

## **Conducting dissonance: Codeswitching and differential access to context in the Belgian asylum procedure**

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### **Introduction**

One of the major inequalities in the field of communication is inequality in access to particular contexts. Context and contextualization, as we have learned from Gumperz and his associates, is the key to understanding and misunderstanding. Codeswitching, Gumperz convincingly demonstrated, was a powerful contextualization cue, something which framed and directed people's interpretation of talk (Gumperz 1982, Gumperz & Roberts 1991, Auer & DiLuzio, eds. 1992, Duranti & Goodwin, eds. 1992). Contextualization, we now know, is also not a purely 'automatic' or mechanical phenomenon; it is a social act that operates under the constraints of social life – power and inequality are always present. Briggs (1997) has demonstrated how the circulation of discourse across contexts involves, creates and sustains power differences in the construction of a judicial 'case'. Consequently, access to particular contextual spaces allowing particular forms of (authoritative) interpretation, such as for instance legal or judicial-procedural contexts, appears to be an object of inequality, and contexts (as means for interpretation) appear to be unevenly distributed resources in communication (Silverstein & Urban 1996, Blommaert 2001a). The point here is to understand the connection between contexts and epistemic domains on the one hand, and institutional regulation of access to and circulation through such contexts-and-epistemic-domains on the other. Control over particular contextual spaces involves the authority to formulate particular kinds of knowledge; it also involves the power to involve or exclude others from formulating – indeed understanding – such kinds of knowledge, even if these kinds of knowledge affect others' lives. This will be the topic of this paper.

We will discuss examples in which codeswitching as a contextualization cue offers opportunities to regulate access to particular contextual spaces. The data we shall discuss are institutional data from the asylum application procedure in Belgium.<sup>1</sup> Institutions such as those controlling asylum applications in Belgium, while overtly proclaiming an almost clinical neutrality and objectivity vis-à-vis all subjects treated by them, are marked by tremendous invisible inequalities and asymmetries, some of which are based on the differential control over access to contextual spaces as stated above. Due to the increasing bureaucratization of public institutions (already observed by scholars such as Gumperz & Cook-Gumperz 1982 and Fairclough 1989), we see an increase of the construction of *text trajectories* as central instruments of institutional practice (Blommaert 2001a). Subjects' individual stories become the input of a sequence of different entextualizations as the story – now turned into a 'case' – moves through the various stages of bureaucratic treatment. These stages of bureaucratic treatment involve sometimes far-reaching reformulations, rewordings and reframings of the original story, often involving momentous transitions in text-structure: from oral to literate, from casuistic and individual to standardized and categorizable, from plain language to jargon, and so on (Sarangi & Slembrouck 1996; Slembrouck 2003). Linguistic ideologies of standard and purity – Collins' (1996) 'textualism' – operate at all levels, and intricacies in structure and effect that may be present in oral storytelling can and do get lost in the construction of bureaucratic textual artefacts (a phenomenon well documented in the essays in Silverstein & Urban 1996; also Haviland 2003). Stories are recontextualized, refocused and reorganized, and subjects, while still being treated as the 'author' of what has become a whole text trajectory rather than a single text, have hardly any control over the re-entextualization processes.

The problems facing asylum seekers, while being fundamentally similar to those facing every other subject of bureaucratic entextualization, are particularly grave. Asylum seekers often

have to tell their stories in nonstandard varieties of languages or in languages that have to be translated by an interpreter. They often have to provide crucial contextual information that may remain unrecorded or is open to disqualification as irrelevant. And they very often face a system based on the presupposition of a literate subject, thus imposing conditions of documentation, precision and detail on people who come from illiterate or semiliterate backgrounds. Though none of this will be extensively discussed in this paper, it is the backdrop against which the discussion here must be put (see Blommaert 2001b, Maryns & Blommaert 2001, 2002 for extensive discussions). Like in so many other domains of contemporary social life, language is a problem in the asylum procedure, and the denial of its complexity may be a source of rather fundamental, though often invisible, injustices.

The data we shall discuss involve three parties: African asylum seekers, Belgian officials (officers of the asylum application bureau or judges) and outside experts - lawyers assisting the asylum seeker and/or professional interpreters. The interview with the asylum seeker is conducted in a language of his/her choice, but the language of the procedure is in each case Dutch, one of the national languages of Belgium. The patterns that we shall discuss involve shifts in codes between African languages, English and Dutch.

### **In- and exclusion through codeswitching**

We shall discuss three sets of data from interview settings. In each of the cases, the applicant is supposed to provide facts to an official interviewer, using a particular language/code which fits the appropriate discursive practices, and with the target of constructing a record that can be 'fixed' and 'checked' to a certain extent, on the basis of established norms for assessing evidence and truthfulness in legal procedures. The asylum seeker has a degree of control in the sense that s/he is the sole provider of such evidence. S/he also has the right to tell the story in a language of his/her

choice, and interpreters will assist him/her whenever appropriate or required. These are the 'rights' officially granted to applicants, and on the face of things these rights provide a degree of control over the event for the applicant.

What is out of control of the applicant however has to be situated at a much deeper level: the circulation of discourse, i.e. the links between the different discourses produced, the representation and the (de/re)contextualization of the discourse. In other words, 'control' is not simply a matter of accessibility to the required epistemic domains, the required narrative shape, linguistic resources, etc. but rather, the links between contextual domains might give birth to new meanings at much more complex and hidden levels. This covert control of the discursive processes can amongst other things be lodged in practices of conversational exclusion through code-switching. Such conversational exclusion entails exclusion from the process of linking up different contexts, which in turn affects the applicant's estimation of and control over his/her case.

### **Example 1**

Here the conversational exclusion emanates from a sudden switch to Dutch. The interpreter T, like the applicant AS, is from Sierra Leone. T is fluent in English and Krio and has picked up French and Dutch during his stay in Belgium. As his Dutch is good, interaction between I and T is in Dutch, rather than English. This in itself already results in conversational exclusion: the applicant (who also knows Krio and English) would have considerable control over the translation process Krio-English, which is not the case now. In the example here, there is confusion about the applicant's exact date of arrival in Belgium and therefore additional questions are asked. Yet, these are not contextualized for the applicant: the main concern here is that the applicant provides the appropriate missing information. The applicant is not informed about the assumed mistake in

his file. He has no clue as to the importance attached to the question and answer, he is not informed about the particular status of this bit of information in the whole of his story.

The fragment can be divided into five segments, organized by shifts in participation framework. Each of the shifts is accompanied by a shift in code.<sup>2</sup>

**DVZ 6:**

**Interactants: applicant (AS), interviewer (I), interpreter (T)**

**Country: Sierra Leone**

**Language: translation Krio-English**

**Date: 30/03/01**

Segment 1: AS – T (Krio)

AS: then they take me done go na house ..... Mende xx ...

T: Mende xx

AS: yes ....one hour .....

T: (( writes down ....))

Translation:

AS: then they take me to my house ..... Mende (unclear) ...

T: Mende (unclear)

AS: yes .... One hour .....

T: ((writes down))

Segment 2: T-I (Dutch)

I: hier staat toch den achtentwintigsten xxx

T: achtent ..ach hier .

I: = zesentwintigste ja nee nee nee nee nee nee negentwintig heeft hij asiel aangevraagd en achtentwintig .. in België binnengekomen .. maar misschien is da een fout ...

T: 'k zal hem nog ies vragen .. urm welk datum staat daarop

I: zesentwintig

Translation:

I: but here it says the twenty eighth xxx

T: twenty ei . oh eight here .

I: = twenty sixth yeah no no no no no twenty nine he asked for asylum and twenty eight ... arrived in Belgium .. but maybe that is a mistake ...

T: I will ask him once more ... urm what date is on it

I: twenty six

Segment 3: T-AS (Krio)

T: so the plane .... The plane na F na Freetown you take at the twenty six...

AS: the helicopter

T: the helicopter sorry

AS: yeah

T: the twenty six xx na . this place

AS: yes

T: urm . the same twenty six now na this na this other place

AS: yes

T: and the same twenty six now you take the plane

AS: yes

T: na the other place you reach at the .. you reach now na Belgium ja xx

AS: the twenty seven

Translation:

T: so the plane .. the plane to F to Freetown you took on the twenty sixth ...

AS: the helicopter

T: the helicopter sorry

AS: yeah

T: the twenty sixth xx to . this place

AS: yes

T: urm . the same twenty sixth now to this to this other place

AS: yes

T: and on the same twenty sixth no you took the plane

AS: yes

T: now the other place you reached on the ... now you reached Beligum yah xxx

AS: the twenty seventh

Segment 4: T-I (Dutch)

T: ja ... zo that's waarschijnlijk een fout ...

Translation:

T: yeah .... So that is probably a mistake ...

Segment 5: AS-T (Krio)

AS: = twenty seven

T: twenty seven ... then you reach na x

AS: yes . xxxx day ... I meet one black man . I ask

T: uhum uhum

Translation:

AS: = twnety seventh

T: twenty seventh ... then you reached x

AS: yes ... xxxxx day ... I meet a black man . I ask

T: uhum uhum

Note that the applicant appears to have a degree of awareness about generic expectations of precision and detail. In the beginning of segment 3, he corrects the interpreter (“the helicopter”) and appears to insist on the correctness of details in the event narrative. The purpose of the questions from T, however, only becomes more or less clear as the questioning sequence unfolds and repeated emphasis is put on the dates of departure and arrival. The precise direction of the question, as well as the way in which it fits in the construction of the text-replica of his story (a word-processed report of the story – the next step in the text trajectory), is not flagged to AS; it is discussed in the segments 2 and 4, between I and T. Even if AS has gauged the importance of getting the dates right, the point does not seem to carry much weight in his own narration: he quickly moves on to the storyline he was developing earlier (“yes . xxxx day ... I meet one black

man . I ask”). Thus, the particular generic and procedural value of this bit of information is not made clear to AS.

Yet, chronological precision is of utmost importance in the asylum application procedure. Applicants are expected to tell a story which is temporally linear and coherent, which contains no contradictions in the sequence and descriptions of events, people, objects and places, and so forth. The reason why such insistence is made on the precise date of arrival is to establish whether AS produces contradictions or whether an error was made previously in recording the story. Knowing the status of such elements of narration in the procedural assessment of stories is a crucial ingredient of generic competence; in this case it is blackboxed by a shift from Krio to Dutch.

### **Example 2**

In this case, like in the previous one, conversational exclusion is due to a switch from English to Dutch. The fragment can be divided in two segments: first the lawyer and the interviewer discuss the applicant’s case, after which the procedural spin-off of this discussion is immediately communicated by the interviewer and the lawyer to the applicant. The lawyer's plea, however, is not translated for the applicant, and AS has no access to the way in which his case is weighed and prospects are judged by I and L.

**CGVS 10: Zaventem**

**Interactants: AS, I, L (lawyer) and T.**

**Country: Sierra Leone**

**Language: English (language chosen by the AS)**

Segment 1: I-L (Dutch)

I: ok ..... Meester

L: urm als ik urm . samen met u .. het relaas . van mijn cliënt zo hoor dan . dan meen ik toch wel dat er urm dat .de de Dienst Vreemdelingenzaken toch wel een beetje snel op op zijn beslissing is overgegaan . urm zeker tot de ontvankelijkheid van die asielaanvraag dat er toch wel grondig onderzoek nodig is .. wat betreft de motieven van de Dienst Vreemdelingenzaken .... en dat hij niet veel zou weten omtrent .. zijn identiteit . zijn nationaliteit waar ie vandaan komt ... ik xx dat tijdens dit gesprek toch wel duidelijk is ge =urm graakt dat hij daar toch wel heel wat van afweet ..; van het land zelf van urm Sierra Leone . welke districten . welke talen er worden gesproken .enz. xxx . urm waarom hij het land heeft verlaten . urm xxx van de burgeroorlog xxxx urm ... goed urm hij kon een . hij kan de preciese datum geven omtrent zijn vertrek hoe lang hij . urm

I: uhum

L: hoe lang hij dus in in dat kamp heeft gezeten waar hij verbleef . in urm Guinea xxxx urm .....

I: uhum

L: we kunnen dan nog natuurlijk niet verwijten urm een man die daar ergens urm . xxx maar toch in een urm onderontwikkeld land zit om alles te weten van in het land urm .. daarop... [inaudible].

...

#### Translation

I: ok ..... master (LL.M)

L: if I urm .. together with you ... hear the account of my client then . then I really believe that urm . that . the Immigration Office has actually come to its decision rather quickly . urm I particular to the admissability of this asylum application that thorough research is actually really necessary ... as to the motives of the Immigration Office ... and that he would not know much about .. his identity . his nationality where he comes from .. I xx that during this conversation it yet has become urm clear that he actually knows a lot about it ... of the country itself of urm Sierra Leone . what districts . what languages are spoken there etc. xxx urm why he has left the country . urm xxx about the civil war xxxx urm ... right urm he could a . he could give the precise date of his departure how long he . urm

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I: uhum

L: how long he actually was in that camp where he stayed . in urm Guinea .....

I: uhum

L: we can after all obviously not blame urm a man who there somewhere urm . xxx but still lives in an urm underdeveloped country to know everything from within the country urm .. therefore ... [inaudible]

...

### Segment 2: I-L-AS (English)

I: urm listen we'll examine your file ... urm . very thoroughly . we'll discuss about it and will take a decision in the coming days .. ok .. we let you know our decision . by the end of the week or beginning of next week ..... ok .....

L: next week yeah

AS:xx

I: = ok ... thanks .....

The lawyer's plea contains important statements on the way in which the applicant's story can be related to procedural and legal norms and expectations. It is a reformulation of the story in procedural and legal terms, and in terms of contextual orientation it orients towards the 'center', i.e. towards those norms and expectations that will be decisive in judging the application. It is thus a new 'text', part of the complex trajectory the story of the applicant moves through. The applicant, however, is not incorporated in this centering exercise: the statement communicated to him in segment 2 is about the 'next steps' in the procedure, not about the way in which his case currently relates to judgments and assessments in the procedure. This, again, can be seen as crucial generic information: it is essential for AS to know how his story relates to what is expected from 'good' stories in the application procedure. Both the lawyer's arguments and the way in which the

interviewer responds to them are crucial bits of information, from which he has been excluded by a narrowing of the participation framework through the shift from English into Dutch.

### **Example 3**

In fragment 3, an applicant's case is heard by a judge of the Court of Appeal. Conversational exclusion here emanates from 'filtering' through translation: utterances produced by the judge are drastically rephrased or even simply omitted by the translator. In most cases the rephrasals or omissions concern ironic, doubtful and sometimes arrogant remarks by the judge, which are interpreted by the translator as 'asides not liable to translation'. In this way however, the applicant is no longer capable of estimating and judging the assessment of the judge and hence the evaluation and interpretation of his story. There are three segments in this fragment. The first segment is a statement by AS on the 'absence of phones', translated by T. Segment 2 is a cross-examination started by I. I begins by interrogating AS on the size of the place referred to earlier, and after AS's response she comments extensively, expressing disbelief. Segment 3 starts with AS reiterating what to him is the main point: the absence of phones. This leads to a reinvigorated expression of doubt from I, who now confronts AS's claim about the difficulties to reach the SDF with the ease with which Belgian authorities could contact that organization.

**VBC 5:**

**Interactants: AS, I (judge), L and T.**

**Country: Cameroon**

**Language: AS speaks English, Dutch translation by T**

**Date: 04/05/01**

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### Segment 1

AS: there's no telephone in C. xxx

T: er is geen telefoon in C. zegt ie .....

### Translation:

AS: there's no telephone in C. xxx

T: there is no telephone in C. he says .....

### Segment 2

I: hoe groot is C.

T: how big is C.

AS: sorry

T: how big . is . C.

AS: just an urm small district .... Yeah xx

T: het is een klein district zegt ie

I: maar hoe groot is dit

T: but how big is it

I: hoeveel mensen leven er

T: how many people are living there . roughly

AS: xxxx I can't remember of people living in C.... xx there are so many villages in C. I cannot really ..urm

T: hij kan dat nie urm

AS: know the population ...

I: zo klein is het ook niet . ze hebben een school . een middelbare school .. xxx dus het moet al een centrum zijn .. middelbare school . een ziekenhuis ...dus het is niet een urm .. klein urm dorpen in de brousse he .. ur zegt u spreekt daar over iets dat ... urm . dat al centrum is en dat er daar geen telefoon is .....

T: she says urm it cannot be that small they have . urm a secondary school they have a hospital .. it cannot be that that small and urm when you say there is no telephone there well ...

Translation:

I: how big is C.

T: how big is C.

AS: sorry

T: how big . is . C.

S: just an urm small district .... Yeah xx

T: it is a small district he says

I: but how big is this

T: but how big is it

I: how many people are living there

T: how many people are living there . roughly

AS: xxxxx I can't remember of people living in C. ... xx there are so many villages in C. I cannot really .. urm

T: he cannot urm

AS: know the population ...

I: it is actually not that small . they have a school . a secondary school .. xxx so it must already be a center ...

secondary school . a hospital .. so it is not an urm .. tiny little town in the bush hen .. you say you talk there about something that ... urm . that already is a center and that there is no telephone there .....

T: she says urm it cannot be that small they have . urm a secondary school they have a hospital.. it cannot be that that small and urm when you say there is no telephone there well ...

### Segment 3

AS: yeah there is no telephone in C.

I: nee

T: er is geen

I := geen telefoon in C. en het is onmogelijk om om de S=SDF te contacteren .. ik bedoel wij hebben het zo eenvoudig om de mensen van het SDF te contacteren te e-mailen te bellen te faxen ... en en de SDF leden zelf kunnen dat niet en en bij ons gaat dat in een in een wip en een draai ik bedoel . dat is toch xxx

T: she says ah it's it's not possible to contact the SDF whereas they have it very they can very easily contact the SDF by e-mail . urm by telephone it's and members actual members of the SDF cannot contact urm their party urm that's very strange .....

### Translation:

AS: yeah there is no telephone in C.

I: no

T: there is no

I: = no telephone in C. and it is impossible to to contact the S SDF .. I mean we can so easily contact email or fax the people of the SDF ... and and the SDF members themselves cannot do that and and we can do it in a skip and a jump I mean . that is rather xxx

T: she says ah it's it's not possible to contact the SDF whereas they have it very they can very easily contact the SDF by e-mail . urm by telephone it's and members actual members of the SDF cannot contact urm their party urm that's very strange .....

The judge's utterances are packed with affect expressions marking doubt and disbelief (as well as revealing gross ignorance of living conditions in parts of subsaharan Africa), and again we see

how factual parts of the applicant's story are oriented towards 'centering' norms and expectations of truth, likelihood and veracity. To put it simply: the judge assesses elements from the story using her own Belgian social (hence, middle class) common sense as a yardstick for truth, likelihood and veracity. From this vantage point, it is unlikely that *there is no phone* in a place where there is a school and a hospital. It may, however, not be so unlikely that someone like the applicant *does not have access* to a phone in a place where there is a school and a hospital.

The difference between both issues is due to the direction of contextualization. If one accepts the Belgian middle class cultural norms and customs as a yardstick, the story becomes unlikely; if an effort is made to imagine living conditions in Cameroon, and if some attention is given to the particular forms of expression produced by AS (which are clearly the product of incomplete competence levels in English: *there is no phone* may well mean *I couldn't use a phone*), then the story becomes more plausible. In both cases, the direction of contextualization determines the interpretation of the story, and this is crucial for AS to understand. We notice, however, how T reduces the judge's utterances to bare reported speech focused on propositional content, not the directions of contextualization that determine the evaluation of the applicant's story. The latter are articulated in Dutch, but get lost in English.

## **Discussion**

Shifts from one code into another control and organize shifts in participation frameworks in each of these cases. In each of these cases, however, such shifts also involved important shifts in domain and genre, from unique event narrative to standardized procedural interpretation, from one focus of contextualization – the local context of the story - to another – the norms and expectations valid in the asylum procedure. Particular forms of interpretation went hand in hand with particular

forms of distribution of such knowledge, by means of conversational closure through codeswitching.

Codeswitching thus marked a transition from one Foucaultian *'pouvoir-savoir'* into another: the shift in epistemic frame was conditioned by a shift in participants, and the transition from anecdotal, isolated bits of knowledge to procedurally interpreted and evaluated knowledge was also a transition from individual to institution. This shift was accomplished by means of conversational closure, something that could only be accomplished by the institutional side in this communication process. The asylum applicant needs to be maximally transparent and inclusive in his/her talk; the institutional partners could withdraw from time to time from interaction with the applicant, in order to establish the procedural, legal or epistemic validity of the applicant's story. Thus, the way in which this story was injected into other phases of the text trajectory – institutional interpretations and evaluations, re-entextualizations of all sorts – was blackboxed.

However, the question is to what extent the institutional partners themselves conceptualize their interactional behavior in terms of blackboxing practices and power moves. Increasing pressure to force up the procedure prioritizes any time-saving initiative and hence legitimizes interactional moves such as the quick settlement of procedural discussions by switching to one's first language and the omission of what is considered 'redundant translation'. Moreover, these interactional moves have taken on the shape of behavioralized practices by which any awareness of the potential effects of interactional textuality has disappeared (Silverstein 1997). In other words, the institutional partners no longer realize, let alone question the way in which they potentially affect the degree of the applicant's control over the case.

This on the one hand demonstrates the increasing complexity of modern bureaucracies in a globalized environment, where intricate plays of territorialized and deterritorialized symbols and forms of expression become the rule rather than the exception. To put it simply: it demonstrates

the increasing complexity caused by multilingualism in bureaucratic environments where monoglot ideologies of language and communication are dominant (Silverstein 1996, 1998). On the other hand, it illustrates for the umpteenth time the ways in which language, apparently more so than other symbols and tools, can have the effect of indexing and organizing such fissures and tensions. Contemporary systems of power display a predilection for language regimes – linguistic, generic, pragmatic – as instruments of organizing asymmetries and inequalities. Procedures of contextualization are based on socially and politically sensitive indexicalities, and linguistic-communicative differences are thus not only used to procure ‘linguistic-referential’ interpretations, but also evaluative aspects of interpretation involving forms of categorization that have effects on people’s life chances (Gumperz 1982).

This may be the end of the innocence of multilingualism as a feature of globalization and multiculturalism: the awareness that language is the prime organizer of discrete, often invisible and (pace Foucault) ‘capillary’ power differences in environments where the absence of power and the prevalence of rights are advertized as house culture. The phenomenon should be well understood by now. Whenever claims are made about semiotic-communicative standardization as a tool for safeguarding equality and respect for differences, precisely the opposite may happen.

## Notes

1. Fieldwork has been conducted at the Belgian asylum authorities in Brussels over a period of 10 months (October 2000- July 2001). The field transcripts have been selected from interviews between asylum seekers and institutional partners at the three institutions making up the Belgian asylum procedure, viz. the Immigration Office (DVZ in the transcript), the Commissioner-General's Office for Refugees and Displaced Persons (CGVS) and the Higher Commission of Appeal (VBC).

2. Transcription symbols used in these examples are: / for an intonationally marked clause boundary, dots for pauses, = for overlaps and *x* for unclear parts of the utterance. For each segment the code used is given between brackets. For the transcription of Krio and Dutch respectively English and Dutch orthography are used.

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