



universität
wien

MASTERARBEIT/MASTER'S THESIS

Titel der Masterarbeit / Title of the Master's Thesis

Who Creates What?

The Apparatus of Conversion

verfasst von / submitted by

Markus Elias Ramsauer, BA

angestrebter akademischer Grad / in partial fulfilment of the requirements for the degree of

Master of Arts (MA)

Wien, 2021 / Vienna 2021

Studienkennzahl lt. Studienblatt /
degree programme code as it appears on
the student record sheet:

UA 066 810

Studienrichtung lt. Studienblatt /
degree programme as it appears on
the student record sheet:

Masterstudium Kultur-und Sozialanthropologie

Betreut von / Supervisor:

Univ.-Prof. Dr. Ayse Çağlar

“Power is everywhere; not because it encompasses everything but because it comes from everywhere.”

Michel Foucault - L'Histoire de la sexualité

Acknowledgements

I express my gratitude to my supervisor, Prof. Ayse Çağlar for guiding me through the research process, her interesting university courses, and the useful inputs she offered for my thesis.

Furthermore, I thank the *Entangled Dream Team* with which I started the journey in the field of asylum, Adrian and Dr. Dr. Mairhofer for helping me with the chapter on quantum physics, Phil for his useful feedback and Klaus for talking with me about the subject and enduring my stressed self.

I also thank all my interview partners for their time and their useful answers.

Index

I. Introduction.....	7
II. Context- What is Essential to Know Beforehand.....	13
1. Afghan Citizens	13
2. Situation in Afghanistan	14
3. Procedure	15
4. Types of Residence Permits.....	16
5. Conversion	17
6. Choice of Words	18
III. Methodology – Exploring and Grasping the Field	20
1. Triangulation.....	20
2. Being There	21
2.1 Participant Observation.....	21
2.2 Field Routines	22
2.3 Being Where? Location Description.....	22
2.4 Course of a Hearing	24
2.5 Positionality – “And You Are...?”	25
2.5 Ethics	26
3. Interviews	27
3.1 Technological Aspects.....	27
4. Adjudication Texts.....	28
4.1 Analysis	30
IV. Who Creates What?.....	31
1. WHO?	33
1.1 Foucault’s Apparatus	34
1.1.1 Searching for a Definition	34
1.1.1.1 A Negative Definition	35
1.1.1.2 A Positive Definition	36
1.1.2 Relations	38
1.2 Agamben’s Apparatus.....	39
1.2.1 Subjectification.....	39
1.2.2 Desubjectification.....	40
1.3 Feldman’s Apparatus	40
1.4 The Apparatus (?) of Conversion.....	43

1.5 Juxtaposing Theory and the Field	43
1.5.1 Compared to Feldman	44
1.5.2 Compared to Agamben.....	44
1.5.3 Compared to Foucault	45
1.6 Is it an Apparatus?	45
1.7 The Elements in the Research Field	48
1.8 Summary “WHO”	52
2. CREATES?.....	54
2.1 Creation Through Subjectivation Through Performance	54
2.2 Taken on a Role Inside the Apparatus	56
2.3 Creative Instances	58
2.3.1 Written Accounts.....	58
2.3.1.1 Adjudication Texts	58
2.3.1.2 <i>Gutachten</i>	61
2.3.2 Appellants.....	62
2.3.2.1 Pre-Hearing	62
2.3.2.2 During the Hearing	64
2.3.2.3 Online Performance	66
2.3.3 Legal Representatives.....	68
2.3.3.1 Before/After the Hearing	68
2.3.3.2 During the Hearing	70
2.3.4 Witnesses.....	71
2.3.5 Country Reports.....	74
2.5 Summary “CREATES”	76
3. WHAT?.....	79
3.1 What is Created? Identity and Fear of Persecution	81
3.2 What is Actually Created? Diversity, Controversy, Confusion	83
3.3 Conversion to Christianity	86
3.3.1 Complications.....	86
3.3.2 Fake Conversion.....	88
3.3.3 The Knowledge Question(s).....	90
3.3.4 Way of Life and Rejection of Islam	92
3.3.5 Timing and Circumstances	94
3.4 Apostasy	96
3.4.1 <i>Forum Internum</i> and <i>Forum Externum</i>	97
3.4.2 Informing Others About One’s Apostasy.....	98
3.4.3 Rejection of Religion.....	100

3.5 “Western Orientation	102
3.5.1 Individuality and Intra-familial Role Allocation	105
3.5.2 Appearance	107
3.5.3 Leisure Time Activities	109
3.6 Summary “WHAT”	111
4. Who Creates What Creates Who Creates What...?	114
V. An Attempt in Quantum Anthropology	116
1. Why Quantum Anthropology	117
2. A Very Short Introduction to (Some Elements of) Quantum Physics.....	119
3. Applying Quantum Theory to the Ethnographic Field	123
4. Why (This Use of) Quantum Anthropology?	126
VI. Conclusion	128
VII. Sources.....	131
1. Bibliography	131
2. Internet Sources	136
3. Figures	136
VIII. Appendix.....	137
1. Tables.....	137
2. Abstracts	140

I. Introduction - Vignette

Asim¹, a young man from Afghanistan had just been asked to leave the hearing, so the witness could come in and take his place in the center of the room. Holding an office in the appellant's church, "The Church of Jesus Christ of Latter-day Saints" it was now the witness's task to back up the appellant's claims concerning a sincere conversion to Christianity. After informing him about his rights and duties as witness, the judge starts asking questions about the witness's role in the parish and about his relation to the appellant. Some of the questions are quite similar to the ones posed to the appellant just before his leaving the room. They concern, for example the regularity with which the appellant attends the services or the way the appellant found his place inside the parish. The judge intends to compare the answers in order to get a more comprehensive picture about the appellant's faith. The witness says that he got to know Asim as a rather serious person, who after attending several services and Bible study group meetings, had begun to really lighten up and actively participate in the parish.

Then, the judge gives the floor to the official from the *Bundesamt für Fremdenwesen und Asyl (BFA)*, the institution which had rejected the appellant's claim for asylum: "Is it true that your church's number of members is decreasing?" The witness admits that the members of his parish have become fewer but adds that this has nothing to do with a decrease in newly baptized members but is due to many of the old members not attending the services regularly. Then, the official asks about the requirements one must meet to be baptized and to be granted a place in the "Church of Jesus Christ of Latter-day Saints". "What I think is important", the witness answers, "is that the person has experienced some kind of spiritual event, that he has felt the Holy Ghost in him." The official asks the witness if he could describe how this manifested for himself. "I was there with some other Christians and everyone who was there felt it. It was such an energy!" It is rather obvious that the official is not able to make great use of this statement, but he continues the interrogation anyway. He asks if the witness would know about the spiritual event leading to the appellant's acceptance in the parish. As the witness begins to speak, the judge interrupts him and asks him to leave the room again for he would like to ask the appellant about that first.

So, positions are swapped again. The young man finds himself in front of the judge who asks about when he felt the presence of the Holy Spirit. Asim reports to the judge that he intensively felt this presence after his baptism but had already experienced similarly strengthening sensations before. The witness is called in for the second time. The *BFA* official repeats his question about the appellant's spiritual event. "When I talked to Asim, he told me that he really

¹ Name changed

felt it when watching the parents play with their children in our parish and them participating in the meetings. This sight, he told me, unleashed something in him which made him sure about our Lord's call."

The hearing is already going on for three hours. No further questions are posed. In his final statement, the official presents the *BFA*'s stance: "In the eyes of the *BFA*, there is no reason why asylum should be granted to the appellant. During the whole asylum procedure, he has been coming up with more and more different claims. First only about his stay in Iran, then about the situation in Afghanistan and now conversion. We think, it is a case of *Scheinkonversion* (fake conversion). We don't want this to become the new normal for asylum procedures."

When asked for a final statement, Asim speaks and the translator tells the audience "I have been living here for four years. I did everything I could and tried to do nothing wrong. I could not have done more. In 2025, I want to open a restaurant in Graz, and you are all invited."

I witnessed this scene in 2020 in the course of a visit to the *Bundesverwaltungsgericht*, the Federal Administrative Court in Vienna. Back then, I was part of a BA research group, which investigated in the question how credibility is created in asylum hearings in Austria.

Asim, is no solitary case. Many displaced persons born in Afghanistan turn to Christian faith after their arrival in Austria. Since they could face severe persecution because of that in the case of a (forced) return to their country of origin, the Austrian state institutions must assess and evaluate the converts' conversions and "find out" if the conversion was made only in order to be granted the refugee status. As one can see from the vignette, this process is anything but uncontroversial and involves many different actors.

Before elaborating further on this issue, I want to introduce a second (quasi-) vignette from my research field:

"XXX (below: First appellant) and her children [...] arrived in Austria where they filed an application for international protection on the 05.02.2018. [...]"

The first appellant attended school for eleven years and studied at the faculty of law for two years. She had to abort her studies due to the invasion of the Taliban [...] The first appellant is a woman who in her values and lifestyle is oriented towards a conception of women and society, which is dominant in Europe [...] The first appellant together with her daughter and the second appellant takes care of the household, her husband usually does the cooking. The first appellant decides what gets cooked and also goes grocery shopping. She further manages the family's money and pays the bills for the rent as well as for energy and internet. In Austria, the first appellant does not live according to the conservative-Afghan tradition, dislikes the circumstances and living conditions for women in Afghanistan and cannot picture herself living according to the

conservative-Afghan tradition. She dresses in western fashion. [...] She makes everyday decisions by herself and does not -as it is usual in Afghanistan- ask her husband.

The first appellant succeeded in making credible a well-founded fear of persecution in her country of origin [...] The danger that the first appellant, considering the risk of her being a woman of western orientation, would be victim of attacks with severe intensity in Afghanistan [...] impends with significant probability.” (BVwG 21.02.2020; W229 2201307-1) [Transl. M.R.]

This passage stems from an adjudication text from the *Bundesverwaltungsgericht*, a further source I used for my research. These texts usually stand at the end of a (long) asylum procedure. What is displayed in both of these vignettes is a negotiation of an asylum seeker's identity, which could lead to a grant of asylum. Whereas the first example concerned a person's conversion towards Christian faith, the latter deals with a woman's value system for which she could be persecuted. The buzzword for this subject matter is *Westliche Orientierung*, i.e. “western orientation”.

The third asylum-related topic which I dealt with for my research concerns Afghan asylum seekers' apostasy, i.e., their withdrawal from Islam. As I will explain below, what potentially brings returners to Afghanistan in danger of persecution, is less a conversion to Christianity but the rejection of Islam. Therefore, also displaced persons who do not take on a new religion but “only” turn their back on religion altogether can face persecution. Hence, the status of persons as apostates is of interest during an asylum procedure.

Conversion to Christianity, “Western Orientation” and Apostasy- these are the three topics, this master's thesis deals with. Put shortly, I will investigate how these topics are negotiated in the asylum procedure, where they can constitute a reason for being assigned the status of a legal refugee.

One text which I took as a source of inspiration was Gregory Feldman's “If ethnography is more than participant observation, then relations are more than connections: The case for nonlocal ethnography in a world of apparatuses” (Feldman 2011). In this article, the author describes the work of the European migration system which controls the movements of migrants from non-European countries. For conceptualizing this system, the term “apparatus” is employed, mainly based on the theories of Michel Foucault and Giorgio Agamben. What Feldman emphasizes is that the migration apparatus does not have one control center, but it incorporates a wide variety of different actors. It is “a device of population control and economic management composed of otherwise disparate elements.” (Feldman 2011, p. 380)

As an approach to do ethnographic research on an apparatus, Feldman suggests looking at relations rather than connections and to do that via what he calls “nonlocal ethnography”. That

means that ethnography should not be constrained to participant observation but to use a variety of sources from different places to grasp the apparatus' work (Feldman 2011). Although I tried to incorporate this methodological imperative in my research through my use of triangulation, i.e. using participant observation, adjudication texts and interviews equally as sources, "nonlocal ethnography" plays only a minor role for this thesis. Instead, I concentrated on the notion of the apparatus and applied this concept to my research, where it takes on a central position.

As a student initially trained in the field of philosophy, I always liked the famous definition of anthropology by Tim Ingold, when he says that anthropology is "philosophy with the people in". (Ingold 1992, p. 696) This understanding of anthropology will become apparent in the main part of the thesis titled "Who Creates What?". Before that, it is necessary to give a contextual as well as a methodological overview on the subject. The first part therefore deals with the structure of the asylum procedure in Austria and gives a further introduction into the research field.

In "Methodology-Exploring and Grasping the Field", I present the way in which I gathered the data for my research. As remarked above, the main sources were participant observation at the *Bundesverwaltungsgericht*, interviews with actors in the field as well as the analysis of adjudication texts. This methodological part of the thesis furthermore includes a remark about ethics and positionality when conducting research in the field of asylum.

After having set the stage, the rest of the thesis will revolve around the question "WHO CREATES WHAT?". This will become clearer in the course of the text but calls for some beforehand explanation: As Feldman in his 2011 article notes about the work of the apparatus: "[I]llegal migrants are produced". (Feldman 2011, p. 382) One could also substitute the word "produced" with "created". What is meant by that is that the subject position "illegal migrant" is brought forward by the work of the migration apparatus. Without it, it would be meaningless to call a person an "illegal migrant". I apply this idea on my research by conceptualizing all the actors involved in the negotiation of religious conversion, "western orientation" and apostasy as elements of the *apparatus of conversion*. Through their actions, these elements create the subject position of the e.g. "westernized subject" and give meaning to it.

In order to explain the work of the apparatus of conversion, I decided to split up the centerpiece question "WHO CREATES WHAT" into its components and use each word as the title for one chapter, so the main chapters are "WHO?", "CREATES?" and "WHAT?".

"WHO?" as the first chapter provides an insight in the theoretical concepts of the apparatus by Foucault, Agamben and Feldman. I offer an extensive discussion of what can be understood by

this notion in the respective approach. Afterwards, I juxtapose my research to these theories and argue in which way one can speak of an *apparatus* of conversion. Ultimately, I present (some of) the different actors in the field.

The second chapter “CREATES?” deals with the activities of the elements incorporated by the apparatus. I first give an account of in which way these activities can be called performative, since they essentially contribute to the formation of the asylum seeker’s identity qua converted subject. Then I present the ways in which different actors in the field partake in this creation of identity. Through this emphasis on the productive and creative aspect of the apparatus I evade the question if the asylum seeker is “really” converted and argue that her identity as converted subject is essentially established via her interaction with the apparatus.

The thesis’ main part is completed with the chapter “WHAT?”. What is it that is created by the apparatus? What qualities does the e.g. “westerly oriented” or “non-westerly oriented” subject have in order to count as one? I answer these questions by analyzing different arguments which are used to present an asylum seeker as convert to Christianity, apostate or “westernized”. It is essential to note here that the establishment of this subject position only works through the simultaneous establishment of its opposite, i.e., the non-converted subject.

Taken together the three chapters “WHO?”, “CREATES” and “WHAT” should provide an answer to the overall question in the form of: *The apparatus of conversion and the elements incorporated by it via their (performative) actions create a converted subject with certain qualities.*

Having answered this question, I offer a short remark about the ways in which the question “Who Creates What?” can be read. I conceptualize the relation between the “Who”, i.e. the apparatus and the “What?”, i.e. the converted subject as a relation of *entanglement*.

The thesis is concluded by what I call “an attempt in quantum anthropology”: The first image which came to my mind when thinking about the apparatus and its activities was the one of an *Apparat*, a machine through which entities are sent and come out as controllable subjects. Later, I moved away from this idea and came to think of the apparatus of conversion rather as measuring device as in quantum physics. Measurement in that sense is not to be understood as “laying bare” certain qualities of a pre-given subject. Instead, measurement entails an interaction between the apparatus and the object of interest. As the Foucauldian apparatus produces controllable subjects, the quantum measurement apparatus produces (e.g.) the particle as an outcome of the interaction.

The details of this chapter will shed light on this interdisciplinary endeavor. Applying quantum language to the field of anthropology also calls for some justification which will be provided

below. For now, it is sufficient to say that I take the language of quantum physics as a way of seeing and interpreting things, which can shed light on otherwise hidden aspects of social structures.

Besides conceptualizing anthropology as “philosophy with the people in”, I also understand our discipline as a way of “making the strange familiar and the familiar strange”. Since not many people are familiar with the legal field of asylum, for my case it would be more accurate to speak of “making the strange strange”. The point is that throughout my presentation of the field I try offer an account about legal practice which is in constant movement. What I mean by this is that throughout the thesis I enter the realm of legal paragraphs just to step out of it again and explain the procedure in theoretical terms. One could also say that I look at the matter from different perspectives. With this approach, I try to evade the danger of taking on a legal ductus and I make efforts to present the asylum procedure as a cultural practice of categorizing people. A strange practice.

II. Context- What is Essential to Know Beforehand

In a first step, it will be necessary to give an insight into the frame the thesis is operating in. This section be seen as providing information which should help situate the research in a broader context. First, I will make clear why I focused on asylum cases from the country of Afghanistan and go a bit into its political situation. Then, the legal situation for asylum in Austria will be presented. This includes explanation about the application procedure for potential refugees and about the legal frame of interest for that matter. Here, also the differences between the distinct residence statuses will be discussed. In a third step, I will deal with the topics of conversion and “westernization” and their position in the legal frame. The context section is concluded by a remark about my choice of words.

1. Afghan Citizens

As remarked, for my research I concentrated on cases from Afghan citizens. Since one cannot assume that there is some trait which all these people have in common, this focus calls for explanation. My argumentation here is of purely pragmatic nature and can be divided into two strains.

First, my focus on Afghanistan derived from the sheer quantity of asylum applications from Afghan citizens in Austria. When visiting the field site, the *Bundesverwaltungsgericht*, the chances were high that a great deal of the hearings about to take place revolved around displaced persons from Afghanistan. This impression can also be backed by statistical data. Whereas in 2018, Syrian citizens held the highest number of asylum applications, in 2019, the year I started the research, the biggest deal of asylum applications was filed by people from Afghanistan. One must remark here that the situation for Syrian citizens is somewhat different because here asylum was granted in 93% in the first instance, which means that the case was not brought to the *Bundesverwaltungsgericht*. In the case of Afghan citizens' asylum applications, the positive rate of first instance acceptance was at 38% in 2019, because of which many cases were taken to the second instance. One more remark concerning the scale: In 2018 13.400 people applied for asylum in Austria; 3307 from Syria, 2053 from Afghanistan. These numbers mark a steady decrease in asylum application from the year 2015 (88.340 applications) onwards (Bundesamt für Fremdenwesen und Asyl 2018; 2019).

The second argument for why I decided to mainly focus on asylum applications by people with one particular citizenship has also to do with the quantity of information. During my research I found that in order to get a broader perspective on the asylum apparatus, it would be necessary to take into account the political situation in the applicants' country of origin. The information

available from these country reports is of enormous volume. This should explain my focus on one single state -Afghanistan.

2. Situation in Afghanistan

In an attempt to provide a (very much limited) picture of the political situation in Afghanistan, some contextual remarks will be necessary. I take this information from the *Country Guidance: Afghanistan* (2019) by the EASO, the European Asylum Support Office and from the *Länderinformation der Staatendokumentation: Afghanistan* (2020) by the *Bundesamt für Fremdenwesen und Asyl*. Since these reports themselves will be subject to analysis in a later chapter, using the information provided by them to draw a picture of the situation may be seen as problematic. I would argue that considering the variety of sources included in these reports, they are still my best shot for this endeavor. Country specific information which is additionally relevant for the topics of persecution and asylum is woven into the sections about the legal frame, respectively about the topics of conversion and “western orientation”.

Armed conflict has been prevalent in Afghanistan at least since the Saur Revolution in 1978 when the Democratic Republic of Afghanistan was proclaimed by the Soviet-backed People's Democratic Party of Afghanistan. What followed, was a ten-year proxy war between the U.S.A and the Soviet Republic which ended in a defeat of the latter in 1989. In 1996, two years after their first appearance, the Taliban took over Afghanistan's capital and proclaimed the Islamic Emirate Afghanistan. In 2001, after the terrorist attacks on September 11, a U.S-led military mission managed to defeat the Taliban troops and establish a provisional government. In 2004 the Islamic Republic of Afghanistan was founded. Its constitution forbids laws which stand in contrast to the tenets of Islam. It also grants the same rights to all its citizens. At least from the year 2006 on, the Taliban have regained power, which has been leading to a deadlock situation in military strength between the government and the Taliban. The latter are not the only armed group which is involved in the complex military conflict in Afghanistan. Other groups include *Al Qaida*, the *Haqqani Network* or the *Daesh* (also known as *Islamic State*).

From January to September 2019, there were about 8.500 civil casualties; about 2700 of them fatal (Bundesamt für Fremdenwesen und Asyl 2020, p. 24). This armed conflict in combination with the poor situation concerning economics, the health system, droughts, human rights etc. has led to a high number of people seeking protection inside an outside of Afghanistan.

3. Procedure

Next, I will outlay the numerous steps and instances, a displaced person has to go through before eventually being granted asylum or another type of residence. It must be noted that in many cases, these procedures take several years, in which the asylum seeker has an uncertain status but most often lives in Austria. This procedure is illustrated in figure 1.²

After crossing the Austrian border, the future-applicant must file an asylum application at any police station inside the country. Here, the first interrogation happens, conducted by police officers in the presence of an interpreter. Also, the asylum seeker's personal information is recorded. After this, the case is taken up by the Federal Office for Immigration and Asylum (*BFA*). It makes a prognosis for the question if the state of Austria is responsible for dealing with the application. If this prognosis is negative, it is assessed which state is responsible and the person is usually sent to this state. If the prognosis is positive, then the substantial procedure starts. The applicant first is accommodated in a so-called "distribution quarter", later in a regional facility and is provided with basic supplies by the state. Sometime after this, the second interrogation takes place. This time, it is conducted by an official from the *Bundesamt für Fremdenwesen und Asyl*. A legal representative can be present as well as an interpreter. The applicant is interrogated about her personal situation, her reason for the flight and about possible persecution in the case of a negative decision. Then, the *BFA* assesses the case. After this is finished, the asylum seeker gets a notification which contains the office's decision and information concerning the possibilities of appealing against the decision.

In a next step, it is possible that an appeal is filed. If this is the case, the matter is taken to the second instance – the *Bundesverwaltungsgericht*. What happens here can be seen as the master's thesis' main focus. The appeal to the second instance has a suspensive effect, i.e. the person may not be deported until the proceeding is terminated. The *BVwG* assesses if the decision by the *BFA* was made rightfully or not. The initial decision can be accepted, rejected or changed. Usually, the judge from the *BVwG* summons the asylum seeker to court. In this instance, the asylum seeker is labelled as "appellant". Based on the *BVwG's* decision, the appellant is either granted to stay in the country or not. In the latter case, the appellant has the possibility to appeal the decision at the higher instances of the *Verwaltungsgerichtshof* – the Higher Administrative Court or the *Verfassungsgerichtshof* – the Constitutional Court. If the decision is negative, the asylum seeker must leave the country "voluntarily" or else gets deported by the police.

² The time span is based on an interview with a former asylum seeker. The procedure's duration varies and has successively decreased over the past years.

Two things must be added here: 1) This latter appeal does not have a suspensive effect, which means that the person can be deported even if the proceedings at the *Verwaltungsgerichtshof* or the *Verfassungsgerichtshof* are not yet terminated. 2) not only the asylum seeker but also the *BFA* may appeal a decision.



Figure 1: Application Procedure. The red square indicates the research's focus.

4. Types of Residence Permits

There can be many different outcomes to the procedure described above. I will now introduce those scenarios in which the person is granted to stay in Austria, be it only for a limited time.

This thesis' major focus lies on the first of these possible scenarios: being granted a refugee status, i.e. being granted asylum. This is regulated by the Geneva Conventions of 1951. There in article 2(d) a refugee is defined as

“a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply.”

Reasons for exclusions can be a.o. that a person is seen as threat to the citizens of one country, that she has committed serious crimes or that she is already under some other institution's protection. If the *BFA* in the first instance or the *BVwG* in the second instance come to the conclusion that a person indeed has a “well-founded fear of persecution”, which makes a relatively safe stay in her country of origin impossible, then this person may stay and work in Austria. It must be emphasized that this only applies for persecution due to one of the reasons mentioned above.

In 2016, there has been a change in Austrian asylum law which led to asylum being granted only temporarily for three years, compared to a perpetual right to stay as it was before. After this three-year period (if no withdrawal procedure has been initiated) the refugee's right to stay becomes unlimited. However, it is still possible that after these three years, the refugee status gets withdrawn.

There are also many cases where the officials assess that the asylum seeker is not likely to be persecuted in her country of origin due to her race, religion, nationality, political opinion or membership of a particular social group but still would have to fear for their well-being because of other reasons. Examples for that would be the fear of death penalty or an ongoing civil war. In these situations, the status of the refugee is not granted but the person may still stay in Austria under the label of *Subsidiärer Schutz* -subsidiary protection. This is granted for one year at first but may be renewed and extended several times.

If the authorities come to decide that neither the requirements for asylum, nor for subsidiary protection are met, it can be checked if the immigrated person qualifies for a “residence permit for certain considerable reasons”. Persons can be granted this status if, for example they have already been living in Austria for over five years and can prove what is understood as an extraordinary level of integration, meaning sophisticated language skills, membership in associations etc. It is also possible to apply for such a residence permit based on article eight in the human rights act, i.e. the right for a family life.

Furthermore, there can be a suspension of deportation if the latter is not possible for some reason. After one year of suspension a person can apply for a “residence permit for certain considerable reasons”.

If none of these types of residence is granted by either instance, it is assessed if there is a so-called “internal protection alternative” (IPA). In the case of Afghanistan, this refers to the cities of Kabul, Herat and Mazar-e Sharif. These are areas which are seen to be relatively(!) safe compared to other areas in Afghanistan and for which the state of Austria finds it reasonable to send people back to. As I experienced it at the court, this internal protection alternative, as well as all the types of residence permits are highly controversial topics. What I laid out here is only a glimpse into a complex system. However, it should be sufficient for the non-jurist reader to follow the rest of the thesis.

5. Conversion

Concerning the reasons for persecution which can qualify a person for being granted a refugee status, the topics of religion and of membership of a certain social group are the thesis’ main interest. One may add here, the topic of political opinion since the boundaries between the various reasons for fear of persecution are rather blurry. I will start with the topic of conversion and apostasy in Afghanistan. Again, I take this information from the country reports mentioned above.

About 99% of the Afghan population are Muslims. The other 1% consists of Christians, Hindus and others. Officially, all religions are under the protection of the Afghan state, meaning that

people are allowed to have another religion than Islam. This holds true only for people who were born into a religion other than Islam.

The situation is different for people who turn their back on Islamic belief. In many cases this goes hand in hand with a change of religion towards Christianity. Sharia law in Afghanistan holds that a person who has undergone such a conversion is granted three days to renounce the decision. Otherwise, the designated penalty is beheading for men and life-time imprisonment for women. Since the alleged crime is not so much practicing a religion different to Islam but having rejected Islamic belief, also people who have not adopted a different belief but consider themselves e.g. atheists are exposed to severe persecution. The “problem” is not so much the Christian belief but more the apostasy (European Asylum Support Office 2019, pp. 68-69; Bundesamt für Fremdenwesen und Asyl 2020; pp. 251-252). If the officials in Austria come to the conclusion that a person would face persecution in the case of a return to Afghanistan because of apostasy or conversion, she is granted asylum.

The second issue which can qualify as being a reason for fear of persecution is “westernization”. I do not want to go into detail here since this will be discussed in length further below. What is important to know in the context of the Geneva convention is that persecution due to “westernization” can fall under the categories of “political opinion” or “membership of a social group”. The crucial issue in the case of Afghanistan is that people who are perceived as being “westernized” are alleged to transgress a moral code. This leads to them being seriously threatened by parties which want to forcefully repress these types of transgressions (European Asylum Support Office 2019, pp. 65-66). It must be said here that “westernization” as a reason for asylum is mainly acknowledged for women. This also will be discussed below.

Three short remarks are necessary to be added to this section: 1) One particularity about apostasy and westernization as reasons for asylum is that in many cases, these claims are not included in the first application for asylum but are added later during the procedure. Therefore, they are often called *Nachfluchtgründe*, i.e., “after flight reasons”. 2) For both, apostasy as well as “westernization” it is enough to be counted as a reason for asylum that the persons are likely to be *accused* of these “crimes”. 3) The legal frame holds that it is not reasonable to assume that a person could simply suppress her changed lifestyle in the case of return.

6. Choice of Words

For the rest of the thesis, I will consent myself with using certain generalizations in my diction. On the one hand this concerns the term “asylum”, respectively “asylum seeker”. This must not be understood in the strict sense of asylum in opposition to subsidiary protection e.g. but more of a general term for a residence permit. I justify this use of the word by pointing out that for

my topics of interest -religious conversion and “westernization”- asylum plays by far the biggest role. I hope that this has been made sufficiently clear in the sections above.

My use of the word “conversion” throughout the thesis also calls for some justification. I employ it when talking about religious conversion, i.e. from one religion to another; I employ it when talking about apostasy, i.e. the rejection of the former religion; I furthermore employ it when talking about a person’s “westernization”. What is essential for me about the notion of “conversion” is that it denotes a fundamental change in the life of a person. In the context of asylum, this must be accompanied by a fear of persecution because of that change. On one side I adopted this broad notion of conversion through dealing with theological texts about conversion (e.g. Morgenthaler 2019). On the other side, the use of conversion as a term applied for “westernization” popped up during some of the interviews I did for my research. This further validated my step of applying the concept of conversion to a broader spectrum of phenomena.

III. Methodology-Exploring and Grasping the Field

In the following chapter, I will present my method of gathering data as well as their analysis. In ethnographic research, these two tasks -data gathering and data analysis are often not clearly separable. Accordingly, the separation into distinct sections will be rather loose for the methodological chapter. Generally, the term “methodology” is used here in a broad sense, since it is not limited to the presentation of data gathering but also includes information about the site, the actors, questions of positionality and research ethics, as well as some theoretical considerations about data gathering. This should explain the chapter’s subtitle: “Exploring and Grasping the Field”. Including this big group of topics makes the chapter rather extensive but in order to grasp the research, I think, it is important to provide a detailed description.

I will start by outlaying my understanding of the term “triangulation” and show how I made use of this technique for my research. Having established that, I will reflect upon my presence at the field site- the *Bundesverwaltungsgericht* / the Federal Administrative Court. This section includes a description of its infrastructural properties, the methods used for gathering on-site data, the course of a hearing, my position in the field and ethical reflections as well as the analysis process.

In a next step, the conducting and analysis of interviews is shortly presented.

As a third data source, I used a sample of 23 adjudication texts. This section explains the most important features of these documents and shows how I engaged with them. It also includes a short reflection on the peculiarities when dealing with documents.

1. Triangulation

In the light of what has been said in the introduction concerning the apparatus and nonlocal ethnography (Feldman 2011), it seemed appropriate to not limit my research to anthropology’s methodological flagship, participant observation, but to apply a multi-methodological approach. With Uwe Flick (2004) I call this “triangulation”. It can be understood as “observation of the research issue from (at least) two different points”. (Flick 2004, p. 178)

For my research, this meant the application of different methods -participant observation, interviews, reading through documents- as well as the gathering of different kinds of data throughout these processes. Further sources of information include the country reports, dealing with the legal frame as well as with public discourse around the research topic: newspapers, reportages etc. With Flick, this approach could be termed as “Triangulation of data”, respectively “methodological triangulation – between method” (Flick 2004, p. 178). Through gathering different sorts of data using different sorts of methods, I hoped to get a deeper insight

in the field and establish an adequate technique for grasping the relations and the work of the apparatus.

What Flick emphasizes for triangulation and which also holds true for my research is that I don't consider one method or type of data to be the main source with the other components as supplements. Instead, the data and methods are seen as being equally valuable (Flick 2004, p. 181).

2. Being There

2.1 Participant Observation

As I hoped to make clear in the introduction when mentioning Feldman's (2011) concept of nonlocal ethnography, endorsing and conducting nonlocal ethnography cannot be seen as conceptualizing ethnography as "a-local". Quite the opposite is the case. Nonlocal ethnography is essentially about the situating of phenomena in space and time. And even though participant observation should not be the sole tool for this endeavor, it nevertheless can make a valuable contribution in the task of examining a field. "[P]articipant-observation foregrounds the importance of historical contingency in human affairs because 'being there' can show the ethnographer what is actually happening in contested moments". (Feldman 2011, p. 391) This means that using anthropology's "classical" research tool also modifies the way, an anthropologist can look on the course of history, namely as a series or flow of situated instances. Participant observation does its part in gaining such a perspective.

During the research, the question came up in what sense we (my research group and me) could rightfully label the kind of research we were conducting at the court as "**Participant observation**". Frankly, a bigger part of our time there was spent sitting quietly in the hearing room's backrow, observing the scenery and taking notes. The term "observant participation" might therefore be a more accurate description. After all, our research did not include "mimetic" activities like e.g. doing an internship at an institution as it is often done for participant observation. In spite of that, the participation aspect clearly played a role for the research, not being limited to the talks in the lobby. I will shortly write about the way our presence influenced the field in the section about positionality. In the next sections, I will try to play out what in my opinion is one of participant observation's biggest strengths: Giving an insight in what is "actually" going on at the research site.

2.2 Field Routines

As I mentioned in the introduction, the greater deal of my fieldwork at the site was done for a BA project together with five other students. Back then, our focus lay on the negotiation and creation of credibility in the field of asylum. In table 1 in the appendix one can find a list of the field visits which's data were included for my thesis.

We would usually meet in the morning near the court since we found out that many hearings would start at this time of the day. (I must add here that the situation was a bit different during the Corona crisis, which very much decreased the number of hearings taking place.) Since the *BVwG* would not disclose information about the planned hearings beforehand, we had to just go there and “try our luck”. This meant asking at the information desk, when a hearing was set to start, then go to the respective hearing room and talk to a legal representative if it would be ok if we attended the hearing and afterwards informing the typist and the judge about our plans. Ultimately, we would sit in the backrow of the hearing room, often next to the asylum seeker's persons of trust; taking notes.

Watching the different actors and the dynamics at play before, during and after the hearing really gave me the impression of being -to quote Didier Fassin's book title *At the Heart of the State* (Fassin 2015). One instance when this interplay of different (state)-actors was most manifest was when a judge who had been on the phone before the start of the hearing was presenting the phone call's content matter to the judge. He said that he had just been talking to a member of parliament who told him that they would hand in an application which could alter the asylum law and therefore the outcome of the hearing. The legal representative asked the judge if he could abstain from deciding today and wait for the outcome of the parliamentary debate. The judge refused, stating that he had to decide based on the law currently in force. Many other instances could be put forward to illustrate the impression described above but here one could witness the interplay of politics, the law and other actors situated in time and space. The latter dimension will be presented in the following section “Being where?”.

2.3 Being Where? Location Description

The *Bundesverwaltungsgericht* was founded in 2014, following an amendment in administrative jurisdiction in 2012. Domains which fall under its cognizance include a.o. affairs concerning the environment, education and personal rights, social affairs and foremost matters concerning asylum. The *BVwG* has its main office in Vienna with branches in Innsbruck, Graz and Linz. Across all locations it employs about 220 judges and 380 staff workers which makes

it the largest court in Austria's legal system (Bundesverwaltungsgericht Homepage. Access: 12.12.2020)

Unlike the three supreme courts in Austria which are sited in Vienna's center, the *BVwG*' location can be described as rather peripheral, being *Erdberg*, one of three parts of Vienna's third district. From the same-named metro station it takes one two minutes to get to the *BVwG*'s fore court, shared with an academic high school. What is to be seen there during office hours are pupils heading towards school as well as people standing in front of the court's glassy entrance doors. Some are dressed rather formally, many are smoking, intense debates are taking place.



Figure 2: The *BVwG* from outside



Figure 3: A hearing room inside the *BVwG*

When entering, one must first turn to the reception and state their business. Afterwards one passes a security check like at an airport. This gives one permission to enter the lobby – seats, vending machines, an information desk. Legal representatives are talking to their clients and persons of trust, *BFA* officials are waiting for their hearings to take place. The hearing rooms are located at the lower floors of the building with offices etc. overhead. Usually, a typist lets the parties enter the room, where the judge is already seated underneath a large graphic on the front wall depicting an eagle holding hammer and sickle – Austria's national emblem. The judge's seat and the ones to his sides are elevated by a small pedestal. As one can see in figure three, the hearing rooms are held very light and rather modernly furnished, not bearing the kind of pathos one would expect judging from Hollywood movies – there is not even a judge's gavel. The asylum seeker takes her place in the middle of the room, facing the judge. She is flanked by her legal representative on the one and an *BFA* official or a translator on the other side. Vis

à-vis the judge, at the other end of the room, some seats are provided for persons of trust or visitors like me.

2.4 Course of a Hearing

There is no such thing as a “typical” asylum hearing. This was not only emphasized over and over by the people I talked to, but it was also the impression I got from the site. I think that fabricating a typical hearing would contradict the aim of my understanding of qualitative research which is to abstain from wide generalizations and to leave the phenomena their peculiarities. In the light of that, the following should (only) be seen as an attempt to provide an insight in the dynamics of an asylum hearing for people who have never taken part in one: After everyone has taken their seats in the hearing room, the judge usually opens the hearing by saying something about the ongoing of the procedure, that the *BFA* has rejected the first application, stating who is present at the hearing and adding some information about the juridical frame which is relevant for the case. The typist sitting next to the judge is responsible for writing the protocol. This can be overviewed by the judge on an additional screen.

Often the legal representative would hand over some documents or ask if the judge had already received them. Then, the appellant is introduced to the translator. They exchange some words to see if they understand each other’s language. After this is checked, the appellant is instructed to not make up answers if she does not know something. The first question from the judge usually has a small talk character, like “How are you? Do you feel healthy?”

What comes after this is too diverse as to put it in one form here. Therefore, I will only note the following: the judge asks questions and the appellant should give answers. These questions can concern all sorts of different aspects of the appellant’s earlier and current life. In the course of the hearing the judge also allows other actors to make statements or ask questions to the appellant. Sometimes witnesses are summoned, who also should give answers to the questions posed. The questioning is usually accompanied by a debate mainly led by the legal representative, the *BFA* official (if present) and the judge.

It also happened that one of the persons of trust would comment something from the back row. This usually led to a scolding by the judge. What should be mentioned here, is that the course of the hearings often was less structured and ordered than I had expected. After all, the actors involved are humans and not only functioning entities. An example for the hearings’ not-entirely frictionless character would be that the negotiation sometimes did not stop at the hearing room’s door.

After the judge has obtained all the information she needs to form her opinion, no one of the actors has an additional statement to make and the protocol has been re-translated to the appellant, the hearing is closed. Sometimes this goes hand in hand with a pronouncement of judgement but in many cases the decision is delivered in a written way some time after the hearing.

2.5 Positionality - “And You Are...?”

Judges would pose this question to us after everyone was seated and the hearing was about to begin. Our answer would usually be, “We are students from the university of Vienna”.

I will now take the question “And you are...?” as a starting point for some thoughts about positionality and add the words “...for whom?” to the initial question. I think, dealing with one’s own position can help reflect on the kind of information which one receives from different players in the field.

After revealing that our presence at court was due to a university project, the judges would say (often a bit jestingly) something like “Ah, so you represent the public in this hearing!” Since all the hearings at the *BVwG* are open to the public, they could assign us the role of an accepted player in the field. We were occupying an already existent position.

Being received as representing the public had ambiguous effects. On the one hand, this occasionally led to the hearings acquiring a somewhat theatrical aspect. Thereby I mean that it happened that the judge would explain something to us about the procedure during its ongoing or ask if we had any questions. Due to the issue’s brisance, we wanted to draw as little attention to us researchers, so the impression of being presented a show was a rather uncomfortable experience. The second aspect of being received as representing the public (not only by the judge) was that some people thought that our role was similar to the one of journalists making a reportage about the hearings and afterwards presenting it to a wider audience. This was probably one reason for some actors in the field being quite eager to present us their perspective of the matter. This foremost included legal representatives, persons of trust and *BFA* officials. The appellants usually abstained from approaching us students and we would also not actively seek contact since we did not want to pose a distraction in their preparation for the hearing.

I will conclude my positional analysis with some remarks concerning our spatial positions in the field. First, before the start of the hearings we would sit and wait in the lobby. This meant that casual talks were only possible with actors who did not have an office at the *BVwG* and therefore also had more of a visitor status. Second, during the hearing, we would always sit in the backrow. On the one hand side this amplified the theatrical aspect which I mentioned before

since we were facing the judge who mainly directs the course of the hearing. On the other hand, this meant that we were only seeing the asylum seeker's back and therefore lacked information about a part of her rhetoric.

2.6 Ethics

As disciples from various fields remark, conducting social-scientific work in the field of asylum comes with a number of ethical peculiarities (see for example: Block/Riggs/Haslam 2013). In the case of my research, this was already a topic before going to the first court hearing. Since the hearings often constituted a decisive moment in an asylum seeker's asylum procedure, respectively in her life, we did not want to intrude and possibly distract or upset her by having to deal with yet another player in the field. At the site we would therefore mostly talk to persons who were more familiar with the field and which's fates did not depend on the hearing's outcome to a comparable degree.

The thought of avoiding distraction for the asylum seeker did not only shape the methodology but also the research question since it broadened the focus, making us involve all the players in the field and not concentrating exclusively on the asylum seeker's position. Such an approach makes it easier to do research on things like policies, institutions, apparatuses etc. This does not mean that I excluded the asylum seekers from the research as it will become apparent in the interview section as well as in section IV-4.3.2. The asylum seekers which's "voices" I put in the thesis already had their asylum procedures behind them.

Although the asylum seeker can probably be seen as being the most "vulnerable" actor in the field, the ethical considerations also extend to other players. This involved, for example not giving away any information about who I had been talking to, still less the conversations' content. Also for judges, legal representatives, religious and non-religious representatives the stakes are often high. I will talk further about anonymization issues in the interview section.

Another ethical difficulty which arose when being there at court concerned (alleged) alliances with other players in the field. Since the legal representative or the persons of trust usually were the first people to encounter, it sometimes would make the impression that we were on their side. From an emotional standpoint this often really was the case but since we wanted to include several different perspectives, we also publicly talked to judges, *BFA* officials etc. This, we thought could seem rather irritating for the asylum seeker's "party". One instance which illustrates this feeling occurred when a judge after the hearing walked up to us and told us audibly for everyone that he regretted that he could not offer us a more thrilling case than this one.

This brings me to a final remark about ethics. Sitting through a hearing could be emotionally demanding, also for me as a researcher. I would go to the site in the morning, hope that there was a hearing I could attend, then sit there for several hours observing how a person's fate is negotiated (often rather intensely) just to say goodbye after and mind my own business again.

3. Interviews

In addition to the fieldwork at the *BVwG* and the analysis of decision texts, I conducted 15 interviews with people being in some way involved in the process of granting asylum. An overview is to be found in table 2 in the appendix. It provides information concerning the (changed) name of the interviewee, her role in the field, the date of the interview and its length, the medium used for its conduct as well as the interview type and the way of recording. As one can take from this table, over the time of my research I spoke to four judges from the *BVwG*, three legal representatives, two referents of Christian religious (and one referent from an atheist association), two journalists which worked on topics related to asylum and two former asylum seeker from Afghanistan. Furthermore, I wrote an inquiry to the *Bundesamt für Fremdenwesen und Asyl*, which was also answered in written form. The first interview took place on the 20th of November 2019, the last one on January 15, 2021. The interview time varied between 30 and 50 minutes.

As agreed upon with my interviewees, I do not mention their real names or other personal data. The same applies for naming organizations or associations. Instead of representations like "Judge 1", I decided to use made-up names. In addition to making the text livelier, this technique has the advantage that it reveals two things about the interview partners: First, their gender and second, by either stating a first name or writing "Ms. XY", the level of formality in our conversation. In a field like asylum where the stakes are often very high, I consider this anonymization to be an important step in protecting the interviewees' integrity.

3.1 Technological Aspects

Since for the most part of my research "regular" face to face interviews were not possible because of the Corona pandemic, I had to use other communication media. I found the online tool *Jitsi* to be suitable for my purposes. Its advantages are that it allows one to easily record and store audio-visual material, it can be used via phone or computer and no registration or download is needed for its use. This also means that no personal data is collected from the users. If nevertheless using *Jitsi* was not possible or if the informant preferred another communication medium, I used regular phone calls. This had the advantage of it not being necessary to have a

constantly uninterrupted internet connection. The downside of using phone calls instead of video calls was the lack of interpretation possibilities through facial expression and gestures.

4. Adjudication Texts

For my third source, adjudication texts (also “decision texts”) it did not appear useful to clearly distinguish between the data gathering process and the analysis. This is because the data gathering process alone can be described in very few words: I downloaded them from the *Rechtsinformationssystem des Bundes (RIS)*- the legal information system of the republic of Austria. Its self-description to be “a platform and data base providing information on Austrian law”. [Transl. M.R.] There, I.A. all the written adjudications from the *Bundesverwaltungsgericht* are to be found and downloaded via a search machine.

The adjudication texts I downloaded from the *RIS* concern the second court instance. This means that the asylum seeker has already received a negative asylum decision by the *Bundesamt für Fremdenwesen und Asyl*. The asylum seeker appeals against this decision, which makes him the appellant for the second court instance, the *BVwG*. The adjudication texts I dealt with can be seen as the outcome of this second court instance. They are written by the judges together with their co-workers after the hearing has taken place and all relevant documents and written statements have been handed in.

In sum, I analyzed 23 texts as can be seen in table 3, to be found in the appendix. Further information in the table concerns the adjudication text’s date, the reference number as well as some keywords about its content.

The keywords mainly revolve around aspects concerning my topics of interest, i.e. conversion and western orientation. All cases concern Afghan citizens. Within this frame, the texts were chosen randomly. In ten cases, asylum was granted. In 13 cases asylum was not granted, whereas in two of these cases, subsidiary protection was granted by the *BVwG*.

I will provide further theoretical considerations about the adjudication texts’ characteristics later in section IV- 2.3.1.1 when I talk about the different actors in the field. For now, I will content myself with outlaying some of their elements which I found to be crucial for the analysis. Although the texts vary in some respects - especially concerning wording and style - most of them have a similar composition. I will now depict a “typic” adjudication text’s structure:

- *IM NAMEN DER REPUBLIK!* / “In the name of the Republic!”: All adjudication texts start with this phrase indicating the text’s representation of the republic’s interests. Above this expression, there is the *BVwG*’s emblem, its address, as well as the asylum

case number. What is written below concerns the name of the executive judge and the appellant's obliterated name and date of birth, as well as her nationality. Underneath, the decision is rendered; meaning, the appellant's appeal against the *BFA* decision is either sustained or rejected. What's more on this first page is a note on the (in)admissibility of revision and in some cases a note concerning the grant of a residence permit different from asylum. Below, the text turns to the *ENTSCHEIDUNGSGRÜNDE* / "reasons for decision"

- *Verfahrensgang* / "procedure": In this step, all the stages of the procedure are listed, usually starting from the asylum seeker's entering the country. What is also to be found there are selected statements from the *BFA* hearing, reasons for appealing the decision, documents etc. The last step listed normally concerns statements, documents etc. handed in after the hearing at the *BVwG*.
- *Feststellungen* / "findings": This represents an account about which facts have been taken into considerations for the distinct case. These can be roughly separated in two sections. Information concerning the appellant and information concerning the situation in her country of origin. For the former, this includes I.A. personal data, reasons for flight and assessments about their legitimacy, her life in Austria, her earlier life in Afghanistan, ascriptions made by the judge, assessments concerning her situation if she had to move back to Afghanistan, criminal records etc. Information about the situation in the appellant's country of origin is taken from a variety of country reports and surveys. Not the country reports as wholes are put into the adjudication texts but only excerpts which seemed of relevance for the particular case. Examples of such excerpts would be the overall security situation in Afghanistan, region-specific reports, the juridical situation in Afghanistan, the situation for women, the situation for returnees, the educational system in Afghanistan and so forth.
- *Beweiswürdigung* / "consideration of evidence": This section usually starts with listing the sources for the *Feststellungen* and commenting on their legitimacy. What follows is a kind of comparison between what has been brought in so far and a number of considerations concerning the asylum seeker: the latter include I.A. her demeanor during the hearing, quotes from the protocols, information about her private life, her claimed reasons for asylum, writs, documents, witnesses etc. Also, there usually is a consideration concerning the appellant's possibilities of return to Afghanistan and an assessment of how her life would look in the case of a return.

- *Rechtliche Beurteilung* / “legal assessment”: This last section of the decision text starts by stating which laws are relevant for the assessment. It goes on by saying what follows from these laws considering the appellant’s distinct case. That means, the decision is legitimized by the authority of the law. Usually, the adjudication text is terminated by a note concerning the case’s (in)admissibility of revision and a formulation like *es war daher spruchgemäß zu entscheiden* / “therefore it had to be decided according to the verdict”.

4.1 Analysis of Documents

For the analysis, I read through about 30 adjudication texts and marked passages which seemed especially relevant to my research. I found the sections *Feststellungen* and *Beweiswürdigung* particularly fruitful, whereas for me, the other parts beared a lower level of significance. Especially concerning the assessment of the legal situation, the texts often were very repetitive. The same is true for the country report excerpts which are to be found in the section *Feststellungen*.

During the reading and marking process my main focus was on the passages about conversion in the broad sense, meaning which factors are introduced in the texts, how are they are assessed and how is the assessment legitimized. The main sources for legitimization included paragraphs, country reports, the appellant’s demeanor, witness statements, surveys and earlier statements in the procedure. Additionally, I dealt with the text’s style and its tone.

Throughout this engagement I came across certain particularities connected to analyzing documents. As Stephan Wolff remarks in his text about document analysis, data drawn from documents cannot be seen as having the same status as ethnographic field work or interviews and must therefore be analyzed in a different way (Wolff 2004). Documents cannot be treated as being more truthful than other data because of their written form and they “should not be reduced to the function of information containers but should basically be treated and analysed as methodologically created communicative features”. (Wolff 2004, p. 201)

Although Wolff warns against “using documents, as it were, as a second front after observational and verbal data” (Wolff 2004, p. 201), I consider it appropriate to include them in my research as long as one is aware of their status as non-objective data. Furthermore, for my research, it was sometimes the case that the documents had been produced by judges, which I had talked to or observed them conducting the hearing. In that sense, the adjudication text can also be seen as a tool of comparison.

Now, after having established a contextual as well as a methodological frame, the rest of the thesis will revolve around the following question which constitutes segment IV:

WHO
CREATES
WHAT?

By answering this centerpiece-question I want to lay out the main argument of the thesis, which can be paraphrased as follows: *The apparatus of conversion and its elements via performative actions create a converted subject.*

To approach this argument, I split up the question “Who Creates What?” into its three components and formed a question out of every word: “WHO?”, “CREATES?”, “WHAT?”. Each of those single-word questions serves as the title for one chapter of the thesis’ main part. In the course of answering the overall-question I tendentially move from a purely theoretical level towards a more empirical presentation of the data.

In “WHO”, I lay out the theoretical concept of an apparatus. For this endeavor, I base my discussion on the theories of Michel Foucault, Giorgio Agamben and Gregory Feldman. This step is necessary to understand, in which way my research field can be conceptualized as an apparatus. Further, I will justify my use of the concept by comparing it to the approaches by the three authors mentioned above. Ultimately, the different actors in the field are introduced. Drastically paraphrased, the question “WHO?” could be answered with “The apparatus and the elements incorporated by it”.

“CREATES” mainly deals with the apparatus’ functions and activities. The chapter again starts off with a theoretical input about my use of the concept of performance/performativity. Moving towards a more empirical account, I present some of what I call “creative instances”, i.e. actions which contribute to the formation of the asylum seeker’s identity as converted or non-converted subject. Essential for this chapter is an understanding of identity which is not pre-set but created through the interaction and relations of the apparatus’ components.

“WHAT” mainly deals with the arguments which are used to base the asylum decisions on. That means, I analyze which qualities are thought to be essential for a converted subject to have in order to be considered as one and therefore be entitled to asylum in Austria. As it was the case for “WHO” and “CREATES”, this chapter also begins with a theoretical input, namely about the notion of (de)-subjectivation. It is followed by two remarks dealing with inherent uncertainties and conflicts in the field of conversion. As a last step, I discuss what are taken to be indicators for each of the three subject positions: The religiously converted subject, the apostate subject and the “westerly oriented” subject.

This arrangement of chapters does not have the aspiration to be ontologically substantiated. I am aware that e.g. certain sub-chapters would also would have been suited to be assigned with “CREATES” rather than with “WHAT”. My final choice of arrangement is not ultimately justifiable. I chose this way because I found it suitable for my purpose of providing an adequate insight in the subject matter.

1. WHO?

Who (creates what)? The apparatus and the elements incorporated by it. Without an explanation of what I take to be an apparatus, this statement would be rather meaningless. It is therefore this chapter's aim to fill the word "apparatus" with content in order to get a grasp of its analytical value. In Academia, the word is inevitably connected with French philosopher and historian Michel Foucault (1926-1984) -proclaimed founding father of discourse analysis. His work mainly revolves around the notions of power, knowledge, and subjectivity. Social scientists using the concept of "apparatus" can hardly do that without basing some of their theoretical research on Foucault's works. In a first step, it will therefore be necessary to give an insight in his concept of the apparatus. I will approach the notion from various angles, starting with some considerations about the word (in French) itself, then moving from a rather negative definition towards a positive description also drawing on some examples for apparatuses.

For this chapter, I will not rely on a strict Foucauldian conceptualization of the apparatus but also use theories from its subsequent development. However, as hopefully will become clear in this chapter, the phrase "strict Foucauldian conceptualization" can be seen as an oxymoron since Foucault was rather vague about it and willfully abstained from squeezing it into a fixed form.³

In a second step, I will shortly deal with Giorgio Agamben's "What is an Apparatus" (2009) and show how the author expands Foucault's concept. Agamben (*1942) is regarded as one of the most influential living philosophers and was strongly influenced by Foucault's work. The third main figure in twentieth century's philosophy who frequently pops up when dealing with the concept of an apparatus, is Gilles Deleuze (1925-1995) and his essay "What is a Dispositif?" (1992). I will abstain from going into detail about this work and only make use of it sporadically. Instead, the already mentioned approach by Gregory Feldman is discussed since it can be seen as an application of the concept "apparatus" on ethnographic research.

In a last step, I will lay out how I myself applied the notion of the apparatus on my research on the negotiation of conversion. This includes the question, in which way this negotiation and all the elements around it can be seen as being part of an apparatus as well as a presentation of the elements I dealt with. For the process of fitting my empirical research into a theoretical frame, I draw on a mixture between the conceptions of an apparatus presented above. I am aware that to further capture the phenomenon, it would be necessary to give a more holistic account taking

³ Rabinow says about Foucault's work that "his books should be approached as "toolkits"; one should take from them whatever is useful, whatever is helpful in strengthening the attack on the reigning systems of power." (Rabinow 2003, p. 50)

into consideration a far greater number of factors like historical developments or geopolitical interests. Therefore, what I can offer is only a restricted image of a much bigger structure.

1.1 Foucault's Apparatus

I will now start by providing an insight in the Foucauldian concept of the apparatus. As this notion is rather blurry and hardly definable in a coherent and complete manner, it will be useful to include several voices and positions in approaching it.

1.1.1 Searching for a Definition

The original term Foucault uses for this concept is the French word *dispositif*, which is also sometimes translated as “dispositive”, “mechanism”, “deployment”, “arrangement” etc. I will not take into consideration these latter three ways of translating but solely use “apparatus”, *dispositif* and “dispositive” synonymously. Jürgen Link (2014) dates the emergence of these terms in Foucault's Œuvre with the end of the 1970s and links it with a shift of focus in his historical method, from “archeology” to “genealogy” (Link 2014, pp. 237-238). Richter (2014) notes that whereas in *Surveiller et punir* (1975) the term “dispositive” is still used in a rather unspecific manner, in Foucault's following book *Histoire de la sexualité* (1976) it had already acquired a central position in his analysis of power (Richter 2014, pp. 330-331). Agamben (2009) adds to this that Foucault started using the term “apparatus” when he began to deal more intensively with the possibility of governing people (Agamben 2009, p. 1).

As a first step in approaching the question “What is a dispositive?”, it seems useful to me to follow Link (2014) in taking into consideration the term's usage in French everyday language as it can be found in the dictionary. First, there is a technical sense, signifying the way how building components of an apparatus (i.e. a machine) are arranged (i.e. disposed) or also as experimental setup. *Dispositif* can also refer to a mechanism itself.

Second, there is the use of the term in a military jargon, where it means an ensemble of resources which are deployed pursuant to a strategy.

Furthermore, Link mentions lemmas referring to the ability to do whatever one wants to something or someone; one could also say to be “free to dispose” (Link 2014, p. 238). With Agamben (2009) I add another dimension of the term from the dictionary, which also bears importance for this master's thesis: “A strictly juridical sense: “Apparatus is the part of a judgment that contains the decision separate from the opinion.” That is, the section of a sentence that decides, or the enacting clause of a law.” (Agamben 2009, p. 7)

All these different usages (and more) can be seen as interwoven in the Foucauldian *dispositif* but they do not form the totality of its meaning.

As I.A. Paul Rabinow remarks in *Anthropos Today* (2003), Foucault introduces the term “apparatus” in his texts and makes extensive use of it without giving an elaborate account of what is to be understood by it. Only on one occasion, during an interview⁴ in 1977 conducted and transcribed by friends of Foucault’s, when asked about the apparatus’ meaning and methodological function, he tried to give a definition of it (Rabinow 2003, pp. 50-51). He then stated that the apparatus was,

“a resolutely heterogeneous grouping comprising discourses, institutions, architectural arrangements, policy decisions, laws, administrative measures, scientific statements, philosophic, moral and philanthropic propositions; in sum, the said and the not-said, these are the elements of the apparatus. The apparatus itself is the network that can be established between these elements.” (Foucault 1994, as cited in Rabinow 2003, p. 51)

Since “[t]his definition is again primarily a negative one” (Rabinow 2003, p. 51), it might be useful to continue the question of what an apparatus is, by taking the negativity further in laying out what it is not.

1.1.1.1 A negative definition

1)The apparatus is not equitable with the state. This holds true for the conception of the nation state as an abstract, impersonal entity exercising control over the people living in its territory. This understanding often goes hand in hand with the presumption of a sovereign ruling power. In an interview in 1977, Foucault held that although the state must not be underestimated in its importance and its power, the analysis of the *dispositif* must go beyond the examination of the state, whereas the latter can be seen as the nets of power’s *Überbau* (Foucault 1978, p. 39).

I would argue that neither can the apparatus be set equivalent with the state if “state” is not understood as an abstract, sovereign entity but in a more grounded way as “a complex set of spatially intersecting representations and practices”. (Gupta 1995, p. 377) This is not to say that there is not a thing like the state-apparatus. It should rather implicate that Foucault’s notion of *dispositif* goes beyond the state as its nets are bigger than a nation state. At the same time *dispositif* can be smaller than the state. This depends on the scope of research. What is to emphasize is that although the apparatus might overlap with conventional state images, it incorporates elements which cannot be seen as state actors or practices.

⁴ According to Deleuze (1992) it is no coincidence that Foucault would formulate this definition in an interview rather than in a book. Opposed to the rather fixed character of the major books, the interviews should be seen as “lead[ing] us toward a future, toward a becoming”. (Deleuze 1992, p. 166)

2) The *dispositif* is not an underlying principle like a Hegelian *Weltgeist* or a determining, rigid structure, which is somehow accessible to the researcher. It is no reality constituted apart from the conduct of research. It is a tool for the investigation of how power works on various scales. As Dreyfuß and Rabinow (1983) hold, the “*dispositif* is, of course, a grid of analysis constructed by the historian”, only to say in the same breath that “it is also the practices themselves, acting as an apparatus, a tool, constituting subjects and organizing them”. (Dreyfuß/Rabinow 1983, p. 121)

I found this point rather hard to understand but I think, Foucault would not disagree with me when I say that for him, it is of no great importance if the *dispositif* has an (conventional) ontic quality to it, i.e. if there is a “thing” out there, which is an apparatus. For him, it is more about a forming of reality, be it as an analytical method or as the relational interplay of forces the apparatus consists of.

3) The apparatus is not equitable with “discourse”. This might be the least controversial of the three differentiations presented here, since, as presented in the definition by Foucault himself, he sees the *dispositif* as being made of discursive as well as non-discursive elements. “Discourse” was one of Foucault’s keywords in his earlier works, where he was primarily occupied with the question of how something can count as knowledge in a specific context. With *dispositif*, he expands his scope by placing discursive knowledge in a net of non-discursive elements which helps him further investigate in the entanglements of knowledge and power (Richter 2014, pp. 332-333). A further difference between the terms “discourse” and “dispositive” is that Foucault -as for example in his inaugural speech at Collège de France 1970- emphasized the former’s restrictive function (Foucault 1974). *Dispositif* on the other hand has an essential creative element to it, which will become clearer when dealing with Agamben as well as in the next chapter of the thesis.

1.1.1.2 A Positive Definition

Now, in a next step of closing in on the strange notion of the *dispositif*, I will try to bring the elaboration on a more positive level, illustrating some of its -what I take to be- crucial qualities. I start with Foucault’s understanding that apparatuses “are initially formed as responses to crises or problems.” (Rabinow 2003, p. 54) Foucault illustrates this in a passage in *Surveiller et punir* when he writes about the king and his exertion of sovereign power. Since this kind of power was hard to conceptualize and in its unclear nature ultimately contra-productive against absolutism as form of rule, it constituted a problem for which a new *dispositif* was to be set in place (Foucault 2008a, pp. 775-781). Another example illustrating this point can be found in

Richter (2014): A society with mercantilist economic system faces a group of vagabonds entering its territory. This must lead to a reaction in order to incorporate the new people in the society (Richter 2014, p. 333).

What becomes clear in its conception as a “thing” responding to so some sort of crisis, is the apparatus’ strategic nature. In order to get a hold of the historical situation, a *dispositif* is formed as a possible solution for the problem. As Richter stresses, this strategic element of the apparatus must not be seen as a strict plan according to which it functions. It is rather defined as flexible operations which make it possible to assign different functions of the *dispositif* with adaptable purposes and goals (Richter 2014, pp. 333-334). One could therefore say that the dispositive employs (and is) a flexible, reactive strategy which should guarantee a more effective exertion of control over a group of people. Concerning the apparatus’ diverse strategic nature, I found it useful to employ Rabinow’s notion of a *dispositif* “embody[ing] a kind of strategic bricolage, a bricolage articulated by an identifiable social collectivity.” (Rabinow 2003, p. 52)

Another aspect of the apparatus is its heterogenous network-like nature. As one can see from Foucault’s own definition which I cited above, it would be wrong to think that a dispositive is the opus of a distinct group of people forming some kind of master plan. The apparatus contains discursive as well as non-discursive elements. This means that in applying the analytical prism of the apparatus, the researcher must deal with huge variety of “things” of different nature. As Foucault states, “Power is everywhere; not because it encompasses everything but because it comes from everywhere.” (Foucault 2008b, p. 1098) [Transl. M.R.] This “everywhere” is not restricted to persons or words but (as said before) includes laws, institutions, policies, arrangements, technologies, buildings, norms, and more. These elements can be seen as being the knots in the net, which constitutes the apparatus.

In this regard, Richter (2014) takes the *dispositif* to be a kind of structure which is constituted of certain functions or positions. The decisive thing is that these functions or positions can be filled with a variety of different actors with different aims. According to Richter, an apparatus should therefore not be conceived as a functional unit; he rather emphasizes its pluralistic character. This also means that the elements incorporated by the dispositive can have interests or strategies which are opposing to other elements. All these elements are subject to a certain dynamic inherent to the apparatus (Richter 2014, pp. 332-334). This illustrates that the apparatus does not solely consist of “bad” actors, repressing the individual. Its plurality is due to the fact that power is not only exercised one-directional but in various ways. There are not subjected entities on the one side and subjecting entities on the other, but the elements appear

in various forms and constellations. With Dreyfuß and Rabinow it can be added here that “[t]his form of life has no essence, no fixity, no hidden underlying unity. But it nonetheless has its own specific coherence.” (Dreyfuß/Rabinow 1983, p. 125)

This last paragraph should not give the impression that the apparatus’ nature is exhaustively presented by taking into consideration the net’s knots, i.e. the dispositive’s elements. What is missing in order for it to become a net are the strings between these knots. Foucault also uses the word “lines”, a notion which Deleuze (1992) in his essay holds central. For my purposes it seems appropriate to use the terms “connections” and (more importantly) “relations”. These form the machine apparatus in which the elements are incorporated.

1.1.2 Relations

There are three aspects of these relations which I would like to point at before moving on the Giorgio Agamben’s conception of the apparatus: 1) their (potential) indirect character for which I will give a short example: In *Surveiller et punir* Foucault describes a change in the course of criminal proceedings. In the Paris of the mid-17th century, punishing a criminal involved more direct connections between the actors involved, i.e. the judge or the court reporter would be present while the torment was inflicted. Foucault notes a change of conduct starting from the late 17th century. This meant a reduction of direct connections between the actors involved in the punishment. The criminal became anonymized, the punishers less occupied with the person to be punished turning the complex in a more administrative direction, where people would not meet each other face to face but their relations became essentially mediated (Foucault 2008a). 2) The relations’ epistemic aspect. Rabinow writes, “This is what the apparatus consists in: strategies of relations of forces supporting, and supported by, types of knowledge.” (Rabinow 2003, p. 53) This illustrates an important quality being that the lines between the dispositive’s elements are constituted and filled with different forms of knowledge. This knowledge is created by the apparatus and is made use of by its elements. Knowing what can be deemed as true or false, what is the opposite of what, what counts as knowledge etc. is deeply connected with the third property of relations I want to bring up:

3) the relations’ normative/power aspect: Through its work, the apparatus creates subjects and determines what it means to be such a subject. This latter aspect will be further discussed in the next section, respectively in the next chapter titled “CREATES”. What I think is essential to point out concerning the dispositive’s relations is their versatile and adaptable nature. Whereas some relations can have the simple form human-human others are more complex, for example when it comes to relations between various discourses.

Since this insight in Foucault's theory of the *dispositif* might be rather challenging to grasp, I will break down its essential elements in this chapter's summary.

1.2 Agamben's Apparatus

What follows is an account of Giorgio Agamben's essay "What is an Apparatus?" (2009). Since Agamben in his conceptualization of the apparatus extensively draws on Foucault, I will try to prevent repeating myself by extracting the parts of Agamben's theory which are to be seen as something new compared to what already has been said. In accordance with the discussion above, Agamben takes the apparatus to be "a set of practices and mechanisms (both linguistic and nonlinguistic, juridical, technical, and military) that aim to face an urgent need and to obtain an effect that is more or less immediate" and holds that "apparatuses must always imply a process of subjectification, that is to say, they must produce their subject". (Agamben 2009, p. 8; p. 11) What becomes evident from this quote is that Agamben stresses the dispositive's creative and productive manner which I intentionally have not discussed excessively before but which will be essential in the next chapter.

1.2.1 Subjectification

Agamben approaches the issue from a historical-theological side by introducing the concept of *oikonomia*, a term from ancient Greek meaning "house administration" or "management". This relates to the second century AD and eventually to the notion of the apparatus in the following way: One way to deal with the question of trinity, i.e. how to understand that God is one but at the same time is three, was to split his entity in two: On the one hand, there was God in his oneness, referring to some pure form of being; on the other hand, there was God in his administrative, his economic sense, in which he was triple. This latter conception of God foregrounded activity, whereas the former emphasized God's being (Agamben 2009, pp. 8-10). The connection to my topic becomes evident when considering the Latin translation from the Greek *oikonomia*; being *dispositio*. Through the employment of the concept of *oikonomia* on God, an administrative God was created, i.e. a new subject was produced. This process is typical for all dispositives since they "imply a process of subjectification, that is to say, they must produce their subject". (Agamben 2009, p. 11)

In this way, Agamben sets a division between different entities: "living beings" on the one side and apparatuses on the other. The latter capture, incorporate and form the former. The third part of this division is the subjectivated subject, i.e. the created outcome "from the relentless fight

between living beings and apparatuses.” (Agamben 2009, p. 14) So, there is the living being which comes into a relation with an apparatus, which produces a subject.

It is in this manner that Agamben expands the notion of Foucault by applying the concept to an even greater number of things, like phones, agriculture, philosophy, the pen, language. What these things have in common and what makes them dispositives is that they “have the capacity to capture, orient, determine, intercept, model, control, or secure the gestures, behaviors, opinions, or discourses of living beings.” (Agamben 2009, p. 14) So, the phone as apparatus creates the subject phone user, the apparatus pen creates the writer and so forth. What becomes evident from this is that according to Agamben, the living being is constantly in contact with a variety of different apparatuses (Agamben 2009, pp. 14-16).⁵

The important thing for the process of subjectification is that the newly created subject as well as other actors accept this new kind of identity. Without this acceptance the *dispositif* “cannot function as an apparatus of governance but is rather reduced to a mere exercise of violence”. (Agamben 2009, p. 19)

1.2.2 Desubjectification

Later in the text, Agamben corrects his earlier statement that the relation between the apparatus and the living being works in a subjectifying way, since apparatuses would “not give rise to the recomposition of a new subject, except in larval or, as it were, spectral form”. (Agamben 2009, p. 21) It is rather the case that the relation between the apparatus and the living being is to be understood as a process of desubjectification. Such a desubjectified entity is without “depth” and versatility but is reduced to a manageable figure. This way, the governing of living beings is facilitated. In Agamben’s example of the cell phone as apparatus, this figure is a telephone number: A living being gets into a relation with the phone apparatus which constitutes a desubjectified, two-dimensional subject (Agamben 2009, pp. 19-22).

1.3 Feldman’s Apparatus

With Gregory Feldman’s account on what he takes to be the apparatus of migration, I will conclude my conceptual investigation in the notion of the *dispositif*. Feldman’s article “If Ethnography is More Than Participant Observation, then Relations are More than Connections: The Case for Nonlocal Ethnography in a World of Apparatuses” (2011) and some chapters from

⁵ Agamben goes so far as to take the apparatus as the thing which separates humans from animals, since it is the dispositive which sets a break or a rupture between the living being and its environment (Agamben 2009, pp. 16-17).

his book *The Migration Apparatus. Security, Labor, and Policymaking in the European Union* (2012) will be the basis for this endeavor.

I employ these texts less because of their theoretical value (which I don't want to understate) but because they can be seen as an attempt of applying the concept of the apparatus to ethnographic research.⁶ Also the already mentioned methodological imperative to nonlocal ethnography will only play a minor role in this account of his texts. Instead I will concentrate on these elements of the apparatus which I take to be fruitfully illustrated by the author's ethnographic account.

“Refugee adjudicators diligently research asylum-seekers’ claims about persecution and often find the truth ambiguous [...] As a result of this ambiguity, migration officials and policymakers must sort a bewildering array of travelers into a classificatory scheme [...] In short, the ambiguity of travelers’ circumstances must be simplified to facilitate migration management.” (Feldman 2012, pp. 56-57)

As one can take from this quote, the main interest here is the question of how the EU makes use of “tools” which can dismantle ambiguities in “protecting” its borders and managing people who cross these borders. Since a highly complex and diverse set of different elements plays a role in this process of migration management, Feldman draws upon a very extensive pool of sources. He not only includes participant observation with EU officials, the people who are very much in charge of migration policies; he also deals with the political discourse playing a big part in how migration policies are implemented and adapted. Another important source of the account are technologies used by the authorities to capture and frame migrants. What is of interest is the way these different actors are related to each other and ultimately form an effective way of managing humans. “Most significantly, how do the[se] myriad processes [...] converge so as to form a decentralized apparatus of migration management composed of disparate migration policy agendas, generic regulatory mechanisms, and unconnected policy actors and policy “targets”?”. (Feldman 2012, p. 5)

With Foucault, Feldman emphasizes the central role of the relations, the lines between these elements. He says that the way in which the EU migration management works is only possible because the actors’ contact to each other normally does not involve direct contact, but it is mediated through norms, documents, policies etc. (Feldman 2011, p. 380).

Feldman offers an account of a remarkable encounter he witnessed in which actors EU policy makers visit a holding center for “illegal” immigrants. As he describes it, many of these policy makers were not having a good time during their visit as they experienced the building's

⁶ Another text operating in a similar manner which I take as a model is Guiseppe Maglioni's “The Restorative Justice Apparatus: A Critical Analysis of the Historical Emergence of Restorative Justice” (2019).

narrowness. What the text also points at is that most of the visitors were trying to avoid eye contact with the people held there. This is described as “[t]he surreal and awkwardly close proximity of such disparate souls”. (Feldman 2012, p. 2) The policy makers are not used to direct contact with the people which the policies target in order to guarantee a working migration management. In their daily routines they are more likely faced with numbers and paragraphs than with “real” migrants. There is a mediated relation between these actors rather than a connection. This is what leads to what Feldman calls “bureaucratic indifference”. (Feldman 2012, p. 5)

This indifference does not imply that within the apparatus there are no moral considerations involved. Feldman argues that in addition to the apparatus’ technical aspect, one must also acknowledge that there is something at play which he calls with Heyman “high scale morality” (Feldman 2012, p. 16) This belief in a greater good, i.e. making migration flows work in an organized way and therefore preventing the emergence of a chaotic state of affairs is a further important aspect in understanding the policy makers’ rationale. The values of this “morality” can be seen as being “order, docility, and productivity.” (Feldman 2011, p. 390) What is important to understand about this form of morality is that it must not go so far as to ask about the structural reasons for migration, since this “could lead to a moral justification for illegal migration.” (Feldman 2011, p. 387)

There are two more aspects of the apparatus which I find to be nicely illustrated in Feldman’s plea for a nonlocal ethnography (2011). Again, it will be useful to make use of an example which can be found in the text: the story of Billy, a young man from Senegal making his way to Europe. The author starts by pointing to politico-economic developments between the EU and Senegal which led to a great number of people leaving the country. He then goes on by illustrating the stations on Billy’s way, as well as the actors, rationales and technologies which engaged with him. This includes his appearing on a radar screen, his jumping off the boat in the water which obliges the security patrol to rescue him, his interrogation by an official, the biometric data generated from his body, Billy’s leaving his country of arrival which makes him an “illegal” immigrant, and much more (Feldman 2011, pp. 382-386).

What such an account is able to provide is an insight in the work of the apparatus as a structure where power is not strictly distributed in a top-down fashion but is rather distributed to a variety of different elements. Feldman calls this phenomenon of power coming through all sorts of elements the “*Acephalous World of Migration Policymaking*”; (Feldman 2012, p. 1) [Italics M.R.] indicating that this kind of structure has no master mind behind it; it has no head.

What can also be found in the account of Billy's odyssey is the apparatus' creative and productive aspect which I already talked about. It is only through Billy's engaging with different actors, technologies, and policies that he as migrant or he as "illegal" migrant is produced. Through his journey Billy becomes a dot on a radar screen, an entry in a statistic, a biometric profile, an asylum seeker, an "illegal" migrant. This illustrates how the migration apparatus works in creating a two-dimensional subject: either you are "legal", or you are "illegal". As Feldman holds, "It is far easier to manage people as two-dimensional quantitative objects rather than three-dimensional qualitative subjects." (Feldman 2011, p. 389)

Summarizing this account of Feldman's work, I would take the main points of his application of the concept "apparatus" to be the following: 1) mediated relations rather than direct contact between its elements. 2) a diverse and non-monolithic structure of power between a wide field of actors. 3) the establishment of "bureaucratic indifference" and a "high scale morality". 4) the aspect of assessing, categorizing, and normalizing its objects.

1.4 The Apparatus (?) of Conversion

In light of everything that has been said in order to come closer to the concept of a *dispositif*, can one reasonably say that there is an apparatus of conversion? Can one conceptualize the elements involved in the negotiation of an asylum seeker's conversion as a dispositive? Again, the answer can neither be an absolute yes, nor an absolute no. The apparatus of conversion can be seen as a sub-apparatus of the migration apparatus as described by Feldman. It could also be seen as an analysis of the migration apparatus using a narrower scope and therefore dealing only with a part of it. One could also say that my research describes a sequence of an apparatus' work in play. Finally, since there are specific rules, actors, forms of knowledge, places, institutions etc. to it, it could also be counted as a "distinct" apparatus, whereas "distinct" is not to be understood as "unconnected" to other apparatuses. I will now outlay how the theories above can be used in analyzing this complex.

1.5 Juxtaposing Theory and the Field

Although it should become clear during my presentation of what I take to be the apparatus of conversion, I must emphasize that my research should not be seen as a strict application of one of the approaches which I laid out above. While using these approaches as a theoretical frame, it does not exactly comply to the concept of a Foucauldian apparatus, an Agambenian apparatus or Feldman's conception of it. Rather, I use certain aspects of these theories and investigate

how they are applicable to my field of research. There certainly are some apparent differences in focus and conception compared to the accounts outlaid above.

1.5.1 Compared to Feldman

For example, I did not (and could not) apply a scope of research as it is presented in Feldman (2011, 2012). Since his announced field of interest is the migration apparatus of the whole EU with all its facets to it, he extensively draws on geopolitical as well as economic developments which lead to people leaving their home country. The author deals with a much bigger apparatus than I do. For his endeavor it was also necessary to work historically and to include the political situation and the political discourse in Europe in order to understand the implementation of the migration apparatus. Although these aspects do appear in my research, they are not my main focus.⁷

Furthermore, I did not have the possibility to do research on people which are intensively engaged in the planning and formulation of policies which to some extent form some of the rules the apparatus plays by. For a scope like this, it would have been necessary to conduct research over a wide span of time in different places. I restricted my research to the way the global interplay of different players could be investigated on a smaller level.

On a theoretical level, I would hold that Feldman foregrounds the apparatus' structural moment. What I mean by that is that it seems that he takes the apparatus to be more of a structure, an object of investigation rather than a method of analysis used by the researcher. For my research I tried to hold in mind the *dispositif's* twofold nature as "a grid of analysis" as well as "the practices themselves". (Dreyfuß/Rabinow 1983, p. 121)

1.5.2 Compared to Agamben

What differs my account from the concept of *dispositif* given by Agamben is that I take his theory (when used as the sole frame) to be too broad as to be applied on ethnographic research. Whereas the creational aspect of the dispositive, which Agamben emphasizes, can be seen as an essential part of my conception of the apparatus, his extension of the concept will only play a role in segment V when dealing with the apparatus as a measuring device. For my aim, which is to investigate how an apparatus works in the field of asylum, it does not seem fruitful to subsume a huge number of different things and concepts like the pen, cigarettes or even

⁷ For an article dealing with this topic, see Andrea Pettrachin's "Opening the 'Black Box' of Asylum Governance: Decision-making and the Politics of Asylum Policy-making" (2020).

agriculture or language under the term *dispositif*. Saying that agriculture is an apparatus makes it seemingly hard to investigate in the strings of power spun by this dispositive.

1.5.3 Compared to Foucault

Since Foucault can be seen as the founding father of the *dispositif* as a way of conceptualizing power relations, and since his explanation of what he means by this term is essentially vague and open for interpretation, it is hard to give an account of in which way my conception of “apparatus” differs from his. Perhaps, this can be answered by pointing to the methodological approach outlined in segment III. Since ethnographic research normally involves more direct contact with the “objects” it investigates than historic research, it can be said that my account of the apparatus is “closer” to the people which I take to be incorporated in the apparatus. To stay in Foucault’s terminology, my investigation extensively takes into account the knots in the net of the *dispositif*. This is possible because I do not draw a strict distinction between the strings and the knots but would argue that the power relations also “flow through them”. I think that Foucault would not disagree with me on that; what I’ve been trying to explain is that through my conduction of interviews and participant observations (among other sources), I really engaged with people which would sometimes set the structural aspect in the background.

1.6 Is it an Apparatus?

Despite these apparent differences in conceptualizing, I found the *dispositif* to be a useful analytical prism to investigate the negotiation of conversion. In a next step, I will therefore highlight certain essential elements of the apparatus from the theories and see how they apply to my research. Laying out to what extent my experience of the research field fits these elements can possibly legitimize my usage of the term “*Apparatus of Conversion*”.

1) The apparatus’ establishment as a response to a certain problem or crisis, i.e. its strategic element:

As I made clear in the context section, I situate my research in the aftermath of the so-called refugee-crisis of 2015, when the number of people migrating to I.A. Europe rose significantly compared to the years before. Considering this context, the notion of an apparatus as responding to a kind of crisis certainly applies. The sheer amount of people crossing the borders of European nation states made it necessary for the states to establish and reaffirm its tools for managing, controlling and often times deporting the newcomers. This proclaimed necessity was

labelled with slogans like “protecting the borders”, “preventing chaos” or “fighting people trafficking”.

For my research topic’s specific context, I would argue that the so-called refugee crisis is not the sole development to which it was necessary to respond. There is a problem within this crisis. The problem of people’s (a)-religious conversion and their orientation towards a lifestyle, which was deemed as “westernized”. The fact that these features are not open for direct inspection called for a strategy which made it able to assess if a person should receive protection due to her identity or “mindset”. Of course, this should not implicate that before 2015 these types of procedures did not take place, but since a great deal of people migrating at that time were coming from non-Christian, respectively “non-western” countries, the issue became more apparent in this time. Therefore, I would argue that the *dispositif*’s strategic quality as response to a crisis or problem can be applied for my research topic.

2) The apparatus is not the state:

Although it could be argued that the abstract entity “state of Austria” or some political powers implement the apparatus’ work, the “apparatus of conversion” is certainly not equitable with the state. That is because it is bigger than the state and at the same time smaller than the state. The apparatus does involve many elements which can undoubtedly be called state actors, like judges, *BFA* officials etc. But in my conception of the apparatus, there are also other elements at play which are no state actors but are nevertheless incorporated in it. In this sense, the apparatus is bigger than the state. On the other hand, some aspects of the state might not be of great importance for this issue, which makes the *dispositif* also smaller than the state.

This is not to say that the state and the state actors do not have a very powerful position and play an essential role for the dispositive’s work. I only suggest that the state and its actors cannot be the sole focus when investigating the field of conversion.

3) Relations rather than direct contact:

In my account of his conception of the apparatus, I noted that Feldman very much stresses the aspect of mediated relations through which the apparatus works. “The difference is primarily that connections involve direct, immediate contact between people while relations involve indirect, mediated contact.” (Feldman 2011, p. 379) I would argue that for my research, these relations as a type of mediated contact indeed played a role. This becomes apparent considering the role of documents, laws, and so forth. One example to illustrate this kind of indirect contact is that usually judges would not formulate their decision in the course of the asylum hearing but do it via the medium of a decision text. So, in this sense, I found the apparatus consisting of indirect, mediated relations.

On the other side, my research also very much revolved around encounters, i.e. direct contact. In the court room many different elements come together and do meet each other and *BFA* officials do talk to asylum seekers in person. Nevertheless, I would argue that also in these situations a form of mediation is at play, namely the rules and procedures of such an encounter. I tried to provide an insight for this in section III-2.4, titled “course of a hearing”. I take these rules of behavior as a medium for the contact between different elements.

Summing up, I would hold that my conception of the apparatus, although it takes into consideration relations between actors which never meet each other in person, does not solely rely on this kind of contact. A more direct way of meeting other actors face-to-face also plays an essential role.

4) The Apparatus works through power/knowledge

This feature of the apparatus was ever present during my research. On the one hand, the interplay of the dispositive’s different actors creates knowledge and knowledge realms. This holds true considering the country reports, the judicature concerning asylum, or knowledge about what it means to be converted in a religious sense. On the other hand, it is also essential in order to have power to make use of that knowledge. This can include knowledge about the law, knowledge about how to behave, knowledge about religion and so forth. One encounter which struck me as an empiric example for the interplay of knowledge production, knowledge usage and its connection to power was a talk with a legal representative in the hallway of the *Bundesverwaltungsgericht*. She told us that there exists a kind of online forum for legal representatives where they would exchange information about how certain judges tend to behave during the hearings. This knowledge can then be used in the legal representative’s work. The aspect of knowledge and knowledge production interwoven with power therefore clearly plays a role in the “apparatus of conversion”.

5) The Apparatus establishes a kind of morality:

I was not able to make myself entirely sure about this aspect. For some (state) actors it can certainly be held true that they locate their actions in what Feldman calls “high-scale morality”, i.e. the belief that the ordered management of migrants is necessary for a greater good (Feldman 2012, p. 16). But as my conception of the apparatus is broader than Feldman’s, the issue of morality differs from actor to actor. I hope to give more of an insight about morality in the procedure in section IV-3.3.2, when talking about “fake conversion”.

6) The Apparatus has a creative and productive element to it:

Concerning this aspect, I will settle for stating that I found this to be applicable to my research and point to the next chapter “CREATES”.

7) The apparatus does not work through the exercise of sovereign power but consists of a multitude of heterogeneous elements:

This aspect of power coming from everywhere should be illustrated in the next section, where I present the different elements I engaged with during my research. This does, of course, not entail that power is equally distributed among these actors. An interpreter e.g. is in a far less powerful position compared to a judge. Some sources of knowledge or expertise have a lower prestige than others. But I would argue that in the complex at stake, there is not one sole element or actor which acts with sovereign, arbitrary power.

These seven points in which “the apparatus of conversion” complies with essential elements from the theoretical approaches above, should form a justification for my use of the term “apparatus” or *dispositif*.

1.7 The Elements in the Research Field.

When discussing my conception of an apparatus, one might ask, how can I include actors like legal representatives, church officials and even the asylum seeker himself in this thing called apparatus? As I tried to show above, the possible positions and roles provided by the apparatus are diverse, flexible and sometimes opposing to each other. When answering, how including this variety of very different actors is possible, I would argue that these actors are incorporated in the apparatus as they occupy certain positions which ascribe them a specific role. The official from the *Bundesamt für Fremdenwesen und Asyl* does not appear in the court room as “Johanna Smith” but she acts in her role as an official. I take the same to be true for actors like the priest, who plays his part in the apparatus since he writes a letter to support the appellants claim or shows up at court in the role of the witness. Also the person applying for asylum can be taken as incorporated by the *dispositif* since in the procedure she takes the provided role of the “appellant” with its connotations and scope of action. As Deleuze holds it, “[apparatuses] are machines that make one see and talk”. (Deleuze 1992, p. 1) This aspect of role-taking will be further discussed in section IV-2.2.

Ultimately, I must repeat myself again in stressing that by including all these actors in the conception for the apparatus of conversion I am not suggesting that these actors cannot have good intentions, which also can lead to positive outcomes for the asylum seeker. I only argue that they work together in establishing a coherent, manageable subject.

Some of the elements which I take to be incorporated by the apparatus have already been presented in the sections concerning context as well as methodology. These include the legal frame for asylum (the Geneva convention of 1951 and the legal situation in Austria), the police,

the holding centers, the adjudication texts, the *Bundesverwaltungsgericht* and an account about its architectural conditions, the proceeding of a hearing, the staff workers, an account of the political situation in Afghanistan, migration statistics, me as representing the public etc.

Other elements, which I engaged with during my research are the following:

Judges

The judges at the federal administrative court ultimately make the decision if the first instance decision is affirmed, rescinded, or changed, therefore deciding over the asylum seekers legal status. During a hearing, the judge is very much in charge of the procedure, formulating questions and deciding whose turn it is to speak. The hearings at the *BVwG* only constitute one minor part of the judges' duties. They and their co-workers try to take into consideration the whole account of the procedure, i.e. the whole *Akt* and view it under the light of the legal and contextual frame. Ultimately, their decision is formulated in an adjudication text.

Appellants

In my case, these people were Afghan citizens, whose application for asylum had been rejected in the first instance by the *BFA*. The appellants claim that their case has been assessed wrongly by the officials and therefore have their case reviewed by the *BVwG*, where they are called "appellants". In the course of their asylum procedure, the appellants pledge for asylum based on a (change in their) lifestyle which would lead to persecution in the case of a return to Afghanistan.

Legal Representatives

In the course of her asylum procedure, a person applying for asylum should get in contact with a legal representative. I use this term instead of "lawyer" because (at least) in Austria, not every legal representative can call herself "lawyer" (*Anwalt*). What I also include here, are people working in institutions which don't necessarily accompany the asylum seeker to court but work as legal advisors. Many legal representatives work for caritative institutions, which means that their services are often for free. Some asylum seekers also hire standalone lawyers to make preparations for the hearings, represent them at court and write statements.⁸

⁸ As of 2021 a reform concerning legal representation and legal advice has become effective. Following a decision by the right-wing government in 2019, these services are overtaken by a state-owned agency, the BBU (Bundesagentur für Betreuungs- und Unterstützungsleistungen).

BFA (officials)

The *Bundesamt für Fremdenwesen und Asyl*, founded in 2014, is part of the ministry for inner affairs. Its range of tasks includes a.o. the conduct of asylum procedures in the first instance and the issuance of documents for migrants. What is essential to know in the context of the thesis is that the *BFA* is the first instance assessing if asylum should be granted to a person or not. For the hearings at the *BVwG*, the *BFA* therefore can be seen as the appellant's opposite party trying to argue, why its initial negative decision was rightful. *BFA* officials often do not attend these hearings in person but communicate their position via written statements. If a *BFA* official is present, she has the chance to ask the appellant questions and present her view on the case.

Court Instances

In the context of asylum procedures, there are two court instances which are superior to the Federal administrative court: the constitutional court and the supreme administrative court. These set the legal frame for the asylum decisions and specify how certain aspects should be judged. During the hearings, earlier decisions by one of these courts are used as support for one's claims. Furthermore, as outlined earlier, these institutions have the power to overrule decisions made by the *BVwG*.

Country Reports + the Actors Involved in Their Production

The reports which I subsume under the label "country reports" are produced by a variety of different actors. For my research, I was dealing with the reports by the "European Asylum Support Office" (EASO) and the *Staatendokumentation*. The latter is part of the *BFA*. Its purpose is not only to provide general information about a state, but the investigations can also have a more specific character depending on the case's peculiarities. Relying on a wide variety of sources like NGOs, newspaper articles, experts, secret services etc. these reports should give an account about the safety in a certain area as well as providing a tool for checking an asylum seeker's account's credibility.⁹

Writers and the Protocol

In most cases, there is a writer or clerk present at the hearings. Her job is it to make a protocol about what is said (and done) there. For this activity she is often instructed by the judge dictating

⁹ An exact account of the *Staatendokumentation*'s methodology can be found in *Methodologie der Staatendokumentation* (2016).

what should be put in the protocol. The latter is an important document since it is the only written representation of the hearing's course and therefore relevant for the further procedure.

Translators

For the asylum hearings at the *Bundesverwaltungsgericht*, there is always a translator present. In most cases, the appellant gives her statements in her mother tongue. For my research, this was usually Dari or Farsi. The translator should give an accurate account of the appellant's utterances. Normally, the interpreter recites these using the grammatical first person and sentence by sentence, which naturally has an effect on the hearing procedure. The translator can therefore be seen as a medium between the appellant and the other actors at the hearing. If requested, the interpreter re-translates the protocol for the appellant to prevent misunderstandings.

Appellants' Friends (as Persons of Trust or as Witnesses)

Since the hearings at the *BVwG* are open for the public, the asylum seeker may bring along confidants for moral support. In most of the hearings I attended, the asylum seeker was not alone but accompanied by at least one person of trust. Usually, these persons of trust are not allowed to speak during the hearings. If they are summoned as witnesses, they must leave the room during the interrogation. When it is their turn, they are asked questions by the judge, the legal representative and/or the *BFA* official. For the court, they can be seen as a further source to determine the asylum seeker's account's credibility.

Representatives of (A)-Religious Institutions

Here I include officials from religious communities as well as spokespersons from atheist or non-religious associations. These people normally know the asylum seeker through personal contact and often accompany her during the asylum procedure. In many cases, these people write statements which should support the appellant's sincerity. When summoned as witnesses, the representatives should formulate their view on the asylum seeker in terms of her religious or a-religious conviction and behavior.

Experts and Documents

During the course of an asylum procedure, a number of documents and experts can play a role. Experts which are important in the negotiation of asylum can include doctors, psychologists, people who give lectures for judges, or also religious officials. Documents and writs often

appear in the form of confirmation for certain activities like language courses, attending cultural events, baptisms, acculturation classes, labor, school, etc. These are normally produced and handed in to the judge before the hearing.

1.8 Summary “WHO”

Before moving on, I will try to sum up what I take to be the most important aspects of this chapter. Especially for someone who is not familiar with the concept of an apparatus, the theoretical input might come across as rather confusing. Highlighting the theoretical tenets the thesis is built on, helps shedding further light on the issue.

Concerning my discussion of a Foucauldian concept of an apparatus or *dispositif*, the following points are essential to be kept in mind:

- 1) The apparatus can be seen as a net or structure of power/knowledge which incorporates a multitude of diverse elements. The latter are assigned a specific role inside the structure which gives them a certain disposition. The power structure is constituted by the connections and relations between the elements.
- 2) *Dispositif* is a broadening of Foucault’s concept of discourse since it refers to discursive as well as non-discursive elements like technologies or architectural arrangements.
- 3) Power does not (solely) work via repression but has productive element to it.
- 4) The apparatus can be interpreted as both, an epistemological prism introduced by the researcher, as well as the object of research.
- 5) An apparatus has a strategic element to it since it is established as response to a crisis.
- 6) A *Dispositif* establishes realms of knowledge as well as of morality, since through its work, it determines what counts as a meaningful or true statement as well as what counts as a moral action.

I discussed Giorgio Agamben’s interpretation of an apparatus because it emphasizes the creative, the productive, the subjectifying work of the *Dispositif*. This idea is also a central aspect of Foucault’s concept, but I find Agamben’s account to be a fruitful illustration of this point: Through its work, the apparatus constitutes subjects which otherwise would not exist. As I have shown, Agamben takes these subjects to be the product of an interaction between an apparatus and what he calls “living being”. The difference between a “living being” and a subjectified subject is that the latter are not three dimensional, versatile entities but have been created as depth-less units with a certain disposition, being easier to manage and control. In this sense, Agamben also uses the word “*de*-subjectification” in opposition to the “word subjectification”.

Gregory Feldman's concept of a *dispositif* was introduced in this chapter since he applies this (originally historical) prism on ethnographic fieldwork by investigating in the structure of the EU migration apparatus, which's task it is to make migrants into manageable units. Besides his focus on relations between different elements, Feldman fruitfully emphasizes the un-centered character of the apparatus for which he uses the label "acephalous" (Feldman 2012).

In a next step, I compared my research approach to the respective theoretical accounts by the three authors, arguing that I would not strictly stick to one apparatus concept but proceed in a rather eclectic manner.

Then I highlighted a number of tenets from the theoretic inputs concerning the *dispositif* and illustrated how these apply to my research. This step served as a justification for my speech of an *apparatus* of conversion.

As an ultimate point, I presented some of the elements which I take to be incorporated by the apparatus of conversion and which through their actions produce a converted or non-converted subject. These actions will be at the center of the next chapter, which I labelled "CREATES".

2. CREATES?

While “WHO” was primarily concerned with theory about the apparatus, in this next chapter, titled “CREATES”, I move towards a more empirical way of presenting my research. It should serve as an illustration of my conceptualization of a converted subject as product of relations of power and knowledge. I will begin by giving a theoretical insight into the apparatus’ productive or creative aspect. Here, it will be argued that the creation of a subject which is deemed to be converted or non-converted essentially depends on performative actions by the elements incorporated by the apparatus. Based on this theoretical introduction to the chapter, the next section will be about the actors taking on their distinct position inside the dispositive via performance. From there on, I will illustrate different “creative instances” as I found them during my empirical research; starting with adjudication texts and other documents, then moving towards the appellant’s performance as well as the actions by other players in the field. Such an account can only be given by concentrating on a small selection of actions while excluding other actors’ contributions. The chapter “CREATES” will be concluded by a remark on the role of country reports which will be important for the last chapter “WHAT”.

2.1 Creation Through Subjectivation Through Performance

In the previous chapter I have stated that in his earlier works, Foucault conceptualized the works of power and discourses as merely restricting people in their way of living. In *Histoire de la sexualité* which was published in 1976, he reflects on his former ideas about power in a chapter titled “The repressive hypothesis” (Foucault 2008b, pp. 1039-1055). Dreyfuß and Rabinow adhere that this “repressive hypothesis is anchored in a tradition which sees power only as constraint, negativity, and coercion”. (Dreyfuß/Rabinow 1983, p. 129) In contrast to this earlier conception, Foucault later asserts a fundamental productive and creative element to the workings of power. This becomes strikingly apparent in Agamben’s discussion of the apparatus which I outlaid in the previous chapter. Contrary to the “repressive hypothesis”, Agamben holds that people are not (simply) subjected by the work of an apparatus but they are subjectified. “[A]pparatuses must always imply a process of subjectification, that is to say, they must produce their subject”. (Agamben 2009, p. 11)

For my conception of an apparatus of conversion this means that not only a specific person as e.g. westerly oriented is produced but the whole position, the category of a westerly oriented person is created and reiterated. Without the work of an apparatus it would not make sense to speak of a person as being converted in an (secular) official sense. Only through the work of power/knowledge, people can be assigned that status and the rights that come with it. I think,

this creative aspect is very present in asylum proceedings in general, since here it is negotiated if a person can be seen as belonging to a certain kind of group like a persecuted political minority.

What is entailed in the idea of a creative, productive and identity-forming *dispositif* is a strict renunciation of the idea of a humanist subject with inherent qualities isolated from discursive formations. Dreyfuß and Rabinow hold for this point that “Foucault [...] replaces ontology with a special kind of history that focuses on the cultural practices that have made us what we are.” (Dreyfuß/Rabinow 1983, p. 122) Subjects and identities are not readymade before interaction but are only constituted through it. This is what I call “Creation through Subjectivation”.

The question that remains up to this point is how this subjectivation is accomplished by a *dispositif*. What should be already clear is that the apparatus is not a rigid determining structure spitting out subjects with certain subject positions. Actors incorporated by the apparatus do act. Through their action they contribute to the subjectivation of a knowable subject. Subjects “are discursively articulated and generated *performatively* within local systems of meaning”. (Dagg 2012, p. 103) [Italics M.R.] I take the aspect of performativity to be essential for the subject creation in asylum procedures.

Performativity in this sense refers to actions (which do not necessarily have to be speech acts) with inherent consequences, contributing to a framing of a certain subject.¹⁰ This framing is accomplished by different elements including the asylum seeker herself, who through her conduct contributes to the establishment of an (part of her) identity. Through these actions, the subject is not merely represented as such but the actions themselves contribute to the subject’s emergence qua positioned subject. “Discourses are performative to the extent that they co-produce what they name. [...] Performativity is the materialisation of norms”. (McKinlay 2010, p. 235) In the following section, this latter aspect will be discussed further.

For the context of this thesis, it is important to emphasize with Judith Butler that the process of subjectivation, i.e. the process of assigning an asylum seeker the status of a converted or westerly oriented subject is a procedure of various performances which do not just *represent* the subject’s (legal) identity but *constitute* this identity via their iterated occurrence (Butler 2006 p. 249).

Here, I want to point out again that these performances not only constitute a single person as e.g. western oriented but are part of the creation of the whole position “westerly oriented person”. This subjectivation is accomplished via performance.

¹⁰ For this context, one could also have dug deeper in the theoretical concept of *interpellation*. However, I found an emphasis on *performance/performativity* more fruitful, since with its broader approach, it allows for a departure from a strict focus on verbal acts.

The next section will further elaborate on the role-taking in the asylum process, i.e. the way the actor's performances are confined by the dispositive. After this, I will present concrete performative acts and strategies as I found them in the field.

2.2 Taking on a Role Inside the Apparatus

In the previous chapter I noted that for my conception of the apparatus I would include a wide variety of different actors with different strategies, knowledge, power etc. I furthermore have touched on the way I plan to justify including them all into the concept of a *dispositif*, namely by arguing that they take on a certain role in the field. In this sense, the subectifying apparatus' work is twofold: On the one hand, it puts the actors in a pregiven position and assigns them a certain room for maneuver. This is what I will try to explain in this short section. On the other hand, the apparatus' elements in their certain positions collaborate in "producing" a converted or non-converted subject. This first aspect about taking on a specific role can best be illustrated using an example from the field:

The hearing had already been going on for about one hour. Through its course, the appellant had given extensive, detailed answers, obviously satisfying the judge's expectation, while the official from the *BFA* still formulated doubts about his account. This led to the judge saying, "Look, I've been doing this job for 25 years. This man is trustworthy. I have here 30 pages of report full of *Realkennzeichen* [indicators for a true account]. Why do you think that this is not credible?" During the break, the judge repeated this question to the *BFA* official. The latter answered by making a gesture of excuse and saying, "I may not say it [that the account is believed]. I represent the *BFA*'s position." (Field notes 20.11.19)

What this example illustrates is that the apparatus, by incorporating different actors, assigns them a specific role with a specific disposition. There are certain positions like "the official", "the appellant", "the witness" which are to be taken on by the actors which make them act qua their role. This is framed nicely by Wolfgang Neurath (2016) in his text about the notion of *dispositif* in Foucault, Agamben and Deleuze when he notes that actors incorporated by a dispositive are at the same time incurring and exerting power (Neurath 2016, p. 6). The actors inside the apparatus are at the same restricted by their position as well as empowered by it. A *BFA* official may not say what she actually thinks but at the same time is granted power by her position.

As a further example from the field illustrating this point, I take an interview I conducted with Ruth, a legal representative. I asked her if it would play a role for her if she herself found the appellant's story credible or not.

“No, that does not play a role for me. I generally don’t question that. In my work, it is generally like that. I often deal with stories of fleeing where I don’t think if they are true. Some people...I don’t want to put myself in the position of assessing that. I only assume that it is true, and I try to get the best out of it.” (Interview Ruth, lines 64-67)

So, for the legal representative qua legal representative it is of no great importance if she believes in the appellant’s account since this is not part of her role in the asylum procedure. At the time of the hearing, she must act as she believed the account just as the *BFA* official must act as he did not believe it.

An important aspect of taking on a specific role in the apparatus of conversion, is acting according to specific norms within this dispositive. With Judith Butler one could say that taking on a specific role involves representing and embodying norms correlative with these roles. One must stay in the realm of the “sayable” in order to count as a subject whose actions count (Butler 2006, pp. 208-209). “Sayable” could probably be paraphrased as “a meaningful statement”. For my field of interest, what counts as meaningful statement is, what can be used for assessing a person’s conversion. Only by contributing to this assessment can the actors take their role in this process.

This role-taking is not always accomplished frictionless. A witness may, for example fail in his acting qua witness if she talks about things which are not deemed as relevant for the case. A legal representative may fail by citing laws and guidelines which are not up to date any more. An interpreter may fail by not sticking to straight translation but engaging in excessive talk with the appellant and so forth. As Butler notes, in order to count as a subject, [i.e. an element with a specific position], the actor must comply to certain rules and norms of conduct (Butler 2006, pp. 210-211). A performative utterance is successful if through the utterance I trigger a chain of effects (Butler 2006, p. 33).

With this section I wanted to further justify my conception of an apparatus incorporating diverse actors. This incorporation is accomplished by taking on a specific position with a specific conduct and level of power to it. My aim is, however, not to investigate in which sense a judge becomes a judge through her performing as a judge. This would be rather unappealing. Instead, the question is, how these different actors in their specific role perform in order to bring forth a subject which can be deemed as converted or non-converted. Some of these performative strategies I will present in what follows.

2.3 Creative Instances

In this section I will outlay and discuss what I call “creative instances”. What I mean thereby are actions and utterances in the asylum procedure which assign certain qualities to the person of the asylum seeker with the intention of forming the picture of her in a way beneficial for the respective party. I argue that the sum of these actions and utterances from diverse actors with different levels of power result in a person’s position as (non-)converted subject.

2.3.1 Written Accounts

I will start by discussing instances in which written accounts contribute to the negotiation of a displaced person’s status. Julia Dahlvik (2013) investigates in the important role of the written word in asylum procedures in Austria. Exemplary for this issue, she deals with two crucial elements, namely the *Akt*, i.e. the physical collection of all written accounts concerning a person’s asylum procedure as well as the *Gutachten*, i.e. an assessment about the asylum seeker made by a person with an expert status. Dahlvik concludes that bureaucracy and juridical procedures in general are heavily relying on the written word, granting it a status which is often times more prestigious than a verbal account (Dahlvik 2013, p. 315). As the main functions of written documents in asylum procedures, she points to “the structuring of identities and circumstances, as well as of facts about a society”. (Dahlvik 2013, p. 304) [Transl. M.R.]. With Bruno Latour, Dahlvik conceptualizes documents as “actants” granting them the power to a.o. authorize, exclude, enable (Dahlvik 2013, p. 304). As hopefully has become clear in my theoretical discussion of the *dispositif*, the latter is in any case not confined to human actors, wherefore I will abstain from going in depth about the relation between actors and “actants”.¹¹ For my discussion I will mainly focus on two types of documents, namely the adjudication text as well as the survey (*Gutachten*), with remarks being made about certifications and the protocol.

2.3.1.1 Adjudication Texts

The first “creative” instance discussed, usually stands at the end of an asylum procedure. The adjudication texts’ structure as well as their function have already been discussed in section III-4. What is important to keep in mind is that in these texts, the judge’s decision as well as all the factors which the judge deems as having contributed to this decision are listed. This includes

¹¹ For a text dealing with the relation between an Actor Network and a *dispositif*, I point to Simon Ganahl’s essay “Ist Foucaults Dispositif ein Akteur-Netzwerk?” (Ganahl 2013).

a.o. the legal situation, the asylum seeker's data, the course of (parts of) the hearing as well as previous accounts.

In her recent article about negative asylum decisions in Finland, Erna Bodström argues that adjudication texts would be “performative documents”, meaning that “they are not merely texts; they determine whether or not an applicant can legally stay in a country.” (Bodström 2020, p. 5) I agree with this account and add that asylum decision also act performatively in the sense of classifying and creating a person's (legal) identity. I will outlay this creative moment with reference to two exemplary adjudication texts; one concerning the case of an Afghan man applying for asylum based on religious persecution, the other one concerning a woman applying for asylum based on the claim of “westernization”. Whereas asylum was granted in the first case, it was denied in the second. On the first page of the former case, it is written: “The appeal is sustained and in pursuance of § 3 Abs. 1 AsylG 2005 idgF XXXX is granted the status of a person entitled to asylum.” (BVwG 07.08.2020; W2032200583-1, p. 1) [Transl. M.R.]

Here, one can find the apparent performative role of this document as outlaid by Bodström (2020), since this sentence *allows* the person to stay in Austria. However, what I want to illustrate by introducing this exemplary statement is the moment of legal (de)subjectivation which stands at the end of a long procedure about the person's status. It is with this formula that the person becomes manageable since his status is not unclear any longer. Legally, he *is* now a person entitled to asylum. His status and the room for maneuver that go with it are determined which makes him a recognized subject. The same holds true for negative decisions, whereas through the decision the person gets assigned the status of a person not entitled to asylum, i.e. not a refugee.

Logically prior to this decisional statement, there is a discussion of the different voices and aspects concerning a person's conversion, which is illustrated in the adjudication texts. I will continue by providing further extracts, representative for the legal subjectivation process. For the case of the convert:

“It contradicts life experience to assume that a young person in the situation of the appellant would partake with such consistency and regularity in the events by the Christian community and would take on the sometimes considerable distance if Christian faith [...] would mean nothing to him. [...] Summarizing, the court concludes that the appellant -even though his baptism is still pending- has earnestly and sustainably turned towards Christian faith”. (BVwG 08.07.2020; W203 2200583-1, pp. 25-26) [Transl. M.R.]

Phrases like “it contradicts life experience” deem the adjudication text as a rational entity, which is apt to assess if a person is “really” converted or not. What I want to emphasize by

raising these examples is that the adjudication texts are not simple assessments about the status of the asylum seeker. Through the use of formulations like “the appellant [...] has earnestly and sustainably turned towards Christian faith”, his identity is fixed towards the status of a converted subject. It is in this sense that the adjudication text contributes to the subjectivation via performance. Within this process, it has a special and very powerful status due to its written form, which according to Dahlvik (2013) grants it a greater prestige than verbal accounts. Also due to its logical and temporary position at the end of the asylum procedure, it can be seen as the “all things considered” account.

Before turning to the element of the survey, I want to point towards one more peculiarity about the adjudication texts and their role inside the apparatus of conversion by again quoting from the already introduced examples:

“When asked about the upsides of Christianity compared to Islam, the appellant stated that in Islam there would be many crimes, lies, war and killings, whereas in Christianity there would be “only love””. (W2032200583-1/9 E, p. 7) [Transl. M.R.]

“When asked about her flight reasons, [the appellant] stated that she would want to live with her husband in Austria. That would be all. [...] In Afghanistan she also would not have had any problems as a woman.” (BVwG 09.07.2020; W260 2214805-1, p. 3) [Transl. M.R.]

By including phrases like “only love” or “that would be all”, the impression of including the appellants’ voice in the document is generated. I do not wish to suggest that the respective person has not made this or that statement. I solely want to emphasize that this inclusion of the appellant’s account also entails an exclusion of other possibilities. One could also say that the asylum seeker’s voice is filtered, since the power relations of the *dispositif* “define what counts as a [...] meaningful statement.” (Dreyfuß/Rabinow 1983, p. 55)

During the hearing, the judge has the most powerful position concerning the question which statements are noted by the court clerk and are put in the protocol, granting them legitimacy beyond the hearing situation. It is the judge together with his co-workers who writes the adjudication text. So, the filtering process takes place at multiple instances throughout the procedure. First, the asylum seeker’s statements are translated and therefore brought into a conceivable form, then it is decided which statements make it in the protocol and ultimately a selection of statements from this very protocol is included in the product- the adjudication

text.¹² I would argue therefore that this type of performative subjectivation essentially works via the exclusion of alternative statements.

2.3.1.2 Gutachten

A further important document which is also discussed in Dahlvik (2013) is the *Gutachten* or survey. Documents in general and especially of the type of a survey were present at almost every hearing and in every adjudication text I dealt with. They can be summoned by either party. Especially in the case of religious conversion, these documents are often certificating of baptisms or of partaking in some sort of municipal activity.

In what follows I will discuss a distinct type of *Gutachten* brought to my attention in an interview with Barbara, a spokesperson of a secular refugee organization. This survey's purpose is to strengthen the claim that an asylum person has abandoned religion or has never been interested in religious matters in the first place. Some points to be found in Dahlvik (2013) can be illustrated with this example. When asked about the ways of preparing the atheist asylum seeker for a hearing at the *BVwG* or at the *BFA*, Barbara told me,

“We prepare, for example the attest from Dr. Reich¹³. We very much trust in that because he is very recognized. [...] He is a theologian, a catholic theologian who does atheist research. [...] Yes, he talks to them and a protocol is made and later evaluated. [...] He talks to the people and then makes attestations about atheism. Sometimes, this is acknowledged, sometimes it is difficult.” (Interview Barbara, Lines 50-59; 11-12)

What Barbara revealed to me in this talk is that her organization, in the course of their supporting activities for the refugee, appoint an expert in religious matters who crafts a survey which should serve as proof that a person really is an atheist. This seems like a reasonable method for strengthening one's position in the legal procedure since the written word has a powerful position in this system. As Dahlvik holds, it is not only the written form which grants these statements power, one must also consider the position of its author. A typical author of a survey or an attest in the asylum process has the status of an expert in the field with profound knowledge about the issue (Dahlvik 2013, p. 312). The expert's high status is also emphasized by the continuous invocation of the person's academic title. Throughout the interview, Barbara would refer to the expert as *Dr. Reich* and holding that “he is very recognized”. This issue is also discussed in Julia Dahlvik's account (Dahlvik 2013, p. 312).

¹² I don't wish to suggest that other parties, like the appellant or her legal representative have no power over what is included in the protocol.

¹³ Name changed.

Bolstering one's claims about one's "real" atheism with the use of a *Gutachten* presents the issue as the outcome of a scientific process which could have gone either way. Through this strategy one is also suggesting that the attest represents a (to some degree) detached view on the matter at stake. It is not the expert's sympathy with the asylum seeker which made her write her survey, but a scientific inference based on the facts about her way of living. This grants the survey further prestige.¹⁴

Summarizing, I would hold that via the example of the attest about atheism one can illustrate I.A. the following point: The production and the handing-in of the survey can be seen as a "creative" instance in which the interplay of power and knowledge or power/knowledge becomes present in a striking way. The asylum seeker's identity is further established by an expert voice. I would hold that it is the need for subjectivation which makes these kinds of documents possible and to some extent necessary.

2.3.2 The Appellants

For discussing the performance of the asylum seeker, respectively the appellant it is necessary to clarify a possible misunderstanding concerning the notion of "performing". Although the procedure during the hearings at the *BVwG* sometimes have a theatrical element to them, I am not suggesting that the asylum seeker's behavior should be interpreted as a rehearsed performance by an actor. This conceptualization would assume a pre-given identity which is independent of her behavior in situations like the asylum hearing. Even though I hope to have made this clear in the course of my discussion of performance-theoretical approaches like of McKinlay (2010), I felt it to be necessary to emphasize that I do not assume that asylum seekers just "act out" in order to appear as converted subjects. Rather, I assume that the asylum seeker's performance as well as the reactions to that performance are essential for the constitution of her (legal) identity.

2.3.2.1 Pre-Hearing

A further difficulty in writing about a displaced person's "performance" is the question, where to set the start of this performance inside the *dispositif*. In Feldman's (2011) account of the journey of a Senegalese man migrating to Europe, he writes about how at a certain point this person appeared as a dot on a radar screen. However, as I read him, Feldman conceptualizes the apparatus as already at work before that moment of detection; through e.g. economic

¹⁴ As suggested by Barbara's last sentence "Sometimes it is difficult", the vigorous effect of this kind of attest is, of course, contested.

agreements between Senegal and the EU (Feldman 2011, p. 383). Also for my research field, the asylum seeker's performance concerning religious conversion or "western orientation" is, of course, not restricted to the tempo-spatiality of an asylum hearing at the *BVwG*. I would even argue that her performance goes beyond the moment of passing the Austrian border, since also behavior in the country of origin can be consulted for assessment. In the case of Afghanistan, conversion is predominantly an after-flight reason (*Nachfluchtgrund*). Therefore, this behavior often is less important for the assessment compared to cases based on persecution due to political activity e.g.

As I experienced it, for after-flight reasons like (religious) conversion, the asylum seeker's behavior after her flight from the country of origin plays a crucial role. This concerns her "everyday" behavior and her social interaction with others, which are potential indicators for a (non-)conversion. Her performance also includes instances of state-documented behavior like potential criminal records and foremost the statements given at the interviews with the police (shortly after the arrival) as well as at the *Bundamt für Fremdenwesen und Asyl* (The first asylum instance). What is said and documented at these meetings can be used in questioning or strengthening a person's claims about a credible conversion. It is all collected and included in an asylum seeker's *Akt* as illustrated by Dahlvik (2013).

One question often posed in asylum hearings was roughly formulated like, "At the interview at the *BFA* you stated that you are a Muslim. Why did you say that if you do not consider yourself one?". As illustrated by this example, earlier accounts by (and about) the asylum seeker represent a crucial part of her performance.¹⁵ One must keep in mind, that these earlier performances at the interviews have went through, what Wikström and Johansson call "transformative filters", i.e. the translation, the protocolling etc. (Wikström/Johansson 2013, p. 95)

Concerning the asylum seeker's performance, I found it important to refer to these "pre-hearing" instances which contribute to the formation of a coherent or incoherent image. Since her performance qua behavior as appellant was observable for me, I'll spend the rest of this section, pointing to some peculiarities of this aspect.

¹⁵ Especially for Christian conversion with its diverse manifestations, this use of earlier performances in assessing the truthfulness of a conversion is highly contestable. Samahon (2000), for example points to the famous "instantaneous" conversion of St. Paul (Samahon 2000, p. 2221-2222).

2.3.2.2 During the Hearing

One legal representative, when asked about the preparations for an asylum seeker told me, “I try to encourage them [the clients] and tell them “this is your day! Your chance”, so to say.” (Interview Ms. Biskup, lines 63-64) Indeed, at the day of the hearing, the appellant’s performance is what it is all about.¹⁶ This performance is not constrained to the asylum seeker’s statements; also aspects of her general behavior and appearance can serve as signs for a “real” conversion. Sara McKinnon in “Citizenship and the Performance of Credibility” (2009) concludes that “asylum seekers must emotionally embody, in the courtroom, what they reveal in the text of their testimony”; she also uses the notion of “*read[ing] the body* in order to determine whether non-citizen-subjects deserve access to belong as citizens”. (McKinnon 2009, p. 215; p. 208) [Italics M.R.]

Assessing a person’s asylum claims based on her demeanor in court is not an uncontested matter as one can take from the UNHCR report on credibility assessment (UNHCR 2013, pp. 193-217). However, during my research I found instances of such an assessment in all three sources, i.e. observant participation, interviews, and adjudication texts. One example concerning this aspect from an interview with Mr. Rupprecht, a judge at the *BVwG*:

“I’ll say it like this: If there is someone sitting vis a vis of me who talks about the Bible for example and who talks about Jesus Christ and from his whole behavior while talking about that I have the experienced that he seems interiorly freed, that he seems more happy, then I don’t care if he is the 1000th case who converted, he doesn’t seem to be one where I should doubt it.” (Interview Mr. Rupprecht, lines 218-222)

Didier Fassin (2009) in his article about the negotiation of truth in asylum procedures also takes up the topic illustrated in the quote above. He states that it is “[t]he thinness of the unquestionable factual evidence the claimants can provide [which] calls for the assessment of who they are, rather than what they tell.” (Fassin 2009, p. 23) I would argue that in cases of religious conversion as well as for claims about apostasy and “western orientation”, this “thinness” is especially prevalent which calls for an evaluation of credibility and authenticity (partially) based on the appellant’s demeanor during the hearing. Therefore, the asylum seekers rhetoric can present her as e.g. “interiorly freed” by her faith.

Before moving towards the appellant’s oral account, I will introduce one further example from an interview with a judge who speaks about the in-court behavior of women applying for asylum based on “westernization”:

¹⁶ This dynamic is further established by the spatial arrangement; the appellant being positioned in the middle of the room with all the other parties looking in her direction, making her the object of investigation.

“[W]hen there comes a total *Duckmäuserin* [~”Yes-woman”], who is mantled from bottom to the top and does not look out of the eyes and says yes and amen to everything, then I probably will not be able to grant it. At least no asylum. *Subsidären Schutz* probably yes because the women there are really in danger”. (Interview Mr. Neuböck, lines 340-342)

Since statements like the ones cited above cannot be deemed as exceptional, I would argue that an appellant’s (non-verbal) behavior plays a role in the negotiation of her status. What is furthermore foreshadowed in this last statement is not only an assessment (partially) based on the appellant’s behavior but also on her way of clothing. This will be discussed in section the next chapter “WHAT” in section IV-3.5.2.

Besides coherency of the account as well as authenticity suggested through one’s behavior, I would argue that a display of sincerity is of outmost importance for an asylum seeker’s performance. As I experienced it, the opposite of what is taken to be sincerity, is an alleged strategic use of a conversion claim in order to become a refugee. The appellant through her statements must convey the impression of a person, who during her change of life did not have in mind the potential “usability” of this change concerning an asylum procedure. The conversion should be displayed in terms of an inner logic without the impression of a utilitarian stance which could be seen as the “real” reason for the conversion.

One aspect of an appellant’s performance which can deem her asylum application as having this strategic character, is the (alleged) lack of spontaneity and originality in her answers. I will discuss this issue using an extensive example from an adjudication text concerning a man’s conversion to Christianity:

“When asked, what the symbol of the cross signifies, the appellant only stated that it signified “the path to salvation”. When asked again, the appellant stated that it signified “the remission of signs”. [...] The appellant was also asked, how his former life differed compared to his life after the baptism. For this answer the appellant only provided content-free statements: “Now, I have a conviction. I feel safe. I have the feeling that I am no longer sinful”.” (BVwG 26.03.2020; W225 2202001-1, p.67) [Transl. M.R.]

This quote illustrates the difficulty of verbalizing religious matters, as it is discussed a.o. in McDonald (2016). What I want to point to, is what McKinnon in her gender-based analysis calls the “paradox of enactment”. (McKinnon 2009, p. 216) In the context of conversion this means that the appellant’s performance must fit between two poles: On the one hand, the performance must express a conversion’s sincerity in a way which is understandable for the audience. On the other hand, this “making” understandable must not work via the use of what is deemed as “empty phrases”. With McKinnon, I would hold that the appellant should be able

to “cite repetitively the conventions of cultural/linguistic fluency, rationality, and embodied affect that [...] serve as judges’ standards for a proper performance of credibility in the asylum context.” (McKinnon 2009, p. 206) In order to create a credible converted subject, the appellant’s statements should fit these standards but also not too well, i.e. in a way which could deem them as borrowing a cliché or having it learnt by heart. Statements like “the cross signifies the path to salvation” without further explanation run the risk of being interpreted as “content-free answers”. McDonald in his article about the negotiation of conversion states that “[C]orrect answers were found to have been ‘rehearsed and memorised “in order to achieve a migration outcome”.’” (McDonald 2016, p. 148) The impression of having learnt the right statements by heart can present the asylum seeker’s actions as not sincere, i.e. with a strategic element to it. This decreases her credibility and therefore her level of power.

I want to shortly point to one further aspect concerning the question of what can make an appellant’s performance in the hearing room more powerful: Her rhetoric skills and her ability to deal with administrative processes. A hearing at the *BVwG* can be an unfamiliar and stressful experience for a person who is not acquainted with its rules and ongoing. The task of behaving and answering in an acceptable way is to a great extent also dependent on what one of my interview partners labelled as “*Bildungsnähe*”, i.e. the likeliness to receive formal education (Interview Ms. Biskup, line 60). My experiences during my presence at court confirm this impression. Higher education and familiarity with administrative processes allows the appellant to evaluate what counts as a meaningful statement within this context and act accordingly. The presentation has to be authentic as well as skillful.

Summarizing this section, I would hold that the “creative power” of an appellant’s performance depends on her ability to present herself in a coherent, authentic and sincere manner. This includes her behavior before as well as during the hearing. For the latter, it is important to fit into the image of a converted subject without the impression of wanting to fit to this image by learnt-by-heart statements. One’s educational background can be helpful for a successful performance.

2.3.2.3 Online Performance

Just as the asylum hearing is not necessarily restricted to what happens in the hearing room, the asylum seeker’s performance and its evaluation are not bound to physical space. The role of social media and its diverse forms of application in the asylum-seeking procedure have been subject to recent studies in social sciences like in Merisalo and Jauhiainen (2020) or Bolhuis and Van Wijk (2020). The latter discuss the usage of social media data by asylum authorities,

in which they see a further tool to evaluate the legitimacy of a displaced person's asylum application. The authors say that using asylum seeker's actions on platforms like Facebook or Instagram can "not only [be] useful to identify problems with regard to a claimed identity, but that it can also make a claim stronger if it is consistent with other information". (Bolhuis/Van Wijk 2020, p. 10) The usage and the legitimacy of using social media data varies from state to state in the EU and is also a topic of debate for jurists, since it can be argued that this would violate article eight of the European Convention on Human Rights granting a right to a private life (Bolhuis/Van Wijk 2020, p.18).

During my research I also found instances of social media data usage as contribution to the forming of an image about a person seeking asylum. These usages were not necessarily connected to the topic of conversion but also included assessments of a person's credibility in general. To give an example from my fieldnotes of an asylum hearing I was present:

"When the Judge asks the appellant if he still has connections with people in Afghanistan via social media etc., the appellant says no. The judge wants to know if the appellant has his phone with him. The appellant must show him his Facebook Messenger App and goes through his chats. As the judge finds chats with users potentially from Afghanistan, he asks about them." (Field notes M.R. 28.01.20)

In cases like this one, the asylum seeker's social media performance is used as a quasi-witness, strengthening or weakening her account of a credible story. As for the whole performance by the appellant, it is about establishing coherency.

On a further visit to the *BVwG*, I witnessed a conversation between a legal representative and a person in wait for his asylum hearing. The legal representative asked if the asylum seeker used social media like Facebook. His claim was to have renounced religion all together, living an atheist life. Therefore, the legal representative wanted to know if he had published Facebook postings criticizing Islam or religion in general. When the asylum seeker said no, the legal representative stated, "Ok, then I will not ask about that." and continued to search for instances when his client had made public statements about his apostasy.

What becomes apparent in instances like the one described, is that one's behavior on social media platforms can be a further tool for establishing a coherent picture, by either party involved in the asylum procedure. As Bolhuis and Van Wijk state, this usage can even extend to the clicking on the Facebook "Like Button" (Bolhuis/Van Wijk 2020, pp. 14-15).

Assessing the asylum seeker's online performance concerning conversion is also a big topic in terms of publicity, meaning if other people potentially get to know about a person's conversion. This impression was further strengthened in an interview I conducted with a judge. When asked if he would use social media information for his asylum procedures, he said,

“Yes, yes. Also here, the question is always: Does that have an impact on... or can that be known to the state of origin? And if yes, what impacts does it have? That means, if I post on social media that I converted to Christianity and that I turned away from Islam; that I -I don’t know- now honor the Christian holidays in Austria, that I go to church there, that I attend the service and that I don’t care two figs about Islam anymore, then this can, of course, have implications. I must look into that. To only say that the state is not interested in that anyhow, or that they will not see it anyways, this is a... It is not like that.” (Interview Mr. Prohaska, lines 173-179)

Summarizing this point, I agree with Bolhuis and Van Wijk’s (2020) who notice that an asylum seeker’s social media performance can contribute to the establishment of an overall picture, i.e. to her subjectivation. This can be done regarding one’s identity as well as concerning the publicity of an appellant’s (alleged) conversion. An asylum seeker’s online performance can be used as an argument by different parties seeking to strengthen their claims. That is not to say that the usage of social media data is uncontested. In conversations I had with persons of trust as well as with a judge, they criticized this method due to the potential of the information being flawed.

2.3.3 Legal Representative

For this section, I base my argument on the three interviews I conducted with legal representatives who were active in the field of asylum as well as on my observations during the hearings. All of my interview partners work for non-profit organizations, meaning that the asylum seekers do not have to pay for their services. As I experienced it, the legal representatives’ performances play an important role in the shaping of their clients’ legal identity and ultimately in the decision about her status. I subsume their activities under two headlines with each two sub-headlines, with which I hope to represent the legal representatives’ performances properly: *During the Hearing* and *Before/After the Hearing*. I will start with the latter.

2.3.3.1 Before/After the Hearing

As it was made clear to me by all my interview partners working as legal representatives/advisers, the bigger part of work for asylum procedures revolves around preparation, respectively post-processing.¹⁷ This preparation process was summarized by one of my interview partners by stating, “one has to carve out the client’s life story and look.” (Interview Ms. Biskup, line 278)

¹⁷ This is not necessarily done by the same person who does the representation at the *BVwG*.

First and foremost, the legal representative must prepare herself and her client by getting familiar with the case, i.e. reading through the rejection of the first application, searching for possible inconsistencies and inaccuracies one could use as basis for the appeal. This is what I labelled as “appeal preparation”. On the basis of this investigation, the legal representatives formulate legal statements and (after the hearing) legal answers. Since for an asylum procedure a great number of different elements bear relevance, it is also the legal representatives’ task to detect which documents and persons are important and purchase, respectively summon them. This can include medical reports, IDs, baptism certificates, country reports, an official declaration of leaving Islam etc., but it also is about finding possible witnesses who can be supportive at court. Ms. Biskup, when asked about preparations for hearings revolving around conversion formulated the crucial questions for this activity as follows:

“[D]uring the preparation one has to urge the client to talk to his priest: what is his name? where does he live? How can he be invited? Can he write a letter? Is he willing to speak out as a witness? Is there a godfather? Someone from the Bible study group whatever! This is about technical questions, that you announce this person to the court in time.” (Interview Ms. Biskup, lines 122-127)

The second part of the legal representatives’ activities *Before/After the Hearing* concerns what I labelled as “appellant preparation”. This part of the preparation process is about pointing towards aspects of the clients’ performance at court which are deemed important and beneficial for their case. It includes making the client familiar with the procedure, rules and hierarchies inside the court room, as well as bringing the client’s performance and her story in a coherent form. This means going through the client’s claims and (drawing on the legal representatives’ experiences) posing questions to the client in preparation for the real interrogation. Concerning preparations for hearings with the topic of conversion to Christianity, Ruth, a legal representative told me:

“Of course, if I have the impression that the story does not work out at all, I draw that to the client’s attention. Because if not even I am convinced, how should it convince the judge?” continuing, “So, we go through certain things, certain questions, like from the Bible. How is the old testament structured or which two parts of it [the Bible] exist? So, such questions we pose, of course. Also concerning the most important holidays, such things. But also, what was the inner motivation of every single one. Why he actually wants to convert, if there has been a key event which led the person to changing conviction” (Interview Ruth, lines 67-68; 30-36)

Since the legal representative is more familiar with the rules and pitfalls of the asylum system, it is her job to make the asylum seeker apt for taking her role inside the apparatus. Besides pointing to important legal matters, a great deal of work revolves around forming a coherent

and credible picture of the client, be it on the basis of documents like a baptism certificate or concerning the asylum seeker's performance at court. It is about forming a persona acceptable to the asylum procedure. Posing questions in rehearse, which often pop up during a hearing is one wide-spread method for this task.

2.3.3.2 During the Hearing

From my experience, the legal representative's performance during the hearing revolves around different types of activities, the first being engaging in juridical talk with the judge, pointing to peculiarities of the case, defending the client against what is perceived as unfair treatment, giving statements, going through the translated protocol and providing further instructions for the asylum seeker.

A second strand of activities concerns taking on the role of the interrogator and posing questions to the appellant, respectively the witness. For the topic of apostasy, these practices can be illustrated by the following example of a hearing at the *BVwG*. The judge had already posed a great number of questions to the asylum seeker, before it was the legal representative's turn to speak:

“Legal representative (LR): Why did you drop out of your religion?

[...]

Appellant (A): I came here, and I got enlightened. I gathered information about Islam on YouTube and the internet for three years. I got to the conclusion that Islam is violent. I have no more interest in that. I talked with other people about that. Also, about the roles of men and women. Lapidation has its roots in Islam. I want my (future) family to be free.

L: If you had to go back, would this attitude of yours change?

AS: I want to be able to tell my opinion.

L: If you had to return, would you pray, go to the mosque and fast in Ramadan?

AS: I haven't done these things in years. I don't want to be a Muslim.” (Fieldnotes M.R. 28.01.20)

I have noted earlier that one peculiarity of discursive practices like the performances by the legal representatives is “that they co-produce what they name”. (McKinlay 2010, p. 235) What becomes apparent by the interrogation practice of the legal representative is that this “naming” also works through (to some extent) suggestive questioning. The questions are formulated according to the legal frame, in order to present the asylum seeker as a subject which fits in this legal frame. Hence, she (potentially) qualifies for the status of a refugee due to the fear of persecution because of apostasy. This positional claim is strengthened by answers like “I want

to be able to tell my opinion”, representing a satisfactory answer to the legal representative’s question.

As I experienced it, these questions and the answers given, despite their potential argumentative power, are sometimes received as being learnt by heart, which can deprive them from their power. Through intensive preparation, the legal representative and her client must find a way of providing useful questions and answers which are perceived as spontaneous and sincere. This way, the answer to the question if the asylum seeker “really” has abandoned Islamic belief, can be given a favorable spin. If this is done successfully, the chances for her being assigned the refugee status are increased.

2.3.4 Witnesses

One particularity about asylum procedures dealing with the topic of conversion in the broad sense, is that for these hearings there are often people summoned as witnesses. The role of the expert as witness in the asylum procedure has been widely discussed by refugee scholars like Lawrance and Ruffer (2015) or in Good (2010), whereas I could not find any texts explicitly dealing with non-expert witnesses in asylum procedures. (Nagy and Speelman (2017) touch on this topic in “Conversion controlled”.) As Lawrence and Ruffer remark, “asylum cases are marked by a general lack of factual, verifiable evidence.” (Lawrance/Ruffer 2015, p. 2) This becomes even a greater issue when the asylum hearing revolves around conversion.

In the case of priests or church officials as witnesses, I would hold that these act as quasi-experts since they can be interrogated about the appellant’s behavior and their impression of her as well as about more general topics concerning religion and conversion. For my interviews with church officials, the process of guiding the asylum seeker towards baptism and beyond played a big role. However, I will try to stay close to their actions qua (potential) witness in the asylum procedure.

One aspect of the witness’ performance concerns answering the questions about the asylum seeker. This interrogation can be conducted by the judge, the legal representative or the *BFA* official. From my experience, these questions revolve mainly around the following topics: How and when did the asylum seeker come in contact with the parish? In which way is she actively involved in the parish’s activities? How regularly does she attend church services? What did you two talk about concerning religious matters? Do you feel that the asylum seeker has sincerely turned towards Christian religion, respectively, what is your general personal impression about her?

Especially the value of the answer given to this last question is greatly dependent on the witness' status, i.e. the weight carried by her word. It is this aspect which is crucial for deeming the witness a useful element in the asylum procedure. To determine this status, the relationship between the witness and the asylum seeker is evaluated. Does the former even know the latter up to a degree where she can make earnest claims about the other's sincerity? An exemplary passage from an adjudication text illustrates a case where this relationship failed to be made credible. In the text, it says that the appellant had not been able to back his claims about an alleged conversion by members of a Christian parish:

„The court was only handed a writ by the *Vereinigten Pfingstkirche Österreichs*, which confirmed the participation of Mr. “XXX” (sic!; Note: This is a name different from the one of the appellant) at this parish”. (W216 2177422-1/14E, p. 60) [Transl. M.R.]

What can be seen here is that the requirement of proofing that there is a personal connection between the appellant and a potential witness from a parish was not met. The confirmation by the Christian community had the wrong name written on it, which made the impression that there could not be a social bond to the asylum seeker, thereby disqualifying the witness' voice as useful source.

A second tenet on which the witnesses' integrity and hence their “creational power” depend, is their institution's reputation and its status. This status can be questioned by other parties, suggesting that the institution e.g. lacks members and is therefore keen to get as many new ones as possible. As I experienced it during several interviews, this questioning of the institution's reputation is more likely to be a topic in cases where the asylum seeker has turned towards a “smaller” religious community, i.e. a Non-Catholic, Non-Protestant or other state-admitted congregation. For other congregations, it is sometimes insinuated that these institutions lack members and therefore accept asylum seekers, who are not “really” converted.

However, as my interview partners from the Protestant and the Catholic church told me, for these “bigger” institutions, it is still important to maintain the impression that their actions concerning converted asylum seekers are based on a sincere evaluation process according to the congregation's rules. One example from an interview with Mr. Steiner, a referent of the Catholic church can serve as an illustration for that:

“That means, from this point I understand every Afghan who says: “I will not go back to this country. I will do everything possible” simply because -especially if there is no familiar support, there is no perspective in this country. So, from this side there is a justification up to a certain degree. However, we must see to that, so we don't do harm to the people who are serious about it, to filter out a bit.” (Interview Mr. Steiner, lines 133-136).

What becomes apparent in this passage is a potential moral conflict for church officials *qua* witnesses: On the one hand, they want (and do!) help the asylum seekers who otherwise would face deportation, on the other hand, they must maintain the institution's integrity in order to uphold the weightiness of its word. In order to do that, the church witness should emphasize that conversion cannot be a means to an end and that not everyone "makes it" to the stage of being a converted Christian. This is also justified with reference to potential "real" converts who would be affected by a loss of integrity. I will try to account for this impression by introducing two further examples from the field. The first one is taken from an adjudication text, where the interrogation of an asylum seeker's godfather was quoted. There, the last statement before concluding that the witness thinks of the asylum seeker's conversion as internalized goes as follows:

„Furthermore, the witness explained that in the course of the Catechumenate, she would also reject people or tell them that they would still need time for the preparation". (W2292169121-1/10E, p. 18) [Transl. M.R.]

The second example to illustrate this dynamic further is a passage from a talk I had with Mr. Stanzer, a Protestant Priest. I had asked him if there were inner-church rules for dealing with asylum seekers' conversions.

“[T]here is pressure from outside on the churches, so to say, because we do know that in certain religious communities there it really happens that the baptism [...] is conceived as a cure-all in the asylum procedure and for us it was important to make clear -also to the people themselves- that it is not that.” (Interview Mr. Stanzer, lines 102-106)

Such statements suggest that church officials want to counter the impression of a strategical or functional conversion procedure inside their congregation. As one can take from the latter quote, this self-conception also works via demarcation towards other parishes which allegedly encourage this "usage" of conversion, by offering "fast track conversions" and the like.¹⁸ Congregations like the Catholic church and the Protestant church must hold that they have clear rules for the conversion process, for example, that an aspirant for baptism must partake one year in a Christian community before being baptized. This preparation process is called "catechumenate". Through transparent regulations like this one in connection with the Church laws, a powerful role is assigned to these witnesses.¹⁹

¹⁸ I cannot assess such claims since I was not able to ask members from other congregations about that. I merely display what was told to me

¹⁹ For the case of the Catholic church, these regulations can be found in Österreichische Bischofskonferenz (2016)

I want to introduce one additional thought on the role of religious officials as witnesses in asylum procedures as discussed by Nagy and Speelman (2017). The authors write about the role of Christian communities in asylum procedures and argue that through their functions as witness or provider of documents etc., they can tend to view asylum seekers as potential utilitarian “users” of conversion. This can go hand in hand with an inner-church questioning of their credibility (Nagy/Speelman 2017, p. 360). They write that,

“Christian churches and communities with the best of intentions to avoid injustice may unconsciously and unintentionally still become partners or associates of the worldwide immigration control which is ‘built on the most massive global injustice’ played out through ‘ruthless social Darwinism, which immigration controls reflect and reinforce’”. (Nagy/Speelman 2017, p. 360).

To what extent this holds true for the interplay between asylum procedures and religious communities in Austria I cannot assess. I would nevertheless argue that through the necessity of complying to the rules of the apparatus in order to have one’s voice count, the parish members qua potential witness as well as through the need to produce documents and assertions become incorporated by the *dispositif*. This is how I justify their conceptual inclusion in the course of the argument.

2.3.5 Country Reports

I conclude this chapter by introducing a further document which holds an important and powerful position in the asylum apparatus: The Country Reports, also known as *Länderberichte* or Country of Origin Information (COI). On a theoretical level I base this section on the recent article by Jasper van der Kist and Damian Rosset (2020) as well as on the one by Van der Kirst, Dijkstra and Van der Goede (2019).

I put this discussion of COI here at the end of the “Creates” chapter, since the “creative instance” is of a somewhat different nature. It is not (only) the individual asylum seeker whose identity is performed by herself as well as others, the country reports can be seen as creating an epistemological framework in which a case is to be positioned.²⁰ By this positioning “the work done by COI units seeks to erase the undecidability of asylum adjudication”. (Van der Kirst/Dijkstra/Van der Goede 2019, p. 81)

To illustrate the function and the effect of Country Reports, I will introduce a rather extensive quote from the interview I conducted with Mr. Neuböck, a judge at the *BVwG*. We were talking about the general possibility of deporting people to Afghanistan:

²⁰ One should also mention here seminars for judges which should provide an insight into societal structures in Afghanistan, since they serve a similar function as country reports.

“*Subsidärer Schutz* should be granted in the worst case. This is valid for almost all areas except for Kabul city, Herat city, Mazar el-Sharif, [not understandable].” Continuing, “I also think for Pashtuns who come from Nangahar and have social networks there. Sorry, only in Jalalabad, the capital of the province Nangahar because on the countryside it is not like that, there it is an article three threat but in the city Jalalabad, I would say yes and also for the Hazarajat. The Hazarajat is located in the middle of the country. There are the provinces of Bamyian, Daykundi, Urozgan. There live almost exclusively Hazara and you can send a Hazara there. Contingently, there is the problem of how to get there because those ring-roads, the streets are occupied by the Taliban -you can discuss about that- But I once sent a Hazara back to Daykundi because the province is not dangerous. In all other areas, there is an article three threat.” (Interview Mr. Neuböck, Lines 88-99)

Most probably, Mr. Neuböck has never been to Afghanistan. Nevertheless, in this interview he displayed profound knowledge about the country. This knowledge is not restricted to geographical facts but (what is most important) allows him to assess how dangerous it is for a person with certain features to be sent back to a certain area inside the country. As I experienced it during the research, the main sources of information for statements like the one above are country reports.

What is done by COI can (partially) be seen as an attempt in ethnography, since local knowledge and life worlds are translated and brought into a coherent and readable form (Van der Kirst/Distelbloem/Van der Goede 2019, p. 74).²¹ The information must be usable, it must be able to serve its purpose, i.e. application of knowledge in the asylum procedure. Put differently, COI’s aim is “to reduce the fundamentally undecidable ethical decision of granting (or withholding) asylum to a calculative procedure”. (Van der Kirst/Distelbloem/Van der Goede 2019, p. 72)

This reduction of ambiguity is accomplished by the scientific outlook of the reports. As in the case of the *Gutachten*, it is important that the voice employed in the country reports is one of reason instead of compassion. The outcome must be presented as a line of reasoning which would have led any rational being to the respective conclusion. This appearance is further strengthened by the transparent outlaying of the employed methods (Van der Kirst/Distelbloem/Van der Goede 2019, pp. 71-73).

With the product of the investigation, the actors in the asylum process should become able to make themselves a picture about how it is e.g. for Christians in Kabul. The COI’s epistemic function was formulated nicely in an interview with Mr. Rupprecht, another *BVwG* judge when

²¹ The country reports do not entirely rely on fact finding missions but also work via recourse to other country information which is not gathered on-site.

he stated: “Is this in this area with the information we got now principally imaginable?” Up to a certain degree there is always a certain fuzziness.” (Interview Mr. Rupperecht, lines 145-146) As Van der Kist, Distelbloem and Van der Goede hold, this way of establishing a realm of what is deemed as “imaginable”, has not only an impact on actors like asylum judges but also strongly influences decisions about policy decisions (Van der Kist/Distelbloem/Van der Goede 2019, p. 79). The country reports offer a public tool to make sense of a story taking place in an unknown location. This is necessary because most actors inside the apparatus never come to visit this place. Via the interplay of expert knowledge, formal aspects and power hierarchies the *Länderbericht* acquires the status of “an adequate representation of reality”. (Van der Kist/Distelbloem/Van der Goede 2019, p. 75)

To give an example for this “representation of reality” I quote from the *Country Guidance: Afghanistan* by the European Asylum Support Office (2019):

“In general, the risk of persecution for men perceived as ‘Westernised’ is minimal and dependent on the specific individual circumstances”. (EASO 2019, p. 65)

What is problematic about COI, is that through its powerful position it can be used to overpower the asylum seeker’s account if it becomes clear from the report that her story is not “principally imaginable”. As Van der Kist and Rosset hold, the authority of the COI can lead to an exclusion of the asylum seeker’s voice since they “displace rather than enhance the possibility of asylum seekers to intervene and contest how information about themselves is made”. The authors call the result of this process “a political subjectivity”. (Van der Kist/Rosset, p. 664)

I can only touch on the inclusion of the asylum seeker’s voice in COI by introducing a further example from an interview I conducted. Karim, a former asylum seeker from Afghanistan who had recently visited the Nangahar region recalled how it was for him when, during his asylum procedure he was confronted with expert voices talking about the situation in Afghanistan. He laughed and told me that he found it funny that there are these experts who sit there and then tell if what you said was realistic or not (Interview Karim).

I think, this example serves as an illustration of what Van der Kist and Rosset mean when they write that in the process of using COI in the asylum procedure, the asylum seekers are “both present as subjects of country research and absent by not being able to intervene in how information is being made about them”. (Van der Kist/Rosset, p. 667)

2.4 Summary “CREATES”

Whereas “WHO” dealt with an introduction to the theoretical frame as well as a presentation of different actors in the field, “CREATES” concentrated on the activity-aspect of what I conceptualized as the apparatus of conversion. This chapter should serve as an illustration of

what Foucault -in renunciation of his earlier “repressive hypothesis”- took to be the creative and productive work of power. In rejection of the idea of pre-set identities, the concept of an apparatus’ power is about the creation of manageable subjects.

I argued that this creation of subjects, i.e. subjectification essentially happens via performative actions by diverse elements, shaping the identity of what can be deemed a converted subject in a legal sense. It is important to note that these actions are conducted by the asylum seeker herself as well as others. The tagline for this argument is “Creation through Subjectivation through Performance”.

After this theoretical introduction, I moved towards the more empiric part by presenting essential activities by the different actors in the field. In order to emphasize their part in the subject formation, I labelled these activities as “creative instances”.

I started with a discussion of written accounts, arguing that due to their form, they take on an important role in the legal system, respectively in the negotiation of an asylum seeker’s conversion. I focused on the adjudication texts’ subjectifying power as well as on the surveys’ part in this procedure.

Secondly, I dealt with the appellant’s performance, beginning with the question where to set the starting point for this performance. It can be divided in two parts: 1) the performance before the hearing at the *BVwG*. 2) The performance during the hearing. The latter I again divided into non-verbal actions and verbal-actions. I concluded this section by a remark on the appellant’s performance on social media etc. Based on these factors, I argued that for the appellant it is important to provide an authentic, sincere, and credible account of her story in order to give the legal decision a favorable spin.

For my discussion of the legal representative, I again split her activities into the sections “Before/After the hearing” and “During the hearing”. I argued that for the first part, it is essential to on the one hand prepare documents, legal appeals etc. and on the other hand prepare the client for the hearing by making her familiar with the rules and posing rehearse questions. During the hearing, one important aspect of the legal representative’s actions is interrogating the client, with the aim of lending credence to her account. Overall, I would argue that the legal representatives via their actions ought to form an acceptable and coherent image of their appellants.

Since I had been able to conduct interviews with people who had been summoned as witnesses for a court hearing, I also offered an insight into their role in the negotiation of identity. The witness’ power in this process heavily depends on her possibility to prove that a) she really knows the asylum seeker and is therefore able to assess her status and b) she is part of an

honorable institution with clear transparent rules for who is to be considered a part of the church and who is not.

I concluded my presentation of different actors in the field with a remark on country of origin information. For the case of conversion, this element serves less as an instrument to assess the asylum seeker's credibility, than to give an insight into the current situation in Afghanistan. Thereby, the country reports establish an exterior epistemological frame concerning one's well-founded fear of persecution.

As I wrote in the introduction to this chapter, giving an account of the different actions by various elements in the negotiation of conversion can only be done with the exclusion of other important contributors. The roles of the translator, the persons of trust, the court clerk, respectively the protocol as well as architectural particularities I could only mention shortly. As for the important functions of the judge, the different court instances and the *BFA*, I found them to be better fitted in the next chapter "WHAT", where I analyze what are considered possible indicators for a sincere religious conversion, apostasy and "westernization".

3. WHAT?

In my discussion of Giorgio Agamben's conceptualization of an apparatus, I noted that the author takes the interaction between a dispositive and a "living being" to be a de-subjectification, rather than a subjectification. As for the example of the mobile phone as apparatus, Agamben states that the "phone user" emerging from the interaction with this *dispositif* must be seen as a manageable, depthless entity (Agamben 2009, p. 19-22). In opposition to "subjectification", the term "desubjectification" emphasizes Agamben's idea of apparatuses which "do not give rise to the recomposition of a new subject, except in larval or, as it were, spectral form". (Agamben 2009, p. 21)

This moment of desubjectification can also be found in Feldman's employment of the apparatus on ethnographic research on migration. In his example of a Senegalese man migrating to Europe, it says that this man "appeared as a statistical estimate of West Africans entering Mali on the [...] web-based interactive Migration Map." (Feldman 2011, pp. 382-383) This describes an instance in which through the works of an apparatus a living being is reduced to a number inside a statistic, i.e. a process of stark desubjectification.

I would argue, however, that in the discussion of the processes through which the man from Senegal is assigned the status of an "illegal migrant", one can also find instances of the establishment of a subjectivity which is more complex than a number in a statistic. Feldman writes about "the modes through which illegal migrants are produced". (Feldman 2011, p. 382) In my understanding of the apparatus, producing a person as "illegal" migrant, has a slightly different connotation to it than making a person a number in a statistic. Whereas the former process has a "subjectifying moment" to it, the latter "desubjectifies" to a greater extent.

This can be explained using an example from my own research: In the course of the asylum procedure, the person who migrated from Afghanistan to Austria becomes a number on an adjudication text which looks somewhat like this: W260 2214805-1/21E. In this reduction of a person to a number on a file, the desubjectifying work of the dispositive is prevalent. However, through the negotiation of conversion, the asylum seeker can also be assigned the status of a converted subject, which makes her a refugee. Since this position is "deeper" and more complex than the number on the file, I would argue that it can be seen as an establishment of a new subjectivity (which is reduced in its complexity). Summarizing, I would hold that what is archived by the works of an apparatus is a desubjectification as well as a (to some extent) subjectification.

This last paragraph might be easier to understand when one keeps in mind what I stated earlier, namely that what gets created through the works of a *dispositif* is not (only) the individual subject as converted or non-converted. It is also the whole category of e.g. an officially “westernized” person being established in this process. With this approach I follow Judith Butler who takes categories like “woman” not as fixed meaning but as a continuous social process (Butler 1991, p. 60). I would argue that the same is true for the category “converted subject”. Although there are many instances of judicature defining which criteria have to be met to count as such a subject, one has to investigate in the multitude of different, iterative practices by the different actors, in order to analyze the establishment of this subjectivity. This is what I have tried to do in the previous chapter “Creates”.

As Butler emphasizes for subjectivities like “man” or “woman”, it is essential that these categories are filled with meaning. It must become clear what it means to be a woman or a man (Butler 1991, p. 45). Again, I take this concept and apply it to my research in this chapter, which’s main question can be formulated as “What does it mean to be a converted subject?”. What are the criteria of the category “converted subject” which have to be met by an asylum seeker in order to get this status? The answer to the question is established by the whole of the actions in the negotiation procedure as described in the previous chapter. The connections and relations between these re-iterative performances by the elements of the apparatus essentially shape and bring forth the subject position “converted subject”.

For every subjectivity produced by a *dispositif*, this is not to be interpreted as an abstract “label” with which one can be invoked or not. The being-put in the position of a certain subject essentially assigns one a scope of action. If, for example someone is deemed as a subject officially converted to Christianity, this can make her a refugee granting her social benefits by the state and the right to engage in wage labor. This also goes the other way around when people who are deemed as not fitting the criteria for a certain subject position are deported to war-stricken Afghanistan. Subjectivation has severe consequences for people’s lives.

For investigating what it means to be a converted subject in the legal sense, I will divide my analysis in the three categories “Conversion to Christianity”, “Apostasy” and “Western Orientation”. Although throughout the thesis, I subsumed these topics under the label “conversion”, the criteria for them differ, of course, wherefore I found this division necessary. Basing my discussion on the interviews and the adjudication texts, I will try to present the most prevalent qualities a converted subject has to meet in the respective sense. What goes hand in hand with this question of who counts as converted subject is, of course, the other side of the

issue, namely who does *not* count as converted subject.²² I will try to shed light on both of these aspects.

Before taking on this task, it is, however, necessary to give two preliminary remarks for the chapter. In the first one, I point to the fact that the negotiation of an asylum seeker's identity is only one aspect of the asylum procedure. For a more holistic image, one must also consider the risk-assessment for persecution for a certain group of people in a certain area.

The second preliminary remark thematizes an issue salient through the course of my whole research, namely that the actors themselves (especially the judges) often have a hard time to find out *what* is to be evaluated. The topic of conversion in the asylum procedure sometimes causes severe confusion and uncertainty for different actors. This will be illustrated using examples from the field and from the jurisdiction.

3.1 What is Created? Identity and Fear of Persecution.

This section contains the first preliminary remark dealing with the relation of identity establishment and risk evaluation in the course of an asylum procedure.

As the judicature by the *Verwaltungsgerichtshof* (VwGH), the Supreme Administrative Court regulates for the topic of “Western orientation”, it is central to evaluate “if a western way of life has become a part of the concerned woman's identity, so it would not be reasonable for her to suppress it in her country of origin.” (VwGH 23.1.2018, Ra 2017/18/0301) [Transl. M.R.]

For the topic of conversion, respectively apostasy, the legal situation preset by the VwGH is similar. Concerning a fear of persecution because of an (alleged) apostasy it would be crucial that “the asylum seeker recognizes his confessionlessness as inner conviction and as identity-establishing trait, which he will live out also in his country of origin”. (VwGH 20.07.2020, Ra 2019/14/0608) [Transl. M.R.]

In the course of the asylum procedure, the asylum seeker must therefore present herself as a subject who has internalized a new way of living. This internalization must have reached a point where the need to suppress this new of living in the case of a deportation would not be reasonable. So, it is about the establishment of a new identity, which was taken on in the course of the stay in Austria and which would not stop “existing” in case of a return. In the adjudication texts, one often finds the criteria if the conversion happened *ernsthaft* (sincerely) and *nachhaltig* (sustainably) (e.g. BVwG 08.03.2020; W2032200583-1, p. 10).

²² This issue is also discussed in Agamben (2009), when he speaks of “an apparatus in which a new I is constituted through the negation and, at the same time, the assumption of the old I”. (Agamben 2009, p. 20)

As one can take from these examples and from the whole thesis so far, the negotiation and establishment of an authentic, coherent and credible identity is a crucial part of asylum procedures dealing with topic of conversion, apostasy and “western orientation”. But this aspect is only half the story. The second part concerns the “well-founded fear of persecution” as well as a nexus between these elements. As the *Verwaltungsgerichtshof* judges for the topic of Christian conversion, the question about a substantial probability of being sanctioned because of a continuation of a Christian way of living in the country of origin is crucial (VwGH 23.06.2015, Ra 2014/01/0210).

In the context of asylum law, the assessment of this probability of persecution is essential. To introduce a clarifying example: An orthodox asylum seeker from Georgia could convert to Catholicism in the course of her asylum procedure. The court could accept this conversion as sincere and sustainable. However, it would not make a difference in terms of her asylum claims since in Georgia the probability of being persecuted because of a change of religion would be low. This is different for the case of Afghanistan as country of origin, where this risk is assessed to be rather high.

The question of what it is that is created can therefore be interpreted as a two-step process, whereby the two steps are intertwined and often hard to separate from each other. The first step concerns the negotiation of an asylum seeker’s identity, i.e. if she has sincerely and sustainably taken on a new way of living. This creation of identity and its visibility for others is the main interest of this thesis. The second step concerns the establishment of a “plausibility-frame”, i.e. an assessment of the situation for people returning to Afghanistan. A crucial role in this establishment process is taken by the Country of Origin Information, wherefore I found it necessary to give an insight to that in Section IV-2.3.5.

To further illustrate my conceptualization of a two-step evaluation process, I will introduce two quotes from the adjudication text from above by the *BVwG*. The first one concerns the negotiation of identity:

“In the course of his occupation as cook the appellant claims to have started consuming pork and alcohol. This change of lifestyle had led the appellant to the conviction that one could be an estimable human without strict adherence to the regulations of Islam.” (BVwG 16.07.2020, W123 2196188-1, p. 5) [Transl. M.R.]

The second one concerns the assessment of the situation in Afghanistan for returners who can be perceived as apostates because of their consumption of beer.

“From this response to the inquiry it follows that for example the consumption of beer as Muslim in Afghanistan is possible and acceptable.” (BVwG 16.07.2020, W123 2196188-1, p. 53) [Transl. M.R.]

The first question is about judging a change of identity, whereas the second aspect is about the situation in Afghanistan and the question if this (alleged) change of identity would lead to an asylum relevant persecution in the case of a return. This separation into two epistemological steps is also deployed by Fassin (2013), when he poses as central question for the asylum procedure “Do the propositions and statements made accord with the established criteria for asylum?”. (Fassin 2013, p. 20) Only via this “accordance” of the two epistemological fields can asylum claims based on conversion be assessed.

Concerning the relationship and the interwovenness of these two steps, it is necessary to point to a technicality in asylum law which is often cited in the adjudication texts. According to the judicature, it is not essential for asylum claims that a change of identity has indeed taken place. This is because it is enough *to be accused* of an identity which stands in contrast to the society’s values (VwGH 30.09.1997, 96/01/0871). However, in the course of my research, I did not come across a case in which a change of the appellant’s identity was interpreted as not credible and asylum was still granted because of the risk of being accused of such a change. Therefore, I would justify my focus on the negotiation of identity by holding that this negotiation is an essential part in the assessment of a fear of persecution. It is not (only) about the question if a person could be accused of being converted but the question if a person is converted is essentially settled in the course of the asylum procedure in Austria. It must, nevertheless, be acknowledged that speaking about the creation of a converted subject by an apparatus of conversion is not the whole story. To formulate it more precisely, one must speak of the creation of a converted subject, which because of her identity and her way of living is likely to face persecution in her country of origin.

3.2 What is Actually Created? Diversity, Controversy, Confusion

As an introduction to this second preliminary remark, I use a quote from the opening session of an Interview with a judge.

“M: For my research I read through adjudication texts and attended some of the hearings at the *BVwG*...

N: [interrupting] And it differs from judge to judge...right?

M: Exactly.” (Interview Mr. Neuböck, lines 4-6)

The question about what is acknowledged to be a valid indicator for an asylum-relevant conversion is hard to answer. As one can take from the quote above, this is partially due to the diversity of assessment by the judges. There is a (ever-changing) legal preset frame given by the different court instances. Even so, judges have the right of *Freie Beweiswürdigung*, i.e. free

appraisal of evidence. There is no manual prescribing how an asylum procedure should be done in the right way. The question of what a judge takes to be an indication for the credibility or non-credibility of an asylum seeker's claims is to an essential degree up to her. This freedom of judgement is, of course, crucial for granting an independent justice system inside a state. However, it makes it hard to give a transparent overview of what is to be taken as a credibility-indicator and what is not. This causes confusion and controversy inside the legal system, which cannot be solely traced back to *Freie Beweiswürdigung*. The reasons for potential conflict are manifold.

For the case of Afghanistan as country of origin, there is a great deal of controversy concerning the legal status of migrants from that area. The question prevalent inside the legal system is if, given the war-like situation, deportations from Austria to Afghanistan are legally legitimate.²³ Exemplary for this debate, one can turn to an article by Lioba Kaspar and Christian Schmaus in the law journal *Österreichisches Anwaltsblatt* (Kaspar/Schmaus 2019). The authors contest the notion of safe inner-state flight alternatives inside the Afghan territory, since also in the allegedly safer cities Kabul, Herat, and Mazar-e Sharif, it would be often impossible to live a decent life (Kaspar/Schmaus, pp. 738-739). The legal question is, if due to the insecure situation in Afghanistan, all people coming from there, should be granted asylum or at least subsidiary protection in Austria. If the Austrian state would decide that Afghanistan is no safe country for return, regardless of an individual fear of persecution, the asylum procedures would take on an entirely different form. For being granted protection, asylum seekers would not have to make their claims about e.g. conversion credible to the authorities. The debate about Afghanistan as safe country for return is not restricted to the medial discourse but also takes place inside the legal system.

Since in Austria up till now this legal controversy has been decided in a way which allows for deportations to Afghanistan to happen, another topic of legal discussion, the persecution due to conversion, apostasy or “westernization” becomes prevalent. The question in this debate is, what makes a persecution a persecution? For the case of “western orientation” in Austria, this legal dispute is discussed by Rössl (2019a). The questions of interest in this article can also be applied to the topics of religious converts, apostates and LGBTIQ people. According to Rössl, what is to be seen as the persecution in the country of origin can be interpreted in (at least) two ways: The authorities' assessments can result in a conviction, that a person's well-being is likely to be threatened by other actors, when they “find out” about the asylum seeker's way of life.

²³ I must emphasize the word “legally” here, since this legitimation differs starkly from what I take to be morally legitimate.

Rössl (2019a) writes about a woman, who during her stay in Austria took up the hobby of Nordic walking. It can be argued that if she would practice this hobby further after her deportation, she would face a considerable risk of violence by other actors. So, on the one hand, there is “persecution” in the sense of being potentially threatened by others (Rössl 2019a, pp. 354-355).

Another way of interpreting “persecution” would be to see the persecution as the need to suppress one’s (new) way of life due to a potential threat. Since one could refrain from actions which are considered as deeply offending some actors’ moral realms, it is not the threat of being exposed to physical or structural violence. The necessity to not display certain types of identity, is what constitutes the persecution (Rössl 2019a, pp. 355-356).

A central question opened up by this debate is, which types of behavior can be expected to be suppressed in the case of return to the country of origin and which not? As Rössl discusses, this question is to be answered in terms of identity, meaning if the activities or attitudes to be suppressed have become an essential part of a person’s identity (Rössl 2019a, pp. 357-358). Can Nordic Walking be considered an essential part of a person’s identity? Should identity in this legal sense be reduced to attitudes and activities which have an apparent connection to claims about one’s basic human rights?

These questions of identity and persecution caused for puzzlement and confusion among legal actors during my research. How does one assess if something has become an essential part of another person’s identity?

This potential conflict between legal requirements and legal practices can be illustrated by an extract from the same interview as quoted above. For the topics of religious conversion as well as for “westernization” judge Neuböck stated,

“[A] Iso here there is a judicature by the *Verwaltungsgerichtshof* which I consider not legitimate. It basically says that we, the judges or the *Behörde* must check if he changed religion out of deep inner conviction. Out of deep! Inner! Conviction. This is a pretension.” (Interview Mr. Neuböck, lines 183-186)

This is only one example of repeated statements by legal actors indicating that they essentially struggle in conducting asylum procedures with the topic of identity, respectively conversion. This goes hand in hand with a critique of other court instances like the *VwGH* as well as with the overall questions “What should one ask the asylum seeker?”, “How can one assess an inner state?” “Which conviction can be considered as being internalized?” “What makes a person sufficiently converted in order to be granted the state of a refugee?” “What are signs of “Westernization”?”, “What are signs of a fake conversion?” etc.

Despite this diversity and confusion, I tried to come up with a selection of factors which are widely found indicators for conversion. The fact that these issues are highly contested, would be obliterated if one solely concentrated on the formulations to be found in the adjudication texts, where the verdict is presented. To get a grasp of what are considered indicators for a conversion, it is necessary to take into consideration the individual utterances of the actors in power as well. I will start my presentation of what I found to be those indicators by a discussion on the topic of conversion to Christian faith. What I wanted to illustrate by this preceded section, is that this question cannot be answered in an uncontroversial matter. It is diverse; it is complicated, or as one informant put it: “There is no recipe!” (Interview Ms. Biskup, line 289)

3.3 Conversion to Christianity

In this section, I will first point to the complications concerning the topic of conversion in an area of secular law. In a next step, the term “fake conversion” will shortly be discussed. The rest of the section “Conversion to Christianity” will deal with potential indicators for conversion. I divided them in the following sections: knowledge about religion, one’s way of life and rejection of the old religion, time and circumstances of the conversion as well the question of behavior vs. belief. Each section will be introduced by a quote from an adjudication text.

3.3.1 Complications

The topic of conversion to Christianity is complicated. If anything, this has hopefully become clear up to this point. The “problem” with conversion is that it can occur and manifest in almost infinite different ways. This makes it hard for secular institutions to assess, who can count as converted subject. One phrase I heard in a number of interviews concerning this question roughly went like “I cannot look inside another person.”

Ultimately, the issue is a theological one, whereas also in this area, the question “what is conversion?” cannot be answered conclusively. As it is emphasized in a statement by the institute for canonical law in Göttingen concerning the conversion of asylum seekers, “Faith in Christian theology is not understood as an accomplishment but as the working of the Holy Spirit. The Christian does not decide on his faith but is taken hold [*ergriffen*] by it.” (Kirchenrechtliches Institut der EKD, Göttingen 2020, p. 12) [Transl. M.R.] Being “taken hold” by one’s faith is difficult to grasp for secular institutions like the administrative court. Especially if one considers that conversion is not necessarily bound to a standard procedure.

Some people may experience an epiphany or a singular exceptionally unsettling event, while others take conversion to be a long process including instances of doubt and adaptation.

Concerning this processual nature of religious conversion Nagy and Speelman in “Conversion controlled” (2017) note that this stands in contrast to the migration official’s aim to base their decision on facts, as well as their need to conduct the evaluation on schedule. For their research on the negotiation of conversion in the Netherlands, the authors conclude that in order to get a grasp of the topic of conversion, the authorities had to adopt an understanding of conversion “as a reorientation of the soul of an individual, his deliberate turning from indifference or from earlier piety to another, a turning which implies a consciousness that a great change is involved”. (Nagy/Speelman 2017, p. 359)

I would argue that the potentially processual nature of conversion is also an issue in the Austrian case, where probably only a small minority of the actors which I introduced would personally assume that a conversion must imply a clear cut between the old and the new I. However, the structure of the apparatus and the standard procedures that go with it determine certain “deadlines” up to which a person has to have accomplished an “internalization” of Christian faith. Since the dispositive is not dimensioned for processual conversions with its diverse forms of manifestation, it must “crop” this process in order to get a hold of the issue.

Further particularities and thresholds of the negotiation of Christian conversion in connection with asylum claims are discussed in Tuan Samahon’s “The Religion Clauses and Political Asylum” (2000). The author states that despite the processual nature of conversion, assessing it in the realm of law is difficult for at least three reasons: 1) Many religious people do not stick to one distinct congregation. They often take on heterodoxic beliefs and practices. They may very well do so deliberately. This is especially true for converts who have not been familiar with Christian tradition for a long period of time. In the context of asylum, statements which imply a heterodoxic faith may often be deemed as signs of a not-yet conversion (Samahon 2000, p. 2212; p. 2223). 2) In some congregation, conversion is essentially connected with a “fall[ing] back into sin and error.” (Samoham 2000, p. 2222) Whereas in the religious context this dynamic is not necessarily seen as contrasting a conversion’s sincerity, in the realm of asylum it may be interpreted as a lack of compassion. 3) Many Christians probably don’t define their identity solely based on religious terms. As Samoham notes, asylum seekers cannot be expected to do so. Therefore, the criterium for a coherent picture of a converted subject is problematic. Asylum officials should not make the mistake of equating a sincere conversion with a life solely revolving around religion (Samoham 2000, p. 2222).

What should become clear from this section is that conversion in a religious sense is not the same thing as conversion in terms of an apparatus. Whereas the former's understanding potentially allows for a great range of diversity, the latter is driven by the need for classification which consequentially leads to a narrowing of what can count as conversion.

3.3.2 Fake Conversion

“The court assumes in this case, judging on an overall assessment of the appellant's plea as well as his demeanor that he [the appellant] puts forward a conversion to Christianity, respectively an ensued baptism *only in pretence*.” (BVwG 26.03.2020; W225 2202001-1, p. 68) [Transl. / Italics M.R.]

The opposite of a sincere conversion to Christianity is what is called *Scheinkonversion*, i.e. a “fake” or “fraud” conversion. This is a term which can occasionally be found in adjudication texts as well as in statements by the *BFA*. When I say that a “fake conversion” is the opposite of a sincere conversion, I do not wish to imply that every conversion which is not accepted as a reason for asylum is labelled as *Scheinkonversion*. It can as well be the case that the court decides that the asylum seeker, despite her sincere efforts has not reached a stage where it would be obvious that a conversion has taken place.

The main idea behind the term “fake conversion” is that the asylum seeker has not turned towards Christian faith out of pure conviction but has done so out of an opportunistic drive. *Scheinkonversion* labels the accusation that motives different from religious feelings have led the asylum seeker to taking part in a Christian community's activities. It is insinuated that the asylum seeker knew about the potential benefit of converting to Christianity and therefore decided to make this move. This issue is also illustrated in the article “Evaluating faith after conversion” (2019) when the author, Elina Hartikainen, asks “Was the conversion of individual asylum seekers ‘real’ or was it ‘strategic’?” (Hartikainen 2019, p. 42)

I have already discussed the need for a performance by the appellant which prevents an opportunistic impression in section IV-2.3.2. What I want to point at here is the establishment of a kind of morality which works via the accusation of *Scheinkonversion*. Inside the apparatus of conversion, it is assumed that “real” converts practice their faith independently of the consequences that potentially come with it. Those who do otherwise are guilty of using the claim in order to get asylum which actually does not appertain to them. The term “fraud conversion” suggests that by strategically using conversion as a possible reason for asylum, the asylum seeker inflicts harm on the system and the credibility of other “real” asylum seekers”. Defining “real” conversion as a tendentially disinterested matter, whereas *Scheinkonversion* is deemed to be performed by opportunistic, rational actors can be problematic. The impossibility

to differentiate between tactics and belief was emphasized in an interview with Mr. Steiner, a representative from the Catholic church when he stated, “for many, this separation does not work out like that, say only Christendom, never mind what happens with the asylum. They say that but that is not true. You cannot separate this internally. Or very rarely.” (Interview Mr. Steiner, lines 141-144)

According to Mr. Steiner’s experience, a (to some extent) tactical decision to turn towards Christian faith is not necessarily a sign of a lack of sincerity on behalf of the asylum seeker. Contrary to that, as I experienced it in the field, asylum seekers are expected to perform their conversion essentially independent of the consequences that come with it.

Without going into length about it, I want to touch on one more issue concerning *Scheinkonversion*. As I have laid out above, the sincerity of a conversion is only half the story for an asylum claim, since being granted the status of a refugee is essentially bound to a well-founded fear of persecution in the country of origin. One could ask now if it even makes a difference if a conversion has been “sincere” or “fraud”, since both could lead to persecution. Throughout the adjudication texts, this issue is settled by the assumption that a person who is not “really” converted (even if she is already baptized) would abstain from practicing Christian religion in the case of a deportation.

Furthermore, it can be argued that potential aggressors in the country of origin might come to the conclusion that the conversion has taken place only in pretence, wherefore they would abstain from persecuting the applicant. This is also formulated in the UNHCR’s *Guidelines on International Protection No 6* (UNHCR 2004). There it is written,

“So-called “self-serving” activities do not create a well-founded fear of persecution on a Convention ground in the claimant’s country of origin, if the opportunistic nature of such activities will be apparent to all, including the authorities there, and serious adverse consequences would not result if the person were returned”. (UNHCR 2004, p. 12)

What is insinuated by these arguments is that for a person who only converted “in pretence” it is not likely to face severe consequences in the case of a return. This can be independent from eventual actions which have been taken, like baptisms or an official withdrawal from Islam. Concluding, I would argue that the accusation of *Scheinkonversion* can be seen as an expression of a suspicious attitude towards asylum seekers, which are likely to be deemed as opportunistic actors using and ultimately damaging the system. People who have “sincerely” converted to Christian religion are expected to have done so without a major strategic element involved. This is in accordance with an image of “the asylum seeker” not as bearer of rights but mainly in terms of her status non-calculating victim. An alleged strategy behind one’s conversion is one

of many arguments which are seen as indicators for a fake or real conversion. Another indicator is a lack of knowledge about religious matters, which will be the topic of the following section.

3.3.3 The Knowledge Question(s)

“The appellant was able to answer all the posed *content-related questions* about Christianity well and did not limit his account to easily available knowledge[.] For example, he described the procedure of a church service, explained the meaning of the baptism and was able to name Christian holidays and their meaning. Furthermore, the appellant was able to *explain a passage from the Bible* (John 9, 1-5) and to explain conclusively, *why especially this [passage] is important for him*”. (BVwG 30.09.2020; W2292169121-1, p. 18) [Transl. / Italics M.R.]

From my experience, the question of knowledge about the religion one (allegedly) has converted to plays an important role in the negotiation of an asylum seeker’s conversion. As probably has become clear in section IV-3.3.1 when I wrote about the diversity and particularities of conversion in Christian religion, (partially) basing the asylum decision on a person’s knowledge about religion can be problematic. For many religions, faith is not bound to instances of knowledge about, for example how the Bible is structured. Also, citing a prayer as it sometimes is asked to do can stand in contrast to an understanding of religious knowledge which goes beyond verbalization. As Protestant priest, Mr. Stanzer put it in the interview: “Faith is not knowledge. Faith is fundamental trust into a relationship and the life with the parish.” (Interview Mr. Stanzer, lines 78-79) A further difficulty can arise for people with a low level of education, since they might be restricted in their possibilities to gather and cite formal knowledge about religious matters.

Generally speaking, I had the impression that legal representatives (and to some extent church officials) often emphasized the importance of knowledge about Christianity in the asylum procedure. Legal representative Ivana’s impression about the importance of knowledge in asylum decisions:

“Judges have *freie Beweiswürdigung* so they say...in the end they always close by saying “it was not believed” but if you read the text you know that it was based on these knowledge questions, that they were not answered right”. (Interview Ivana/Aida, lines 183-185)

Although they do play a role, knowledge questions are not restricted to purely factual matters like the structure of the Bible or history of the church. As one can take from the adjudication text quoted above, these questions are often about “explaining the meaning” of a certain aspect of Christianity. This includes, for example the meaning of the cross, the last supper, the holy

wine etc. Foremost, the judges I talked to seemed eager to make plain that they were not performing, what Hartikainen (2019) labels as “inquisition-like interrogations”. (Hartikainen 2019, p. 47) Judge Rupprecht when asked about the nature of knowledge questions stated,

“[I] try to frame it that I don’t ask the question, meaning I don’t say “John, 12. And now go!” I would not know it either. That is not the topic. Because you could know the whole bible by heart but forgot about John, 12 –cruddy.” (Interview Mr. Rupprecht, lines 190-192)

What my interview partner holds here and what also complies with my experience from the field is that often interpretational and to some extent philosophical questions are posed to the asylum seekers. Although the judges I interviewed stated that the appellants would not be asked to deliver a profound theological analysis, interrogating asylum seekers about e.g. the meaning of Christianity can be problematic since this account is essentially dependent on the appellant’s skills in verbalization and presenting a complex issue. I have already touched on this point in section 3.5, when writing about the difficulty to not make the impression to have learnt the answers by heart.

To clarify the difficult situation asylum seekers are faced when asked interpretational questions about their faith, I introduce a further example from an adjudication text, where an assessment of an asylum seeker’s answer to the question about the meaning of baptism is made:

„Also concerning the content of the baptism preparation, he was only able to describe it rudimentarily. He only explained that the baptism is like a new birth and that from the baptism on, one would be free of sins.” (BVwG 26.03.2020; W2252202001-1, p. 67) [Transl. M.R.]

Many Christians would probably not object to an interpretation which takes baptism to be a “new birth” and that it lets one become “free of sins”. The “problem” with these answers is that they lack an interpretation which goes beyond common place remarks. The fact that an asylum seeker is not able to rephrase such religious tenets can be interpreted as a sign that she has not yet extensively dealt with Christianity to have “internalized” a Christian way of life.

One further aspect about knowledge questions which deserves attention is the personal level these sometimes operate on. What I mean by that can be illustrated by introducing the continuation of the quote from the interview with Mr. Rupprecht, cited above: “I try it the other way around. I try to find out what interests you but then I assume that if I ask something that there must come an answer.” (Interview Mr. Rupprecht, lines 192-194)

“Meaning” in this sense is not restricted to an abstract theological interpretation of central issues in Christianity, but often can be seen as “meaning for oneself”. My interview partners working as judges at the BVwG held that they would pose knowledge questions mainly in terms of how

this knowledge would be interpreted by the asylum seekers, respectively what it meant for their lives. Since the topic of a “Christian way of life” will be discussed in the next section, I will limit my presentation of this point to the role of a religious practice which is sometimes used as indicator for a sincere turn towards Christianity: the *Taufspruch*, i.e. the baptism motto.

This tradition was brought to my attention by protestant priest, Mr. Stanzer, when he told me that during the preparation with asylum seekers, they would pay attention to this issue, (also) because it could matter at the asylum hearing. The *Taufspruch* is a motto taken from the Bible, which every prospective member of the protestant community chooses for herself. Mr. Stanzer described it as “a motto which accompanies them through their lives.” (Interview Mr. Stanzer 126-127) As my interview partner explained, especially in cases when asylum seekers would choose a rarely used baptism motto and could expound how they connect this to their own situation, this could be a strong indicator that one truly converted. Therefore, when summoned as witness, he would also prepare the asylum seeker’s baptism motto as further “proof” of a sincere conversion (Interview Mr. Stanzer, lines 124-169).

To be able to explain what a certain aspect of Christianity means for someone, together with questions about the “general” meaning of tenets of one’s religion, as well as more factual accounts can contribute to the acceptance of a subject as being converted. However, as it is true for all the aspects I discuss, knowledge (in whichever sense) is no knockout-argument in the negotiation of conversion. There are also decisions where a person is deemed as having internalized Christian faith without having been able to present herself as especially knowledgeable about the religion. In these decisions one’s “way of life” plays a role. This will be the topic in the following section.

3.3.4 Way of Life and Rejection of Islam

I quote from an adjudication text, where it was decided that “A (real) inner conversion to Christianity is not present at the moment of the decision”:

“From this point [of getting in contact with Christianity], he [the appellant] regularly (not every week) *visits Sunday services* by the XXXX, a free Christian municipality as part of the “Freikirchen in Österreich”. In the year 2019, for three to four months, the appellant *attended Bible meetings*, which during the hearing he labelled as literacy course. He *owns a Bible* in Farsi. Occasionally, he takes part in church festivals and supports the church community. [...]. The appellant has never *behaved hostile towards religion, respectively specifically towards Islam*.” (BVwG 10.06.2020; W2382188182-1, pp. 4-5) [Transl. / Italics M.R.]

This passage contains various alleged indicators for the non-sincerity of the asylum seeker's conversion, which I subsume under the label "way of life", respectively "rejection of Islam". The first issue mentioned in the quote is the attendance of church services or religious meetings. Since this is a form of behavior, which is easily detectable, one might assume that these serve as a strong indicator for sincerity. Despite this oftentimes being the case, attending religious meetings is not enough as one can take from the quote as well as from my talk with a.o. judge Rupprecht when he described the credibility assessment process:

"Ok, he is in church. Well, I am here at yours in the NIG. Am I studying here? No. Would I study here if we met each other more often? No. But it is a fact: I am here frequently and with this factum you can try to conclude something or not." (Interview Mr. Rupprecht, lines 184-186)

So, being present at church events is no clear sign for a conversion. As it is sometimes formulated in the adjudication texts, it is necessary that the person is not only bodily present but sincerely partakes in the meetings (see for example BVwG 08.07.2020; W203 2200583-1, p. 25). To evaluate this issue, the witnesses are often asked about the appellant's activities in the parish and about her discussing religious matters with others. Besides these activities it is sometimes asked if the asylum seeker owns a Bible, as in the quote above, or if she prays regularly. These are all behavior-dependent indicators.

As it has become clear to me throughout the interviews and the reading of adjudication texts, "way of life" is not confined to routines and behavior. Judges can also assess

"if he leads a religious life, what he actually means by a religious life [...] Is it -I don't know- the living together with other persons; be it in a relationship, a partner-like relationship or be it in a relationship to the neighbors or the co-workers." (Interview Mr. Prohaska, lines 45-48)

Asylum seekers should be able to give an account of what has fundamentally changed after their conversion. This should again be done without using what is deemed as "commonplace" utterances. Instead, they are expected to formulate it "individually", i.e. for example including a new way of approaching people or seeing the world in another light. Nagy and Speelman in "Conversion controlled" (2017) write hereof, "In search of plausibility, the convert is expected to demonstrate a radical break between the former and the present." (Nagy/Speelman 2017, p. 359)

What is entailed by such a break is also a positioning of oneself towards the old way of living, respectively the old religion. Most asylum seekers convert to Christianity from Islam, so they should be able to give an account of their stance towards the latter, respectively talk about the

differences between these religions. This issue is illustrated in the introductory quote from the adjudication text as well as in Mr. Prohaska's way of assessing:

“I like to ask, why Christianity of all things? You change a religion with a claim to absoluteness like Islam for a religion which is also convinced that it is the only religion. Why?” (Interview Mr. Prohaska, lines 260-262)

What is entailed in this statement is the experience that some asylum seekers tend to display Islam as the source of all evil and Christianity only in positive terms. Since some judges ask for a more nuanced answering of why one has abandoned Islam, this puts the asylum seeker in a potentially difficult situation. She might be expected to explain why she thinks that Christianity suits her attitude to life better than Islam. Nagy and Speelman note that “credibility [...] depends on one's choice of one closed system against another.” (Nagy/Speelman 2017, p.359)

On the other hand, talking about Islam in a derogatory way can be perceived as tactical maneuver which should deem the conversion as credible. The asylum seeker is therefore expected to give a coherent account of why she chose her new way of life over the old way without demonizing the latter. As legal representative Ivana told me about her experience with clients who state that for them Islam goes hand in hand with violence “then comes the plea about how much violence there was in Christendom and “what do you say about that?” Then you are normally at a loss.” (Interview Ivana/Aida, lines 199-201)

Summarizing this point, one can say that in the negotiation of conversion, an asylum seeker's way of life often plays a role, be it concerning her routines, her world view, or her stance towards her old way of living.

3.3.5 Timing and Circumstances

Lastly, I want to draw the reader's attention to two more aspects which can be used as arguments for or against the sincerity of an asylum seeker's conversion.

“The appellant claimed a conversion to Christianity *first in the course of the oral hearing*, concretely to a free Christian community as part of the “Freikirchen in Österreich”. [...] He has *not been baptized* and *did not attend a baptism preparation course*.” (BVwG 10.06.2020; W238 2188182-1, p. 4) [Transl. / Italics M.R.]

Since an instantaneous change “from Saul to Paul” is not likely to count as a reason for asylum, it is assumed that the process of conversion takes a while. Therefore, the point in time when an asylum seeker turns towards Christianity plays an important role. If the appellant only makes claims about conversion on the day of the hearing, as in the quote above, this can shed a light

of suspicion on these claims. If an interest for Christian faith is verifiable for a longer period, the conversion might be seen as more credible.

The timing of one's conversion also matters in respect of the first and second court instances' decisions, meaning that if a person converts after she received a negative decision, this might deem her as "fake convert". This difficulty was a.o. explained to me by Catholic spokesperson Mr. Steiner. On the one hand, only very few migrants would be able to show an extensively long involvement with Christian faith since, "for most of them, the first thing in this former chaotic situation was not to knock at a church door and say: "I want to become Christian". (Interview Mr. Steiner, lines 30-32) On the other hand, it can be insinuated that people only turned towards Christianity, because now the Austrian state would allow for deportations to Afghanistan and/or they received a negative decision from the *BFA* or the *BVwG*. Although Mr. Steiner admitted that in these cases, he would tend to ask again about the motivation, he still held that the Catholic church would not

"want to completely deny a tuition here. It is not our competence to say: "No, you may not deal with Christendom. You may not become Christian" Because in the end [...] if you look at the paths of faith, everyone has an individual path with God." (Interview Mr. Steiner, lines 210-213)

This excerpt illustrates a difficulty concerning the timing of an asylum seeker's conversion as it is also discussed in Samahon (2000), namely that people often tend to turn towards religion in situations of unsettlement and insecurity (Samahon 2000, p. 2223). A conversion which took place in the aftermath of a negative asylum decision can easily be deemed as "fake" due to its timing. As it was explained by my religious interview partners, from a Christian perspective such an episode, when one is faced with the possibility of deportation might also serve as a fertile soil for a turn towards religion. Therefore, assessing conversion based on timing can be problematic.

Concerning a religious conversion's circumstances, a second aspect can be taken from the adjudication text above, which I will shortly mention: baptism. The question if a person has made efforts to be baptized or has already been baptized is oftentimes mentioned in the court's decisions as well as at the hearing. Baptism certificates are used to bolster one's claims about a conversion. However, according to the judicature by the *Verwaltungsgerichtshof*, "if the baptism has taken place or is only intended is of no meaning for the question of an internal conversion." (VwGH 23.1.2019, Ra 2018/19/0453) [Transl. M.R.] This means that persons can acquire the status of a converted subject without being baptized, while on the other hand persons who have been baptized can still be denied this status.

As I suggested in section IV-2.3.4, when writing about the role of church officials as witnesses, the question if a baptism counts as sincere is also dependent on the transparency of the respective religious institution's rules for baptism. As I experienced it, a baptism from state-approved church tends to weigh heavier than one by a smaller congregation.

Summarizing section 3.3., what should become clear by the preceding account about the timing and circumstances of a conversion, is that the question of who counts as a religiously converted subject is hard to answer because there are no knock-out arguments. A baptism can be seen as an indicator but not necessarily. The same is true for the issues discussed in the sections before. A rejection of Islam can be helpful but also harmful to one's claims, knowledge should be verbalizable but without recourse to truisms.

One important issue concerning an asylum seeker's conversion which I did not yet discuss concerns the *forum internum* and the *forum externum* of freedom of religion. What is meant by that is the question of how to conceptualize the difference between one's religious mindset and one's practices, which potentially can become known to the public. Since this issue was even more prevalent for the case of apostasy, I will discuss it in the next section, where I present possible indicators for the status of a refugee due to rejection of religion in general.

3.4 Apostasy

As I explained in the context section, what constitutes a possible ground for a well-founded fear of persecution in the case of Afghanistan is not the practice of another religion than Islam. The "crime" for which people can be severely punished is rejecting Islamic belief, be it by renouncing Islam as one's religion or by speaking about God in a sacrilegious manner (European Asylum Support Office 2019, p. 68).

As I experienced it, many people coming from Afghanistan to Austria reject religious belief all together and therefore do not turn to a Christian (or other) community but identify themselves as atheist, agnostic etc. In some cases, this rejection already is present in their home country, for others the claim of apostasy constitutes a *Nachfluchtgrund*. For my discussion of the alleged indicators for being an apostate with a well-founded fear of persecution, I will concentrate on the latter case, i.e. when there is a "conversion" from Islamic belief to a non-religious worldview.

Whereas in the case of converted Christians, the claim of persecution due to membership of a religious community is comparatively clear, people who "merely" drop out of religion are harder to place in one of the groups on which's basis asylum can be granted. Therefore, as I

experienced it, the claim of apostasy is often combined with other claims like “western orientation”, political activity or being part of a social group. In some cases (although that does not qualify one for asylum) also a claim about exceptional integration is brought forward to bolster one’s appeal.

Throughout my interviews, be it with judges, legal representatives or other actors, the reactions when asked about the topic of apostasy were very similar with the basic assertion that “it is complicated.” Exemplary for these reactions, one legal representative said about the legal situation for apostates,

“[If] I have lost my belief for some reason, this one has a really hard time. Who should...How should this be demonstrated? And you also see that the judges have a hard time.” (Interview Ms. Biskup, lines 252-254)

The impression of “the judges having a hard time” was confirmed in my talks with the latter. The reason for this difficulty is that in the case of apostates, the question, which signs can be taken as indicators for an internalization are not as clear as in the case of religious converts. Furthermore, apostates often lack prestigious witnesses to bolster their claims.

Whereas religious converts attend church services, get baptized etc., for atheists, it is not clear, which activities could lead to a potential persecution in the country of origin. One argument which can be found in many adjudication texts, is that for the case of apostasy, no one in Afghanistan would notice that a person does not belief in God anymore, because “a person is not necessarily perceived as non-believer if she does not attend religious practice in public spaces.” (BVwG 16.07.2020; W123 2196188-1, p. 42) [Transl. M.R.] This assertion is, of course, not uncontested and throughout my research I came across stories which suggested otherwise.

What I want to point at is an issue which was brought to my attention in an interview with judge Prohaska, when he stated, “[C]oncerning an agnostic or someone who says, “I don’t have any faith”, there is de facto no *forum externum* because he can do whatever he wants.” (Interview Mr. Prohaska, lines 130-132) Since I think this notion of *forum externum* plays a crucial role in the assertion of an asylum seeker’s religious or a-religious conversion, I will shortly explain the term. Afterwards, I will introduce some exemplary indicators for apostasy.

3.4.1 Forum Internum and Forum Externum

Forum externum and *forum internum* denominate the tenets of freedom of religion as it is granted by the Universal Declaration of Human Rights. Put briefly, *forum externum* refers to all religious practices and activities which are deemed as observable by others. This includes

using religious buildings, the freedom of talking with others about one's religion, distributing information about it etc. *Forum internum* on the other hand is the label for the part of one's religious life, which is essentially not open to observation by others. It can therefore be seen as "the right to form and hold opinions based on conscience [...] [Th]e right to have or hold a religion or belief, as well as the right not to have a religion or belief." (Christian Solidarity Worldwide Homepage. Access: 01.03.2021)

As already mentioned, some judges struggle with the task to assess internalization of (a-) religious belief, since this would include accessing the appellant's *forum internum*. Some of my interview partners rejected this possibility altogether holding that "no one could look inside another person". As Judge Neuböck emphasized,

"It is not my job to check if he does this out of deep inner conviction but in reality, I have to assess if he seriously and reputably performs actions which can lead to him being persecuted in the home state and if he does this seriously and reputably or if he only does it in pretence so he gets granted asylum." (Interview Mr. Neuböck, lines 209-212)

So, especially in the case of conversion, be it religious or a-religious, it is often argued that no actions have been performed reputably which could lead to persecution. However, the question if an asylum seeker performs certain actions "seriously and reputably" suggests that the assessment goes beyond the appellant's public practices. I would argue that attaining the status of a subject which is converted to e.g. atheism is also a matter of assessing inner conviction, i.e. the *forum internum*. Before justifying this claim, I will introduce some examples for the more obvious case of the *forum externum*. As I found it, claims about the latter were made based on this (non-comprehensive) list of actions: consumption of pork and alcohol, extramarital relationships, dancing, non-practice of religious activities (praying, fasting, going to the mosque), critical (online) statements about Islam, changing one's name, activity in a secular association as well as informing friends, family and officials about one's apostasy. I will limit my discussion to this latter aspect.

3.4.2 Informing Others About One's Apostasy

"Finally, no factor came to the fore, whereupon persons in Afghanistan had found out that the appellant no longer wants to abide by the rules of Islam, especially since the appellant stated himself that he would not be in contact with his family since 1,5 years." (BVwG 16.07.2020; W123 2196188-1, p. 54) [Transl.M.R.]

It is often argued that there are no (essential) activities tied to a non-religious way of life, from which one must refrain in order to prevent persecution. The consumption of pork or alcohol for

example is not seen as constitutive for one's identity. Therefore, the prevalent question in apostasy cases is often if the person has informed her family and friends about the apostasy, and if yes, how they reacted to this information. The quote above suggests that in this case, the asylum seeker had not done so and therefore would not have to fear persecution because of his rejection of religion.

As for most of the indicators for (a-) religious conversion, informing one's acquaintances in Afghanistan about one's new way of life is an ambivalent issue. On the one hand, as one can see above, not-informing one's friends and families can be taken as an argument which speaks against being granted asylum. This is also connected with the claim that since one had abstained from informing others about it, it would be unlikely that one would do otherwise in the case of a deportation. So, telling others about one's conviction can be a strong claim in support of one's appeal. On the other hand, many asylum seekers are probably hesitant about taking this step since it could increase the risk of severe consequences in the case of a (forced) return. This can lead to a dilemma: Informing others could enforce one's claims but it could also worsen one's situation if one must go back.

The situation is similar concerning the communication of one's withdrawal from Islamic belief to the authorities in Austria.

“An already ensued secession, respectively the wish to withdraw from the [Islamic] religious community was not stated.” (BVwG 26.06.2020; W175 2202033-1, p. 26) [Transl. M.R.]

In Austria, it is possible to officially withdraw from Islam by handing in a resignation to a public administrative office. As in the quote above, this step is sometimes taken as an indicator for a secular identity. For this issue, there is the same risk present as for informing one's friends: One is expected to officially withdraw but this withdrawal could become known to other actors in the country of origin.

Furthermore, there is the possibility that asylum seekers do not know about the possibility of officially withdrawing from Islam since this step is not possible in all countries.

Finally, even if not having withdrawn from Islam can be interpreted as a lack of sincerity as in the passage above, *having* withdrawn officially is not necessarily accepted as an argument in one's favor. This can be illustrated by the following quote from an adjudication text:

“Affiliation to Islam [...] is not necessarily dependent on a membership at one of the religious communities officially acknowledged in Austria. [...] In Austria, there is no official, internationally accessible data base [...] wherefore a withdrawal from an organization at most can have local impact concerning possible membership lists” (BVwG 22.06.20; W150 2197003-1, p. 75) [Transl. M.R.]

Whereas in the former quote, the fact that the asylum seeker has not officially withdrawn from Islam is formulated to justify a negative decision, this latter passage argues that an administrative notice could not influence the court's verdict. For taking on the position of a subject converted to e.g. atheism, such a step is not enough. I would argue that in many cases, the *forum internum*, i.e. the asylum seeker's thoughts on religion in general are assessed. I will shortly turn to this issue now.

3.4.3 Rejection of Religion

“Notably, the appellant did not put forward convincingly and substantiated if and *for what reasons* he rejects Islam and if he has *dealt critically* with Islam. [...] A confessionlessness or atheism are in no way already rooted in the appellant and have not become part of his identity. Rather, it came out during the whole procedure that religion does not have a *special significance* for the appellant” (BVwG 26.06.2020; W175 2202033-1, p. 26) [Transl. / Italics M.R.]

This quote is taken from an adjudication text, in which the appellant's appeal was rejected, since the claim of possible persecution due to his atheistic worldview was not deemed credible. What becomes apparent by the phrases which I put in italics is the expectation that a “true” atheist does not just reject religion because she rejects it. It is insinuated that for apostates, religion should be of “special significance” and that they should have “dealt critically” with this topic. One could say that the subject position “atheist” is essentially conceptualized as aligning one's identity in opposition to religion. Therefore, an asylum seeker should be able to lay out the ground for her rejection of religion. This should be done in an elaborated way, as judge Prohaska explained: “Some rail against religion. This I don't need. If someone says that he rejects it and then he rejects it. That's it. I don't need a...He must say *why* he rejects it.” (Interview Mr. Prohaska, lines 113-115)

As for the religious converts' relationship to Islam (see section IV- 3.3.4), here the appellant is expected to give an account about her worldview without the use of “cliché arguments”.

Furthermore, asylum seekers claiming to be atheists or agnostics are expected to know their way with different a-religious beliefs and termini. Remarkable in this regard was one decision from the BVwG, where it was emphasized that the appellant had formerly referred to himself as agnostic, whereas during the hearing he claimed that an agnostic is a person who does not belief in God (BVwG 16.07.2020; W1232196188-1, pp. 51-52).

Questions concerning these matters can be problematic since the ability to answer them highly depends on the possibility to translate the terms from Farsi or Dari to German. Furthermore,

what becomes apparent once again here, is the importance of one's educational background. That "it is also a question of formulating" was brought to my attention by legal representative Ms. Biskup, when she expressed her views on the negotiation of apostasy saying,

"High-end philosophical questions are posed, which an average-educated person cannot answer and answers which the people provide, where I think "these are actually very beautifully formulated" are not accepted." (Interview Ms. Biskup, lines 254-258)

To give an example of what can be understood by "high-end philosophical questions", I will spend the rest of this section outlaying a talk I had with Zafar, a former asylum seeker from Afghanistan, whose appeal had been denied several months before our talk. In the course of his asylum procedure, he had brought forward his rejection of religion in general. For his hearing at the *Bundesverwaltungsgericht*, a friend of Zafar's was summoned as a witness whose purpose it was to portray Zafar's stance towards religion. Also Zafar himself was interrogated by the judge about his non-religious beliefs as he recalled the situation:

"The judge asked me many questions for which I had not been prepared and, of course, this was very difficult. It was a big pressure. I was stressed and, of course, I could not discuss more professionally about religion". (Interview Zafar, lines 50-52)

When asked if he could remember specific questions which had been posed by the judge, Zafar said,

"Yes, he asked me [...] why the almost seven billion [people] are all...they all have a religion, or they are religious, so Islam, Christian, Hinduism or so. Why did you choose a different way? I answered that the quantity is not a proof that they are right. So, for example, there are more Christians than Muslims, but this does not mean that Christians are right because the Muslims are fewer than Christians." (Interview Zafar, lines 58-62)

Whereas this question is of rather philosophical tone, the other question which Zafar remembered having been posed to him, was apparently based on Zafar's earlier claim of having dealt with some of the texts by philosopher and atheist theorist, Bertrand Russel.

"The other question was "What is the last name of Bernhard [sic!] Russel?" I already told him! I told him in the beginning "Russel". He is called Bernhard and he comes from Great Britain and he wrote many books about Atheism and religion." (Interview Zafar, lines 62-65)

I could not entirely make sense of this latter statement. Possibly, the judge had asked about Russel's *first* Name, (which Zafar recalled as being "Bernhard" instead of "Bertrand") and took Zafar's mistake as a lack of knowledge about his own alleged beliefs. Be this as it may, I would argue that the problem faced by apostate asylum seekers can be illustrated using one further passage from my interview with Zafar:

“I am not a good religion professor, or I am not...I don’t know all the books, Bernhard Russel wrote. I am a person who was on the move for ten years, who simply tries to learn the language, a new culture and I don’t have time to learn well [laughs] and to ... about these books.” (Interview Zafar, lines 94-97)

This statement illustrates the fact that many asylum seekers have a hard time explaining their non-religious conviction in the course of a hearing, be it due to the stressful circumstances or due to an (alleged) lack of expertise in e.g. atheism. I cannot claim that this interview is representative for the hundreds of asylum procedures dealing with the topic of apostasy. However, it coincides with the bulk of impressions I gained through my sources.

Summarizing this section about apostasy, I would argue that attaining the status of a subject converted to a non-religious worldview is less likely as for religious conversion. It is often argued that non-religious belief would not constitute a well-founded fear of persecution, since no one in Afghanistan would notice it. This has to do with the asserted lack of a *forum externum*, i.e. actions which would be visible to others. The creation of the converted subject in this case is therefore concentrated on the appellant’s steps to make the conversion official as well as on her capability to formulate her reasons for rejecting religion. The next section will deal with indicators for the last of the three discussed “conversions”: “Western Orientation”.

3.5 “Western Orientation”

The last subject position and category of interest which is created by the apparatus of conversion is the “westerly oriented” or “westernized” person. In what follows, I will outlay and discuss some of the arguments which are brought up in order to deem someone as “westernized” or “non-westernized”. As a student of cultural and social anthropology, the term “western orientation” makes one alert. One is reminded of dichotomies between the “orient” and the “occident” as presented in Edward Said’s *Orientalism* (2003) [1978]. Some of the statements I heard in the course of my research also reiterated the orientalist discourse as it can be found in Said (2003). Others expressed great discomfort with the term “western orientation” due to its blurriness and its problematic connotation. Instead of concentrating on “scandalously” orientalizing, singular utterances, I want to give a broader account of what are taken to be indicators for a “western” identity as a reason to be granted asylum.

The first important thing about the topic of “western orientation” in the Austrian case, is that it is essentially an issue of gender. Many men appeal their first court instance decision with the claim that they had become “westernized” (often in combination with other arguments) and therefore could not return to Afghanistan. However, the chances for men to have this appeal accepted are extremely low. The reason for this can be found in country reports, where it says

that “the risk of persecution for men perceived as ‘Westernised’ is minimal”. (EASO 2019, p. 65) As it is argued throughout many adjudication texts, male returners from e.g. Europe (although they might be met with suspicion) would not have to fear individual persecution, wherefore asylum could be hardly granted to them. This is, of course, not uncontested.

Although there are some singular exceptions in which male asylum seekers in the fields of sports, arts or human rights become official refugees due to “western orientation”, the vast majority of cases concerns women. The reason for this was outlaid by judge Neuböck when he said,

“And if I as a woman want to go on the street, this is not possible. You must go with a man [...] She can never live alone, and she cannot go on the street alone. She cannot go to a doctor. She cannot go shopping. She can’t do nothing. Therefore, this is not comparable to a man. If the man says “Now I am westerly oriented”; if he returns, he still can go on the street, he still can do everything. It is not comparable.” (Interview Mr. Neuböck, lines 377-382)

This view on the situation of women in Afghanistan was in accordance with the majority of statements on “westernization” I heard throughout my research. In most of the cases it was accompanied by a reference to the juridical frame which can also be found in an article by Ines Rössl (2019) on that topic: Although, the notion of the asylum seeker having taken on a “westernized” identity is ever present in the court decisions, the question should be less about how “westernized” someone is but about her violating a moral code in the country of origin. In short, women who are perceived as deviant are taken to be threatened by other actors, while for men the moral code would not be as strict (Rössl 2019, pp. 97-99). Rössl argues that in many of the *BVwG*’s decisions, the focus would lie more a woman’s assimilation than on her transgressing moral codes in Afghanistan. Put shortly, it is often assessed “how westernized” a woman is, whereas the legal issue would demand concentrating on the contrast to an image of Afghan societies’ norms and values (Rössl 2019).

In any case, the decisions to grant asylum must be based on one of the five categories determined by the UN: race, religion, nationality, political opinion, membership of a particular social group. As Sara McKinnon (2009) points out, gender is not one of those categories, wherefore women would have to “fit their gendered experiences into the broad categories defined through court precedent, which only marginally reflect their actual experiences of persecution”. (McKinnon 2009, p. 207) In lack of gender as a reason for asylum, “westernization” in the Austrian case is normally based on the criterium “membership of a particular social group. Whereas in the case of men, often their political activities are

foregrounded, gender remains unpolitical and discussed in terms of culture; women are often seen as “private subjects”. (McKinnon 2009, p. 212)

The discussion about women’s roles in countries like Afghanistan is highly controversial and not easy to grasp. On the one hand, labels like “westernization” in terms of a human rights discourse allow for a reiteration of the dichotomy between free, enlightened women in the west and oppressed, victimized women in the east. Sherene Razack in her article “The ‘Sharia Law Debate’ in Ontario” (2007) calls such legal discourses “productive”, meaning that “they install “free subjects who can save those suffering from human rights abuses” and sustain “rescue from culture” as the main rationality”. (Razack 2007, p. 7) A “western” subject is created which has made her way out of the oppressive culture but this subject is only possible via the creation of its antidote, i.e. the eastern female subject (Razack 2007, p. 15).

Having this issue of a potentially orientalizing legal discourse in my mind, one as researcher is faced with a problematic task: How can one critically discuss the notion of “western orientation” in the realm of asylum without bereaving it from its relevance? This question is also taken up in Taylor Markey’s article “Westernized women?” (2017), in which she points to the particular legal case of *Westliche Orientierung* in Austria. Markey writes, “Even though this standard problematically frames applicants as Western, at least it results in a grant of asylum for vulnerable people.” (Markey 2017, p. 1320) The first difficulty in dealing with “westernization” is how to deal with this ambiguity.

The second (widely known) difficulty in the discussion about women’s roles in dominantly Islamic countries deals with a similar issue. How can one object the mission which Lila Abu-Lughod (2013) labelled as “Saving Muslim Women” and on the same time acknowledge gender-based oppression as it is certainly prevalent in Afghanistan? Razack (2007) in her discussion of a femicide legitimized by Sharia law, poses the following question: “How do we keep her murder in mind at the same time that we remember what it can mean to those who are anxious to draw a line in the sand between barbaric Muslims and civilized Europeans?” (Razack 2007, p. 4) I would argue that for my research, this question could be framed in a very similar way: How do we acknowledge severe suppression while being aware of potentially orientalizing arguments which are used to explain this suppression?

I found the best way to handle these difficulties would be to (again) use an approach which focuses on particular discursive instances in which indicators for a “westernized” or “non-westernized” subject are brought up. This method allows for maintaining the arguments’ diversity and at the same time critically pointing to dichotomizing tendencies in the discourse.

In the course of my research, one aspect which was often said to be the most important thing for a woman to be deemed a “westernized subject” was leading an autonomous life and knowing about her basic human rights. In addition to this big issue, Rössl (2019) identifies the following topics to be present in the negotiation of a woman’s “western orientation”: “Knowledge of the German language, *daily activities*, *organization of one’s leisure time*, *intrafamilial distribution of roles*, values in child education, *social contacts*, efforts to education, activities towards finding a job, duration of stay in Austria, *appearance*, presence and personality, socialization in the country of origin, verbalization of one’s own convictions and about the situation for women in the country of origin.” (Rössl 2019, p. 97) [Transl. / Italics M.R.] To that list, I would add the aspect of dealing with money and property.

In the following sections, I will concentrate on the aspects held in italics, starting with the intrafamilial distribution of roles and a discussion about how this is interpreted as a sign for an autonomous life led by the female asylum seeker. After that, I will discuss the negotiation of women’s appearances and conclude with a remark on their leisure activities.

3.5.1 Individuality and Intra-familial Role Allocation

The first indicator for a woman’s “westernization” I want to discuss, concerns her individuality, respectively her role in the family. As remarked in the previous section, the will to a *selbstbestimmten*, i.e. an autonomous life is deemed crucial for a positive asylum decision, since this is said to be incompatible with the moral code of Afghan “traditional” society. As I experienced it, the asylum seeker’s expression of individuality in her conduct towards others is seen as an important indicator for an autonomous life.

“The appellant’s focus also in Austria still lies on the care of her children and her husband, as it was the case in the country of origin. Now as before she manages the household and takes care of her children.” (BVwG 14.07.2020; W138 2195899-1, p. 68) [Transl. M.R.]

This passage stems from an adjudication text in which the decision for asylum turned out negative. It is argued that the intra-familial role allocation would not differ greatly from the “traditional” role allocation in Afghanistan. Therefore, the asylum seeker’s behavior (although she would occasionally go out alone) would not constitute a transgression of the moral code in her country of origin.

Connecting child-care on the woman’s side with a lack of “westernization”, creates an image of the “westernized” woman who is not essentially bound to the family. Often, this is connected with career ambitions independent from the aspect of family and the husband’s activities in the household. I would argue that in order to be deemed as “westerly oriented”, women have to

make credible that their (familial) community is not their number one concern and that their lives do not exclusively revolve around this topic.

As one can take from many adjudication texts where it is emphasized that the asylum seeker would also have Austrian friends, “community” is not necessarily bound to the nuclear family. A “westernized” woman not only transgresses moral codes in her country of origin, but also oversteps community borders in her current living situation. As Razack notes for the topic of community and individuality for women from dominantly Islamic countries: “[T]wo categories of women are brought into existence: those who have successfully made it out of community and culture, and others who are to be assisted into modernity.” (Razack 2007, p. 15) I would argue that “westernization” is often connected with a step “out of community” and possibly out of family into individuality and to some extent detachment. In Afghanistan, on the other hand, as it is written in adjudication texts, “the principle of an individual life is generally unknown”. (BVwG 02.06.2020; W191 2220849-1, p. 54)

This step out of community into individuality is often emphasized in the adjudication texts in connection with a potential conflictual moment between the female asylum seeker and her husband. Since for the asylum decision it is important that the woman’s identity stands in opposition to the prevalent gender norms in her country of origin, it comes as no surprise that opposing the husband can be an important indicator for “westernization”. To illustrate what I mean by this “potential conflictual moment between the female asylum seeker and her husband” I quote from an interview with judge Neuböck, when asked about indicators for an autonomous lifestyle:

“I once had a husband there who answered every question, I had posed to her. I warned him two times. I told him, “Be quiet and let the woman speak or I will throw you out!” After the third time, I told him to leave. Because I want to know...I also record in the writ how the two of them behave towards each other. Often times she is the boss.” (Interview Mr. Neuböck, lines 336-339)

In order to be deemed “westerly oriented”, the female asylum seeker is expected to speak out against her husband during the hearing as well as in her everyday life. The rationale can be roughly formulated as follows: If she does not articulate resistance towards patriarchal actors in Austria, it is not expected that she would do so in Afghanistan and therefore would probably not face persecution. The “non-westernized” woman in that sense accepts her faith as victim of patriarchal structures, whereas the “westernized” woman speaks out against it.

In *Do Muslim Women Need Saving*, Lila Abu-Lughod lays out a history of military strikes by the U.S. and other western countries in Afghanistan. These interventions are often justified with a remark of freeing women from the oppression by “traditional” and patriarchal “culture” of

Islamic countries (Abu Lughod 2013). The case of asylum is somewhat different because instead of western politicians speaking in the name of the “Muslim woman”, here the women *themselves* call for protection from persecution. What remains, as I would argue, is a drawing of boundaries between Afghan men and Afghan women which is reiterated in the asylum procedure. Often men are taken qua patriarchal oppressors and as bound to the “traditional” structures in Afghanistan. Intra-matrimonial conflict can be taken as an indicator for “western orientation”, whereas a happy marriage in a family in which the bigger part of the household duties is done by the female asylum seeker, can weaken one’s claims about “westernization”.

3.5.2 Appearance

One aspect about negotiating women’s identities, which I found to be highly contested, is their appearance and their way of clothing. The so-called “headscarf debate” and other discussions about the connection between clothes and identity are not restricted to the media discourse but are also present in the realm of asylum, where appearance is taken as a possible indicator for the status of a “westernized” or “non-westernized” subject.

“The appellant has already internalized western values and also lives accordingly; also, the appellant’s visual appearance during the oral hearing at the BVwG was a strong sign hereof.” (BVwG 02.06.2020; W191 2220849-1, p. 61) [Transl. M.R.]

Statements like this one can be found in almost all adjudication texts, in which women apply for asylum based on “western orientation”. What becomes apparent is that throughout the asylum procedure, “the female body and its presentation become object of the judicial speech”. (Rössl 2019, p. 104) [Transl. M.R.] What is less clear, is the degree to which a woman’s cloths influence the decision about granting asylum. Formulations like “a strong sign” as in the adjudication text above, suggest that the role of appearance should not be underestimated. This impression was also held by the legal representatives I talked to. Judges, on the other side emphasized that clothing would be “one aspect but by far not the most important one.” (Interview Mr. Prohaska, line 220)

The importance of clothing for the asylum decision differs from judge to judge and is hardly ascertainable. The fact remains that comments on the female body usually appear in the adjudication text. To illustrate the manifestation of this process, I introduce a quote from judge Neuböck. When asked about his methods for assessing “western orientation”, he stated, “I always say, “Let’s do a quick fashion show. Would you please stand up shortly?” and then I record how she looks, what she is wearing, if she wears make-up.” (Interview Mr. Neuböck, lines 345-348)

The outcome of these “fashion shows” can be illustrated by a further quote from an adjudication text in which the clothing of two female appellants is described as follows:

“First appellant: knee-length dress with a blazer, loose hair, no headscarf, red lipstick, subtly painted; second appellant: short, striped dress, high boots, black necklace, loose, long hair, no headscarf, fashion jewelry, white nail polish” (BVwG 10.09.2020; W239 2146949-1, p. 50) [Translation M.R.]

Generally speaking, this focus on clothes by the asylum authorities seems to reiterate the dichotomy between “traditional, religious” clothing on the side of the non-western woman and “modern and fashionable” clothing on the side of the westernized woman. For women who are granted asylum based on “westernization”, it is often emphasized that they would “put great store on their appearance”. In connection to that, one can repeatedly find formulations in which it is stated that the asylum seeker plans to “further assimilate [*anpassen*]”. (BVwG 21.02.2020; W229 2201307-1, p. 24).

With Rössl (2019) one can summarize that in the course of the negotiation of women’s “westernization”, “traditional” clothing is taken to be the opposite of “fashionable” clothes (Rössl 2019, p. 103). The latter are seen to be dominant in Austria and an assimilation in this direction is taken as a sign of liberation and therefore “westernization”. With the use of the term “traditional”, on the other hand it is suggested, that this style of clothing “has always been dominant there. In Abu-Lughod (2013) this rationale is contrasted with a more nuanced history of veiling in Afghanistan (Abu-Lughod 2013, pp. 35-43).

In the passage from the adjudication text above, one aspect about the asylum seekers’ appearances is mentioned twice: “no headscarf”. The veiling of women coming from dominantly Islamic countries has been subject to a widely known public discourse, often involving orientalizing and racist voices. In this discourse, veiling is often interpreted as a sign for a lack of agency on the women’s side (Abu-Lughod 2013, p. 39). Also in the realm of asylum, where the notion of “westernization” is essentially connected with independency, the headscarf and veiling in general are issues which are found worth mentioning in the adjudication texts. One example for that would be a verdict, where it is emphasized that under the reign of the Taliban, the asylum seeker had worn a burqa whereas now she would only use a loose veil (BVwG 21.02.2020; W229 2201307-1, p. 24). Such passages suggest that the will to an autonomous life is connected to a rejection of veiling. This is insofar problematic as they represent hegemonistic, liberal concepts, in which Muslim women are seen only as victims of culture and the veiling as a sign for oppression. What such discourses oversee is that “Afghan women [...] might want different things than we would want for them” (Abu-Lughod 2013, p. 43). For many women in Afghanistan, veiling might not be seen as a (major) problem.

To be clear about that aspect, I am not suggesting that all women in Afghanistan are happy with wearing a Burqa or some other form of veiling, nor am I downplaying the oppression of women in Afghanistan. What must be problematized is the “culturalization” of gender inequality by focusing on aspects like veiling, which deems women only in terms of victims. Veiling is not synonymous with oppression.

I must conclude this section about the evaluation of women’s appearance with an important remark: It was not the case that my interviewees from the juridical sectors set veiling synonymous to oppression and acceptance of fate. The impression which I got from the interviews was in many instances more reflected than the one in the adjudication texts. Although the topic of veiling was mentioned many times, these statements suggested that women who wear their headscarves (also for religious reasons) could be seen as autonomous and therefore apt for the status of a “westernized” subject. This can be illustrated with a quote from judge Prohaska:

“[I]f a woman of Islamic faith and who out of conviction, of personal conviction says, “I wear my headscarf anyway and I do not care if my husband wants that or not. I wear it anyway, solely because I want it, then I cannot say, “only because she wears a headscarf, she is not westerly oriented.” This is also important. Not to be one sided.” (Interview Mr. Prohaska, lines 215-218)

What can be taken from this quote is that in the eyes of this judge, a woman’s clothing and her veiling are not taken to be the one dominant aspect which contribute to her “westernization”. Also religion is not necessarily seen as opposed to “westernization”. However, the phrase “I don’t care if my husband wants that or not”, hints to a connection between clothing and the potential conflict between spouses which I described in the previous section.

3.5.3 Leisure Time Activities

Before concluding the section about “western orientation”, I want to touch on some further aspects which are of importance in the negotiation. I subsumed these under the label “Leisure Time Activities”.

“Furthermore, the appellant likes to go cycling, [...] swimming and meets with her friends (some of them male) also in the evenings and also occasionally without her husband.” (BVwG 29.06.2020; W216 2207901-1, p. 22) [Transl. M.R.]

Spare time activities like cycling and swimming are mentioned throughout many adjudication texts as indicators for an autonomous life. Their relevance and their importance in the decision process are, however, contested. I mentioned this issue already in section IV-3.2 when writing

on the diversity of asylum decisions. Anyhow, due to its repeated appearance in the research process, the topic of leisure time activities demands further attention.

As Rössl (2019a) points out, it is assumed that hobbies like swimming, cycling, Nordic walking etc. could not be further pursued (without a man's company) in the case of a return to Afghanistan. The question is, to what extent these hobbies are seen to constitute an essential part of a woman's identity, so that it could not be expected to give them up after an eventual deportation. Unlike the topics of veiling or role allocation inside the family, leisure time activities are often interpreted as not being an expression of one's basic human rights (Rössl 2019a).

I would argue that the same is true for going out at night, since this is a claim often brought forward by male applicants whose appeals based on "westernization" are normally rejected. Whereas in decisions like the one above, it is emphasized that the female appellant would meet with her friends in the evening without her husband, for male applicants, going out at night is seen as an activity which one could be expected to stop pursuing in the case of a return. To quote from an adjudication text for such a case,

„To the plea that he [the appellant] would eat pork, drink alcohol and visit discos it must be replied that not every change of lifestyle during the stay in Austria, which could not be upheld in the case of a return to the country of origin, leads to a grant of international protection". (BVwG 26.06.2020; W1752202033-1, p. 26) [Trans. M.R.]

For this asylum case, these activities are not seen as constituting an essential part of the appellant's identity, which deems them irrelevant. Concerning the question of what can be seen as relevant and what not, Rössl points to a decision by the European Court of Justice, which says that there could not be made a differentiation between essential and unessential expressions of one's sexual or religious identity (Rössl 2019a, p. 363). As I experienced it for the issue of "westernization" in this regard, leisure time activities are often presented as essential expressions of one's identity if the decision is positive (based also on other aspects). On the other hand, if aspects like the intra-familial role allocation or the appellant's appearance already point towards a negative decision, then it is more likely that hobbies like swimming are seen to be unessential for a person's identity. Therefore, it can be expected to stop pursuing these activities in the country of origin.

Summarizing the section about "western orientation", I first want to point to the term "westernization" itself which can be seen as a reiteration of the dichotomy between east and west. Suppression is taken as matter of culture while structural injustice is pushed in the

background. What is created by notions like “western orientation” is not only the image of a “westernized woman” but simultaneously the picture of a “non-westernized woman”.

Second, it must be kept in mind that “westernization” is essentially an issue of gender, since in the vast majority of cases, asylum based on this claim is granted to women. This is explained by the assessment that the situation for men and women in Afghanistan could not be compared since women would be deprived of their basic human rights and an autonomous life to a far greater extent than men.

The accepted indicators for the will of such an autonomous life in the asylum procedure are manifold. What is emphasized in the jurisdiction is that westernization is essentially connected to the will to an autonomous lifestyle. Therefore, to deem an indicator as relevant, it must be successfully argued that it constitutes a transgression of a moral code in Afghanistan and that it has become an essential part of the person’s identity, so it cannot be expected to be given up in the case of a return to the country of origin.

For my presentation, I concentrated on the aspects of individuality and intra-familial role allocation, appearance, and leisure time activities. What can be taken from all these indicators is that they promote an assimilation of the asylum seeker to the (alleged) picture of women in Austria. As remarked, this assimilation is also emphasized in statements in adjudication texts, like “It is not recognizable that the appellant already has made efforts towards an assimilation to the Austrian society.” (BVwG 14.07.2020; W1382195899-1, p. 68) [Transl. M.R.] With regard to this, it can be argued with Rössl (2019) that even though the focus should lie on the assertion of a potential threat in the country, the appellants are often expected to fit into an image of a “modern”, Austrian woman. “The ideal >westerly oriented< woman has crossed a border and has become <like us>”. (Rössl 2019, p. 107) [Transl. M.R.]

3.6 Summary “WHAT?”

With this chapter, the question “Who Creates What?” is finished and (partially) answered. While it was the function of the chapter “WHO?” to give a theoretical insight in the concept of an apparatus and to introduce its elements, “CREATES?” dealt with these elements’ (performative) actions in the negotiation and creation of a converted subject. In “WHAT?”, I laid out what I found to be the essential qualities of this subject. That means, I presented and discussed certain arguments which are used to deem a person as converted or non-converted. I started this chapter with a theoretical remark about (de)-subjectification through a *dispositif* and argued that in order for a subject position to be meaningful, this position must be filled with

certain qualities. It must “mean something” to be a converted subject. This constitution happens simultaneously with the constitution of its opposite, i.e. the non-converted subject.

After this introduction, I drew attention to two important preliminary remarks, the first one dealing with the relation between identity and fear of persecution. I argued that while the assessment of a potential threat in the country of origin plays an important role in the asylum procedure, this cannot be conceptualized without the creation of an asylum seeker’s identity as converted or non-converted.

Further, in the section “What is actually created? Diversity, Controversy, Confusion”, I emphasized that when it comes to the topic of religious conversion, apostasy or “western orientation” the actors in the asylum procedure themselves often struggle with the question what is to be assessed. As I tried to make clear throughout the chapter, the arguments as basis for decisions are very diverse and there is not one knockout argument, which automatically leads to the grant of asylum.

In a next step, I “split up” the term “conversion” and presented indicators for the claims of conversion to Christianity, apostasy and “western orientation”.

For the first of these alleged changes in identity, I pointed to difficulties in assessing religious conversion and to the differences between a religious sense of it and a “legal” sense. Next, I discussed the notion of “fake conversion” as the opposite of a “real conversion” before turning to what are taken to be indicators for the latter. Although the factors are more diverse, I concentrated on the aspect of knowledge about Christianity, their way of living and the rejection of the old religion as well as time and circumstances of their conversion. As I tried to make clear, each aspect is bound to certain difficulties and ambiguities.

Concerning the issue of apostasy, I discussed the question of how this stance might be visible to others. For this endeavor I introduced the notions of *forum externum* and *forum internum* and gave one example for each: Informing others about one’s apostasy as well as expressing one’s reasons for rejecting religion.

In the last section, I discussed the notion of “western orientation” starting with a comment on the term itself and its potentially culturally essentialist connotation. What I found to be the main issue concerning “westernization” was the role of the woman in Afghanistan and her fear of persecution in case of a transgression of the moral code. As for the potential indicators which are seen to constitute a woman’s identity as a “westernized” subject, I dealt with three of them in detail: the intra-familial role allocation as sign for an autonomous lifestyle, the assertion of a woman’s appearance and further leisure time activities.

I concluded with a comment stating that even though the judicature lays the focus on the assertion of a potential threat in the home country, the topic of “westernization” can still be seen as a way of allowing those to stay which have become “assimilated”.

4. Who creates What creates Who creates What...?

The question standing in the center of this MA thesis is intentionally formulated in a way allowing the reader to interpret it in “both directions”. There is, of course, the way of reading it which takes the grammatical subject “Who” to be the active part in this formulation. “Who” as the apparatus and the actors incorporated by it as a creative and productive entity. This entity brings forth the “What”, which is the converted subject. That interpretation assumes a clear productive “direction” from the Who which through the sum of performances produces the “What”. This reading was suggested in the presentation of the three chapters.

“Who creates What?” can, however, also be read in the opposite direction, as in “Who”, which is the converted subject brings forth the “What”, which is the Apparatus of conversion. This would imply a different relationship between the existence of the converted subject and the *dispositif*. In the discussion of the latter, I have quoted Rabinow (1983) stating that apparatuses “are initially formed as responses to crises or problems.” (Rabinow 2003, p. 54) An apparatus cannot be seen as a pre-existing entity waiting to exercise its productive power. It is a response. In this sense, the question can be read the other way around: It is only through the necessity of a converted subject, i.e. the “Who” that a dispositive, i.e. the “What” emerges.

There are obvious empiric examples illustrating this relationship between the apparatus of conversion and the converted subject. I will shortly mention two of them. First, the atheism-survey, as described in section IV-2.3.1.2. Such a document, assigning a person an atheist identity would not exist if there would not be the subject position of a refugee due to apostasy from Islam. In my conception, this *Gutachten* with its performative power is part of the apparatus of conversion. Its existence is dependent on the created category of the converted subject as described in the thesis.

Secondly, the position of the religious representative as witness. Here, one could argue in a similar fashion as for the *Gutachten* about an asylum seeker’s atheism: The role of the religious representative as witness, presenting his impression on the asylum seeker’s identity is only created through the necessity of a converted subject. This is the reason for why a priest e.g. sits in a hearing room in the *BVwG* and answers questions about a person in his parish. The converted subject calls for an apparatus which evaluates, categorizes and classifies in order to sustain a certain political order. This dynamic is, of course, not restricted to these two empiric examples but can be applied to the whole *dispositif*. In this reading, the converted subject becomes the “Who” which, through the necessity of her existence, creates the “What”, i.e. the apparatus of conversion.

I want to introduce a third way of reading the question “Who creates What?”, which I found to be the most accurate for my conceptualization. For this interpretation, the focus moves away from the grammatical subject as well as from the grammatical object and highlights the “unresolvedness” of the interrogative clause. What I mean hereby is that this interpretation does not strive for a clear answer to question if the converted subject is the product or the producer of an apparatus. The same is true for the other way around; it is not to be resolved if the *dispositif* stands at the beginning or the end of this relation. Instead, by highlighting the “unresolvedness” of the question I offer a move away from a directional conceptualization in which the subject creates the object.

One notion which I found to be very present in recent anthropological literature seems suited to denominate this non-directional conceptualization between an apparatus and a created subject: *Entanglement*.²⁴ The converted subject and the apparatus of conversion are entangled. Regardless of what is taken to be the grammatical subject and the grammatical object of the question “Who creates What?”, it holds true that their existences are entangled with each other. The qualities of both the components are essentially dependent on each other. The “Who” creates the “What” but at the same time is created by the “What”. Which-is-which being of less interest than their inseparability. With the post-humanist theorist and physicist Karen Barad one could say that through their entanglement, they are both part of the same “phenomenon”. “[S]tructures are not only productive; they are themselves produced through the very practices of subject formation that Foucault discusses.” (Barad 2007, p. 229) This conceptualization implies a departure from a one-directional, causal model.

By quoting Barad and by using the notions of “phenomenon” as well as “entanglement”, I want to establish a bridge to the last chapter of my thesis which is constituted of an attempt in crossing over the languages and conceptualizations of refugee research and quantum physics.

²⁴ One could also employ the notion of a *dialectic* relationship between the creative and the created. However, for my conceptualization I found entanglement to be a more accurate description.

V. **An Attempt in Quantum Anthropology**

What does all of this have to do with quantum physics? At first glance, this question might seem a bit coming out of the blue, arbitrary even. Indeed, doing such an (alleged) huge jump from one topic to another requires some explanatory work. I will provide this justification in the next section. On a superficial level, my use of quantum physics stems from a parallel engagement with these two fields. Although I put much thinking into this chapter, it came out as the least “finalized”. I like to think of it as an attempt or starting point for further investigation; an *attempt* in quantum anthropology.

Until fairly recently I thought that in combining the field of anthropology with the field of quantum physics I would be ploughing a lonely furrow. Therefore, it came as a surprise that there already was a (small) number of scholars engaged in exploring possible outcomes for this combination. This endeavor was started with Elizabeth F. Vann’s article “Quantum Ethnography. Anthropology in the Post-Einsteinian Era” (1995), where she proposes an approach drawing on quantum physics for dealing with the crisis of representation in anthropology. Shawn Pownell in “Quantum Anthropology” (1996) introduced the term.

In more recent years, Vicky Kirby published a book titled *Quantum Anthropologies* (2013), in which she lays out a deconstructivist frame for dealing with quantum physics and anthropology. In her approach, Kirby is influenced by the post-humanist thinker Karen Barad, whose account of quantum physics in *Meeting the Universe Halfway* (2007) will play a role in the course of this chapter. Trnka and Lorencová in their book *Quantum Anthropology. Man, Cultures, and Groups in a Quantum Perspective* (2016) propose a more analogical/metaphorical approach for speaking about the relation between anthropology and quantum physics.

One thing I really came to care about during the course of my study was interdisciplinarity. I found the field of anthropology to be predestined for discipline boundary crossing research; but interdisciplinarity is not an end in itself. As a first part of this chapter, I will therefore lay out, in which way I think anthropology can benefit from dealing with quantum physics. After this, I will give an introduction to the physical concepts of interest and show how they can be applied to my research in the field of asylum.

1. Why Quantum Anthropology

As Vann (1995) holds, “The language and metaphors of quantum physics are already being employed in psychology, economics and literary criticism.” (Vann 1995, p. 74) I would add to this that also anthropology has not isolated itself from the developments in the natural sciences, like (quantum) physics. In 1905 and 1916 Albert Einstein²⁵ published his theories on special relativity, respectively general relativity. In this course of events, the notion of relativity became prominent in a wide field of disciplines, also outside of physics. For anthropology, Trnka and Lorencová state that “[t]he relativistic logic of cultural relativism mirrors the changes that occurred several years previously in physics, i.e. after Albert Einstein”. (Trnka/Lorencová 2016, p. 16) By citing this passage I don’t wish to suggest that these concepts flow in a one-directional way from the natural sciences, eventually finding their way into social theory. This relationship is more complex and reciprocal. What is clear is that in both disciplines -physics and anthropology- the notion of relativity evolved to be a greatly influential *topos*, unsettling earlier scientific accounts in the respective field.

A second famous topic shared by physics and anthropology is the question about the role of the observer. One exemplary text which illustrates the debate about the observer’s effect is “Benefits of ‘observer effects’. Lessons from the field” by Monahan and Fisher (2010). There they defend anthropology against the claim that the observer’s presence in the field necessarily alters the behavior which makes the scientific account less prestigious. They hold that despite the apparent effect of the researcher’s presence, her accounts can still “reveal profound truths about social and/or cultural phenomena”. (Monahan/Fisher 2010, p. 358) The authors make reference to the observer’s effect famously formulated by German physicist Werner Heisenberg (1901-1976) in 1927 as part of the “uncertainty principle”. In contrast to classical, i.e. Newtonian physics this view holds that one cannot assume that physical entities are not influenced by the presence of an observer. Instead “researchers are interacting with the system, usually through the instruments of measurement, and changing the phenomena being studied”. (Monahan/Fisher 2010, p. 360)

What I hoped to illustrate by introducing these two examples is the fact that anthropology has already been influenced by developments in physics in a way that probably many scholars would deem as beneficial.

In order to justify my use of quantum anthropology, it is still necessary to add an account about the way I think anthropology can profit epistemologically from an engagement with (quantum) physics.

²⁵ Einstein himself was no proponent of quantum physics but one of its most famous critics.

From a personal standpoint, I am convinced that I had perceived my ethnographic field in a different way if I had not been dealing with quantum physics at the same time. Especially the focus on the apparatus' active nature and its productive element can be seen as outcomes of this simultaneous engagement.

On a more general level, I think that anthropology can gain from crossing disciplinary borders towards quantum physics since both sometimes deal with radical different world views, i.e. understanding, interpreting and describing the world around one. Quantum physics can be seen as a radical break with the understanding of basic concepts like causality, time and space which have not been fundamentally questioned in western science since Newton. In coming to understand this radical otherness, it seems to me that these disciplines are apt to benefit from each other. Using concepts from one another, as Trnka and Lorencová emphasize can thus “reinforce the future communication between neighboring disciplines in the fields of social science and the humanities.” (Trnka/Lorencová 2016, p. 24)

Most importantly, using concepts from quantum physics in the social sciences can add value to the research since these can provide additional perspectives on a field. A variety of perspectives can deepen the account given and make room for alternative interpretations of social and cultural phenomena. I also interpret Vann's justification for her engagement with quantum anthropology in this sense, when she states that she “attempt[s] to provide a language and methodology not only for critiquing ethnographic texts, but more importantly, for constructing them” and that “Quantum mechanics may provide anthropology and the other social sciences with language and metaphors to facilitate” (Vann 1995, p. 74)

Summarizing, I would hold that my understanding of quantum anthropology for this thesis relies on quantum theory as a way of seeing and interpreting the field. I don't wish to engage in discussions about nature/culture like Barad (2007) or Kirby (2013) or make assumptions about the isomorphism of micro and macro patterns like Trnka and Lorencová (2016) but emphasize the epistemological and theoretical value of such an engagement. Using the language and (to some extent) the perspective of another field of thought can highlight certain research aspects which else might stay veiled.

2. A Very Short Introduction to (Some Elements) of Quantum Physics

For laying out some of the physical aspects which are important for my argument, it might be appropriate to start with the already mentioned Werner Heisenberg, his “uncertainty principle” and his famous *Gedankenexperiment* labelled as “The Heisenberg Microscope”. I use this example also to demarcate my understanding of quantum anthropologies from a sole concentration on the “observer’s effect”.

What is important to know beforehand is that quantum objects like e.g. electrons have properties of particles *and* properties of waves. In classical physics, a particle is characterized by having a determinate position and momentum (i.e. velocity * mass), a wave by energy and expansion rate. In quantum theory, these entities become more or less tantamount. It (Quantum theory) now postulates that its objects can be described either as a wave or a particle, for they have features of both. This concept is called “wave-particle duality”.

Heisenberg’s “uncertainty principle” holds that the precision of measuring a quantum object’s position decreases the precision in measuring its momentum. The exacter I measure a particle’s position, the less exact I can measure its momentum and vice versa. The “Heisenberg Microscope” (1927) should serve as an illustration of the “uncertainty principle”. I will not and cannot go into detail about this *Gedankenexperiment* but only present its basic theoretical outputs. Heisenberg imagines an electron which is observed under a microscope. In order to detect the electron’s position, one must illuminate it, i.e. send photons towards it and make them collide with the electron. However, the photon -behaving like a particle- “pushes” the electron in one direction adding a certain momentum to it. This momentum is greater if the light used has a shorter wavelength. The problem is that a shorter wavelength allows one to measure the electron’s position more exactly. So, the exacter I determine the electron’s position, the less I know about its momentum.

This should illustrate that one cannot measure a quantum object’s momentum and position at the same time. In measuring one either concentrates on the object’s momentum or on its particle position. (Mairhofer 2014, pp. 54-55).

For his formulation of the “uncertainty principle”, Heisenberg won the Nobel Prize in 1932. His account of the microscope was nevertheless harshly criticized by his mentor, Danish physicist Niels Bohr (1885-1962). Bohr and Heisenberg formulated what came to be known as the “Copenhagen Interpretation” of quantum physics, which marked a paradigm shift towards a new understanding of the physical world. Heisenberg’s account suggests that we cannot know a quantum object’s momentum and position at the same time. Bohr holds that Heisenberg’s theory implies that quantum objects *have* a certain momentum and position before being

measured. “For Bohr, what is at issue is not that we cannot know both the position and momentum of a particle simultaneously (as Heisenberg initially argued), but rather that particles do not *have* determinate values of position and momentum simultaneously.” (Barad 2007, p. 19) [*italics in original*] In Niels Bohr’s interpretation, it would therefore not make sense to speak of a disturbance of a quantum object with preset qualities. There are no preset qualities. The quantum objects qualities are essentially indeterminate. Only through measurement, one aspect of the object is realized. Karen Barad, an interpreter of Bohr’s theory holds, “[T]here is something fundamental about the nature of measurement interactions such that, given a particular measuring apparatus, certain properties become determinate, while others are specifically excluded.” “For Bohr, the crucial point is the fact that wave and particle behaviors are exhibited under complementary—that is, mutually exclusive-circumstances” (Barad 2007, p. 19;106) Since the measuring apparatus essentially determines what is revealed in measuring, it is necessary to give an exact account of its setting.

In order to prevent losing the reader in the theoretical explication above, I will introduce an important experiment for the development of quantum physics illustrating some of its features which are important to understand for the thesis: The famous double-slit experiment. This was first conducted by Thomas Young in 1801 as an attempt to prove the wave-nature of light. As I have said above, this view was altered in quantum physics which stated that (a.o.) light has wave qualities *and* particle qualities.

In figure 4 one can find the experimental setting illustrated. Electrons are emitted by an electron beam gun towards a screen. In between the beam gun and the screen, an obstacle is placed with two slits through which the electrons can pass. This obstacle can also work as a detector, registering through which of the two slits the electron has passed.²⁶ If this is not registered, i.e. if there is no measurement, the pattern on the screen will show to be an interference pattern. This indicates that the electron behaves like a wave. As a wave it goes through both slits at once which explains the pattern on the screen. The experiment’s outcome alters if a measurement is made, i.e. if it is detected through which of the two slits the electron has passed. In this case, the interference pattern on the screen vanishes.

What is shown by this experiment respective to the dual nature of quantum objects is that these objects apparently have different qualities dependent on their way of interacting with a measurement apparatus. The electron can be interpreted as a wave up to the moment when a measurement is made. In this moment, the wave function collapses, and one particular position

²⁶ To be more precise, the experimental set up is not (only) a double-slit experiment but a which-slit experiment.

is fixed. Although this experiment was later conducted in laboratories, for Bohr and Heisenberg, it merely served as a thought experiment.

As Mairhofer (2014) holds, one should not think of the wave as existing in a three-dimensional room but should rather understand it as a wave of probabilities (Mairhofer 2014, p.62). To make this aspect clearer, I will shortly introduce another famous *Gedankenexperiment* by Erwin Schrödinger from 1935, which came to be known as “Schrödinger’s cat”.²⁷ One has to imagine a box in which a cat is put. In this box, there is a radioactive substance which in the case of a decay, i.e. emittance of radiation will kill the cat. If this decay indeed happens is not predictable until the moment the box is opened, and the cat’s status is checked. Up to this point of “measuring”, its status is indeterminate. The cat is both alive and dead (Schrödinger 1935). If one compares the *Gedankenexperiment* of “Schrödinger’s cat” with the double-slit experiment, one could say that the cat behaves like a wave until the moment of interacting with a measurement apparatus which fixes it in one of its possible states. By introducing this thought experiment, I want to illustrate the “probability character” of the wave, i.e. that a quantum wave is not a physical wave but a probability distribution for the object’s position.

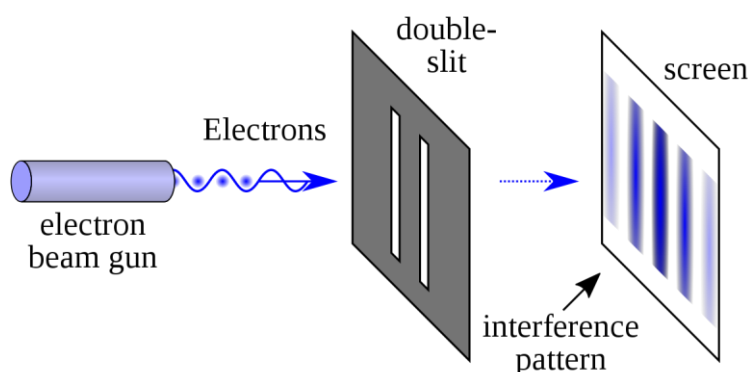


Figure 4: An illustration of a double-slit experiment

What characterizes these quantum theories presented, is that they propagate a renunciation of the paradigm of representationalism. Representationalism according to Barad can be understood as “[t]he assumption that language is a transparent medium that transmits a homologous picture of reality to the knowing mind [which] finds its parallel in a scientific theory that takes observation to be the benign facilitator of discovery, a transparent and undistorting lens passively gazing at the world.” (Barad 2007, p. 90) Quantum physics in

²⁷ What Schrödinger wanted to make clear with this thought experiment was that quantum theory cannot be applied to macroscopic entities like cats without creating a paradoxical outcome (Schrödinger 1935, p. 812).

Barad's sense makes a clear cut from the thought that things have inherent qualities which are only *detected* by a measurement apparatus. Instead, this apparatus has an essential productive quality to it. As Maurice Merleau-Ponty in his discussion of quantum theory formulates it, "The apparatus does not present the object to us. It realizes a sampling of this phenomenon as well as a fixation." (Merleau-Ponty 2003, p. 93)

One ultimate example from physics to illustrate this point is the scanning tunnels microscope (STM). This is used for scanning the surface of atomic entities. Its way of function is of no interest here. What is important is that this microscope cannot be understood as magnifying a given entity, but rather actively engages with the entity by a flow of electrons. What is projected on the STM's screen can therefore not be understood as a reflection of given qualities but must be seen as an interacting and producing these qualities. The atomic entities' surface is not just observed by a human using a microscope; an image is produced, which was not there before in the moment of observation (Barad 2007, pp. 50-54).

Summarizing this short journey in the theoretical realm of quantum physics, I want to point to some aspects which are important to be kept in mind:

- 1) Quantum physics works within a micro-world.
- 2) Quantum objects have both wave qualities and particle qualities ("complementarity").
- 3) A wave is to be understood as a wave of probabilities.
- 4) The type of measurement determines the quantum objects qualities.
- 5) Quantum objects don't have distinct qualities before the measurement but only gain them through an interaction with a measurement apparatus. Therefore "Apparatuses are not passive observing instruments; on the contrary, they are productive of (and part of) phenomena". (Barad 2007, p. 142)
- 6) Quantum physics (in this interpretation) rejects representationalism, which assumes that its objects are merely observed and not essentially altered or produced by measurement or observation.

3. Applying Quantum Theory to the Ethnographic Field

How can this excursus to quantum theory be applied to the presented research field? The connection/analogy may be more apparent when one is familiar with Karen Barad's work, where she combines quantum theory with poststructuralist and feminist theory. For example, in her discussion about the nature of (measuring) apparatuses, she also draws on apparatus conceptions by Foucault or Althusser and deals extensively with Judith Butler's account of performativity. One crucial aspect of Barad's theory is a renunciation of the image of the humanist subject, i.e. a subject with inherent qualities before interacting with other entities. Although my research, unlike Barad's, cannot be located within a post-humanist paradigm, it should illustrate a conception of subjects through interaction with other entities.

To dive into my conception of quantum anthropology, it will be useful to start with the double-slit experiment introduced in the last section. Remember that in this experiment we have electrons, i.e. quantum objects sent towards a plate with two slits, the latter being the measuring apparatus which can detect through which slit the electron went. If this measuring does not happen, the electron (behaving like a wave) goes through both slits at once.

In my conception, the asylum seeker can be seen as a quantum object emitted by a beam gun and moving towards a measuring apparatus. Before its interaction with this apparatus, she behaves like a probability wave with an inherently unknowable position. When reaching the double slit plate, the apparatus detects through which slit the quantum object went. This measuring causes the wave function to collapse and its position in a system is detected. That means, through the interaction with the apparatus, the asylum seeker is "produced" as an either converted or a non-converted subject. I take the status of converted, respectively non-converted as the two slits of the plate.

I will try to clarify this analogy by posing and answering two further questions: 1) In what sense can the asylum seeker be seen as behaving like a wave before interacting with the apparatus? As I have explained before, waves do not have a distinct position. In the quantum world, the wave should be interpreted as a function of probabilities. The asylum seeker behaves like a wave because before her interaction with an apparatus as described in the chapter "WHO?", it has an unknown status, an unknown position inside a political system. Like for a quantum object, it would not make sense to speak of a person's position before an interaction with a determining apparatus. This is also due to the fact that conversion is not something observable but calls for definition in order to be "classifiable". Before the interaction there are a lot of possibilities for her position, which is yet to be defined. Going back to Giorgio Agamben's

conception of an apparatus, the asylum seeker before her interaction can be seen as a “living being” (Agamben 2009).

2) In what sense can the “apparatus of conversion” be seen as a measuring apparatus? Barad writes about apparatuses that they “are macroscopic material arrangements through which particular concepts are given definition, to the exclusion of others”. (Barad 2007, p. 142)

Speaking about measurement in this context makes, of course, only sense when using the word in a quantum theoretical sense as for example the Copenhagen Interpretation propagates it. As I said before, it was not my goal to determine if a person was “really” converted or not. Asking this question would call for a representationalist framework, in which entities are seen as having distinct qualities before the interaction with a measuring tool through which these qualities become apparent. To ask if a person really is a converted subject or not does make sense before its interaction with an apparatus, i.e. a measurement. Again, I am not saying that a person cannot be “really” converted. What is of importance is not a person’s “inner” state of being. It is a person’s status inside a specific system. As quoted above, through the measurement the asylum seeker is “given definition”. Her status is fixed. The quantum object’s (not classifiable) wave behavior is terminated and replaced with a position classifiable for a political system. With Barad, one could say, “the essential issue is the way in which the ontological ambiguity is resolved”. (Barad 2007, p. 274)

Concerning measurement apparatuses, Barad holds that “there is something fundamental about the nature of measurement interactions such that, given a particular measuring apparatus, certain properties become determinate, while others are specifically excluded. Which properties become determinate is [...] governed [...] by the specificity of the experimental apparatus.” (Barad 2007, p. 19) For my research, this means that the arrangement of the apparatus and the order of its components play a crucial role in the creation of the (non-) converted subject, i.e. the quantum object’s position. If one slit in the double-slit experiment would be way bigger than the other one, the object is more likely to be detected in the first one. If an asylum seeker behaves in accordance with a judge’s image of a converted person, if she has a good legal representative etc., it is more likely that she will be acknowledged as converted subject. What this also shows is that the creation through measurement does not happen *ex nihilo*. It is not that a (non-) converted subject is created completely arbitrarily out of nothing. What counts, is the interaction between the apparatus and the quantum object through which the latter’s position is created. Only through this interaction, the concepts of converted subjects (in a juridical sense) make sense. As Barad holds, “Indeed, “individual” is ontologically and semantically

indeterminate in the absence of an apparatus that resolves the inherent indeterminacy in a way that makes this notion intelligible”. (Barad 2007, p. 316)

Connecting my field research with an interpretation of quantum theory is, of course, not restrained to the double slit experiment or other experiments using plates with slits but can be applied to quantum measurement more generally. As I said before, by this analogy I wanted to further illustrate a subject conception which does not assume free, “readymade” humans with distinct qualities. I reject the idea that a person is “really” westerly oriented in an “objective” sense. Like for a quantum object, the subject’s qualities are not determined before an interaction with an apparatus. It is only through the interaction with the latter that “westerly oriented subjects” in a juridical sense are produced. “[T]he measurement apparatus is the condition of possibility for determinate meaning for the concept in question”. (Barad 2007, p. 127)

Before concluding the section about my use of quantum anthropology, I want to introduce one last question: “Who is the observer?” In an experimental set-up like the double-slit experiment, there is normally a person(?) present, noting the measurement and making sense out of it. Who can take this role in the analogy presented above? I will offer four possible answers to this question. I take these answers to be (only) signposts for a further engagement with the question, which is why I will only touch on them without going into detail.

So, who could be the observer?

1) The judge: One could argue that the measurement of conversion does indeed take place before a judge engages with the case. In this sense, the judge would not be part of the apparatus -as in my conception- but should be seen as reading the outcome of the interaction between the asylum seeker and the apparatus. Since the *BVwG* judge does not necessarily have the last word on an asylum case, I take it to be more appropriate to include her as part of the apparatus instead of granting her a position outside of it.²⁸

2) No one. Some theoretical accounts hold that it is not necessary to introduce an observer to an act of measuring in quantum physics. One could refer to Goldstein (1998) who lays out in “Quantum Theory without Observers—Part One” why observer-independent measurement is possible. One could also use Barad’s approach where the observer can be seen as part of the measurement apparatus (Barad 2007) or Bas van Fraassen’s “Critique of the Standard Interpretation” (van Fraassen 1991).

²⁸ Barad holds against Bohr that the differentiation between apparatus and observer is not a clear cut (e.g. Barad 2007, pp. 142-145).

3) The nation state. One could also take the nation as observer and interpreter of the measurement interaction between the asylum seeker and the apparatus. The nation must be understood here in a more abstract sense, i.e. the idea of a nation, in contrast to a nation consisting of localized practices. When one takes the nation to be the observer, one could say that it uses the apparatus of conversion as a tool. Through interpreting the outcome of the measurement, the nation resolves questions of belonging and legal status, like “who is part of a nation and who is not?”

4) The researcher. A last option for the role of the observer I want to introduce is myself as a researcher. I have noted earlier that Foucault takes the apparatus not only to be the web of power relations but also a sort of tool for analysis used by the historian (Rabinow/Dreyfuß 1983, p. 121). So, one could take the researcher as the person preparing the experimental setup and making sense of its outcome.

Taking the researcher as the observer also makes room for discussing the ethnographer’s role in producing ethnographic accounts. Discussing Clifford Geertz, Elizabeth Vann in “Quantum Ethnography” states that “Anthropologists are not merely recorders of cultural facts, they are the constructors of cultural realities.” (Vann 1995, p. 72) The researcher as observer interprets what she sees, constructing an image and therefore creating a certain type of reality.

4. Why (This Use of) Quantum Anthropology

As Trnka and Lorencová in *Quantum Anthropology* hold, “[o]ne should be very cautious when conducting such inter-disciplinary synthesis”. (Trnka/Lorencová 2016, p.27) Also Barad warns against accounts which take quantum theory and apply it on their research in order for it to gain some natural scientific prestige out of it. Applying quantum theory does not put one’s research on a higher culture-independent metaphysical level. As Barad says, “quantum theory in all its applications continues to be the purview of a small group of primarily Western-trained males.” (Barad 2007, p. 68) Using quantum theory to talk about phenomena which are usually not located in the realm of the natural sciences can, in my opinion, not help to show how things “really are”. Therefore, I abstained from going into depth about the relation between the processes in negotiating conversion and the quantum world. I don’t want to suggest that the actors in the macro world behave according to what can be found in the micro world, i.e. “to simply assume that [...] sociology is reducible to biology, which is reducible to chemistry, which in turn is reducible to physics.” (Barad 2007, p. 24)

The ontological nature of the connection between quantum physics and anthropology is not my topic; not in terms of isomorphism like in Trnka and Lorencová (2016) or in terms of Barad’s

(2007) attempt to think nature and culture as one. In my application of quantum theory, I concentrated on the epistemological aspects which can be gained by this view on the world. As I hoped to make clear, using language and theory from other disciplines like physics can help us add perspectives to the issue at stake, making us focus on factors and developments which might otherwise be of no great interest. What quantum anthropology has to offer in my usage of the concept is a way of thinking. It is a way of describing the world around us. After all, this is what I take to be work of disciplines like (a.o.) anthropology as well as physics: giving a description about the world around one, asking why certain entities behave the way they do, i.e. making sense of it. If nothing else, my use of quantum anthropology can be seen as summary of some of the thesis' crucial arguments via a somewhat strange, scientific language.

VI. Conclusion

In search for some concluding words for my master's thesis, it would not be helpful to come up with a summary of the whole argument. Instead, I invite the reader to take a look back at the first vignette in the introduction section. Using that motive as a starting point, I will then move on to some considerations about a social theory driven research perspective. In this first scene at the *Bundesverwaltungsgericht*, in which a young man's fate is decided based on the contested truthfulness of his conversion, great deals of the thesis' topics are already foreshadowed: There are, of course, the different actors involved, like the judge, the *BFA* official, a witness etc. but also the hierarchies, interrogation techniques and rules of the asylum procedure becoming visible.

First, what I think social theory has to offer, is providing certain perspectives which allow one to conceptualize scenes like the one in the courtroom as parts of a bigger dynamic, of bigger structures. By taking theoretical constructs like the apparatus and applying them to ethnographic research, one can evade taking on hegemonic discourses like the one about the question if a person is "really" a convert, an apostate, a westerly orientated person. Using the prism of the *dispositif* makes it possible to view these negotiations less in terms of a search for an objective truth, but as a kind of measurement. A measurement as response to a problem. A measurement in an anti-representationalist sense, holding that its outcome is essentially shaped by the measurement's conditions. A measurement which demarcates, which normalizes, which puts entities into a certain position. To apply this line of thought to my research: The case of an asylum seeker claiming to be converted to Christianity constitutes a potential problem for a secular state. The procedure's rules, its hierarchies and forms of knowledge/power determine, who can count as a converted subject. The outcome of this procedure is a subject with a determined status, i.e., converted or non-converted.

Second, using the concepts of the Foucauldian *dispositif*, respectively the Agambenian apparatus as an analytical prism for empirical social research can also help "making sense" of one's perspective's epistemological status. This statement demands some clarification: In labelling and treating the activities of diverse actors in the field of asylum as an apparatus, I am not suggesting that this is "how things really are". The question if there really is a thing like the apparatus of conversion, is of minor interest. On the other hand, I am also not suggesting that the *dispositif*-perspective is only one way to look at it, as good as any other view of the matter at stake. As I already emphasized throughout the thesis, Foucault's concept of a dispositive allows one to evade this question due to its twofold nature. The apparatus is conceptualized as

“a grid of analysis constructed by the historian”. (Dreyfuß/Rabinow 1983, p. 121) It is a tool which can provide an insight into the matter of interest. But it is not only that. At the same time, the relational interplay of forces which brings forth and organizes subjects in a certain way is, what constitutes the *dispositif*. The question is less if the apparatus is a construct or has researcher-independent reality to it. The question is, what is to be gained from such a perspective? In which ways can it be helpful?

Here, I also see a connection to the last chapter about *Quantum Anthropology*. With this endeavor I did not wish to engage in a debate about realism vs. constructivism. As for the case of the apparatus, here, this aspect moves in the background, compared to the issue of dealing with the perspectives and narratives such an account has to offer.

Third, fitting the research into the frame of social theory like an apparatus, furthermore, opens up the possibility to engage with alternative starting points. By “alternative” I mean approaches which do not take “readymade” subjects as point of departure but see them as the outcome of diverse processes. Although the thesis starts with the person “Asim” as the first player (and also the first word) introduced, throughout its course, the asylum seekers as persons do not take on *the* central role. The individual fates and life stories are to a great extent absent in the text. Partially, this is due to the fact that for the empirical research no people with an ongoing asylum procedure were interrogated. Instead, I engaged more with the institutions, the actions, the rules, the truth regimes, the power dynamics, the *structures* which constitute the apparatus and bring forth the subject position of the converted subject. Taking these issues as an alternative starting point can, in my opinion, shed light on dynamics which might be obscured by a more person-focused approach.

Despite these, what I take to be, benefits from applying the prism of the apparatus on empirical research, I think, it will still be necessary to point to some possible points of criticism concerning the approach laid out in the thesis.

First, there is the question of scope. As I already mentioned in section IV-1, my research was essentially limited, since I was not able to sufficiently include macro dynamics in the field of asylum. What I mean hereby are, for example, questions of policies on a supra-national level, current public discourses about asylum or a historical perspective on the matter. Engaging with these aspects would definitely be fruitful in order to get a more holistic picture of the issue at stake and locate the research in a bigger dynamic. This could be taken as a point of departure for further work on the topic.

A further point of potential critique concerning the employment of the apparatus concept can be introduced by referring to Giuseppe Maglione. In his article about the restorative justice apparatus, the author writes, “while this device is used to offer a non-linear and multidimensional representation of the research object, it may render this object conceptually smooth and politically cogent.” (Maglione 2019, p. 651) This “conceptually smooth” representation can be tackled by pointing towards possible points of unevenness and rupture inside the asylum system. While these elements played a certain role throughout the thesis, I did not explicitly focus on them.

With this line of thought, one could criticize my approach by stating that what I formulated is more of a description than of a critique. I would not object this argument. It was not my aim to focus on singular actions or utterances which display forms of personal disrespect, racism, sexism etc. Neither was the point of my argumentation to suggest that the state actors fail in doing their appointed work, i.e., assessing if a person qualifies for the status of a refugee based on a form of conversion. These assessments are not generally conducted in an arbitrary way. That is not the issue. In my personal opinion, it is not a single judge or *BFA* official constituting the problem in the field of asylum. It is the logics of the nation state asylum system itself which should be the addressee of critique.

Against that latter point one could still hold that via my tendentially descriptive approach, I would also not formulate an explicit *systematic* critique. Here I would point to the already introduced statement by Paul Rabinow, when he says that Foucault’s “books should be approached as “toolkits”; one should take from them whatever is useful, whatever is helpful in strengthening the attack on the reigning systems of power.” (Rabinow 2003, p. 50) During my research I contemplated about how to live up to the imperative that academic work should function as attack on hegemonic forms of oppression and power. The answer to that question I would formulate as follows: A primarily descriptive approach (as it can be found throughout Foucault’s main works) can shed light on the processes leading to the ascription of certain positions inside a system of power. By dealing with these systems’ “cogs and wheels” one can uncover subject positions in their made-ness and their contingency. This uncovering process can lead to a questioning of hegemonic subject positions and ultimately resistance against the forms of oppression that stand behind it. The converted subject, the apostate subject, the westerly oriented subject are not neutrally given, they are a necessary product of/for the apparatus of conversion.

VII.

Sources

1. Bibliography

- Abu- Lughod, Lila (2013): *Do Muslim Women Need Saving?*. Cambridge: Harvard University Press.
- Agamben, Giorgio (2009): *“What is an Apparatus?” and other Essays*. Stanford, CA: Stanford University Press.
- Barad, Karen (2007): *Meeting the Universe Halfway. Quantum Physics and the Entanglement of Matter and Meaning*. Durham/London: Duke University Press.
- Block, Karen/ Riggs, Elisha/ Haslam, Nick (eds.) (2013): *Values and Vulnerabilities. The Ethics of Research with Refugees and Asylum Seekers*. Toowong: Australian Academic Press.
- Bodström, Erna (2020): “‘Because Migri Says So’. Legitimation in Negative Asylum Decisions in Finland”, in: *Nordic Journal of Migration Research*, 10 (2). Pp. 5–19.
- Bolhuis, Maarten P./Van Wijk, Joris (2020): “Seeking Asylum in the Digital Era: Social Media and Mobile-device Vetting in Asylum Procedures in Five European countries”, in: *Journal of Refugee Studies*, E-pub ahead of print. 23 p.
- Bundesamt für Fremdenwesen und Asyl (2016): *Methodologie der Staatendokumentation*.
- Bundesamt für Fremdenwesen und Asyl (2018): *BFA Jahresbilanz 2018*.
- Bundesamt für Fremdenwesen und Asyl (2019): *BFA Jahresbilanz 2019*.
- Bundesamt für Fremdenwesen und Asyl (2020): *Länderinformation der Staatendokumentation: Afghanistan*.
- Butler, Judith (1991): *Das Unbehagen der Geschlechter*. Frankfurt am Main: Suhrkamp.
- Butler, Judith (2006): *Haß spricht. Zur Politik des Performativen*. Frankfurt am Main: Suhrkamp.
- Comaroff, Jean/Comaroff John (2003): “Ethnography on an Awkward Scale. Postcolonial Anthropology and the Violence of Abstraction”, in: *Ethnography*, 4 (2). Pp. 147-79.
- Dagg, Jennifer (2012): *Governmentality and the Performativity of the Asylum Process*. University Publication.

- Dahlvik, Julia (2013): "Institutionelle Einsichten: Die Bedeutsamkeit von Schriftlichkeit und Dokumenten im Prozess der Bearbeitung von Asylanträgen", in: Julia Dahlvik, Christoph Reinprecht and Wiebke Sievers (eds.): *Migration und Integration. Wissenschaftliche Perspektiven aus Österreich. Jahrbuch 2*. Göttingen: V&R Unipress. Pp. 301-18.
- Deleuze, Gilles (1992): "What is a Dispositif?", in: Francois Ewald (ed.): *Michel Foucault. Philosopher*. Hertfordshire: Harvester Wheatsheaf. Pp. 159-166.
- Dreyfuß, Hubert L./Rabinow, Paul (1983): *Michel Foucault: Beyond Structuralism and Hermeneutics*. Chicago: University of Chicago Press.
- European Asylum Support Office (2019): *Country Guidance: Afghanistan. Guidance note and common analysis*.
- Fassin, Didier (2013): "The Precarious Truth of Asylum", in: *Public Culture*, 25 (1). Pp. 39-63.
- Fassin, Didier et al. (2015): *At the Heart of the State. The Moral World of Institutions*. London: Pluto Press.
- Feldman, Gregory (2011): "If Ethnography is More Than Participant Observation, then Relations are More than Connections: The Case for Nonlocal Ethnography in a World of Apparatuses", in: *Anthropological Theory*, 11(4). Pp. 375-395.
- Feldman, Gregory (2012): *The Migration Apparatus. Security, Labor, and Policymaking in the European Union*. Stanford, CA: Stanford University Press.
- Flick, Uwe (2009): *An Introduction to Qualitative Research*. London et al.: Sage.
- Flick, Uwe (2004): "Triangulation in Qualitative Research", in: Uwe Flick, Ernst von Kardorff and Iris Steinke (eds.): *A Companion to Qualitative Research*. London/Thousand Oaks, California/New Dehli: Sage. Pp. 178-184.
- Foucault, Michel (1974): *Die Ordnung des Diskurses. Inauguralvorlesung am Collège de France, 2. Dezember 1970*. München: Carl Hanser.
- Foucault, Michel (1978): *Dispositive der Macht. Michel Foucault über Sexualität, Wissen und Wahrheit*. Berlin: Merve.
- Foucault, Michel (2008a): "Überwachen und Strafe", in: Michel Foucault: *Michel Foucault. Die Hauptwerke*. Frankfurt am Main: Suhrkamp. Pp. 701-1021.
- Foucault, Michel (2008b): "Sexualität und Wahrheit", in Michel Foucault: *Michel Foucault. Die Hauptwerke*. Frankfurt am Main: Suhrkamp. Pp. 1021-1369.

- Goldstein, Sheldon (1998): "Quantum Theory without Observers—Part One", in: *Physics today*, 51 (3). Pp.42-46.
- Good, Anthony (2004): "Expert Evidence in Asylum and Human Rights Appeals: An Expert's View", in: *International Journal of Refugee Law*, 16 (3). Pp. 358–80.
- Gupta, Akhil (1995): "Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State", in *American Ethnologist*, 22 (2). Pp. 375-402.
- Hartikainen, Elina I. (2019): "Evaluating Faith After Conversion. Arguments in Religious Media on the Place of Religious Expertise in Asylum Appeals in Finland", in: *Approaching Religion*, 9 (1-2). Pp. 41-56.
- Hoek, Lotte (2013) "Sorting Things Out. Organizing and Interpreting Your Data", in: Natalie Konopinski (ed.): *Doing Anthropological Research. A Practical Guide*. London: Routledge. Pp. 103-117.
- Ingold, Tim. (1992): "Editorial.", in: *Man*, 27 (4). Pp. 693–96.
- Lawrance, Benjamin N. / Ruffer, Galya (2015): *Adjudicating Refugee and Asylum Status. The Role of Witness, Expertise, and Testimony*. Cambridge: Cambridge University Press.
- Link, Jürgen (2014): "Dispositiv", in: Clems Kammler, Rolf Parr, and Ulrich Johannes Schneider: *Foucault-Handbuch. Leben-Werk-Wirkung*. Stuttgart/Weimar: Metzler. Pp. 237-242.
- Kasper, Lioba/ Schmaus, Christian (2019): „Asylverfahren: Defizite im Rechtsschutz? – am Beispiel Afghanistans“, in: *Österreichisches Anwaltsblatt*, 307 (12). Pp. 736-746.
- Kirby, Vicki (2013): *Quantum Anthropologies. Life at Large*. Durham: Duke University Press.
- Kirchenrechtliches Institut der EKD, Göttingen (2020): "Zur Konversion während des Asylverfahrens: Gutachtliche Stellungnahme des Kirchenrechtlichen Instituts der EKD, Göttingen vom 17. Dezember 2019", in: Hans Michael Heinig (ed.): *Göttinger E-Papers zu Religion und Recht*, 20. Pp. 1-13.
- Mairhofer, Lukas (2014): *A-tom und In-dividuum. Bertolt Brechts Interferenz mit der Quantenphysik*. Dissertation at the University of Vienna.
- Markey, Taylor (2017): "Westernized Women?: The Construction of Muslim Women's Dissent in U.S. Asylum Law", in: *Asylum Law*, 64 (5). Pp. 1302-1327.
- McDonald, Douglas (2016): "Escaping the Lions: Religious Conversion and Refugee Law", in: *Australian journal of human rights*, 22 (1). Pp. 135-158.

- McKinlay, Alan (2010): "Performativity and the politics of identity: Putting Butler to work", in: *Critical perspectives on accounting*, 21 (3). Pp. 232-242.
- McKinnon, Sara L. (2009): "Citizenship and the Performance of Credibility. Audiencing Gender-based Asylum Seekers in U.S. Immigration Courts", in: *Text and Performance Quarterly*, 29 (3). Pp. 205-221.
- Merisalo, Maria/ Jauhiainen, Jussi S. (2020): "Asylum-Related Migrants' Social-Media Use, Mobility Decisions, and Resilience", in: *Journal of Immigrant & Refugee Studies*, ahead-of-print. Pp.1-15.
- Merleau-Ponty (2003): *Nature. Course Notes from the Collège de France*. Evanston, IL: Northwestern University Press.
- Monahan, Torin/ Fisher, Jill A. (2010): "Benefits of 'Observer Effects'. Lessons From the Field", in: *Qualitative Research*, 10 (3). Pp. 357-376.
- Morgenthaler, Christoph (2019): "Konversionen der Konversion. Ein Bericht", in: *Praktische Theologie*, 54 (4). Pp. 197-201.
- Nagy, Dorottya/ Speelman, Gé (2017): "Conversion controlled: Missiological reflections on assessing conversions to Christianity among asylum seekers in the European Union", in: *Theology*, 120 (5). Pp. 355-363.
- Neurath, Wolfgang (2016): „Von den Dispositiven der Macht und ihrer sozialen Morphologie. Zur Aktualität der Machtanalysen Michel Foucaults“, in: *Medienimpulse*, 54 (4). Pp. 1-30.
- Österreichische Bischofskonferenz (2016): „Richtlinien der österreichischen Bischöfe zum Katechumenat von Asylwerbern“, in: Generalsekretariat der Österreichischen Bischofskonferenz (ed.): *Katechumenat. Pastorale Orientierungen*. Wien.
- Pettrachin, Andrea (2020): „Opening the 'Black Box' of Asylum Governance. Decision-making and the Politics of Asylum Policy-making“, in: *Rivista italiana di scienza politica*, 50 (2). Pp. 191-212.
- Pownell, Shawn (1996): "Quantum Anthropology", in: *Anthropology News*, 37 (4). Pp. 2-2.
- Rabinow, Paul (2003): *Anthropos Today. Reflections on Modern Equipment*. Princeton/Oxford: Princeton University Press.
- Razack, Sherene H. (2007): "The 'Sharia Law Debate' in Ontario: The Modernity/Premodernity Distinction in Legal Efforts to Protect Women from Culture", in: *Feminist Legal Studies*, 15 (1). Pp. 3-32.

- Richter, Matthias (2014): *Freiheit und Macht: Perspektiven kritischer Gesellschaftstheorie - der Humanismusstreit zwischen Sartre und Foucault*. Bielefeld: Transcript.
- Rössl, Ines (2019): „»sie trägt ihr Haar offen und mit einem Schal bedeckt«. Die Feststellung der sogenannten >westlichen Orientierung< in der Verfahrenspraxis des österreichischen BVwG“, in: *Zeitschrift für Flucht- und Flüchtlingsforschung*, 3 (1). Pp. 94-110.
- Rössl, Ines (2019a): „„Westliche Orientierung“ im Asylrecht. Probleme der österreichischen VwGH-Rechtsprechung“, in: *Zeitschrift für öffentliches Recht*, 74 (3). Pp. 349-368.
- Samahon, Tuan N. (2000): “The Religion Clauses and Political Asylum: Religious Persecution Claims and the Religious Membership-Conversion Imposter Problem”, in: *The Georgetown Law Journal*, 88 (7). Pp. 2211-2238.
- Said, Edward (2003) *Orientalism*. London et al.: Penguin Books.
- Schrödinger, Erwin (1935): “Die gegenwärtige Situation in der Quantenmechanik“, in: *Die Naturwissenschaften*, 23. Pp. 807-812.
- Trnka, Radek/ Lorencová, Radmila (2016): *Quantum Anthropology. Man, Cultures, and Groups in a Quantum Perspective*. Prague: Karolinum Press.
- United Nations High Commissioner for Refugees (2004): *Guidelines on International Protection. Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*.
- United Nations High Commissioner for Refugees (2013): *Beyond Proof. Credibility Assessment in EU Asylum Systems*.
- Vann, Elizabeth (1995): Quantum Ethnography. Anthropology in the Post-Einsteinian Era, in: *Lambda Alpha Journal*, 25. Pp. 71-80.
- Van der Kist, Jasper/ Dijstelbloem, Huub/ De Goede, Marieke (2019): “In the Shadow of Asylum Decision-Making: The Knowledge Politics of Country-of-Origin Information”, in: *International Political Sociology*, 13. Pp. 68–85.
- Van der Kist, Jasper/ Rosset, Damian (2020): Knowledge and Legitimacy in Asylum Decision-making: The Politics of Country of Origin Information”, in: *Citizenship Studies*, 24 (5). Pp. 663-679.
- Van Fraassen, Bas C. (1991): *Quantum Mechanics: An Empiricist View*. Oxford et al.: Oxford University Press.
- Wikström, Hannah/Johansson, Thomas (2013): “Credibility Assessments as 'Normative Leakage'. Asylum Applications, Gender and Class”, in: *Social Inclusion*, 1 (2). Pp. 92-101.

-Wolff, Stephan (2004): “Analysis of Documents and Records”, in: Uwe Flick, Ernst von Kardorff and Iris Steinke (eds.): *A Companion to Qualitative Research*. London/Thousand Oaks, California/New Dehli: Sage. Pp. 195-202.

2. Internet Sources

-Bundesverwaltungsgericht: *Wir über uns. Das Bundesverwaltungsgericht*. https://www.bvwg.gv.at/allgemeines/bundesverwaltungsgericht_start.html. [Access: 12.12.2020].

-Christian Solidarity Worldwide: *Freedom of Religion*. <https://www.csw.org.uk/freedomofreligion.htm>. [Access: 01.03.21].

-Ganahl, Simon (2013): „Ist Foucaults dispositif ein Akteur-Netzwerk?“. <http://www.fsw.uzh.ch/foucaultblog/essays/9/ist-foucaults-dispositif-ein-akteur-netzwerk> [Access: 05.03.2021].

3. Figures

-Figure 1: Illustration of the Asylum Application Process in Austria. Made by M.R. P. 16

-Figure 2: The BVwG from outside. With the kind permission of Harald A. Jahn. P. 23

-Figure 3: A hearing room inside the BVwG. With the kind permission of Harald A. Jahn. P. 23

-Figure 4: Illustration of a Double-slit Experiment. Wikipedia Creative Commons. <https://en.wikipedia.org/wiki/File:Double-slit.svg>. [Access: 12.03.21]. P. 121

VIII.

Appendix

1.

Tables

Table 1: Field Presence

Date	Keywords
04.11.19	Conversion, translation problems
05.11.19	Taliban recruitment, Situation in Afghanistan
12.11.19	<i>Lehrling</i> , sports, protocol,
20.11.19	Journalist, detailed story, positive adjudgment promised
12.12.19	No hearing due to Christmas Party, with colleague
16.01.20	Mormon, witness, <i>Lehrling</i> , “fake conversion”
28.01.20	No religion, Facebook Messenger
30.10.20	No hearing due to Corona
05.11.20	Long waiting time, apostasy, witness
13.11.20	Chechnya, prison, translation problems, social media

Table 2: Interviews

“Name”	Role	Date/Duration	Medium	Interview Type
Caitlyn	Journalist	24.09.20/ 35 min	Jitsi	Exchange of experiences, notes
Gerda	Journalist	21.12.20/ 40 min	Phone	Exchange of experiences, notes
xxx	<i>BFA</i>	07.12.20/xxx	Email	Written inquiry
Mr. Neuböck	Judge	17.12.20/ 40 min	Phone	Semi-structured, audio recorded
Mr. Rupprecht	Judge	27.01.20/ 50 min	Face to Face	Semi-structured, audio recorded
Mr. Stanic	Judge	20.11.19/ 40 min	Face to Face	Semi-structured, notes

Mr. Prohaska	Judge	28.12.20/ 40 min	Phone	Semi-structured, audio recorded
Ms. Biskup	Legal Representative	19.11.20/ 40 min	Jitsi	Semi-structured, audio recorded
Ivana & Aida	Legal Representatives	27.11.20/ 30 min	Jitsi	Semi-structured, audio recorded
Ruth	Legal Representative	03.12.20/ 35 min	Jitsi	Semi-structured, audio recorded
Karim	Student -former asylum seeker	20.12.20/ 40 min	Jitsi	Informal talk, notes
Zafar	Former asylum seeker	15.01.2021/30 min	Whatsapp Call	Informal talk, audio recorded
Mr. Stanzer	Protestant Priest	09.12.20/ 35 min	Jitsi	Semi-structured, audio recorded
Barbara	Atheist association representative	14.12.20/ 35 min	Jitsi	Semi-structured, audio recorded
Mr. Steiner	Referent - Catholic church	11.12.20/ 50 min	Jitsi	Semi-structured, audio recorded

Table 3: Adjudication Texts

Date	Keywords	Reference Number
19.10.2015	Family, woman wanted to study, clothing, asylum	W191 2111629-1
18.06.2020	Actor, tattoo, Ismaili, pork & alcohol, no asylum	W163 2131317-1
21.02.2020	Family, resisted daughter's forced marriage, western orientation, clothing, asylum	W229 2201307-1
26.03.2020	Family, man converted (Mennonite), woman western orientation, both not believed, no asylum	W225 2202001-1
10.09.2020	Siblings, forced marriage, job aspirations, asylum	W239 2146949-1
15.05.2020	Threatened by Taliban, informal tone, no asylum	W153 2159278-1

26.06.2020	Dancer, videos on internet, pork & alcohol, going out, no asylum	W175 2202033-1
02.06.2020	Family, Zina, couple fled together, woman western orientation, asylum	W191 2220849-1
10.06.2020	Convert to free Christian church, not baptized yet, no asylum	W238 2188182-1
09.07.2020	Woman, happily married, no asylum	W260 2214805-1
22.06.2020	HTL student, many documents, no confession, integration, no threat, no asylum	W150 2197003-1
07.07.2020	HTL student, applied for baptism preparation course, no asylum	W216 2177422-1
14.07.2020	Family, no German, no asylum	W138 2195899-1
08.07.2020	Convert (catholic), baptism preparation, family abandoned him, asylum	W203 2200583-1
29.06.2020	Family, woman resisted forced marriage, western orientation, asylum	W216 2181344-1
10.08.2020	Wife and husband, resisted forced marriage, woman westerly oriented, asylum	W191 2183058-1
13.07.2020	Convert, early stage of baptism preparation, protocol excerpt, country reports, asylum	W246 2183439-1
16.07.2020	Blood feud, protocol excerpt, agnostic, pork & alcohol, no asylum	W123 2196188-1
15.07.2020	Convict, apostasy, not believed, no asylum	W107 2192093-1
30.09.2020	Convert (catholic), baptized, godmother as witness, family knows about conversion, asylum	W229 2169121-1
30.08.2020	Family, long stay in Iran, overrules husband, western orientation, asylum	W119 2201715-1
09.10.2020	Family, pregnant woman, westerly clothing, sports, no asylum, subs. protection	W109 2195593-1
23.09.2020	Bodyguard, critique on report, western orientation claim, no asylum, subs. protection	W270 2210537-1

2.

Abstracts

Abstract (English)

This master's thesis deals with the negotiation of conversion as part of asylum procedures in Austria. "Conversion" here is understood as a change in identity, which potentially constitutes a reason for being granted asylum based on the Refugee Convention of 1951. The research's focus is on Afghan citizens' asylum cases, more specifically on their second court instance -the *Bundesverwaltungsgericht Wien*. If this institution declares that an applicant would face a well-founded fear of persecution in the case of a return to the country of origin due to conversion to Christianity, apostasy, or "Westernization" ("*Westliche Orientierung*"), she has the right to stay in Austria.

Based on the works on the *Dispositif/Apparatus* by Michel Foucault, Giorgio Agamben and Gregory Feldman, the network involved in this negotiation of identity is conceptualized as an *Apparatus of Conversion*. This is set in place as a response to the inherent fuzziness of the notion of conversion. In this conception, the *Dispositif* with its inherent rules and truth regimes incorporates state actors like judges or asylum officials as well as legal representatives, church members and the asylum seekers themselves. Through these actors' diverse actions, the asylum seeker is *created* as a converted or non-converted subject. Besides presenting the actors involved, as well as their actions, also potential indicators for a "real" conversion are thematized.

The thesis is concluded by an attempt in *Quantum Anthropology*, in which the terminology of quantum physics is deployed as a way of describing the outcomes in the field of asylum research.

Abstract (Deutsch)

Die vorliegende Masterarbeit beleuchtet die Verhandlung von Konversionen im Zuge von Asylverfahren in Österreich. Der Begriff „Konversion“ wird hier als Identitätswechsel aufgefasst, der im Falle einer Rückkehr in das Ursprungsland zu einer „wohlbegründeten Furcht vor Verfolgung“ im Sinne der Flüchtlingskonvention von 1951 führen könnte. Für die empirische Forschung wurden zweitinstanzliche Asylverfahren von afghanischen Staatsbürger*innen herangezogen, welche entweder angaben, vom islamischen Glauben abgefallen zu sein und/oder sich dem Christentum zugewandt zu haben, bzw. eine „westliche Orientierung“ angenommen zu haben.

Basierend auf den Arbeiten Michel Foucaults, Giorgio Agambens und Gregory Feldmans zum *Dispositif/Apparatus* wird das Netzwerk der in diese Asylverhandlungen eingebundenen Akteur*innen als *Apparatus of Conversion* konzeptualisiert. Dessen Aufgabe ist es, den bis dato unklaren Status von potentiellen „Konvertit*innen“ festzusetzen. Der *Apparatus of Conversion* mit seinen eigenen Regeln und Wahrheitsregimen umfasst nicht nur staatliche Akteur*innen, wie Richter*innen oder Beamt*innen, sondern u.a. auch Rechtsvertreter*innen, Mitglieder religiöser Verbände und die Asylwerber*innen selbst. Durch das Zusammenspiel dieser diversen Kräfte wird der*die Asylwerber*in als (nicht-)konvertiertes Subjekt erschaffen. Neben einer Präsentation der involvierten Akteur*innen und deren Handlungen, werden auch potentielle Indikatoren für eine „echte“ Konversion behandelt.

Die Masterarbeit wird mit einem Versuch in *Quantum Anthropology* beschlossen. Hierbei wird die Sprache der Quantenmechanik als Werkzeug zur Beschreibung der Forschung im Sektor Asyl verwendet.