourage countries to interpret other convention grounds such as political opinion, religion, race, or nationality in a gender-sensitive way. This can be read as a slight encouragement for the epistemic communities working in

---

[74] Also see Anthias 2012, Grillo 1995, and Harris 1990.
[75] These frames are also supported by the institutional structure as I will discuss in the next chapter.
[76] McKinnon 2012, 2016a; Neilson 2005; McDonald-Norman 2017.

different countries to develop new frames of intelligibility that include an intersectional approach. In other words, a first step to encourage national communities to build an intersectional frame for asylum. However, it is a difficult step not only because it is unusual for how states have been approaching asylum but also because of its complexity. Developing a new frame of intelligibility where different intersections of social categories can be found intelligible without overlooking the differences between these different intersections is not easy. In other words, building an intersectional frame for asylum that centers intersectionality yet stays quite flexible to be applied to different intersections for different applicants seems challenging yet important.[77]

Thus, this requires not only relying on communities who have been putting a concerted effort to build intersectional frames for understanding asylum but also relying on communities who have been working on intersectional approaches for other legal contexts. Applicants being found unintelligible due to non-intersectional understandings of their cases demonstrate to us that relying on such communities is not a common practice in gender-based asylum.

3.d. Persistently Unintelligible

Identifying how communities who provide certain frames of intelligibility are relied upon or not allows us to explain why applicants and their cases are found unintelligible in a systemic and persistent fashion. This is because relying on communities who provide essentialist frames for cultures and (in)complete frames for gender and not relying on communities who can offer intersectional approaches to understand applicants' cases mean that decision-makers use epistemic resources that are not "sufficient" enough to "track" applicants' experiences in their countries of

---

[77] This difficulty can also be understood by thinking whether adjudicators and the institution of asylum in general can respond to intersectionality's "demand for open-ended consolidation" (Dotson 2014b). I discuss this in detail in the next chapter.

origin and their experiences of gender-related persecution (Dotson 2014a, 127). This, in turn, renders applicants' narratives incomprehensible for decision-makers and harms (systemically) applicants' ability to communicate their experiences in interviews and courtrooms.[78] In other words, then, applicants suffer from epistemic exclusion on a communal level. This is to say both that communally developed and circulated frames of intelligibility fail to render applicants' experiences unintelligible for decision-makers and that communities who provide other frames of intelligibility which can render applicants' experiences intelligible (e.g. anti-essentialist frames for culture, intersectional frames for asylum) are usually not relied upon. Thus, paying attention to the dynamics of resource-emphasizing form of CED in gender asylum context allows us to articulate why applicants face the problem of being found unintelligible persistently.

This harm can *partly* be explained by Fricker's notion of hermeneutical injustice as well. Hermeneutical injustice refers to "the injustice of having some significant are of one's social experience obscured from collective understanding owing to hermeneutical marginalization" (Fricker 2007, 158). Hermeneutical marginalization refers to unequal participation "in the practices through which social meanings are generated" (Fricker 2007, 6) However, we have to be careful in applying that notion into this context because in Fricker's account it is not clear whose collective understanding those social experiences are obscured from. As highlighted by Dotson (2012), Medina (2013), and Pohlhaus Jr. (2012) in different ways, there are various collective understandings and different sets of hermeneutical resources.[79]

Not being careful in using Fricker's account of hermeneutical injustice in gender asylum context can result in overlooking applicants' sense-making mechanisms or epistemic resources

---

[78] This, on Dotson's account, amounts to second-order epistemic oppression (Dotson 2014a).
[79] Cf. Fricker 2016 and Fricker 2017 for a revised version of her approach to collective hermeneutical resources. Also see Mason 2011 and Mills 2013.

different than decision-makers'. In their article, "Self-Understanding and the Refugee-Claimant," Rusin and Franke (2010) fall victim to this problem and have a difficult time separating the phenomenon of 'applicants making sense to themselves' from 'applicants making sense to others in the institution of asylum.' In the cases I've discussed so far, it is clear that applicants can render their experiences in their cultures and countries intelligible for themselves. However, decision-makers fail to do so due to relying on their communities for development and circulation of particular frames of intelligibility. In addition, advocates and lawyers can use these frames as well, and further contribute to the systemic and communal rendering of applicants' experiences unintelligible.

This is where Pohlhaus Jr.'s (2012) discussion of willful hermeneutical ignorance becomes fruitful. Systemic rendering of unintelligibility does not only happen due to the insufficiency of decision-makers' frames of intelligibility provided by their communities but also occurs due to their insistence on ignoring communities who have developed and circulated alternative frames of intelligibility such as anti-essentialist approaches to cultures and intersectional approaches to asylum. This is to say that it is quite important to understand how different epistemic communities' sense-making mechanisms in general and frames of intelligibility in particular influence assessments of gender-based asylum cases. In other words, it is crucial to understand how different dynamics of dependence on communities for epistemic resources (resource-emphasizing form of CED) present in the institution of asylum shape how gender-based asylum cases are understood and evaluated. Tracking how different epistemic communities are relied upon or not for epistemic resources can allow us to designate which epistemic resources are insufficient in rendering

applicants' narratives unintelligible and which resources and thus communities are willfully ignored to make that rendering persist.[80]

## 4. Epistemic Communities in Transnational Settings

In gender-based/gender-related asylum, both applicants and their cases seem to suffer from 'being found unintelligible.' I have argued, in this chapter, that the resource-emphasizing form of CED is useful in diagnosing this problem and why it persists. This is because this form of CED allows us to understand epistemic communities as providing, i.e. developing and circulating, frames of intelligibility. Understanding gender-based asylum and evaluating its claims resembles a site of struggle filled with different frames of intelligibility developed and circulated by various communities. Thus, it matters significantly how and whether those communities are relied upon (or not) for those frames.

In this chapter, I've identified two frames of intelligibility operative in this context: an essentialist frame for culture and an (in)complete frame for gender. Decision-makers' reliance on their communities for essentialist frames for culture limits decision-makers' ability to find applicants intelligible. Relying on the international community for an incomplete and national communities for complete frames for gender, on the other hand, enables and limits at the same time what can be found intelligible as gender-related persecution. I've also noted that an intersectional frame for asylum usually is necessary for asylum yet seems to be missing from this discussion. This site of struggle between different frames of intelligibility demonstrates the tension between different epistemic communities who develop and circulate them. This is quite important to take into account because realizing these tensions between different epistemic communities and

---

[80] See Medina 2017 as well.

their frames of intelligibility can allow us to "recognize the imbalance of power between various epistemic communities" and "the impact this imbalance has" on how gender-based asylum claims are understood and assessed (Maloney 2016, 3).

This discussion might raise some questions about the role of epistemic communities and what they are in transnational settings. Recently, especially in international relations scholarship, there is a growing emphasis on epistemic communities and their influence on growing and evolving transnational processes (especially considering global governance of migration) (Cross 2013, 139). This emphasis follows the assumption that "in an increasingly globalized world with considerable advances in transnational interaction, the value of expertise and knowledge and the networks of professionals…" is quite important for policy production and coordination (Cross 2013, 139). This is because these kinds of epistemic communities have great social and political influence since they can identify what is of public concern, determine the limits of a discussion, articulate points for negotiations, introduce policy alternatives, formulate, and select policies, and build national and international coalitions in support of the policies (Haas 1992, Cross 2013, Antoniades 2003, Dunlop 2012).[81]

Even though I clearly agree that epistemic communities have significant social and political influence, an approach to epistemic communities, placing "technical expertise" and "professionality" at the core of what epistemic communities are can be quite limiting in approaching gender-based asylum as I discussed above. It might, for instance, make it impossible to designate a space for applicants and their epistemic communities. In addition, it might also make it quite difficult to categorize advocacy groups as epistemic communities and acknowledge the understanding they have generated with respect to the issue of gender-based persecution. This is

---

[81] Also see Cogburn 2005, Milner 2014, and Stone 2005.

to say that we have to be wary of how epistemic communities are defined in discussions of transnational politics because it might either overlook or acknowledge the work of epistemic communities who might not have been seen as such through a more limiting approach. Because of that, how epistemic communities are defined in these discussions can also influence which epistemic resources are given precedence over others.

**CHAPTER 4**

Problematic Reliance(s):
Structural Epistemic Dependence in Gender-Based Asylum


Gender-based asylum, as a relatively recent development in asylum law, is bound by how asylum is understood and processed in different asylum systems of receiving countries. That is to say, gender-based asylum, in its development and employment, is framed by how the 1951 Refugee Convention relating the Status of Refugees (and the following 1967 Protocol) has been interpreted and implemented by different asylum regimes. In this chapter, I look at how the institution of asylum, its practices and its categories condition the possibilities for *what* gender-based asylum is and *how* it is understood. In other words, I discuss how the ways in which gender-based asylum is understood is conditioned by the institutionalized practices and categories of asylum. I do so by articulating how our efforts to understand and assess gender-based asylum are enabled and constrained by *our reliance on* structures in various ways, i.e. relying on the existing practices and categories of the institution of asylum and its operative legal landscapes. I call this kind of reliance *Structural Epistemic Dependence*. Such dependence consists in the fact that, in knowing something, we rely on structures (social and political arrangements and institutions) that condition the possibilities for something to be known and how it is known. In this chapter, I argue that in the context of gender-based asylum both state and non-state actors' reliance on the institutionalized practices and categories of asylum shape the ways in which gender-based cases are understood and assessed. That is to say, structural epistemic dependence practiced by state and non-state actors not only enables just certain ways of understanding gender-based asylum, but also (due to that enablement) maintains particular misunderstandings and misinterpretations of applicants' cases.

This chapter proceeds in two parts. First, I articulate an account of Structural Epistemic Dependence (SED), which describes our reliance on structures insofar as they condition, in different ways, the possibilities for something to be known and how it is known. Second, I demonstrate how SED operates in gender-based asylum. I do so by discussing our reliance on structures through five different ways in which the institution of asylum conditions the possibilities for understanding gender-based asylum, its claims, and its applicants. The institutionalized practices and categories of asylum condition how we understand gender-based asylum: 1. by creating resistances to know, 2. by presetting a category, 3. by endorsing frames of intelligibility, 4. by overshadowing other categories and finally 5. by enforcing epistemic simplification. Identifying our reliance on these forms of structural conditioning is crucial to understand how gender-based asylum claims are processed. I would like to note here that these five forms of structural conditioning do not constitute a comprehensive list. However, I think that they are significant ones to consider when approaching gender-based asylum in a structural manner.

Before I continue, I would like to say a few words on what backgrounds my structural approach to gender-based asylum here. My understanding of this structural approach heavily relies on two forms of structural critique that I locate in Angela Davis's work in particular and women of color feminist thought in general. The first form concerns *conditions of possibility*. The second form concerns *conditions of impossibility*. A structural critique focusing on conditions of possibility corresponds to a structural approach where the emphasis is on *how* the symptoms we recognize as problems are rendered possible by structures. This question aims to identify the structures that condition the possibilities for the predicaments and vulnerabilities to be "selectively imposed" upon certain bodies (Cho et al. 2013, 803). In this sense, then, the first form of structural critique asks, to use Linda Tuhiwai Smith's words, what is "reproducing" the reality as observed

through and around these predicaments and vulnerabilities (2012, 201). In particular, employing this form of structural critique addresses how structures (social and political arrangements and institutions) *enable* these predicaments and vulnerabilities to *exist* and *persist*. In other words, this form of structural critique hopes to identify "overlapping structures of subordination" that maintain "multilayered and routinized forms of domination" and how those forms of domination are rendered possible by the existing arrangements and institutions (Cho et al. 2013, 797; Crenshaw 1991, 1245).

The second form of structural critique is about conditions of impossibility. This critique employs a different approach by interrogating what gets foreclosed in discourse and in reality (Davis 2005). The purpose of this critique is to point out how existing structures prevents certain things and ideas from becoming available to us and thus render them impossible (Moraga 2015). This is about asking how structures block possibilities to condition impossibility (Young 2011). This form of structural critique hopes to give birth to further imagination-triggering questions "that permit us to see beyond the given" (Davis 2005, 20) and open up "new conceptual terrain[s] for imagining alternatives" (Davis 2003, 112). One might say that this kind of structural critique hopes to pluralize social imagination and cultivate an openness towards the possibility of re-shaped social and political structures (Davis 1998, 2003, 2005; Medina 2013).

This chapter utilizes the first form of structural critique, where I focus on conditions of possibility and ask how the existing structures of asylum enable the problems concerning gender-based asylum to exist and persist. And I utilize this critique by using 'structural epistemic dependence' as a (philosophical) tool. If I were to utilize the second form of structural critique, I would be asking about conditions of impossibility and raise the following question, for instance: How do the current structures of international refugee protection in general and the institution of

asylum in particular prevent us from imagining different protection mechanisms for asylum seekers in general and gender-based applicants in particular? Although this is a very crucial and necessary question to ask (as I will briefly discuss in the conclusion of the dissertation) this chapter hopes to diagnose how the institution of asylum conditions the possibilities for how gender-based asylum is understood and evaluated through both state and non-state actors' reliance on its established practices and categories in the operative legal landscapes. With this in mind, I turn to Section 1, where I articulate an account of Structural Epistemic Dependence.

### 1. Structural Epistemic Dependence

In this section, I develop an account of Structural Epistemic dependence (SED) based on the "impact" structures have on knowledge production by virtue of how they condition the possibilities for something to be known and how it is known (Dotson 2017, 420). In this sense, SED refers to our reliance on that impact in general. Thus, I define SED as the dependence that corresponds the fact that in knowing something, we rely on structures that condition the possibilities for something to be known and how it is known. SED can be understood as a subset of what Dotson (forthcoming) characterizes as Situational Dependence of Knowledge:

> Situational Dependence of Knowledge…refers to the ways 'who knows,' 'what we know' and 'how we come to know it' are contingent on extra-epistemic features of our worlds, i.e. non-epistemic features of our lives that have epistemic impact.

One of the extra-epistemic features of our worlds that has significant impact on our practices of knowing is structures, i.e. social and political arrangements and institutions. Structures can "promote" or "hinder" what can be known given their ability to organize and reproduce certain "aspects of our social existence" (Dotson 2017, 421). For instance, the current functioning of the prison-industrial complex in the U.S. and the idea of crime it tries to establish aim to obscure the

relationship between racism, prison systems, and punishment. Furthermore, it aims to hinder the understanding that prisons were not only designed to morally re-educate but also to "eliminate politically dissident and racialized populations" (Davis 1998, 98). This, for example, results in the current structures trying to promote an understanding of the Criminal Justice System that obscures the relationship between racism and criminalization and hinders an understanding of the Criminal Justice System that questions the link between racism and criminalization (Davis 1998). This is to say that structures can accelerate the process of knowing something about our world or build "potential obstacles for 'knowing' something about our world." (Dotson 2017, 418).

Dotson (forthcoming) notes that what someone knows in a specific context is "conditioned by social, political, cultural, and institutional environments." For example, in her discussion of housework, Davis (1998) notes that what we know and how we think about housework is, among other things, conditioned by the capitalist production system and how it governs our society. Davis argues that the current social arrangements might make us think that men who do more housework can be read as a possible solution to women's predicament when it comes to housework. However, she continues, it's questionable whether this increase in men doing housework answers the question of why the capitalist production system neglects the importance of domestic life despite its dependence on domestic life. The illusion is that domestic life should be the responsibility of *individuals* and precisely this illusion is what the current social and political arrangements and institutions promote in "knowing" 'housework' (Davis 1998, 193-209).

In articulating an account of SED in the context of gender-based asylum, I prioritize the conditioning that is done by institutional environments. The "institutional environment," in this context, refers to the 1951 Convention, 1967 Protocol and their international and national interpretation and legal implementation by different asylum regimes. Hence, structural epistemic

dependence in gender-based asylum refers to our reliance on how the institution of asylum (its practices and its categories) conditions the possibilities for what gender-based asylum is and how it is understood. In other words, SED in gender-based asylum corresponds to the various ways in which we rely on this *structural conditioning* in understanding and evaluating gender-based claims. There could be many different forms of structural conditioning, and since SED refers to our reliance on structural conditioning in general, there could be various ways in which SED operates in the context of gender-based asylum. However, for the purposes of this chapter, structural conditioning refers to how the institutionalized practices and categories of asylum either block the possibility of understanding gender-based asylum within the Convention or enable limited, essentialist, simplistic, and non-intersectional understandings of it due to the constraints of the existing practices and categories. Thus, one way in which SED operates in gender-based asylum is when decision-makers, lawyers, and advocates rely on this structural conditioning when they engage with gender-based asylum claims and applicants. The structural conditioning, I have defined above, is a combination of the five different ways in which structural conditioning of gender-based asylum occurs.

Hence, I argue that how SED operates in gender-based asylum can be demonstrated via state and non-state actors' reliance on the five different ways in which structural conditioning of gender-based asylum occurs in the context of asylum. Decision-makers', lawyers', and advocates' reliance on these following ways of structural conditioning enables and maintains systemic and persistent misinterpretations and misunderstandings of applicants and their cases.

1. *Creating Resistance(s) to Know*: The institution of asylum, its practices and its categories create obstacles to understand gender as a separate asylum ground.

2. *Presetting a Category*: The institution of asylum presets the "membership in a particular social group" category in the Convention to understand gender-based cases.

3. *Endorsing Frames of Intelligibility*: The institutionalized practices and categories of asylum endorse essentialist frames for culture by insisting on an "us and them" dynamic where cultures are persecutors.

4. *Overshadowing Other Categories*: Both presetting the social group category and encouraging essentialists frames for culture overshadow the relevance of "religion" and "political opinion" categories for understanding gender-based asylum cases.

5. *Enforcing Epistemic Simplification*: The institution of asylum and its legal landscape enforce, legitimize, and reward simplistic, i.e. less complex, single-axis, i.e. not intersectional, and stereotypical practices for understanding asylum in general and gender-based asylum in particular.

In what follows, I discuss each kind of structural conditioning in detail and demonstrate how not only decision-makers' but also advocates' and lawyers' reliance on them when they engage with gender-based asylum has shaped the ways in which gender-based asylum cases are understood and assessed. This reliance allows us to both explain particular misinterpretations and misunderstanding of applicants' cases and also hint at how certain 'failures to believe' and 'failures to understand' that I've discussed in previous chapters can be structurally maintained.

## 2. Problematic Reliance(s): Structural Conditioning of Gender-Based Asylum

2.a. Creating a "Resistance to Know"[82]

Creating resistances to know, as a form of structural conditioning, refers to how structures can create obstacles for the process of knowledge production, i.e. render things 'not knowable' by creating resistance(s) for them to be known. These resistances are created and maintained structurally by institutionalized practices and categories. As Medina suggests, ways in which structures operate "often involve an element of resistance to know certain things" (Medina 2013, 56).[83] The institution of asylum, its practices, and its categories have created resistance(s) to know gender-based cases as legitimate asylum cases. In other words, the institutionalized categories and practices of asylum have created obstacles to understand gender as a separate asylum ground. This has occurred due to not having gender as a separate ground in the Convention, the Convention's historical background (its implementation and interpretation), having a seemingly gender-neutral definition of a refugee, prioritizing a reading of human rights that centers state/public persecution, and the existing interview conditions. Decision-makers' and lawyers' reliance on these structural practices and categories has made it difficult for gender-based cases to be understood as cases that can be addressed by the Convention.

The 1951 Convention itself does not have gender as a separate ground for asylum in addition to race, religion, nationality, political opinion, and membership in a particular social group. Not having gender as a separate category made it difficult to understand gender-based cases as covered by the Convention because it did not allow gender to seem as a ground that someone can be persecuted on the basis of. Thus, not only relying on the presence of five enumerated

---

[82] I take the phrase "resistance to know" from Medina 2013, 56.
[83] Also see Sullivan and Tuana 2007.

grounds (race, religion, etc.) but also relying on the absence of gender made understanding gender as a separate asylum ground quite difficult (Kelly 1993, 626-628).

Pamela Goldberg (1995) has claimed that "the substantive law applied in evaluating whether an individual is eligible for refugee status is generally narrowly construed and does not usually recognize the fully panoply of issues shaping an individual's reasons for seeking safe haven" (346). More importantly, Anjana Bahl (1997) has argued that "the enumerated grounds defining persecutory treatment" seemed "appropriate" for post-World War II conditions but did not match the developments in the human rights arena especially concerning women's rights (36). Bahl has further noted that despite the definition of a refugee being gender-neutral, women "have greater difficulty than men satisfying the legal requirements for refugee status (1997, 34). This difficulty can also be observed in gender non-conforming applicants' cases and sexual orientation cases as well (McKinnon 2016a, Millbank 2003, Rehaag 2009). This has indicated how asylum cases have been centering "male experience and perception" (Neacsu 2003, 192). Hence, both not having gender as a separately listed category in the Convention and having seemingly gender-neutral definition of a refugee masked the need for developing understandings of asylum law addressing gender-specific harms and persecution.

Furthermore, as Joe Oloka-Onyango (1996) suggests, "the main principles of refugee law enshrined in the 1951 Convention are based exclusively on a narrow reading of human rights to cover only civil and political rights as well as on an artificial and unsustainable demarcation between the public and the private sphere of human existence" (362). This unsustainable demarcation between private and public has significantly influenced how persecution is understood as well. The 1951 Convention and the 1967 Protocol do not define the term persecution. As Bahl (1997) highlights, persecution is "generally accepted to be 'a threat to life or

freedom…" and this unspecified definition is supposed to encourage a definition on a case-by-case basis rather than a universal one (38).[84] However, due to the state-centricity of the Refugee Law, this unsustainable demarcation between the public and private sphere has encouraged a "public"-centered definition of persecution. This is to say that state-centricity of the Refugee Law has encouraged an understanding of persecution where the main persecutor is state and/or government. This understanding of persecution shaped by the historical development of the Refugee Law and consolidated via institutionalized practices made it more difficult to understand gender-based/gender-related persecution where the persecutor was not necessarily state/government. For instance, "rape was often viewed as a private matter even when committed by a government official or in a political context" (Kelly 1993, 628).

The resistance to understand gender-related persecution as a form of persecution the Convention should address was not only created by the institutionalized categories of asylum but further maintained by various institutionalized practices, e.g. the length of the asylum interviews, where the interview takes place, asylum officers, etc. According to Kelson (1997), it has been more difficult for women to disclose what happened to them to male interviewers who "tend to regard gender-based persecution as private and personal instead of the socially significant phenomenon that is" (183). Neacsu (2003) further underlines that doing these interviews in a foreign culture with male interpreters, officers, lawyers, and sometimes in front of their family members and "often in the cold setting of an administrative courtroom" make it more difficult for applicants to disclose information (192).[85] I should also note here that this difficulty partly caused by institutionalized practices sometimes can cause 'delay' in applicants disclosing information, which can, then, be used against to find them not credible later in the process.

---

[84] Also see Hathaway and Foster 2014 for a discussion of the concept of persecution.
[85] Also see Linarelli 1997 as cited in Neacsu 2003.

These obstacles to understand gender as a potential and separate asylum ground, created by the institution of asylum, its categories, and its practices are not only maintained by decision-makers but also can be sustained by lawyers and advocates:

> …because advocates have learned to present cases within a largely male-oriented body of law, women's cases are often formulated in ways which reflect the advocate's understanding of the law rather than the reality of the applicant's experiences. The claims of women are often presented as derivative of the claims of their male partners" (Kelly 1993, 629).

Thus, the institutionalized categories of the Refugee Law and its practices (due to the lack of a separate category for gender, historical background, seemingly gender-neutral interpretations/ implementation, the influence of a narrow reading of human rights) have built obstacles for understanding gender-based asylum and gender-related persecution in the Convention. In other words, the institution of asylum structurally blocks the possibility of understanding gender as a separate asylum ground, and this difficulty to process gender-based asylum cases through the Convention is sustained by decision-makers', lawyers', and advocates' reliance on this blocking.

## 2.b. Presetting a Category

> *...she is left only with a social group claim, most commonly expressed as the social group of women, which, although allowed for in the law, is doomed as a matter of practice. Practically speaking, no one really knows what the social group category really means, and courts and immigration authorities are hesitant to grant asylum on such an ambiguous ground.* (Akram 2000, 18-19)

"Presetting a Category," as a form of structural conditioning, refers to how an institution, when responding to a demand to handle a new phenomenon, can preset an existing category that is already in use to understand that phenomenon. In this way, the institution, through that category, enables a way of understanding that phenomenon. At the same time, however, the institution limits how the new phenomenon can be understood by imposing the parameters of the preset category

on the new phenomenon. In the case of gender-based asylum, the demand to process gender-based persecution within the Convention was met by the institution of asylum presetting the category of "membership in a particular social group" for understanding gender-based asylum cases. This category enabled gender-based asylum cases to be understood as requiring protection. However, it also limited what constitutes gender-based asylum and what can be counted as gender-related persecution based on the already existing parameters of the social group category, i.e. how social group is defined and understood by the existing legal landscapes.

The inadequacy of Refugee Law in addressing gender-based asylum has led various communities (e.g. lawyers, advocates, women's rights activists, etc.) to criticize and challenge the international interpretation and implementation of the Convention. They not only have argued that gender was actively ignored due to the Convention's categories and institutionalized practices but also suggested that trying to "fit" gender-based asylum into the other enumerated grounds was ineffective. Marian Kennady (1998) notes:

> The adjudication of gender-based claims for asylum has been inconsistent as courts have struggled to fit the gender-based claim into one of the five enumerated grounds for asylum. The judicial gyrations wrought by the adjudication of these claims have increasingly called the efficacy of the enumerated grounds into question (320).

However, a structurally supported, and thus easy, answer to this problem was to preset the "membership in a particular social group" category in the Convention in order to understand and process gender-based asylum claims. It seemed only reasonable to rely on the existing structural support for an already existing ground in the Convention. Thus, by presetting the category of social group to understand gender-based asylum claims, the institutionalized categories and practices of asylum conditioned the possibility of how gender-based asylum can be understood. That is to say, by presetting the category of social group to understand gender-based asylum, the institution of asylum both enabled and limited how gender-based asylum can be understood through the

parameters of the social group category. Hence, decision-makers', lawyers, and advocates' reliance on this structural conditioning greatly influences how gender-based asylum claims are understood and assessed. More specifically, how the social group category is interpreted and used, its limitations, its problems were all carried into how gender-based asylum cases are understood.

"Membership in a particular social group" ground of the Convention is not defined clearly in order to keep it as a catch-all option that can offer decision-makers an adequate discretionary space (Bahl 1997, 44).[86] Peter Godfrey (1994) comments:

> Because there is no statutory definition of "particular social group" and courts have inconsistently interpreted the term, it is difficult to ascertain the limits on social groups that are recognizable under asylum law… Although inclusion in the "social group" category of asylum eligibility is the only way that those individuals persecuted because of gender or sexual orientation may allege a successful asylum claim, many courts have refused to recognize such individuals as members of coherent social groups. Instead, these courts have reasoned that members of broadly based groups often manifest characteristics, such as a "plethora of different lifestyles, varying interests, diverse cultures, and contrary political leanings," which render them too diverse a group to be recognized under asylum law (258).

---

[86] "UNHCR recommends consideration of the following issues as well in deciding whether a particular case falls within the social group category:
(1) The group in question must be both distinct as an entity within the broader society and definable in terms of non-arbitrary characteristics shared by its members;
(2) The characteristics might be innate (such as sex, caste, color, family background), shared past experiences (such as former military or political leadership), or shared values, attitudes or behaviors (such as sexuality);
(3) The integrity of the group must exist in the perceptions of group members (i.e. it is internally cohesive) and/or from the viewpoint of the particular society, or segments therein (e.g. the government or other authorities) to which the group relates. External perception of the group is likely to be particularly important in asylum claims;
(4) The characteristics which define the group will exist independently of the fact of persecution but must nevertheless play a role in the persecution of group members (i.e. the members of the group will be persecuted on account of these characteristics);
(5) The historical, social, legal and political realities of the particular society to which the group relates will be relevant in identifying both the group's existence and the persecution which its members suffer or are likely to suffer;
(6) An applicant will need to demonstrate the risk of individual persecution. The existence
and persecution of the group and attachment to it will be evidence, although not necessarily conclusive, of the risk to the individual in question;
(7) There will be many instances where the ground of social group membership will overlap with one or other of the more precise grounds of persecution (particularly persecution on account of political opinion)" (UNHCR Asylum Lawyers Project 2016).

Hence, in order to "handle" the broad-ness[87] of the social group category, different receiving countries produce their own definitions of social group following international interpretations, UNHCR's suggestions or the previous cases that were precedents for understanding what constitutes a social group. In the U.S. for instance, based on INS's proposed regulations, a social group is defined as follows:

> composed of members who share a common, immutable characteristic, such as sex, color, kinship ties, or past experience, that a member either cannot change or that is so fundamental to the identity or conscience of the member that he or she should not be required to change it.[88]

This definition is internationally supported and encouraged. However, in its proposed regulations, the U.S. added six additional factors that decision-makers can use to determine what constitutes a social group:

> (1) the members of the group are closely affiliated with each other;
> (2) the members are driven by a common motive or interest;
> (3) a voluntary associational relationship exists among them;
> (4) the group is a societal faction or recognized segment of the population in the country
> (5) members view themselves as members of the group;
> (6) society distinguishes members of the group for different treatment or status than others in the society (Musalo and Knight 2001, 66-67).[89]

Karen Musalo and Stephen Knight (2001) call our attention to the concern that this list will be used as a checklist by decision-makers, which might result in cases being denied unless all the factors are established (67). In addition, Jenni Millbank and Catherine Dauvergne (2010) underline that using aspects such as "cohesion," "voluntary association," and "external social visibility" in

---

[87] Social group being defined broadly also raises "floodgate concerns" (Akram 2000, 19).
[88] https://www.uscis.gov/ilink/docView/FR/HTML/FR/0-0-0-1/0-0-0-62325/0-0-0-64099/0-0-0-64242/0-0-0-64298.html. We should also note here that this emphasis on immutable characteristic also encourages essentialist approaches to applicants, their social positions, and their cultures.
[89] Musalo and Knight (2001) add that "the first three of these criteria are drawn from a 1986 Ninth Circuit Court of Appeals decision, Sanchez-Trujillo v. LNS, 6 and the last three from the Board's decision in Matter of R-A-" (67).

defining a social group has been "emphatically rejected" by countries such as Australia, Canada, and the U.K., and UNHCR (939).

In Canada, for example, Nancy Kelly (1993) reminds us that the problem of broad-ness of the social group category was overcome by using the persecution in question to define the group:

> In recent cases, both the Federal Court of Canada and the Canadian Immigration and Refugee Board have articulated particular social groups to include the persecution the claimant is seeking to avoid. In granting a relief to a woman from China fleeing forced sterilization on the basis of her membership in a particular social group, the Federal Court of Canada found that "women in China who have more than one child and who are faced with forced sterilization" are identified by a purpose which is "so fundamental to their human dignity that they should not be required to alter it." By incorporating the feared harm into the definition of the group, the court limited the size of the particular social group, thus alleviating concerns that a group identified solely by gender was too broad (656-657).[90]

Thus, it matters significantly what the national interpretation and implementation of the social group category is since it influences greatly how gender-based claims are understood through the parameters of that category. For instance, in Millbank and Dauvergne's 2010 study of Forced Marriage cases, Canada did not have any claim by a female applicant that "was rejected on the basis of a lack of a social group" (937). By contrast, narrower social group categories such as "Guinean Fulani women who oppose forced, arranged marriage" was rejected in the U.S. because the claimant "did not enter into any voluntary associations based on her opposition to forced marriage, nor did she demonstrate that her abuser viewed her as a member of any such group" (social perception/visibility factor) (Millbank and Dauvergne 2010, 939, 940). Similarly, the group

---

[90] See Kelly 1993, 656-657 for why previous U. S. decisions suggest that it is very unlikely for the definition of persecution to be used in defining the social group in the U.S.

of "young Bambara women who oppose arranged marriage" was rejected in the U.S. because the group was not socially visible (Ibid., 940).[91]

"Membership in a particular social group" category is designed to be both "broad enough to offer protection to groups" whose social positions "put them at risk" and "flexible enough to evolve in response to changing circumstances" (Kelly 1993, 652). And that seems to be precisely why the institution of asylum preset this category to understand gender-based asylum. However, due to that design, the social group category also carries with itself the concern that it can easily become too broad and too flexible, and thus become a way to accept everyone who is facing any kind of harm. As I have discussed above, international and national efforts to narrow the social group category have introduced various parameters to 'size' the category. When gender-based asylum is understood through the social group category, how the social group category is interpreted, sized, and implemented within different asylum regimes gets to determine the conditions for the possibility of how gender-based asylum is understood. This is the structural conditioning of gender-based asylum through presetting a category. And decision-makers' reliance on this structural conditioning not only *enables* a way of understanding gender-based asylum but more importantly *limits* how gender-based asylum is understood via the parameters structurally set for the social group category. Millbank and Dauvergne's (2010) recounting of Elizabeth Ngengwe's case in the U.S. provides an important demonstration of how SED operates in gender-based asylum through presetting a category:

> Ngengwe claimed that she was subject to persecution as a widow by her husband's family following his death. The family had demanded that she marry one of her deceased husband's brothers (levirate marriage) or repay a bride price that her family had received

---

[91] The U.S. in fact has been criticized for using social visibility and voluntary association requirements as additional requirements to "innate/fundamental characteristic" approach as opposed to using them as alternatives (Millbank and Dauvergne 2010, 941). Millbank and Dauvergne further state that "on the issue of particular social groups the United States was and remains the most stagnant, least coherent and most out of step with international developments" (2010, 938).

on her original marriage. In 2003, before the immigration judge, Ngengwe offered both broader (Cameroonian widows or "widowed females who are forced into marriage because of tradition or cultural values in Cameroon") and narrower formulations of the group ("widowed females who are falsely accused of killing their husbands because they are not from the same tribe.") Despite the fact that there was a State Department Country Report in evidence which indicated that as a matter of customary law, widowed women in Cameroon were required by force to marry one of the deceased's brothers, the government contended before the Immigration Judge that widowed women facing forced marriage was "too broad a category to be cognizable as a particular social group under the Act." The government also contended that the characteristics of this group were not innate or immutable, as the applicant had "the power to change" by either marrying or paying back the bride price. The immigration judge accepted all of these arguments. In addition, the immigration judge found that the broadest formation of "widows" was not sufficiently homogenous to be cognizable as a group and rejected the narrower formulation of "widows facing forced marriage" because it defined the group by reference to the persecution. The immigration judge also rejected the narrowest group on the basis that this amounted to "simply a widowed female, who is disliked by her in-laws" and was therefore merely personal (943-944).[92]

The initial decision on the Ngengwe's case, then, demonstrates how SED operates in gender-based asylum because whether her case can be understood as a gender-based asylum is determined by the decision-makers' *reliance* on the existing institutionalized categories and practices of asylum in the U.S. in general and how the institution of asylum (through its categories and practices) presets the category of social group to evaluate her case in particular. This presetting structurally conditions the possibility of how her case can be understood within the limits of the social group category.

---

[92] It is important to note here that "the BIA affirmed this on review" (Millbank and Dauvergne 2010, 944). However, they continue, "on appeal, the Eight Circuit held that it was an error to reject the broadest formulation of 'Cameroonian widows' because the United States government's own country of origin evidence plainly demonstrated that they *did* share common immutable characteristics (gender and the experience of losing a husband) and were in fact viewed as a socially distinct group" (944). See Heitz 2013 and Sternberg 2011 with respect to Ngengwe's case as well. Although Heitz 2013 cites that in 2010, no decision was made on Ngengwe's case, Sternberg 2011 notes that BIA granted her asylum in 2009.

2.c. Endorsing Frames of Intelligibility

Endorsing frames of intelligibility, as another form of structural conditioning, refers to how institutions can endorse certain frames of intelligibility over others, and thus promote certain ways of understanding things over others. In understanding gender-based asylum, the institution of asylum endorses essentialist frames for culture. This is because first these frames allow the institution to approach culture as a state-like persecutor and second these frames reaffirm the moral and political authority of the host states. Decision-makers', lawyers', and advocates' reliance on this structural endorsement maintains an understanding of gender-based asylum cases through an "us and them" dynamic where applicants' cultures are portrayed not only as essentialist and homogeneous persecutors but also as archaic. As a result, gender-based cases/applicants that cannot replicate that dynamic or even slightly challenge that dynamic can easily end up encountering more resistance to be understood. In what follows, I demonstrate how and why essentialist frames for culture are endorsed by the institution of asylum and point out how relying on this endorsement maintains misinterpretation and misunderstandings of applicants' cases.

As I've discussed in Chapter 3, frames of intelligibility can be understood as interpretative frameworks that offer ways of structuring the conditions of intelligibility for a given social and political phenomenon by generating salience and determining/rearranging relevance concerning that phenomenon. Essentialist frames of intelligibility for cultures, then, refer to the way in which cultures are made intelligible through having an essence that is static and present for every member in the same way. The reason the institutionalized practices and categories of asylum endorse essentialist frames for culture is, at least, two-fold. First, encouraging essentialist frames for culture makes it easier to identify a "state-like" persecutor in gender-based asylum cases, i.e. a uniform and homogeneous culture. Second, seeing cultures as persecutors allows the receiving states and

cultures to substantiate their moral and political superiority (Bhabha 2002, Noll 2006). Thus, when gender-based asylum cases are structurally endorsed to be understood through essentialist frames for cultures and when asylum actors' reliance on this endorsement maintains that understanding, the narratives that challenge the experience of a uniform and homogeneous culture or the superiority of the receiving states are more likely to be not understood.

First, due to its historical development and practice, Refugee Law is biased for state-persecution. This is to say that the 1951 Convention and the 1967 Protocol are structured to understand persecution where the source of persecution is a totalitarian state (Noll 2006). A significant segment of gender-based asylum cases consists of applicants who transgress social mores, refuse broad social/cultural practices, express unwillingness to confirm with the prevailing social norms. When these cases were introduced into the institution of asylum, presenting cultures as persecutors or sources of persecution seemed like a reasonable option within the limits of the Refugee Law (Noll 2006). This is because if cultures can be presented as "state-like" persecutors, it becomes easier to utilize the already operating institutionalized practices and categories of asylum. This is where an essentialist frame for culture comes into the picture. Essentialist frames of intelligibility for cultures are encouraged by the institutionalized practices and categories of asylum in place because they allow cultures to be recognized as similar to states in their ability to uniformly and homogeneously control people. As Gregor Noll (2006) points out, in some cases, introducing the idea of culture as a source of persecution even represented cultures as stronger than states (494), which is important for establishing the lack state protection in the country of origin.

Second, seeing applicants' cultures as persecutors not only focuses on the essential, uniform, and homogeneous nature of these cultures but also emphasizes how "alien" and "premodern" they are, compared to the receiving states (Noll 2006, 495). As Noll (2006) argues,

essentialist representations of cultures as uniform and homogeneous persecutors "uphold and reproduce constructions of a particular cultural identity through the universal language of human rights:" Applicants' cultures full of violations of basic human rights vs. the receiving states/cultures as savior, rational and enlightened ones (491).[93] As both Millbank and Dauvergne (2010) and Noll (2006) call our attention to it, the difference between the reception of gender-based cases concerning FGM and the reception of gender-based cases concerning domestic violence is an important example of this pattern.

Accepting FGM cases as gender-based asylum cases, Noll notes, has been easier for the "Western" states because they could easily declare the practice as horrible, distance the practice from themselves, and say "we do not have this practice, so it must be horrible, and it must be an important human rights violation that requires international protection." In other words, accepting an FGM case "comes at no risk to the self-perception of the host state" (Noll 2006, 495). However, accepting domestic violence cases as requiring international protection (where the countries of origin fail to provide any meaningful protection) challenges that self-perception of the host state. "Western" states or the host countries can also easily be categorized as having a problem of domestic violence where the state cannot provide any meaningful protection. To use Noll's words, the problem of domestic violence "haunts states in the North" as well (2006, 496). Thus, to accept domestic violence cases as gender-based asylum cases would mean that the host countries are full of human rights violations themselves.[94] This, in part, explains "the tendency to exoticize gender claims" when understanding what gender-based asylum is and when shaping how its claims and its applicants should be understood.

---

[93] It is important to note here that these ways of understanding cultures have been very effective as weapons in the war against terror as well. (Davis 2005, 54).

[94] Cf. visible vs. invisible harm in McDonald-Norman 2017.

Thus, essentialist frames for cultures are structurally endorsed by the institution of asylum due to how those frames complement the idea of 'culture as persecutor' (which is supportable by the Convention) and maintain the moral and political superior position of the host states. This structural endorsement, through decision-makers', advocates' and lawyers' *reliance* on it when they engage gender-based asylum claims, conditions the possibilities for how gender-based asylum is understood. This reliance is quite significant because it is also what produces an economy of credibility for gender-based asylum applicants (Noll 2006). This reliance establishes and maintains an economy of credibility in the sense that applicants who refuse to present themselves as poor third world women and "submissive" victims, and applicants who chose to present themselves as politically active are usually not seen as credible. Applicants who show political commitment and political agency, who share their activism, who are seen as unassimilable and willful, who are not vulnerable and innocent enough for the Western states to offer international protection are usually not found as credible as their counterparts (Bhabha 2002, McKinnon 2016a). This is also supported by Millbank and Dauvergne's following claim which underlines the relationship between the likelihood of receiving a positive decision (which among other things involves being found credible) and essentialist frames for culture:

> Like many of the *positive* decisions [concerning forced marriage] in the international data set, the US positive decisions generally involved "something more" beyond the marriage itself, and that this something more" is profoundly "other" to the experience of a Western decision-maker. The most recent of these is Ngengwe, which involved the culturally distant practice of levirate marriage. Likewise, in the 2007 Joseph decision, a woman from Pakistan feared a forcible marriage on return and presented a narrative which included violent attacks by her family and a history of so-called "honor killings." These cases all fit into the pattern of "othering" or "exocitizing" women refugee claimants, presenting them as victims of distant and backwards "traditional" cultural practices (2010, 959, my emphasis).

Furthermore, I have to emphasize here that it is important to notice not only decision-makers' but also lawyers' and advocates' reliance on this structural endorsement of essentialist frames for understanding gender-based asylum. This is because lawyers and advocates, either due to being aware of decision-makers' reliance or being used to the regular workings of the institution of asylum, can contribute to the maintaining of this structural endorsement by encouraging applicants to present or talk about their cases in certain ways rather than others. Akram (2000) in fact argues that advocates and lawyers *silence* their applicants by encouraging them to present their cases through essentialist frames for culture, religion, and countries. This really points at the structural nature of this problem. The institution of asylum forces applicants to present their cases through essentialist frames because it is one of the only ways in which they can make their persecution intelligible, i.e. by presenting their cultures as uniform and homogeneous persecutors. Yet, through that same mechanism, they get punished if they attempt at sharing the complexity of their situation or if there is anything in their narrative that doesn't fully complement what those essentialist frames make intelligible for decision-makers.

2.d. Overshadowing Other Categories

This form of structural conditioning of gender-based asylum can be understood as a result of the previous two ways of structural conditioning I have discussed. Both presetting the social group category and endorsing essentialist frames for culture can overshadow the relevance of other grounds such as "religion" and "political opinion" for understanding gender-based asylum cases. That is to say, decision-makers', advocates', and lawyers' reliance on structural conditioning of gender-based asylum through presetting a category and through encouraging essentialist frames for culture makes it more difficult to demonstrate the relevance of other asylum categories such as

religion and political opinion to applicants' cases. This is because essentialist frames for culture while emphasizing gender-based persecution due to "culture" might overlook the religious and political background of the persecution. Similarly, using the social group category, while emphasizing the group of "women" in a simplistic and non-intersectional way might erase the important religious and political bases of persecution. To put it simply, the institutionalized practices and categories of asylum, while trying to process gender-based asylum cases, can overshadow the relevance of other categories to gender. As Alice Edwards suggests, "the emphasis on gender in women's asylum claims…often minimizes the political, racial, and religious causes of persecution…" (2010, 21). I discuss how this overshadowing occurs and how reliance on it influences the ways in which applicants' cases are understood by drawing on Susan Musarrat Akram's discussion of Nada's[95] case in Canada and Safaie's case in the U.S. (2000).

In her article "Orientalism Revisited in Refugee and Asylum Claims," Akram (2000) argues that especially in cases concerning Muslim women, the category of gender-based asylum ends up being more harmful than useful. This is because the structural conditioning of gender-based asylum overshadows the categories of religion and political opinion when gender-based asylum is understood. And she demonstrates that advocates' and lawyers' reliance on this overshadowing of religion and political opinion in understanding gender-based asylum silences Muslim women. More specifically, for Akram, this overshadowing of religion and political opinion is a result of the fact that when Muslim women's cases are represented as gender-based asylum cases, a stereotypical understanding of Islam is used, and the sources of persecution are portrayed as "Islamic Law" and "Muslim mores" (similar to what I've discussed above) (2000,

---

[95] This was a fictitious name used by her counsel. See Akram 2000.

18). In other words, for Akram, the structural conditioning of gender-based asylum destroys the possibility of understanding those cases on grounds of political opinion or religion.

> In a 1991 asylum case in Canada, Nada, a young Saudi woman, claimed she had been persecuted in her country for refusing to wear the veil and for protesting the regime's enforcement of sexist laws. She claimed that when she went outside without covering her face, even though she covered the rest of her body with the *abayah*, she was stoned, spat on, and subjected to obscenities and hissing. She listed the repressive laws applying to her: she was prohibited from driving, she could not study in any field she wanted, she could not travel without a male relative's consent, and her freedom was circumscribed as she had to fear the *mutawwa'in* (the religious police), who would beat her with sticks or jail her for not being modestly dressed (Akram 2000, 25).

Akram notes that Nada's lawyer built her case based on Nada's "political beliefs of feminism" and her membership in a particular social group (2000, 25). Those two were shown as underlying her "subjection to persecution from the Saudi authorities" (25). In addition, the lawyer claimed that Nada "would be persecuted because of minority religion" (meaning Shi'ism) (25). Akram (2000) continues:

> Nada's claim was rejected by the Canadian Immigration and Refugee Board on the grounds that it was not credible that an Arab Muslim woman would disagree with the authorities of a Muslim State. The Refugee Board found that her feminism was not a 'political opinion' for purposes of refugee status, and that she should "comply with the laws of general application she criticizes" (25).

It is important to note here that after a lot of human rights organizations and women's groups pressured the Canadian Immigration authorities on their denial of asylum, Nada was granted the right to remain in Canada on humanitarian grounds (Akram 2000, 26). And Nada herself discussed some of these issues publicly:

> The discrimination and repression I lived with in Saudi Arabia had political and not cultural roots. When governments impose a certain set of beliefs on individuals, through propaganda, violence or torture, we are dealing not with culture but rather with political expediency. The claim that such practices are cultural is dangerous, if not racist. When a woman walks down the street in Saudi Arabia without a veil and the Mutaww'ain (religious

109

police) flog her, this is not cultural, its political. Who gave permission to the Mutawwa'ain? The government. They fear that women will try to change things, and they'll lose their political power…The status of women in the Middle East is deteriorating, not because of Islam as some claim, but because of political oppression. Islam is being manipulated. In the Middle East, as everywhere else, men would do anything to preserve their power and authority. In Saudi Arabia, the veil is just a form of oppression, a way for men to say they have power over women… In the Middle East, men have chosen to exploit Islam for their own interests, not out of piety or fear of Allah. But elsewhere men have used other religions or ideologies to achieve personal political gains… Women are repressed everywhere around the world, no matter what the religions, no matter what the culture (Akram 2000, 26).

In light of Nada's words, let's come back to what the Board had said: *it is not credible that an Arab Muslim woman would disagree with the authorities of a Muslim state*. This, at its core, not only assumes a monolithic and a uniform understanding of Islam but also equates the government's actions with religion. This sentence uttered by the Board is a shorter version of the following: *There is one way and one way only to understand and practice Islam. An Islamic State understands and practices Islam that way. Therefore, under no circumstances, someone who claims to be practicing Islam can oppose to their Islamic State.* Thus, representing Nada's case with an essentialist frame for Islam, where the source of her persecution is framed as Islam and Muslim mores, renders two things impossible at the same time: 1. Nada being a Muslim woman who oppose to her government's way practicing Islam. 2. "the political nature of her opposition" (Akram 2000, 27). As a result, she is left with either defending her feminism as a political opinion while denouncing Islam or not denouncing Islam and having no case to present.

Nada's case demonstrates that when gender-based asylum cases are understood, relying on how the institutionalized practices and categories condition the possibilities for how these cases are understood matters significantly. In this case, we can see that gender-based asylum understood through decision-makers', lawyers', and advocates' reliance on the structural encouragement of

110

essentialist frames for culture renders impossible Nada's case to be understood as a political opinion case.

In Safaie v. INS, Azar Safaie applied for asylum in the U.S. on the basis of her gender. Her first social group claim was characterized by the Court as follows: "Safaie asserts that Iranian women, by virtue of their innate characteristic (their sex) and the harsh restrictions placed upon them, are a particular social group."[96] Safaie's second social group claims states that she is in the group of "Iranian women who advocate women's rights or who oppose Iranian customs relating to dress and behavior" (Akram 2000, 31-32). With respect to the first social group claim, the Court has said that "no factfinder could reasonably conclude that all Iranian women had a well-founded fear or persecution based solely on their gender" (Akram 2000, 31). With respect to the second social group claim, the Court indicated that there wasn't enough evidence affirm that "her opposition [to the regime] was of the depth and intensity required" (Akram 2000, 32).

As we can see from Safaie's case, her first social group claim was denied due to being too broad to have any "meaningful" sense of persecution. In this way, we can argue that the institution of asylum presetting the category of social group to be used to process gender-based asylum claims is significant for Safaie's decision. However, more importantly, Akram highlights that her opposition being received as not deep or intense enough could have been prevented if her dissidence as a Muslim woman was portrayed through a thorough discussion of the "very fundamental disagreements raging in the Muslim world to Iranian interpretations of the requirements of the faith, and the serious political implications of such disagreements" (2000, 32).[97]

---

[96] Safaie, 25 F. 3d 636, 639 (8th Cir. 1994) as cited in Akram 2000, 31.
[97] Also see Akram 2000 and McKinnon 2016a and McKinnon 2016b for further discussion of gender-related cases of Iranian women in particular.

Thus, Safaie's case also demonstrates to us that the institutionalized practices that conditions how gender-based asylum is understood through the category of social group and/or essentialist frames for cultures (that are persecutors) can simultaneously overshadow the relevance of "religion" and "political opinion" grounds. And decision-makers, lawyers, and advocates can end up relying on this overshadowing when they construct, present, discuss, and evaluate gender-based asylum cases.

2.e. Enforcing Epistemic Simplification

The last way in which structural conditioning occurs in the context of asylum that I will be discussing here is the institution of asylum's enforcement of epistemic simplification. That is to say, the institution of asylum and its legal landscape not only prioritize but also enforce and reward epistemic simplification. Epistemic simplification, here, refers to prioritizing simplistic, i.e. less complex, single-axis[98], i.e. not intersectional, and stereotypical practices when we know. Enforcing epistemic simplification in gender-based asylum, then, refers to how the institution of asylum and its legal landscape enforce, legitimize, and reward simplistic, single-axis, and stereotypical practices for analyzing and thus conditions the possibilities for understanding gender-based asylum claims. Actors involved in the gender-based asylum context, i.e. decision-makers, lawyers, and advocates, *rely on* this enforced epistemic simplification when they understand, evaluate, construct or adjudicate those cases. This enforcement for epistemic simplification enables and sustains many of the problems I have discussed above such as problematic parameters for social group, preferences for essentialist frames, and unwillingness to consider different asylum grounds (gender, race, religion, political opinion, etc.) together.

---

[98] I understand single-axis practices of knowing to be referring to those practices where only one structure or one category under one structure is considered as opposed to multiple-axis thinking (Cho et al. 2013, 802, 803).

In "Internationalist Gatekeepers: The Tension between Asylum Advocacy and Human Rights," Jacqueline Bhabha (2002) notes that the law "demands *recognizable categories*" (163, my emphasis). In "Race and Essentialism in Feminist Legal Theory," Angela Harris (1990) mentions the law's tendency to privilege a "unitary voice" (585). In Refugee Law especially concerning gender-based asylum, this demand and this tendency seem to translate into a desire to have a "clear-cut picture of persecution" which is described through a monolithic experience of a social position/form of oppression (Bhabha 2002, 162; Harris 1990). This expectation of a clear-cut picture of persecution understood through a monolithic experience of a social position/form of oppression pressures people to generate simplistic, single-axis, reductive, and stereotypical accounts of applicants' experiences (Bhabha 2002, 162). This is to say, the institution of asylum disfavors open-ended, complex, and complicated lines of inquiry when understanding, constructing or evaluating applicants' cases and, as a result, favors tendencies to ignore important details in those cases.

In "Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House," Trina Grillo (1995) suggests that in order to fight against the essentialist tendencies of law, we should do what the anti-essentialism and intersectionality critiques ask us to do and "define complex experiences as closely as to their full complexity as possible" and we should not "ignore voices at the margin" (22). And precisely this attention on complexity and voices at the margin is discouraged by the institutionalized practices and categories of asylum. This is because complex definitions of experiences of persecution do not provide easily recognizable categories and unitary voices. Faced with structural discouragement of complexity, Bhabha (2002) notes that simplification and stereotyping become "necessary strategies" in asylum advocacy (163). Simplification and stereotyping becoming necessary strategies for advocates and lawyers

demonstrates to us how they end up relying on the enforced epistemic simplification (through institutionalized categories and practices of asylum) in their efforts to make gender-based asylum cases understood within the limits of the Convention.

Structurally enforced epistemic simplification and its (willfully or not) maintenance by advocates and lawyers cause an important problem that I would like to briefly mention: Intersectional approaches to asylum cases are not structurally supported, which is, to say the least, not surprising. This is because, as I briefly mentioned above and as Kristie Dotson (2014b) argues, one of the important points of intersectionality is precisely to consider complexity:

> Intersectionality, as a mechanism for the constitution of social facts about oppression calls for methodological orientations that include, but are not limited to, the consideration that our social landscapes are exceedingly complex and particular locations within these landscapes can be very difficult to identify depending on one's socio-epistemic orientation… (45).

Intersectionality, for Dotson, approaches oppression as a "multi-stable phenomenon," which is to say that there are multiple ways in which we can understand and experience oppression, and these multiple ways are "apodictically certain" (43).  And in its understanding of oppression as a multi-stable phenomenon, intersectionality continuously attempts "to relate seemingly unrelatable experiences of oppression" and demands "open-ended consolidation of manifestations and experiences of oppression" (46). This is to say that an intersectional approach to gender-based asylum would attempt to continuously consider "seemingly irrelevant aspects" of the cases to question their possible relevance and refrain from defining experiences of a social position/form of oppression in an unquestionable manner.

Hence, looking at intersectionality's demands for understanding oppression clarifies not only why gender-based asylum claims are not understood intersectionally but also why intersectional approaches are not supported structurally. When structures enforce epistemic

simplification, which in this case translates into practicing Refugee Law with an expectation of a clear-cut persecution defined through essentialist and unitary voices, they render intersectional approaches impossible. This is because an intersectional approach, when applied into asylum claims, introduces complexity, not easily recognizable categories, and seemingly irrelevant relevances, all of which challenges the eligibility of the claim given the operative and institutionalized practices and categories. Lesbian asylum seekers' struggle with the institution of asylum in terms of trying to get gender-based and sexual-orientation based violence recognized together in all of their complexities and intricacies is one among many examples we can point at (Millbank 2003, Neilson 2005).[99]

### 3. Conclusion

In this chapter, I have discussed "the impact" the institution of asylum (its practices and its categories) has on knowledge production concerning gender-based asylum by virtue of how it conditions the possibilities for how gender-based asylum is understood. I have called this conditioning structural and identified five ways in which it occurs: creating resistance to know, presetting a category, endorsing frames of intelligibility, overshadowing other categories, and enforcing epistemic simplification. I have argued that state or non-state actors' reliance on these ways of structural conditioning of gender-based asylum demonstrates how structural epistemic dependence operates in the context of gender-based asylum and shapes the ways in which gender-based cases are understood and assessed. This is not to say that there are no other forms of structural conditioning, and thus no other ways in which structural epistemic dependence operates in gender-based asylum. However, it is to say that the kind of reliance I have identified here

---

[99] Also see McKinnon 2016a for a discussion of intersectionality regarding Gendered Asylum and Marguiles 1994 for an intersectional discussion of women asylum seekers with HIV.

through five particular forms of structural conditioning not only enables certain ways of understanding gender-based asylum but also maintains certain misunderstandings and misinterpretations of applicants' cases. Thus, it exemplifies how structural epistemic dependence can operate in the context of gender-based asylum.

There are other concrete conditions structured by the institutionalized practices of asylum that are important for gender-based cases but are not included in my discussion of structural epistemic dependence. For instance, it is crucial to ask questions such as: How many cases of asylum does each host country receive every year? How many judges and asylum officers are there? And how much time do they relocate to each case? Akram (2000), for example, discusses the importance of New Zealand's development of a "relatively sophisticated jurisprudence" on the issue of Islam in refugee claims but also notes that New Zealand "handles a small proportion of asylum applicants" compared to other host states and has restrictive immigration and visa policies to deter the arrival of asylum seekers (37, 38).[100] It is also important to ask how much guidance and support the host state provides the applicants. Millbank and Dauvergne (2010) note that compared to Australia, the U.K., and Canada, the U.S. puts a lot burden on the applicant in terms of gathering her own evidence and deciding which categories to use and how to use them. And finally, it is of course crucial to situate my discussion in a more extensive and complicated analysis that examines, to use Chandra Mohanty's words, "how citizenship, naturalization, and immigration laws are structured alongside of particular readings of gender, race, and class within and among neoliberal and capital states" (1991, 27-28).

---

[100] Also see UNHCR 2014.

**CONCLUSION**

*What are the different intolerables from which we desire to flee? And how do we distinguish between those sites to which we must return and those from which we must flee entirely? What becomes of those who cannot flee, no matter how intolerable the conditions? In order to wrestle with these questions we would need to adopt, as daily practice, ways of being and of relating, modes of analyzing, and strategies of organizing in which we constantly mobilize identification and solidarity, across all borders, as key elements in the repertoire of risks we need to take to see ourselves as part of one another, even in the context of difference. We would need to disappear the idiocy of "us" and "them" and its cultural relativist underpinnings, the belief that "it could never happen to us," so that our very consciousness would be shaped by multiple histories and events, multiple geographies, multiple identifications.*

M. Jacqui Alexander (2005), 265

In this dissertation, I have argued that tracking problematic operations of epistemic dependence can provide an illuminating framework for understanding the epistemological impact of social and political structures that govern gender-based asylum claims. I have first tried to demonstrate that decision-makers can afford to arbitrarily, ambiguously, and in a systematic fashion misinterpret or misunderstand applicants' experiences, cultures, and countries. I have, then, analyzed the affordance of these misinterpretations and misunderstandings, i.e. the institutional comfort enjoyed by state-actors, through different forms of epistemic dependence (interpersonal, communal, and structural) enacted by decision-makers, lawyers, and advocates.

Hence, in Chapter 1, I demonstrated that the institution of gender-based asylum structurally provides legitimacy to the institutional comfort state-actors enjoy in deciding how to understand and interpret applicants' experiences and cases. As a result, the institution of gender-based asylum is structured to produce testimonial and contributory injustice. In the following chapters, I analyzed this affordance of misinterpretation and misunderstandings through different forms of reliance employed by decision-makers, lawyers, and advocates. In chapter 2, I used the lens and language of interpersonal epistemic dependence to analyze why applicants' contributions to knowledge production in regard to their lived experiences (in their cultures and countries) are not usually

relied upon. I indicated that applicants seem to suffer from significant epistemic exclusion on an interpersonal level due to their relevant epistemic labor not being recognized and/or the results of their epistemic labor being denied uptake.

In chapter 3, I argued that understanding communal epistemic dependence as depending on communities for epistemic resources can be useful in diagnosing why applicants and their cases are found unintelligible in a systemic and persistent fashion. This is because, through resource-emphasizing form of communal epistemic dependence, we can turn to particular frames of intelligibility developed and circulated by different communities. I demonstrated that decision-makers', lawyers' and advocates' reliance on the communities who develop and circulate certain frames of intelligibility such as essentialist frames for cultures and (in)complete frames for gender enables and limits how gender-based claims and applicants are understood and assessed.

In chapter 4, by developing an account of structural epistemic dependence, I discussed how the institution of asylum conditions the possibilities for how gender-based asylum is understood. I argued that state and non-state actors' reliance on different forms of structural conditioning (creating resistance to know, presetting a category, endorsing frames of intelligibility, overshadowing other categories, and enforcing epistemic simplifications) frames how gender-based cases are understood and assessed.

Exploitation of these different forms of epistemic dependence in gender-based asylum cases toward arbitrary, ambiguous, and inconsistent yet systemic and persistent misinterpretation and misunderstanding is a form of epistemic oppression where applicants are excluded from social knowledge production processes on different levels. And this exclusion is structurally enabled and maintained by the institution of gender-based asylum. This is not to attribute a special, i.e. more important, place to epistemic oppression compared to other forms of persecution gender-based

asylum applicants face in their countries, while being displaced, in camps, etc. However, it is to emphasize how epistemic oppression caused and perpetuated by the institutional responses to forced displacement creates an additional obstacle for them to escape from precisely these other oppressive conditions.

Following the analysis I have provided in this dissertation, I think it is important to raise at least two questions. 1. What is it that a structural and epistemological analysis can do in this case? 2. Can this analysis be extended to the institution of asylum in general? I now try to answer these questions briefly.

First, it is important to articulate what a structural and epistemological analysis can enable in the context of gender-based asylum. I should note here that the point of this analysis is not to overlook or undermine the success of how gender-based asylum is used by advocates and lawyers to obtain refugee status for many asylum seekers. However, the point is to understand the failures of this institution better if the intention is to keep gender-based asylum as a separate asylum category. If the institution of gender-based asylum is structured to enable and maintain different forms of epistemic exclusion, then we have to ask: What do we need to pay more attention to in developing guidelines, practices, and policies for gender-related persecution in order to make sure that states comply with the 1951 Refugee Convention when considering gender-related persecution? This question is crucial to remind ourselves that "the law cannot on its own create justice" (Davis 2005, 88). Thus, a structural and epistemological analysis in the context of gender-based asylum can allow us to acknowledge the limits of the national and international law, which is significant for projects that plan to create more just institutional practices (Davis 2005, 88).

Furthermore, it is important to ask whether this analysis can be extended to the institution of asylum in general. Is the institution of asylum structured to produce different forms of epistemic

exclusion asylum seekers suffer from? Although answering this question requires a more detailed and extensive discussion, I would like to mention a few points that speak to the importance of raising that question. When discussing refugee claimants in Canada, Jill Rusin and Mark Franke (2010) cite an excerpt from an interview with a Nigerian refugee claimant. This claimant complains about the lack of clear guidelines and criteria in courts' interpretation of race, political opinion, the social and political context in the countries of origin:

> To go to the level of the hearing proper, I don't know the criteria that they are using to make their judgements. I told you before about the Nigerian from Viessa state, Orgoniland. I felt he should have won status here but he lost his case ... I know that that area is being wracked by violence between the indigenes and the government. The people from the area produce the wealth of the country while they are being neglected. They are environmentally being destroyed by the international oil companies: Mobil, Shell, Chevron. Based on my experience of what is going on in that area of the country, anybody from that area is at risk, a refugee in their own country. I feel if somebody from that area can lose his case, do I stand a good chance of winning mine? At least give some clear guidelines. You can make your claim on race, religion, political opinion ...but race in what way? It's not that clear. They are making this claim based on their political opinion or for religious reasons only to be told it is not this...It is not fair for people to see the process as a gambling thing ...cause you never know if you are going to win or not (Rusin and Franke 2010, 188-9).[101]

This excerpt suggests that decision-makers' inconsistent, ambiguous, and arbitrary assessments of applicants' cultures, countries, and experiences can create problems for asylum claims other than those that are gender-based. In other words, state actors' approaches to asylum grounds such as race, political opinion, and religion can also be arbitrary, ambiguous, and inconsistent in a systemic and persistent fashion.

In addition, the UNHCR, in a 2012 report, states that "wealthier countries that are geographically removed from crisis zones implement numerous measures to deter and prevent the arrival of asylum-seekers" (9). This is to say that current asylum procedures are further influenced

---

[101] This excerpt is from Lokhorst 2003 as cited in Rusin and Franke 2010.

by how states manage immigration in general. According to the UNHCR (2012), the increasing border control mechanisms[102] make the institution of asylum less and less meaningful as a way of protecting refugees. However, the practice of asylum not only is made more difficult and complicated, but also is "fraught with inconsistencies" (2012, 10). States do not have a consistent understanding of asylum and offer very different types of protection. These inconsistencies, the UNHCR notes, undermine the integrity of the international refugee protection system (2012, 10).

Within this context, then, paying attention to the structural limits of the institution of asylum is not only important for reforming or rebuilding the existing asylum practices but also for "re-imagining" and building other types of institutions, ideas, and strategies for international protection (Davis 2005, 71). This dissertation is not structured to make the claim that we should do away with the institution of asylum. That would require a different set of questions and arguments. More importantly, I am not sure how useful it is to make that claim at a time where asylum is becoming less and less meaningful as a protection mechanism. Diagnosing and recording the failings of the institution of asylum, on the other hand, can be useful for evaluating how "we" respond to forced displacement and for coming up with different ways to address forced displacement.

---

[102] Border control mechanisms such as "border closures, push-backs, interception at sea, visa requirements, carrier sanctions, and offshore border control" (UNHCR 2012, 10).

BIBLIOGRAPHY

# BIBLIOGRAPHY

Akram, Susan. M. 2000. "Orientalism Revisited in Asylum and Refugee Claims." *International Journal of Refugee Law* 12(1): 7-40.

Alcoff, Linda M. 1991. "The Problem of Speaking for Others." *Cultural Critique* 20: 5-32.

———. 2001. "On Judging Epistemic Credibility: Is Social Identity Relevant?" In *Engendering Rationalities*, edited by Nancy Tuana and Sandra Morgen, 53-80. Albany: SUNY Press.

———. 2007. "Epistemologies of Ignorance: Three Types." In *Race and Epistemologies of Ignorance*, edited by Shannon Sullivan and Nancy Tuana, 39-57. Albany: SUNY Press.

———. 2008. "How is Epistemology Political?" In *The Feminist Philosophy Reader*, edited by Alison Bailey and Chris Cuomo, 705-18. New York: McGraw-Hill.

Alexander, M. Jacqui. 2005. *Pedagogies of Crossing: Meditations on Feminism, Sexual Politics, Memory and the Sacred*. Durham & London: Duke University Press.

Andersen, Hanne, and Susann Wagenknecht. 2013. "Epistemic Dependence in Interdisciplinary Groups." *Synthese* 190: 1881-98.

Anthias, Floya. 2012. "Transnational Mobilities, Migration Research, and Intersectionality: Towards a Translocational Frame." *Nordic Journal of Migration Research* 2(2): 102-10.

Antoniades, Andreas. 2003. "Epistemic Communities, Epistemes and the Construction of (World) Politics." *Global Society* 17(1): 21-38.

Bahl, Anjana. 1997. "Home is Where the Brute Lives: Asylum Law and Gender-Based Claims of Persecution." *Cardozo Women's Law Journal* 4: 33-73.

Baillot, Helen, Sharon Cowan, and Vanessa E. Munro. 2014. "Reason to Disbelieve: Evaluating the Rape Claims of Women Seeking Asylum in the U.K." *International Journal of Law in Context* 10(1): 105-39.

Bauman, Emily, and Sarah D. Miller. 2012. Comprehensive Literature Review of Global Public Policy: Creating a Framework for Understanding Global Refugee Policy." Refugee Studies Centre, Working Paper Series, No. 87. University of Oxford. Accessed June 8, 2018. https://www.rsc.ox.ac.uk/publications/comprehensive-literature-review-of-global-public-policy-creating-a-framework-for-understanding-global-refugee-policy.

Bergin, Lisa A. 2002. "Testimony, Epistemic Difference, and Privilege: How Feminist Epistemology can Improve Our Understanding of the Communication of Knowledge." *Social Epistemology* 16(3):197-213.

Betts, Alexander, and Jean-François Durieux. 2007. "Convention Plus as a Norm-Setting Exercise." *Journal of Refugee Studies* 20(3): 509-35.

Bhabha, Jacqueline. 2002. "Internationalist Gatekeepers: The Tension between Asylum Advocacy and Human Rights." *Harvard Human Rights Journal* 15: 155-81.

Boykoff, Jules. 2007. *Beyond Bullets: The Suppression of Dissent in the United States*. California: AK Press.

Butler, Judith. 2009. *Frames of War: When is Life Grievable?* Verso Books.

Calvert-Minor, Chris. 2011. "'Epistemological Communities' and the Problem of Epistemic Agency." *Social Epistemology* 25(4): 341-60.

Castleden, Heather. E., Debbie Martin, Ashlee Cunsolo, Sherilee Harper, Catherine Hart, Paul Sylvestre, Robert Stefanelli, Lindsay Day, and Kaitlin Lauridsen. 2017. "Implementing Indigenous and Western Knowledge Systems (Part 2): 'You Have to Take a Backseat' and Abandon the Arrogance of Expertise." *The International Indigenous Policy Journal* 8(4), Article 8.

Cho, Sumi, Kimberlé Crenshaw, and Leslie McCall. 2013. "Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis." *Signs* 38 (4): 785-810.

Coady, Cecil A. J. 1992. *Testimony: A Philosophical Study*. Oxford: Oxford University Press.

Code, Lorraine. 1991.*What Can She Know? Feminist Theory and the Construction of Knowledge*. Ithaca, NY: Cornell University Press.

———. 1993. "Taking Subjectivity into Account." In *Feminist Epistemologies*, edited by Linda Alcoff and Elizabeth Potter, 15-48. New York: Routledge.

———. 2006. *Ecological Thinking: The Politics of Epistemic Location*. New York: Oxford University Press.

———. 2010. "Testimony, Advocacy, Ignorance: Thinking Ecologically about Social Knowledge." In *Social Epistemology*, edited by Adrian Haddock, Alan Miller, and Duncan Pritchard, 29-50. New York: Oxford University Press.

Cogburn, Derrick. 2005. "Partners of Pawns? The Impact of Elite Decision-Making and Epistemic Communities in Global Information Policy on Developing Countries and Transnational Civil Society." *Knowledge, Technology, & Policy* 18(2): 52-81.

Craig, Edward. 1990. *Knowledge and the State of Nature*. New York: Oxford University Press.

Crenshaw, Kimberlé. 1991. "Mapping the Margins: Intersectionality, Identity politics, and Violence against Women of Color." *Stanford Law Review* 43 (12): 1241–99.

———. 1992. "Whose Story Is It, Anyway? Feminist and Antiracist Appropriations of Anita Hill." In *Race-ing Justice, En-gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality*, edited by Toni Morrison, 402-40. New York: Pantheon Books.

Cross, Mai'a K. Davis. 2013. "Rethinking Epistemic Communities Twenty Years Later." *Review of International Studies* 39: 137-60.

Dalmiya, Vrinda, and Linda Alcoff. 1993. "Are 'Old Wives' Tales' Justified?" In *Feminist Epistemologies*, edited by Linda Alcoff and Elizabeth Potter, 217-44. New York: Routledge.

Daniel, E. Valentine, and John Chr. Knudsen. 1995. *Mistrusting Refugees*. Berkeley: University of California Press.

Davis, Angela. 1998. *The Angela Y. Davis Reader* (edited by Joy James). Massachusetts & Oxford: Blackwell Publishers.

———. 2003. *Are Prisons Obsolete?* New York: Seven Stories Press.

———. 2005. *Abolition Democracy: Beyond Empire, Prisons, and Torture*. New York: Seven Stories Press.

De Ridder, Jeroen. 2014. "Epistemic Dependence and Collective Scientific Knowledge." *Synthese* 191: 37-53.

Dotson, Kristie. 2008. "In Search of Tanzania: Are Effective Epistemic Practices Sufficient for Just Epistemic Practices." *The Southern Journal of Philosophy* XLVI: 52-64.

———. 2011. "Tracking Epistemic Violence, Tracking Practices of Silencing." *Hypatia* 26(2): 236-56.

———. 2012. "A Cautionary Tale: On Limiting Epistemic Oppression." *Frontiers: A Journal of Women's Studies* 33(1): 24-47.

———. 2014a. "Conceptualizing Epistemic Oppression." *Social Epistemology* 28(2): 115-38.

———. 2014b. "Making Sense: The Multistability of Oppression and the Importance of Intersectionality." In *Why Race and Gender Still Matter*, edited by Namita Goswami, Maeve M. O'Donovan, and Lisa Yount, 43-57. Pickering & Chatto.

———. 2017. "Theorizing Jane Crow, Theorizing Unknowability." *Social Epistemology* 31(5): 417-30.

———. (Forthcoming). "Accumulating Epistemic Power: A Problem with Epistemology." In a special issue of *Philosophical Topics*: Can Beliefs Wrong.

Dotson, Kristie, and Ezgi Sertler. (Forthcoming). "When Freeing Your Mind Isn't Enough: Framework Approaches to Social Transformation and Its Discontents." In *Applied Epistemology*, edited by Jennifer Lackey. Oxford University Press.

Dunlop, Claire A. 2000. "Epistemic Communities: A Reply to Toke." *Politics* 20(3): 137-44.

———. 2012. "Epistemic Communities." In *Routledge Handbook of Public Policy*, edited by Eduardo Araral, Scott Fritzen, Michael Howlett, M. Ramesh, and Xun Wu, 229-43. London & New York: Routledge.

Dübgen, Franziska. 2016. "Epistemic Injustice in Practice." *Wagadu: A Journal of Transnational Women's and Gender Studies* 15:1-10.

Edwards, Alice. 2010. "Transitioning Gender: Feminist Engagement with International Refugee Law and Policy 1950-2010." *Refugee Survey Quarterly* 29(2): 21-45.

Fagan, Melinda B. 2011. "Is There Collective Scientific Knowledge? Arguments from Explanation." *The Philosophical Quarterly* 61(243): 247-69.

Faulkner, Paul. 2010. "Norms of Trust." In *Social Epistemology*, edited by Adrian Haddock, Alan Miller, and Duncan Pritchard, 129-47. New York: Oxford University Press.

———. 2011. *Knowledge on Trust*. New York: Oxford University Press.

Ferkany, Matt, and Kyle Powys Whyte. 2012. "The Importance of Participatory Virtues in the Future of Environmental Education." *Journal of Agricultural and Environmental Ethics* 25: 419-34.

Flärd, Helge. 2007. The Use, Misuse, and Non-use of Country of Origin Information in the Swedish Asylum Process. The Swedish Refugee Advice Centre, Stockholm. Accessed June 8, 2018. http://sweref.org/wp-content/uploads/2015/09/the_use_misuse_and_non-use_of_country_of_origin_information_in_the_swedish_asylum_process.pdf

Freedman, Karyn. 2015. "Testimony and Epistemic Risk: The Dependence Account." *Social Epistemology* 29(3): 251-69.

Fricker, Elizabeth. 1995. "Critical Notice." *Mind* 104: 393-411.

Fricker, Miranda. 2007. *Epistemic Injustice: The Power and Ethics of Knowing*. Oxford & New York: Oxford University Press.

———. 2016. "Epistemic Injustice and the Preservation of Ignorance." In *The Epistemic Dimensions of Ignorance*, edited by Rik Peels and Martijn Blaauw, 160–77. Cambridge: Cambridge University Press.

———. 2017. "Evolving Concepts of Epistemic Injustice." In *The Routledge Handbook of Epistemic Injustice*, edited by Ian James Kidd, José Medina, and Gaile Pohlhaus Jr, 53-60. New York: Routledge.

Gelfert, Axel. 2013. "Coverage-Reliability, Epistemic Dependence, and the Problem of Rumor-Based Belief." *Philosophia* 41: 763-86.

Gilbert, Margaret. 2002. "Belief and Acceptance as Features of Groups." *Protosociology* 16: 35-69.

———. 2004. "Collective Epistemology." *Episteme* 1(2): 95-107.

Godfrey, Peter. 1994. "Defining the Social Group in Asylum Proceedings: The Expansion of the Social Group to Include a Broader Class of Refugees." *Journal of Law and Policy* 3: 257-88.

Goldberg, Pamela. 1995. "Where in the World Is There Safety for Me?: Women Fleeing Gender-Based Persecution." In *Women's Rights, Human Rights: International Feminist Perspectives*, edited by Julie Peters and Andrea Wolper, 345-55. New York: Routledge.

Goldberg, Sanford. 2010. *Relying on Others: An Essay in Epistemology*. New York: Oxford University Press.

———. 2011a. "If That Were True: I Would Have Heard It by Now." In *Social Epistemology: Essential Readings*, edited by Alvin Goldman and Dennis Whitcomb, 92-108. New York: Oxford University Press.

———. 2011b. "The Division of Epistemic Labor." *Episteme* 8(1): 112-25.

———. 2013. "Epistemic Dependence in Testimonial Belief, in the Classroom and Beyond." *Journal of Philosophy of Education* 47(2): 168-86.

Good, Anthony. 2007. *Anthropology and Expertise in the Asylum Courts*. New York: Routledge-Cavendish.

Grasswick, Heidi. 2004. "Individuals-in-Communities: The Search for a Feminist Model of Epistemic Subjects." *Hypatia* 19(3): 85-120.

———. 2008. "From Feminist Thinking to Ecological Thinking: Determining the Bounds of Community." *Hypatia* 23(1): 150-60.

———. 2010. "Scientific and Lay Communities: Earning Epistemic Trust through Knowledge Sharing." *Synthese* 177(3): 387-409.

———. 2011. "Questioning the Role of Epistemic Agency: A Response to Calvert-Minor." *Social Epistemology* 25(4): 361-9.

Grillo, Trina. 1995. "Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House." *Berkeley Women's Law Journal* 10: 16-30.

Haas, Peter M. 1992. "Epistemic Communities and International Policy Coordination." *International Organization* 46(1): 1-35.

———. 2011. "Epistemic Communities." In *International Encyclopedia of Political Science*, edited by Bertrand Badie, Dirk Berg-Schlosser, and Leonardo Morlino, 787-91. California: Sage.

Hakli, Raul. 2007. "On the Possibility of Group Knowledge without Belief." *Social Epistemology* 21(3): 249–66.

Haraway, Donna. 2004. "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective." In *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, edited by Sandra Harding, 81-101. New York: Routledge.

Harding, Sandra. 1991. *Whose Science? Whose Knowledge? Thinking from Women's Lives*. New York: Cornell University Press.

———. 1993. "Rethinking Standpoint Epistemology: 'What is Strong Objectivity?'" In *Feminist Epistemologies*, edited by Linda Alcoff and Elizabeth Potter, 49-82. New York: Routledge.

Hardwig, John. 1985. "Epistemic Dependence." *Journal of Philosophy* 82(7): 335-49.

———. 1988. "Evidence, Testimony, and the Problem of Individualism: A Response to Schmitt." *Social Epistemology* 2(4): 309-21.

———. 1991. "The Role of Trust in Knowledge." *The Journal of Philosophy* 88(12): 693-708.

Harris, Angela. 1990. "Race and Essentialism in Feminist Legal Theory." *Stanford Law Review* 42(3): 581-616.

Hathaway, James C., and Michelle Foster. 2014 (2nd edition). *The Law of Refugee Status*. Cambridge: Cambridge University Press.

Heitz, Aimee. 2013. "Providing a Pathway to Asylum: Re-Interpreting Social Group to Include Gender." *Indiana International and Comparative Law Review* 23: 213-43.

Hill Collins, Patricia. 1998. *Fighting Words: Black Women and the Search for Justice*. Minneapolis: University of Minnesota Press.

———. 2009 (2nd edition). *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. New York: Routledge.

Icaza, Rozalba, and Ronaldo Vázquez. 2013. "Social Struggles as Epistemic Struggles." *Development and Change* 44(3): 683–704.

Jones, Karen. 2002. "The Politics of Credibility." In *A Mind of One's Own: Feminist Essays on Reason and Objectivity*, edited by Louise M. Antony and Charlotte E. Witt, 154-76. Cambridge: Westview Press.

Jordan, Sharalyn, and Chris Morrissey. 2013. "'On What Grounds?' LGBT Asylum Claims in Canada." *Forced Migration Review* 42: 13-5.

Kassindja, Fauziya, and Layli M. Bashir. 1999. *Do They Hear You When You Cry*. New York: Dell Publishing.

Kelly, Nancy. 1993. "Gender-Related Persecution: Assessing the Asylum Claims of Women." *Cornell International Law Journal* 26: 625-74.

Kelson, Gregory A. 1997. "Gender-Based Persecution and Political Asylum: The International Debate for Equality Begins." *Texas Journal of Women and the Law* 6: 181-213.

Kennady, Marian. 1998. "Gender-Related Persecution and the Adjudication of Asylum Claims: Is a Sixth Category Needed?" *Florida Journal of International Law* 12: 317-40.

Kitcher, Philip. 1990. "The Division of Cognitive Labor." *The Journal of Philosophy* 87(1): 5-22.

Kukla, Rebecca. 2006. "Objectivity and Perspective in Empirical Knowledge." *Episteme* 3(1-2): 80-95.

Lackey, Jennifer. 2006. "Introduction." In *The Epistemology of Testimony*, edited by Jennifer Lackey and Ernest Sosa, 1-21. New York: Oxford University Press.

Langton, Rae. 2000. "Feminism in Epistemology: Exclusion and Objectification." *Cambridge Companion to Feminism in Philosophy*, edited by Jennifer Hornsby and Miranda Fricker, 127-45. Cambridge: Cambridge University Press.

Lawrance, Benjamin N., and Galya Ruffer. 2015. *Adjudicating Refugee and Asylum Status: The Role of Witness, Expertise, and Testimony*. New York: Cambridge University Press.

Lehrer, Keith. 2006. "Testimony and Trustworthiness." In *The Epistemology of Testimony*, edited by Jennifer Lackey and Ernest Sosa, 145-59. New York: Oxford University Press.

Linarelli, John. 1997. "Violence against Women and the Asylum Process." *Albany Law Review* 60: 977-87.

Lokhorst, Augusta L. 2003. "Through the Eyes of Convention Refugee Claimants: The Social Organization of a Refugee Determination System." Master of Social Work Thesis, University of British Columbia.

Lugones, María. 1987. "Playfulness, 'World'-Travelling, and Loving Perception." *Hypatia* 2(2): 3-19.

Malkki, Liisa H. 1995. "Refugees and Exile: From 'Refugee Studies' to the National Order of Things." *Annual Review of Anthropology* 24: 495-523.

Maloney, Catherine. 2016. "From Epistemic Responsibility to Ecological Thinking: The Importance of Advocacy for Epistemic Community." *Feminist Philosophy Quarterly* 2(2), Article 7.

Marguiles, Peter. 1994. "Asylum, Intersectionality, and AIDS: Women with HIV as a Persecuted Social Group." *Georgetown Immigration Law Journal* 8: 521-55.

Maryns, Katrijn. 2014. *The Asylum Speaker: Language in the Belgian Asylum Procedure*. New York: Routledge.

Mason, Rebecca. 2011. "Two Kinds of Unknowing." *Hypatia* 26(2): 294-307.

May, Vivian M. 2014. "'Speaking into the void': Intersectionality Critiques and Epistemic Backlash." *Hypatia* 29: 94-112.

McCall, Leslie. 2005. "The Complexity of Intersectionality." *Signs* 30(3): 1771-800.

McDonald-Norman, Douglas. 2017. "No One to Bear Witness: Country Information and LGBTQ Asylum Seekers." *Refuge* 33(2): 88-100.

McKinnon, Sara L. 2009. "Citizenship and the Performance of Credibility: Audiencing Gender-Based Asylum Seekers in U.S. Immigration Courts." *Text and Performance Quarterly* 29(3): 205-21.

———. 2012. "Essentialism, Intersectionality, and Recognition: A Feminist Rhetorical Approach to the Audience." In *Standing in the Intersection: Feminist Voices, Feminist Practices in Communication Studies*, edited by Karma R. Chávez and Cindy L. Griffin, 123-34. Albany: SUNY Press.

———. 2016a. *Gendered Asylum: Race and Violence in U.S. Law and Politics*. Urbana: University of Illinois Press.

———. 2016b. "Necropolitical Voices and Bodies in the Rhetorical Reception of Iranian Women's Asylum Claims." *Communication and Critical/Cultural Studies* 13(3): 215-231.

Medina, José. 2011. "The Relevance of Credibility Access in a Proportional View of Epistemic Injustice: Differential Epistemic Authority and the Social Imaginary." *Social Epistemology* 25(1): 15-35.

———. 2013. *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imaginations*. New York: Oxford University Press.

———. 2017. "Varieties of Hermeneutical Injustice." In *The Routledge Handbook of Epistemic Injustice*, edited by Ian James Kidd, José Medina, and Gaile Pohlhaus Jr, 41-52. New York: Routledge.

Medina, José, and Matt S. Whitt. (Forthcoming). "Epistemic Activism and the Politics of Credibility: Testimonial Injustice Inside/Outside a North Carolina Jail." In *Making the Case: Feminist and Critical Race Theorists Investigate Case Studies*, edited by Heidi Grasswick and Nancy McHugh. New York: SUNY Press.

Millbank, Jenni. 2002. "Imagining Otherness: Refugee Claims on the Basis of Sexuality in Canada and Australia." *Melbourne University Law Review* 26: 144-77.

———. 2003. "Gender, Sex and Visibility in Refugee Claims on the Basis of Sexual Orientation." *Georgetown Immigration Law Journal* 18: 71-110.

Millbank, Jenni, and Catherine Dauvergne. 2010. "Forced Marriage and the Exoticization of Gendered Harms in United States Asylum Law." *Columbia Journal of Gender and Law* 19(4): 898-964.

Mills, Charles. 2013. "White Ignorance and Hermeneutical Injustice: A Comment on Medina and Fricker." *Social Epistemology Review and Reply Collective* 3(1): 38-43.

Milner, James. 2014. "Introduction: Understanding Global Refugee Policy." *Journal of Refugee Studies* 27(4):1-18.

Mohanty, Chandra T. 1988. "Under Western Eyes: Feminist Scholarship and Colonial Discourses." *Feminist Review* 30: 61-88.

———. 1991. "Cartographies of Struggle: Third World Women and the Politics of Feminism." In *Third World Women and the Politics of Feminism*, edited by Chandra T. Mohanty, Ann Russo, and Lourdes Torres, 1-47. Bloomington: Indiana University Press.

———. 2003. *Feminism Without Borders: Decolonizing Theory, Practicing Solid*arity. Durham & London: Duke University Press.

Moraga, Cherríe. 2015. "Catching Fire: Preface to the Fourth Edition." In *This Bridge Called My Back* (4th edition), edited by Cherríe Moraga and Gloria Anzaldúa, xv-xxv. Albany: SUNY Press.

Moran, Richard. 2005. "Problems of Sincerity." *Proceedings of the Aristotelian Society* (Hardback) 105: 325-45.

Musalo, Karen, and Stephen Knight. 2001. "Steps Forward and Steps Back: Uneven Progress in the Law of Social Group and Gender-Based Claims in the United States." *International Journal of Refugee Law* 13(1/2): 51-70.

———. 2002. "Unequal Protection." *Bulletin of the Atomic Scientists* 58(6): 57-61.

Musalo, Karen. 2010. "A Short History of Gender Asylum in the United States: Resistance and Ambivalence May Very Slowly be Inching Towards Recognition of Women's Claims." *Refugee Survey Quarterly* 29(2): 46-63.

———. 2014/2015. "Personal Violence, Public Matter: Evolving Standards in Gender-Based Asylum Law." *Harvard International Review* 36(2): 45-48.

Narayan, Uma. 1997. *Dislocating Cultures: Identities, Traditions, and Third World Feminism*. New York: Routledge.

Nayak, Meghana. 2015. *Who Is Worthy of Protection? Gender-Based Asylum and US Immigration Politics*. New York: Oxford University Press.

Neacsu, E. Dana. 2003. "Gender-Based Persecution as a Basis for Asylum: An Annotated Bibliography, 1993-2002." *Law Library Journal* 95: 191-216.

Neilson, Victoria. 2005. "Homosexual or Female - Applying Gender-Based Asylum Jurisprudence to Lesbian Asylum Claims." *Stanford Law and Policy Review* 16(2): 417-44.

Nelson, Lynn H. 1993. "Epistemological Communities." In *Feminist Epistemologies*, edited by Linda Alcoff and Elizabeth Potter, 121-59. New York: Routledge.

Noll, Gregor. 2006. "Asylum Claims and the Translation of Culture into Politics." *Texas International Law Journal* 41(3): 491-501.

Oloka-Onyango, Joe. 1996. "The Plight of the Larger Half: Human Rights, Gender Violence and the Legal Status of Refugee and Internally Displaced Women in Africa." *Denver Journal of International Law and Policy* 24(2-3): 349-94.

Origgi, Gloria. 2010. "Epistemic Vigilance and Epistemic Responsibility in the Liquid World of Scientific Publications." *Social Epistemology* 24(3): 149-59.

O'Rourke, Michael, Stephen Crowley, Sanford D. Eigenbrode, and J.D. Wulfhorst. 2014. *Enhancing Communication and Collaboration in Interdisciplinary Research*. California: Sage Publications.

Pohlhaus Jr., Gaile. 2012. "Relational Knowing and Epistemic Injustice: Toward a Theory of Willful Hermeneutical Ignorance." *Hypatia* 27(4): 715-735.

———. 2014. "Discerning the Primary Epistemic Harm in Cases of Testimonial Injustice." *Social Epistemology* 28(2): 99-114.

———. 2017. "Varieties of Epistemic Injustice." In *The Routledge Handbook of Epistemic Injustice*, edited by Ian James Kidd, José Medina, and Gaile Pohlhaus Jr, 13-26. New York: Routledge.

Querton, Christel. 2012. "Gender-Related Asylum Claim in Europe: A Comparative Analysis of Law, Policies and Practice in Nine EU Members States." *Women's Asylum News: Women's Project at Asylum Aid* 110, April/May:1-4. Accessed June 8, 2018. http://www.refworld.org/pdfid/4fc5f8422.pdf

Ramji-Nogales, Jaya, Andrew I. Schoenholtz, and Philip G. Schrag. 2009. *Refugee Roulette: Disparities in Asylum Adjudication and Proposals for Reform*. New York: New York University Press.

Rehaag, Sean. 2009. "Bisexuals Need Not Apply: A Comparative Appraisal of Refugee Law and Policy in Canada, the United States, and Australia." *The International Journal of Human Rights* 13(2-3): 415-36.

Rolin, Kristina. 2008. "Science as Collective Knowledge." *Cognitive Systems Research* 9: 115-24.

———. 2010. "Group Justification in Science." *Episteme* 7(3): 215-31.

Rusin, Jill, and Mark F.N. Franke. 2010. "Self-Understanding and the Refugee-Claimant." *International Journal of the Humanities* 8(3): 187-98.

Said, Edward. W. 2006. "Opponents, Audiences, Constituencies, and Community." In *Philosophy of Expertise*, edited by Evan Selinger and Robert P. Crease, 370-94. New York: Columbia University Press.

Schmitt, Frederick. 1988. "On the Road to Social Epistemic Interdependence." *Social Epistemology* 2(4): 297-307.

———. 1994. "The Justification of Group Beliefs." In *Socializing Epistemology: The Social Dimensions of Knowledge*, edited by Frederick F. Schmitt, Lanham, 257–87. MD: Rowman & Littlefield Publishers.

Schutte, Ofelia. 1998. "Cultural Alterity: Cross-Cultural Communication and Feminist Theory in North-South Contexts." *Hypatia* 13(2): 53-72.

Shotwell, Alexis. 2017. "Forms of Knowing and Epistemic Resources." In *The Routledge Handbook of Epistemic Injustice*, edited by Ian James Kidd, José Medina, and Gaile Pohlhaus Jr, 79-88. New York: Routledge.

Shuman, Amy, and Carol Bohmer. 2004. "Representing Trauma: Political Asylum Narratives." *Journal of American Folklore* 117: 394-414.

Smith, Linda Tuhiwai. 2012 (2nd edition). *Decolonizing Methodologies: Research and Indigenous Peoples*. London & New York: Zed Books.

Soroos, Marvin S. 1986. *Beyond Sovereignty: The Challenge of Global Policy*. Columbia, SC: University of South Carolina Press.

Sternberg, Nitzan. 2011. "Do I Need to Pin a Target to My Back?: The Definition of 'Particular Social Group' in US Asylum Law." *Fordham Urban Law Journal* 39: 245-97.

Stone, Diane. 2005. "Knowledge Networks and Global Policy." In *Global Knowledge Networks and International Development: Bridges across Boundaries*, edited by Diane Stone and Simon Maxwell, 89-105. London: Routledge.

Sullivan, Shannon, and Nancy Tuana. 2007. *Race and Epistemologies of Ignorance*. Albany: SUNY Press.

Toke, Dave. 1999. "Epistemic Communities and Environmental Groups." *Politics* 19(2): 97-102.

Tollefsen, Deborah P. 2003. "Rejecting Rejectionism." *Protosociology* 18-19: 389–405.

Townley, Cynthia. 2003. "Trust and the Curse of Cassandra (and Exploration of the Value of Trust)." *Philosophy and the Contemporary World* 10(2): 105-11.

———. 2011. *A Defense of Ignorance: Its Value for Knowers and Roles in Feminist and Social Epistemologies*. Lanham: Lexington Books.

Tuomela, Raimo. 2004. "Group Knowledge Analyzed." *Episteme* 1(2): 109–27.

UK Lesbian & Gay Immigration Group. 2013. *Missing the Mark: Decision Making on Lesbian, Gay (Bisexual, Trans, and Intersex) Asylum Claims*. Accessed July 2, 2018. https://uklgig.org.uk/wp-content/uploads/2014/02/Missing-the-Mark.pdf.

United Nations High Commissioner for Refugees (UNHCR). 1991. *Guidelines on the Protection of Refugee Women*. Accessed June 8, 2018. http://www.unhcr.org/en-us/publications/legal/3d4f915e4/guidelines-protection-refugee-women.html.

———. 2002. *Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A (2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*. Accessed June 8, 2018. http://www.unhcr.org/3d58ddef4.pdf.

———. 2012. *The State of the World's Refugees: In Search for Solidarity.* Accessed June 8, 2018. http://www.unhcr.org/publications/sowr/4fc5ceca9/state-worlds-refugees-2012-search-solidarity.html.

———. 2014. *Asylum Trends 2014: Levels and Trends in Industrialized Countries.* Accessed June 8, 2018. http://www.unhcr.org/en-us/statistics/unhcrstats/551128679/asylum-levels-trends-industrialized-countries-2014.html.

———. 2015. *Global Trends: Forced Displacement in 2015.* Accessed June 8, 2018. *http://www.unhcr.org/en-us/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html*

UNHCR Asylum Lawyers Project. 2016. *UNHCR's Views on Gender Based Asylum Claims and Defining "Particular Social Group" to Encompass Gender Using international law to support claims from women seeking protection in the U.S.* Accessed July 2, 2018. http://www.unhcr.org/en-us/5822266c4.pdf.

Wagenknecht, Susann. 2014. "Opaque and Translucent Epistemic Dependence in Collaborative Scientific Practice." *Episteme* 11(4): 475-92.

Webb, Mark O. 1993. "Why I Know About As Much As You: A Reply to Hardwig." *The Journal of Philosophy* 90(5): 260-70.

———. 1995. "Feminist Epistemology and the Extent of the Social." *Hypatia* 10(3): 85-98.

Whyte, Kyle, and Robert Crease. 2010. "Trust, Expertise and the Philosophy of Science." *Synthese* 177: 411-25.

Wikström, Hanna, and Thomas Johansson. 2013. "Credibility Assessments as 'Normative Leakage:' Asylum Applications, Gender and Class." *Social Inclusion* 1(2): 92-101.

Wikström, Hanna. 2014. "Gender, Culture, and Epistemic Injustice: The Institutional Logic in Assessment of Asylum Applications in Sweden." *Nordic Journal of Migration Research* 4(4): 210-18.

Wray, K. Brad. 2001. "Collective Belief and Acceptance." *Synthese* 129: 319–33.

———. 2007. "Who Has Scientific Knowledge?" *Social Epistemology* 21(3): 337–47.

Young, Iris M. 2011. *Responsibility for Justice.* New York: Oxford University Press.