The London School of Economics and Political Science

"There is a border in the system"
Exploring borders, death & classification in the UK

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Declaration

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Abstract

This thesis investigates what and how we consider a border death. It interrogates the different legal, political, and humanitarian frameworks that adjudicate and interpret a border death. The term border deaths have become synonymous with the deaths of migrants and refugees at the European-Mediterranean and US-Mexico borders. By focusing on the UK, my research provides a novel empirical context and aims to expand mainstream understandings of the term, as well as drawing attention to the violence of the UK's immigration systems and everyday borders.

My research shows the importance of conceptualising borders beyond territorial zones. By researching border deaths, this work seeks to establish new avenues of sociological inquiry within death studies. Through interviews with groups documenting border deaths, observations of coronial inquests, analysis of media, human rights reports and parliamentary debates, my research demonstrates the nuances, complexities, and divergences in classifying border deaths. The different ethical dilemmas faced during the research process also shape my thesis. This involves discussing how I engage with and write about death, as well as reflecting upon my own positionality. As I argue, ethical tensions relating to sensitive research cannot and should not be overcome.

This thesis demonstrates that some existing legal, political, and official frameworks used to record and classify border deaths are insufficient. The existing limits within these frameworks fail to acknowledge state complicity, responsibility, or inaction. This thesis calls into question the wider political and historical conditions including structural and systemic violence that lead to border deaths. It interrogates classificatory terms relating to death such as 'natural causes' or deaths that fall under a discourse of criminality and their underlying relationship with state responsibility.

I make the case that understandings of the term border death must be reflective of the proliferation and ever evolving nature of borders. As this thesis shows a border death is not limited to geographic boundaries but includes deaths relating to histories and categories of illegality which are racialised and politicised. By expanding our understanding of border deaths this research generates wider debate around state and societal accountability.

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Chapter One

Introduction

There are no mass graves in Britain, but there are other ways people can vanish.

(Wittenberg, 2019)

Whilst attending an international conference on border deaths in Amsterdam in 2018 I was struck by a pertinent question raised by an attendee.[1] Prior to this question, the discussion had largely focused on deaths at state borders. Instead, the focus of the entire conference was upended when the individual, an academic, asked, 'who is dying in hospitals? Where do borders happen in real life?' This comment left a long-lasting impression and has ultimately shaped the trajectory of my research. Following the conference, I endeavoured to decipher and develop my understanding of the term border death. My research began by unpicking the conventional interpretation of the term that denotes death at an international border. As this project progressed, I realised the complexities and nuances involved in this particular form of death classification. This research and examples outlined in this thesis aim at illuminating the multifarious sites in which border deaths occur and critically rethinking how this term is applicable. This thesis argues that the term should encompass deaths within national boundaries and as a result of everyday borders. To explore and develop my research, I focus on the representation and classification of border deaths within the UK.

Border deaths are a tragic reality and are one of one of the most prescient issues facing the world today. My motivation for researching this issue derives from the fact that we are all affected in differing ways not only by geographical borders but by everyday borders. Migrant and refugee deaths at international borders are reported as 'the most iconic image of the contemporary refugee crisis' (Centre for Applied Human Rights, 2016). According to the International Organisation for Migration, since 50,087 people have died worldwide while migrating since 2014 (International Organisation for Migration, n.d).[2] Described as 'but the tip of the iceberg of violence and discrimination permeating the current global migration regime' (Cuttitta, 2020, p. 15), these deaths are the fatal consequences of exclusionary migration and border policies that are designed to

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[1] The International conference 'Border deaths and migration policies: state and non-state approaches' was held at the Vrije Universiteit, Amsterdam between the 14th and 15th June 2018.
[2] Latest figure as of the 5th September 2022.

restrict and police movement. As such, borders deaths have become an emerging human rights concern, as well as a burgeoning political issue for states and policymakers (Weber and Pickering, 2011). While human rights groups and NGOs have long raised alarm to border fatalities, policymakers and governments use these deaths to further justify border security and enforcement (Cuttitta, 2020, p. 10).

Deaths at the US-Mexico and European-Mediterranean borders receive the most notable public, political and academic attention. In recent years, the Mediterranean crossing between Italy and Libya has been labelled as 'by far the world's deadliest' border (International Organisation for Migration, 2017, p. 1). Conversely, deaths at the UK border remain at the margins of wider policy and academic debate (Institute of Race Relations, 2020). In spite of this, evidence suggests that borders deaths in the UK are systemic and longstanding (Athwal and Bourne, 2007; Athwal, 2014; Institute of Race Relations, 2020). Though high profile cases, such as the thirty-nine Vietnamese nationals found dead in a lorry in Essex in September 2019, are more widely reported, deaths at the UK border continue to receive 'far less attention than those in the Mediterranean' (Institute of Race Relations, 2020, p.3). Indeed, 'few are aware that, in addition to these headline cases' almost three hundred 'people have died trying to reach the UK since 1999 – a hidden toll averaging out at one death every forty days' (Institute of Race Relations, 2020, p.3). Deaths happening within the UK are met with even further indifference. Between 2000 and 2021, it is reported that at least thirty-eight people have died whilst in an immigration removal or detention centre in the UK (INQUEST, 2021). However, the government's response to these deaths is described as 'one of denial, delay and obfuscation' (INQUEST, 2019d, p. 2). Since April 2016, ninety-five people have died whilst in asylum accommodation, though this figure was 'deliberately downplayed' by initial government reports (Purkiss *et al.*, 2021). Charities have also raised concern that the hostile immigration policies exacerbate the risk of suicide amongst asylum seekers (Cohen, 2021) and the UK immigration system leaves many people without adequate support and as a result at risk of death (Bulman, 2020a). As this thesis explores, these deaths are not always captured by conventional understandings of the term border death. By examining how the circumstances surrounding these deaths are attributable to bordering practices or policies, my research argues that these deaths within the UK should also be considered as border deaths. In the very least by acknowledging these deaths my research interrogates and contests the systems that perpetuate their invisibility.

My research challenges political and academic silences towards border deaths in the UK. An early interview I held with Matilde[3], a journalist with international experience on migration, confirmed my initial suppositions that these deaths are largely overlooked. Matilde had encountered reports of deaths on other migratory routes (e.g., whilst crossing the Sahara). 'There is a lack of data' on border deaths 'at the France-Britain corridor', she explained, expressing an interest in my research on the UK. However, it was not only this absence of data that interested me, but I was also curious why some border deaths garner widespread political and public attention, whilst others are met with inertia or silence. As I progressed with my research, it became clear that not all deaths in the UK are met with denial, public apathy, or a lack of political engagement. As I explore in this thesis, some cases of border deaths spark political debate[4], as well as wider public engagement.[5] Following Cohen (2011), my research explores both the over-attention and under-attention surrounding border deaths in the UK. According to Cohen[6], an over-reaction is symbolised by prejudice, hyperbole and moral panic while an under-reaction is characterised by denial, disregard and indifference (Moon, 2013b).[7] One of my first interviews with Anna, a human rights activist and researcher, further directed the focus of my research. During our conversations, Anna shared her own personal experience working at the Northern UK-French border in Calais. I explained my interest in examining the expansive nature of this border, as well as the invisibility of border deaths in the UK. Anna told me that she knew of a young person from Calais who later died by suicide in the UK. Reflecting upon my research on deaths at this border, she stated:

> It is an interesting debate about which deaths are visible and why they are visible. I personally think that the further away a [border] death is from Western European countries the more they are allow[ed] to be visible […] but the deaths that are actually happening a couple of kilometres away from us or in our neighbourhoods with suicides and people struggling with the system are not visible. We don't allow them to be visible.

These exchanges with Anna and Matilde, born from a commonality of interest in silences around some deaths, informed my research. Throughout the research, I also reflect upon my own positionality as a white, female, British PhD researcher from the London School of Economics. I

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[3] All names discussed in this thesis are pseudonyms. See Appendix B for list of interviewees and chapter three for detail on methods.

[4] See the discussion in chapter seven on two high profile cases.

[5] Chapter four explores some examples where deaths have received public notoriety and attention, though it also explores how this may not always be long lasting.

[6] Cohen's research on denial and moral panics are explained in more detail in chapter two.

[7] Moon notes continuity between Cohen's earlier work on moral panics and subsequent work on denial.

account for my own 'situated positioning and the ways this impacts the knowledge produced' and 'status of that knowledge' (Page, 2017, p. 24). This involves reflection upon how my positionality shapes my engagement with data, the people I interviewed and the knowledge I produced as a result.[8]

Drawing upon empirical evidence collected in the UK, this thesis examines how border deaths are represented and classified. It examines the different processes involved in classifying a death including both official methods of registering a death (e.g., coronial inquests), as well as counternarratives generally voiced by human rights or activist groups. In theory, the term border death could encapsulate a wide range of deaths (e.g., death by 'natural causes', drowning, suicide, lack of medical support, deaths in detention or deportation deaths). However, in practice, the term generally attributes to deaths at an international border. My research also explores the consequences following death classification. An exclusive focus on external borders made by mainstream interpretations leaves some deaths invisible and 'by focusing on the scene of the border, the conditions that lie before (namely the state production of illegality through policies of exclusion) and after (the exploitation of illegalised migrant labour) remain hidden and unthinkable' (Heller and Pécoud, 2020, p. 483).

Research questions and approach

Following Hacking (2002) and Bowker and Star (1999), my research explores death classification and the material consequences that result from different forms of classification. Classification carries both liberatory and repressive potentials (Hacking, 2000) and in the context of border deaths can lead to greater visibility or increased invisibility of deaths and the structures that cause them. The determination and causes attributed to a death also have wider social and political ramifications.

The central research questions guiding my thesis are:

1. How are border deaths understood? What is considered a border death, by whom and why, and what is not?
2. How are border deaths classified, and what processes, actors and institutions are involved? What narratives take precedence, and which are elided?
3. What material consequences follow on from classification or representation?[9]

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[8] See chapter three for further discussion.
[9] Forms of classification that produce knowledge about death are involved in representing these deaths, I therefore examine the consequences of classification and representation.

To respond to these questions and in order to explore different types of classification, I draw on a combination of qualitative research methods including interviews, coronial observations and documentary analysis.[10] To think more expansively about the term border death and source data on lesser-known cases, my data includes interviews with journalists, frontline NGO workers, as well as members from human rights groups and charities. To examine and interrogate official processes of death classification in the UK, I also include observational data from two coronial inquests. Inquests are important sites in which the official and legal cause of death is determined. They often involve multiple parties with competing interests surrounding an individual's death. As such, the coronial inquest was an ideal space to observe processes of interpreting and classifying a death. To examine political representations of border deaths, my data set includes analysis of parliamentary debates in the House of Commons. I analyse debates following the deaths of thirty-nine Vietnamese nationals found in a lorry in Essex on the 23rd of September 2019 and the case of twenty-three Chinese nationals who died whilst collecting cockles in Morecambe Bay on the 5th of February 2004. These debates provide important insight into how representations often serve political interests, policy development or legislation. As such, they provide a distinct and alternative perspective compared to interviews I conducted with individuals from NGO and human rights organisations. My data set further includes analysis of media reports and documents (e.g., reports produced by coroners, human rights groups, and NGOs). Coroner reports provide condensed and formalised versions of death determinations that complement my observational data. Human rights and NGO reports supplement my interviews whilst providing further evidence of a wide range of deaths. I include media reports to supplement interview data or as source of conflict with official classification (e.g., following an inquest). This combination of data enables me to access and analyse a range of perspectives including legal, political, and humanitarian processes (such as the coroner's inquest, parliamentary debates, media rhetoric, humanitarian, and human rights reports) involved in classifying a death.

Conceptually, my research aligns itself with existing sociological literatures including research on death and dying (Gunaratnam, 2013; Timmermans, 2006; Walter, 2020), critical scholarship on borders (Khosravi, 2010; Yuval-Davis, Wemyss and Cassidy, 2018; 2019), research on classificatory systems (Bowker and Star, 1999; Hacking, 2000), as well as the literature that critically discusses the representation and response towards social issues (Cohen, 2011; Hall, 2013).

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[10] Chapter three discusses in detail my methodological approach.

Collectively, my engagement with these different bodies of scholarship creates a solid foundation from which I explore and assess death classification in the context of UK borders. [11]

Broadly, the sociology of death and dying demonstrates the intrinsic societal function that death plays. More specifically, I engage with literature that interrogates the processes and agents involved in death classification (Klinenberg, 2002; Moon, 2006; Tate, 2007; Timmermans, 2006), as well as different analyses of necropolitics that inform which deaths matter in society and which do not (Bargu, 2016; Giroux, 2007; Mbembé, 2003). Ideas of belonging and community are most acute at the point of death (Gunaratnam, 2013, pp. 12-13) and existing literature allows me to explore how these manifest in the representation of border deaths. These deaths relate to wider systems of governance, bordering and belonging and I argue that the sociology of death should neither neglect border deaths nor relegate them to the periphery of analysis. As such, my research engages with and seeks to advance existing sociological scholarship on death and dying.

Existing literature captures the diverse ways in which borders manifest in everyday life. This literature demonstrates how borders are not simply a territorial line, rather they are exclusionary and racialised mechanisms (Balibar, 2011; El-Enany, 2020; Khosravi, 2010). Borders and bordering have thus moved 'from the margins into the centre of political life' redefining 'contemporary notions of citizenship, identity, and belonging for all'(Yuval-Davis, Wemyss and Cassidy, 2019, p. 1). Understanding borders in this way allows me to develop a more expansive understanding of the term border death and the different deaths we might attribute to borders.

To explore classificatory systems and the diverse material implications that follow a death classification, my research draws insight from existing literature such as Bowker and Star (1999) and Hacking (2000; 2002). This scholarship demonstrates how forms of classification are socially, historically, and politically constructed and can have serious and grave consequences. It also illustrates how classification has both liberatory and repressive potentials (Hacking, 2000). As I explore, the term border death has the potential to both expose systems of inequality and violence, whilst also limiting forms of critical inquiry that scrutinise the wider circumstances.

The concept of moral panics employed by both Cohen (2011) and Hall (2013) is useful in analysing the representation of border deaths. I draw on this framework to analyse political discourse where language contributes to the criminalisation of migration and serves to justify increased policing.[12] Cohen's (2011) early research is illustrative of how public and media discourse

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[11] Chapter two discusses in more detail my conceptual framework and how I bring these different literatures together.

[12] This is discussed in detail in chapter seven.

towards social problems (e.g. youth culture, immigration, violence) are almost always overdetermined by an over-reaction of panic and exaggeration. His later work examines how states intentionally minimise, deflect and deny their involvement in violent atrocities (Cohen, 2013). The different registers of state denial (literal, interpretive and implicatory) are described in detail in chapter two and referenced throughout my thesis. This work is illustrative of 'the social and political under-reaction to atrocity and suffering' (Moon, 2013b, p. 194). I draw upon Cohen's registers of denial to explore how some border deaths in UK are deliberately denied while others are made invisible by systems of recording. This framework enables greater understanding of how state responsibility for border deaths is minimised and deflected onto individuals.[13] This thesis explores the tensions between over-reaction and under-reaction and how both can result in limited forms of accountability and responsibility.

Overall, my thesis illustrates that the term border death should not be limited to territorial borders. As I argue, narrowing the framework simply disguises global power structures that create the conditions of illegality making certain people vulnerable to exploitation at all stages in the migration process. By reframing debates around border deaths, my research hopes to provide a more nuanced and complex understanding of how accountability and culpability for these deaths might be understood. As such, my thesis contributes to existing scholarship on border deaths both empirically and theoretically. It complements existing studies in other contexts that interrogate how border enforcement produce the conditions that contribute to death (Reineke, 2016), and challenge how state deliberately minimise their role in these deaths (De León, 2015; Perl, 2016; Weber and Pickering, 2011).

The main argument of my thesis is that in spite of the political and media attention directed towards some cases, the wider political context surrounding border deaths remains largely undisturbed and unquestioned. As I argue, a more expansive understanding of the term border death would attribute a wider set of bordering practices to a wider range of deaths. As I demonstrate in this thesis, the over-attention towards deaths at the border leaves many deaths as a result of internal bordering invisible. Furthermore, as chapter six demonstrates the medico-legal determination of death by 'natural causes' can discount the wider systemic conditions surrounding a death. Similarly, as chapter seven discusses, the political discourse that attributes blame solely on criminal individuals fails to address the role of border policies. My analysis and research thus

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[13] See chapter four, six and seven where I apply Cohen's framework of denial and moral panic to my research on border deaths.

illustrate how classificatory systems can engender, facilitate, or deflect understandings of responsibility.

A key finding from this research is that mundane practices of reporting a death may facilitate political indifference or under-attention. In chapters four and five I discuss the limitations of coronial inquests in recording and documenting border deaths. For example, coroners are not required to document the immigration status of the deceased in their final report and deaths are often treated in isolated terms. Though this omission is different to deliberate forms of state denial, I argue it also contributes to an under-attention. As a result, it perpetuates a situation where these deaths are not properly reported and the conditions surrounding them cannot be adequately scrutinised. As a result, my research makes an important contribution to existing literature regarding social and political denial of atrocity (Cohen, 2013; Moon and Trevino-Rangel, 2020; Seu, 2003).

Definitional issues

The following outlines how I define border violence and border deaths. It is essential to set out how I define these two terms as they are central to the discussion in my thesis. Both terms provide the foundation for my argument as they are intrinsically connected. In order to fully comprehend the term border death, it is crucial to be explicit about how I understand border violence. The two often go hand in hand but are not always obviously connected. Just as I am exploring the nuances and subtleties of border deaths, border violence must also fall under the same rigours of examination. This can range from people dying from destitution, whilst in precarious employment due to their immigration status or being wrongly detained and dying whilst being held in immigration detention.[14]

Border violence

My understanding of border violence relates to my conceptual engagement with borders. Borders can manifest in multiple ways, they are not simply geographical or territorial zones but are embedded in institutions, policies and multiple layers of everyday life (Yuval-Davis, Wemyss and

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[14] More details are discussed in chapters four and five.

Cassidy, 2019). As Galtung (1990) states cultural violence is embedded in social structures that inhibit people from reaching their full potential. This kind of violence is depriving, limiting, restrictive and violating. It is both the actuality, potentiality, and risk of this violence, which has become normalised and accepted. The exposure, inevitability, or potentiality of risk to death, as Khosravi (2010, p.27) argues, is 'the main feature of contemporary border politics'.

Moreover, my understanding of border violence follows on from Farmer's (2004) concept of structural violence that is 'exerted systematically – that is, in-directly – by everyone who belongs to a social order'. According to Tate (2007), violence does not just belong to the victims and their relatives it belongs to society as a whole. As she argues, collective responsibility is necessary in order to make sense of violence and prevent further suffering in the future. Following Farmer (2004) and Tate (2007), it seems to me that engaging with border violence on a systemic, collective, and individual level is vital in my reframing of debates around the term border death. To broaden the scope of accountability, it is essential to engage with wider societal and political structures that all of society is accountable for.

Following authors including Sharpe (2016), Gunaratnam (2019), Neimanis and Hamilton (2018), and Geronimus (1992), I also consider how the total climate of racism, hostility and colonialism that leads to the slow wearing down of racialised populations also features in border violence, often in more subtle, protracted and drawn out ways. The concept of weathering draws attention to how structural and systemic violence, histories of colonialism, and racialised hostility also intersect with border violence. As Neimanis and Hamilton (2018, p.81) state, weathering 'learns from a feminist politics of difference and intersectionality' where 'not all bodies weather the same' and where 'weathering is a situated phenomenon embedded in social and political worlds'. In chapter six, I draw upon this concept to discuss the hostile environment where histories of colonialism and belonging rupture into the present. In chapter seven, I explore how this is also woven into the material environments that expose undocumented workers to precarious working conditions or where environmental degradation forces vulnerable populations into patterns of illegalised migration.

My understanding of violence is also informed by existing research on necropolitics where violence is not only intentionally inflicted by the state onto certain populations (Mbembé, 2003) but also exhibits itself in the absence, denial or removal of state protection (Bargu, 2016; Giroux, 2007; Mayblin, Wake and Kazemi, 2020).[15] In chapter seven, I discuss the example of the 'left-to-

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[15] I discuss the literature on necropolitics in more detail in chapter two.

die' boat, where the absence of state protection and void in proper attempts of rescue led to the deaths of sixty-three people (Forensic Architecture, 2012). Violence in this example is a product of deliberate inaction by multiple states. As such border violence can be the result of both direct and indirect forms of physical violence experienced at the border (e.g., drowning, suffocation, vehicle related deaths etc). It can be related to violent structures of border security (e.g., the physical architecture of border control) or the lack of safe and legal routes to the UK. Recent populist attacks on the leading maritime rescue charity the Royal National Lifeboat Institution (RNLI) accused the charity of facilitating illegalised migration (Townsend, 2022) also reveal how this violence can be more subtle and embedded into wider political rhetoric.

Border violence also occurs as the result of everyday border structures and institutions. My definition of border violence includes the precarity, risk and hostility that many people (such as undocumented workers, asylum seekers and refugees) face within the UK. This violence is embedded and largely facilitated by immigration policies and structures (e.g., the hostile environment policy or the system of immigration detention). The UK 2014 and 2016 Immigration Acts effectively transposed borders and outsourced border controls throughout UK society, meaning that government agencies, private companies, individual citizens have become central agents in policing and maintaining UK borders (Yuval-Davis, Wemyss and Cassidy, 2018). These new hostile measures where landlords, teachers and medical staff are expected to be 'unpaid enforcement officers' are evidence of the structures of violence that can occur within everyday life (Wemyss, 2015). These policies grouped together make up the 'hostile environment' and are defined by increased exclusion, surveillance, xeno-racism underwritten by government policy, as well as a larger climate of racial hostility (Sharpe, 2016). These policies are a set of administrative and legislative measures designed to make staying in the UK as difficult as possible for non-citizens (Webber, 2018). As such my understanding of border violence in relation to these policies includes the physical violence associated with increased risk of deportation, destitution, homelessness, and inability to access medical care. There is also evidence to suggest that processes for seeking asylum or inadequate mental health support can exacerbate the risk of suicide, as well as an inability of coping with existing and ongoing trauma (The Children's Society, 2018).

Following scholars such as De León (2015) and Klinenberg (2002), I suggest we should also be wary of the term 'natural' death which may minimise structural forms of violence. As I explore in chapter six, medical conditions, heart-attacks, and high levels of stress are and should be considered as symptomatic of border violence. The concept of weathering draws attention to the wider context where histories of exclusion and racism also lead to the slow wearing down of

marginalised populations (Gunaratnam, 2019). Borders in this way are nebulous, interconnected to and propagated by wider systemic and structural forms of violence. Considering how border violence manifests in multiple ways and in different sites supports my argument for expanding the term border death, which I now outline my definition of.

Border deaths

The term border death has become ubiquitous in some academic and policy circles, appearing in the late 1990's when forensic anthropologists began documenting deaths of migrants at the US-Mexico border (Last, 2020, p. 22). In general terms and in most academic and policy reports, a border death is used to describe 'the premature death[s] of person[s] whose movement or presence has been unauthorised and irregularised as they navigate or interact with state-made boundaries' (Last, 2020, p.21). The United Nations define 'refugees' as those fleeing conflict, war or persecution and 'migrants' as those who chose to leave their country of origin. The UN refers to both 'migrants' and 'refugees' in reports of international border-crossings (The United Nations Refugee Agency, 2015). The International Organisation for Migration counts 'migrants' in their data on deaths at external state borders. They use 'migrant' as an 'umbrella term' to include all forms of migration (International Organisation for Migration, n.d.).

This thesis argues that the concept of migrant death, as articulated by the International Organisation for Migration, does not adequately capture all deaths linked to borders. As discussed in chapter six, the potentially fatal consequences of everyday borders are also experienced by excluded and racialised populations such as members of the Windrush generation. As part of my research, I collected data from organisations that use a range of terminology including migrant death, border death or immigration death. The violence of the border in all its manifestations appeared to be the connecting link. I therefore made the decision to use border death as a term for interrogation as it supposedly encompasses the broadest spectrum of deaths.

It is clear that while the term border death is complex and diverse, the concept also carries particular gravitas. My research does not seek to reclassify nor reify definitions of border death. Instead, it hopes to widen discussions around what it means to classify a border death and to rethink existing mainstream interpretations. As such, the way I approach border deaths includes all deaths relating to a border policy or practice. I suggest that terms such as 'migrant death' do not capture all deaths that could be attributed to borders. Bordering structures, as we have seen in recent years with Brexit, COVID-19 and Windrush are constantly shifting. Just as borders continue

to evolve, so too must our reflection on the term border death. Studying border deaths in the UK is a useful context in which to reflect upon what we know and consider a border death to be. It is urgent that these deaths and the structures that produce them are acknowledged which is why I define them in this way.

Thesis outline

Chapter two details my conceptual framework and the literature I draw upon to develop my analysis. I discuss relevant literature within the sociology of death and dying, whilst outlining the contribution my thesis hopes to make to this scholarship. Drawing upon existing literature related to bordering and structural violence, I present how I approach and conceptualise the term border death. Following relevant research on classificatory systems, death classification, moral panics, and denial, I also outline how I approach the processes of classifying death and the material consequences.

Chapter three presents the methodological and ethical considerations that shaped the research design, data collection and writing process. I made the deliberate ethical decision early on not to conduct interviews with migrants, refugees, or relatives. Rather, the attention of this research is the agents, systems and processes involved in classifying a border death. This chapter also discusses the ethical considerations that arose during my research relating to how to engage with my data and write about border deaths. At various stages in my research, I experienced an anxiety in the relationship between collecting data and translating it into a written thesis. Through my own discomfort and frequent uncertainty about doing this project at all, I came to realise that whilst we may search for the most ethical or responsible methodologies and writing strategies, doing such research can and should never be problem free. Challenging both my own bias and social positioning is tantamount to the social structures and conditions that this thesis seeks to expose. This is also critical within the wider context of academia and knowledge-making.

Chapters four to seven provide the substantive empirical evidence and discussion in support of this thesis' aim of expanding understandings of the term border death. It explores cases and examples of deaths that could be understood as border deaths and argues that they should be. The cases that this thesis discusses all demonstrate multiple sites in which border violence and border deaths might occur.

Chapter four explores the emerging phenomenon and visibility of deaths at the border. This chapter draws on interviews, media reports and organisational data on border deaths. It examines what is made visible (e.g., deaths 'at the border') and what is rendered invisible (e.g., deaths as a result of everyday bordering) through the classification of border deaths. This chapter argues that classifying a border death alone is not always sufficient in detailing the wider structural and systemic conditions. It challenges the limitations of death classification which can often reduce a complex death to mere 'accident' or 'natural' cause. By not documenting some deaths and the conditions surrounding them, there is a complicit abdication of responsibility. This supports my argument for a more expansive and critical interrogation of what is considered a border death.

Chapter five draws on data collected during observations at two very distinct coroner's inquests. The two inquests I observed were starkly different. The first, held at West London Coroner's court investigated the death of Tarek Chowdhury who had been killed whilst being held in an immigration removal centre. The case raises important concerns regarding the immigration system itself. The inquest itself scrutinised institutional practices and directly investigated the role of the Home Office and other institutions in Mr. Chowdhury's death. The second inquest investigated the death of Mahammat Abdullah Moussa who died whilst seeking passage to the UK beneath a coach. This investigation was seemingly less consequential both in length, limited attendance, and scope. The final determination of an inquest results in the official classification of a death. Being present at an inquest is essential in understanding what constitutes a classification. From my experience and the evidence discussed in this chapter, this can often be limited and reductive. This chapter argues that the spatial configurations and interactions between different professionals play an important role in determining what a death comes to mean. The institutional constraints by which an inquest is bound reflect the limitations of the structure of law and which are also determined by the state. This chapter also considers the functions of an inquest and their role in death classification.

Chapter six explores conflict around adjudication of death and its causes. It examines the case of Dexter Bristol, a member of the Windrush generation. The final inquest found that Mr. Bristol had died from 'natural causes'. Mr. Bristol had, like many others, fallen victim to the Home Office's hostile environment policies. However, this story was absent from the final, official determination. This chapter highlights the importance of uncovering what is rendered invisible by the official classification of death by 'natural causes'. The hostile environment policies and the Windrush scandal are central to re-telling and challenging official border narratives. This chapter discusses Britain's postcolonial melancholia (Gilroy, 2004) and the administrative, bureaucratic and

racialised bordering that classified former-colonial populations as second class citizens in Britain (Patel, 2021). It provides further evidence to support my argument that the term border death should not only be understood in territorial terms. The concept of weathering provides further analysis of how systemic racial health disparities also intersect with immigration policies (Geronimus, 1992; Sharpe, 2016). Legislative changes over a period of time have incrementally alienated citizens from their basic rights and as this chapter discusses, have had severe and grave consequences.

Chapter seven analyses parliamentary debates in the House of Commons following the deaths of thirty-nine Vietnamese nationals found suffocated in the back of a refrigerated lorry in Essex on the 23rd of October 2019, also known as the "Essex 39". It also analyses parliamentary debates in the wake of the deaths of twenty-three Chinese nationals who died whilst collecting cockles on Morecambe Bay on the 5th of February 2004. The consistent political reaction to these high profile cases was the overwhelming focus on tackling criminality and strengthening borders. This chapter provides another example of governing bodies ignoring structural and systemic issues that contribute to border deaths, shaping the material environments where undocumented workers are forced into precarious forms of employment or where environmental degradation drives people into patterns of illegalised migration. This chapter argues that accountability doesn't end with criminalisation which fails to properly account for the wider context. It challenges the fact that immigration has become inherently criminalised, and increasingly so in the United Kingdom.

Chapter eight acts as a conclusion for this research, whilst also considering the wider implications of my research for sociology and society. As UK bordering practices are becoming more hostile, pervasive, and insidious - it is more important than ever to link these processes to the practices and politics of framing a border death, and to consider the nuances and multiple ways in which bordering occurs. My research seeks to explore and expand what is considered as a border death, and indeed a border, whilst also considering the limitations of certain frames of interpretation.

Chapter Two

Conceptual framework

Introduction

This chapter references the relevant existing literature in order to set out my conceptual framework. My approach integrates insight from the sociological research on death classification (e.g. Kaufman, 2006; Klinenberg, 2001; 2002; Timmermans, 2006) necropolitics and structural violence (Bargu, 2016; Butler, 2004; 2009; Geronimus, 1992; Giroux, 2007; Gunaratnam, 2019; Mbembé, 2003; Neimanis and Hamilton, 2018; Sharpe, 2016) with research on bordering (e.g. Balibar, 2011; El-Enany, 2020; Yuval-Davis, Wemyss and Cassidy, 2019), classificatory systems (Bowker and Star, 1999; Hacking, 2000), moral panics (Cohen, 2011; Hall, 2013) and denial (Cohen, 2013; Seu, 2003). The analytical currency of bringing concepts from these literatures together allows for a more detailed analysis of the nuances, complexities and controversies surrounding the term border death and the processes involved in classifying one. Studying practices around border death offers important insight into society, revealing racialised histories of exclusion and inclusion that are reproduced today through existing social structures and arrangements. Categories of legality and illegality, inscribed and maintained in policy and legislation, justify the very notions of citizenship and belonging which reappear in debates around border deaths.

The first section of this chapter illustrates how I draw inspiration from existing research on death and dying. Though death and dying is a perennial research topic within sociology, existing scholarship largely omits 'tragic but relatively unusual deaths' which may occur in the processes of migration (Walter, 2017, p. 3). By researching border deaths, I hope to make an important contribution to existing literature. Throughout history and sociological analysis, the dead are described as symbols of nation-building and reflective of society as a whole. As existing research illustrates, practices around the dead are connected to wider systems of belonging and meaning-making (e.g. Durkheim, 1972; Walter, 2020). Another important strand of sociological research considers deaths in the context of disaster or conflict. A recurring theme within this literature relates to the dominance of official state or scientific testimonies that determine and condition how we interpret death (e.g. Bennett, 2014; Klinenberg, 2002; Turney, 2010). This research aims

to illuminate and offer alternative forms of knowledge to account for the dead and bring greater attention to the wider social conditions involved (Aronson, 2011; Smith, 2017). As my research argues, a border death also exposes systems of inclusion and exclusion, as well as revealing how some institutions are imparted with greater authority and decision-making power in determining the cause of death.[16]

The rest of this chapter is divided into two parts. The first part presents how my research seeks to conceptualise and expand the term border death. The combination of research on everyday bordering, structural violence, and different approaches to necropolitics provides a foundation for expanding the conditions of border violence which might contribute to death. The second part references the relevant literature on classificatory systems, death classification, moral panics, and denial. The combination of this literature allows me to examine the processes involved in classifying a death and interrogate the material consequences that follow. It provides relevant insight for my own analysis and how systems of classification and representation facilitate or allow for both the under-attention and over-attention towards border deaths in the UK.

Section one

For a sociological study of border deaths

Death and dying are important, yet often under-appreciated, sociological concerns (Walter, 2008). As Walter (2008, p. 328) explains, death 'is inherently social'; how we think about and relate to the dead is governed by social norms, practices and institutions. Furthermore, the associated rites, practices and beliefs around death are intrinsic to the making and remaking of society (Walter, 2008; Laqueur, 2015). A large part of existing sociological literature has focused on end-of-life or palliative care, as well as deaths in the modern hospice or hospital (Clark, 1993; Walter, 1994; Kaufman, 2006; Livingston, 2012). There is also a tendency within sociological literature to focus on national or cultural death practices (Howarth, 2007; Seale, 1998). Scholarship that normalises the study of certain deaths (e.g., from old age or medical conditions) is also reflective of the contexts in which they research (Walter, 2008). As Walter (2008, pp. 327-8) states; '[t]oo much sociology of death has reflected parochial medical trends, rather than offering a mirror to global society'.

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[16] Chapters five and six discuss this in further detail with empirical evidence from my own research.

Existing sociological scholarship on death and dying has devoted little attention to border related deaths, which is predominantly occupied by political scientists in International Relations (Kovras and Robins, 2017; Squire, 2017), legal studies (Grant, 2011; Spijkerboer, 2007) or migration scholarship (e.g. De León, 2015; Heller and Pécoud, 2018; Last, 2020; Perl, 2019; Reineke, 2016; Weber and Pickering, 2011). My research argues that the sociology of death should neither neglect border deaths nor relegate them to the periphery of analysis or to specialist study. Prominent themes within existing research that relate death to ideas of belonging and citizenship can also be applied to the study of border deaths. The classification and recording of a border death is also revealing of normative systems of governance and the authority afforded to official and scientific interpretations of death.

Death, belonging and nationhood

Existing sociological research demonstrates that the dead are an intrinsic part of society. As Laqueur (2015. p.1) argues the dead 'matter because the living need the dead far more than the dead need the living' and 'because the dead make social worlds'. Early sociological texts on death were particularly interested in the societal function that death plays. As Durkheim (2008) describes, the death of an individual is a defining moment for a collective group where shared values are renewed and consolidated. In his seminal text Ariès (1983, p. 560), examines the changing historical and cultural attitudes towards death in France and states that 'death has always been a social and public fact'. Theories of modernisation have traced the professionalisation surrounding the dying process and the advent of death professionals. No longer in familiar or intimate realms, the care and management of the dead has been taken over by experts and professionals (Walter, 2020). Kastenbaum's (2001, p. 66) conceptualisation of the death system is defined as 'the interpersonal, sociocultural, and symbolic network through which an individual's relationship to mortality is mediated by his or her society'. Diverse people, spaces, symbols and objects are connected through this system encompassing hospitals, death registries, funeral directors, coroners, mortuaries, post-mortems, cemeteries as well as institutions and actors within wider society such as insurance companies or the media (Kastenbaum, 2001). Much of the existing literature on death and dying has conducted research in hospitals (Borgstrom and Ellis, 2017; Gunaratnam, 2013; Kaufman, 2006) or with medical professionals (Timmermans, 2006), however these same systems also account for border deaths within the UK. As my research demonstrates there are discrepancies in how these death systems record and report information that might be particular to border deaths.

For example, in chapter four I discuss how coroners are not required nor able to record 'immigration' status in their final report (Cohen 2021).

Gunaratnam's (2013) study of transnational dying and migrant deaths in the UK provides important insight for my own research, which brings together literature on death and borders. Her research focuses predominantly on migrant deaths in hospital, hospices and at home. Drawing upon Derrida (2000), Gunaratnam (2013, p.12) argues that '*the question of the foreigner* is most acute at times of debility and death, summoning up the borders and meanings of community and hospitality'. As this thesis demonstrates, border deaths are not limited to deaths during border-crossings, but they can also include deaths that may be conventionally classified as death by 'natural causes'. These deaths may also be the consequence of hostile immigration laws and exclusionary forms of citizenship. Following Gunaratnam (2013), I attempt to expose border deaths not only to bring to the forefront the individual deaths but also to shed light on the visible and invisible structures of exclusion and belonging. Chapter six discusses the death of Dexter Bristol, a British national made 'illegal' under hostile environment policies. His death exposes the systematic exclusion and internal bordering by successive British governments towards the Windrush generation.

The treatment and the recording of the dead has also been linked by contemporary research to notions of nationhood and citizenship. As Walter (2020, p.223) states, death and the practices around death are 'intimately connected' to the construction of citizenship: 'laws and policies concerning death practices implicitly define – and at the same time are shaped by- who is, and who is not, afforded de-facto citizenship'. As Walter (2020) describes honouring or dishonouring the dead is a powerful symbol of inclusion and exclusion, and central to shaping national identity. Laqueur (2015) and Walter (2020), both demonstrate how the memorialisation of the war dead functions to create a sense of national identity and community. For example, Walter (2020) recalls learning about the deaths at the Battle of Trafalgar in 1805, deaths at the Battle of Britain 1940 and the mass-murder of European Jews under the Nazi-regime 1941-1945. As Walter (2020, p. 205) argues, these deaths 'function to include subsequent generations within the nation, and the nation exists because of those who died for it'. In contrast, he illustrates how deaths such as those in the civil rights movement, slavery, or the near genocide of indigenous Americans are largely absent from museums. In a similar vein, Aronson (2016) discusses the difference between the care given to the identification of the 9/11 victims and those killed during wars in Iraq, Afghanistan and Yemen. These examples demonstrate how the value of life are also intertwined with ideas of citizenship and nationhood and systems for recording the dead further

differentiate between lives (Butler, 2009). By embracing some deaths and excluding others, the boundaries of belonging are reinforced beyond the point of death. In contrast to memorialisation and honouring of the war dead, border deaths do not usually evoke the same public sympathy or political commemoration (Edkins, 2016). However, I suggest it is their absence and exclusion which is revealing of how states' efforts to protect their borders, territories and societies are also part of reinforcing ideas of belonging and nationhood.

Historically, the recording and registering of the dead is part of re-ordering or re-building a political or national community. *The Political Lives of Dead Bodies* (Verdery, 1999) offers an insightful analysis into the way in which dead bodies are used as political symbols, which is both historically and continuously constructed. Verdery's analysis brings together the management of the dead with the construction of national identities. In Eastern Europe, following the collapse of the Soviet Union, the question of where dead bodies were buried and to whom they belonged had significant ramifications in building new nation states (Verdery, 1999). Verdery's (1999, p.97) analysis dismisses the notion that dead bodies contain an intrinsic and objective truth; rather she sees the process of claiming national territory as applying a dynamic and 'unique coloring to the place of these dead bodies'. As Verdery argues, the previously buried, anonymous dead acquired new 'political lives' and the work of reclaiming and reburying the dead intertwined with defining new national boundaries. Verdery (1999, p.52) describes the dead as 'ambiguous protean symbols'; their salience is dependent and contingent on a particular political and cultural context. Unearthing mass graves of dead bodies in post-Soviet Europe and reburying these bodies in new territories reordered space and time.

In a similar vein, Wagner (2013) also discusses the enrolment of the anonymous and mass dead in projects of state building. Advances in forensic science and DNA enabled the naming of the "Vietnam Unknown". From 1984 to 1998, anonymous soldiers who had died during the Vietnam conflict were buried collectively in the Vietnam crypt of the Tomb of the Unknowns. Importantly for my research, Wagner highlights how 'knowledge-making' around certain dead bodies is also intrinsically connected to 'state making' (Jasanoff, 2004). Wagner (2013) demonstrates how advancement in genetic science allowed for individual identification which in turn reshaped national commemoration. In contrast to the Tomb of Unknown, it allowed for individual commemoration and burial. The process of individualising the unknown dead also evoked a more personalised story of national heroes who served 'to protect and preserve individual freedom' (Wagner, 2013, p.648). It connected each individual to the national narrative. She argues,

this remaking of the unknown soldiers laid 'bare the connections between how war itself is waged, death justified, and a nation defined through its care for war dead' (Wagner, 2013, p. 631).

The context of Verdery and Wagner's research is very different to my own. Verdery's research concerns the development of new national identities around mass anonymous dead bodies and the site of their burial. Wagner (2013) is concerned with how anonymous bodies were given new significance through new identification technologies. This served to support a political project where the state was legitimised in their war efforts and the deaths justified. However, what they raise -- that is of relevance to my research -- is how meaning given to the dead is shaped by a particular political and historical moment. Actions and interpretations surrounding the dead may serve to justify military interventions by the state (Wagner, 2013), or legitimise a new order of national identity (Verdery, 1999). This thesis demonstrates how actions surrounding border deaths are at times politically constructed to bolster the very border enforcement and national security policies that give rise to border deaths in the first place. I also demonstrate how border deaths both in their inclusion and exclusion to ideas of national belonging are connected to wider societal and political life. Existing research provides a departure point however I argue that sociology and society need to pay greater attention to the discrepancies and discrimination embedded in death systems and their accounting of border deaths. To further explore this, I now reference existing literature that demonstrates how this might be realised.

Death and official classifications

The following section presents literature that has greatly influenced the development of my thesis. This research largely focuses on deaths following atrocity, disaster and conflict and attends to the dominance of official and scientific knowledge which has largely taken ownership over the interpretation of the dead in these contexts. It was useful to review this literature as these kinds of deaths are largely absent from the sociology of death and dying (Walter, 2008). Laqueur (2002, p. 92) reminds us of an important tension between the dead as a site for 'mourning, remembering, remaking of self and community' or as 'medico-juridical truth, which grounds legal or political action'. Whilst the dead straddle both cultural and legal realms, Laqueur argues that one function may take greater precedence. Official narratives, especially those in modern science and technology, as Laqueur (2019, p. 202) states, often 'obscure rather than illuminate the realities of death'. My research took inspiration from the following literature as an important reference to

examine and decipher what is made visible and what is made invisible particularly by official narratives and classifications of death.

Reviewing the literature on the management of the dead highlights the importance of interrogating competing narratives surrounding a death. Existing sociological literature discusses wide-ranging examples including; disaster victim identification response following 9/11 (Aronson, 2016; Toom, 2016), the application of DNA technology in Cambodia and Iraq (Bennett, 2014), the development of new legislations to disaster victim identification protocols following the 2004 tsunami in Sri Lanka (Perera, 2006), the politics of human remains and identification in post conflict zones in Bosnia (Wagner, 2008) and in the aftermath of the Srebrenica genocide (Haimes and Toom, 2014) as well as the application of forensic knowledge in the case of border deaths (M'charek, 2018; Perl, 2016). This literature is sensitive to the multiple ways of managing the dead which are often overshadowed by the application of genetic technologies as the gold standard for identification (Aronson, 2016; Turney, 2010; Wagner, 2008). This body of literature sheds light on how circumstantial contingencies and multiple actors, each with diverse stakes, re-shape the practices that generate knowledge about the dead. By highlighting how identification practices are firmly situated between and amongst social relations and diverse actors, this research underlines the broader epistemological and social processes involved in managing the dead. However, they also address the dominance of forms of knowledge. As Eyre (2002), states the prominence of forensic knowledge following a fatal disaster gives greater authority to governmental or state agencies in making claims about the dead and as a result can exclude relatives of the deceased. This research is particularly informative to the wider ramifications of my research and understanding the power dynamics and hierarchies within the structures that both classify and condition border deaths.

Both Turney's (2010) research on the identification of victims of a forest fire in Australia and Aronson's (2016) study of identification processes following 9/11 are particularly instructive. Turney (2010) is deeply critical of the conviction in genetic technologies embedded in Disaster Victim Identification (DVI) practices, arguing this displaces other forms of identifying the dead. She argues that in overlooking e-witness[17] or relatives accounts, authorities rendered these forms of knowledge illegitimate and increased social suffering by delaying the identification process (Turney, 2010). In the wake of the 9/11 attacks, Aronson (2016) examines how this tragic event reinforces how the dead belong both to the victims' families and their communities but also to

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[17] E-witness relates to digital or electronic communications between victims and witness at the time of the forest fire.

their political and cultural milieux. His study traces the controversies surrounding the identification, commemoration, and recovery of the victims. As he explains, the belief in genetic identification technologies does not stand alone; they require the recognition of the relatives some of whom chose their own ways of commemorating their loved ones. As he concludes, the deployment of genetic technologies is 'inherently political' and is not utilised in the case of all victims of mass atrocity (Aronson, 2016, p.256). While my research does not include the role of identification technologies, it encounters the authority attributed to legal or medical professionals at the expense of other interpretations following a death. For example, chapter six discusses how a post-mortem report delineated how the death of a member of the Windrush generation could be perceived. There was little scope for contestation in this case despite competing narratives. In chapter five, I discuss the competing narratives and authority of certain professionals involved in determining the details and circumstances surrounding death during two inquests. What these examples and my thesis hopes to raise is the importance of situating official or scientific forms of knowledge within a wider network of actors, individuals and structures that may also be implicated or affected by a death.

Klinenberg's (2002) research on the high rates of deaths during the Chicago heatwave in 1995 provides further insight and interrogation of official death classification. Klinenberg (2002, p.32) calls upon Marcel Mauss to describe the heatwave as a 'total social fact: one that integrates and activates a broad set of social institutions and generates a series of social processes that expose the inner workings of the city'. As he illustrates, the patterns of mortality also reflected racial disparities and social inequalities in the city. Most people who died included elderly people living alone as well as members of the black community. However, as Klinenberg (2002) explains the social conditions that made certain groups of people vulnerable to the heatwave were not considered in official investigations. Klinenberg's (2002) account exposes the social structures of racism and exclusion that led to these deaths and an explanation for why there was so much disregard for the victims. His analysis demonstrates how the official categorisation of death may render both the deaths and the structures that led to them invisible and unaccounted for. I find Klinenberg's research particularly engaging with regards to his work on official classification and this informs my own decision to examine the classification of border deaths. Following Klinenberg and literature on disaster victim identification, I am careful to build my own awareness of the hidden biases within official narratives, as well as acknowledging my own.

Section two

Approaching the term border death

The following section sets out how I approach the term border death drawing upon everyday bordering, necropolitics and structural violence. I demonstrate how I conceive border deaths as those not only at a territorial border but also within state boundaries and as a result of everyday bordering. Necropolitics and structural violence demonstrates how the conditions leading to death are the result of deliberate forms of violence, negligence and/or state policies. Insight from this literature enables me to explore the multiple ways in which border violence and death manifest.

Conceptualising borders

I argue that how we conceptualise a border death is shaped by how we understand borders and border violence. One of the consequences of taking a narrow conceptualisation of borders is that only the deaths of people at territorial borders are counted. Furthermore, it ignores the 'state production of illegality' that structures and conditions the experiences throughout patterns of illegalised migration (e.g., whilst crossing an international boundary or whilst navigating asylum systems within a state) (Heller and Pécoud, 2020, p.483). To gain a broader and more critical conceptual approach to borders I start by outlining theories regarding the conventional territorial border before moving to more critical studies relating to borders within territories and across time and space.

Territorial borders

Studying borders has become a central axis in academic research. For example, anthropological studies indicate that borders are unique sites and symbols of state power (Donnan and Wilson, 1999) and research conceptualises borderzones as key sites of identity construction (Pelkmans and DeGruyter, 2015). Studies in International Relations have related their work on borders to state security and sovereignty (Vaughan-Williams, 2009). Malkki (1995, p. 5) indicates that 'borders of nation states have come to constitute a natural order in many dimensions of human

life'. Nation-states and their borders appear seamless and clear-cut as 'neat flat surfaces [which] are clearly separated from each other, it is generally plain where one begins and another ends, and there is little if any ambiguity or overlap' (Gellner, 1990, pp. 139-140). Borders and frontiers are therefore defined as crucial in constructing a modern world of nation-states. As such, theorising borders has become a central component to the analysis of our contemporary world (Rumford, 2006).

Existing literature explores how natural boundaries, such as rivers, oceans, mountains, and deserts, are enrolled to clearly demarcate and naturalise nation-state borders (Bertho-Lavenir, 2018; Khosravi, 2010; Scott, 2015). Bertho-Lavenir (2018) provides crucial insight into the important role that material forms and institutions, such as maps and treaties, play in reinforcing national borders. These analyses demonstrate the importance of historical, political and cultural processes involved in border-making which substantiate and reinforce territorial borders (Rumford, 2006; Bertho-Lavenir, 2018). This literature provides important insight that challenges the idea that borders are natural and innate. Rather it demonstrates that historical and political processes construct borders and nation state boundaries. This literature acts as a starting point for my analysis of borders. It demonstrates both the political importance of borders but also their constructed nature and how institutions, symbols and histories imbue borders with a sense of innateness.

The enrolment of 'natural' borders

Existing literature that challenges the notion that borders are innate provides further analytical direction. It reveals how borders are made to appear as natural in order to serve political purposes. This provides a useful framework for interrogating the representation that deaths at territorial borders are the result of environmental rather than political forces. Existing literature has highlighted how 'natural' elements (e.g., seas, channels, deserts and mountains) have been weaponised by states as a technique to deter migrant crossings (De León, 2015). It is in these spaces of exception that human rights can be suspended and migrants left to die (Agamben, 1998). Borderzones then become locations where techniques and effects of biopolitics are concentrated (Topak, 2014). This literature connects border security to increased border violence, as well as increasing the risk of death at the border. De León (2015) argues that the underlying logic of the US government's policies of Prevention through Deterrence led to the Sonoran Desert becoming

increasingly deadly to cross. Since the 1990's these policies have deliberately re-directed border-crossers to more remote and harsher environments. De León (2015, p.27-8) draws on Agamben's (1998) state of exception to explore how borders are deemed exceptional spaces, allowing for state violence and the suspension of individual rights and legal protections. This has increased the risk of death in borderzones. In a similar vein, Butler's (2004, p.xiv) conceptualisation of the 'different allocation of grievability' has been employed to theorise how deaths at the border are treated and what lives are deemed as grievable or not (e.g., Kovras and Robins, 2016; Perl, 2016). My research draws insight from this literature which explains how the classification of border deaths as 'natural' or 'accidental' reinforces the notion that borderzones are exceptional spaces where violence and death are deemed as an unfortunate result of the natural elements. This classification leads to a level of social and political acceptance, whilst also removing state responsibility.[18]

There is a wealth of literature on borderzones as spaces of violence and surveillance leading to the denial of rights, exclusion and in some cases death (De León, 2015; Eschbach *et al.*, 1999; Jones, 2016; Michalowski, 2007). There has been a proliferation in academic studies of border deaths at Europe's external borders (e.g. Kovras and Robins, 2016; Perl, 2016; Rygiel, 2016; Topak, 2014; Weber and Pickering, 2011), as well as the US-Mexico border (e.g. De León, 2015; Doty, 2011; Reineke, 2016). There is a tendency within the existing literature on deaths at the border to focus almost exclusively on borderzones, where it is assumed that bordering 'techniques and effects are concentrated' (Topak, 2014, p.816). While existing literature has importantly shed light on the exposure to death at the territorial border, my research also seeks to explore border deaths that occur beyond and within the territorial border. As such, I align my approach more closely with the following literature on everyday bordering.

Beyond territorial state boundaries to everyday bordering

My research hopes to make a distinct contribution by considering how border deaths also take place within the UK, as a result of everyday bordering processes. As such, it takes direction from existing literature that conceptualises borders and bordering as multifaceted, expansive, dispersed, and embedded in everyday life. My research has greatly benefitted from this scholarship

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[18] Chapter six examines the debate surrounding death by 'natural causes' in more detail.

that shows how borders and bordering are no longer at the 'margins' of 'political and social life' but have moved to the 'centre' (Yuval-Davis, Wemyss and Cassidy, 2019, p. 1).

Existing literature indicates that the making and reinforcing of national borders is multifaceted and multi-sited, taking place not only at the physical border but also through pre-emptive surveillance and border controls (Andersson, 2014; Balibar, 2011; Khosravi, 2010; Torpey 2000). While borders may be primarily understood as territorial lines forged into the physical landscape, borders are also embedded in the social fabric, experienced differently as well as creating differences within society (Balibar, 2011). Van Houtum *et al.* (2005) introduce the term b/ordering to describe the interplay between social ordering and bordering; connecting territorial borders with the social demarcation of who is entitled to cross a border, reside in a country and access rights and health care. This literature brought my attention to the internal bordering and the outsourcing of border controls with analysis shifting from the 'external, territorial border to the internal border, [and] embedding technologies of everyday bordering in many social institutions' (Yuval-Davis, Wemyss and Cassidy, 2018, p. 239). The UK border has 'materially moved elsewhere', including Eurostar stations in London and Paris (Cassidy, Yuval-Davis and Wemyss, 2018, p. 172). My interview with Bernard, an activist and member of an NGO group in Northern France, demonstrated to me this expansive nature of the UK-French border. Whilst discussing the material location of the border, he explained to me that 'the border is at [Paris] Gare du Nord', [t]he border is also at the train station'. In his opinion, one which I share, the deaths of undocumented people who 'try to jump onto the train' are also related to border enforcement and policies.

Borders, cartographic and otherwise, are powerful exclusionary tools that work by constructing categories of those who belong and those who do not. Borders and bordering practices are embedded in the everyday social fabric and diverse actors and institutions participate in producing and reinforcing these borders (Balibar, 2011). As Yuval-Davis, Wemyss and Cassidy (2018, p. 231) indicate '[p]rocesses of bordering always differentiate between 'us' and 'them', those who are in and those who are out, those who are allowed to cross the borders and those who are not'. This relates to Balibar's (2011, p.81) conceptualisation of borders as polysemic; they hold different meanings and implications for different people. Khosravi (2010) connects these debates to the embedding of racism and xenophobia in bordering practices. In his autoethnography as a border-crosser fleeing Iran to Europe, Khosravi (2010) states that borders are not just something to be crossed but may also be embodied by certain people. He states that 'undesirable people…are forced to be [the] border' (Balibar, 2002, p.78, cited in Khosravi, 2010, p.2). This literature has greatly informed my own research and conceptualisation of border deaths. Chapter four examines

existing data produced by human rights organisations and NGOs. This data illustrates the types of deaths that can occur within a nation-state as a result of exclusionary policies or everyday borders (e.g., death by destitution, suicide, limited access to healthcare or precarious unemployment). Further examples are discussed throughout my thesis.

Bordering: histories of empire, racism, and nationhood

My research is also guided by literature that relates bordering to histories of empire, racism, and nationhood. This is related to the idea that borders create categories of exclusion and illegality. I draw upon the following literature to demonstrate the connections between border deaths, contemporary bordering in the UK and its colonial past and present. This literature recognises the importance of attending to colonial histories which shape present day injustices and patterns of racialised exclusion. Chapter six discusses in detail the importance of connecting border deaths to the historical embedding of hostile immigration policies.

I draw upon Gilroy (2004) in chapter six to discuss the political amnesia and deliberate disregard of colonial histories and how these shape contemporary violence and injustices. Gilroy's research connects postcolonial histories to contemporary mechanisms that govern migration in racialised and exclusionary ways. In a similar vein, Wemyss (2009) also discusses the invisibility of certain histories and violence associated with the British empire. Wemyss (2009) illustrates how the nostalgia and commemoration of certain aspects of imperial history neglects imperial violence. This selective silencing of imperial history, she argues, disguises how colonial domination informs present day hierarchies of belonging, inclusion, and exclusion. My research pays attention to how these power relations are also embedded in narratives surrounding border deaths. Chapter six explores in detail the importance of exposing the imperial silences that structure ideas of citizenship and belonging and which condition basic rights such as access to employment and medical care. I seek to contest the final determination of death by 'natural causes' in the cases discussed in chapter six by directly regarding the wider historical and imperial context.

This imperial history structures contemporary immigration policy and notions of citizenship. In *(B)ordering Britain: Law, Race and Empire*, Nadine El-Enany (2020, pp. 3-4) explores how Britain is 'not only bordered', but 'also racially and colonially ordered, through the operation of immigration laws'. The categories of legality and illegality born out of colonial rule further sustain racial bordering, leaving people at risk of state violence, deportation, and death (El-Enany,

2020). In a similar vein, Gilroy (2004) disrupts notions that empire and nation are distinct entities. The imagined nation of the United Kingdom is built upon and constructed through longing and desire (or postcolonial melancholy) for the empire. These analyses demonstrate how Britain's colonial past, and desire for 'greatness' today, shape the social order and notions of belonging in the present. Importantly, it provides a reminder of the racialised violence of nationhood and citizenship. As De Genova (2002) illustrates the brute fact of a deadly, racialised European border regime is rarely acknowledged. I hope that my research will demonstrate the importance of acknowledging both the current context and its connection to colonial histories. Fundamental to my conceptualisation of border deaths is the idea that everyday borders also create the conditions for death. As existing literature illustrates contemporary immigration policies and histories of empire are intrinsically connected and racialised. This literature relates to Khosravi's (2010) assertion that the border is inescapable for certain people and that categories of illegality and legality are conditioned by legacies of perpetual structural violence.

Slow, dispersed borders: weathering, slavery, and colonialism

The concept of weathering was first coined by Geronimus (1992) to discuss the early health deterioration amongst African Americans in the United States. Geronimus *et al.* (2006, p. 826) describes these racial health disparities as the 'consequence of the cumulative impact of repeated experience with social or economic adversity and political marginalisation'. Weathering moves beyond clinical registers for measuring racial difference. It understands racial disparities as produced in and intrinsic to living in a racialised society. Social exclusion over time, as Geronimus explains, results in an earlier health deterioration amongst black populations. Paying attention to the slow, weathering of racialised populations is critical for my own research. The concept of weathering highlights how the constant stress and experience of racism manifests in the declining health and early deaths of excluded and racialised populations. As I explore in chapter six, the death of Mr. Bristol cannot only be explained in allopathic term. Rather it is essential to consider other intersecting vulnerabilities and the 'complex constitutive effects of migration experiences, xenophobia and racism on bodies and minds' (Gunaratnam, 2019).

The concept of weathering has been further explored by Christina Sharpe (2016) in her book *In the Wake: On Blackness and Being*. Sharpe provides an extremely rich discussion of the legacies of slavery that are experienced, resisted and materialised onto black bodies in the present. She ruptures linear temporalities, as figures of colonialism and slavery weave their way into the

present permeating the lives and deaths of racialised populations. For Sharpe (2016, p.104) 'the weather is the total climate; and that climate is antiblack'. In this climate of antiblackness, Sharpe describes both its brutality (beginning with the untimely deaths of her relatives), as well as the space for reinvention and reimagination (through new forms of consciousness and resistance).

Both Sharpe (2016) and Gunaratnam (2019) provide an intersectional lens capturing the discursive and material environments that lead to the 'slow wearing down' of racialised populations (Gunaratnam, 2019, p.134). Weathering, as Gunaratnam (2019, p. 132) explores, illustrates how borders 'are much more than a journey across spatial frontiers. Bodies, minds, and being can be affected, especially in situations of forced exile and displacement, trauma, debilitation and racism'. I draw upon this literature to disrupt linear notions of borders. I acknowledge how the violence of slavery and colonialism from the past lingers and disperses in the present. Giving greater emphasis to this context feels particularly important for my own research which hopes to challenge normative and narrow understandings of border deaths. It recognises the slow, gradual, delayed, and dispersed nature of borders that happen over time and space. It feels particularly pertinent for my own research in considering how 'some deaths we think occur quickly may instead be slow and eked out not over minutes but rather over months, years and generations' (Page, 2017, p. 21). In chapter six, I discuss the death of Mr. Bristol. Through the lens of weathering, the stress that Mr. Bristol experienced leading up to his death can be understood not only as a result of his medical condition but also related to multifarious forms of exclusion and oppression. This could encompass the hostility of recent immigration policies and earlier practices of discrimination. As such, I am interested in questions of when and where borders begin and end. Tsing's (2003) conceptualisation of frontiers as 'projects' seems very relevant. Following increased demand for natural resources and government policies privileging corporate control in Indonesia, Tsing (2003) explores the emergence of resource frontiers in South Kalimantan. As Tsing (2003, p.5101) argues, frontiers are 'notoriously unstable' and reconfigure under emerging discourses. The case of Mr. Bristol and the Windrush generation illustrates how '[b]orders can unfurl backwards in time' (Gunaratnam, 2019, p. 130). The gradual withdrawal of citizenship rights enshrined in Immigration Acts over several decades is illustrative of the multiple spaces and temporalities in which the hostile environment originates and may be felt.

Neimanis and Hamilton (2018) also consider the concept of weathering to explore how different populations also weather the effects of climate change differently. Their research places emphasis on the intersectionality between bodies and their material and meteorological environments. As they observe not all bodies weather environmental disasters equally. Writing

about Pine Avenue, a suburb in Australia, they describe how different residents bear the brunt of climate change. Whilst some inhabitants are able to be more resilient and shield from the effects of storms, floods and rising sea levels, other inhabitants are exposed to climatic destruction. Speaking directly to Sharpe (2016), they identify weathering as 'learning to live with changing conditions of rainfall, drought, heat, thaw and storm as never separable from the 'total climate' of social, political and cultural existence of bodies' (Neimanis and Hamilton, 2018, p. 82). These authors draw upon Sharpe arguing that we must stay alert to the 'subtle structures of power' that shape material environments and bodies within them (ibid.). As they explain, settler colonialism and displacement are the total climate in Pine Avenue. Neimanis and Hamilton (2018, p.83) reaffirm the importance of feminist, decolonial, intersectional and antiracist approaches. As they outline the concept of weathering underlines the importance of engaging with structural and systemic violence, whereby vulnerabilities to climate change are 'always textured by gender, race, class, accessibility, species and other embodied markers' (ibid.). In chapter seven, I discuss how many of the victims of the "Essex 39" were forced out of their homes in Vietnam by environmental disasters. This is also true of the Morecambe Bay cockle pickers who faced environmental degradation in China as well as the precarious working conditions in Britain that led to their deaths. The concept of weathering and discussion put forward by Sharpe (2016) and Neimanis and Hamilton (2018) allows me to consider the wider structural conditioning of these environments and the materiality of the hostile environment. Following Gunaratnam (2019), I also consider how the total climate of restrictive migration polices, the hostile environment policies as well as pervasive histories of racism and xenophobia configure the materiality of environments and the experiences of the people within them.

Structural violence and necropolitics

My research is also guided by the various iterations of necropolitics, beginning with Mbembé (2003). Following my discussion on the concept of weathering, this section connects the processes of death classification to structures of necropower that produce the conditions of death (either through action or inaction) but also delimit the state's own culpability. For Mbembé (2003, p. 11), the 'ultimate expression of sovereign' power is the right to determine who may live and who may die. Mbembé extends Foucault's conceptualisation of biopolitics, challenging him for ignoring histories of imperialism and colonialism embedded in the governance of life and death. Necropower is operationalised through structures of slavery and colonialism both through action

and inaction. Under colonialism, necropower, he argues, supplanted sovereignty with the 'capacity to define who matters and who does not, who is disposable and who is not' (Mbembé, 2003, p. 27). At the heart of necropower, for Mbembé, is race and racism. For Mbembé (2003, p.21), the structure of slavery and slavery plantations kept those enslaved 'alive but in a state of injury'. Like the living dead, these racialised populations were denied protection and freedom whilst being in a permanent state of threat to injury and death.

Necropolitics has more recently been applied to the migration context, for example in the Calais migrant and refugee camps (Davies, Isakjee and Dhesi, 2017) and in the incremental violence experienced by asylum seekers in the UK (Mayblin, Wake and Kazemi, 2020). Both Davies *et al.* (2017) and Mayblin *et al.* (2020) demonstrate the postcolonial necropower that forces many migrants, refugees, and asylum seekers into death worlds as they are deprived of any freedoms or protection (Mbembé, 2003). They demonstrate how both political actions, as well as inaction, facilitate these kinds of necropolitics. The necropower that exposes those living in the Calais camps to distinct bodily violence is akin to the incremental violence experienced by those stuck in limbo applying for asylum in the UK (Mayblin, Wake and Kazemi, 2020). As these authors demonstrate, many asylum seekers exist in a constant 'state of injury', characterised by limited opportunities, deprived networks and reduced freedoms (Mayblin, Wake and Kazemi, 2020). The legal obligations of the state are 'fulfilled to an absolute minimum, to a point where asylum seekers are merely prevented (not always successfully) from physically dying' (Mayblin, Wake and Kazemi, 2020, p. 121). These analyses demonstrate how necropower manifests through both explicit forms of state violence as well as discrete forms of state inaction. As *Mayblin et al.* (2020) illustrate it also manifests in the state's minimal attempts to provide care and protection to asylum seekers.

Diverse iterations of necropolitics are explored and elaborated, for example in the United States as seen through the racial politics of Hurricane Katrina in 2005 (Giroux, 2007) and towards the Kurdish community in Turkey (Bargu, 2016). Bargu argues for more heterogenous and multifaceted conceptualisations of necropolitics in this context. It was widely believed that a female member of the PKK, known as Ekin Wan (Kevser Eltürk), died during an altercation with security forces (Bargu, 2016). A few days after her death, staged photographs of her dead body were widely circulated on social media and in the press. The sexualised and racialised violence inflicted on her dead body was enrolled to discredit and punish the Kurdish community. The racialisation, desecration and dehumanisation of her dead body is alarmingly but not unique according to Bargu. In the summer of 2015, many Turkish fighters lost their lives in Syria fighting against the Islamic State. Due to a policy that delays the return of the dead for burial in Turkey, many of these bodies

decomposed in the summer heat in the back of lorries. Meanwhile, many Kurdish activists stood in the way of security forces in their attempts to destroy grave sites dedicated to Kurdish fighters. Bargu (2016) argues that the violence inflicted onto dead bodies is instrumentalised as a means to also inflict violence onto the living. This is another variety of necropolitics, when compared to that of Mbembé. We can also see this variety of necropolitics in O'Neill's (2012) discussion of the disinterment of bodies from the Guatemala City's public cemetery. As space in the city's public cemetery diminished, and relatives could no longer afford to pay the rent, the dead were being rapidly disinterred, placed into mass graves or left for vultures to scavenge. It is in these spaces that the dead and their living relatives are exiled from belonging. This provides insight for my research relating to how the dead and living are intrinsically connected. These authors describe how violence inflicted onto the dead was a direct attack on the living. In my own research, I reflect upon how failures to adequately investigate the circumstances surrounding a person's death also impact the living. The politicisation of certain cases for political imperatives also raises similar issues relating to the lack of care and sentiment attributed to the deceased.

Giroux (2007) further extends conversations of necropolitics and weathering by linking these discussions to structural violence, where intersecting state policies and racialised discourses deem certain people disposable. Hurricane Katrina, he argues, revealed not only a state of exception but a fully operational logic of disposability. Racism and economic inequality, fostered by state policies, forced many black American citizens into the most impoverished parts of New Orleans and whose lives were rendered 'redundant and disposable' from the government's perspective (Giroux, 2007, p. 308). This logic of disposability, he argues, underpinned the government policies that ostracised these populations by denying access to resources and to the 'privileges of citizenship' (Giroux, 2007, p. 309). Like Klinenberg's research on the Chicago heatwave, Giroux reveals how state policies that increased vulnerability and deprivation ultimately exposed these populations to death as a site of structural violence. The logic of disposability justified a 'cold and indifferent' response to these deaths (Giroux, 2007, p. 309). In chapter six, I discuss the racialised histories and government policies which incrementally differentiated the rights of citizens with a focus on the Windrush scandal and the determination of Dexter Bristol's death. Chapter seven also reflects upon the logic of disposability and the total climate of racialised hostility (Gunaratnam, 2019; Sharpe, 2016) which structures the working conditions of many undocumented workers, such as the twenty-three people who lost their lives at Morecambe Bay in 2004.

Butler's (2004) research on grievability connects to the scholarship on necropolitics. It brings together an understanding of the hierarchies that make some lives publicly grievable while others are not. My research relates structural violence to Butler's (2004, p.xiv) conceptualisation of a 'differential allocation of grievability', where 'some lives are worth protecting, saving and mourning, while other [precarious] lives remain unacknowledged, unprotected, unremembered, and ungrieved' (Perl, 2016, p. 199). Existing literature on border-crossings and deaths has drawn upon Foucauldian (2008) analyses of biopolitics (Rygiel, 2016; Topak, 2014), Agamben's (1998) notion of bare life (Dines et al., 2015; Doty, 2011) and Butler's (2004; 2009) conceptualisation of grievable lives (Kovras and Robins, 2016; Perl, 2016). These theoretical frameworks have been effectively employed to analyse the violence of contemporary border practices and to examine the 'making and governing of precarious lives' (Perl, 2016, p. 199). My research draws upon this literature, while bringing it into conversation with the scholarship on necropolitics.

I explore how necropolitics and structural violence converge. Mbembé demonstrates more active forms of state violence, whilst Giroux's analysis of the logics of disposability offers a more nuanced understanding of the neglect towards certain populations that is embedded in state policies and their withdrawal. Opening up more heterogenous avenues of necropolitics allows a more nuanced understanding of the structural mechanisms that condition border deaths. It allows an analysis of how state violence is inflicted both through its action and inaction. Chapter seven discusses the example of the "left-to-die" boat which demonstrates how state failings and an active refusal of assistance left sixty-three people to drown in the Mediterranean. By bringing structural violence and necropolitics together, I hope to shed light on how border deaths at times result from unintended states policies (for example deterrence policies at territorial borders), the withdrawal of state assistance or the state's failure to protect certain populations. I further connect these discussions to longer histories of weathering and racialisation in the UK. The diverse ways in which border violence manifests may not always be made evident or apparent in conventional understandings of the term border death. By expanding understandings of this term, my research also hopes to illuminate and place responsibility on the wider conditions and structures that lead to them.

Section three

Approaches to death classification processes and their consequences

I draw upon the following literature to develop my conceptual understanding of death classification and the processes and consequences involved. By bringing together sociological research on classificatory systems, death classification, moral panics, and denial, I develop my own conceptual approach to the classification of border deaths that leads to both under-attention and over-attention. I expand upon existing research in relation to my own empirical data in subsequent chapters.

Classificatory systems

Classificatory systems can make forms of political violence visible. However, they can also conceal them. Following existing research on classificatory systems, my thesis hopes to challenge existing interpretations of the term border death and open up new ways of conceiving them. As Hacking (2002, p. 99) states, new classifications both 'open up' as well as 'close down possibilities for human action'. What he describes as 'making up people' is the ways in which new forms of classification emerge, which are both interactive and historically contingent. For Hacking, new ways of being emerge simultaneously with their classification. Though examples of suicide predate the 19th century, Hacking argues that it became a medical classification as a result of new forms of counting and recording which in turn 'created an entire ethos of suicide' (Hacking, 2002, p.113). Hacking's analysis would suggest classificatory systems play a determining role in how we understand a social phenomenon. Furthermore, he argues that the possibility for human action is also conditioned by 'our naming and what that entails' (Hacking, 2002, p.113). Following Hacking, I direct attention to the classification of border deaths at once being limiting as well as open to new expansive ways of interpretation. Furthermore, I am careful to reflect upon my own role in knowledge-making. As Page (2017, p. 20) argues, 'forms of knowledge-making are not by necessity emancipatory'. They require further interrogation of one's own positionality and methodologies in making that knowledge.[19]

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[19] This is discussed further in chapter three.

Science and technology studies (STS) has engaged with classification systems by analysing the interplay between scientific knowledge and systems of power in society (Epstein, 1995; Jasanoff, 2004; Reardon, 2005). In particular, it has raised questions regarding the potentially detrimental effects of systems of categorisation (Bowker and Star, 1999). For example, both Reardon (2005) and TallBear (2013) draw on insights from STS to consider how racial categories are mutually constructed through scientific initiatives. As TallBear (2013) illustrates, genetic knowledge is produced by and reproduces the categories and narratives by which we order life. In the context of Native American DNA this has traction for the kinds of claims that can be made over self-governance, land, resources, and identities. As she states 'being able to legitimate one's identity as Native American to the satisfaction of a non-Native audience in the cultural and political theatre of U.S. life has become a necessary precondition for asserting rights to tribal self-governance and resources' (TallBear, 2013, p.177). As she explains there is a potential danger of biological determinism if DNA is the only currency in which to secure land, rights, and self-governance. Her account offers both an ethical as well as critical interrogation of the privileging of certain forms of classification. With regards to my own research, TallBear (2013) raises important concerns about being too strict or rigid with forms of classification. It also demonstrates how certain classifications carry more validity and inform the credibility of related legal or political claims. As my research explores, the classification of death by 'misadventure' or 'natural causes' can have much less implicatory value than other more liable death classifications.[20]

In *Sorting Things Out: Classification and its Consequences* (Bowker and Star, 1999), classificatory systems are scrutinised to consider their impact on the social world through material effects. For example, bearing an incorrect passport or visa at immigration control can have very severe consequences (Bowker and Star, 1999). They argue that classificatory systems are 'socially and ethically charged' (Bowker and Star, 1999, p.25). For example, the act of classifying a death as suicide holds both societal repercussions as well as implications for family members. Their discussion also demonstrates how classificatory systems inevitably leave some things invisible or unmapped. Furthermore, Bowker and Star's (1999) discussion of the classification and reclassification of race under apartheid in South Africa highlights the seemingly arbitrary and variable nature of social categories that create the very conditions of uncertainty that are so limiting. In one example, Bowker and Star (1999) discuss an infamous case of Vic Wilkinson, a South African jazz musician, who was racially reclassified five times. They also discuss the severe, and potentially devastating consequences reclassification held for people's lives. Examples of

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[20] Chapters five and six discuss these particular death classifications in more detail.

where people were suddenly reclassified include Sandra Laing. After Sandra was classified as "coloured" it became illegal for her to attend a white school and she was forced to register as a servant to continue living with her family. Their approach to the damaging nature of arbitrary social classifications offers important insight for my own research context. Following Bowker and Star (1999), my research explores how systems of classifying border deaths are also reflective of prevailing hierarchies of power, which serve to maintain the social order. As I demonstrate in this thesis, the classification of these deaths is also related to a larger system of bordering which governs people's lives and defines who is legitimate, who belongs and who has the rights to provisions in society.

Death classification

To develop my approach on death classification, my research departs from classical sociological literature such as Durkheim's (1972) research which explains suicide as a societal issue, rather than individual one. His work provides the bedrock for sociological research bringing the determination of death to the forefront of analysis (Timmermans, 2006). My research hopes to present border deaths as broadly as possible so as to highlight how these deaths are not isolated, individual events but conditioned by wider systemic forces.

Existing scholarship has shown how death classification and the meaning of death are produced within and by broader social and political systems. Kaufman (2006) studies the medical and institutional management of death that emerged in the 1980's in the United States as more people began to die in hospitals. There was growing concern amongst the general population regarding the management, procedures and institutions in which people were dying. As Kaufman (2006) describes the experience of death and desire for a 'good' death were intrinsically connected to the social, market and political forces. While people in Kaufman's study did not want to die in hospitals, they were in a sense compelled to by the logics of managed care. Ariès (1983) had previously noted that changing attitudes reflected the medicalisation of death, such that the hospital has become the preferred site of dying. While people in Kaufman's study wanted an appropriate level of medical assistance to ensure a 'natural' or 'good death', the desired 'unproblematic' death was rarely attainable. What Kaufman's analysis shows is how the political and economic milieu combined with the medical imperative to 'save lives' created the conditions for what many considered as 'bad deaths'. Just as Kaufman analyses the emergence of the idea of

a 'good' and 'bad' death, my intention is to analyse the term border death and all it could encompass in the context of contemporary Britain.

My research is also influenced by scholarship exploring the professionals and institutions involved in death classification. I take particular direction from Timmermans' (2006) research on death investigators (specifically medical pathologists) and their role in determining suspicious deaths. As Timmermans outlines, the professional and cultural authority endorses the determinations made by death experts. Professional authority is defined as 'the legitimacy accorded to an occupational group to conduct professional work and have its judgments accepted' (Timmermans, 2006, p.8). Cultural authority 'lies in their ability to shape the understanding' of various parties regarding a death classification. As Timmermans' (2006) research describes, it is only through the work conducted by death investigators that cultural, legal, and scientific knowledge about suspicious deaths becomes known. In my thesis, I also examine the professional and cultural authority of professionals which shapes and validates a coroner's final determination.[21]

Existing literature also scrutinises the professional and institutional spaces that classify a death. Following this literature, my thesis also examines the institutional limits and oversights that ultimately constrain and restrict the interpretation of a death and its causes. Scholars such as Trabsky (2016) and Green (1992) are critical of how deaths are categorised in the coroner's court, arguing that very often the social order and inequalities are re-inscribed in the decisions these professionals make. As Trabsky (2016, p. 200) states, the development and institutionalisation of the coroner's office are 'materialised in ceremonial rituals, form-filling and other administrative procedures'. As Trabsky (2016) demonstrates, a coroner can endorse state forms of governance and reinscribe social inequalities in their verdicts. Chapter five explores in more detail how the inquest process works, focusing on the ritual interactions and spatial dynamics that contribute to the authority of the coronial court and their death determinations. Both chapters five and six interrogate whether inquests serve to bolster state forms of governance.

While the purpose of death classification is to determine the circumstances of a person's death, the official conclusion of death can also have wider societal and political ramifications. Furthermore, depending on the breadth of an investigation, death classification has the potential to reveal or conceal wider societal structures and inequalities. As Timmermans (2006) illustrates a 'suicide' narrative is consequential not only for the family, and whether inheritance is granted, but it also informs wider cultural understanding of these kinds of deaths. As demonstrated by

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[21] This is explored in further detail in chapters five and six relating to the legal and cultural authority of a coroner and legal representatives.

Klinenberg (2002), framing deaths during the Chicago heatwave as 'natural' or 'accidental' subsumed the structural conditions that led to them. Therefore, my research also relates a death classification to the material consequences that a decision can implicate, as well as considering how these shapes notions of responsibility.

Weizman's (2014) research on the forum and the role of forensic knowledge provides further insight for my analysis of the inquest. He makes a distinction between field (the site of the investigation) and the form (the public space) where 'investigations are presented and contested' (Weizman, 2014, p.9). Much of the work of Forensic Architecture investigates forms of violence in zones that are outside of state control or where jurisdiction is unclear. This includes deaths at state boundaries, borders, or so called 'frontier zones' (Weizman, 2014, p.11). Forensic Architecture hopes to expose the violence of states that may go unrecognised or denied. As Weizman (2014) explains the role of forensic knowledge is not only to critically examine existing forums and the kind of evidence presented but also to engage with the legal or political processes that exist. Existing forums or legal process may be used to regulate, impose, or legitimise violence. As Weizman (2014) demonstrates, the rites that make up a forum (e.g., the material evidence presented as well as the parties in attendance) can deliver and confirm the truth that is reached. In the introductory chapter, he discusses the example of the garment factory that collapsed near Dhaka, Bangladesh in April 2013 where over a thousand people died. The trial, he explains:

> had the authority to engage with the responsibility for the causes of the vent only in terms of the construction quality of the building, the thickness of reinforcing bars in the concrete columns, the floors illegally added, and the loads of the industrial machinery that the building was never designed to hold. Left out of the analytical processes were the larger forces and actors involved in the collapse: factory owners connected to the ruling party, the consumers, and the multinational corporations feeding an endless appetite for cheap fashion, forcing prices down and productivity up through a tangle of subcontracting chains, all of which had the combined effect of both enriching the elite and distancing their actions from direct responsibility (Weizman, 2014, p. 17).

As Weizman (2014) illustrates, the omission of the wider global processes and relations of power limited the scope of the investigation. The question of responsibility for over a thousand deaths was reduced to questions of architectural elements rather that structural ones. Following Weizman (2014) and Klinenberg (2002), my research also examines the investigations surrounding border deaths and how wider structural circumstances and conditions may be deliberately distanced or excluded by official processes or investigation. In chapter five, I examine what was included or

excluded during two coronial investigations and how this conditioned the final determination of death.

To consider alternative ways of thinking about the term border death, I draw upon existing research which highlights how death classification is inherently interpretive and open to contestation. As Timmermans (2006) explains, the classification of death by suicide can create rupture between societal interests and those of the family. However, in the effort to protect relatives from the stigma of death by 'suicide', a coroner may avoid this determination (Timmermans, 2006, p.5). As Green (1992, p. 374) argues, during an inquest 'medical and legal experts, and lay witnesses, negotiate' how the death will be defined. The deliberation over a death often involves conflicting needs between doctors, states and relatives who might not all be satisfied by the final official determination (Bowker and Star, 1999). My research also reflects upon these dynamics by analysing data collected at two coronial inquests.

As Baker (2016) suggests, there is no standardised nor statutory process in which coronial investigations proceed. Depending on how a death is classified, the verdict may have further social and political repercussions. 'Official' definitions such as 'accidental' death or suicide are constructed through this process and often the professionals navigate between a 'moral analysis of the facts surrounding a death and through the resulting process of demarcating them from other, more culpable, deaths' (Green, 1992, p.373). Not all knowledge during these investigations is given equal weight and not all deaths are treated equally.[22] While there may be multiple parties present at an inquest, each with their own understanding of how and why the person died, a coronial inquest seeks a neat and finalised definition (Green, 1992; Timmermans, 2006). Following this literature, my research also explores the process of classifying a death during an inquest. Though there is a sense that an inquest presents an irrefutable conclusion, the final narrative may be to the detriment of some parties and may foreclose any alternative and potentially more critical narratives.[23]

To further explore the consequences that follow death classification my research closely engages with existing research on the classification of human rights violations (Moon, 2006; Tate 2007; Wilson, 2001) and 'natural' deaths following a disaster (Klinenberg, 2002). The following literature details the significant issues surrounding death classification. Tate (2007) provides a highly engaging and persuasive account of how the classification of violent deaths is both complex and contested. Her research in Colombia found that most violent deaths are not classified as

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[22] The hierarchies between different inquests are discussed in chapter five.
[23] The controversies surrounding a coroner's final determination is discussed in chapters five and six.

human rights violations. Rather, as she describes, eighty-five percent of 'violent deaths are classified as common crime' (Tate, 2007, p. 4). She demonstrates how the classification within a human rights framework would instead carry much more social legibility and legitimacy. Like Tate (2007), my research also connects death classification and the implications for greater accountability. The examples of death by 'natural causes' or 'misadventure' I discuss in chapters five and six are also examples where death classification diminishes levels of legal, political, and social responsibility.

Moon (2006) and Wilson (2001) also illustrate how death classification can render some forms of violence visible, whilst rendering other forms unaccountable. During the Truth and Reconciliation Process in South Africa in 1996, coding frames effected what kinds of human rights violations were legitimised and what kinds of investigations were pursued. This involved categorising and coding types of deaths that were deemed as gross violations of human rights (Moon, 2006). The political context conditioned these codes, limiting the types of deaths to 'killing'. The focus was primarily on extreme events and politically motivated human rights abuses (e.g., killing with a political motive, abduction, or torture). Only these patterns of abuse were deemed as legitimate for investigation. Other forms of violence such as racial segregation, detention without trial and forced removal were not included and therefore not investigated (Moon, 2006). It is argued that this narrow framework effectively silenced alternative knowledge about the past and left unaccounted other forms of violence (Moon, 2006; Wilson, 2001). I draw on these themes to illustrate how applicable this is to the classification of border deaths. Certain classificatory schema leaves some forms of border violence silenced, whilst also pursuing limited forms of action. Conventional understandings of the term border death may exclude some deaths. As I explore in this thesis, this can exonerate as well as exacerbate the conditions that might lead to these deaths in the first place.

It is also important to acknowledge the opposing views towards official death classification. An interesting example is that of the Madres de Plaza de Mayo, the 'mothers of the disappeared' in Argentina. It provides insight into why it is important to consider the knowledge economy of who frames border deaths. In the aftermath of the military junta, where mass atrocities had been committed by the state between 1976 and 1983, the government sought to provide reparations to the families of the missing. The victims had been "disappeared" by the military junta, a term which served to conceal the violence of abduction, detention, torture and execution (Moon, 2012b). The monetary compensation offered by the government was essentially an attempt to absolve the state from any further responsibility or investigation. Furthermore, as Moon (2012b) illustrates it

worked as a technique for socially controlling the past. By accepting the reparations, the Madres would also be accepting the government's narrative, legitimising the state's response, and serving to displace any form of accountability. The need to challenge and contest state reparations and the narrative which this enrolled was central to the Madres' appeal for justice. It was also a refusal of the 'truth' in how the government articulated the "disappearances" (Moon, 2012). An example in my own research, as cited in chapter six, also demonstrates the controversies surrounding official forms of death classification. Following Moon (2012), I also explore how the classification of border death in certain terms can more greatly serve some interests over others (Bowker and Star, 1999; Timmermans, 2006). Furthermore, though a death is acknowledged, the determination by which it is acknowledged can have many ramifications, not least for family members of the deceased but also within a larger social and political context.

As previously stated, Klinenberg's (2002) research on the Chicago heatwave in 1995 further engages with the limits of official death classifications. Large populations of elderly and black communities lost their lives during the heatwave. As Klinenberg (2002) illustrates, the patterns of mortality reflected racial disparities and social inequalities in the city. And yet, the social conditions that made certain groups of people vulnerable to the heatwave were not considered by the official investigation. What this literature demonstrates is the controversies involved in classification schema, which render some deaths legible, whilst others either remain invisible or the violence surrounding them indecipherable. Just as existing literature illustrates how categories of death emerge as the product of political and cultural histories (e.g. Durkheim, 1972; Kaufman, 2006), it also shows their limits (e.g. Klinenberg, 2002; Moon, 2006; 2012; Wilson, 2001). As Bowker and Star (1999) suggest there is always something that remains 'residual' to classification systems and there is work to be done to understand what is 'kept invisible' by classificatory systems and to 'challenge the silences' within them (Bowker and Star, 1999, p. 5). According to these authors, classificatory systems are not neutral, but neither are they finite. As, Bowker and Star (1999), suggest the process of categorising and compiling a list negates ostensible objectivity; there is ultimately always something excluded. Instead, as Bowker and Star (1999, p. 326) illustrate, we might consider a 'living classification' which constantly evolves and develops. This is particularly formative in the process of my own research and how I seek to broaden an understanding of the term border death. As this thesis argues, the term border deaths, like the reality of evolving bordering structures, must also be conceptualised as a 'living classification'.

Moral panics and denial

Conceptually and methodologically, Hall's study of 'mugging' and Cohen's research on 'moral panics' are of significance for the framing of my research. I am interested in how the framing of border deaths by politicians and the media serves to increase law-and-order and justify increased border securitisation. Cohen's (2011) research on folk devils and moral panics emphasises the role that the media and public play in narrating and reacting to social issues. Moral panics around issues such as immigration, crime and youth culture are typified by exaggeration, hyperbole, and stereotypes. The so called 'problem' is perceived as a threat to society. Cohen describes the distinct moral panic around immigration, as seen in the media as well as public and political discourses, as 'a single, virtually uninterrupted message of hostility and rejection' (Cohen, 2011, p.xxiii). Sensationalist images in the media, as well as hyperbolic political rhetoric, contribute to and exacerbate this moral panic. In *Strangers at our Door*, Bauman (2016) elaborates on moral panics in the current context of the so-called 'migration-crisis'. As he describes, a sense of exclusion and precarity in Europe further fuels this moral panic characterised by sentiments of hostility and rejection.

Stuart Hall (2013) connects histories of racialised and colonialised violence to moral panics around 'mugging'. Hall traces how the moral panic over 'mugging' entered the criminal reporting lexicon in the early 1970's in Britain, and how race, crime and youth came to serve as the main characteristics of this social phenomenon. The moral panic around 'black crime' did not reflect the reality. In fact, as Hall (2013, p.17) argues the response was 'at odds with the scale of the threat'. Fears around youth culture and hostility towards black communities in Britain became arbitrators of the collapse of social order. The distinctly racialised framing of 'mugging', which mobilised and justified ideologies of 'law-and-order' and the policing of black communities, became synonymous with the crisis in Britain in general. As Hall (2013) demonstrates, the moral panic around 'mugging' served to defend increased 'policing'. The analytical value of this literature for understanding how moral panics serve to justify a particular political response is discussed in detail in chapter seven. I find that the territorial border and national society is depicted as something that must be protected from perceived criminal actors (such as 'illegal immigrants', 'smugglers', 'people traffickers', and 'terrorists'), which reflects the wider mainstream moral panic around immigration. Any consideration of the role of states, their policies or institutions in these deaths is denied, deflected, or re-directed. The concept of moral panics, employed both by Cohen and Hall, is useful in analysing how a discourse of criminality takes precedence and serves to justify increased policing.

My research also benefits from engaging with Cohen's (2013) seminal research on the politics of denial, in particular his concern with state evasions and euphemisms by which atrocities are described, registered, and documented. In the context of state atrocities, Cohen's (2013) *States of Denial* is concerned with how society registers atrocity and what we do with that knowledge. Cohen (2013) presents different registers of state denial including literal denial, interpretive denial and implicatory denial. Literal denial, he observes is the outright refusal of an atrocity or suffering (Cohen, 1996, p. 523). Interpretive denial is achieved through euphemisms, the refusal of responsibility as well as reframing the event as an "'isolated incident'"(Cohen, 1996, p.529). Finally, implicatory denial seeks to rationalise or justify atrocity, whilst also placing the blame onto non-state actors (Cohen, 1996). Cohen's registers of denial offers insight for exploring the strategies used in denying the fact of border deaths and responsibility for them. In chapter six, I discuss examples of interpretive denial referencing the case of the death of Dexter Bristol. Though this death was not denied outright, the wider circumstances surrounding his death were not admitted as evidence. The Windrush scandal, which gained widespread media attention in April 2018, exposed a history of 'systematic and unlawful treatment of the Windrush Generation as illegal immigrants' and 'has represented one of the most grievous examples of ongoing institutional racism' (Muir, 2020). Despite this seemingly widespread attention, Britain's colonial past is denied in ways that will only exacerbate institutionalised racism (Muir, 2020). In chapter seven I discuss how states deny their own complicity in border deaths by implicating non-state actors. Cohen's (2013) framework is therefore invaluable for analysing both the ways a border death is reported and how it is registered, and secondly, for explaining how this also shapes public concern and call for action.

As Moon (2013b) states, there is continuity between Stan Cohen's research on the denial of suffering and policing of the past with his earlier work on moral panics. These concepts are connected by the representation of suffering and the kind of response it engenders. Cohen (2011) argues that scholars must expose both the over-reaction (characterised by moral panic and hyperbole) and under-reaction (characterised by different forms of denial or indifference). As Moon (2013) demonstrates, there are nuances, tensions, and subtleties between the two. Human rights reports that decontexualise violence may also contribute to a form of denial. Consumers of this kind of knowledge may more easily succumb to indifference, as 'they can't see how they might be implicated in, responsible even, for distant suffering, nor how they might act to make a difference' (Moon, 2013b, p. 196). I suggest that similar forms of denial and panic appear in the representation of border deaths. As I discuss in chapter seven, political rhetoric surrounding some deaths may be inflected with hyperbolic and decontextualised language. Like Moon (2013)

suggests, my research also hopes to show the tensions between under-attention and over-attention in the representation of border deaths.

Both Seu (2003) and Cohen have also commented that images and stories of suffering and violence do not always provoke action. While Cohen explores the strategies of political and state denial of atrocities, Seu (2003) explores how individuals and the public seek to create distance from suffering. This she argues leads to further political inaction and social apathy. Seu's (2003) research explores individual responses to human rights campaigns and atrocities. When faced with reports or images of suffering, people employ tactics to distance themselves and avoid confronting their own social responsibility. As she states, people use notions such as desensitisation to suffering and feelings of compassion fatigue as excuses for inaction. These defense strategies, Seu (2003) argues are used at both an individual and social level to absolve responsibility and quash engagement or action. Analyses such as Seu's (2003) provide useful insight into the wider social realm in which reports of border deaths are received, acknowledged, and acted upon (or not). While my research examines the producers of knowledge around border deaths, further research could draw upon analysis such as Seu (2003) to explore how a wider public audience engages with reports on these deaths.

Summary

Conceptually, my research draws insight and engages with sociological literature on everyday bordering, necropolitics, structural violence and weathering, classificatory systems, death classification, moral panics, and denial. I develop my engagement with this research throughout my thesis to substantiate and expand understandings of the term border death. My research therefore tasks sociology more generally with the responsibility to intervene and conduct further research on border deaths. As this thesis argues, sociological analysis is ideally situated to interrogate the dominant forms of death classification and systems that contribute to the denial or moral panic surrounding border deaths. In order to hold wider systems of bordering and exclusion to account it is essential to conduct critical and in-depth analysis of structures that classify border deaths, as well as pay attention to the pervasive histories of weathering, colonialism and racism. Research that challenges conventional notions of borders (Houtum, Kramsch and Zierhofer, 2005; Gunaratnam, 2019; Yuval-Davis, Wemyss and Cassidy, 2019), thinks beyond existing legal structures and processes (e.g. Klinenberg, 2002, Weizman, 2014) whilst also centring analyses of structural and systemic violence (eg. Giroux, 2007; Neimanis and Hamilton, 2018; Sharpe, 2016)

is both formative and essential in the development of my thesis. It allows me to bring to the forefront the social and structural conditions, that may be denied, but that are ultimately connected to the continuing loss of lives. As such, we might approach the study of death classification as social facts. They do not describe intrinsic properties but are rather produced through interaction and struggle (Durkheim, 1972). My research hopes to examine how the term border death might be better understood as a 'living classification' (Bowker and Star, 1999, p.326). This is expressive and inclusive of the multiple kinds of borders that evolve with time and history, as well as the multiple actors and perspectives that illuminate or omit the conditions surrounding these deaths.

Chapter Three

Methods

Introduction

No effective project produces only the consequences it aims to produce.

(Brown, 2004, p. 453)

Border deaths in the UK are still at the periphery of political and academic debate and have 'received far less attention than those in the Mediterranean' (Institute of Race Relations, 2020, p. 1). While deaths at the Channel have gained media and public attention, the details are often reported 'with no more than a bare fact of a death' (Institute of Race Relations, 2020, p. 4). Whilst my research hopes to bring to the forefront border deaths in the UK, this chapter also acknowledges its limitations. Research on border violence and death inevitably presents difficult methodological and ethical decisions. This kind of research must also consider how to represent and engage with data that can be extremely violent. The purpose of my thesis and responsibility of my role as a researcher is not to further perpetuate forms of harm or de-humanisation. This requires both critical attention to the methods involved in collecting data and self-reflectivity in writing my thesis. The methodological decisions I made are accounted for in this chapter and as I argue the ethics involved in this type of research can and should never be overcome.

Moreover, this chapter reflects upon my own social positioning and 'situated knowledge' (Haraway, 1988). As feminist literature argues, the 'places and spaces we inherit and occupy' ultimately 'frame our lives in very specific and concrete ways' (Borsa, 1990, p. 36). Expanding on this notion, Pandit (2020) further considers how 'they shape our ways of seeing the world, our theoretical and political commitments, our conceptual investments including what research questions we ask, to whom, in what ways and what gets erased and left out in this process'. Within this chapter and subsequent empirical chapters, I reflect upon my own spatial and social positioning and how this informs my research process including my access to research sites and the relationships I developed. Feminist and decolonial literature and methodologies have brought my attention to interdisciplinary and inventive methodologies (Lury and Wakeford, 2012; McKittrick, 2021). This literature disrupts normative methodological approaches in academia, works towards reorganising the processes of knowledge-making, as well as confronting the

structural whiteness within academic and research spaces (Gunaratnam, 2021). Following this literature, I acknowledge the limits of my own positionality and how this shapes my relations to this research, my research participants, and forms of knowledge-making (Hollway and Jefferson, 2001; Page, 2017).

The first section of this chapter discusses the methods employed in this study. It begins by presenting my methodological approach and the ethical considerations that shape it. It discusses my decision to focus on the narratives that construct border deaths and not to interview family members or migrant populations. A primary concern of mine was the potential harm and burden my research could inflict on vulnerable populations including migrants, refugees, and relatives of the deceased. Like Whitely (2015, p. 37), I share 'concerns about the potentially exploitative, coercive and objectifying aspects of conducting research with migrants'. Following Whitley (2015) and other authors I discuss in this chapter (e.g. Reineke, 2016; TallBear, 2013), I made the decision to focus on structures that condition violence rather than people who experience it. This supports my decision to focus on the discourses, actors and processes involved in classifying a border death. The data which I discuss in this section includes nineteen interviews with journalists and members of humanitarian, activist and human rights groups, observations at two coronial inquests, as well as analysis of media reports, parliamentary debates, and documentation on border deaths. In this section, I discuss how this combination of data enables me to fully explore and respond to my main research questions. I also present how I analysed each data set.

The second section of this chapter discusses the ethical dilemmas related to writing about and engaging with data on border deaths. As I discuss, ethical considerations are not limited to what data we chose to collect or who we chose to interview, but as I argue they are integral to the entire research process. They require me to reflect upon my methodological decisions and how I engage with my material. At various stages in my research, I experienced an anxiety in the relationship between collecting data and translating it into a written thesis. This motivated me to engage with ethics at both a methodological and epistemological level. As I discuss, this relates to the language, discourses, and decisions I made in writing about border deaths. Even though the aim of my research is to challenge structures that perpetuate the invisibility of border deaths and explore areas of accountability, it is important to confront my own personal biases as well as the limits of my position where knowledge production is always contingent and situated (Hollway and Jefferson, 2001; Page, 2017). This means giving space to discuss 'the cultural resources and social positions on which the person/researcher can draw and by which they are located' (Skeggs, 2002, p. 305). In subsequent chapters, where I discuss empirical material, I reflect upon my social

positioning and resources in shaping my interactions with research participants and access to research sites.

Methodology

Methodological approach

My doctoral research is led by an interest in the classification of border deaths. It is asking what a border death is, how are they classified and represented, and what material consequences follow on from classification or representation. To provide evidence and response to these questions, my research examines the different actors, institutions and processes involved in classifying a death.

To identify and analyse the different actors and processes involved in death classification, I greatly benefitted from situational analysis, the research methodology and theory that builds on postmodern and grounded theory. In response to the shortfalls and positivist tendencies in grounded theory, situational analysis specifically addresses the 'embodiment and situatedness of the researcher, grounding qualitative analysis in the broader situation of inquiry, as well as sensitive to differences, complexities and a range of variation in the data' including discourses, nonhuman elements, material things and technologies (Clarke, Friese and Washburn, 2015, p. 12). The 'situation' becomes the unit of inquiry and analysis and is constructed through mapping exercises (Clarke, 2005). I employed this methodology at several stages in my research; firstly, to map out the diverse range of actors (media, legal, human rights, activists) and processes (bureaucratic, legal, political, humanitarian, discursive) involved in defining border deaths. This framework also lends itself to revealing the different interests involved in understanding and constructing border deaths, as well as my own positionality. Situational analysis recognises the embodied and situated nature of the researcher and I reflect upon this in the reporting of my empirical data.

I am also cognisant of the relationality between my chosen methods and the object of my research. As Law (2008, p. 632) argues, social science methods do not simply describe realities, they 'enact realities' and represent realities. There is an intrinsic relationship between data, methods, and theory. Lury and Wakeford (2012, p.2) describe inventive methods as those that are responsive to the 'open-endedness of the social world' and designed according to the specific research problem. At the same time, methods and the object of study do not exist in discrete or rigid boundaries from one another; they are always intertwined and interconnected. As such, and

as these authors argue, the emerging process and use of inventive methods has the capacity to address and change the problem. (Lury and Wakeford, 2012, p.7-8). Where I report interview extracts, I also signpost the questions I asked as well as the overarching conversation. I do this to provide further context surrounding empirical quotes but also to illustrate, as Lury and Wakeford (2012) explain, the entanglement between my own methods, the data I collected and the knowledge produced.

To analyse the multiple interpretations surrounding both the cause and classification of a border death, my research takes direction from the social worlds/arenas framework. This allows me to study the multiple actors that cojoin, in overlapping and consensual but also possibly conflictual ways, around the classification of death (Clarke and Leigh Star, 2008; Star and Griesemer, 1989). This provides a useful framework for analysing how different communities of interest are brought together through an area of sustained interest and concern (Star and Griesemer, 1989). In the context of my research, diverse social worlds (e.g., political, humanitarian, judicial, legal, scientific, familial) interact through their multiple and at times conflicting interests in death classification. I found the social worlds/arenas approach particularly useful whilst observing coroner's investigations in which multiple parties and interests regarding the interpretation of the death were present. It allows for a focus on the struggles, tensions and competing interests involved in representing and determining a death. Social worlds/arenas analysis also allows me to illustrate how, particularly during an inquest, competing claims are negotiated and resolved to reach a final conclusion in a manner that enacts existing social hierarchies. It thereby sheds light on how the final conclusion does not always satisfy all communities. As such, social worlds/arenas may also provide an avenue for reframing both border deaths and the wider circumstances leading to them. For these reasons, my research methods include different data sets comprising of interviews, inquest observations, analysis of documents and media reports. The combination of these data sets importantly allows for analysis of the different communities of interest and how they are involved in struggles and tensions around a death and its causes (Star and Griesemer, 1989). At the same time, analysing different data sets enables insight into the numerous interpretations of border deaths.

Situational analysis as a methodology also incorporates flexibility in research design (Clarke, 2005). My methodological framing of the border deaths in the UK was also informed during the process of data collection. Often the organisations I spoke to had overlapping ideas about what constituted a border death. At other times, there were clear sites of divergence. For example, I found that some organisations I spoke to only collect data on deaths at the UK-French

border, while others only document deaths in immigration detention centres. In other cases, I found that deaths were not being recorded (Taylor, 2018a). For example, deaths of immigration detainees were not always counted as a border death. In other cases, whether a death could be related to immigration policy proved a site of contention. However, I suggest that this "messy" field site in which my research is situated might also mirror bordering practices in the UK – the kinds of borders that are constantly evolving, often in an insidious and invisible fashion.

As I discuss in chapter two, I align myself conceptually with existing critical research on borders. This literature demonstrates how borders and bordering practices are expansive, deterritorialised and embedded in everyday life. This informed my approach and data collection by allowing me to conceptualise a border death beyond geographical boundaries as well as within them. For example, some people die in the process of crossing an international border. However, people also die as a result of experiencing the border at earlier points. Bernard, a member of an activist organisation in Northern France provided evidence of this during our interview. During our interview, I explained that I was interested in exploring where the UK-French border might start and end. As Bernard stated 'it is normal to include people' who die around Calais but there are also cases of deaths in Paris at the Gare du Nord station.

Addressing ethical considerations

The ethical and methodological questions associated with research on death are reflective of the specific contexts where research is conducted. Sociological literature on death and dying has tended to focus on palliative and end-of-life care settings. These settings raise specific ethical issues that might include how to deal with end-of-life data or the ethics related to interviewing a relative, or someone who is dying (Borgstrom and Ellis, 2017). They may also include navigating research procedures within medical institutions and the specific ethical requirements related to conducting research in health care settings. There are also different ethics review boards and guidance associated with research in these settings.[24] However, researching border deaths presents a different set of ethical and methodological considerations which must be navigated. Border deaths predominantly involve people who have already experienced great harm and who might be under threat of deportation, exploitation, violence, and death. The aim of my research is not to diminish

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[24] The LSE Ethics review that requires any research that includes patients or relatives of patients in healthcare or care settings must also submit their proposal to the Medical Research Council for review by the NHS Research Ethics Committee: http://www.hra-decisiontools.org.uk/ethics/ [Accessed: 3rd March 2022].

or sensationalise this reality, but it is neither to perpetuate forms of harm or coercion. I consider it vital that wider British society connect the issue of border deaths to punitive immigration policies. I hope to counter the proliferation of sensationalist images of Channel crossings and suffering in mainstream media that also propagates forms of epistemic and symbolic violence. I aim to challenge those narratives that are xenophobic, racialised and homogenising. However, I also recognise that no research is without its own biases. As such I also reflect upon my own positionality and the privileges afforded to me. These ethical considerations and tensions associated with my research and positionality remain an integral thread to my entire thesis. As I discuss in the later part of this chapter, these also became central during the analysis and writing stages of my research.

Before I outline how ethical issues shaped my methodological decisions, it is important to note the practical steps I took in relation to my fieldwork. With the approval of the LSE Ethics Review Committee, and guidance from the LSE Research Ethics team and my supervisors, I ensured that all ethical procedures were met before collecting data. I provided all my research participants with a consent form prior to our interview and safely secured all my transcripts. To ensure the anonymity of all my research participants, any identifiable information has been excluded and pseudonyms are used in this thesis. In order to protect their anonymity, I avoid giving details that might identify my interlocuters in my reporting. Instead, I focus on discussing the interaction that took place during the interview. By identifying shared or common interests, as well as points of difference, I also consider how this shaped my interview exchanges and the knowledge I produce.

From early on in my research, I decided not to interview migrants, refugees, or relatives of the deceased. Though I had considered the possibility, I made the decision that it would be both ethically and practically problematic. As scholars have noted, conducting research with migrants or refugees presents considerable methodological challenges and it is also highly sensitive (Jacobsen and Landau, 2003; Mackenzie, McDowell and Pittaway, 2007). This relates to the vulnerabilities of these groups, as well as the difficulties that researchers may face in obtaining informed consent, mediating power dynamics and ensuring that the research does not place people in exploitative, potentially harmful or disempowering situations (Mackenzie, McDowell and Pittaway, 2007).

To navigate the specific ethics relating to my research on border deaths, I engaged with Reineke's (2016) research on deaths at the US-Mexico border which raises related methodological and ethical concerns. Whilst writing her own PhD, Reineke (2016) worked with a team of forensics

in Arizona involved in identifying and recovering bodies of migrants in the Desert. She also built relationships with migrant families whose relatives had gone missing. Her justification for not interviewing relatives was due to her longstanding and embedded involvement with the forensic investigations. Reineke was concerned that her status would sway the families' decision to be interviewed and therefore the 'potential for unintended coercion was too high' (Reineke, 2016, p. 24). Instead, Reineke's doctoral thesis focused on the broader systems and structures that led to deaths and disappearances in the Sonoran Desert as well as analysing the forensic work involved in identification. I deemed the practical and ethical obstacles associated with interviewing migrant populations unviable. Her research compelled me to think about my own positionality as a researcher and the problems that might arise in interviewing relatives. Unlike Reineke, I am not personally affiliated with a team of forensics nor an NGO or activist group. Even if I had been, as Reineke (2016) highlights, power relations may remain an issue. However, and as, I came to realise, being in the relevant role and having access to potential research participants may not always solve ethical quandaries. Doing research on border violence and with vulnerable populations necessitates navigating relations of power. Whilst my affiliation to the London School of Economics could have potentially facilitated access, it cannot automatically remove existing power dynamics. As such, the most ethical route for me was to adapt the research methods, which involved adjusting the research questions and avoiding interviews with certain populations. Research care and ethics and all they encompass are extremely important discussions to have whilst supervising or conducting research on similarly sensitive topics. As a result, I came to realise that my responsibilities as a researcher to wider society are much more important than finding ways around a research project.

Ultimately my research aims to interrogate existing forms of death classification and the extent to which they scrutinise the responsibility of wider circumstances surrounding a death. As other authors have rightly argued, it is both viable and ethical to focus on techniques of exclusion or violence without adding or enhancing the burden of those who experience it (Atanososki and Vora, 2019, p.7). My decision to focus on these processes was also informed by Whitley's (2015) doctoral research on borders. Her research provided further reflection into the kinds of data we produce as researchers and the potentially unintended consequences of our research. Whitley's (2015, p.4) research focuses on 'what borders do'. Her thesis is also asking about the purpose of writing and doing research on migration. After careful reflection, Whitley decided to focus on the border as the object of analysis rather than writing about experiences of migrants. As she argues the border is not subject to scrutiny in the same way that those crossing it are. Similarly to Whitley (2015, p. 33), I needed to make the decision about '[w]ho, or what, would be studied' as part of

my thesis, and what were the political aims of my research. Like Whitley (2015) and Reineke (2016), I also decided to focus on structures that condition violence rather than those people who might experience it.

My decision to focus on institutions, actors and professionals who classify and report a death was also inspired by TallBear's (2013) research on the production of Native American DNA. Her uneasiness with making tribe members her subject of research led to her focusing on the professionals (including scientists and genetic testing manufacturers) and their practices and processes that produce ideas about the Native American and racial categories. In a different way, I also focus on professionals (e.g., coroners, politicians, journalists, and human rights organisations) who are involved in classifying a border death. Following TallBear (2013) and Reineke (2016), I made the decision to focus on the organisations and people involved in death classification.

This thesis discusses cases where border deaths are represented and arbitrated by various institutions and agents (e.g., parties in attendance at inquest and parliamentarians at the House of Commons). Included in this data was inevitably the stories of individuals who had died. All the cases detailed in this thesis are available in the public domain either in parliamentary debates, as well as coronial, media or human rights reports. I acknowledge that a further limitation relates to my 'unchosen' role in narrating these stories (Page, 2016). Like Page (2016, p.93), this meant I did not have the permission from the deceased's family nor 'those close to them to include their stories in my thesis, or the version of their stories' that 'I chose to document'. Due to the fact that this thesis sets out to explore, expand and further discussion surrounding the term border death, it felt unnecessary to disturb and unsettle grieving families when evidence to develop my discussion could readily be found.

My decision to focus on political systems of violence does not rule out other potentially harmful and unintentional consequences. Whitley's (2015) doctoral research on borders provides parallel reflection regarding the potentially unintended consequences of our research decisions. As she states, writing about migrant's experiences also risks reproducing normative assumptions about borders as well as producing information that could be used to govern certain populations. As Whitley (2015, p.36) argues 'projects that contribute to making migration thinkable, calculable, and manageable therefore can contribute to the governmentality of migration, even if this is not [the researcher's] aim'. The aim of my research is to expose the conditions of border violence but not so they can be enhanced or made more rigid. However, I am also cognisant that due to the nature of my research it would be naïve to think that I can bypass all ethical considerations. As

such, I explore these tensions through my writing, acknowledging that I cannot and should not overcome them.

There are often many unintended consequences of human rights activism, as Tate's (2007) rich and detailed ethnography of human rights organisations and activists in Colombia shows. Human rights reporting often does much more than simply reduce suffering (Brown, 2004). The framework of human rights helps certain acts of violence to be classified and recognised as human rights violations. In addition to making visible undiscovered acts of violence, the human rights system can also function to make explicit acts of violence that were previously only implicit. As was the case with the Trujillo Commission in Colombia in the 1990's (Tate, 2007). Tate explains her own realisation that making violence publicly known does not necessarily lead to a substantial reduction in violence but rather the emergence of 'new and shifting forms of violence that are designed to avoid the scrutiny of analysts and observers' (Tate, 2007, p.298). Making acts of violence more visible and publicly knowable inadvertently led to the emergence of new forms of violence which were previously unclassifiable and thus less "knowable". Tate provides important reflection for considering the unintended consequences that may result from my own research. Although I consider it unlikely and have made appropriate steps to mitigate against unintentional harm, I acknowledge that my findings particularly those directed towards structural processes might not lead to greater accountability. Instead, they could contribute to an adverse effect such as Tate (2007) describes.

Another related issue associated with migration research is the risk of sensationalising violence. As the co-authors of *Escape Routes: Control and Subversion in the 21st Century*, Papadopoulos, Stephenson and Tsianos (2008), argue this kind of violence simply cannot and should not be described. They argue that any form of representation may inadvertently support the control of populations. I agree with Whitley (2015, p. 169), who argues that such an approach 'also risk[s] doing violence, exactly by ignoring conditions and experiences of violence and focusing only on the productive forces of migration, thus normalising and obscuring the mechanisms of power that do produce huge amounts of suffering'. As Whitley (2015, p.170) says, their approach by way of avoidance may contribute to the continuation of violence associated with migration. As de la Bellacasa (2012, p. 207) notes, and as this chapter began, the consequences of our story-telling are not always intended. My intention is to highlight the pernicious nature of bordering practices, institutions and policies, and the fatal consequences they may have beyond the territorial border. It is not to contribute to the policing, governing, or solidifying of these borders. As such, it remains the focus of this research to reflect not only on how border deaths are being classified but to

consider and reflect upon my own role and responsibility as a researcher. Rather than seeking to resolve or avoid the ethical dilemmas, my research engages directly with these issues. Throughout the research process, in the early stages of scoping, the data collection and during the entirety of the writing process – the question of how to research and write about border deaths remains a central concern.

Methods and analysis

My research approach enables me to analyse a wide range of actors and discourses involved in representing border deaths. Combining different data sets allows me to observe the nuances and differences between different agents. The strength of my research lies in its explorative, iterative, and inductive approach. This approach allowed me to incorporate flexibility and openness through the research process (Castles, 2012; Patton, 2001). As such, I was able to refine my research questions and theoretical approach in response to emerging data (Miles and Huberman, 1994). This approach lends to researching a topic which is constantly evolving and developing, as well as the challenges it presents in accessing data. An obstacle that I faced during this research was availability of data. This relates to the disparities and lack of public or official information on border deaths in the UK (Cohen, 2021), as well as challenges I faced in recruiting research participants. Though I contacted several coroners and members of political office, I was unable to interview them due to their availability and lack of response. To incorporate political and legal perspectives, I adjusted my methods to include observations at coronial inquests and analysis of parliamentary debates. On reflection, this data proved invaluable for analysing processes of death classification in the case of inquests and political discourses following border deaths in the case of parliamentary debates.

The following describes in detail my rationale for each data set, as well as the ways in which I analysed and used this data to inform the development of my thesis.

Interviews

I conducted nineteen semi-structured interviews.[25] Out of the nineteen interviews, seven interviews were conducted with members or volunteers from frontline charities and NGO groups. They all had experience working at the UK-French border, predominantly in Calais and most were involved in humanitarian provision and assistance in the refugee camps. However, one of my interviewees was no longer based in Calais and the primary activities of their organisation now include supporting people with asylum claims in the UK. Two of these people were currently working internationally but both had experience working at the French border. Amongst this group of people I interviewed, all of them had experienced fatalities associated with crossing the UK-French border. They were able to give me insight to the types of deaths that occur and the kinds of responses.

I conducted five interviews with members from human rights groups and charities. These individuals were all based in the UK, though two of them had similar experience in Europe. The professional activities of most of these people included advocacy work and developing reports. Some of the organisations they worked for provide legal support for asylum seekers, refugees, and people in immigration detention. These interviewees provided detail on deaths that happen within UK borders and the kinds of responses they elicit. The role of human rights groups is to document injustices that may go unnoticed and/or to challenge government policies. Many of these organisations also document deaths or immigration related injustices in the UK. These interviews provided crucial insight into the importance of research that documents border deaths in ways that challenge the failure of states to records these deaths. They also provide details about individual deaths where mainstream media reports or coronial records are minimal.

Four interviews were conducted with journalists, two of these worked on immigration related issues in the UK. They had researched or documented border deaths either at the UK-French border or in immigration detention. The other two journalists worked internationally and had experience documenting migration related deaths. These individuals were selected for their expertise but also due to their role in producing knowledge that could hold governments to account.

I conducted interviews with three legal professionals. This included an immigration solicitor in the UK, a legal advisor with experience supporting unaccompanied refugees in

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[25] Appendix A provides further detail of interviewees, names, professional position, and date interviewed. All names used in this thesis are pseudonyms.

Northern France and a member of the UK police. All these professionals had experience dealing with investigations or issues related to my research. On one hand these professionals provided insight into the legal process following a death. On the other hand, they also provided insight into the everyday and legalistic barriers faced by migrants, asylum seekers and refugees in the UK.

Due to the multi-sited nature of my research, I conducted interviews with people based in the UK and in France. All but one interview (which was conducted in French) were conducted in English. Some interviews were held face-to-face either in quiet public spaces or private offices belonging to the organisation. I held two interviews in Paris in quiet public locations. For practical reasons and time constraints, I also conducted interviews via telephone. This was partly due to the demanding nature of the work of most people I interviewed, as well as their availabilities. I recorded and transcribed all interviews, and each interview was coded anonymously. The decision to anonymise interviewees was to protect their privacy and give them license to speak freely. I refer to all interviews by a pseudonym in this thesis and any identifiable information has been removed including exact geographic location or professional position. Where I discuss interview quotes or extracts, I provide detail and context relating to the interview discussion in general, the specific questions that guided the conversation, as well as my own feelings and reflections. Where possible, I provide some context to a person's social and professional location. As I did not ask research participants to self-identify their ethnicity, race, social class or other social markers this is largely drawn from what was discussed during interview conversations.

Although not all my interviewees collected their own data on these deaths, they frequently passed on information to organisations and researchers who did. They were also keenly aware of the ways in which these deaths were being reported (or not being reported) by local media and government. Other human rights groups and NGOs that I spoke to were more directly involved in documenting these deaths and producing reports, statistics, and research on this issue. Some of these organisations I talked to overlapped in their work. I found this to be the case particularly with organisations who support refugee and asylum seekers based in Northern France and organisations who support recent arrivals in the UK. Activities of other organisations whose members I interviewed were more diverse. Documenting death was only a part of their work and not necessarily their primary focus.

In the early stages of recruitment, I mapped out potential interviewees. As the aim of my research is to expand how we conceptualise border deaths, it was important to include organisations currently documenting deaths linked to the UK border or immigration policies. My search to identify organisations that document 'immigration related' or 'asylum related' deaths was

integral to examining the foundations of current death classification. In order to see how practices for documenting border deaths differ or converge, it was also important to include voices not only from the NGO sector but also perspectives from policy or the legal sector. I contacted several coroners for interview and shared a centralised message on the UK coroner's website. However, I did not receive any positive responses regarding interviews. As I explain later in this chapter, to account for the lack of uptake, I adapted my research strategy by observing coronial inquests and analysing parliamentary debates instead.

Whilst recruiting interviewees, I explained that I was researching deaths at the UK border or within the UK (for example immigration related deaths), as I did not want to limit my interviews only to organisations documenting deaths at the territorial border. On average, interviews lasted between one hour and one and a half hours. I worked with a semi-structured interview guide and my questions aimed at encouraging a discussion on the processes involved in documenting death, for example counting, collecting data, processing data and categorising. I began each interview by asking the interviewee to give me some background about their organisation to gain a sense of their ethos and their relationship to the state. This was important because it enabled me to situate each organisation and frame their motivations for documenting border deaths. I asked many interviewees about what they documented and their selection criteria (why did they document some deaths and not others). In some cases, some of the people I spoke to shared access to their databases and instructed me how they enter data on border deaths. This was invaluable as I could see their working logic and how they processed, categorised, and classified a border death. I also asked interviewees about why they thought it was important to document and count deaths, as well as any issues involved in counting. This often led to a discussion about people's broader motivations and the implications their work can have. As well as outlining the significance of counting border deaths, these conversations also gave me insight into the controversies and problems involved in classifying a death (e.g., being able to access data or difficulties in capturing public or political attention). Some interviewees did not collect or produce data on border deaths themselves.. As such, I primarily asked them about their experience or knowledge following deaths at the border including reporting and state response.

As part of the method of situational analysis, data and analysis were conducted simultaneously and I kept memos alongside my interview data and observations. This included reflecting upon the interaction with my research participants, as well as paying attention to my own feelings and emotions. Hollway and Jefferson (2001) challenge notions of empirical transparency, rationality and objectivity. Drawing upon psychoanalytical studies, they describe both researcher

and participants as 'defended subjects', whose 'mental boundaries are porous' and who are 'subject to projections and introjections of ideas and feelings coming from the other person' (Hollway and Jefferson, 2013, p. 42). Furthermore, 'feelings in and around the interview are of value for understanding the dynamics of the research relationship' and are 'important to how data are produced' (ibid.). As such, I reflect upon my own positionality and embodiment in collecting empirical data, and how the empirical data is mediated and contingent on these interactions.

Grounded theory emphasises an inductive approach to coding, as well as a focus on verbs and processes, rather than themes (Charmaz, 2014). I employed this framework to code and analyse my interview data. This approach enabled me to capture the processes and practices involved in classifying a border death. Initially, I coded my interview transcripts line by line using Nvivo, focusing on what action or statement was being described (e.g., 'counting', 'collecting evidence', 'getting accurate data', 'evidencing', 'proving', 'quantifying', 'visibility', 'invisibility', 'making accountable'). Later, I clustered these codes into key themes including logics and motives for classifying a border death, struggles over holding structures accountable and the importance of connecting border policies to a wider range of deaths. To interrogate some of the preliminary findings from my interviews, I produced concise accounts and debated the content in departmental reading groups. These discussions were particularly formative in identifying further lines of enquiry and data collection. For example, these reading groups were invaluable in redressing the human element of the data I was collecting and the individuals that have fallen victim to the systems that condition border violence. While I set out to interrogate the wider structures and mechanisms involved in border deaths and their classification, I felt the need to reflect on the prevalence of the human story and this is exemplified in some of the cases my thesis focuses on. This also reinforced how I approached the material I collected during inquest observations.

Inquest observations

At the beginning of my data collection, I contacted five individual coroners who had been involved in an investigation of a death at the UK border or within the UK (for example, in immigration detention). I also sent out a general e-mail to coroner's offices across the UK asking if they had been involved in a border related or immigration related inquest. Initially, I enquired whether they would be available for interview. Only one coroner replied who declined to be interviewed. As I am interested in the processes, practices and actors involved in classifying and constituting a border death, I therefore decided that attending coroner inquests would prove more

valuable than individual interviews. Attending a coronial inquest was on reflection perhaps more informative than any potential interview as it allowed me to examine not just the final but the range of potential perspectives involved in the investigation. In my reporting of observational research at the coroner's court, I am also attentive to the social locations of those involved, including myself. As far as I could tell, the courtroom in Maidstone felt to me to be predominantly white, whilst I perceived there to be some diversity amongst attendees in West London. However, I am careful not to make presumptions about the social identities of the attendees, many aspects which may not be visible to an observer. As such, I primarily consider my own social positioning and the professional locations of those in attendance.

As part of my data collection, I observed two coronial inquests and collected documentation from five others. My primary motivation for observing these investigations was to understand the processes of death classification and the ramifications involved. Inquests are open to the public and as a researcher I was able to attend and take notes. Through reports on *The Guardian* and *Twitter*, I was able to identify appropriate inquests to attend. Any summary documents produced by the coroner as a result of the investigation are also publicly available. The Prevention of Future Deaths reports (which makes recommendations to prevent future deaths and can comment on organisational or policy failures) and Narrative Conclusions (a summary of the inquest) are also available online via the Courts and Tribunal Judiciary website. The website publishes most (but not all) reports following an inquest (Courts and Tribunal Judiciary, n.d). Where information was not made public by the coroner, I sourced information via news reports, human rights reports or directly contacted the coroner. The coroners final Narrative Conclusion includes the name of the person who died, how they died, and the circumstances in which they died. Journalists, human rights organisations, and legal professionals (e.g., representatives of the parties involved) also report these details.

In the UK, coroner inquests are designed to establish who, where, when and how a person died. Coroners are required to investigate 'unnatural' or 'suspicious' deaths, for example deaths that occur as a result of an accident, violence, medical errors or suicide (Courts and Tribunal Judiciary, n.d). As I discovered, the coroner's court is an important forum where knowledge about deaths is produced and where multiple actors (each with differing stakes) interact. Through this investigation a final interpretation of the causes and conditions of an individual's death are produced. However, this is defined by the structure of an inquest. Inquests into deaths in state custody must include a jury and must also investigate whether any institutional processes or policies may have been involved (Baker, 2016). As I observed, members of the jury are allowed to

cross-examine witnesses and evidence during the investigation. Although their role is to determine the final conclusion, the jury is also directed by the coroner in what they can reasonably include. In other inquests where a jury is not present, I observed how the coroner holds the decision-making authority. As such, the type of inquest may also determine the kind of investigation that takes place (e.g., whether it includes a jury, professional representatives, how long it lasts, what evidence and witnesses are included).[26]

Whilst a report of an inquest can be found online and it is possible to request a copy of the verdict 'in practice only a minority of inquests are actually reported' (Citizens Information, 2021). Indeed, in my experience, I also encountered some ambiguity about what would be made publicly available. Whilst attending an inquest, I asked the usher whether the final verdict would be made available. I recall the usher explaining to me that despite the coroner's court being open to the public, the details following the investigation are not always made public. It is these kinds of contradictions and ambiguities surrounding the visibility of different inquests that interest me. The question of how processes that classify death also contribute to the visibility or invisibility of a death and its causes remain central to my thesis and discussion in subsequent chapters. This further reinforced the importance of being physically present during an inquest. I transcribed all my observational data from the two inquests I observed and analysed them line by line, whilst also reflecting upon the interactions and spatial configuration I observed during the inquests themselves.

An additional ethical consideration of my research was how to document these inquests and use the material that I collected during observations. In particular, I was unsure about whether I should write about individual deaths and include identifiable information (e.g., their name or how they died). After, serious consideration, I decided that it was important to discuss the particularities of the inquests I observed. All the inquests I refer to in my thesis and information about them (including nature of death, name of person who died, parties that were present) are publicly available via the Courts and Tribunal website or reported elsewhere in the media or in human rights reports. Details of individual inquests (such as the Narrative Conclusion following the inquest into Dexter Bristol's death) were obtained on request. In these circumstances, I wrote to the coroner's office explaining my research and position as a doctoral researcher. In these instances, I was readily supplied with the relevant information. Perhaps, this was also related to my affiliation with an elite university and status as a doctoral researcher.

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[26] Chapter five discusses the distinctions between two inquests.

The intention of my research is to challenge, rather than reproduce, representations that dehumanise and anonymise border deaths. All too often in news reports and political debate the individual is overlooked and these deaths become just a number or else the story no longer becomes about the person who has died (Webber, 2004). If I were to abstract the particularities of an inquest, including the details surrounding a person's death, my research too would become reductive and disconnected from the lives of individuals.

My purpose was to analyse an inquest process as an institutional site that informs death classification. As I discuss in chapter five, sometimes the family or a representative on their behalf are present at an inquest and sometimes families are both absent and unrepresented. When families have produced statements about the inquest, I considered these more suitable than requesting a private interview. This was an ethical decision to alleviate the family of the deceased of any further stress. My decisions not to interview family members also allowed me to retain consistency of engagement with the inquest process itself.

Documentation

Accompanying interview and observational data, I also collected organisational documents and reports such as the lists of deaths produced by activists (e.g. UNITED for Intercultural Action), intergovernmental organisations (e.g. the International Organisation for Migration), reports produced by researchers and charities (e.g. the Institute of Race Relations and Medical Justice), as well as activist groups (Calais Migrant Solidarity group).[27] My research also references reports produced by the coroner following an inquest, as well as Prisons and Probation Ombudsman (PPO) reports. The PPO is an independent public body that conducts investigations following a complaint or death in state custody, including in immigration detention. Their fatal incident reports are available directly via their website. These reports provide details following their investigation including any subsequent recommendations (Prisons and Probation Ombudsman, n.d.). I mention relevant examples in chapter five in relation to my discussion on a death in immigration detention.

Documentation provided further empirical detail surrounding some of the cases discussed in my thesis. These documents were also used to develop my own understanding of the different ways in which border deaths are classified. Many of the organisations mentioned above focus on

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[27] See Appendix B for details of the organisational information I analysed and links to sources.

documenting one type of death, e.g., deaths in immigration detention centres (the Institute of Race Relations), or deaths at the Calais border (Calais Migrant Solidarity group). I was particularly interested in collating these together and I compiled my own Excel spreadsheet with all the available data to build a picture of the overlapping and divergent ways of understanding border deaths in the UK. I was struck by the inclusion of some deaths (for example, as a result of medical negligence or by suicide), that were not always documented by other organisations. This informed my own understanding of bordering practices and how I chose to analyse understandings of the term border death. Chapter four discusses and presents a table illustrating the differences between organisations and their border death classification.

Existing research has argued the importance of studying documentation technologies. In the context of Chile's historical atrocities, the technologies of documenting human rights atrocities are not 'mere containers' (Bernasconi, Lira and Ruiz, 2019, p. 27). Through the production of statistics, reports and archives, human rights groups document evidence of past atrocities. They also produce a counternarrative to the one historically presented by the dictatorship. As the authors argue:

> documentation processes and technologies help organisations to shape their service provision, gain knowledge of repressive practices as they unfold, and guide their own daily practice. Documentation also underscores the resistance role that human rights workers, activists and civil society can play in relation to human rights violations (Bernasconi, Lira and Ruiz, 2019, p. 8).

Due to the fact that my research is concerned with different ways of conceptualising a border death, it engages with and draws upon reports not only produced by state organisations but by those who seek to provide a counter-narrative. Like Bernasconi, Lira and Ruiz (2019), my research also recognises how analysing documentation enables us to observe alternative and resistant forms of knowledge.

The documents I selected were not simply analysed for empirical detail, the source of their production was also examined and contextualised. As Whitely (2015, p.49) suggests, documents do not simply 'contain and represent a society' but they also have 'constitutive effects'. As I discovered, the documentation of border deaths may serve multiple functions. As I discuss in chapter four, although documents may draw attention to certain types of death that in itself does not make the conditions and context visible. I analysed the various narratives produced by organisational sources in order to comprehend the different ways of seeing death. As Scott (1998) states, simplification and homogenisation strategies are employed by the state to make it easier to

govern and administer modern societies. The development of birth certificates, cities designs, and standardised measurements are all examples that not only homogenise society but endorse state power and governance. However, as he argues, formal codes inevitably leave some things unmapped because the reality of life defies simplicity and homogenisation (Scott, 1998). As such, I am attentive to the ways in which documents and documentation may also endorse certain state initiatives and objectives. I also remain aware to what is excluded when reports simplify or codify a death. For example, the standardisation of details surrounding a death following a coroner's final report may omit details discussed during the inquest.

Parliamentary debates

During debates in the House of Commons, parliamentarians discuss urgent and important issues faced by society, whilst also developing and implementing legislation (Abercrombie and Batista-Navarro, 2020). Analysing parliamentary debates enabled me to examine the political rhetoric surrounding border deaths and the subsequent legislation theoretically designed to improve policy and prevent further deaths. I focused on analysing two specific parliamentary debates following the deaths of thirty-nine people who were found dead in the back of a lorry in Essex in 2019 and the deaths of twenty-three cockle-pickers in Morecambe Bay in 2004. Both these cases gained widespread political attention and were selected as further examples of the different ways in which border violence and thus border deaths can manifest. Analysing the parliamentary debates and response to these deaths was crucial for understanding the political narrative over time and how this supplements a further widespread 'moral panic' surrounding immigration. It provides insight into how these deaths were articulated within the political sphere and how the response and subsequent action was narrated.

I accessed parliamentary debates online via the House of Commons Hansard archives.[28] I coded the parliamentary debates in a similar way to my interviews, analysing the debates line by line. What emerged from analysing this data was a striking narrative that overwhelmingly focused on criminality. The following themes emerged; the criminalisation of the so-called people traffickers (described as 'the worst of humanity', 'brutal' and 'unscrupulous'), the binary between the victims and the criminal, language that reinforced tropes of legality and illegality and the

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[28] All parliamentary debates dating back over 200 years are available via: https://hansard.parliament.uk (Accessed: 14th February 2022).

framing of the response led by increased securitisation and punishment. I was interested in the way in which the discourse of criminality was deployed at expense of any other interpretation.

There were striking similarities between the two parliamentary debates I selected, despite being more than fifteen years apart. The deaths at Morecambe Bay are not always considered as border deaths. However, they sparked similar controversy surrounding the question of immigration and criminality more generally. For these reasons, parliamentary debates following the deaths at Morecambe Bay provide greater nuance and complexity regarding conceptualisations of border deaths. It also demonstrates the longevity of criminality frameworks within political discourse. Whilst I focus predominantly on discussions within parliament, I recognise that there is a porous boundary between its discourse and that of the media. In the introductory section of chapter seven, I provide some examples where media and parliamentary discourse following these two cases converge.

Media reports

To examine wider social and political debate surrounding border deaths, I also include the analysis of media reports. I focused on collecting reports of cases that are discussed in this thesis or similar examples. Media reports were also used a source of information as often deaths or inquests are reported in local or national newspapers. For example, media reports surrounding the death of Dexter Bristol reveal a much more critical understanding of the context surrounding his death.[29] Media reports were also a valuable source of information for gathering details about the cases I discuss in this thesis e.g., identities of people who died.

I also used media reports to reflect upon the visibility of certain deaths. As I discuss in chapter five, the inquest in Maidstone was only attended by a local journalist. The minimal media coverage of this inquest is reflective of the attention given to this death. As such media reporting also contributes to what Webber (2004, p.143) describes as the 'blanket coverage' following reports of border deaths.

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[29] This case is discussed in detail in chapter six.

Legislation

I mainly rely on legislation to provide empirical detail in support of my discussion in chapter six. By broadening the term border death, my research is also interested in what other systems of bordering might be scrutinised as a result. In chapter six, I discuss how immigration legislation contributed to the embedding of the government's hostile environment policies. The UK 2014 and 2016 Immigration Acts are key legislators of the internalisation and expansion of borders and border controls within the UK. The way everyday bordering has developed is a direct consequence of these Acts (Yuval-Davis, Wemyss and Cassidy, 2018). The Windrush scandal is an example of how this legislation removed people's rights to housing, welfare, employment, and healthcare (Webber, 2018). In chapter six, I argue that the arbitration of death by 'natural causes' in the case of Dexter Bristol ignores the wider historical circumstances surrounding his death. A more critical engagement with Britain's historical legislation reveals how the removal of rights from members of the Windrush generation was gradually embedded through law over time. It was therefore necessary that I review the 2014 and 2016 Acts, as well as earlier legislation, including the 1948 British Nationality Act, the 1962 Commonwealth Immigrants Act, the 1971 Immigration Act, and the 1981 Nationality Act to explore how ideas of belonging and exclusion are embedded in legalistic frameworks.

Developing the thesis

To develop my substantive discussion and the chapters of this thesis, I started with vignettes from my fieldnotes taken during inquest observations or reflections from interviews. These vignettes informed the development of my argument and the structure of my substantive chapters. For example, I wrote a short reflective piece drawing upon data collected whilst observing two inquests. I shared my reflections with colleagues during a writing group and their feedback enabled me to develop my vignettes into empirical chapters. This specific document was later developed and informs the main discussion in chapter five. Hollway and Jefferson's (2001; 2013) idea of the researcher as a 'defended subject' also illustrates the multiplicity of meaning. As they illustrate, meaning derived from empirical data is interpretive and may not be the same amongst different people. The opportunity to share and reflect upon my empirical data with my colleagues was enriching and the variation in interpretations was extremely insightful. It brought to my attention my own biases and blindsight, especially at stages when I was deep in data

collection. I also discovered the value of acknowledging and promoting collaborative forms of knowledge. This can benefit not only individual projects but also, as I later learned, the wider community (McKittrick, 2021). To counteract oppressive and racialised forms of knowledge-making, McKittrick draws upon decolonial, antiracist and black thought to call for greater collaboration, curiosity, and creativity. Intersectional and interdisciplinary approaches that weave different sites, texts, stories, and places are part of black liberation and reinvention, she explains (McKittrick, 2021, p.3). In her review of *Dear Science and Other Stories,* Nguyen (2021) states that 'important work is never a solitary act, but one that is an ongoing collaborative effort'. I recognise how collaborative forms of knowledge-making is integral to reinventing knowledge and challenging perpetual forms of structural inequalities. To support this kind of work which involves decolonising academia, any person is a position of privilege must interrogate their own positionality. I hope to draw attention to my own and demonstrate how I benefitted from my affiliation to an elite university as well as my social positioning.

In a different way, the development of my thesis also grew out of interview conversations, as well as my engagement with documents and existing literature. In particular, chapter six was informed by conversations I held with members of human rights groups and NGOs who were sceptical of the classification of death by 'natural causes'. The charities INQUEST (2019d) and the Institute of Race Relations (Athwal, 2005) highlight that the determination of death by 'natural causes' in the context of deaths in detention fails to account for the systemic failures in care. Existing sociological literature also challenges how structures are made to appear irrelevant in the naming of a death as 'natural' (De León, 2015; Klinenberg, 2002). Chapter six discusses these debates in the context of the coroner's decision to classify the death of Dexter Bristol as death by 'natural causes'. However, as I discovered, there was controversy surrounding this death and the extent to which the UK government's hostile environment policies had played a part. This shaped how I developed this chapter, centring the discussion around critiques of death by 'natural causes'. This particular case highlights the material and fatal consequences of immigration policies which might get excluded by classifying a death as 'natural'. It was important to include this discussion in order to widen conventional notions of border deaths.

The cases that I chose to discuss in this thesis enable me to explore different classification processes and forms of representation around border deaths. Moreover, the inclusion of the specific cases evidences the different types of border deaths, the different sites in which they occur, the different policies that might be contributory or responsible for these deaths, as well as the different conditions of border violence. The timeline of the cases selected reflect both practical

necessity (i.e., the availability and schedule of relevant inquests that took place during my data collection phase) and my focus on contemporary bordering in the UK. I reflected on earlier cases such as the deaths of the Morecambe Bay cockle pickers to assess the longevity of certain discourses and political response. By highlighting these cases, I hope to demonstrate how the term border death can be extremely wide-reaching and that there are multiple ways in which borders and death manifest.

Encountering ethics throughout the research process

In this section, I present the ethical considerations that presented themselves at various stages during my research and which have become a central theme to my entire project. As I came to realise my own ethical considerations were not neatly contained nor finalised after I had designed my methods and received ethical approval. Due to the very nature of my research, ethics gained renewed and heightened importance during discussions with interviewees, whilst grappling with sensitive data and in the process of writing my thesis. As I discuss, ethics go beyond the specific set of methods I employed (Gunaratnam, 2013) and associated practical hurdles (e.g. obtaining consent or receiving ethics approval), they constantly presented themselves in different ways throughout my research.

I share similar feelings of ambivalence to Borgstrom and Ellis (2017) having been awarded a PhD scholarship to complete research on the deaths of individuals I do not know. Both authors, at the time of writing, were early career researchers who had both conducted doctoral research on end-of life issues. They both describe the ambivalence on finishing their doctorate (Borgstrom and Ellis, 2017). This ambivalence related to being 'awarded a PhD based on observations of many individuals who have now died' (Borgstrom and Ellis, 2017, p. 97). They also recognised feelings of unease and discomfort during the research process and dealing with the fact that their PhD was largely written on data conducted with interviewees who have mostly all passed away. As they explain 'it is a complicated feeling which we have both struggled to make sense of and articulate publicly' (Borgstrom and Ellis, 2017, p. 97). Like these authors, I also experienced ethical quandaries relating to my own subject matter and collection of data. In the following, I describe some of the moments in which my ethical position came into sharp focus and how I incorporated these deliberations within my project.

Ethical considerations are not limited to our practical or technical engagement, they are not just 'what we do (and what we fail to do)' (Gunaratnam, 2013, p. 160). Ethics are beyond our

methodological training and protocols. They encompass, as Gunaratnam (2013, p.160) argues, 'a surplus value reaching beyond what any method was designed and intended for' and instead also necessitate a 'long-drawn-out time of thinking, digesting, being acted upon and hesitant writing'. These can be experienced in the immediate moment during an interview and they also, as she describes, can 'accrue and emerge much later as ghostly disturbances' (ibid.). At different points during the course of my research, the weight of my ethical decisions re-emerged requiring further attention. Though my research did not include conventionally 'vulnerable' groups[30], my research participants did also discuss extremely sensitive and tragic events. Prior to conducting interviews, I ensured that all necessary protocols and safeguarding were in place. I provided research participants with information sheets prior to our interview which detailed the purpose of my research and the kinds of questions I was interested in. I also attended training on strategies for conducting interviews on sensitive topics and purposely chose open-ended questions to allow research participants to set their own boundaries about what they felt comfortable discussing.

The sensitivity of my research re-emerged in different ways and at different moments. Due to the very nature of my research topic, it was inevitable that I encountered and heard explicit details of death. For example, one of my interviewees had witnessed a suicide attempt, whilst another volunteer based in Northern France had been very closely involved in an individual's death, communicating with their family. While I put in place as many ethical procedures as possible in preparation for collecting data, it was sometimes difficult to prepare for how an interviewee would recount their experiences. A large majority of my interviewees deal with challenging issues on a day-to-day basis as part of their professional or voluntary work. Many members from human rights groups and charities or journalists I spoke to are accustomed to talking and writing about issues relating to migration, death, or injustice. They may have their own strategies for managing or dealing with difficulties or distressing issues arising from their own work. In spite of this, I was also very conscious of the fact that due to the subject matter of my research, interviewees could discuss issues that might be challenging or upsetting. I aimed at ensuring their welfare took precedence and informed research participants that they could stop the interview at any point and withdraw from my research if needed.

An instance where my ethical position was tested was during the writing process and in particular in processing inquest data. There were no obvious ethical considerations relating to the

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[30] The LSE Research Ethics 'follow[s] the ESRC definition of vulnerability which is as follows: 'Vulnerability may be defined in different ways and may arise as a result of being in an abusive relationship, vulnerability due to age, potential marginalisation, disability, and due to disadvantageous power relationships within personal and professional roles." Available via: https://esrc.ukri.org/funding/guidance-for-applicants/research-ethics/frequently-raised-topics/research-with-potentially-vulnerable-people/ (Accessed: 25th March 2022).

practicalities of observing a public inquest, however this does not undermine the fact that during these observations I heard incredibly distressing and violent details of each of the deaths. An internal conflict I encountered was how to communicate the details following an inquest I attended in Maidstone.[31] This inquest was barely attended, and the family were absent. I felt that writing about this case in general or abstract terms would only further contribute to the lack of attention or reporting this inquest had received. It seemed important to document this death in order to counter the indifference. At the same time, I maintained an awareness to my own positionality in narrating this story.

In order to engage with my data and related anxieties, I took direction from the following two authors. Page's (2016) doctoral thesis analyses the reporting of two asylum seekers deaths. It tells the story of a Syrian woman, Mariam al-Khawli who set herself on fire in front of the United Nations Refugee Agency (UNHCR) office in Tripoli in 2012. Page (2016) tells us that while, Khawli's self-immolation received global media attention, her death a month later was barely reported. What was known and reported on about the story of Khawli was limited to her self-immolation and Page (2016) found little discussion of the months that preceded and followed her death. Page analysed online publicly available documents and media articles in order to trace the details of the two stories. Like my own research, she relied on publicly available sources of information. As she describes this can lead to partial or inconsistent narratives. Page (2016, p.91) also acknowledges her own position as an 'unchosen' narrator in these two stories. She is frank about the fact that she did not have the permission of the relatives to tell these stories and as such is aware of her own biases. By clearly setting out and being conscious of the parameters of my own research methods, I am also transparent regarding the discrepancies in what information I rely on to produce my thesis. I also acknowledge that I have chosen not to include every possible account, case nor party involved in a death and that, as a result my research cannot hope to accomplish an entire and fully impartial account.

Similar questions were asked by Scott Bray (2017) on the use of pictures of fatal criminal violence in the research process. As she argues, images of violent deaths are not only encountered during the research process when dealing with coroner or mortuary files but have become ubiquitous in wider society. For example, we are used to seeing images of death in the news, in crime dramas and on social media. Her research focuses on visual data and the representation of death she encountered during the research process and later reproduced in academic scholarship. It provides a useful departure point for my own research. She asks 'how can we valuably and

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[31] This is discussed in chapter five.

ethically use such [data] in researching death?' (Scott Bray, 2017, p. 137). Scott Bray (2017) recognises the irreconcilable and conflictual tensions involved in using images of or about fatal violence in the research process. Both Page and Scott Bray discuss the kind of intimate and sensitive details researchers may encounter through the research process which may all be publicly available. However, this does not detract from the ethical considerations related to researching death. Both authors articulate an unease with reproducing simplistic narratives (Page, 2016) or encountering images from a crime scene or mortuary (Scott Bray, 2017). They both argue that ethical considerations go beyond the data collection stage and must be integral to how researchers reproduce and represent death in their own writing. Like these authors, I also integrated some of these concerns into the writing stage. By thinking critically about the term border death, I aim to also challenge simplistic or reductive narratives.[32] I also acknowledge my own positionality as a researcher and the limits of being able to represent a story fully and accurately.

Another ethical consideration that emerged during my research process was the impact of the research on my own emotional and physical wellbeing. It would be impossible not to be affected and upset by the stories that I encountered. I was deeply troubled and disturbed by the details I heard during the two inquests I observed. The conversations I held with frontline workers based in Northern France was also extremely upsetting. Many who had experience volunteering or working with refugees in Calais, explained to me that charities and organisations are left with the incredibly difficult and taxing task of dealing with a border death. When I asked Jeanne, a volunteer in Northern France, about this, she explained that for the government these deaths appear to be 'a non-event' but 'when it fact it really isn't, especially for associations'. She continued, emphasising the toll on these organisations stating that 'it's incredibly taxing for volunteers, it's incredibly heavy emotionally and nobody cares'. She explained that there is no assistance, support, or money from the French government who 'does not feel responsible at all' and leaves the associations alone and the only ones handling anything'. As Jeanne also explained, the sentiment of indifference, neglect and lack of responsibility reappears in public discourse surrounding deaths in the Mediterranean. The injustice and anger that Jeanne felt was incredibly palpable and I think it would be impossible not to be affected by these kinds of interactions. While I share their shock and outrage by the total lack of engagement from authorities, I also acknowledge the privilege and distance from this injustice. The conversation with Jeanne was an important reminder of this fact.

Scholars have also discussed the emotional toll of conducting research on death and dying (Gunaratnam, 2013). Gunaratnam (2013) conducted research within a hospice, interviewing

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[32] Chapters five, six and seven discuss in detail the implications of simplistic or reductive narratives.

doctors, nurses and patients and she organised regular meetings with a psychiatrist and expert in grief to identify and manage 'the emotional demands' associated with her research (Gunaratnam, 2013, p.156). Sociologists who conduct research in hospice or hospital settings are physically close to death and dying (Borgstrom and Ellis, 2017; Gunaratnam, 2013; Kaufman, 2006). Whether in the anticipated or actual death of someone, death is physically part of their research. In these settings, researchers are confronted everyday with the materiality of death and often their research blurs boundaries with being the 'researcher' and being actively involved in dealing with death (Timmermans, 2006). My decision to focus on the classificatory processes removed me from the familial, intimate, or physical closeness to death. However, this does not mean that I was ever far removed nor unaffected by the details or circumstances surrounding a death. I also found myself experiencing exhaustion and emotional toll related to my data and research experience. In discussions with my supervisor, colleagues, friends, and family it was important for me to process how I was affected by my research. Scholars have written about some of the strategies they employ to cope with conducting research on sensitive or upsetting topics (Vincett, 2018). Vincett (2018, p.52), who conducted an ethnography with a charity supporting immigration detainees, describes how she enlisted the support of services, kept a 'reflexive journal', limited her engagement with news on migration and immigration detention and built-in time for her own self-care. It was crucial during my PhD that I allowed myself space for reflection, for self-care and distance from the subject matter itself. I found this both necessary but it also galvanized my focus on the project and the importance of the subject matter.

> In her reflective review of research on death and dying, Hockey (2007, p. 436) says:
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> Those who work on death and dying are likely to have been asked why they chose this topic. And this question can appear to contain an implicit accusation. Surely it must be depressing; maybe we have dubious motivations; at best we are sad down-beat individuals, at worst voyeurs of the macabre?

Hockey (2007, p. 444) adds that reflecting upon our methodological decisions and responses can be 'a resource, or a source of data, which can reveal us to ourselves as we inhabit the orientations towards mortality and loss which our own cultures offers us'. I argue that my research on border deaths must engage with the ethics related to the entire research process. These reflections move beyond the ethics associated with the practicalities or feasibilities of doing such research. Reflecting on the motivations for doing this research are important in and of themselves, but as Hockey (2007) argues they can also be an important source of data enrichening both our research and its connection to societies view on death more generally.

Though it is inevitable that death affects us all, my reasons for embarking on this research stem not from a macabre voyeurism (Hockey, 2007) but rather the complete opposite. It is in fact a belief in the preservation of life that I seek to interrogate the systems, mechanisms and terminology surrounding border deaths. By raising awareness on the subject of border deaths, I hope to contribute to a wider societal understanding of the unequal value placed on people's lives and deaths, where some are grievable and others are not (Butler, 2009). I experienced this on a personal level when a friend and colleague was killed during the Paris terror attacks on the 13th of November 2015. For obvious reasons, not only was this deeply and personally affecting but this attack shook the nation and the 130 people who killed were memorialised on a national scale. Notably during that same year, on the 19th of April 2015, as many as 850 migrants and refugees on one single boat lost their lives in the Mediterranean (Faiola, 2015). Though my own personal proximity and grief in relation to the deaths in Paris was particularly acute, the disjuncture between the framing of these two tragic events where a significant number of people tragically lost their lives was very unsettling. As De Genova (2018, p. 1778) writes these events culminated in the framing of a kind of "crisis" in Europe, underpinned by a racialised rhetoric and driven by the desire to restore a social order. The successive 'reiterations of a crisis of sovereign control over borders' which is 'provoked by the autonomy of migrant and refugee movements has continuously been reconstructed […] as an outright menace to law and order' and as 'a security threat that purportedly legitimates a state of emergency' (De Genova, 2018, p.1778).

There is a responsibility on researchers to challenge existing frameworks that allow some deaths to be visible and grievable, whilst others are not. Perl (2019, p. 13) sheds light on how 'the regime of contemporary irregular migration' directly informs 'specific forms of dying and death' (2019 p.13). Her article tells the (untold) story of Hamid, a Moroccan man who survived a shipwreck off the coast of Spain in 2003. As she states, whilst the stories of those who had lost their lives and the undertaker who cared for them were widely circulated in the media and by NGOs, the survival story was largely ignored. The border regime, she articulates, not only leads to death but also to the survival of an experience which is not allowed or given the space to be heard. Perl provides a powerful discussion that challenges the regimes of truth production; where some stories are deemed more legitimate, more credible, or more valuable. This relates to wider regime of necropolitics where some lives are deemed as disposable (Giroux, 2007) and therefore not grievable (Butler, 2004). The motivation to focus on the UK directly challenges this logic. It was important that my thesis should interrogate the structures that contribute to the over-attention (characterised by hyperbole and panic) to some deaths as well as the under-attention (characterised by indifference and apathy) to others (Cohen, 2011). There is equally a responsibility as researchers

to interrogate the privileging of certain forms of knowledge-making over others. This relates to much broader demands on researchers to be critical of the institutional spaces we occupy and research within. As Gunaratnam (2021) argues, this involves de-centring structural Eurocentrism and whiteness within academia which privileges certain forms of knowledge-making whilst also sustaining racial inequalities. As Gunaratnam (2021) states, academia still has a long way to go to. In the face of extreme hostility across and within British society, there is an absolute need for academic collaboration and conviviality to champion these injustices. I acknowledge my own social positioning as a female, white researcher based at an elite UK university and what this means conducting this research in a context where the politics of who gets to speak is already heavily racialised.

Chapter Four

Classifying border deaths: between visibility and invisibility

Introduction

At the time of attending the conference on border deaths in Amsterdam[33], I was in the early stages of data collection and had spoken to a handful of human rights groups and NGOs with experience working in Northern France. Many told me about the deaths of people attempting to reach the UK from Northern France, as well as deaths (often relating to violence or suicide) in the refugee camps in Calais and Dunkirk. I was curious why these deaths were not being included in the conference or indeed elsewhere in mainstream discussion. Other NGO groups supporting asylum seekers and refugees within the UK also made me aware of deaths within and beyond borderzones (both in immigration detention centres and in the community), as a result of everyday bordering practices (e.g., in hospitals or immigration detention centres) and state policies (e.g., the UK's hostile environment policies). This drew my attention and interest to the controversies and divergences surrounding the term border death.

While there is no single or unified definition of what a border death is, the term broadly describes 'the premature deaths of persons whose movement or presence has been unauthorised and irregularised as they navigate or interact with state-made boundaries' (Last, 2020, p. 21). A narrow understanding 'includes only those deaths that occur during the crossing of borderlines that demarcate geographical perimeters of states or supranational territories such as the European Union (EU); a wide definition includes deaths that can be tied to any manifestation of state-made boundaries in any space' (Last, 2020, p. 21). It was clear from the data that I was collecting that various death classifications were inconsistent and disregarding of the wider circumstances surrounding particular deaths. I argue that while a more expansive understanding of the term can attribute or account for border related deaths in a wide remit of sites and circumstances, conversely a narrower scope buries important context surrounding these deaths.

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[33] The International Conference on Border Deaths and Migration Polices was held between the 14th and 15th of June 2018 at the Vrije Universiteit Amsterdam, The Netherlands. I attended this conference in the very early stages of my research.

This chapter explores how classificatory systems inform what kinds of border deaths are made visible. It examines how systems of classification can simultaneously make some deaths visible whilst also concealing the wider circumstances surrounding a death. Existing sociological literature states that 'even when there is a relatively simple consensus about the cause of death, the act of assigning a classification can be socially or ethically charged' (Bowker and Star, 1999, p.25). It is through the processes of classification and collecting data that 'phenomenon' such as border deaths are made 'visible and countable' (Heller and Pécoud, 2020, p.483). Other scholarship also highlights how official forms of death classification can render some deaths invisible or the wider circumstances surrounding them illegible (Klinenberg, 2002; Moon, 2006; 2012b; Tate, 2007; Wilson, 2001).[34] Following Hacking (2000; 2002), this chapter examines how classificatory systems can both be productive (in the way border violence is made visible) as well as repressive (in that deaths or the structural conditions surrounding them are made invisible). The regularisation and standardisation of classificatory schema inevitably leaves some phenomena invisible and unmapped (Bowker and Star, 1999). Moreover, since reality is constantly shifting and resists standardisation (Scott, 1998), it makes the task of understanding the classification of border deaths even more complex.

In spite of the challenges surrounding the classification of border deaths, the endeavour of my research strives to create as broad an understanding of the term as possible in order to contextualise the varying sites of border violence. To fully comprehend the value of a life it is vital to understand the conditions that lead to its destruction. If the classification of border deaths remains confined exclusively to 'deaths at the border', other social factors surrounding the dead (for example, institutionalised and regularised bordering practices) may not be appropriately scrutinised (Heller and Pécoud, 2020).

In order to widen our perspectives on the term border death, this chapter examines data produced by NGOs, human rights groups and intergovernmental organisations currently involved in collecting data on deaths at the border, deaths in immigration detention as well as other deaths within the UK related to bordering processes. It examines who classifies deaths and how they relate it to borders, as well as discussing what is made visible and invisible by processes of classification.

New forms of classification, as Hacking (2002) describes, engender new ways of describing, relating to and understanding categories. Consequentially, they can both facilitate and quash

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[34] Chapter two discusses this literature in detail.

opportunities for human action (Hacking, 2002, p.99). The consequences of making a death or kind of death visible, through reporting or classificatory schema, may make other deaths or other causal explanations invisible. This may be dependent on who is making claims following a death. As I discuss in this chapter, the classification of death is inherently political and it is important to engage not only with the processes of classifying but the systems that remove or deny certain details surrounding a death. While classificatory systems draw attention to and make social phenomenon visible, they simultaneously render many things invisible. Furthermore, classificatory systems can be utilised as an apparatus to extend surveillance and governance. To really understand what classificatory systems mean we must look at what they exclude as well as what they include. Furthermore, the under-attention to some deaths may be tied into structures of recording or reporting, or other systems of classification.

The first section of this chapter briefly introduces the emergence of border deaths globally. The second section discusses the relevant data that classifies border related deaths. It focuses on organisations that aim to make everyday bordering practices visible and discusses the importance and challenges of doing so. The second section discusses how existing forms of classification and recording render some deaths and the structural conditions of violence surrounding them invisible. I highlight how systems of recording can further minimise or deny (Cohen, 2013) the context. The final section reflects upon the political nature of border death classification and the tensions between visibility and invisibility. Throughout this chapter, I also analyse and discuss interview data which provides further evidence and detail to the discussion.

The global emergence of border deaths

As Nevins (2003, p. 173) claims 'there is nothing new about risk and death being part of extralegal boundary crossing'. Rather, it is the intensification of border controls and enforcement that has seen a sharper rise, and perhaps awareness of, border deaths. To evidence this claim, Nevins (2003) discusses the deaths of many Chinese migrants who died following the United States' Chinese Exclusion Act in 1882. This Act suspended any immigration from China to the United States, and many migrants died in attempts to reach the US 'and circumvent boundary enforcement' from Mexico or Canada (Nevins, 2003, p. 172). Immigration enforcement and the exclusion of Chinese immigrants from entering the US legally, forced them into dangerous and potentially deadly terrains (De León, 2015, p. 32). Despite this history, border deaths first entered academic debate in the late 1990's, at the same time that forensic anthropologists started

documenting deaths at the US-Mexico border (Last, 2020). As Reineke (2016) illustrates, the boundaries between identities of inclusion and exclusion were also mapped out onto these political terrains and at the point of death. As Reineke (2016, pp. 31-2) argues:

> these deaths are symptomatic of structural inequalities, and they are also productive of them. The social construction of illegalised migrants—non-citizens who are allowed to die in the deserts of the southwest—is a critical part of the formation of the "imagined community" (Anderson 1998) of the United States.

As Weber and Pickering (2011) highlight, border deaths, including deaths at the UK border, are both a global and historical phenomenon. The last decade has marked an increasing global and public awareness of these deaths. As Last (2020, p. 22) states, death 'has become increasingly relevant in the daily practices of border workers and in the discourses of policy makers.' The phenomenon of border deaths gained traction in Europe in the early 2000's by sociologists, lawyers, and academics with an interest in human rights. This followed the work of activist and NGO groups who had been documenting border deaths in Europe from the late 1990's (Last, 2020). As a result, 'the awareness of the global scope of the phenomenon and public interest' and 'research and reporting on border death' has grown exponentially (Last, 2020, p.22). In what follows, I interrogate what is and what can be understood by the term border death.

Classifying border related deaths: what is rendered visible?

I created *Table 1* (see below) as a visual illustration of the different ways in which border related deaths in the UK are classified. Using online resources and reports produced by organisations[35], it captures some of the divergences across and between different actors in what they taxonomise and record as a border related death. Some of the deaths included are those more conventionally understood as a border death (e.g., at state boundaries), however I also include deaths related to bordering processes in the UK. For example, charities such as the Institute of Race Relations (IRR) and Medical Justice document deaths in immigration detention. Though these organisations may not explicitly use the term border death, this thesis hopes to consider as wide a range of border deaths as is possible within the remit of my research. For these reasons, *Table 1* also includes deaths that occur at the UK border, as well as within the UK. What this table hopes to demonstrate is the wide range of deaths that the term border death could encompass.

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[35] See Appendix B for list of organisations and their reports.

Like wider understandings of the term, my research hopes to illustrate how border deaths in the UK should be 'tied to any manifestation of state-made boundaries in any space' (Last, 2020, p. 21).

It is important to note the relative status of the different agents of classification. Most of the organisations detailed in *Table 1* (aside from the IOM) are NGOs, human rights groups, or activists. Their motivation for documenting deaths is often to counter the invisibility produced by states or governments. Conversely, the International Organisation for Migration (IOM) are an intergovernmental organisation therefore they are more closely connected to the state. While the other groups seek to contest state practices and policies, the IOM are also involved in mechanisms of state control and border governance (Heller and Pécoud, 2020).

Table 1: Classifying border related deaths in the UK

Type of death	Definition	Who reports or documents as border related?
Vehicle related death or accidental death	Most vehicle related deaths tend to be reported during attempts to cross the UK-French border and reach the UK from Northern France (for example, being hit by a car or a truck on the motorway). Deaths have also been reported on the UK side of this border, where people having recently arrived in the UK have become crushed under a travelling vehicle or suffocated in the back of a vehicle. People have also been found dead under the wheel of airplanes, and after falling out an airplane as it prepares to land in the UK.	IOM CMS (France only) UNITED The Migrants' Files
Death by electrocution	Death from electrocution have been reported whilst trying to board a Eurostar train heading for London, in Paris as well as at the Channel Tunnel in Calais. Increased security and border controls at the Channel Tunnel have meant that attempts to cross the border here are increasingly more difficult.	IOM CMS (France only) UNITED The Migrants' Files

Type of death	Definition	Who reports or documents as border related?
Death by drowning	Drownings have been reported in the English Channel whilst trying to reach the UK from France, often in Port of Calais, Le Havre or Dover. Drownings have also been reported in Paris and in the UK. Many of these occurred whilst fleeing a police or immigration check.	IOM (only at border site) CMS (France only) UNITED IRR The Migrants' Files
Death by violence	Deaths as a result of stabbings, shootings, or gang violence in refugee camps in Northern France, as well as from the use of force by border police and contact with vigilante groups. Deaths have also been documented in the UK after sustaining injuries following arrest (e.g., death after being handcuffed and assaulted in police custody, or suffocation by neck lock during arrest), as well as a result of racist attacks (in public spaces, detention centres and prisons).	IOM (France only) CMS (France only) UNITED IRR INQUEST (UK only) The Migrants' Files
Self-inflicted death or suicide	Suicides in local refugee camps, local hospitals, and detention centres across France. Suicides have also been documented in immigration detention centres in the UK. INQUEST would also include self-inflicted deaths of people who attempt to commit suicide whilst in an immigration detention and who die after being transported to hospital. Suicides have also been documented in prisons, and public spaces (e.g., refugee accommodation centres). Reporting suggests that self-inflicted deaths are often associated with refusal or stress with asylum claims.	CMS (only in France) UNITED IRR INQUEST (UK state custody only) The Migrants' Files Medical Justice (in immigration detention only)

Type of death	Definition	Who reports or documents as border related?
Death due to medical factors or lack of medical care	Death as a result of a medical condition (e.g., heart attack, cancer). Many organisations suggest that these deaths could be avoided and are a result of medical negligence – either due to the delay or denial to medical assistance because of immigration status. For example, the organisation INQUEST (2019d) does not define these deaths as death by 'natural cause', as many involve serious failures in care. These deaths have been reported both in custody, as well as in public space where the individual's fear about their immigration status prevented them from seeking medical support. The Migrants' Files, for example, includes deaths where there may have been a lack of medical care, denial of treatment or neglect.	UNITED IRR INQUEST The Migrants' Files Medical Justice (in immigration detention only)
Deportation death	Deaths of people awaiting or in fear of deportation (often self-inflicted), during deportation (including asphyxiation, suffocation, heart failure as a result of stress), and following deportation (killed when arriving in home country).	UNITED IRR INQUEST The Migrants' Files
Death due to destitution	Deaths as a result of poor living conditions (e.g., starvation or living in unsafe accommodation that has set on fire).	UNITED IRR
Death due to working condition	Death due to unsafe working conditions (collapsed building or fire in the workplace). Where work related deaths are documented, they are often related the precarious nature of work because of immigration status. For example, the deaths of 23 cockle pickers who died whilst stranded by high tide on Morecambe Bay.	UNITED IRR

Type of death	Definition	Who reports or documents as border related?
Other deaths	The IRR also include the death of a French man who died trying to rescue a migrant from the canal and the death of a Polish driver who died trying to avoid a 'migrant-constructed road-block' on a motorway in Northern France. They are included 'as their deaths were caused by the militarisation of the border, but they themselves were not attempting to cross the border' (Institute of Race Relations, 2020, p. 7).	IRR

The visibility of the border

What is largely made visible from *Table 1* is that the borderzones are the primary site of death. Whether that it is the immediate vicinity of the Channel or in neighbouring areas, the border, and associated risks of crossing the UK-French border are made visible. This is consistent with the framing of border deaths at other political territorial borders such as at the US-Mexico border or the European-Mediterranean border, where most deaths that are reported and classified are those taking place during migratory trajectories (International Organisation for Migration, n.d)

Since 2014, the International Organisation for Migration has been tracking deaths of migrants on a global scale. Their *Missing Migrants Project* tracks deaths in Europe, Africa, Asia, Middle East, and the Americas. The deaths they document include 'migrants who have died or gone missing at the external borders of states or in the process of migration towards an international destination' (International Organisation for Migration, n.d.). Their data also includes deaths at the 'English Channel to the UK'. Dating back to 2014, this includes the following types of deaths; deaths resulting from 'plane stowaway', 'vehicle accident', 'hit by truck', 'fallen from back of truck', 'hit by vehicle', 'train accident' are all categorised as 'death linked to hazardous transport'. Their data also includes 'suffocation' in the back of a vehicle, and 'presumed drowning' or 'drowning'. The sites of death include borderzones or key transport hubs surrounding the Channel in Northern France, Belgium, and the South-East coast of England. For example, in Calais, Grande-Synthe or in Kent and Essex (ibid.). The IOM also include categories of deaths such as 'heart failure' or 'stabbed' to death that may have taken place in the vicinity of Northern France, such as in the Grande-Synthe camp or Calais 'Jungle'. Deaths that take place, such as by 'electrocution' in Gare du Nord, Paris are also included in their data. They report very few deaths within the UK which includes the deaths of two people found dead by 'suffocation' in a wooden

crate in Branston in the UK. It was thought that the crate arrived from Dunkirk to Dover on the 8th of October 2015 (Henn, 2015). The local police involved in the investigation reported that the two bodies were most 'likely to be migrants who had secreted themselves in a wooden transit crate to enable their entry into the UK' (Henn, 2015). The IOM also include a death cited as 'crushed in back of truck' in Banbury, Oxfordshire on the 1st of April 2017. As the *BBC* (2017) reports, seventeen-year-old Mohammed Hassan died after falling off the lorry as it stopped in Banbury and was run over as it reversed. The IOM also include the 'accidental death' of a five-year-old Afghani boy who fell out of his hotel in Sheffield on the 18th of August 2021 (Pidd, Halliday and Taylor, 2021). The rest of the deaths they document at the UK border or within the UK are largely travel or vehicle related. The data produced by the IOM makes visible a range of different types of deaths and locations, though like conventional understandings of the term border death, these are predominantly related to border-crossings.

Making deaths at the border visible does not always serve to challenge status apparatuses of surveillance and control. As Casper and Moore (2009) argue, the act of making a phenomenon visible can also serve a biopolitical function. The IOM tracks and documents border deaths but they are also involved in the state apparatus of border surveillance. As Heller and Pécoud (2018) outline, unlike civil society, the IOM are key players in border surveillance and migration control. Through voluntary return programmes, the development of new surveillance technologies and border controls, the IOM is also aligned with state initiatives and their security-focused policies. They maintain and support efforts to curb and control migration. As Heller and Pécoud (2018, p.4) argue: the IOM are 'thus contributors to the creation of the very conditions that lead to migrant deaths – while at the same time documenting this reality and deploring these deaths through its *Missing Migrant Project'*. This statement demonstrates the tensions and political contradictions involved in documenting death, where the IOM is both the facilitator of the conditions that lead to death and the principal body in reporting them.

Making everyday bordering visible

What is clear from *Table 1* is that the further away from the border or the time elapsed after crossing a border, the less likely a death is connected to bordering practices or structures. In the case of working conditions or destitution, *Table 1* demonstrates, how very few organisations describe these deaths as border related.

The classification of a border related death is not always limited to the territorial border. Some organisations such as UNITED for Intercultural Action (hereafter UNITED), the Calais Migrant Solidarity group and others have a much broader classificatory system. As a result of their more expansive understanding deaths that are symptomatic of a wide range of bordering structures are made visible. For example, the activist organisation UNITED has a much broader scope of what is included in their list of deaths. UNITED (2021) began counting deaths 'associated with Fortress Europe' in 1993. The group began documenting deaths at the German-Polish border, at a time when Poland was outside of the European Union. At the time deaths were happening along this border as a result of minefields, deaths of people freezing in the mountains, as well as killings by smugglers or hate crime. UNITED (n.d) seeks to make visible the deadly consequences of European border policies. This provides evidence of how the term and the materiality of death itself evolves with contemporary borders and the construction of European citizenship (Balibar, 2011).

UNITED's latest version of their *List of Deaths* (1st of June 2022) identifies '48,647 documented deaths of refugees and migrants due to the restrictive policies of "Fortress Europe"'. The IOM documents, 50,087 deaths worldwide since 2014. This figure includes 883 deaths in total in Europe, with 203 deaths reported at the English Channel and 24,581 deaths at the Mediterranean border.[36] The total number of deaths that UNITED attributes to European border policies between 1993 and 2021 is 48,647.[37] The difference in total figures may be in part due to UNITED's work dating back several decades. It may also be due to their expansive terminology as they include all deaths that can be attributed to border management and externalisation, as well as immigration and asylum policies. Their *List of Deaths* includes deaths of people as a result of border closures, asylum and immigration laws, deaths in detention and due to deportation. UNITED's (2021) data includes deaths of people whilst entering Europe, during deportation, in detention, and as a result of failures in health systems or deaths following a rejected asylum claim (e.g., suicides or heart-attacks). UNITED take a more expansive view both of death, as well as borders. By including deaths that do not only take place at territorial borders they highlight that deaths also occur 'as an effect of the existence of borders and the disseminated bordering practices they give rise to' (Heller and Pécoud, 2018 p.9). Their data gives visibility to deaths in detention, as a result of systems of exclusion and immigration policies.

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[36] Latest figures as of the 5th September 2022.
[37] Latest figure as of the 1st of June 2022. UNITED publishes their list annually.

Similarly, the Institute of Race Relations (IRR) also documents immigration related deaths including deaths in custody, deaths relating to racial violence, as well as deaths of asylum seekers and undocumented migrants, from suicide, destitution, denial to medical treatment, police violence, dangerous working conditions or racial attacks (Athwal, 2014). The IRR's (2020) report *Deadly Crossings and the militarisation of Britain's borders* documents deaths at the border between France and the UK. Between 1999 and 2020, they count 294 deaths of people including deaths resulting from drowning, vehicle collisions, violence, shooting, failures in medical assistance, deaths of 'undetermined circumstances', dehydration, or suffocation whilst in the back of a vehicle, hypothermia, heart-attack, suicide, and electrocution in the Eurotunnel. Their report also documents the details, names, and photographs (where available) for each death. Within this tally, they also include the following two deaths. The death of a French man 'who dived into a canal to try to rescue a migrant who had fallen in' is included in their data. They also cite the death of 'a Polish driver killed trying to avoid a migrant-constructed roadblock on the motorway near Calais'. As they note, even though these people were not attempting to cross the border, these deaths, they argue, 'were caused by the militarisation of the border' (Institute of Race Relations, 2020, p.7). Border deaths are not only those of people who we might usually consider as vulnerable or at risk. As both of these examples demonstrate, both the French man and Polish driver were acting in a way to reduce harm. These examples are a reminder that not all border deaths are at the border, and not all people who die are refugees or migrants. Neither UNITED nor IRR explicitly adopt the term border death. However, both organisations relate death to territorial borders, as well as internal borders such as asylum and immigration systems. They both seek to highlight that these structures can also lead to the deaths of migrants, refugees, and asylums seekers.

Calais Migrant Solidarity (CMS) are an activist group based in Northern France and their data focuses on documenting deaths at the Calais border in France. Since 2002, their online website 'Deaths at Calais Border' documents deaths that occur either in Calais, or in the surrounding region and in attempts to cross the Channel. Relying mostly on newspaper reports or reports from people in Calais, CMS documents deaths that occur only on the French side of the border including deaths in immigration detention or migrant camps in the region. Their definition of death the border is also quite expansive, including any death of a migrant, refugee or asylum seeker that can be attributed to the Calais Border regime (Calais Migrant Solidarity, n.d).

The Migrants' Files (2016) are a consortium of journalists who between 2000 and 2016 documented the deaths of people 'trying to reach or stay in Europe'. Their methodology considers the deaths of people 'who do not possess an EU citizenship', or who die during attempts to reach

Europe. Their data includes the deaths of people who have 'died as a result of his or her conditions of [being] illegal'. They include deaths of those trying to reach the UK. They also include deaths within the UK, resulting from lack of medical care, neglect, or denial of treatment. They also include deaths by suicide, sometimes noting 'in fear of deportation', 'after asylum claim rejected', having 'suffered depression' or after 'being denied necessary medication'. Interestingly, their methodology means they include deaths far from European borders, of those who intended to reach Europe (e.g., who died in a third country, such as Turkey), or deaths after deportation in a third country (such as Libya). Such classification makes the extension and internalisation of border controls and policies visible.

I met Lily, a human rights researcher with a wealth of experience reporting on immigration related issues in Europe, including deaths across the continent. During our interview, we discussed the slow and insidious embedding of the UK hostile environment policies. Lily commented on the privilege she held as a dual citizen of both the UK and a European country. She acknowledged how new immigration legislation and laws under Brexit would only lightly disrupt the current freedom she held at the time. These hostile environment policies, she explained, might create bureaucratic difficulties for her in terms of the rental or employment market. However, she was clear that these policies and internal borders have much more disastrous and deadly implications for other more excluded populations. We shared similar opinions that these policies, that as Lily explained 'make life as difficult as possible', also create the conditions where deaths occur. As well as including deaths in immigration detention or as a result of hostile environment policies (e.g., deaths of members of the Windrush generation), Lily also stressed the importance of including deportation deaths. These are the cases of death where people die or are killed on arrival in their home country following a deportation. 'It is a policy choice by the state that absolutely led to their death and if it hadn't been for that deportation they wouldn't have died', Lily explained. The view that deportation deaths should also be considered was shared by Matilde, an international journalist. Matilde commented on the exclusion of deportation deaths from data produced by the IOM. 'I completely think [deportation deaths] count and I don't see how they could not count', she exclaimed during our interview. As she stated, the IOM does not capture these deaths based on their classificatory schema. UNITED does include these deaths, Matilde explained, and their 'list does a good job of capturing [deportation deaths] and particularly for Afghans. There have a been a number of cases of Afghans who have been expelled and then were essentially killed immediately when they got home'.[38] Though I perceived Matilde's motivations for including these

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[38] My interview with Matilde was conducted prior to 2021 when the Taliban claimed control of Afghanistan.

deaths to be driven largely by her professional occupation as a journalist. Her decision to include these deaths also appeared to derive from her inclination to capture and collect data. Here I note a point of difference, as she stated 'I am less concerned with policy'. The questions of whether someone died as a result of immigration or migration policies, she considered 'unanswerable'. Her concern was led by collecting 'information' rather than attributing blame to state policies. The inclusion of deportation deaths raises important questions related to the location of the UK border which has persistent and long-lasting effects. However, the wider context in which these state deportation policies occur (e.g., the hostile environment policies) may not always been inferred. Whilst different organisations and individuals may include deportation deaths in their reporting, the extent to which these are connected to broader state policies may also vary.

Medical Justice is a charity that provides medical support for detainees in the UK. Medical Justice (2016) produced a report documenting deaths in immigration detention between 2000 and 2015. This report highlights the thirty-five deaths that are known about in this time period and the charity seeks to generate public acknowledgment and proper investigation into these deaths, many which resulted from systemic failures in healthcare in detention. Annex 1 of their report lists the deaths of those held in immigration detention by date, and Annex 2 records the deaths in alphabetical order. These include 'hanging', 'murdered', 'septicaemia', 'collapse on running machine', 'trauma related to hanging', 'AIDS', 'self-inflicted', 'TB', 'liver cancer', 'irregular heartbeat', 'unlawful killing', 'heart attack', and other deaths relating to health conditions. Though they do not define these deaths as border related, they state that:

> Each death in detention is an avoidable tragedy. Every year more than 30,000 people are detained under Immigration Act powers in the UK. Immigration detention is only intended to be used in exceptional circumstances and not for those who suffer from serious physical or mental illness. As a result, it might be expected that no one will die in immigration detention (Medical Justice, 2016).

In finding thirty-five deaths between 2000 and 2015, their report seeks to highlight the systemic failures that have had fatal consequences. What charities such as Medical Justice make visible is the structural violence embedded in institutions such as immigration detention that lead to preventable and avoidable deaths.[39]

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[39] Chapter five discusses the case of the death of Tarek Chowdhury where failures to properly assess or administer individuals led to two people being incorrectly placed in detention.

Rationale for making UK border related deaths visible

Many organisations cite that it is crucial to document deaths at the UK border as well as within the UK as a result of immigration or asylum policies. They argue that it is necessary in order to expose systems of structural violence, ensure that deaths are not treated in isolated terms and to challenge the political and public inertia surrounding these deaths, in the hope that justice and accountability can be achieved, and future deaths can be prevented. The Institute of Race Relations documents deaths in immigration detention and produced a report documenting occurrences of these deaths between 1989 and 2017 (Athwal, 2014). As Director of the Institute of Race Relations, Deborah Coles states, the reporting of these kinds of deaths by human rights organisations serves:

> a vital function in speaking up for those without a voice, particularly where there are no family members to speak out, to demand accountability and scrutiny of these institutions and safeguarding the human rights of detainees. With the visible increase of racism and intolerance and the punitive treatment of those fleeing conflict, persecution and poverty this work has never been more necessary (Medical Justice, 2016, p.1).

An underlying principle within human rights reporting is that documenting suffering is a primary instrument for instilling change (Cohen, 2013). Many of the members of NGO organisations, human rights, and activist groups who I interviewed reflected this. Many of my interviewees commented that there is 'power in evidence'. Later in our interview Lily, whilst responding to a question about counting border related deaths, emphasised the importance of this for promoting greater public awareness. She recognised the centrality of public knowledge, stating that 'you can't fight what you don't know, and you can't get outraged by what you don't know'. Like many other organisations, Lily felt that if the public were made aware about these deaths through evidence and statistics there might be a greater impetus to challenge state actions and policies. This view was also shared by George, a journalist with experience reporting on immigration issues in the UK. Though relatively early on in his career, George expressed a deep level of maturity and reflexivity during our interview. He was modest about the extent that journalism can incite public change. When I asked him about his role as a journalist, he expressed disgruntlement stating that as a journalist 'you can't really pass a polemic judgment' you have to hope 'people will see it and say that isn't right'. Towards the end of our conversation, I shared some of my own hesitancy with the PhD research process, its purpose and impact. In response, George agreed stating that:

Yeah, you hope there is going to be a time when someone in a position of power looks at all the evidence […] all these things on their own won't have a big impact but hopefully when they put it all together as evidence they will see that violence is systemic and then there might be an appetite for change.

The limitations of the kinds of knowledge researchers and journalists can produce felt even more pronounced by the space in which I interviewed George. We met in a small, windowless, airless office. At the time it felt like an ideal, private space in which to hold our meeting. Later, I reflected upon how the spatial dynamics of this office might also mirror the boundaries and limitations (even borders) that exist around research.

A second rationale for counting UK border related deaths was to make these deaths visible, which otherwise go unrecorded, unnoticed, and unaccounted for. For many of the activists and NGO groups that I spoke to, it was important to challenge this erasure. Counting was deemed as an important mechanism for making these deaths more widely known about. Whilst many NGOs and human rights group that I spoke to were involved in counting these deaths, they were also involved in advocacy, policy, or frontline response. Some organisations were involved in providing pastoral support to the families, arranging funerals, burial, or repatriation, whilst others were involved in providing legal support or assistance. One of my interviewees Bernard explained this to me in more detail. I met Bernard in Paris after initially reaching out to him via e-mail. We shared similar concerns regarding the importance of making deaths at the Calais border more visible. Bernard's concern derived specifically from his personal experience as a volunteer in Northern France. Bernard supported the activities of a charity working in Calais for several years, something he was able to do without taking any formal employment. Bernard told me that many associations and volunteers in Calais are confronted, and deeply disturbed, by deaths at the Calais border. As Bernard described to me, it was often the case that when someone died at the border the police would directly contact these associations to help identify the body. Bernard, like many other NGO associations I spoke to, explained to me that the government does very little in response to deaths at the Calais border. This was mirrored in the media's response, which he explained rarely acknowledged those deaths or reported very little details about the person who died. It was these experiences that Bernard described which further amplify the importance of acknowledging and counting deaths at the UK border. Bernard demonstrated the immense value of organisations such as the Calais Migrant Solidarity group and their role in countering the silences around these border deaths.

A third argumentation was to expose and hold accountable the underlying structural conditions that lead to these deaths. During our interview, Lily confronted the notion that exposure to risk occurs only in attempts to reach Europe. She described this as 'farcical'. As she explained 'getting to Europe is treacherous and terrifying' but the experience in Europe is also 'terrible and terrifying'. Lily held the opinion that it was just as important to expose the structural violence, trauma and risk that continue to be experienced by people once they reach the UK. This was a view that I shared and that was further reinforced by Sara, a policy worker and researcher. Sara's expertise on immigration issues is well documented in her extensive portfolio of advocacy and research work. As part of her advocacy work, Sara worked with mental health support staff who provide legal and pastoral support to asylum seekers in the UK. I explained that I was curious about deaths that happen as a result of internal borders but that may not be captured in official data. Like Lily, she stressed the difficulties that people face when they reach Europe. Drawing upon her own experience collecting evidence, Sara explained that contrary to the mainstream understanding, the circumstances people find themselves in once they reach the UK are 'themselves traumatising'. She explained that the systems in the UK 'create trauma'. During our interview, Sara responded to my questions in an incredibly articulate way and I was impressed by her lucidity in discussing extremely sensitive issues. Reflecting upon recent reports of suicides amongst young asylum seekers, she explained that these young people 'have a particular vulnerability' related to their 'lives getting here but also the system which is inherently set against them'. She advocated for an intersectional approach within wider discussions around mental health. She stated that 'there should be a properly intersectional approach in how we are talking about these things and [unaccompanied young people] should be incorporated within that and not kind of treated as a separate thing altogether'. As she explained, the experiences of unaccompanied young people may be more pronounced as a result of intersecting forms of marginalisation (e.g., their immigration status, ethnicity, age, and gender). She also stressed that the broader issue is 'the whole system' surrounding mental health which 'is clearly not able to cope'.

The deaths that result from these systems risk being erased by classifications of death that are limited to the territorial border. The following and very tragic example reinforces the importance of documenting deaths within the UK that relate to systemic violence and immigration policies. It provides further evidence of how structural violence can be embedded in state policies and the neglect towards certain populations (Giroux, 2007; Mayblin, Wake and Kazemi, 2020). On the 22nd of August 2020, Mercy Baguma was found dead in her flat in Glasgow. She was discovered some days after her death and was found next to her crying baby. It was reported that she had been living in 'extreme poverty' and had lost her job after her limited leave to remain

expired. Since losing her right to remain, she relied upon donations from friends and charities for food (Brooks, 2016). Kim Leslie, Partner at Digby Brown Solicitors stated that her death raised serious concern about the organisations and systems that failed to support her. Following the death, Nicola Sturgeon stated that the UK asylum system is not only 'broken and deeply inhumane', but that it 'must be changed'. Charities also stated that many 'more migrants without access to public funds are at risk of dying unless immigration policies change' (Bulman, 2020a). The Director of the charity Positive Action In Housing, Robina Quereshi, also considered it important to expose the inactions or failure of both Mears Group (a Home Office housing contractor that provides asylum accommodation) and Home Office in their duty of care, stating that 'the circumstances surrounding this tragedy is indicative of wider systemic issues where refugees and migrants are left vulnerable by the state' (Paterson, 2020). Ultimately the importance of highlighting how these kinds of deaths are also related to bordering practices and systems of violence is to make 'people accountable', as Lily argued.

Issues with documenting border related deaths

Issues with classifying death also relate to the availability of data and the format in which deaths are recorded. Estimates of border deaths in the UK, let alone across Europe, are often incomplete. Scant information, a lack of official data and the invisibility of these deaths make the task of documenting them incredibly difficult (Athwal and Bourne, 2007). Recently the Home Office has been particularly hostile and esoteric in sharing information about deaths in asylum accommodation (Taylor, 2020b). Some interviewees expressed conflicting views regarding how deaths were documented and existing literature has demonstrated that even when violence and atrocity is reported and made publicly visible, publics and states are not always responsive (Cohen, 2013; Seu, 2003). On occasion media reports on border deaths have gained widespread attention and have roused public sympathy. An example that many people may recall was the reporting of the death of the three-year-old Alan Kurdi on the 2nd of September 2015. This was discussed by Miriam who I initially reached out to via a mutual contact. Miriam had previously worked for a charity in Calais and was at the time currently based in the UK. I initially asked her to reflect upon her own experience volunteering in Northern France and the general awareness of deaths at this border. Miriam explained that at the time the situation in the camps was really desperate and public and political engagement was extremely lacking. She explained that charities based in Northern France received thousands of pounds in donations 'overnight' in response to reporting of Alan

Kurdi's drowning. This case provoked an 'intense emotional reaction' worldwide. However, as Miriam explained this quickly turned to fatigue and waning interest. This also demonstrates the relevance of both Cohen (2013) and Seu's (2003) research related to compassion fatigue and failures of the wider public to maintain sustained engagement with suffering. As Miriam illustrates this is also present in the context of border deaths.

To gain public visibility of border related deaths, some interviewees felt that statistics are important because they give a sense of the problem. I was curious to ask interviewees their thoughts on methods of reporting border deaths including the use of statistics, individual stories, and reports. After asking Matilde about the importance of data, she replied that having 'solid numbers as opposed to estimates' is important. As she continued, it might not always be possible to identify each individual death but recognised that you cannot expect the public to engage with 'dry numbers'. Later in my conversation with Lily, I asked her about the purpose and practice of counting border deaths. Much of our conversation had been about deaths within internal borders. Lily placed further evidence of counting those deaths. As Lily explained, being able to report numbers reveals that these deaths are not individual anomalies but reflective of wider patterns of systemic violence. We had already discussed examples of suicides amongst migrant populations in the UK and Lily further reflected on reports at that time of the suicides of three young Eritrean asylum seekers. (Gentleman, 2018b). She stated:

> Actually, when you start counting the numbers aren't negligible, they are actually a lot bigger than you think and it's because nobody is counting really, so the media isn't really counting. The media will highlight each individual case, but each individual case is highlighted as an individual case […] but actually when you think they were four or five them in the space of six months that did it, now that starts to speak to a trend.

Media reports in early 2018 highlighted that a group of three friends, aged 18 and 19 years-old who had all fled Eritrea and spent time in Calais before arriving in the UK all took their own lives within the space of six months. These deaths raise serious questions regarding how the Home Office and local authorities treat young and unaccompanied asylum seekers (Gentleman, 2018b). The work that charities and human rights organisations do, is not only to document deaths that often go unnoticed, but also to avoid looking at cases in isolation. What Lily appears to be describing is not an outright denial of suicides amongst asylum seekers in the UK, but an interpretive denial – euphemised as individual cases (Cohen, 2013, p.7). It illustrates the importance and challenge of connecting not only individual deaths but a wider range of deaths to bordering practices.

Many people I interviewed were sceptical that simply quantifying border deaths would lead to public action. One conversation in particular remains prominent in my mind. I met Joe on a bright morning in central Liverpool. We had decided to meet at an art exhibit which drew public attention to deaths at borders. The *List of Deaths*, produced by the anti-discrimination network UNITED (United for Intercultural Action), was being displayed in Liverpool as part of the 2018 Biennale by the artist Banu Cennetoğlu (see *Image 1* on following page). The physicality of the list displayed in Liverpool was immense. It covered the entirety of Great George Street, a busy street on the outskirts of the city centre. The deaths of 34,361[40] people stretched chronologically along two-hundred-and-eighty metres of Great George Street in Liverpool. Since being displayed in Liverpool, the *List* was repeatedly vandalised and damaged, entire sheets of the list had been torn down or covered in graffiti. In many places, attempts to recover the *List* were visible, often in a mismatched manner. Liverpool council had offered funds to cover the cost of reprinting the *List*. However, not all of the *List* had been restored. There were clear signs where the *List* had been ripped down revealing the advertising boards that were hidden beneath. In these spaces, often only remnants of the *List* remained with thin strips of the paper peeling away or creasing. In other places the *List* was merely a faint white impression against the wooden board. Great stretches of black wooden board laid bare where the *List* has been removed. Multiple graffiti marks were visible on areas of the *List*; obscenities scribbled out or tags scrawled across the white sheets.

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[40] This is the total figure at the time of the Biennale in Liverpool, 2018.

Image 1: UNITED's List of Deaths, Liverpool, 2018. Source: Personal photo

The *List of Deaths* has been publicly displayed in multiple cities across Europe. However, as Joe explained to me, this is the first time that the *List* had been vandalised. Responding to the destruction of *List*, the artist decided not to repair elements of the *List* 'as a manifestation and reminder of systematic violence exercised against people'. As well as writing this comment on the wall, graffiti was also overlaid with words that expressed sympathy with the *List*, such as, 'how can I go forward when I don't know which way I'm facing? How can I give love?' As we reached the furthest end of the *List*, Joe explained to me that in response to the vandalisation, the council increased security by installing a security hut with a surveillance guard. However, on this bright October morning, the guard was all but absent. We chatted informally before sitting down for our interview. Joe told me about a theatre play which followed the story of a refugee centre that was set alight. The intention of the play had been to connect this fictional story to the real destruction of the *List of Deaths*. Joe reflected on the lack of attention given to this play, which he attributed to the racialisation of its performers. The little-known theatre play stood in contrast to the multiple news reports surrounding the vandalisation of the *List* in Liverpool.

For a long time, Joe has been active in supporting migrant and asylum rights and continued to report on related issues. Joe was pleased that the *List of Deaths* had recently received mainstream attention. Earlier that year, *The Guardian* had printed the entire list as a supplement and exhibits across the world included the MOMA gallery in New York. However, he also expressed deep frustration stating that while the public are aware of border deaths, there is still widespread public indifference and apathy. He explained that although organisations such as UNITED or the IOM consistently report large number of border deaths 'still nobody [is] interested'. This relates to wider concerns, raised by many of my research participants, regarding the value of counting and producing statistical evidence of border deaths.

Bernard, whom I met in Paris, explained to me that numbers do not necessarily lead to political or public response. When asked about the purpose of documenting deaths at borders, he suggested that statistics are very impersonal and dehumanising. 'We say that people have died, one-hundred-people have died' but there is no individual story or person reported in those figures, Bernard explained. For Bernard, it was clear that individual stories and the wider context surrounding their deaths are hidden by statistics. This remark prompted me to consider my responsibility as a researcher to draw attention to these invisibilities within data sets and the imperative to consider the wider context. Whilst statistics provide evidence of border deaths and although they might make these deaths difficult to deny, statistical evidence can also 'obscure certain realities' (Moon, 2012a, p. 882). By their very nature statistics remove individual biographies. This can also hamper sustained and widespread attention.

In other contexts of atrocity, authors such as Mamdani (2009) argue that the act of counting the dead can also abstract historical, political and social particularities. As he explains, while the 'Save Darfur' campaign sought quantifiable evidence of a genocide, it failed to account for the wider context that led to these deaths. As such the counting of border deaths can make these deaths visible but at the same time abstract individual histories and wider context surrounding a death. As such, while there may be veracity or power in statistics, it is clear that this can also be problematic. This was clear in my interview with Anna whilst discussing the work that NGOs and charities do in Northern France. As she explained, public perception and engagement in 2015 stimulated and accelerated resources and funds available to these groups. The injection of funds allowed organisations to finance legal support, social workers and improve systems of data collection. As Anna stated during our interview, there was a realisation amongst these groups that data was 'powerful', as well as a 'need or a feeling that at least we can document [deaths] and shine a light on [them]'. Like Bernard, Anna emphasised the importance of humanising data. She argued

that 'if you report people's actual names, then it might make it easier for [the public] to empathise with the situation and to understand that border deaths are unnecessary and that they are a human rights violation'. This statement also compelled me to consider how I also reproduce data and information about people's deaths. This is not limited to the importance of including as much detail and wider context as possible, but also considering my own responsibilities attached to my social positioning as a researcher.

My interview with Tiphaine was a little more nuanced regarding the visibility of some deaths. Tiphaine volunteers for an NGO in Northern France which provides medical support to asylum seekers, refugees, and migrants. I asked Tiphaine about her own experience and involvement in Calais, as well as the reporting of deaths at this border. She responded stating that 'it's true, there is some information in the local newspaper. Every time there is a death, I saw it in the newspapers. It's true it is a little paragraph but still the information was reported'. Though, as she stated, it was unclear whether this reporting had a long-lasting impact. I met Carl in a local café in London where we shared an extremely rich discussion around deaths at the UK border, the embedding of the hostile environment policies and how to approach researching this topic. Carl has experience reporting on these issues and is largely critical of the ways in which they are conventionally reported by mainstream media. He also encouraged me to remain critical of existing reports on border deaths, recommending that I explore the 'blind-spots' and 'regularities' in existing data. He suggested looking at 'what deaths get reported and which ones don't'. As Carl explained to me during our interview, 'often deaths don't make it into local newspapers'. He continued to reflect on the visibility of some deaths or the public display of the *List of Deaths* prompting me to think about 'who are we doing it for and why?' From these two accounts, it is clear that the media can both contribute to the visibility of border deaths, whilst at the same time securing their invisibility. These interactions also shaped my own engagement with this topic and my interest in the invisibilities surrounding reporting and data collection.

A striking example that demonstrates how media reporting contributed to the visibility of a particular case was described to me during my interview with Marcus. I met Marcus at his police headquarters and in order to enter the building I was required to pass through both security and photo identification checks. With affiliation as a PhD student to the London School of Economics and as a bearer of a UK passport, this was only something I had to account time for. However, it is precisely my passport privilege and institutional attachments that facilitated my access to this building and my meeting with Marcus.

At the outset of our interview, I asked Marcus about the involvement of the police in response to deaths at the border. As the following example, described by Marcus, suggests the involvement of other actors specifically journalists and the media can also increase public visibility. Though Marcus had not been directly involved in the investigation, he was aware that it had gained significant international media and public interest. As he described, two sets of human-remains in wetsuits were found in in Norway in April 2015 and in the Netherlands in October 2015. The two bodies were later connected by the identical wetsuits they were found in that were purchased in Decathlon in Calais, France in October 2014 (Fjellberg and Christiansen, 2015). A combination of different types of documentation and reporting led to their identification. As Marcus explained to me, a Norwegian journalist, Anders Fjellberg developed an interest in the story. Fjellberg began investigating the details surrounding the two cases. Simultaneously police in both countries conducted their own investigations. As part of his investigation, the journalist visited refugee camps and churches in Calais, met with relatives in Leuven in Belgium and visited the shop where the wetsuits were bought. As a result of relatives and aid workers recognising the two individuals from Facebook groups alongside DNA analysis, the stories, and identities of the two bodies were discovered. The men were identified as twenty-two-year-old Mouaz Al Balkhi and twenty-eight-year-old Shadi Omar Kataf, both from Syria. They had both bought identical wetsuits in October 2014 hoping to swim across the Channel from Calais to the UK (Fjellberg and Christiansen, 2015). As Marcus explained:

> That's a really good case study of the type of investigation you could get and how to get people [who have died] recognised. It's a combination of the reporter's work in highlighting this in the Norwegian press and then the French press, and then people started to read it on you know Facebook, blogs, and stuff at the same time […] and thinking oh that's an interesting story and then other people reporting it.

The article produced by the journalist documented the lives and trajectories of the two individuals and as such it humanised and personalised their stories (Fjellberg and Christiansen, 2015). However, not all cases receive the same international exposure nor level of contextualisation. This can depend on the ways in which these stories are interpreted, publicly communicated and represented. Wilson's (1997) research on the documentation of human rights violations usefully demonstrates how the genre of human rights reporting can also contribute to this abstraction. As he explains, human rights reporting aligns itself with legalistic forms of representations. As such, it seeks universality, objectivity, and uniformity. The classification of human rights violations can obscure the complexities of both violence and society, he argues.

Wilson (1997) discusses this in the context of the investigation following the murder of Myrna Mack, a social scientist based in Guatemala. Mack was killed in 1990 and her murder received widespread attention. However, he explains that human rights reports following her death distanced themselves from Myrna Mack's biological history and the context in which she was killed. '[H]er case became about an abstract right that had been violated […] Myrna Mack was represented by a monochromatic profile of her age and occupation' (Wilson, 1997, p. 146). Reports provided very little detail regarding the daily life and threat of violence experienced by social researchers in this context. As he explains, this is indicative of other human rights reports which focus on individual cases rather than considering their connection to wider structural conditions (Wilson, 1997, p. 148). The example of Myrna Mack, or the two so-called 'wetsuit men' may be contrary to the norm. As a result of the focus on individual cases, the wider social, political and historical circumstances might be excluded (Wilson, 1997, p. 148). This was reiterated during my meeting with Rosemary, a member of a charity organisation. The scope of their organisation's work includes community engagement with people affected by immigration legislation, including detention. I had recently attended the inquest following the murder of Tarek Chowdhury, a Bangladeshi man who was killed whilst being held in detention.[41] At this time, I had also learned of the contention surrounding the role of the hostile environment policies following the death of Dexter Bristol.[42] Rosemary, aware of both of these cases, emphasised that the first step is to acknowledge border deaths but that reports must also connect individual deaths to the wider systems. In the context of deaths relating to immigration policies or systems, Rosemary argued that it is not about looking at 'cases in isolation because there are policies, behaviours and cultures that are allowing [deaths] to happen and to still continue as well'. Discussions with Rosemary and other interlocuters shaped the progression of my research and my thinking. They illustrate that the making some aspects of deaths visible can also lead to the invisibility of conditions or wider structures surrounding a death. They also indicate the collaborative nature in which social research is collected and where knowledge is interactive, collective and relational (Lury and Wakeford, 2012). I recognise that my research was largely produced out of relationships of relative commonality and shared interests. Most of my interviewees were critical of the racialised political, historical, legal, and social structures which produced the conditions in which border deaths occurred. With all these complexities and contradictions in mind, I now turn to exploring what is rendered invisible through the classification of death. However, as I illustrate there is no clear-cut line between invisibility and visibility.

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[41] My observations from this inquest are discussed in chapter five.
[42] See chapter six for further discussion.

Classifying border related deaths: what is rendered invisible?

This section explores in detail what is rendered invisible by the classification of a border or border related death. *Table 2* draws upon interviews, organisational data, and media reports to illustrate what deaths or information surrounding a death are made invisible by the forms or agents of classification. I also depict what structures might be rendered invisible as a result e.g., everyday borders or policies. I focus on death classification and agents of classification that provide the most contention or where certain elements surrounding a death might be missing or made invisible. *Table 2* is therefore not exhaustive and serves as the starting point for the rest of the discussion in this chapter regarding what is rendered invisible by classificatory systems.

Table 2: What is rendered invisible in the classification of border related deaths

Classification or agent of classification	What deaths or information surrounding a death is rendered invisible?	What other structures or wider conditions are rendered invisible as a result?
Deaths 'at the border' (e.g., drowning, suffocating, vehicle accident…)	• Deportation deaths • Deaths within internal borders • Deaths as a result • of immigration policies	• Everyday borders • Context of immigration or asylum policies within state borders • Structural elements that weaponise 'natural' elements (e.g., the sea or desert)
Deaths in custody or immigration detention centre	• Death of people who die in hospital or having just been released from detention • Lack of official or proper record of immigration status	• Deaths in detention that are classified as 'natural' fail to account for failures in care
Death by 'natural causes'	• Deaths relating to policies	• Fails to account for systemic negligence in care or medical provision • How 'natural' death may have been caused by wider circumstances (e.g., stress around asylum or immigration status)
Data produced by the International Organisation for Migration	• Most deaths within the UK • Deaths in immigration facilities • Deaths as a result of immigration status	• Everyday or internal borders

Classification or agent of classification	What deaths or information surrounding a death is rendered invisible?	What other structures or wider conditions are rendered invisible as a result?
	• Death resulting from labour exploitation • Deaths in refugee camps or housing • Deportation deaths where people die either during deportation or on arrival after being deported • Deaths that predate 2014	
Data produced by the UK Coroner	• The immigration status of the deceased in final reports • No systemic record of living conditions in statistics of death by suicide	• The wider context in which people die as a result of immigration policies

Invisibility and classificatory systems

Following Hacking (2002), my research suggests that new forms of classification can also contribute to varying degrees of invisibility. As Hacking (2002) argues, the classification of suicide in the 19th century did not necessarily reflect a new form of death. Rather the legal and medical classification of suicide made certain forms of death more visible. Existing literature argues that classificatory systems inevitably leave some things unmapped (Scott, 1998). As Bowker and Star (1999) suggest the process of categorising negates ostensible objectivity and there are inevitably things that are left out. I argue that in the case of border death classification this oversight can be extremely detrimental and lead to the invisibility of wider structural and systemic violence. As I explore the invisibility of some deaths is also exacerbated by structural violence and systems within the UK that enable or generate indifference or denial. This provides further justification for my argument throughout this thesis for a wider conceptualisation of the term border death. A broader understanding of the term could reveal the structures that condition systemic violence and which often go unnoticed or unaccounted for.

As Weber and Pickering (2011) illustrate, our understanding of border deaths might be seriously undermined by a lack of information or inadequacy of available data. However, as Sara suggested deaths within the UK are being 'completely erased'. Excluded from the IOM data are

'deaths that occur in immigration detention facilities or after deportation to a migrant's homeland, as well as deaths more loosely connected with migrants' irregular status, such as those resulting from labour exploitation […] deaths in refugee camps or housing are excluded' (International Organisation for Migration, n.d).

Visiting Liverpool and the *List of Deaths* I remarked upon the sheer scale of UNITED's work. UNITED's (2021) *List* also conveys the absence of data. Row by row, the list records a single unnamed death or multiple anonymous deaths. In some cases, a single entry has hundreds of deaths. Each column on the table documents the date 'found dead', the number of deceased, cause of death, as well as the source in which this information has been retrieved. Another two columns are headed 'name, gender, age' and 'region of origin'. Strikingly, many entries under these columns read merely 'N.N' (no name) or 'N.N (man/woman/child)' and region of origin 'unknown'. This tableau form of UNITED's data on deaths appears to reflect an ordered account of border deaths. However, the list remains incomplete. Many deaths simply go unrecorded, details are unknown or bodies are never recovered. The blank fields or missing entries betray the sense that the list represents an ordered reality. Just as Scott (1998) explains that methods of standardisation cannot capture the complexities of reality, this example illustrates the impossibility of capturing and documenting all border deaths or all details about each individual case. Though as I explore, some details are deliberately not reported. In other cases, existing death systems fail to capture or cannot record certain details or circumstances of an individual death.

Many people I interviewed also commented on the fact that many deaths that are happening are not always being counted or accounted for. I spoke to Louis, a member of a charity based in the UK over the telephone. When asked about deaths at UK-French border, Louis described how deaths at the Channel crossing receive visibility. However, deaths for example alongside motorways or busy roads in the UK 'get overlooked very often in the statistics', he stated. My discussion with Anna further highlighted this oversight. Reflecting upon the differential reporting of border deaths, Anna explained, 'we don't' allow' deaths within the UK, such as suicide, to be visible. As these two interviewees suggest, the category of border related death leaves some deaths unacknowledged or unaccounted for. Anna's statement is also revealing of the different hierarchies between lives, as discussed by Butler (2004; 2009). As Butler (2009, p.163) argues it is structures of power that determine what lives can be made visible and allowed to be grievable.

The separate concepts of denial (Cohen, 2013) and grievability (Butler, 2009) are connected in this context. Drawing on Cohen's (2013) understanding of different mechanisms of denial, we observe how some deaths are met with political and public indifference, refusal, and inertia.

However, Butler's conceptualisation of the differential allocation of grievability provides a further explanation of why some deaths are not allowed to be made visible. As Anna states there are hierarchies between lives that engender which lives are allowed to be made visible and those that are not. By connecting these two distinct concepts, we gain a richer understanding of the different registers of denial that overlook some deaths, but also justify this denial based on the allocation of grievability.

Other examples also demonstrate how forms of state denial (Cohen, 2013) and frameworks of grievability (Butler, 2004; 2009) contribute to the invisibility of some border deaths in the UK. Following a Freedom of Information request (FOI), made by *The Guardian* to the Home Office, it was revealed that in 2020 alone twenty-nine asylum seekers died whilst in Home Office accommodation. Many of the identities of those who had died have not been 'made public and the circumstances of their deaths are unclear' (Taylor, 2020b). It found that this number was five times higher than deaths of people crossing the channel that year (Taylor, 2020b). As Clare Mosley, founder of the Care4Calais charity stated:

> It's shameful that more refugees die here in the UK, in Home Office accommodation, than do so in Calais or trying to cross the Channel. But the way we treat them in this country is cruel. Our government doesn't give them the basics of life like adequate food and clothing. It locks them up in military barracks and keeps them isolated and depressed in hotels. It keeps them under constant threat of deportation, instead of processing their asylum applications promptly (Purkiss *et al.*, 2021).

Later it was revealed that the Home Office had downplayed the information requests, revealing discrepancies and gaps in the data provided. It was reported that since April 2016, ninety-five people have died in asylum accommodation. This figure was deemed to be double that of the one initially provided (Purkiss *et al.*, 2021).

The Scottish Refugee Council (2021) has called for a full and independent investigation into these deaths. Their response to the Call for Evidence in 2021 explains that there are currently no policies to cover funeral costs or support with the repatriation of the body. Furthermore, there are no learning mechanisms in place to prevent such sudden or unexplained deaths. Glasgow MPs have also called for a fatal accident inquiry (FAI) into the deaths of three asylum seekers, who all died in Glasgow 2020 whilst in the UK asylum process (Scottish Refugee Council, 2021). In their call for an independent investigation, the Scottish Refugee Council stated that:

> We recognise some deaths will be natural, but others may be unexpected, sudden, or related to systemic situational factors. At the very least, we think the Home

> Office need to have a public policy, case review and evaluation mechanisms so that they are accountable and learn from those deaths that do stem or were related in some way to how its asylum system affects the people in it. There is an absence of UK State responsibility here, via its Home Office, in not having a handle on or learning from deaths in its asylum support and accommodation system (Scottish Refugee Council, 2021, p. 9)

It appears from these statements that these omissions are contributory factors to this culture of denial. Information about deaths in asylum accommodation is kept secret and when information is given or made public, it is downplayed (Purkiss *et al.*, 2021). As the statement from the Refugee Scottish Council highlights, there appear to be also avoidance strategies to delimit state accountability or improve policies. These kinds of actions and the absence of appropriate policies and mechanisms for accountability facilitate denial of these deaths and measures to prevent further forms of violence. Here, I make a distinction from Cohen (2013) and the different registers of denial – literal, interpretative and implicatory. Rather, I am suggesting that these omissions and discrepancies in data may be both the result of outright denial but also how denial manifests through systems of recording and institutional practice.

Another example which also demonstrates how denial is facilitated is the omission of immigration status on coroner's forms. Juliet Cohen (Head of Doctors, Freedom from Torture) found, there is no centralised or official record of suicides amongst asylum seekers. The ONS (Office for National Statistics) collects data on birth and deaths and as Cohen (2021) states, she was surprised to find the lack of data on asylum seekers. Every incident of a possible suicide must be considered by a coroner at an inquest and coroners are required to submit a form following an inquest. Over a decade ago, as Cohen (2021) states, she held discussions with coroners across the UK. She was informed that there is 'no box to tick' to record whether the deceased was an asylum seeker. One coroner had attempted to put 'asylum seeker' in the field for occupation, but the form was returned asking they enter 'unemployed' instead. Cohen (2021) also demonstrates the potentially devasting implications of failing to collect this information: 'what is the point of an investigation into such a tragedy if not to try to reduce the risk of it happening to others?' Twelve years after her initial research and at the height of the COVID-19 pandemic in 2020, Cohen (2021) was alarmed by several media reports that highlighted a number of asylum seekers who had died by suicide. She contacted the coroner's office and found that coroners are still unable to report to the ONS deaths of asylum seekers nor ethnicity. Following this, she made a direct request to the ONS to pilot a programming capturing this data. As she explains:

> I received a short response from them to say that they do not have 'the authority' to set up such a programme, and that while existing data collection methods are 'not (at present) suitable for calculating reliable mortality rates for most ethnicities', it is the only currently available approach that 'avoids substantial and potentially misleading bias'. They did state that 'work is in progress across government to develop a practical solution for the recording of ethnicity data for all deaths as part of the death certification process, taking into account legal, digital and methodological processes (Cohen, 2021).

This example is further evidence of the structures that enable invisibility surrounding deaths within the UK. Without the systems in place to capture data on asylum seeker deaths, there can be no acknowledgement or accountability. I suggest that the omissions on these forms may be better understood as facilitators of denial. This finding departs from Cohen's (2013) research on the active and deliberate forms of state denial to illustrate how denial manifests within coronial processes and the omission of important information about a person's immigration status.

In my own correspondence with coroner's, I also found that they are only required to record who, when, where and how someone died. At the beginning of my data collection, I emailed a coroner to explain that I was researching border deaths related deaths in the UK and that I was interested in any previous and relevant cases. I was informed that there is no search field for the term 'migrant' in their records. As the coroner described to me via e-mail:

> [O]ur databases only record information for which we have a statutory reason to recover. Therefore, it is information needed for investigation, the holding of inquest and registration. So, we record who, when, where and how and the registrable particulars. There is no search field for migrant and so to recover the cases in which you are interested may rely upon memory (personal correspondence).

As the coroner details, past cases that involved a 'migrant' could not be searched for as there is no 'search field' within their records to do so. This seems to suggest that there is no 'statutory reason' to collect this information. This demonstrates how it is also the result of mundane and administrative practices that contribute to the invisibility of these deaths. This is embedded in systematic practices of data collection and documentation. It is through and due to these practices, that it was difficult to easily access earlier inquest reports on deaths of migrants, refugees, or asylum seekers in the UK. Deborah Coles, Director of INQUEST has also criticised the inaccessibility of coronial records online. Furthermore, as she states sometimes jury findings which provide 'a good

overview of any systemic failings, are not collated or published anywhere, apart from when [INQUEST] publish them' (Justice Committee, 2020).

As Cohen (2021) states 'data is vital to us because it tells a story about the lives of people who live among us but are marginalised and voiceless. This absence of information tells us that even in death, they are not counted'. From my own research, I found information on border deaths, beyond the territorial border to be scant, disparate, and fragmented. Not only are cases involving a 'migrant' not searchable in coronial records, but there is also a lack of data collection on 'immigration status' as a risk factor for mental health or suicide. I asked Sara about her thoughts on data surrounding these issues. As Sara explained to me, 'immigration status isn't considered as a risk factor for mental health because it's not even thought about it that realm which of course I would say certainly being a refugee would probably put you at a high risk of mental health issues'. This is further evidence of the systematic failing in capturing the wider circumstances surrounding the suicides amongst asylum seekers. It demonstrates how forms of interpretive denial (Cohen, 2013) – whereby the wider circumstances and indicators are not considered – contributes to the state's failings to accurately collect data on these kinds of deaths. This may not always be deliberate but illustrates how denial is generated through systems of classification that are not designed to capture 'migrant' in their records, the 'immigration' status of the deceased or the association of 'immigration status' with risk of suicide. As Julien Cohen (2021), argues this oversight can perpetuate structural violence and unaccountability.

My interview with Marcus also demonstrated to me how this is not limited to coronial data. When I asked him about police databases, he explained, that very often local police forces handle the situation where a 'lorry turns up with sixty dead [bodies]'. He explained how the investigation is very localised stating that 'you would need to speak to Kent police or Kent coroners for that sort of data'. The localised response as he suggested might also explain why wider knowledge about these deaths is limited. Marcus directed me to the UK Missing Person's Unit, a central national database of missing persons and unidentified cases. Their database is open access and can be searched by gender, age, ethnicity, date last seen and anything identifiable (e.g., recognisable tattoos, jewellery or clothing) (UK Missing Persons Unit, n.d.). It was not possible to search for details relating to migration or immigration status on the database, so I reached out separately to the Unit to ask if their database had any relevant information relating to my research. They replied with the following data stating that the figures would 'not at all be an accurate reflection of the true numbers as unfortunately not all the cases will have the appropriate marker'. From their records, they reported a 'total number of *unidents* (unidentified bodies), including open,

open-review, identified and closed cases, where there is a **'immigration case' 'asylum seeker'** or **'Illegal immigrant'** marker was 1. In addition, '**6** identified *unidents* that are believed to be migration cases (based on searching 'migra' in the circumstances). Of the closed missing persons cases where there **was** a migration marker **0** had a deceased outcome code'. Like the coronial records, it was also clear that there are limited search fields within the system. Towards the end of our conversation, Marcus commented on the layers of invisibility related both to reporting, recording and practices surrounding deaths these kinds of deaths. He reflected upon the question of 'what in policing instead of revealing the person adds to disguising them even further'. This was further evidenced in my correspondence with the Missing Person's Unit.

Invisibility of structural elements

The framing of border deaths by human rights groups are thus a reminder of the violence of constructed ideas and notions of citizenship – where some people are allowed legal entry and the deaths of those who are deemed as "illegal" or "undesirable" are not only permissible but defendable. Whilst dominant political rhetoric seeks to increase border enforcement and justify the criminalisation of migrant journeys, critical scholarship importantly asks us to consider the broader structural issues surrounding the term border death (De León, 2015; Smith and Mac, 2018; Weber and Pickering, 2011). It considers policies that create global instabilities and conflicts leading to migration, as well as the immigration policies that restrict free movement and constructs categories of exclusion (Smith and Mac, 2018). As such, existing literature asks us to further consider who is responsible and to blame for these deaths. It presents a view that state policies around immigration and illegality also produce the conditions for death (Weber and Pickering, 2011). Focusing on the scene of the border alone fails to address how the conditions of illegality and death are also produced by bordering structures (Heller and Pécoud, 2020).

However, the structural elements that lead to these deaths may often be implicitly or explicitly ignored in both the recording and registering of border deaths. Border enforcement often relies upon and even manipulates the unforgiving natural elements to deter migrant journeys. For example, De León (2015) documents how migratory journeys across the Sonoran Desert have become increasingly more forbidding due to the US government's policies that re-directed access to the border. To deter migrants from entering the United States, the Prevention Through Deterrence policies made it impossible for migrants to access US border points other than the most hostile routes in the Desert (De León, 2015). Europe is also witnessing an acceleration in

methods to deter illegalised migratory journeys and criminalise any efforts to support or rescue migrants. Scholars argue that the island of Lampedusa, off the coast of mainland Italy, has been transformed into a strategic border zone to govern migration (Dines, Montagna and Ruggiero, 2015). These authors are critical of the idea that this island has accidentally or naturally become exposed to and a site of irregular migration from Africa to Europe. Academics, writing in the context of Europe, argue that by articulating these deaths as a result of 'natural' elements displaces responsibility from states and their migration policies (Squire, 2017). As Squire (2017) argues, death has become the norm through which migration is governed. This kind of violence is tolerated through the denial of culpability and displacement of responsibility onto the person at risk of death. Furthermore, as Follis (2015) illustrates, the combination of framing migration as a security problem and the development of 'trans-territorial' technology to identify migrants before they reach Europe keeps migrants outside jurisdiction and legal responsibilities at bay.

As De León (2015) and others argue it is crucial to connect these deaths to wider systems of exclusion, violence, and bordering, that are enacted in and through immigration policies. The following quote underlines precisely the importance of looking at UK border related deaths, and how they are connected to wider European systems based on exclusion. Seeing how these deaths might be the deliberate result of border policies challenges the framing of border deaths as 'tragic' or 'natural'.

> From the seas to the cities, year on year, border violence is constant. Deaths at the borders, in Calais and the Mediterranean, and lives lost to the invisible borders in the UK are not tragic accidents. They are the result of deliberate border policy. These are not one-off events, the consequence of individual decisions or choices, but part of a wider system of violent and racist border controls across Europe (Wakeling, 2021).

It is therefore crucial to interrogate the politicisation of border deaths and borders. As existing literature argues, by criminalising migrant trajectories responsibility for these deaths is deflected away from state institutions and their policies (e.g., Smith and Mac, 2018). What they fail to address is how these border policies create the conditions for deaths to happen in the first place. As a result, they essentialise these journeys as illegal, normalise death and deflect responsibility from states (De León, 2015; Webber, 2004; Weber and Pickering, 2011). The border remains something which is to be protected from 'illegalised' migratory crossings, in which borders and their controls may appear (or are made to be appear) 'natural or inevitable' (Smith and Mac, 2018, p. 15). As Weber and Pickering (2011) argue, people die as a result of how borders are governed. Border deaths are both foreseeable and can occur by deliberate acts of omission. Spijkerboer (2013)

discusses how border policies have shifted to border management and new organising logics (de-localisation, de-statisation, securitisation). Increased migrant mortality has become an unintended consequence of these practices (ibid.). As De León (2015) argues border regimes produce deaths by pushing migrants into zones of exposure and abandoning them to 'natural elements'. This discussion reveals how crucial it is to look behind the label of border death and interrogate what structural conditions are being made invisible and as a result not being held to account.

A final case also illustrates the complexities in constituting a border death, but equally the issues that may materialise if we expand and critically assess our terminology. In my conversation with a Joe, whom I met in Liverpool, we discussed the classification of border deaths and the implications of understanding borders as related to practices of exclusion rather than merely territorial. Reflecting upon our conversation on the porous nature of borders, Joe described a particularly striking example. To him, this case was a stark reminder of the multiple and often unexpected ways in which borders manifest. As he explained, a European tourist whilst travelling in another country was stopped by immigration. 'He had forgot[ten] his papers', Joe said and 'was taken to the expulsion centre at the airport'. It was during that evening that another detainee set their 'cell on fire'. Due to a lack of security measures 'several people died' in the fire including 'the tourist'. As Joe explained, this story 'appeals to many people because it could have been yourself if you have been in the wrong place without papers' and found yourself 'in custody [where] you die because refugees are so desperate that they set their cells on fire'. This he described could also be a kind of border death. What Joe demonstrates is that the public empathy towards this case derived from a feeling that this could have happened to anyone no matter if they held a European passport. By drawing attention to this case, I hope to illustrate firstly, how responses to border deaths are already racialised and secondly, to demonstrate the elusive and nebulous nature in which borders can manifest.

Joe's understands borders as neither fixed nor territorial, static lines. This account dispels images of shipwrecks in the Mediterranean Sea and assumptions that border deaths only happen in borderzones. Rather, he envisages borders in more mundane terms. This kind of account confronts mainstream assumptions that border deaths are primarily undocumented migrants and asylum seekers. It also tells us why it is important to include a wider scope of deaths beyond conventional understandings of the term border death. As Eddie-Bruce Jones (2015) writes in response to the question of why we count the dead: 'some of us count deaths, not because deaths are special, but because they are commonplace. Deaths form part of the ongoing state of things'. Not all border deaths happen in the borderzones, some take place as a result of the embedding of

structural and institutionalised violence. We must confront the everyday border structures that can lead to death, which would otherwise be made invisible by other classificatory schemas. This demonstrates the importance of why we need to include deaths beyond territorial borders and why it is necessary to link up the classification of border deaths to questions of bordering and wider social and political responsibility.

Between visibility and invisibility

In the context of the UK, there is an absence of data or inconsistent information surrounding border related deaths, often there is also an appeared absence of the border. The ways in which we classify a border death may also contribute to this unseen reality. A death can only be counted if it is classifiable. However, the classification of death, as Wilson (1997) demonstrates can also lead to abstraction of particularities and the wider context. This I would argue highlights the importance for expanding our terminology and lexicon surrounding border deaths, so that these deaths and the bordering structures that lead to them no longer go unnoticed.

Making a death visible can be important for gaining recognition and public attention. However, at the same time, counting border deaths is not entirely separate from mechanisms or structures of power. As Tate (2007) states, the act of making violent forms of death visible does not always lead to the reduction in violence. The reclassifying of violent deaths in Colombia as human rights violations also had adverse consequences. New forms of violence by paramilitaries replaced those that had been made visible by human rights groups. The aim was to commit violence outside the classificatory confines of human rights and therefore avoid punitive consequences (Tate, 2007). Wilson (1997) also demonstrates similar strategies in Guatemala. To avoid the associations with human rights violations, other forms of violence were committed by perpetrators. Paramilitaries adapted forms of violence to avoid association with more politically motivated acts, classified as human rights violations (Wilson, 1997, p. 141).

It is therefore important to remain cognisant that forms of classification do not live outside of their political context or power structures. Classificatory systems may leave some phenomenon unmapped or uncounted (Bowker and Star, 1999). At the same time, classificatory systems do not contain the realities of violence or society (Wilson, 1997). As both Tate (2007) and Wilson (1997) demonstrate, categories that impose binaries between criminal crimes and human rights violations are all too often disrupted and contested. We must also be aware of the relative statuses of different agents of classification. Sometimes, organisations such as the IOM, can have seemingly conflictual

interests. As this chapter discusses, they produce both data on the existence of border deaths whilst also contributing to the systems of governance and bordering (Heller and Pezzani, 2017; Heller and Pécoud, 2018). This is an example of how classificatory systems, even within organisations, can have both liberatory and restrictive potentials (Hacking, 2000).

As this research hopes to demonstrate, border deaths in the UK receive both over-attention (in the forms of hyperbole or moral panic), and under-attention (in the form of political indifference, outright denial, or omission from governmental recording). It is therefore, perhaps, more interesting to look at the tensions between invisibility and visibility. As Cohen (2013) states, it is important to challenge each respectively for either decontextualising an issue or facilitating a culture of denial. As I explore in this chapter, the classification of death can increase visibility. This is demonstrative of the liberatory functions of classification (Hacking, 2002). However, even in classification, there can be limitations. As I discuss in this chapter, death classification does not always expose the wider circumstances. Making certain deaths known through reporting does not always equate to wider acknowledgement of the systems that produce deaths. In exploring these tensions, I direct attention to the importance of examining the consequences following death classification which I explore in the following chapters.

Summary

This chapter explores how classification processes make some border deaths visible and other invisible. It makes the argument for interrogating the classificatory schema that not only define what a border death is and what deaths can be included within existing systems of classification but also how this relates to broader structural conditions and questions of responsibility. In this chapter, I examine the broader motivations involved in collecting data and how this informs my own research. I highlight the importance of including deaths as a result of everyday borders in the UK and illustrate how these receive varying political, media and public attention. I also draw attention to the complexities and issues involved in compiling and producing reports on border deaths. While statistical data may be useful for raising awareness, it can also abstract individual biographies as well omitting the wider historical and political context. In this chapter I also discuss how certain deaths and the structures surrounding them are made invisible by classificatory systems. I relate this to other systems in society that record or collect data on deaths. Failures to adequately record or collate data further contribute to the invisibility of certain deaths. The implications of these processes can hinder accountability, justice, and political change.

This is why I argue it is important to examine the consequences that follow death classification which I explore in detail in the following chapters.

Chapter Five

Death classification at two inquests

Overview of two inquests

Between the 11th and 25th of March 2019, an inquest held at the West London Coroner's Court investigated the death of Tarek Chowdhury. Mr. Chowdhury was killed on the 1st of December 2016 by another detainee whilst being held in Colnbrook immigration removal centre, near Heathrow. I attended almost every day of this inquest as part of my research. I observed how throngs of solicitors representing both governmental and private organisations scrupulously interrogated evidence and witnesses in order to deflect or limit the accountability of their clients. I also observed how the family barrister contested the claims made by corporations and state organisations. He brought attention to a 'catalogue of systemic failings by various agencies, but in particular the immigration detention estate' that he argued 'allowed this brutal killing to occur' (INQUEST, 2019b). It was also clear that the inquest into the death of Mr. Chowdhury was particularly high profile due to the Home Office being 'under fire', along with the Ministry of Justice, health professionals and detention centre subcontractors (Taylor, 2019c). Considerable effort was made by state and private agencies to reduce any level of responsibility or accountability.

All deaths in state custody are legally required to involve a jury and consider the wider circumstances surrounding a death (Coroners and Justice Act, 2009).[43] I witnessed how ten members of the public, assigned to the jury, fervently engaged with the investigation and expressed wide-reaching concerns with the UK's immigration system. During the inquest, I watched how different and conflicting interpretations surrounding Mr. Chowdhury's death played out. Ultimately, any concerns beyond the remit of the inquest were quashed by the coroner who was vigilant in maintaining the scope of the proceedings. The purpose of an inquest, as the coroner reminded the courtroom, serves an inquisitorial rather than accusatorial function (see also Baker, 2016, p.63). An inquest is responsible for determining the identity of the deceased, the location

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[43] Under Article 2 of the Human Rights Act Human Rights Act (1998) *c. 42*. Available at:
https://www.legislation.gov.uk/ukpga/1998/42/schedule/1 (Accessed: 15th February 2022).

and time of death, as well as how they died.[44] The inquest in West London concluded that Mr. Chowdhury had been 'unlawfully killed' by another detainee. The jury further concluded 'failures to properly assess and share information about [the perpetrator's] mental health' and 'inappropriate staffing and handover arrangements' were all contributory factors (Taylor, 2019a). The coroner's final report highlighted these failings and a Prevention of Future Deaths report[45] was submitted to the Home Office, HM Prison and Probation Service and NHS England. The structure of this inquest was consistent with the conventional coronial process. This included professional interrogation of evidence, deliberation by members of the public (serving jury service) and the coroner's final verdict (Walter, 2005). The final determination was officialised in the coroner's Narrative Conclusion which is publicly available (Courts and Tribunals Judiciary, 2019). The formality of these proceedings was also embodied in the architectural space; the inquest took place in an orderly official and formal courtroom.

In contrast, the second inquest I observed was strikingly less formal and substantial. This inquest was held on the 18th of April 2019 at the Archbishop's Palace in Maidstone and concerned the death of a young man who had died in an attempt to reach the UK. There was little information prior to the inquest which had initially been listed as 'Unknown Male - Mahamat' found at the Channel Tunnel. Unlike the inquest in West London, this inquest was barely attended with only the coroner, usher, a local journalist, and police detective, as well as myself in attendance. The lack of formality at this inquest was further reinforced by the architectural space; the inquest was held in a slightly disorganised and old-fashioned registry office. In contrast to West London, the presence of merely five people and the absence of the family reinforced a sense of futility.

As I observed, the coroner fleetingly summarised the post-mortem report and the police detective provided a very brief account of his investigation. The inquest concluded within an hour and the investigation itself was incredibly short. The coroner concluded that Mahammat Abdullah Moussa 'sadly misjudged the danger' of climbing 'under the carriage of a coach [heading] to the UK'. Her final verdict of death by 'misadventure' was inconsequential holding no one accountable and without the requirement of a final report or recommendation to prevent future deaths. Following this inquest, I was struck by how narrow and superficial this inquest seemed in comparison to the one in West London, with very little scrutiny of the wider circumstances that

[44] The purpose of an inquest is to determine who the deceased was, how, when and where the deceased died, and register any particulars (if any), as outlined in the Coroners and Justice Act Coroners and Justice Act (2009) *c. 25*. Available at: https://www.legislation.gov.uk/ukpga/2009/25/contents (Accessed: 15th February 2022).
[45] If a particular issues materialises as salient or contributory to the death, the coroner is required to produce a Prevention of Future Deaths report The Coroners' Society of England and Wales (n.d) *FAQ's*. Available at: https://www.coronersociety.org.uk/faqs/ (Accessed: 14th February 2022).

led this young man as well as many others like him to take such extreme risks to reach the UK. The coroner's final verdict seemed inconsequential and further pronounced by the only reporting of the story being buried in a local newspaper (Williams, 2019a).

Introduction

This chapter places emphasis on the inquest process where knowledge about a death is officially established (Timmermans, 2006; Walter, 2005). As I argue, this official narrative may or may not be inclusive of certain elements rendering some deaths visible and others invisible. Drawing upon extensive fieldnotes and observations, I discuss the differences between the inquest in West London and in Maidstone. It is vital to compare these two inquests as seemingly one exists in a high profile realm while the other has a much lower status. The case in West London aforementioned exhibited all the hallmarks of a high profile inquiry with multiple institutions, government departments and private contractors involved. The case in Maidstone conversely reflected an 'open and shut case' with a minor degree of scrutiny on behalf of the victim.

For my research being physically present at these inquests was essential in developing my understanding of the processes involved in death classification. It also brought to my attention my own privilege and social positioning in these spaces. Though inquests are public spaces, I wonder whether my positionality contributed to my being able to easily access and observe these spaces, where very little questions were asked relating to my attendance. Inquest are described as 'a highly public, ritual setting' (Walter, 2005, p. 386) involving multiple parties each with their own vested interest in narrating and interpreting a person's death. However, I consider it also important to reflect upon which publics are in attendance and ultimately who is involved in the inquest narrative. The distinctions between inquests may depend on the public and professionals present. As Moon (2020, p.43) describes, the kind of story told about the dead is distinguished 'by the particular expertise and practice […] and the functions and objectives of the public rite itself'. These combined determine 'precisely what the dead disclose' (Moon, 2020, p.43). From my own observations, I witnessed competing narratives, distinctions and multiple perspectives surrounding the deaths of Mr. Chowdhury and Mr. Moussa. Observing the inquest process was therefore essential for collecting data on how different communities of interest organise, interact, negotiate and contest in the event of a death (Star and Griesemer, 1989). In this chapter I demonstrate how a final narrative was reached and how competing narratives were overturned. The discrepancies

between interpretations were otherwise absent from the final conclusion which further supports my decision to focus on the inquest process in this chapter.[46]

The coronial office is distinct from any other governing body and is the independent legal 'mechanism for managing [suspicious] death and naming not only the person, but also the circumstances of their death' (Weber and Pickering, 2011, p. 74). As Deborah Coles, Director of the charity INQUEST, states an inquest is 'a way of shining a spotlight on the closed world of detention' and 'many cases reveal fundamental failings in the treatment and care of detainees' (Medical Justice, 2016, p.1). Without the inquest into the death of Jimmy Mubenga, who was killed aged forty-six on the 12th of October 2010 whilst being forcedly restrained by three private security guards during a deportation flight (Taylor and Booth, 2014), 'the truth about his death would never have emerged' (Medical Justice, 2016). The inquest into his death 'exposed [the] racism and unlawful practices used in deportations' (INQUEST, 2013). As an independent body, an inquest has the potential to expose wider injustices. However, inquests may also be limited in their remit and critical potential. Existing literature argues that inquests often function to preserve the status quo by 'purely serving the reliable record keeping of the state' (Green, 1992, p. 377). Rather these investigations may perform a bureaucratic function rather than a critical one (Baker, 2016). Indeed, there have been reports that the Home Office 'deliberately' attempted to deport key witnesses following a death in detention before they could give evidence during an inquest (Townsend, 2021). An inquest is a ritual and purposive site for the public production of truth. The fact that the coroner's court is connected to state power may provide an endorsement of this calculative and deliberative truth. From my experience and the evidence discussed in this chapter, the scope of an inquest and the subsequent death classification is all too often limited and reductive. In the context of death classification and by proxy my thesis regarding what constitutes a border death, these limitations can have serious ramifications. For example, the death classification of 'misadventure' immediately instils personal responsibility and excludes wider societal or other conditioning factors.

The first section provides further detail surrounding both inquests. By bringing in other similar examples, I reflect upon the relative significance of inquests into these kinds of deaths. The second section follows research by Mulcahy and Rowden (2020) on the architectural and spatial configuration of courts and their influence in proceedings, as well as Goffman's (1959) analysis of

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[46] The following chapter examines the reactions and implications following a coroner's final determination.

frontstage and backstage interactions, I discuss the spatial and architectural environment at both inquests.

The third section discusses the deliberations and examination of evidence, as well as the arrival to a final conclusion in West London and Maidstone. It pays particular attention to the conflicts and tensions involved in reaching the final classification of death. Following Goffman (1959), I draw attention to the formal interactions and different roles of each party during the inquests in West London and in Maidstone, as well as reflecting on some of less formal interactions I witnessed outside of the formal space of the inquest. Furthermore, I explore how the cultural authority of some professionals allowed them to determine the parameters of the inquest as well as how professional authority denoted their interpretation with greater authority (Moon, 2013a; Timmermans, 2006). The final section reflects upon the limitations of an inquest that relate both to its connection to the state and function as an inquisitorial rather than accusatorial body (Baker, 2016).

Death in immigration detention

The inquest in West London examined the death of Tarek Chowdhury, a sixty-four-year-old Bangladeshi man. He was killed on the 1st of December 2016 by another detainee whilst both being held in Colnbook immigration removal centre, near Heathrow.[47] It was heard during the inquest that the perpetrator fatally attacked Mr. Chowdhury in his cell whilst experiencing a 'drug induced psychosis' after having ingested spice.[48] In May 2017, the perpetrator[49] Zana Yusuf Ahmed, pleaded guilty for manslaughter with diminished responsibility due to mental health issues and was sentenced to fifteen years in jail (Taylor, 2019b). The purpose of the inquest was not to apportion blame but rather to examine the wider circumstances of Mr. Chowdhury's death.

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[47] The Home Office refers to detention centres as 'Immigration Removal Centres' or IRC's. During the inquest in West London, the coroner and other parties also interchanged between IRC and immigration detention centre. However, I use the term immigration detention centre, which is more appropriate to the fact that not all people are removed from the UK. Some people are detained for a sustained period, whilst others re-enter society. Right to Remain (n.d-a) *Immigration Detention*. Available at: https://righttoremain.org.uk/toolkit/detention/ (Accessed: 16th February 2022).

[48] It was commented during the inquest that levels of people taking spice is an increasing cause of concern in detention. The assumption that Carlington Spencer, an immigration detainee, was on spice led to misdiagnosis of a stroke which resulted in to his death Bulman, M. (2019a) 'Man died in immigration detention after staff 'dismissed' stroke as sign he had taken spice', *Independent*, 12th November 2019. Available at: https://www.independent.co.uk/news/uk/home-news/immigration-detention-death-carlington-spencer-morton-hall-stroke-spice-inquest-a9199671.html (Accessed: 23rd March 2022).

[49] I use the term perpetrator as this is how the inquest and the coroner's report refer to the man who killed Mr. Chowdhury.

Concerns were also raised about why the perpetrator who 'despite multiple warnings' regarding his 'violent tendencies' was allowed to be in an open detention centre (Miller, 2019). The man was well known to mental health services and had already received sixteen convictions for thirty-three different offences (Taylor, 2019c). Questions were also raised about the placing of Mr. Chowdhury in the detention centre in the first place. Mr. Chowdhury was described as 'soft, gentle and polite'. He had lived in the UK for thirteen years, having left Bangladesh. It was heard during the inquest that Mr. Chowdhury had been mistakenly held in an immigration removal centre after being detained at a regular reporting session (Taylor, 2019b). In the UK there is a specific legal distinction between removal or deportation. If someone's application to remain in the UK has been refused or expired, they run the risk of being removed from the UK by the Home Office. This is referred to as "forced removal" or "administrative removal". If someone has been convicted of a criminal offence and they are not a British citizen, they can also be deported from the UK by the Home Office. In the case of a removal, the Home Office is required to give notice. However, the Home Office may not remove someone who has appealed a removal (Right to Remain, n.d-b).

Evidence from the internal Home Office files revealed that Mr. Chowdhury had no history of offence or abscondment. During the inquest, the family lawyer stated that Mr. Chowdhury had never committed a criminal offence. He had simply 'overstayed' his visa and was appealing a 'removal action' by the Home Office. As someone without convictions, Mr. Chowdhury was suitable for an interview for administrative removal without being detained. However, he was detained 'because his file was not processed in time to place him in a non-detained category. The records showed that another reason for detaining him was because he might make a human rights claim based on his family life in the UK, which could present a barrier to removal' (Taylor, 2019b). The Home Office cannot remove someone based on this information or status. This case exposed a catalogue of failings which led to Mr. Chowdhury's death. It raised wider concerns regarding the immigration detention system in the UK which wrongly placed both men in a detention centre, failed to protect detainees from risk of violence and ultimately led to the untimely death of Mr. Chowdhury. As the family barrister described, Mr. Chowdhury 'should have never been detained in the first place. Do you see the tragedy?' (Taylor, 2019b).

What this tragic death like many others in immigration detention reveal are both the material and potentially grave consequences of classification. As stated by the family lawyer, a bureaucratic error ultimately led to his untimely and tragic death. This death highlights how border violence manifests through inadequate state protection and systems designed to create internal borders (Mayblin, Wake and Kazemi, 2020). In the UK, you are required to attend appointment

at an immigration reporting centre if you do not currently have permission to stay in the UK (Gov.uk, n.d). George, a journalist with experience reporting on immigration issues, remarked on the sheer injustice that it was possible for a person, such as Mr. Chowdhury, to be placed into detention during a routine reporting session. During our interview, we discussed the UK's immigration detention system, something which George was very knowledgeable of. He described how you routinely see the same people 'being admitted', 'discharged' and then readmitted to the immigration detention centre. 'This is the thing; you go and sign in [at the immigration reporting centre] and they can snap you up anytime'. As the inquest in West London demonstrates, a delay in an asylum process or administrative failure can and did cost a life.

The threat of removal and insecurity posed by state systems of detention relates to Khosravi (2010) who states that the border regime can target certain bodies at any time. There are also discrepancies between the recording of investigations conducted on deaths in immigration detention centres. The Institute of Race Relations documents those who have died whilst in immigration detention or shortly after their release. It is striking that many of those who died due to suicide were under surveillance on 'suicide watch'. Many have also died as a result of inadequate or lack of medical treatment (Athwal, 2014). The Prison and Probation Ombudsman (PPO)[50] reported that in 2013, Alois Dvorzac, an eighty-four-year-old Canadian man, who suffered from Alzheimer's, died whilst in detention. On the 23rd of January he arrived at Gatwick airport on the way to see his daughter in Slovenia. He was detained to Harmondsworth Immigration Detention Centre 'because he seemed confused and could not give a clear account of his travel plans' (Prisons and Probation Ombudsman Nigel Newcomen CBE, 2015, p. 3). Concerned about his health, a doctor sent him to hospital. He suffered a heart attack but was later detained to Harmondsworth pending his deportation back to Canada. Three attempts to deport him failed due to his ill health and on the 8th of February, his health appeared to be declining. He was handcuffed and escorted to prison, where he later died. After his death, a doctor stated that he 'was extremely vulnerable, he was frail, he should not have been [in detention] in the first place, let alone be detained for such a long while' (Encinales, 2014). In July 2014, the PPO wrote that:

> this is a particularly sad case in which no one considered that immigration detention was the appropriate setting for the man, but all attempts to find an alternative failed. It is a tragic indictment of the system, that such a frail and vulnerable man should have spent his final days in prison-like conditions of an immigration removal centre. It is particularly shameful that he should have spent his last hours chained to a custody officer without justification and the Home

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[50] The Prisons and Probation Ombudsman is an independent body that carries out investigations into complaints and deaths in custody.

Office needs to ensure such a situation cannot reoccur (Prisons and Probation Ombudsman Nigel Newcomen CBE, 2015, p. 4).

What is clear from these examples and with relation to the death of Mr. Chowdhury is the distinct lack of care and attention towards these individuals. There also reveal how the total climate of hostility within the immigration system creates a material environment within the detention centre that leads to the slow wearing down and degradation of vulnerable populations (Gunaratnam, 2019; Sharpe, 2016). As the family barrister commented, many people detained in detention have already experienced intense stress and cruelty, which becomes exacerbated by the materiality of these spaces. Though not all deaths in detention can be prevented, there is ample evidence to suggest that the systems and conditions of detention perpetuate violence and suffering (Athwal, 2015; Medical Justice, 2016). In spite of reports produced by charities that recommend revising procedures or warn of dangerous and inhumane systems, deaths in immigration detention centres have not ceased (e.g., Medical Justice, 2016). As INQUEST (2019b) describe these deaths are 'at the sharp end of the harm caused by immigration detention and illustrate the human cost of UK immigration policies'.

There is a danger that investigations following a death in immigration detention could be perceived to be perfunctory. Deaths in prison are routinely reported to several agencies including INQUEST and the Prison Reform Trust, but 'the same is not true of deaths' in detention (Athwal and Bourne, 2015, p. 35). There was no official investigation into the death of a detainee who died whilst handcuffed in 2012 (O'Carroll, 2016) due to 'insufficient staff resources'(Athwal, 2014). A report by the charity INQUEST (2018) highlights that there is no clear record of how many people have died whilst being held in immigration custody. Many interviewees also indicated to me that inconsistencies and failures to monitor or document these kinds of death in the first place severely hinders change in practice or policy. As INQUEST indicates the response to these deaths by the Home Office is indifference and deferral (Bulman, 2019b). Similar sentiment was also directed towards inquests as Rosemary, a member of a human rights charity, described to me. I asked Rosemary about the importance of an inquest following a death in an immigration detention centre. Rosemary expressed some frustration stating that 'at certain inquests it feels like a lot of the time [they are] trying to limit the blame, rather than acknowledging what has happened'. Often similar concerns may appear 'time and time again' and 'inquests come up with the same issues and concerns around monitoring of mental health or around monitoring safety'. By documenting border deaths human rights organisations and charities not only collect data on individual cases or presumed "'isolated incident[s]'"(Cohen, 1996, p.529) but importantly identify patterns and the

recurring conditions that cause them. If these deaths continue to be understood in isolated terms, the institutions, and policies that condition and enforce them will continue to remain immune from scrutiny. Though inquests may offer some steps towards exposing structures of inequality they cannot fully hold wider structures and systems to account.

Death by 'misadventure'

The inquest at the Archbishop's Palace concerned the death of Mahammat Abdullah Moussa. I learnt about this case via the 'Deaths at the Calais border' database (Calais Migrant Solidarity, n.d). Very little information about this death was published prior to the inquest. Two shorts lines on the Calais Migrant Solidarity website read that a 'man [was] found dead under a bus at the Eurotunnel terminal in Folkestone in UK' (Calais Migrant Solidarity, n.d). The same detached and impersonal language echoed the original reporting in a *BBC* (2018a) article 'Body of suspected migrant found under bus in Folkestone', and in the coroner's court which listed the inquest as 'Unknown Male'. I only learnt the identity of the man just before the inquest started. I had arrived at the court and the usher explained to me that they had learned the identity of the deceased. Mr. Moussa a twenty-five-year-old Chad national had died on the 18th of November 2018 whilst entangled underneath a coach travelling from Brussels to the UK. His body was discovered underneath the coach by French border police at the Eurotunnel terminal in Folkestone in November 2018 (Williams, 2019a). The inquest in Maidstone reached the conclusion that Mr. Moussa's death was a result of 'misadventure'. As the coroner explained, Mr. Moussa miscalculated the risks although it was the unintentional result of his action that caused his death. It was deemed there was no criminal intent, negligence or third party involved.

In order to situate my discussion on the inquest in Maidstone, it is helpful to reflect upon the conclusions following another inquest held in Oxford on the 4th of July 2017 which investigated a similar death. I was neither able to interview the coroner involved in the investigation nor access the final report online. Some coroner reports are publicly available via the Courts and Tribunal Judiciary website, however not all. In this event, by my request I was sent the coroner's Narrative Conclusion. The inquest concerned the death of Mohammed Hawre Hassan, who was seventeen years old when he died having been run over by a HGV in Banbury, Oxford. He died on the 1st of April 2016, 'having hidden underneath an HGV' in Dunkirk, France and was 'killed by accident'

when the vehicle stopped in Banbury, UK.[51] Unlike the inquest in Maidstone, the wider circumstances were scrutinised and recommendations to prevent future deaths were made to the Home Office. Furthermore, in this case the deceased family were represented by an experienced barrister, a leading expert in inquests and human rights cases. The Narrative Conclusion stated that:

> Mohammed Hassan was a 17-year-old Iraqi Kurd refugee seeking to enter the UK from Dunkirk. He entered illegally in a clandestine entry port of Dover having hidden underneath a Romanian HGV in Dunkirk, unbeknown to the driver, on the morning of 1st April 2016. The HGV stopped at its first destination in Beaumont Road, Banbury at approximately 04.30 hours that morning but only briefly before reversing a short distance. Mohammed Hassan was probably in the course of extricating himself from underneath the HGV, or he may have fallen resulting in him being run over and killed by accident. Prior to this on the 28th of March 2016 Mohammed Hassan had been detained for about 4 hours in the UK Control Zone at the port of Dunkirk after being discovered in the rear of an HGV with others (provided by Coroner's office by request).

The report also stated that oral evidence was heard from the investigating police officer, the police Forensic Collision Investigator, as well as evidence regarding the wider circumstances from the Assistant Director of Border Force in Dunkirk, and the Home Office was also legally represented at the inquest. Mr. Hassan's family were unable to attend the inquest as they reside in Iraq, but the family were represented by the uncle and legally represented by Mr. Danny Freidman QC. The broader circumstances were explored in the inquest and the investigation lasted one day.

The final report also presented recommendations and required a response from the Minister of Immigration at the Home Office. In particular, the coroner recommended improvements to the safeguarding of unaccompanied minors in Northern France and that immigration advice should be offered to them if detained by UK Border Force. In the report addressed to the UK Home Office, the coroner stated that 'there is a risk that future deaths will occur unless action is taken'. The coroner wrote that:

> I respectfully suggest that there should be a review of the practice, guidance, and training in place. A key issue is the provision of advice and information. The evidence at the inquest is that only very limited information was provided about refugees' agencies who could be contacted for assistance. However, it turns out that telephone contact numbers were for organisation which were defunct and had been for some considerable time […] In my opinion action should be taken to

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[51] The details are produced from the coroner's Narrative Conclusion and Report to prevent future deaths. These reports were sent by the coroner's office on request.

prevent future deaths and I believe you have the power to take such action (provided by Coroner's office by request).

The coroner then explained that the Home Office official was required to respond within fifty-six days. The response indicated that some measures had been adopted in response to the coroner's recommendations. Specifically, that accredited detainee custody officers were in place at the Border Control in Northern France, and that search officers underwent child protection training. In the Home Office's response to the Prevention for Future Death report, it was made clear that some steps were being made to offer advice to detainees and safeguard unaccompanied minors. It is striking that without these recommendations, these steps might not have been taken. It reveals how the scope of an inquest and whether the investigation considers the wider circumstances involved to be important. The inquest I observed in Maidstone did not question the wider circumstances and did not make recommendations to any organisation or institution in the hope of preventing future deaths. The inquest in Maidstone was of seemingly significantly lower profile compared to both the inquest in Oxford and in West London. If the death in Oxford had been investigated in a similar format to the inquest in Maidstone resulting in the official classification of death by 'misadventure' perhaps steps to mitigate against similar levels of risk might not have been implemented. While I am unclear about the differences in approaches, what this does suggest is that the same 'type' of death can result in varying degrees of investigation. Again, the significance and benefit of observing an inquest first hand reveals the nuances and complexities surrounding a death classification.

Staging the architectural and spatial configuration at the two inquests

As Mulcahy and Rowden (2020) argue, court architecture, design and spatial hierarchies are not neutral. The architectural and spatial configurations of a court direct the kinds of cues and behaviours that take place. These spatial dynamics enable and restrict who can (and cannot) access or participate in the court proceedings. For example, in the context of criminal trials, Mulcahy (2011) finds that the spatial isolation of a defendant leads to their marginalisation and inability to actively participate. As Mulcahy and Rowden (2020, p.16) state, court's architectural design can serve and respect the rights and interests of certain parties, whilst excluding others. A court's size, structural design, interior, furnishings, and shape can all influence how people move, interact, and behave (Mulcahy and Rowden, 2020, p.17-19). The spatial elements of a court shape the

phenomenological experience directing comfort, accessibility, and inclusivity (ibid.). Following Mulcahy and Rowden (2020), I suggest that the architectural spaces in West London and in Maidstone were highly emblematic and indicative of the differing status and profiles associated with the two inquests.

Goffman's (1959) analogy to life as a stage and social interaction as multiple performances or roles within a theatre play also provides useful insight. In *The Presentation of Self in Everyday Life*, he discusses his theory of dramaturgy. He differentiates between frontstage and backstage in everyday interaction. These different modes all shape and inform social interaction. Frontstage relates to the more formal, scripted roles and is determined by a particular setting. The courtroom of an inquest could be understood as the frontstage. It is led by more professional, scripted, and formal interactions between parties. The expected roles of the different parties must be fulfilled in this setting. For example, there are certain expectations or scripts that a legal representative, coroner or juror must follow. It is also during this time that evidence or deliberations must be delivered in a certain way. As Goffman describes, backstage relates to the more unadulterated or private performances of self. These may describe the more informal conversations between parties outside of the courtroom or while the inquest is in recess.

Goffman's (1959) analysis can be usefully applied to analyse the complexities and multiplicities of roles that different parties play during an inquest. The kinds of roles or scripts are defined by the setting (whether frontstage or backstage) and these interactions provided me with insight into status of the inquest. The frontstage roles of the parties in attendance also shaped how they interacted with the investigation and ultimately how their engagement with the deliberations over the cause of death. The backstage interactions I experienced whilst in the waiting room or after an inquest had concluded gave me insight into the less scripted or formalised engagement with the inquest or the case itself.

I chose not to make assumptions about the social identities of the attendees at the two courts and therefore focus on evaluating their professional location during the proceedings as well as my own social location. *Figures 1* and *2* depict the layout of both courtrooms and illustrate how each were spatially configured, who was present and where parties were located. I suggest that these spatial configurations also shaped interactions during the inquest and demonstrate the difference between a highly formal setting in West London and a significantly less formal one in Maidstone. For example, in West London there was a clearly demarcated space between representatives and the family. The family and their lawyer had their own designated waiting room which was not the case in Maidstone. Witnesses, representatives, press, and public had their own

reserved seating in West London. In Maidstone however, the seats were set out for any parties present.

Figure 1: Courtroom where inquest was held at West London Coroner's Court (not to scale). Adapted from memory by Martha McCurdy
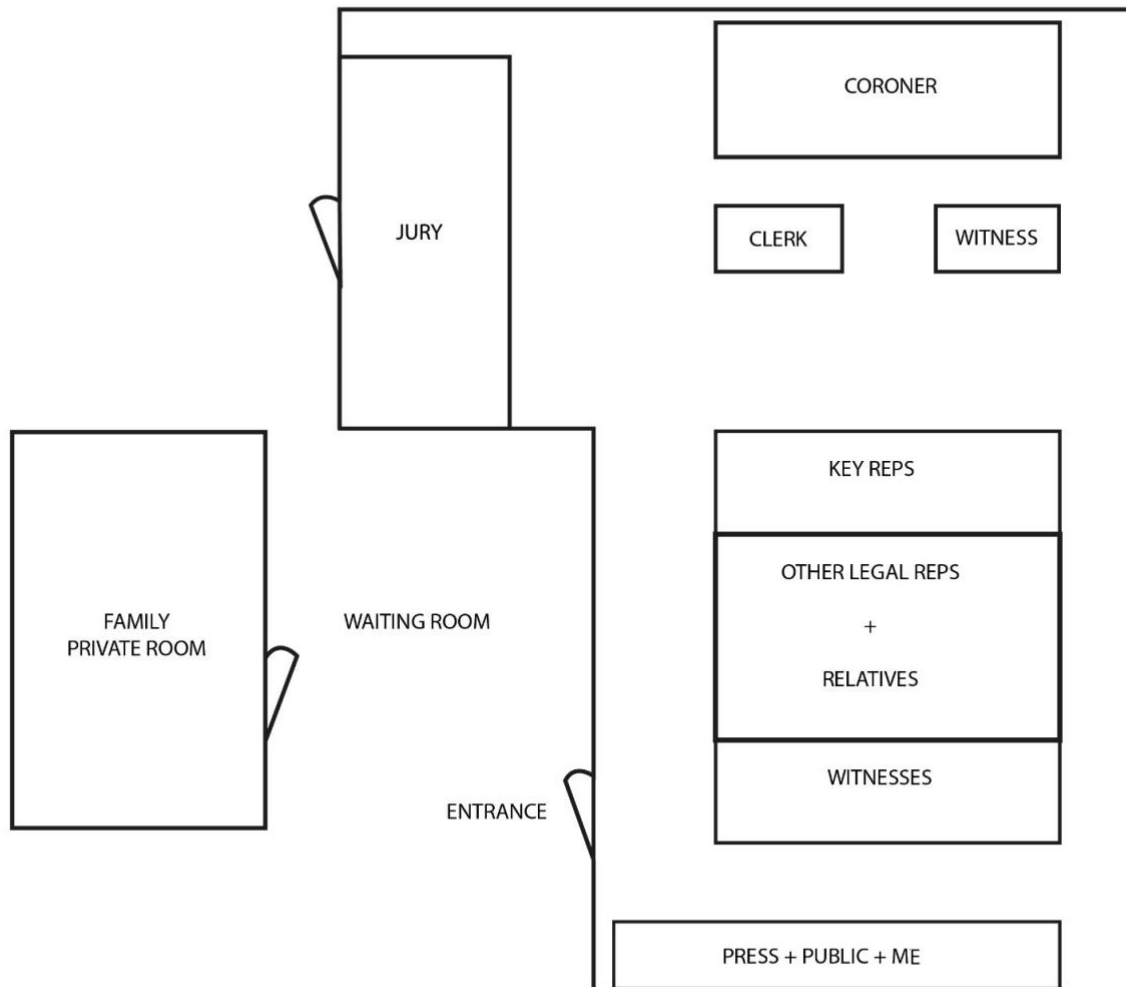
As depicted in *Figure 1*, multiple parties were present in the courtroom: ten members of the jury, the coroner, the clerk, key representatives for the family, Home Office, NHS, and MITIE (the private contractors who run Colnbrook immigration centre), as well as space for their legal team, the relatives, and key witnesses. At the back of the courtroom seats were reserved for press and the public. These were usually occupied by members of the Home Office or other institutions involved in the case, a journalist from *The Guardian*, Diane Taylor, who regularly reports on migration and human rights issues, as well as space for myself. On the other side of the waiting room was also a private room for the family and their lawyers. The waiting room had plenty of seats which the legal representatives and witnesses occupied whilst waiting for the inquest to start or during breaks. Following Mulcahy (2011), I suggest that the spatial configuration set the formal tone of the inquest, but it also afforded privacy to the family. The courtroom was spacious allowing for multiple parties to attend.

Figure 2: Room where inquest was held at the Archbishop Palace, Maidstone (not to scale). Adapted from memory by Martha McCurdy
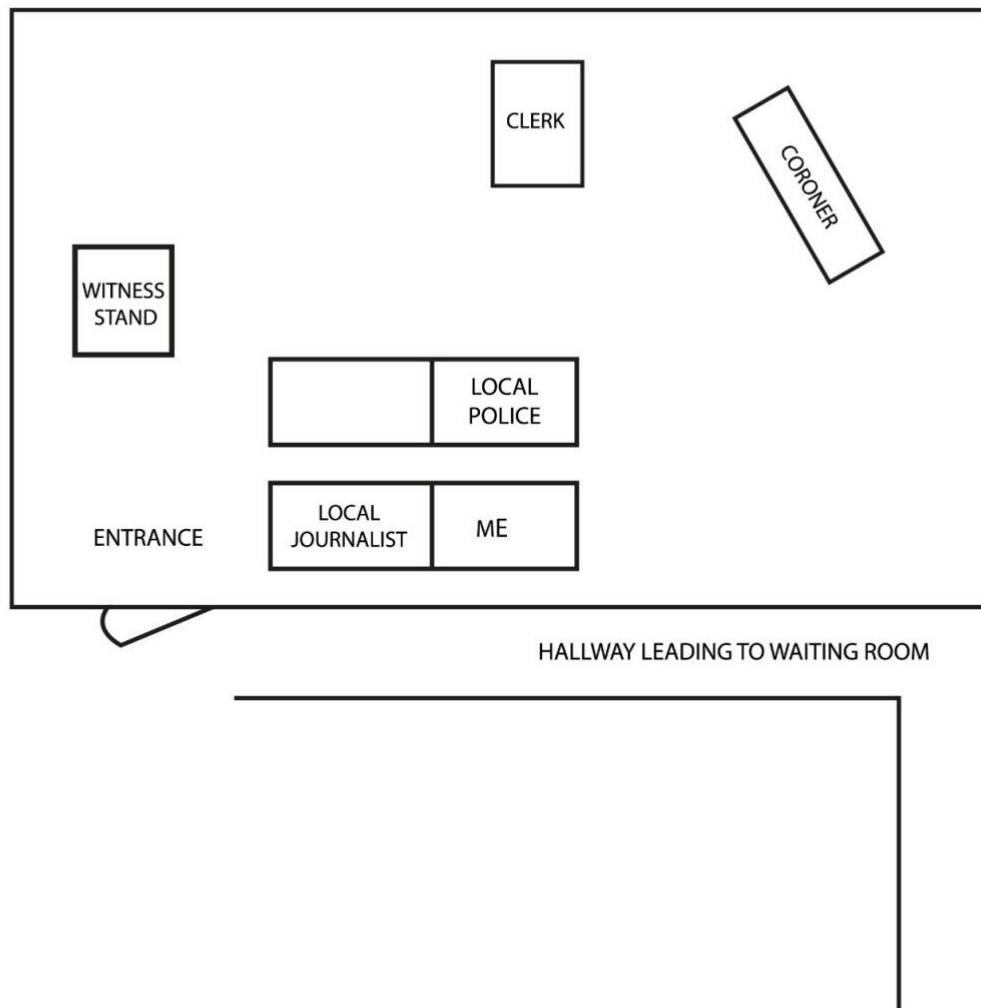
The layout of the courtroom in Maidstone can be rearranged according to the function whether that be a wedding registry or an inquest. Behind the clerk was a fireplace with flowers. During the inquest, the local police detective, the local journalist and myself sat on the same row of seats, each with a table. Also present was the clerk and the coroner. The witness stand was used by the local police detective to present his evidence and respond to the coroner's questions.

Compared to West London, the room was more spacious and since it was not dedicated to serve the function of a courtroom it felt more transitory and less established.

In what follows, I describe the architectural and spatial configurations at the two courts. The architectural space of the court, waiting room and courtroom at the inquest in West London all reflect the formality of the proceedings. Though some of the details may seem 'mundane' (Mitchell, 1991), for example the entrance desk or the waiting room they all gave a service of order to the space and inquest. In contrast the spatial configuration and scale at the inquest in Maidstone was reflective of the status of the inquest and I argue this gives insight into the lower profile this inquest seemed to have (e.g., the length of the inquest, the number of parties in attendance, the limited evidence presented and the brief conclusion).

West London Coroner Court

The first sign of formality at the court in West London was the attendance sheet that each visitor must sign as they enter the courthouse. Each day that I arrived at the courthouse a security guard directed me to sign the attendance form. I entered my name, institution and arrival time beneath numerous legal professionals representing the Home Office, the Ministry of Justice, health professionals and detention centre subcontractors. The attendance sheet was physical evidence of the high profile nature of the inquest. It bore witness to the invested interests of government bodies and private organisations, who had engaged legal professionals to ultimately defend and diminish their role in Mr. Chowdhury's death. That I was able to sign the attendance sheet with affiliation to a notable elite university may also have enabled my access. I recognise here the ease that my social position gave me to move within and observe these spaces.

The waiting room was a smart, beige lobby, which exuded an air of formality. It was a hive of legal professionals, all eagerly discussing the proceedings or fuelling up for the long day ahead on machine poured coffee. Conversations often spilled out on the corridors and stairwells, as well as into the lunch breaks. The legal professionals were each smartly dressed, with a pile of lever arch folders in their arms and suitcases at their feet. These backstage interactions (Goffman, 1959) were part of the different professionals preparation for the investigation, otherwise they were more casual and informal exchanges. Occasionally, a nurse from the detention centre or the emergency response team, or an officer from the detention centre sat patiently in the waiting room. They had been summoned as witnesses, and their legal representative would hastily advise them in hushed

tones. In these backstage environments the roles of the lawyers were less defined or prescribed and topics of conversations between lawyers switched from the day's schedule for the inquest, to travel disruptions and to weekend plans. The key representatives for MITIE and the Home Office were all accomplished female lawyers with expertise in clinical negligence and inquests. At least two of the lawyers were experienced representing companies, individuals, and families at coronial inquests. However, in this case, they were all representing corporate clients. Testimonials on individual webpages described these lawyers as client-focused with an impressive and meticulous record in court appearances. Their professional bios provides further insight on the lawyers' comportment during this case and the scrupulous manner in which they sought to defend the interests of their clients.

Amongst the legal professionals and occasional witnesses, a volunteer verified the attendees. Adjacent to the waiting room, the family and their legal team resided in a private room. The family barrister is considered an exceptional and astute lawyer with specialist knowledge in human rights and public law as well as inquests. His effective questioning in complex cases is well recognised as is his experience acting in relation to deaths in immigration detention. His expertise and knowledge were well-evidenced during his attendance at the West London court, especially in his condemnation of the structural failures surrounding the killing of Mr. Chowdhury.

Only on two occasions did the legal professionals engage with me (once as I approached the lawyer to ask what time the inquest would start and once when I sat next to an observer from the Home Office who asked me who I was). In both circumstances, I explained the nature of my research and both professionals were largely apathetic to my presence at the inquest. At the time, I found this useful as I could blend into the background without causing disturbance and feel comfortable doing so. It is interesting to reflect upon now how much my social positioning enabled this lack of disquiet from the lawyers. Though I unable to draw any firm conclusions, I also recognise that my appearance to these individuals may have allowed this. Equally, when I supplied my name to the volunteer to add to the observer list, they often nodded and swiftly moved on to take another attendance. My role in the inquest was as a member of the public and therefore there was no anticipation that I would or could contribute to either frontstage or backstage interactions associated with the investigation.

On two occasions, the volunteer explained to me the role of an inquest. The volunteer asked me whether I had been to a coroner's court before. She then proceeded to explain to me the basic structure of an inquest which is to determine who died, when, where and how. She continued by explaining that the how is 'more complicated'. She told me that the jury are selected

from the same pool as those used for a criminal proceeding however unlike a criminal court the jury and the interested parties can ask questions to the witness. Finally, she told me that coroner is the oldest type of court in the country but that an inquest can only make recommendations and that inquests must have certain remits which are often put in a short narrative conclusion. She also explained to me that families are not always represented. This backstage interaction provides further evidence to existing literature that demonstrates the variation in inquests (Green, 1992; Baker, 2015; Walter, 2005). The complexity in deciding how a person died also relates to the varying evidence and parties involved in the process. Furthermore, as the volunteer explained, while an inquest allows interested parties to cross-examine witnesses, a coroner's final conclusion can often be brief and only suggest changes in practice or policy (rather than enforce them). Some authors argue that inquests therefore serve to reinscribe forms of governance rather than challenge them (e.g., Trabsky, 2016).

Each morning the usher indicated when the courtroom was ready. The lawyers briskly entered into the large and rectangular shaped room. The bustle and informal conversations were left behind in the waiting room. The coroner's podium sat at the front of the courtroom. In front of the coroner, the lawyers occupied several rows of desks, each laden with their documents, folders, and laptops. Once the lawyers had taken their seats, the family and their legal team arrived at the courtroom and sat quietly in the front two rows. In this frontstage setting, the respective lawyers behaved in a professional and polite manner towards each other, respecting the formality of the proceedings. Behind the lawyers, several rows of plain seats were reserved for witnesses and experts called to give evidence or expert opinion. At the far end of the courtroom were two rows of grey chairs for members of the public – often colleagues from the Home Office or *The Guardian* journalist sat scribbling notes or perusing through their laptop.

For over two weeks, the coroner along with ten members of the jury, multiple lawyers, and their clients, as well as numerous witnesses, professional experts, journalists, and observers engaged with the investigation that took place in the grey, neutral courtroom. The formality of the space seemingly directed the formality of the proceedings (Mulcahy, 2011). The inquest had a clear structure, scope, and agenda each day, consistent with conventional inquests (Walter, 2005). At the close of each day the coroner directed the parties to arrive promptly the following day. Each morning and afternoon session began on time, shortly and sharply broken up by an hours lunch break.

Archbishop Palace, Maidstone

The Archbishop's Palace in Maidstone is a grand historic building situated by the riverside. As well as a coroner's court, it is alternatively used for wedding receptions. The inquest had been scheduled for 11.30am and when I arrived, I enquired with the receptionist who knew nothing about it. She asked me to wait in the waiting room upstairs and after about half an hour, I returned to the reception. The receptionist apologised, explaining that she had forgotten about me. The remiss of the receptionist at the Archbishop's Palace juxtaposed the meticulous recording of attendees by the receptionist and the volunteers at the inquest in West London. In spite of this, there was still little obstruction to my being able to attend.

As I sat in the reception, the usher approached me. I explained that I was a doctoral researcher from the London School of Economics and was interested in observing the inquest into the death of an 'unknown male' who was found at the Eurotunnel terminal in Folkestone. He quietly accepted the reason of my attendance and informed me that the case was delayed to 3pm. Turning to his folder, he added that the person had now been identified. Like my interaction at the West London court, these interactions suggested that my presence made no difference. It made me acutely aware of my privilege and freedom as a researcher and UK citizen which was further pronounced the absence of the family. These backstage interactions gave me a greater sense of the investigation as a whole. From the remis of the receptionist, the inconsistent schedule and absence of parties present at the inquest in Maidstone, the profile of this inquest appeared to stand in contrast to the high profile status of the West London Coroner's Office.

The inquest was delayed for several hours. Several other people were also in the waiting room, some of whom were the relatives for another inquest. A police detective sat on the other side of the waiting room, whilst a local journalist was in the waiting room. About an hour or so later, at 4.30pm, the clerk very apologetically returned to invite the police detective, the journalist and myself into the court room.

The room served multiple purposes other than a courtroom. It was a grand room, with yellow embroidered curtains, plastic flowers in the fireplace and a few small desks on either side of the room. The police detective sat closest to the window and the journalist took a seat closest to the fireplace. I positioned myself towards the back of the room. Once in the courtroom, the parties present assumed their expected frontstage roles. The clerk politely took the attendance record. The police officer stated his name, explaining that he would provide evidence from the

Kent police investigation. It is interesting to reflect upon the professional location of the police detective and their subsequent involvement in another similar case. A couple of years later in 2021, the same detective from Kent police also provided evidence at an inquest following the death of Omar Ezildin Ali, a young asylum seeker who drowned at Dover Harbour. The coroner also concluded that the death was by misadventure. The detective gave evidence via a live video to say that his unit had tried to rescue him. He further stated that Omar may have been trying to join his brother who arrived in Dover that day (Lennon, 2021). It was further reported that he stated that 'it's a possibility that it was a way for him to get back in contact with his brother if he went into the sea and came out of the sea that he might get picked up and also taken in by immigration' (Paget, 2021). The detective's proximity to the UK border in Dover determines his professional role in the police and coronial investigations.

The journalist gave her name and the name of the local Kent newspaper. The journalist reports on all news in the local area and is not limited to migration cases. Finally, I reminded the usher my name and that I was observing as part of my doctoral research at the London School of Economics. The clerk quietly accepted the reason for my attendance without question. What I learnt from this encounter as well as in West London was the indifference parties held towards my being there. A coronial inquest is open to the public. My being there made little difference to the investigation and as such was perhaps not remarked upon. As previously discussed, this might have been related to how my own social positioning was read by those in attendance.

Classifying death at the West London Coroner's Court

The high profile status of the inquest in West London was most clearly demonstrated by the length of time and number of professionals invested in the proceedings. Many institutions and their practices including the Home Office, the NHS and the private contractors who ran the immigration removal centre were held under scrutiny (Taylor, 2019c). Prior to the inquest, three pre-inquest reviews (PIR) had taken place to determine its scope. It was during these deliberations that the decision was made to focus on the systems that share information about new arrivals in an immigration detention centre. At the third PIR the decision had been made not to include whether the emergency response that arrived on the scene after Mr. Chowdhury was assaulted had been adequate. The pathologist gave evidence that the emergency response would not have ameliorated the situation. The family had decided that they wanted the focus of the inquest to be

on the systems of information sharing. However, the extent to which these systems and institutions that shared information were scrutinised was determined by the inquest. As I observed there were multiple parties with competing interests and differing stakes in the inquest. The roles each party played were reflective of the professional, scripted, and formal interactions in the courtroom (Goffman, 1959). The presence and collective weight of these varying roles has a bearing on the process and outcome of the inquest. While in West London the stage compromised of multiple parties each with their vested interest in the process, comparatively in Maidstone the stage was much smaller without contested debate.

The classification of death emerges both through the presentation of events by key witnesses or experts and the professional who cross-examine witnesses and apply their skills to interpret the evidence (Green, 1992; Timmermans, 2006). In the case of Mr. Chowdhury, witnesses included the nurses who had conducted the first assessment of the perpetrator, the emergency response team, the detention centre officers and former detainees who had witnessed the incident. Specialists and expert witnesses on the system which shared information between prisons and immigration detention centres were also called to give evidence. The coroner also read statements from the pathologist report, a nurse based in the prison where the perpetrator had previously served and detainees who were not able to attend the inquest. Statements and reports made in the detention centre were also delivered by the coroner to the court. The coroner also read the admittance form of the perpetrator to the immigration detention centre.

The structure of the inquest was clearly organised and usually the coroner began the day by introducing the evidence and witnesses for the day. The coroner would then invite a witness to the witness podium and ask them his questions. After which, the legal professionals would direct their questions and interrogation of the witness. Finally, the coroner would ask the jury's questions on their behalf. Often during the investigation, the jury were dismissed so that the lawyers and the coroner could discuss issues without them being present (e.g., what evidence to present to jury or what questions to formulate for the jury to respond to at the end of the inquest). After all the evidence has been presented, the coroner summarised the evidence presented during the inquest and outlined the responsibilities of the jury in determining the cause of death. The jury were given time to deliberate (and ask additional questions if needed) before returning to deliver their final verdict. The role of the coroner is to then produce a final report. While the legal representatives consulted with the coroner on the evidence and key witnesses included and cross-examined the witnesses, they did not formally take a role in the final decision. This was up to the jury to determine based on the facts presented.

The coroner's questions were directed at clearly establishing the timeline of events and the facts surrounding the death. His primary concern was whether the perpetrator had been properly assessed. The coroner sought evidence of whether there had been any signs of his violent tendencies that might have gone unnoticed, or that his behaviour might escalate or whether detention centre officers had had any concerns about his behaviour. This is summarised in an opening introduction with an expert witness from the Home Office.

> **Coroner:** What this case is concerned with is where adults [in a detention centre] pose a risk and how information is shared, given what you know do you have anything to say about this case.
>
> **Witness:** In this case, information sharing was below what we would expect.

The coroner's questions were always direct, neutral and they never wavered from the parameters of the inquest. The coroner himself is highly experienced in all types of coronial inquests, specifically those concerning medical and professional negligence. On his professional page, the coroner is merited for his wealth of experience investigating other Article 2 inquests and ability to handle complex cases with excellent judgement whilst supporting all parties. These competencies were all skills I witnessed during this case. His responsibility to steer the investigation towards the facts was also implicit in his style of questioning.

Conversely, the lawyers were more partial in their examination of evidence and witnesses. Their role in the inquest was to represent their clients and therefore unlike the coroner their questions were often articulated in leading or probing ways. The most distinct differences appeared between the family representative and the legal representative for MITIE (the private contractor who run Colnbrook immigration centre). The family barrister was extremely exact in his questions to the witnesses interrogating the flaws in practices and procedures. Whereas the representative for the MITIE sought to evidence that systems for assessing the perpetrator had been adequate and met the threshold required. For example, there are safeguards and thresholds that are used to manage detainees in an immigration removal centre. If their behaviour is deemed over the threshold they can be put into segregation. Prior to the killing of Mr. Chowdhury, there had been an altercation between the perpetrator and another detainee in the exercise yard and the detention officer on duty did not put him into segregation. The legal representative argued this was the appropriate measure in this instance: 'in the yard [he displayed] aggressive not violent behaviour'. On the other hand, the barrister for the family found that there had been evidence of escalating violent behaviour by the perpetrator in the days preceding Mr. Chowdhury's death. During

questions posed to a detention officer who had stated he was concerned and scared of the perpetrator and worried about his behaviour, the family lawyer made clear to challenge the legal representatives' presentation of events.

> **Family barrister:** That's pretty significant that you are afraid of him [the perpetrator], you said you were not surprised that it was him [that killed Mr. Chowdhury]. That didn't come as a surprise. The lead up to the threshold seems odd. He is squaring someone up [in the yard], he doesn't get isolation […] Do you think he should have gone into segregation?'
>
> **Detention officer:** Yes, for me personally but if I put everyone into segregation it would be full if I said every time.
>
> **Family barrister:** [his actions were] not low level, there was potential of violence. You and other detainees were scared of him?
>
> **Detention office**: yes
>
> **Family barrister**: You say you are not surprised he was building up to something. That's your assessment?
>
> **Detention officer**: yes.

In contrast to the family lawyer, the other lawyers sought to deflect or diminish any responsibility of the organisations they were representing. As I observed, it was through scrupulous questioning that the lawyers defending the corporations sought to present the context surrounding Mr. Chowdhury's death and they attempted to limit the culpability of their clients. For example, a legal representative for MITIE sought to demonstrate how responses to the perpetrator's earlier behaviour had indeed been adequate. The lawyer advocated that his behaviour had been reasonably managed according to regulations in an immigration detention centre. If a person in a detention centre exhibits violent behaviour, they are put into segregation. However, the lawyer deemed assessments of his earlier behaviour appropriate. They were in agreement that his actions, although odd, did not sufficiently meet the threshold of putting him into segregation. The following interaction demonstrates how the lawyer purposefully constructed her questions. They reflected her view that the perpetrator's earlier behaviour had been adequately managed, and the escalation of his violence could not have been expected. The lawyer's adoption of their frontstage role in the inquest is not only reflective of the expectations of a professional but also an essential function for their role in minimising the responsibility of their client MITIE. The first witness worked for MITIE at the detention centre and the second witness was on duty when the perpetrator killed Mr. Chowdhury and the day before when the perpetrator was described as 'behaving oddly'.

> **MITIE lawyer**: Was he exhibiting signs of taking drugs?

Witness 1: No

MITIE lawyer: The incident in the yard, could it be seen as aggression rather than bullying?

Witness 1: That's how I saw it.

[…]

MITIE lawyer: How often are people aggressive [in a detention centre]?

Witness 1: Regularly.

MITIE lawyer: And do you often put them on segregation?

Witness 1: No.

[…]

MITIE lawyer: [the detention officer] didn't seem concerned [about perpetrator's behaviour], they didn't see it as a problem, you said he was very polite and not aggressive and certainly not violent?

Witness 2: Yes

MITIE lawyer: I'm going to suggest to you that segregation would have been an extreme [response]?

Witness 2: Yes

MITIE lawyer: And other [senior] officers would have overruled it?

Witness 2: Yes.

Being able to witness these interactions first hand reveals the complex levels involved in determining responsibility. It was interesting for me to focus on the lawyer's interpretive skill at justifying that the response was within the threshold of acceptability. This, I argue, could also be an example of interpretive forms of official denial (Cohen, 2013). By making the claim that appropriate levels of action were taken at the time, the lawyer assuages the gravity of this incident as a contributory factor to Mr. Chowdhury's death.

The representative for the Home Office also took a similarly tactical and specific approach in cross-examining witnesses and evidence. On one of the days of the inquest, I observed the lawyer question a consultant psychiatrist. The doctor had been called to provide expert opinion on the systems for sharing information between prisons and detention centres. These systems were under scrutiny for failing to properly assess and share information about the perpetrator's earlier violent tendencies. The conclusion of the inquest later revealed that when 'a new detainee has come from a prison, nurses in IRCs are not able to immediately access previous SystmOne records' and in this case 'it meant that the nurse who screened the assailant when he arrived at Heathrow

IRC was unaware of his mental health history' (Courts and Tribunals Judiciary, 2019). During the cross examination of the expert witness, the lawyer asked:

> **Home Office lawyer:** We know that nurses did an initial screening [of the perpetrator] and that system merging would have been done overnight […] Do you think the nurses would have read his latest notes in screening?
>
> **Expert witness:** Yes, it is difficult to expect what they can read as they have a high turnover and I think it would be unrealistic to read all. At a minimum I would expect some viewing of previous establishment.
>
> **Home Office lawyer:** If there was any mental health issue this should have been flagged?
>
> **Expert witness:** Yes

The lawyer then asked the expert witness about the appropriate measures of response towards any earlier signs of drug abuse. The expert witness explained that any signs of people taking spice in detention centre would require immediate attention. However, it was not clear that the perpetrator was involved in taking spice.

> **Home Office lawyer:** It was not believed that he took spice the day before [killing Mr. Chowdhury] and so there was no need to observe him. And no one observed that he was taking it before?
>
> **Expert witness:** no

A continual theme throughout the inquest and the roles performed by lawyers defending MITIE and the Home Office was their acutely professional and deliberate manipulation of the wider circumstances surrounding Mr. Chowdhury's death. Though accomplishing their professional function within the inquest, the roles they served appeared to me as consistent with Baker (2016) and Green (1992) who are argue that inquests often serve to reproduce social inequalities and forms of state governance. It is therefore important to consider who existing knowledge and expertise serves in these kinds of investigations. The application of the professional competencies and skills of these lawyers was largely determined by their clients' interests. For me, this underlines how knowledge can be co-opted to propagate and sustain systems of governance.

Whilst the legal professionals acting on behalf of governmental and corporate organisations were concerned with limiting reputational risk, the family lawyers sought to highlight that systemic failures contributed to the death of Mr. Chowdhury. The family's barrister was well experienced in immigration cases and complex inquests involving institutions (such as the Hillsborough inquest). He consistently sought to address the underlying flaws of the system that

he considered to have completely failed to assess the perpetrator properly. This was particularly evident during his cross-examination of the Director of Detention and Escort Services, an employee of the Home Office. At the time of Mr. Chowdhury's death he was the responsible official for foreign national offenders in the prison service. It was also heard during the inquest that the Home Office was deliberately trying to reduce the number of foreign national offenders in the prison service, which had also led to many inmates (including the perpetrator) being moved from the prison estate to detention. The family barrister challenged the witness stating:

> **Family barrister:** I have a number of questions, whether [this death was as a result of an] individual failure or wider systems failure, I will suggest it's the latter.
>
> What I want to challenge you on is this, you said twice to the coroner that you accept risk assessment and system failures, I suggest something different, that this is not just that staff missed crucial information […] the problem is not operational, it's a system problem.
>
> **Family barrister:** Are you able to comment on moving foreign national offenders from prisons to IRCs?
>
> **Home Office employee:** Only if it is deemed safe and if it is the right person and if they don't present a level of risk or vulnerability […] I accepted in this case it was flawed.

In comparison to the neutrality of the coroner's questions and the corporate lawyer's questions that sought to minimise liability, the family lawyer directly interrogated wider systems. As the lawyer stated, this was an integral part of the investigation and he challenged the complacency of governmental institutions. As he stated, 'a big part for the family is organisations not taking this case seriously, it appears that the Home Office is not taking it seriously'. Unlike the other lawyers whose questions seemed more concerned with technicalities, the family lawyer brought humanity and urgency to his involvement in the case. For example, he often prefaced his statements stating that the 'family are anxious to know' or 'that strikes us as worrying'. In contrast to the other lawyers, the family lawyer considered related the cause and circumstances surrounding Mr. Chowdhury's death to a 'spectacular system failure'. What this highlights is the controversies surrounding a death that emerge during an inquest process. As existing literature states, during an investigation professionals 'glean or construct information about the dead' (Walter, 2005, p.383). As Green (1992, p. 374) argues, during an inquest 'medical and legal experts, and lay witnesses, negotiate' how the death will be defined. The cultural and professional authority ascribed to experts gives them both validity and authority in interpreting and making statements related to the circumstances surrounding a death (Timmermans, 2006). As Timmermans (2006) describes, it is

only through this process and the interpretive skills of parties in attendance that cultural, legal, and scientific knowledge about 'unnatural' deaths becomes known. This further underlines the importance that families are represented and the example of the family lawyer in West London and his focus on wider systems reinforces this point.

My conversation with Rosemary, a member of a human rights charity, evidenced the important role that family representatives play in inquests following death in immigration detention. I described to her my recent attendance at the two inquests, remarking upon the absence of the family in Maidstone. I asked her whether she was aware of the process involved in family representation. Rosemary works with individuals affected by immigration policy and has extensive knowledge about the immigration detention system. As such, she was aware of the dynamics at play during an inquest following the death of an immigration detainee. As she stated:

> So [at an inquest] there's the private contractors, as well as the government organisations and sometimes individual doctors, nurses, or people who are represented and the family are just completely out of their depth. I mean as an interested party the [family] can ask questions, they can get involved, they can request disclosure. But to tell someone who is under that kind of stress to deal with all of this paperwork and also having to go back and forth to the coroner to get information which isn't always forthcoming for various reasons. It's not an easy task to expect people to do and it's compounded by different things. […] some people are really engaged with the paperwork and want to read everything; other people just can't handle reading the details of what happened to their relative and some people find it overwhelming […] so one of the things is proper representation for families at these inquests.

The dynamic that Rosemary describes was present at the inquest in West London and she highlights how private contractors or government organisations are accustomed to both the lexicon and structure of an inquest. On the other hand, as she explains, families often find themselves 'out of their depth'. As Weizman (2014) states the investigation itself and evidence presented shapes the kinds of public and social truths that can be achieved.[52] Without family representatives present, as Rosemary suggested, certain issues may be neglected or overlooked. This may be especially important in immigration or migration cases where families and individuals may already feel ostracised or excluded by systems.

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[52] The research conducted by Weizman and Forensic Architecture analysed how the trial following the collapse of a factory in Bangladesh that led to over a thousand deaths focused almost exclusively on architectural elements and as a result ignored the wider global structural issues (see chapter two).

The above examples were during the inquest when the jury was present. However, there was numerous occasions when the jury was asked to leave the courtroom while the coroner and legal representatives held a private session without the jury. These were open to the public, however. The following interaction between the coroner and the MITIE lawyer concerned the evidence that the lawyer considered necessary to be presented to the jury. It demonstrates how the lawyer was resistance to presenting issues to the jury that might hold her client accountable. The inquest had raised issue with adequate staffing and handover issues which may have failed in identifying the escalation in the perpetrator's behaviour. In this session, the coroner asked the solicitor representing MITIE, 'are you going to resist' to having this question of staffing and handover presented to the jury. The representative replied stating, 'it is still speculative'. The coroner continued arguing that the jury are 'entitled to find this' a contributory factor in Mr. Chowdhury's death. The representative continued to challenge this interpretation stating that 'all this is in hindsight that he was going to be so violent' and remarking that she thought that the jury needed to be reminded that segregation was 'the last resort'. The coroner replied stating that the events leading up to Mr. Chowdhury's death might have been different 'had the staff been determined he was too dangerous to share a cell'. He continued stating that the jury 'are entitled to say that this broadly or minimally caused the death'. The lawyer replied stating that the actions of the perpetrator had not been deemed 'dangerous enough'. This backstage interaction was incredibly insightful into the efforts of the lawyer to circumscribe the scope of the inquest. In an effort to protect her client's liability she attempted to argue that it was not possible to predict that the perpetrator's behaviour quickly escalated. However, the coroner's response is illustrative of the decisive role that the jury can play.

The jury's role during an inquest is to decide the facts of the case and answer questions (predetermined by the coroner) of how the person died and their cause of death. Often these questions are limited to a simple 'yes,' 'no', or 'don't know' answer, although they may also allow the jury more space to expand upon an answer. Members of the jury are permitted to ask relevant questions during the investigation, which are asked through the coroner (Ministry of Justice, 2020). However, as Baker (2016) illustrates, how much agency given to the jury is not predetermined. Although they may be able to ask questions during the investigation, the coroner is responsible for curtailing those deemed out of the remit of the inquest. At the close of the investigation, the coroner at the inquest in West London reminded the jury about the scope of the inquest.

> **Coroner:** I am going to ask you to make factual findings based on evidence (e.g., reports, statements, evidence from witnesses), you must base your decision only on evidence seen in court and anything else is irrelevant. It is your view of evidence

that is important, this isn't a trial, it's a fact-finding investigation. It is not to attribute blame but to establish facts […] there are four statutory questions [you are required to respond to] who died, where they died, when they died and how they died meaning by what means and in what circumstances. You cannot express opinion on other matters or make recommendations. The scope of the inquest is limited.

As the coroner's address outlines, there were indeed constraints and limitations to the inquest. The cultural authority, which Timmermans' (2006) describes as the authority assigned to certain death professionals, allowed the coroner to determine the course of the inquest effectively and legitimately. The inquest was bound by law to abide to the criminal conviction of Mr. Chowdhury's murder. The perpetrator had been convicted in the Old Bailey of manslaughter. He was convicted of having diminished responsibility due to a drug induced psychosis, after taking spice in the detention centre. The coroner reminded the jury that 'as a matter of law, we are bound by that conviction and have to accept that we can't look behind it'. An inquest may or may not be limited in that it cannot fully apportion blame or definitively attribute responsibility to a person, institution, or system (Baker, 2016, p.63). The coroner directed the jury to finding a conclusion that was 'brief, neutral and factual'. He requested that they base their findings solely on evidence and facts presented during the inquest. As the coroner directed, this must be on 'causation of probability meaning more than minimally, trivially or negligibly'. This appears consistent with Weizman's (2014) critique of legal and political processes which are limited by the very nature of the scope of investigation or evidence presented. The inquest was legally obliged to accept the criminal conviction and could not investigate or challenge his conviction any further.

There were other key moments when the scope of the inquest had to be reinforced. For example, the jury at the West London inquest expressed serious concern with wider issues relating to the case. The coroner often chose not to read out the jury's question if they were deemed outside the scope of the inquest. It was heard during the inquest that several, failed attempts had been made to deport the perpetrator which he disrupted. The jury were concerned about how this also impacted on the subsequent events. The following interaction took place during a session with the coroner and the legal representatives while the jury were in recess. The lawyers and the coroner were deciding what questions they would ask the jury to consider in their final conclusion. The coroner expressed concern with giving the jury open-ended questions. He explained that 'members of the jury are obviously concerned about how impossible it is to remove people physically [from the UK] if people are disrupting flights'. He reminded the legal professionals that the 'inquest has a scope' and the jury cannot consider the failures to deport the perpetrator in their final conclusion.

The coroner then emphasised his point by presenting a bundle of handwritten questions from the jury proclaiming that 'sheet after sheet of lengthy questions, I am reluctant to leave space for explanation, they [may] say something like [the government] should have chartered a plane, it would be a mistake to invite free-ranging questions'. Due to the fact that the jury is made up of members of the public, they perform a unique role in deciphering the facts of the investigation. While they are not restricted by the professional rigours of the coroner or legal representatives they must comply to the format of the inquest. Before the jury retired to make their final decision, the coroner reminded them that 'you may have view on broader matters like what type of person is in an IRC or whether a single organisation should manage an IRC, but that is beyond the scope of this inquest, this is not a public inquiry'. I found this comment striking and it appears consistent with literature that argues that inquests serve a bureaucratic function rather than critical one (e.g., Baker, 2016).

During the morning of the final day of the inquest a backstage interaction I witnessed illustrated the further limitations of the inquest process. In the waiting room a legal representative for MITIE told a journalist that the coroner has decided to limit the jury to 'yes' or 'no' questions in their final conclusion. She stated that the jury had been asking too many 'bat-shit questions' during the inquest such as 'why are violent people put in immigration detention centres?' Obviously, questions can be interpreted in multifarious ways, but it is interesting here to note the response of the lawyer whose sole purpose in inquests such as these is damage limitation. As Deborah Coles stated during a review of the coroner's service, 'state lawyers routinely turn up at inquests. There is a culture of institutional defensiveness. There is much more concern for reputation management, rather than a meaningful search for the truth' (Justice Committee, 2020).

The professional authority (Timmermans, 2006) of the coroner and legal representatives gives them greater decision-making power in determining the limits of the inquest, as well as how the jury reach the final verdict. While the jury are charged with determining the facts of the case and the cause of death, in West London the professional authority of other professionals restricted them decision-making role to 'yes' or 'no' questions. The role of the coroner is to ensure that the conclusions the jury finds are sensible and relevant. While on multiple occasions their questions were deemed 'bat-shit', the decision not to read certain questions or to limit the jury in their final deliberation might also reveal how embedded an inquest is within state forms of governance and bureaucracy (Green, 1992; Trabsky, 2016).

As neat and concise as the final report appears (Green, 1992; Timmermans, 2006), it required extensive deliberation and the jury took over half a day to reach their conclusion. The

jury read their final determination in court, which was later officialised by the coroner in his final report. The Narrative Conclusion stated that:

> The conclusion of the inquest was that the Deceased, while being detained at Heathrow Immigration Removal Centre (IRC), was unlawfully killed by another detainee. As part of its conclusion, the jury expressed concerns about the sharing of information between prisons and the IRC's and about the operation of the SystmOne healthcare technology which is used in prisons and IRC's (Courts and Tribunals Judiciary, 2019).

Following the inquest, the coroner submitted a Prevention of Future Deaths report with recommendations to The Secretary of State for the Home Department, The Secretary of State for Justice (HM Prison and Probation Service), Clinical Director TPP, and Chief Executive of NHS England. All the names of the individuals were redacted from the Report to Prevent Future Deaths (except from the Chief Executive of NHS England). TPP provides the SystmOne healthcare technology which is used to share information about detainees/prisoners between prisons and IRC's. The coroner's final conclusion found failures 'to share information about prisoners who are to become detainees' (5.1) between the Ministry of Justice and the Home Office. Secondly, the coroner identified that systems for sharing information about new detainees are 'not operating adequately' (5.2). As a result, the immigration detention centre (in which both Mr. Chowdhury and the perpetrator were detained) had not been made aware of the violent tendencies and mental health of the perpetrator (Courts and Tribunals Judiciary, 2019). The Prisons and Probation Ombudsman's investigation also raised similar concerns relating to the failure of systems and staff to assess the mental health of the perpetrator and that 'effective action' was not taken when he displayed 'violent and anti-social behaviour towards other detainees in the days leading up to his attack on Mr. Chowdhury' (Prisons and Probation Ombudsman, 2019). The PPO provided a copy of their report to the coroner in West London and both investigations included almost all the same material, evidence, and witnesses. The coroner did not share the PPO's investigation during the inquest as he explained an inquest is a different and independent investigation. Though lawyers and the coroner reminded witnesses of their engagement with the PPO investigation and relied upon it to make their assessments. Later in our interview, Rosemary explained the different processes that may follow a death in immigration detention. As she explained, often the PPO does not always have the capacity to conduct investigations especially in the event of a presumed death by 'natural causes'. This provides further reinforcement of the variation in investigations.

While the outcome of the inquest offers positive steps towards improving systems that fall short of duty of care and responsibility, I am reminded of Rosemary's comment that these kinds

of narrative reappear 'time and time again'. The legal process of an inquest may not be enough to either expose or instruct change in systemic issues. As Deborah Coles, Director of INQUEST stated, 'it is just not good enough simply to put these reports on the judiciary website and hope that they will be put to good use. They are not even searchable' (Justice Committee, 2020). This reinforces arguments made by authors such as Weizman (2014) or Klinenberg (2002). Weizman (2014, p.9) describes the forum as 'the place where the results of an investigation are presented and contested'. While other research demonstrates how spatial configurations (Mulcahy, 2011; Mulcahy and Rowden, 2020) and professional authority (e.g., Timmermans, 2006) shape the proceedings, Weizman's (2014) research demonstrates how the form itself and material presented can affirm and seal the truth that is reached. An inquest as a forum also has certain rites and constraints of evidence that can be presented. In line with Weizman (2014), this also shapes what kind of truth is reached following an inquest, which often do not have the ability to fully account or hold accountable the wider political conditions surrounding a death.

Classifying death at the Archbishop Palace, Maidstone

In contrast to the inquest in West London, the inquest in Maidstone was barely attended and no jury was required. Starkly, neither the family nor representatives on their behalf attended. Encapsulating the narrow scope of the inquest, the coroner introduced herself and stated that 'I will be touching upon the death' and 'I am calling upon pathological [and police] evidence and that is all the evidence I am going to call in this case'. Like in West London, the cultural authority (Timmermans, 2006) of the coroner allowed her to delineate the final determination and the evidence she included. The inquest was limited to only two pieces of evidence which were used to decipher the key facts in the investigation.

The evidence from the post-mortem report was briefly read by the coroner. The report described how Mr. Moussa had suffered fatal injuries, compromising of a large defect to the left of his back, missing organs, and amputated left leg. The report also described multiple injuries to the head and chest. Reading from the report, the coroner stated that the pathologist considered this as 'an unnatural death' caused by multiple injuries. Unlike, the death of Mr. Chowdhury, the inquest in Maidstone did not examine the role of any organisations, institutions or individuals involved in the death. The following interaction between the police detective and the coroner highlights how this decision was made.

Coroner: as far as you can tell no third party was involved?

Police detective: No, [this is a] fairly frequent occurrence, [people] trying to secure passage [to the UK] underneath vehicles, and hydraulics of vehicles move up and down and people are crushed underneath […]

Coroner: So, he sadly misjudged […] in any event it would have been a long journey to secrete himself, it was completely risky?

Police detective: yes

The assumption is that the danger of attempting to hide underneath a vehicle was miscalculated by Mr. Moussa. He was not coerced, persuaded, or encouraged by a third party to do so. A second assumption is that this is also a regular occurrence. But there is no attempt in this inquest to understand why people undertake such a risk. The focus of this interaction is almost entirely on ruling out the possibility that anyone else might have been involved and therefore culpable for this death.

In a similar vein to the coroner, the evidence submitted by the police officer was also brief. The coroner asked the police officer questions in relation to the Folkestone police investigation. The coroner asked the police officer questions about the timeline between boarding a coach in Brussels and the discovery of his body in Folkestone. The police had discovered a mobile phone in his pocket and were able to retrieve some information from the device. However, as the following demonstrates, the police investigation had also been limited.

Coroner: I understand one of the numbers [on the mobile] was 'mon papa'

Police detective: The phone was in French, we had difficulties reviewing [the phone], in my limited French I understood that to be his family, his father. We only have very limited information.

I found the fact that the police officer had limited information or that there were almost negligible attempts to translate Mr. Moussa's phone striking. It also says something about the absence of multiple parties, who might have contested this glaring oversight. Compared to the inquest in West London, the police officer was asked no further questions by other parties. There were no other parties involved, who might have differing interests and therefore cross-examined his evidence. The absence of the family limits both the scope of the inquest but also the potential for conflicting interpretations to arise. As a result, the authority of the coroner enables her to accept his evidence and make a final, prevailing, and indisputable determination (Timmermans, 2006).

Shortly, after the police detective had finished responding to the coroner's inquest, the coroner turned to her conclusion. She paused and glanced through her small pile of notes. Following which she stated that:

> **Coroner:** I think I have two options to consider this an 'accident' or 'misadventure', he clearly intended to put himself in position without understanding the risk or danger, it was his intention, no third party was involved, he was not locked in. I am wondering, he clearly didn't mean for this to happen. 'Misadventure' is unintended consequence of intended action or whether 'accidental death' is more appropriate. I am concerned that 'accident' could be misinterpreted, this was clearly no fault of the driver. So, I turn to the balance of probabilities – I think it is more accurate to say 'misadventure' and maybe something people need to clearly understand that they take some very severe risks.

The coroner considered intent in her deliberation leading to the 'misadventure' verdict. As Timmermans (2006, p.41) explains, assessing intent is also part of deliberating the classification of death, particularly in the case of suspected suicide. Intent in suspected suicides can only ever be presumed or inferred from secondary evidence. Similarly, the coroner in Maidstone could only speculate about the circumstances of Mr. Moussa's death. Though she expressed some certainty that his actions were 'intentional', while his death was an unintended consequence.

The coroner also considered responsibility in her final determination taking into account the 'resulting process' (Green, 1992, p.373). As both Green (1992) and Baker (2016) highlight the 'official' definition of a death is ambiguous. Such decisions 'are produced through a moral analysis of the facts surrounding a death and through the resulting process of demarcating them from other, more culpable, deaths' (Green, 1992, p.373). The coroner in this case was concerned that 'accidental' death could be 'misinterpreted' and implicate the driver. As Green (1992, p.385) states that '[d]espite being in itself a morally neutral term […] the label of 'accidental' points to the possibilities of responsibility for a death'. As highlighted by the coroner in Maidstone, an alternative determination that carried less confusion or ambiguity was 'misadventure'. Arriving to her decision, the coroner considered 'misadventure' as appropriate as it did not risk the implication of the driver. This in all essence seems a more socially acceptable understanding of a death which by the police officer's admittance was a 'fairly frequent occurrence'. As Bowker and Star (1999) illustrate, classification is ethically and politically charged. However, in this case we see how the decision not to classify this death as 'accidental' was to limit liability and wider implications.

Once a coroner makes their decision about a death, the classification becomes legal fact (Timmermans, 2006, p.108). The example in Maidstone is also demonstrative of the cultural

authority of the coroner. The professional authority of the coroner lies in her ability to deliberate and finally decide between two death classifications (Timmermans, 2006). The authority of this decision derives from the legal authority that a coroner has. In Weberian terms, this authority allows the coroner to establish a legal fact and for it to be legitimate, accepted and recognised. (Weber, 1969). As Timmermans (2006, p.10) states, when this authority 'is unquestioned', the public is compelled to accept this conclusion. However, he also shows how authority is relational. In some instances, other parties may contest conclusions and challenge the perceived authority of pathologists or coroners. Due to the absence of any other parties in Maidstone who might challenge her determination, the final decision to record the death as 'misadventure' became an incontestable legal fact.

There were virtually no challenges or contradictions to the official narrative of death. This may be due to the limited number of parties in attendance, as well as the scope of the evidence presented during the inquest. However, during the interview with the police detective I observed potential moments in which the broader circumstances of Mr. Moussa's death could have been raised. This related to the well-known risk and frequency of attempts to reach the UK via Belgium. It was also noted during the inquest that these routes are predominantly used by people without the legal right to enter the UK. Strikingly, these comments appeared to be brushed away and the coroner made a simple reference in her concluding statement. By including examples where the wider circumstances were raised but ultimately accepted as fact, I demonstrate the futility that can be associated with inquests where the wider context relating to border deaths cannot be fully encompassed or accounted. During her interview with the police detective, the coroner asked about the journey that Mr. Moussa made from Belgium towards the UK.

> **Coroner:** It is your view that most likely and looking at evidence and witness statements that he climbed under the vehicle in Gare du Nord, Brussels on the 17th of November 2018. This is a place that people are monitored.
>
> **Police detective:** We think this is a place where a large proportion of people are trying to enter the UK.
>
> **Coroner:** Mr. Moussa didn't have the right to enter the UK?
>
> **Police detective:** We think so, he had no family here.

These statements made between the police detective and the coroner demonstrate awareness that many people make the attempt to reach the UK from Belgium via illegalised means. They are also aware that many people who make these journeys do not have the right to reside in the UK nor any family there. During other inquests where people have died in similar ways, wider

circumstances have been raised in the final conclusion. In particular, and as previously mentioned, following the inquest into the death of Mohammed Hawre Hassan steps were made at the UK border in France to offer advice to unaccompanied minors regarding the associated risks of travelling to the UK beneath a vehicle. However, these were not raised in the case of Mr. Moussa. Nor was a final statement or Prevention for Future Death report produced despite these concerns being explicitly raised. In her final concluding statement, the coroner also hinted to similar concerns stating that deaths such as Mr. Moussa's are 'maybe something that people need to clearly understand. They take some very severe risks'. Yet, there is no effort made following this investigation to bring awareness or combat these risks. As a consequence, no steps are made to prevent future deaths nor consider what relating factors may have contributed to the death.

This narrative was also reproduced in the media reporting following this death. A few days following the inquest, the local journalist published an article in a local newspaper. The article titled 'Migrant died after clothes tangled under coach at Folkestone's Eurotunnel terminal' was matter of fact and accepting of the inquest's findings. The newspaper article described the inquest and the coroner's conclusion in simple, individualistic and uncritical terms (Williams, 2019a). The article reproduced the coroner's final conclusion and stated that the 'assistant coroner considered whether the death should be recorded as misadventure or accident, but in the end concluded a verdict of misadventure'. It recorded her decision to choose 'misadventure' as 'more accurate' as 'he clearly intended to put himself in that position without understanding the danger and risk' (Williams, 2019a).

Later in the afternoon, as the inquest concluded, I left the Archbishop's Palace with the journalist and the police detective. The journalist asked the detective a further detail about his investigation, she turned to me and asked why I was there. I explained that I was doing my doctoral research on deaths and borders in the UK. She asked whether I had 'expected it to be so grim?' The police detective added 'at least you didn't have to see the photos'. This backstage interaction is seemingly more informal and unscripted (Goffman, 1959). However, these comments may also add a more personal or emotional level to the case. While the pathologist report and the evidence presented by the police officer described in some detail the events surrounding the death, they were scripted, pre-prepared and procedural. These comments are a reminder of the different modes of interpreting and engaging with a case, which are not limited to the courtroom. They remind me of Timmermans' (2006) closing epilogue. As he states, medical examiners must maintain an element of decorum and professionality to the outside world. However, as he explains medical examiners may also be personally or emotionally affected by some cases. The exposure

or engagement with images of suffering or violence may lead to desensitisation (Seu, 2003) or compassion fatigue (Cohen, 2013). Professionals working with death find coping strategies to carry on with their professional working day (Timmermans, 2006). However, I find these comments outside the formality of the courtroom striking in the way that they communicated a human and emotional response in comparison to the formal and procedural role that the police detective must assume during the inquest.

Reflections on the inquest process

An inquest may allow for wider debate or issues to be raised. The jury in West London raised wide-reaching concerns related to the UK immigration system. However, a coroner's final report cannot sanction organisations or require changes to their policies and there is no obligation for agencies to act upon the recommendations (Baker, 2016). Though their conclusion 'can demonstrate to the public that acts or omissions have been uncovered and require [organisations] to consider recommendations' (Baker, 2016, p.74). Official responses following the inquest of Mr. Chowdhury included those made by the solicitor for the family (INQUEST, 2019b), representatives for the Home Office as reported in *The Guardian* (Taylor, 2019a), the charity INQUEST (2019b) and Jonathan Bartley co-leader of the Green Party. Bartley stated that:

> It is devastating to see deep failures in the UK's barbaric detention system are costing people's lives. It is a stain on our national conscience that the UK is the only country in Europe to lock people up in detention centres without a time limit. It is time for root and branch reform of our broken immigration system – starting with these brutal detention centres (Green Party, 2019).

A representative of INQUEST also stated that '[t]he findings of this inquest are further evidence of the Home Office's arbitrary and careless use of immigration detention' (INQUEST, 2019b). While the inquest in West London discussed the failures of a wider system, this was located in the failure and the inability of the system to recognise the violence of the perpetrator. However, this seems relatively limited in understanding what systemic failure might mean. For example, it does not consider the other systemic failures such as the failure to properly administer Mr. Chowdhury's asylum application or the rationale for transferring foreign national offenders to immigration detention centres. There are certain things that remain absent from the inquest, for example the idea that the detention system in and of itself is also responsible for death. The

following statements made by Deborah Coles, Director of the charity INQUEST during a review of the coroner's service provides further evidence of the importance an inquest. Coles stated that:

> One of the really important things about inquests is their potential preventive value, which is not only in the interests of bereaved families but in the public interest. An inquest can try to ensure public scrutiny and hold people to account, but also identify false, dangerous and harmful practices, which, if put right, could prevent people from dying or being injured in the future (Justice Committee, 2020).

However, Coles also recognised the limitations of inquests in their current state, where the recommendations following an inquest are not enacted upon. As she outlined:

> I think the preventive potential of inquests is one of its most important functions, but at the moment it is failing. It is not only failing bereaved families, but it is failing the important public interest […] At the moment, the system is undermined by the fact that the preventive potential is not always realised.

While inquests cannot apportion blame, they may still operate within a carceral framework. The whole idea is to establish a level of responsibility that may be limited to individuals or individual institutions as opposed to wider structural conditions. The focus on individual intent is seemingly limited and reductive. It does not consider the wider conditions of illegalised migration that lead people to make potentially life-threatening decisions in order to reach the UK. It can seemingly reduce a harrowing decision to 'misadventure' and conceal a larger story related to border and immigration policies. It frames these deaths as the misfortunate and unintended consequences of individual decisions rather than direct consequence of government policies and decisions (De León, 2015). Such an interpretation is congruent with the political narrative that delimits state responsibility and abstracts the wider context (see also chapter seven). While death classification is neither exclusively liberatory or repressive (Hacking, 2000), the coronial inquest exists within and is limited by the fact that it is a state institution. The final conclusions can often be reductive or bring up the same issues 'time and time' again without being able to enforce actual structural change.

Summary

This chapter considers the role of the inquest process in the classification of death. It explores two inquests that were distinct from one another in multiple ways. This chapter presents how each inquest reached their final conclusion and the process including front and backstage interactions. It also investigates how the spatial and architectural configuration of a courtroom shapes the interactions and what kind of status is given to the investigation. Inquests are important sites in which to observe the multiple and competing perspectives surrounding a death. The process of classifying a death always involves negotiating the level of liability and accountability. As I illustrate, the inquest process goes some way to understanding the cause and circumstances surrounding a death, but they may also be limited in their remit and it can be difficult for an inquest to examine the wider conditions. The limitations range from a general lack of information or evidence to scale, and parties involved and to wider systems of structural violence. The forum of the inquest determines the kinds of investigation and evidence involved, as well as the conclusions it can reach (Weizman, 2014). The following chapter discusses how the adjudication of a death following an inquest is contested.

Chapter Six

Contesting death by 'natural causes'

Introduction

I gained an understanding of how policies (such as the hostile environment policies) may or may not be attributed to a person's death during my interview with Lily. It was during this conversation that I became aware that these conditions may be easily overlooked, especially in the adjudication of death by 'natural causes'. When asked about the reporting of migrant and asylum seeker deaths across Europe, Lily drew my attention to deaths that are happening within the UK as a result of hostile immigration policies. These deaths are not always included in statistics on border deaths. She told me about a case of a domestic worker from the Philippines. She 'was unclear of her status [in the UK]'. She later contracted 'pneumonia and died'. '[She] died because she felt that she could not access medical help. She was scared about what would happen to her' or what the state would 'do to her if she went to access [medical assistance].'

This issue was also raised during political debate in the House of Commons on the 16th of January 2018. Marissa Begonia is a domestic worker originally from the Philippines and is the coordinator for the UK charity Voices of Domestic Workers. During the meeting with the UK Health Committee, she expressed her grave concern regarding the increased data sharing between the NHS and the Home Office to track illegalised migrants (House of Commons Debate, 2018). Recent legislation has given the Home Office access to patient information as a means to assist immigration tracking. Since 2012, a set of administrative and legislative measures known as the UK's hostile environment policies have normalised and expanded border checks within education, healthcare, housing and other sectors (Webber, 2018). As Marissa Begonia stated, during a check-up another domestic worker with Bell's Palsy was questioned on her immigration status. She described to the committee how this situation exacerbated a distrust of medical professionals amongst people without settled status and thus engendered a further fear of falling ill. Like Lily, she also raised attention to the death of the same domestic worker. Begonia stated that this death occurred as a result of fearing and therefore failing to seek medical help.

Marissa Begonia: We have one [domestic worker] who died, having never sought any hospitalisation or gone to a GP [sic], because she was too frightened. She was not even aware of what kind of disease she had. She was coughing very badly and thought it was just a cold. […] She came from abusive employment. Hot water was poured on to her. It was unreported because she was too frightened to step forward to the authorities. That did not kill her – she survived that. What killed her was being too frightened to access healthcare.

Chair: That is very sad, and I am very sorry to hear about that case. (House of Commons Debate, 2018).

Reflecting on this case, Lily told me that these kinds of deaths are 'the fault of the state. The state has failed to put in legislation that means that domestic workers don't feel safe and cared for by their employer.' Lily continued, 'it is a dangerous position to be in and then […] you don't feel that you can access emergency medical care'. Lily explained to me that she considered this death to be the consequence of 'immigration policy'. This death was not a natural occurrence; it was a failure of the state to protect individuals such as the domestic worker. Tied visas, which were introduced in 2012, mean that Overseas Domestic Workers are bound to the employer they registered their visa with. This legislation exposes individuals to many forms of abuse and leaves them incredibly vulnerable, with no recourse to public funds (Barrigan, 2021). This combined with the hostile environment policies make life, as Lily described, in the UK increasingly more difficult, uncertain, and potentially life threatening. These examples of structural violence appear in line with existing scholarship which demonstrates how violence embedded in state policies increases the risk and exposure to death amongst certain populations (Giroux, 2007).

The conditions that lead to these deaths as well as the deaths themselves continue to be overlooked and tend not to be included in conventional understandings of the term border death. The previous chapter discussed the inquest process and how a final determination is reached. This chapter explores conflict around the adjudication of a death and its causes. In particular, I focus on how a death by 'natural causes' fails to account for the structural conditions that may have contributed to the death. As Klinenberg (2002) argues, it was social, not natural, conditions that caused over 700 deaths in Chicago during the 1995 heatwave. Redirecting responsibility on to the 'natural' environment, as De León (2015, p. 4) argues, conceals a socio-political history of aggressive border enforcement. 'Labelling migrant deaths as an "act of nature" is a convenient way to ignore the hybrid collectif of deterrence that was intentionally set into motion by policy strategists twenty years ago and that continues to function today' (De León, 2015, p. 60). Racialised and economic inequalities conditioned by a fully operational logic of disposability left mostly black New Orleans residents vulnerable to the deadly effects of Hurricane Katrina (Giroux, 2007). Living

in the wake of slavery, as Sharpe (2016) describes, produces the conditions leading to premature deaths of black populations. Sharpe discusses the throwing overboard of at least 132 African slaves off the *Zong* boat in 1781. At the time, these murderous acts were not considered as such. Rather the court dealt with these deaths as an insurance claim due to loss of property. The state positioned these deaths as ungrievable (Sharpe, 2016, p.22). Sharpe describes how living in the wake of slavery is living this afterlife, where racialised populations are left to die in the Mediterranean Sea (Sharpe, 2016, p.21). Attributing a death to nature and without being alert to these structural conditions runs the risk of removing the human agent; it enables and justifies the abdication of responsibility (Klinenberg, 2002, p. 4) and fails to account for the policies that condition the wider context of death (Giroux, 2007; Sharpe, 2016).

Scientific, legal and political professionals have the cultural authority and political power to influence how a death is classified (Timmermans, 2006). Professional and legal authority enables coroners to carry out an inquest and have their interpretations accepted. However, their final determinations are neither infallible nor indisputable. The act of classifying a death by 'natural causes' can be political charged and controversial (see also Bowker and Star, 1999). This chapter discusses the death of Dexter Bristol, a member of the Windrush generation, to explore such contestations. The final inquest found that Mr Bristol had died from 'natural causes'. According to the official determination, he died from heart failure. During the investigation there was evidence suggesting that the Home Office's hostile environment policies might be responsible. The stress caused by uncertainty regarding his immigration status was considered by some parties, including his mother and legal representative as well as activist group UNITED (2021) and charity INQUEST (2019c), to be the cause of his heart failing. Drawing on this case, this chapter further develops the literature that shows how 'nature' is used to abdicate social and political responsibility. I show how immigration policies, as well as wider histories of racism and hostility may also be the cause of a death that might otherwise only be understood as 'natural'.

The first section discusses the importance of denaturalising death and the conflict around adjudication (De León, 2015; Klinenberg, 2002; Timmermans, 2006). It presents some of the main concepts employed in this chapter including cultural and professional authority (Timmermans, 2006) and denaturalising death.

The second section discusses the context surrounding Mr Bristol's death. The hostile environment policies and the Windrush scandal are central to re-telling and challenging official border narratives. It intersects Britain's colonial history and the technical, bureaucratic and racialised bordering that was historically applied to former-colonial populations migrating to

Britain. As this thesis argues, borders should not only be understood in territorial terms. It is the violence that is done by European citizenship, that exists in its very nature, rather than outside of it (Balibar, 2011). The embedding of the hostile environment is a history of racism and imperial logic. It shaped nationality law and created a tiered system where people from former colonies were classified as second class, undeserving and deportable. As this chapter demonstrates, these classificatory systems can have grave consequences (Bowker and Star, 1999). For example, the death of the Filipino domestic worker and Dexter Bristol illustrate how classifying certain people as illegal, and therefore unable to access medical support, may cost them their life. Drawing on Gilroy (2004), this section also discusses Britain's amnesia towards its own imperialist history. Its denial of imperial and colonial domination fails to address how contemporary racism is a symptoms of these histories (Gilroy, 2004). By considering the pervasive and longer histories of violence, I also hope to demonstrate the unfurling nature of borders (Gunaratnam, 2019). The concept of weathering is applied to consider how structures that lead to the slow deterioration and wearing down of populations transcends a particular moment or policy. Instead, deaths such as Dexter Bristol's might be understood as the result of the culmination of medical factors as well as a longer history of racialised exclusion (Geronimus *et al.*, 2006). In this way, I interrogate the question of when and where the hostile environment begins and ends, suggesting that as well as crossing multiple geographic zones, borders also intersect multiple temporalities.

The final section explores in detail efforts to both challenge and sanction the official determination of Mr. Bristol's death. This case highlights the complexities of the term 'natural' death. Drawing on Cohen's (1996; 2013) concept interpretive denial, 'natural' death is contested as a euphuism or re-representation that deflect state responsibility. As De León (2015, p.60) argues, social and public perceptions that deaths in the Sonoran Desert of Arizona are the result of 'natural' elements discounts how federal policies have 'purposefully funnelled' migrants into these harsh and hostile terrains. The outsourcing of border controls and tactical enrolment of extreme 'natural' environments is covered up by classifying migrant deaths as 'naturally' caused (ibid.). As I explore, adjudicating a 'natural' death through specific forms of expertise provides a limited explanation of the cause of death and abdicates wider political and social responsibility.

Denaturalising death: cultural authority, contestation, and framing responsibility

As De León (2015, p. 60) argues, many perceive the deaths of border-crossers in the Desert to be as the result of "'natural outcomes" or 'outcomes with no causal link to federal policies'. However, he argues that the policies of deterrence have strategically outsourced 'the work of punishment to actants such as mountains and extreme temperatures' (ibid.). Since the 1990's the Prevention Through Deterrence (PTD) strategies have directed border-crossers to more isolated and hostile terrains. Previous policy would have apprehended people once they had crossed a border. Other strategies included installing more security in urban entry points. This meant migrants were forced to enter points in rural US and thus be more easily detected. One of the key features of PTD was that the entry points in the Desert were incredibly treacherous. It was believed that the extremities of this natural environment would deter migrants from attempting to illegally enter the US (De León, 2015, pp. 31-32).

The conceptualisation that these deaths are the result of 'natural causes' is ignorant to the deliberate strategy to deter illegal migration. The PTD era weaponized the natural environment to create a natural barrier to entry into the US. The PTD does not explicitly state that the risk of death was part of their strategy of deterrence. However, the unintended consequences of this policy and the increasing number of border deaths has been noted by academics and federal agencies (De León, 2015, p. 34). In the UK, the hostile environment policies have increased the threat of deportation for 'illegal immigrants' and expanded the presence of 'border guards' within everyday institutions such as hospitals or GP surgeries (Wemyss, 2015). Like De León (2015), I suggest that the unintended consequences of these policies and others (e.g., tied visas) are the 'natural deaths' of racialised and excluded populations, such as domestic workers or members of the Windrush generation.

Klinenberg (2002) also makes the case for denaturalising death. The extreme climatic heat in 1995, he argues, is not enough to explain nor be accountable for the high rates of death during the summer in Chicago. The social environment in Chicago, he argues, also contributed to over 700 deaths. These social conditions produced vulnerabilities amongst largely elderly, isolated, and ethnic communities. During the heatwave, these people were unable to flee the city and were thus left exposed to extreme temperatures. Conceptualising these deaths as death by 'natural causes' ignores the structural, political and social conditions that left many people vulnerable to the heatwave (Klinenberg, 2002). This chapter disputes the determination of death by 'natural causes'. In the case of Dexter Bristol, this determination ignores and denies the wider circumstances

surrounding his death. Moreover, the concept of weathering attends to the histories of coloniality and racialised violence that appear in racial disparities, environmental vulnerabilities, and other forms of exclusion (Geronimus, 1992; Sharpe, 2016). These can also intersect and exacerbate contemporary forms of bordering, such as the intensification of hostile environment policies since 2012.

In spite of these controversies, it may be difficult to contest or challenge a determination of death by 'natural causes'. This can be explained by the cultural authority of those who interpret a death (Timmermans, 2006). The professional and cultural authority of a medical professional is what Timmermans describes as forensic authority. It refers to the legitimacy that is given to medical professional's work as well as the judgements they make. For example, in the context of death determination, the professional authority of a pathologist (or indeed a coroner) 'encompasses the ways they investigate deaths and have each determination accepted as valid' (Timmermans, 2006, p. 8). The cultural authority is established through the investigation of death and the acceptance by multiple parties (e.g., family members, law enforcement and other legal, political, and public institutions) of their conclusions (ibid.). As Timmermans (2006, p. 256) demonstrates, medical examiners acquire their cultural authority when their determinations are accepted. Even if some parties contest their final conclusion, as long as the interpretation of the medical professional prevails, their authority is upheld.

As such, medical professionals are responsible for determining the boundaries of death. They are involved in determining the cause of an individual death but also determining what that type of death comes to mean. For example, their cultural authority may offer suicide as the final determination but also what suicide comes to mean more widely (Timmermans, 2006). As such, the adjudication of a death shapes wider public and societal attitudes. This has relevance for death by 'natural causes'. Certain political, legal, and medical professionals and institutions have the symbolic power to determine how deaths are understood (Timmermans, 2006; Klinenberg, 2002). This allows them to make authoritative explanations surrounding a death. For example, as Klinenberg states, the authority of the media and political discourse could dictate that the deaths during the 1995 heatwave were the result of 'natural causes'. Their cultural authority enabled them to determine the legitimate frames for explaining these deaths. The biological cause of death is emphasised, while the social and political causes of that biological event are erased. This erasure, that is part of allopathic medicine more generally, was contested by the family in the case of Mr. Bristol. Ultimately the legal fact and circumstances surrounding his death are those made by the

coroner. Though there may be different interpretations, the power and authority vested in state institutions can decide to uphold death by 'natural causes' as the underlying cause of death.

Windrush and the embedding of the 'hostile environment' policies

> The aim is to create here in Britain a really hostile environment for illegal migration.
>
> (Theresa May cited in Kirkup and Winnett, 2012)

> At its heart the Windrush crisis is about an immigration policy that was allowed to – even designed to – dehumanize, demonise, and victimise British citizens.
>
> (Labour MP, David Lammy, 2018)

> We are peddled the myth that Windrush migrants were invited to Britain, and welcomed with open arms, when in fact 'coloured migration' was always deemed undesirable, and racism has shaped immigration politics and nationality law since that historic docking at Tilbury.
>
> (De Noronha, 2018)

This chapter attempts to make visible the embedding of the hostile environment policy as connected to a longstanding postcolonial history, in the hope of making these structures more accountable for the deaths in Britain's present. Drawing on Bowker and Star (1999), it explores how the rights of citizens from former colonies were readjusted in incremental ways so that they no longer shared the same rights as those born in the UK. This highlight how borders are not just territorial; violence and racism are central to the development of European citizenship (Balibar, 2011). However, what is described as postcolonial amnesia is used to explain how Britain has marginalised its own history of imperial and colonial domination. Britain's desire for 'greatness' and denial of its colonial past shapes contemporary racism in the present (Gilroy, 2004). This exacerbates the condition in which many members of the Windrush generation found themselves in when confronted with the hostile environment policies.

Postcolonial amnesia

In the post-war era, Britain, as Patel (2021, p. 17) describes, underwent 'a painful transition from world imperial power to postimperial power'. The fallacy about this period is that both British imperialism and imperial citizenship no longer continued beyond this point (ibid.). As Gilroy (2004) argues, Britain has marginalised its history of imperial and colonial domination and cruelties,

failing to see how contemporary racism is a symptom of these histories. Gilroy describes Britain's denial and failure to properly scrutinise imperial histories as postcolonial melancholia. The result is an 'unhealthy and destructive postimperial hungering for renewed greatness' (Gilroy, 2004, p. 103). When 'greatness' is not realised, the migrant other is blamed. This story embeds racism into ideas of who belongs and who doesn't as a postcolonial melancholia (Gilroy, 2004).

In a 2019 interview, Gilroy stated that the story of Windrush has 'been frozen in the mediascape. It needs to be given a history and the continuing problems of the 'hostile environment' held up to proper scrutiny' (Gilroy, 2019). Gilroy (2004) seeks to confront Britain's denial of its imperial order and revisionism of its colonial cruelties. The postcolonial melancholia, as he describes, is an active forgetting of Britain colonial past and wrongs, whilst romancing an illusion of Britain's 'greatness'. As Gilroy sees, there is no bordered notions of nation and empire. The spectacle of 'the energetic, tropical immigrants with battered suitcases were effectively being visited on the green nation from outside' structures an idea that the arrival of the Windrush generation was 'an extra rather than basic condition of the country's modern phase' (Gilroy, 2019). This makes a story of generosity out of post-war Britain's need for labour. It structures an understanding of the empire as outside of Britain's borders, rather than essential to construction of the nation. It constructs nation and empire as distinct, when in fact they are both central to and implicated in the construction of national identity. As Gilroy (2004, p. 98) states:

> The life of the nation has been dominated by an inability to face, never mind actually mourn, the profound change in circumstances and moods that followed the end of the Empire and consequent loss of imperial prestige.

Wemyss (2009) also describes the invisibility of past colonial histories as the 'Invisible Empire', asking what the selective absence of imperial histories does. The dominant discourse is nostalgic about certain elements of Britain's past while silencing domination, racism, and violence (Wemyss, 2009, p.3). It privileges white experiences in debates around Britishness, while homogenising and excluding the ethnic 'other' (Wemyss 2009, p. 162). This subversion of imperial histories plays out in the present day and perpetuates hierarchies of belonging. It becomes the basis for power relations and forms of control and exclusion. Wemyss (2009) explores this ethnographically in the context of East London, connecting Bengali and British history. The histories of Indian seamen who arrived in London in 1650 is absent from contemporary representations of the East India Docks in London. The emphasis on 'the natural history of the East India Docks illustrates the insignificance of the histories of the people who worked on ships'

(Wemyss, 2009, p.142). Drawing on Wemyss, I argue there are parallel absences from the official report following the inquest into Dexter Bristol's death, specifically the histories preceding and that informed the development of hostile environment policies. These histories not only inform present day forms of exclusion, but their omission also works to perpetuate past and present hierarchies of belonging.

Another context which provides an interesting parallel is that explored by Gooder and Jacobs (2000) in postcolonising Australia. The authors discuss the processes of reconciliation and giving apologies for past injustices and atrocities to Aborigines and Torres Strait Islanders. The inquiry into the 'Stolen Generation' which forcedly removed many Aboriginal and Torres Strait Islander children from their families entered public consciousness. The public apology delivered by the Prime Minister at the Reconciliation Convention 1997 was part of this process of reconciliation. These actions served as part of a project to address and resolve past colonial atrocities. However, the apology delivered by the Prime Minister was deemed both inappropriate and inadequate. A proper apology and full acknowledgment of the past wrongs 'was virtually unsayable' (Gooder and Jacobs, 2000, p. 230). Their article describes a feeling amongst settlers of rupture and loss of the nation itself. The failure to provide a proper apology is to deny or fully acknowledge responsibility for past wrongs and to admit trespass. The inability to accept responsibility for this unsayable violence is part of Australia's postcolonial melancholia today. As a result the (old) order has been, as they argue, restored as the nation state failed to truly remember and take responsibility for past actions (Gooder and Jacobs, 2000). This amnesia to the past, and how it structures the present, is something which is reflected on in this chapter.

Classificatory systems and the embedding of the hostile environment policies

Bowker and Star's (1999) discussion of racial classification systems in South Africa is crucial to understanding the immigration policies in the UK. As Webber (2018, p.3) describes 'xeno-racism and nativism are central to government policy'. As she explains, as early as the 1960's racist sentiment was embedded in immigration policies to classify who was 'illegal' and therefore removable from the country. These classification systems in turn, as elucidated by Bowker and Star (1999), may have grave consequences. As Galtung (1990) states it is the cultural violence embedded in social structures that inhibits people from reaching their full potential. This kind of violence can manifest in explicit or implicit forms. It deprives and limits people from basic amenities and provisions within society. It is the actuality and potentiality risk of this kind of

violence, such as not being able to access medical care, that has become normalised. The emergence of the hostile environment policies in the 2010's re-embeds the racist structures that have circumscribed rights of people from the Windrush generation well before they were even born (Webber, 2018). Present day categories of legality and illegality are intrinsically connected and informed by colonial histories. These create further forms of racial (b)ordering which expose people to structural violence as well as a heightened risk of deportation or death (El-Enany, 2020).

To preserve Britain's imperial continuity with former colonies in Commonwealth states, the British Nationality Act of 1948 enabled the right of entry and right of residency to all British and Commonwealth citizens. This Act created the new status of 'citizen of the United Kingdom and Colonies' (CUKCs), for those either born in Britain or a British colony (British Nationality Act, 1948). The 1948 Act gave inclusive rights to people in British colonies and independent Commonwealth states to enter the UK to live and work. The Act gave full rights of movement around the world to those born in Britain or in 'colonies' in forty-seven territories (Patel, 2021). In essence, 'you now had the same citizenship rights as white people born in England under a single citizenship' (Patel, 2021, p.144). Many of the Windrush generation arrived within the UK in 1948 with Commonwealth citizenship, which allowed them total freedom of movement and rights to move to Britain (Nason, 2018).

The Act had been implemented with the primary aim of preserving imperial unity and implicit within the Act was that non-white members of the Commonwealth 'should passively enjoy their consular status overseas' (Patel, 2021, p.22). This, as Patel states, became evident when British officials expressed shock at the large numbers of non-white people from the Caribbean and South Asia who migrated to Britain as citizens in the 1950's. As Patel (2021, p.23) describes, through changes to legislation 'non-white British citizens' became incrementally 'reconceived and reclassified as immigrants'. This coincided with the reduced need for post-war labour.

The dismantling of rights began with the 1962 Commonwealth Immigrants Act which delineated British and Commonwealth citizenship to those who had the right to enter Britain and those who did not (Patel, 2021). The idea that the British Empire was a single and expansive territory and that all its subjects could freely enter the UK was foreclosed with this Act (Home Office, 2017). Only those Commonwealth citizens born in the UK or who held a UK passport issued by the UK had the right to enter the UK. This Act introduce immigration regulation for any other citizen of Commonwealth countries, CUKCs born in the colonies or independent Commonwealth countries or those who held a CUKC passport issued by colonial governments (Home Office, 2017).

The Act supported measures to control immigration of Commonwealth citizens to the UK, to authorize the deportation of Commonwealth citizens from the UK who had committed offences and to 'amend the qualifications required by Commonwealth citizens applying for citizenship under the British Nationality Act' (Commonwealth Immigrants Act, 1962). Strikingly, and within its name, the Act differentiates those in the Commonwealth as 'immigrants'. As it stipulates in part 1, section 1 (2)(a), the right to enter the UK is to 'a person born in the United Kingdom'. Conversely, in part 3, 1.(1), an 'immigrant means a Commonwealth citizen' not born in the UK, nor who holds a UK passport issued by the UK Government and 'who lands or seeks to land in the United Kingdom' (Commonwealth Immigrants Act, 1962).

Through this Act, Britain maintained its imperial prowess in other territories allowing white British citizens overseas to return, whilst denying non-white British citizens the right to enter (Patel, 2021, p.23). It was, as Patel (2021, p.28) describes, a paradoxical yet inherently racialised technical and legal strategy which led to a situation where people living in the Commonwealth could hold British citizenship yet were denied automatic right of entry. British citizenship became premised on a racial exclusivity by birth, ancestry or territory – it created a two tiered citizenship and restricted non-white migration to Britain. This became further entrenched in subsequent changes to immigration laws in 1968 and 1971 (Patel, 2021).

In 1968 the Commonwealth Immigration Act, gave legal right of entry and residence to a person who was born or whose parents or grandparents were born in the United Kingdom. It also included people who had registered as a British citizen under the British Nationality Act in 1948 (Commonwealth Immigrants Act, 1968). As Patel (2021, p.28) states, embedded in these legal frameworks was the idea that 'belonging' or 'connection' to Britain was ultimately defined by a territorial link. Essentially, it constructed a two tier system of citizenship rights predicated on parentage (Yeo, 2017).

At this time, racism and anti-immigration sentiment was growing in the UK. Enoch Powell's "Rivers of Blood" speech in 1968 became a hallmark of these racist and hostile attitudes towards immigration. The 1971 Immigration Act reflected this sentiment and marked the beginning of increased immigration control (Nason, 2018). The Act gave anyone from the colonies who was in the UK settled status and 'indefinite leave to enter or remain in the United Kingdom' (Immigration Act, 1971). It also allowed those with parental ties to the UK to apply for settled status, while those who did not were subject to immigration control or threatened with deportation. Many of the Windrush generation and their children who had been in the UK prior to the 1st of January 1973 automatically held the right to settled status (Immigration Act, 1971).

However, the 'repositioning' of people 'from natural citizens to not only undeserving but deportable' which had begun almost from their arrival was further established with the 1971 Immigration Act (Forkert *et al.*, 2018). This Act, as Forkert *et al.* argue, which allowed members of the Windrush generation the right to remain, ultimately denied 'any natural claims' as British Commonwealth citizens. Whilst the Act confirmed the Windrush generations' 'right to abode' in the UK, there was no documentation to record this status (Williams, 2020). In her independent review of events surrounding the Windrush scandal, Williams (2020, p. 7) states that there 'was no reason to doubt their status' nor pre-empt ensuing laws that would later put their status into question. The Act displaced responsibility from the state onto the individual to prove their official status; 'when any question arises […] whether or not a person is a British citizen […] (Section 3(8)) (Immigration Act, 1971). The lack of official documentation, the high cost of processing official status and the culmination of more stringent immigration checks in subsequent decades sowed the seeds for what was has become known as the Windrush scandal, but what was, in essence, an undoing of their legal right to be in the UK over the course of several decades (Forkert *et al.*, 2018).

The 1981 Nationality Act amended citizenship based on birth and became aligned to 'right to abode'. It created three new categories of citizenship: British citizenship, British Dependent Territories citizenship and British Overseas citizenship. Anyone born in the UK no longer held the right to CUKC citizenship; rather it depended on one parent holding British citizenry or permanent residency (Williams, 2020, p. 57). As a result, many UK born children of Commonwealth parents no longer held automatic entitlement to British citizenship (Williams, 2020, p. 82). As, Tyler (2010, p. 62) states, this Act 'was an Immigration Act designed to define, limit and remove the entitlements of citizenship from British nationals in the Commonwealth (the former colonies) thereby restricting immigration to the British Isles and creating 'aliens' within the borders of the nation state'.

This history of successive post-war immigration and nationality legislation continued through the 1990's and 2000's as immigration controls tightened. This expanded with the government's 'hostile environment' policy: a set of administrative and legislative measures designed to make staying and working in the UK as difficult as possible for those without leave to remain. The 2014 and 2016 Immigration Act brought in measures to restrict migrants' access to NHS healthcare, welfare benefits, driving licenses, employment, right to rent and bank accounts (Williams, 2020, p. 37). They also discouraged illegal entry and drove migrants from staying in the UK "illegally" (Kirkup and Winnett, 2012). These measures brought in new powers for removing people, whilst introducing new requirements for proving status (Immigration Act, 2014).

The responsibility was displaced onto individuals to prove their residency in the UK 'before the 1st of January 1973, the date the 1971 Immigration Act came into force (Taylor, 2018b). All longstanding Commonwealth residents were protected from enforced removal by a specific exemption in the 1999 Immigration and Asylum Act – this clause was removed in the updated 2014 legislation (Taylor, 2018b).

These policies gradually redefined people who were once considered legal citizens as 'illegal immigrants' (Webber, 2018), and led to members of the Windrush generation being 'wrongly caught up' in new immigration policies (Williams, 2020, p. 15).

> [U]nder the auspices of the 'hostile environment', people who had lived essentially their entire lives in the UK were forced to attempt to prove their immigration status to an administration that had adopted a rigid, box-checking culture of refusal, even when they furnished extensive proof of long residence. The Immigration Acts of 2014 and 2016 – more than 45,000 changes to the Immigration Rules and a host of policies, all designed to curtail migrants' rights and deter them from accessing services, and creating a society of us versus them (Bradley, 2019).

As Yuval-Davis, Wemyss and Cassidy (2018) highlight, the UK 2014 and 2016 Immigration Acts effectively transposed the border and embedded border controls throughout UK society, meaning that government agencies, private companies and individual citizens have become central agents in policing and governing UK borders. This led to an increasing demand on institutions to monitor the immigration status of their staff, students and applicants, as well as making access to basic needs such as employment, medical support and housing dependent on immigration status (Webber, 2018). The Windrush scandal exposes this history and offers a 'rare opportunity to publicly reflect on the violence of our immigration system' (Forkert *et al.*, 2018).

What the Windrush scandal reveals is both the normalising of the hostile environment, and the flexibility of its desirability testing and deportation regimes in at once being seen as acceptable (for some groups) and deplorable (for others). The Windrush scandal is one instance when such regimes were deemed deplorable (Forkert *et al.*, 2018) and yet not necessarily in the inquest into Mr. Bristol's death. By examining the wider context and regarding the longer histories of immigration control, I connect the incremental unravelling of the rights of the Windrush generation to my discussion on border deaths. In the following section, I also consider how the weathering of certain racialised populations, embedded in social structures of exclusion and racialisation, lead to racial health disparities (Geronimus *et al.*, 2006), as well as the recoiling of borders across temporalities. I consider how this manifests in deaths such as the case of Mr. Bristol.

Death beyond borders

My thesis seeks to challenge assumptions that national borders and frontiers remain fixed, as well as the assumptions that all border deaths are those during migratory trajectories. Borders are not merely territorial, geographic points; they are mechanisms that are inescapably racialising and exclusionary. These borders can be no less pernicious nor tangible. As Balibar (2001, p. 22) argues, it is 'not the violence of the border, but the violence without borders or beyond borders'. Balibar asks us to consider the violence within borders, especially the violence inherent to and made by European citizenship that can exist within a nation, cities, neighbourhoods.

Similarly, during our interview Alex, an international NGO worker, also demonstrated to me the expansive nature of borders that are not only geographic. Alex reflected upon the location of borders. His comments left a long-lasting impression on me and shaped my thinking. They also evoke the idea of weathering, where systems and structures lead to the slow erosion of people's livelihoods and survival mechanisms (Neimanis and Hamilton, 2018). He described the visceral, embodied nature of borders that are experienced in the form of risk, loss of strength, lack of access to healthcare and 'no reason to live'. He explained, 'this is the border to me, something that does not exist [only in a physical form] but destroys the resilience of people'. His comments also echo research conducted by Khosravi (2010), who states that certain individuals embody the border. Later Alex attested that the violence produced by a single border is in fact part of a wider European border regime. 'The responsibility is not just [on] France, but [on] all of Europe'. This comment also reflects Balibar's (2011) understanding of the violence of borders, which is directly produced by the construction of European citizenship. This example from my own research demonstrates how I align with critical research on bordering. It underscores how the burden of blame should not be placed on to a border-crosser, nor a single nation-state, but on to the entire European border regime.

Borders are not fixed in time. Borders are not experienced universally and are very often racialised. Everyday life (for some people) in UK has become increasingly infiltrated with bordering structures and regimes (Yuval-Davis, Wemyss and Cassidy, 2018). The past two decades of critical engagement with the "what, where, and who" of borders (Johnson *et al.*, 2011, p. 68) in critical border studies has been followed up with the question of borders "when". Ruben Andersson (2014, p. 796) has aptly noticed that temporality 'has be-come a multifaceted tool and vehicle – even a weapon of sorts – in the 'fight against illegal migration''. The border or boundaries

are not the same for everyone, as Fassin (2020) describes; borders delineate faith, origin and race. It is not merely the making of national boundaries but that of ethno-racial boundaries. Fassin's (2020) advocation that borders and boundaries are both volatile and inextricably linked becomes heightened in certain political moments. As Fassin (2020) describes, the Executive Order 13769 issued by Donald Trump on the 27th of January 2017, designed to protect American people from terrorist attacks from foreign nationals entering the country, reinforced the US border and for whom the border can be legitimately crossed.

The experience of the Windrush generation demonstrates how 'easily people can become "illegal" despite their existing entitlement to citizenship' (Forkert *et al.*, 2018) It forces us to consider the fragility of statuses between the 'allegedly deserving and undeserving'(ibid). This challenges the idea that borders are inevitable, natural, and innate. However, it is also illustrative of the temporalities of borders that are related to a total climate of hostility and exclusion which leave certain racialised populations in tenuous, uncertain, and precarious circumstances (Neimanis and Hamilton, 2018; Sharpe, 2016). As the following case demonstrates, this can have severe and grave consequences. For these reasons, my research also considers the following cases discussed in this chapter as examples of border deaths.

The case of Dexter Bristol: contesting death natural causes

This section examines some of the controversy around the adjudication of Mr. Bristol's death by 'natural causes'. Classificatory systems are not entirely seamless nor complete (Bowker and Star, 1999). Death by 'natural causes' is not without contention. Controversy surrounding a death may also reveal a 'larger architecture of social order' (Bowker and Star, 1999, p.222). In the context of classification and reclassification of race under apartheid in South Africa, Bowker and Star (1999) employ 'torque' to describe the mismatch between peoples' biographies and racial categories. They highlight how very often people do not 'fit' the formal classification systems. It is these spaces of ambiguity and borderline cases, they argue, that reveal the underlying social architecture of apartheid. The conclusion that Dexter Bristol had died due to 'natural causes' sparked controversy. I argue that it is also revealing of a 'larger architecture of social order' (Bowker and Star, 1999, p.222) in the UK. This social order governs people's lives. It defines who is legitimate and who has rights to provisions in society. This social order creates borders of exclusion that may have fatal consequences. However, in some cases responsibility for such costs to life may

be redirected, denied, or deflected. This is why I argue that a wider interrogation of the final determination of death by 'natural causes' is critical.

Dexter Bristol died on the 31st of March 2018 aged fifty-eight outside of his home. He is not the only person to have fallen foul to the hostile environment policies. Many members of the Windrush generation, who had arrived from former British colonies in the Caribbean between 1948 and 1973 found themselves no longer able to prove their legal status in the UK. As a result, many lost their jobs, were threatened with deportation, or found themselves homeless (Webber, 2018). At least three people who were 'wrongly deported' later died in exile (Gentleman, 2018c).

Prior to his death, Dexter Bristol had found himself classified as an 'illegal immigrant.' He had been sacked from his job and had no entitlement to benefits. His mother attributed his death to the stress he experienced in trying to prove his rightful status in the UK. 'This is racism. He was a victim of [these] policies' she said, during an initial inquest hearing (Gentleman, 2018a). However, in the coroner's final conclusion it was determined that he had died from 'natural causes'. *Figure 3* is the coroner's Narrative Conclusion following the second inquest. The conclusion was not available or published on the Courts and Tribunal Judiciary website and was sent to me by the coroner's office on request. This serves to underscore earlier discussions in this thesis relating to public visibility and ability to search for supposedly public records.

Figure 3: Narrative Conclusion, issued via email on person request

An inquest into the death of Dexter Lloyd BRISTOL was heard on 8th October 2019.
Conclusion of the coroner as to the death was as follows:-
Dexter Bristol died from natural causes, being severe aortic stenosis and coronary artery atheroma. Stress is known to increase the risk of sudden cardiac death. Mr Bristol had a number of stressors in his life, but his heart disease was the underlying cause of his death.
The medical cause of death:
1a) acute cardiac arrhythmia
1b) left venticular hypertrophy and coronary artery atheroma
1c) severe aortic stenosis

There was no PFD report.

On the 8th of October 2019, Senior Coroner Mary Hassell at the St Pancras Coroner Court, London ruled that Dexter Bristol had died from 'natural causes'. At my request, I received the conclusion from the coroner's court. In ten short lines, it was revealed that the inquest had been heard and the conclusion of the coroner was that Dexter Bristol had 'died from natural causes, being severe aortic stenosis and coronary atheroma'. The very short summary also indicated that

stress can also 'increase the risk of sudden cardiac death'. Whilst the conclusion acknowledges, though does not detail, the 'number of stressors' experienced by Dexter Bristol prior to his death, it concludes that 'heart disease was the underlying cause of his death'. The medical cause of death was also detailed as '1a) acute cardiac arrhythmia, 1b) left ventricular hypertrophy and coronary artery atheroma and 1c) severe aortic stenosis'. Finally, at the end of the email, the coroner's summary concluded that no PFD (Prevention for Future Death) report was produced. The short summary supplied to me by the coroner's courts contains a very precise, scientific, and yet also very narrow understanding of his death. That no PFD report was produced following the inquest is indicative that no third party would be held accountable. The authority of the medical professional acts to subsume any other interpretations for his death. Whilst the official record suggests that the case is closed, as Timmermans (2006) argues, this does not mean it is not open for contestation.

What is also neatly folded into the final conclusion are the conflicting interpretations present at the inquest. Reporting from the inquest demonstrates the tensions over whether the stress compounded by harsher immigration policies contributed to his death. An initial inquest closed when the family walked out of the inquest after the coroner refused to include the Home Office as an 'interested person' and consider the role of the government's 'hostile environment' policies in Mr. Bristol's stress (Morris, 2018). The conclusion from the first inquest was that Mr. Bristol had died from 'natural causes' from heart failure. Following orders from the High Court, the conclusion from the first inquest was quashed and a second inquest with a different coroner was called for (Garden Court Chambers, 2019).

His mother, a neighbour, his immigration lawyer, and a member of an employment agency working with Mr. Bristol, as well as personal notes written by Mr. Bristol were presented during the inquest. It was reported that he was experiencing increased stress and anxiety relating to having to prove his status in the UK prior to his death (Foot, 2019). At an initial inquest, the families' barrister, Adam Straw, urged that a second inquest take into consideration the "systemic flaws" of the Home Office's immigration policies. The barrister argued that these immigration policies posed a risk to life 'by denying employment, benefits and free NHS healthcare' (Taylor, 2019e). Several things can be the border as Alex explained to me during our interview. I interviewed Alex early on in my research. At the time, he was working for an NGO providing medical assistance at different border regions across Europe. As with all my interviews, I had sent Alex a summary of my research proposal. He was curious to explore the idea of the border with me and during our conversation reflected critically upon the location of borders. As he argued, structural conditions

such as limited access to healthcare are also borders. Following our interview, he was due to visit a Nigerian woman whose experience in Europe had isolated her from receiving any medical support. As he described, since arriving in Europe in 2011, her mental health deteriorated and she had difficulties finding both a place to live and doctor to provide her with medical assistance. As Alex explained, 'by law she is supposed to have a health permit' but this has not been followed up. Within this vacuum of support, Alex and his team were providing her with medical and legal assistance. He said one of the most pressing issues for his organisation was mental health amongst migrant populations. He also explained that his organisation is assisting migrant populations with 'chronical diseases that are "normal" in elderly people'. Alex also explained that he treats people on a daily basis who have been systematically and continually excluded from medical support. 'Martha!' he exclaimed, 'I treat people that are older than sixty-years, they came to Europe twenty years ago'. The weathering of migrant populations are symptoms of a history of racialised exclusion and medical support. Alex expressed real concern, stating that in Europe 'assistance is not guaranteed'. As he explained, the 'national [health] system' has become a system that 'is not for everybody', he explained. Returning to his initial remarks, he stated that 'there is a border in the system, there is a border in the service'. 'It's not visible, it's even less visible, but it is the same thing'. National health systems across Europe based on exclusion and eligibility, as Alex described, are well documented in the context of the UK hostile environment policies (Wemyss, 2015).

Other interviewees also discussed how borders are embedded in structures and access to rights. Whilst discussing the dispersion of geographical borders Jeanne explained that there is the 'physical stress' of crossing international borders, but there is also 'paperwork stress' in France or the UK. As Jeanne explained, this presents another kind of border. As these examples demonstrate it is hard to recall one, fixed, singular border. They can be embedded in systems as well as inflicted onto certain people.

Like many others of his generation, Mr. Bristol had arrived in the UK from Grenada in 1986, as a young eight-year-old boy. On the 22nd of June 1948, the MV Empire Windrush ship arrived in Tilbury docks in London. On board were 492 passengers, many of them children, who had arrived in the UK from the Caribbean to respond to labour shortages after WWII. The ship's passengers along with many others who migrated from the Caribbean between 1948 and 1973 became known as the Windrush generation (BBC, 2021b). What became known as the Windrush scandal erupted in the media in 2018. Media reporting told stories of retirement-age citizens who had migrated in the post-war period from the Caribbean. Having lived in the UK for most of their lives many faced the risk of deportation, or had already been deported (Patel, 2021, p. 17). Some

had been detained, lost their homes, jobs or been denied healthcare or benefits. Along with thousands of other Windrush migrants and their children, it emerged in the reporting of the inquest that Dexter had also become caught up by the Home Office's 'hostile' environment policies. In 2017, he lost his job as a cleaner and was unable to seek benefits as he was presumed by officials to be living in the UK illegally (Taylor, 2019e). As his health began to deteriorate, Dexter did not seek healthcare support as he believed he was not eligible nor had the right (Forkert *et al.*, 2018).

As I discussed earlier in this chapter, Britain's colonial history and successive immigration Acts elongate into the present and the embedding of the hostile environment. Though the purpose of this thesis is to consider understandings of border deaths, I also acknowledge how these deaths intersect with other forms of racialisation and racism. As Neimanis and Hamilton (2018) argue, settler colonial violence shapes vulnerabilities and resilience to climate change. This history of settler colonialism in Australia provides the backdrop (or total climate) for their discussion of those bodies who are unable to shelter and protect themselves from environmental degradation and disaster. Giving attention to this persistent and pervasive structural violence, where Britain imperial past ruptures into the present (Sharpe, 2016), further complexifies the circumstances surrounding Mr. Bristol's death. As such, the stress that Dexter Bristol felt may have been the 'consequence of the cumulative impact of repeated experience with social or economic adversity and political marginalisation' (Geronimus *et al.*, 2006, p. 826). As his mother, Sentina Bristol stated in reference to the Home Office hostile environment policies:

> There was a lot of racism when I came here, but I was young, I could handle it. People would call you 'black'; I just ignored it. This is worse, this is the government. They are intelligent people, they are people of power. We expect better from them. (Gentleman, 2018a).

The marginalisation and racism that his mother describes may have also contributed to his medical condition and deterioration (Geronimus, 1992). As the case of Dexter Bristol illustrates, the slow weathering or wearing down of racialised populations (Gunaratnam, 2019) also reappears in the context of border deaths. It feels particularly important to consider the intersecting histories of migration, racism, and hostility in this context. This requires a much further interrogation of the circumstances surrounding his death that are not limited to the hostile environment but the total and pervasive climate of antiblackness (Sharpe, 2016).

The following presents some of the narratives that challenged the official interpretations. Reporting from the inquest documents how, prior to his death, Dexter had experienced severe stress. As his neighbour told the court:

I became aware he was a deeply unhappy and troubled man. The walls separating my flat and his were thin. I would often hear him cry loudly from my flat, it was a large wailing type of cry. In 12 years I do not recall anyone coming to see him (Foot, 2019).

She also described in her statement 'a sort of ambush' from 'aggressive' officials shortly before he died. Mr. Bristol's mother also described in her statements the stress Mr Bristol had been under regarding his immigration status prior to his death. As she explained 'he was very worried. He had been told he would have to find records of his early life in Britain to apply for a passport. He was stressed and increasingly depressed' (Foot, 2019).

Following an initial inquest, the family obtained a report from an independent cardiologist stating 'that the stress that Mr. Bristol experienced as a consequence of the need to prove his right of abode in the UK contributed towards his death (Morris, 2018). At the second inquest, the court also heard from Professor Jaswinder Singh Gill, a leading cardiologist. The cardiologist considered the tough immigration policies which led to the loss of Mr. Bristol's job, his inability receive benefits and the threat of deportation as a result were 'significant contributory factors' (Foot, 2019). The consultant said during the second inquest that; 'I'm pretty sure stress was a factor' in his death (Taylor, 2019d). His immigration lawyer, Jacqueline Mckenzie told the court, 'he was prepared to fight but as the months went on and he was required to find more evidence it became very difficult' 'and we saw him just decline into a shadow of himself.'

Accounts that diverge from the coroner's official determination exist. For example, UNITED's *List of Deaths* also include this case (see *Figure 4* below) citing: 'Windrush migrant, died of heart attack in London; racist policies, stress of having to prove GB citizenship'. The 2021 version appears slightly amended, stating: 'died of heart attack in London; stress of having to prove GB citizenship & fear of visiting "racist" GP'. It is striking to note the removal of 'Windrush migrant' from the more recent entry and inclusion of 'racist GP' as opposed to 'racist policies' in 2019. As such, there appears to be more a focus on the medical institutions as opposed to wider policies. UNITED (n.d) would describe such a death as 'death by policy', related to the 'building of a Fortress Europe which refers to the policy of exclusion and the on-going tightening of EU asylum policies'.

Figure 4: Entry from UNITED's *List of Deaths* 2019

| 31/03/18 | 1 | Dexter Bristol (man, 57) | Great Britain | Windrush migrant, died of heart attack in London; racist policies, stress of having to prove GB citizenship |

Figure 5 Entry from UNITED's *List of Deaths* 2021

31/03/18	1	Dexter Bristol (man, 57)	Great Britain	died of heart attack in London; stress of having to prove GB citizenship & fear of visiting "racist" GP

According to a Weberian (1969) reading, the 'legal-rational' authority invests the official determinations of coroners with overriding legitimacy. Legal rational authority derives power from systems of law and rules. It is used to describe how power and authority are vested in institutions, organisations, or systems. Official determinations gain legitimacy through the coupling of law and rationality (Weber, 1969). Activist organisations such as UNITED are separate from the state. The racist wider conditions relating to the hostile environment policies were raised by UNITED and members of Bristol's family and legal representatives. However, these do not enter the official record. This might explain which different death determinations and explanations enter official records, and which do not. Timmermans (2006) reading of authority also lends to this analysis. As he explains, decisions or interpretations made by coroners or pathologists can be accepted as fact based on their cultural or professional authority.

I discussed the case of Dexter Bristol in my interview with Rosemary who was aware of the case from media reports. In her own work, she had observed similar issues where structures of hostility and racism embedded in immigration policies are largely ignored. In reference to the case of Mr. Bristol and following media and human rights reporting, she stated that, 'the family had to battle to get a second inquest and to also get the Home Office [policies] included' as part of the causative factors'. Rosemary expressed deep concern regarding how such policies are systematically destroying people lives. 'It's these policies that are in place that have a real impact on people's lives […] there are more families that are losing people', she said. Rosemary made a related point later in our interview in reference to immigration detention stating that 'these policies are not working; they are putting people in danger'. However, Rosemary and other interviewees regretted that very often cases are dealt with in isolation. What they describe is not outright denial but an interpretive denial – euphemised as an individual case (Cohen, 2013, p.7). There is no mechanism or 'oversight body', which might ultimately highlight how these kinds of deaths are endemic. As Sara explained to me, following my question about the availability of data, 'someone needs to look systematically' at these kinds of deaths. 'The systems [in the UK] themselves are traumatising. They create trauma for people and if you begin to frame it in that way it really spans out your understanding'. These kinds of deaths are symptomatic of a history and total climate of systemic racism and exclusionary policies. Connecting individual cases might engage issues of state and political accountability.

Moreover, they illustrate the importance of expanding terminologies of borders to consider how structural violence and histories of racism lead to the slow wearing down or weathering of racialised populations (Gunaratnam, 2019; Sharpe, 2016). Through the lens of weathering, we are able to capture those more subtle structures of power where not 'all bodies weather the same' and where weathering is 'a situated phenomenon embedded in social and political worlds' (Neimanis and Hamilton, 2018). This recognises the multiple forces, where populations are gradually worn down not by a particular moment but rather by 'the slow creeping of the everyday' which happens over years and generations (Perl, 2017, p.22). The concept of weathering illustrates how this past ruptures into the present where antiblackness is the all-pervasive climate (Sharpe, 2016, p.106). From the moment that the Windrush generation arrived in Britain, immigration policies sought to unravel their rights in Britain. The heightening aggression towards the supposedly welcomed colonial migrant and history of racism in Britain reappear in the Windrush scandal and in the death of Dexter Bristol.

What these accounts also highlight is that these systems also engender denial and erasure. According to Taylor (2018) this issue was highlighted by the senior coroner during an inquest following the suicide of a detainee in an immigration detention centre. Expressing concern over the Home Office's deletion of records of deaths in detention, the senior coroner stated that 'it appears to be almost a denial of the facts' (Taylor, 2018a). This very clear statement provides further evidence of the deliberate acts by official bodies to deny or erase these deaths. It demonstrates Cohen's (2013) different registers of denial, demonstrating an active effort to destroy the facts – quite literal denial. It is also a reminder of the cultural authority (Timmermans, 2006) and legal-rational authority (Weber, 1947) of some legal and political institutions, which serve to preserve power and deflect critique and responsibility.

During the first inquest, the representative for the Home Office, Alan Payne QC would not accept the interpretation that the stress caused by government policies contributed to Mr. Bristol's death. He cited Article 2 of the Human Rights Act and the duty to 'Right to Life' to substantiate his claim: 'any stress caused' during 'the process of trying to regularise his immigration status' did not engage this duty (Taylor, 2019e). The QC fails to see how Mr. Bristol's medical conditions and stress might not only be explained by clinical or medical factors. Instead, as Geronimus (1992) illustrates in the context of racial disparities amongst African Americans in the United States, medical disparities and frailties are the result of a culmination of social factors and exclusion. The Home Office used other evidence to cast doubt on the possibility that the government's policies played a role in his death. It was discovered during the inquest that there

were multiple stressors in Mr Bristol's life. The legal team representing the Home Office argued that this fact made it impossible to determine which stressor could have contributed to his death. Though accepting the fact that stress was present in his life prior to his death, they sought to rule out the possibility that government policy was solely responsible. This appears consistent with interpretive denial (Cohen, 2013), as mentioned above. The legal representatives accepted the facts though not the interpretation that would hold their client accountable.

The authority of medical professionals was used to further deflect responsibility (Timmermans, 2006), locating the cause of death within the body and naturalising heart disease. For example, the findings from the senior pathologist Professor Alan Bates did not consider stress as a causative factor (Taylor, 2019d). Following the post-mortem, the senior pathologist stated that stress was never given as a cause of death. Mr. Bristol's death was extremely common. 'It happens', he stated (Foot, 2019). The naturalising of Mr. Bristol's medical condition also fails to account for other forces, such as racism and exclusion, which are also embodied (Geronimus, 1992).

It is important to emphasise that there have been many other cases in which the cause of death as 'natural' could be contested. On the 16th of September 2018 Sarah O'Connor, another member of the Windrush generation, died aged fifty-seven. Prior to her death, she described the stress of having lost her job and facing bankruptcy 'as a result of being classified as an illegal immigrant'. In spite of this, her death was treated by the coroner as death by 'natural causes' (Taylor, 2018c). Though her family argue that the stress and anxiety caused by the government's decision to 'categorise her as illegal' took a huge toll on her health (Mamon, 2018). Another case is that of Elmas Ozmico, a Turkish asylum seeker who died four days after arriving in Dover. Her death was classified as 'natural', resulting from 'septicaemia/necrotising fasciitis'. She had arrived in Dover on the 8th of July 2003 after spending eight days travelling from Turkey in cramped conditions in the back of a lorry. A large abscess had developed on her thigh. After spending one night in a detention, she requested medical assistance. As the IRR reports, it was not until the following day, when she collapsed that Elmas Ozmico was taken to hospital. She died two days later, after two operations. Major systematic failures were cited by the Chief Inspector of Prisons as well as an internal Home Office inquiry, both of which found 'missed opportunities' and 'inadequate' healthcare provision. However, the report 'remains unpublished and its findings were not presented to the jury nor were they provided copies of the report' (Athwal, 2005). Her family argued that earlier medical intervention could have prevented her death, and that the delay in her treatment caused her death (Mundy and Athwal, 2004). However, the inquest recorded the verdict as death by 'natural causes' (Athwal, 2005). It illustrates that the limited publicly available

information, exemplified by the guarding of the Home Office's internal report, further concealed the wider systemic failures surrounding Elmas Ozmico's death. Like Dexter Bristol's case, this case also shows how social conditions that produce border deaths are systematically erased by the forum where truth, evidence and fact are interpreted (Weizman, 2014). The institutions (e.g., the coroner's office or other regulatory bodies) that classify and provide evidence also contribute to this erasure.

Between January 2015 and August 2018, the charity INQUEST (2019d) recorded seventeen deaths of immigration detainees whilst in detention, prison or shortly after their release. They do not consider these deaths as the result of 'natural causes' 'as many highlight serious failures in care'. Medical Justice also reported the death of Bruno Dos Santos, who died aged twenty-five whilst in immigration detention on the 4th of June 2014. He died from a rare brain disease. It was found during the inquest that a missed MRI scan 'may have led to diagnosis and possible medical treatment, which may have prevented his death' (Miller, 2016). The final determination was death by 'natural causes'. As the following describes, this determination occludes both the wider circumstances and nuances presented during an inquest.

> The circumstances surrounding deaths [in immigration detention] are never reflected in official statistics. A death of 'natural causes' is recorded as merely that. But when you attend the inquest and liaise with the family it becomes apparent that there is so much more behind the label. Look at the case of Bruno Dos Santos. His death is merely recorded as death from 'natural causes'. However, it was very clear during the inquest that, had he attended the scheduled MRI, this condition may have been diagnosed and successfully treated. We will never know if Bruno Dos Santos would have succumbed to his illness either way but he was not afforded the chance he deserved. However his death is recorded simply as 'natural causes' (Medical Justice, 2016, p. 11)

As these multiple cases demonstrate the deliberate and systematic removal of wider structural issues or failures are corroborated by the determination of death by 'natural causes'. It also becomes clear, as demonstrated by the cases of Dexter Bristol, Elmas Ozmico and Bruno Dos Santos, that this interpretation was contested during the respective inquest investigations. This reinforces my argument and discussion in this thesis of looking behind the label. As my discussion in this chapter demonstrates, the label of 'natural causes' can supersede other interpretations surrounding the cause of death (e.g., the family or independent pathologist), as well as granting immunity to the structures or policies that may have contributed to the death itself. Furthermore, through the lens of weathering, I illustrate how more subtle, slow, everyday forces

intersect with longer histories of racism and hostility in ways that produce vulnerability, deterioration, and death.

Exposing structures, disputing death by 'natural causes'

This chapter expresses concern with the ways in which death by 'natural causes' minimises the contributory or casual role of structures and government policies. Like De León's (2015) analysis of migrant deaths in the Sonoran Desert, where the natural elements have been deliberately utilised by Border Patrol as a means to enforce and deter migrant, the natural body is used to 'render invisible the innumerable consequences' (De León, 2015, p.4) of state policies. Death by natural causes is a strategy used by the state to exonerate blame (Cohen, 2013), while perpetuating the social conditions that produce border deaths. Like Klinenberg's (2002) analysis of the heatwave in Chicago, the authority bestowed to professionals (including journalists, scientific and legal institutions) legitimised the naming of death as 'natural'. The coroner becomes the arbiter and authoritative decision maker in the classification of death. With expertise of the biology of individual bodies, medical authority relegates the role of hostile environment, as well as social exclusion and racialised health disparities to the margins.

This chapter hopes to bring the wider structural conditions of deaths such as Dexter Bristol to the forefront. By drawing attention to the wider circumstances, this chapter connects forementioned discussions on 'natural' causes to wider debates surrounding decoloniality. The structural context surrounding Dexter Bristol's death relates to the government's hostile environment policies. These have left many members of the Windrush generation with no recourse to public funding, access to employment or medical assistance. As discussed in the outset of this chapter, the impact of these policies is also felt by other communities, including overseas domestic workers. Hostile environment policies are part of, and thus reproduced in the present, a longer history of colonisation, racialisation, and dehumanisation. Political amnesia of these histories fails to address how these histories inform and are a continuum of present-day forms of bordering and violence (Gilroy, 2004). The historical revisionism of colonial rule and violence, as Gilroy states, is part of Britain's postcolonial melancholia. The hostile environment needs to be properly examined in terms of its embeddedness within Britain's colonial history (Gilroy, 2019). Conventional approaches, such as allopathic medicine, set the boundaries and limit an examination and exclude the wider diagnostics leading to a person's death. In a very different realm, but where medical authority is sustaining social orders of sex and gender, Georgiann Davis (2015) has called for interdisciplinary teams of expertise that includes the social sciences. In the context of border

deaths, sociological analysis could importantly interrogate the determination of death by 'natural causes' which also sustain social orders of belonging, governance, and inequality.

As McGoey (2012, p. 3) argues, there is need to pay closer attention to the techniques and 'the politics of ignorance, to the mobilisation of ambiguity, the denial of unsettling facts, the realisation that knowing the *least* amount possible is often the most indispensable tool for [...] exonerating oneself from blame'. It is necessary to examine how the 'wilful ignorance' of states, institutions, and actors (McGoey, 2012, p.2) or postcolonial amnesia may contribute to the denial of responsibility. As this chapter explores, determining death by 'natural causes' further sustains this by providing a convenient 'plausible deniability regarding blame' (De León, 2015, p.30). By engaging with existing critiques of 'natural causes' and examining the structural conditions surrounding these deaths, I hope to demonstrate how the term border death should also be applied to these cases. While Klinenberg (2002) deconstructs the portrayal that victims of the 1995 heatwave died during a 'natural' disaster and De León (2015) confronts the assumptions that migrant deaths in the Desert are the result of 'natural' elements, this chapter demonstrates how immigration policies can create the very conditions leading to a 'natural' death.

Summary

This chapter demonstrates the need to look at what the adjudication of death by 'natural causes' signifies which can often camouflage or deny the wider circumstances. It explores the case of Dexter Bristol and the importance of examining the hostile environment policies and their contributory role in his death. This chapter argues that although the determination of death by 'natural causes' omits the wider context this is further reason for including these deaths within the term border death. This chapter demonstrates the importance of engaging with histories of postcolonial and structural violence which lead to the weathering of certain racialised populations. These factors may not always be evident in mainstream understandings of border deaths or deaths by 'natural causes'. The culmination of histories of racial hostility and exclusion also feature prominently in the case of Dexter Bristol as well as the Windrush scandal. Being alert to the slow, gradual wearing down of racialised populations might also further complexify understandings of border deaths, as well as the spatial and temporal locations of borders. This chapter also explores how the cultural and professional authority of a coroner allows them to make an official determination of death. However, in several cases discussed in this chapter the official conclusion was contested. As such, this chapter follows from the previous by exploring the limits of official

death classification and the limits of a coronial investigation. The next chapter examines how a political discourse infused and contained by criminality also serves to conceal the wider causations and conditions surrounding border deaths.

Chapter Seven

Reframing responsibility beyond criminality?

Introduction

> All these deaths [at the Channel] are attributable to policies which treat asylum seekers as criminals, separates families and denies those seeking asylum a speedy legal route to safety and security.
>
> > (Frances Webber, Institute of Race Relations cited in Taylor, 2020a)

> We should not lose sight of the fact that illegal migration exists for one fundamental reason: that is because there are criminal gangs – people traffickers – facilitating this trade.
>
> > (Priti Patel, Home Secretary for State cited in PA Media, 2020)

> Is it not the truth that the tragedy [at Morecambe Bay] sadly highlights the failure of the Government's policy on illegal working and on immigration and asylum, and their failure to fulfil their own commitments to combat unscrupulous gangmasters and remove illegal immigrants?
>
> > (James Paice, Conservative MP, House of Commons Debate, 2004)

This chapter analyses the parliamentary debates in the House of Commons that followed the deaths of thirty-nine Vietnamese nationals found suffocated in the back of a refrigerated lorry in Essex on the 23rd of October 2019, also known as the "Essex 39". It also compares the response following the deaths of twenty-three Chinese nationals who died whilst collecting cockles in Morecambe Bay on the 5th of February 2004. While every death is as crucial in understanding the wider context of border deaths and accountability, it is more commonly the case that significant policies are passed in response to high profile cases. At the time, both these cases generated notable public sympathy and interest. Both cases led to a full disaster identification process and a criminal investigation where all victims were identified (though not all bodies recovered in the case of Morecambe Bay), and several perpetrators were convicted. My decision to focus on the "Essex 39" and the Morecambe Bay cockle pickers derives from my intention to compare two widely publicised cases that were different in circumstances but that could broaden understandings of border deaths.

These particular cases provide vital insight into the political framing of such tragedies. Parliamentary debates offer important insight into how response and subsequent policies were

developed. In both contexts, demonising language describes the criminals as 'heinous', 'appalling' and 'evil' and is used to justify a response predicated on increased policing. The narrow focus on prosecuting 'criminal gangs', 'people smugglers' and 'human traffickers' in both contexts is demonstrative of implicatory denial (Cohen, 2013). This is the notion that a state denies any culpability and places all responsibility on non-state actors. While my argument does not excuse the actions of those charged for the deaths of the "Essex 39" or the Morecambe Bay cockle-pickers, instead it aims to direct attention to the conditions of illegality in which these 'criminal gangs' operate and by default the implicit responsibility of the state.

This chapter is concerned with a political discourse that emphasises criminality and its relationship to border deaths. Criminalisation has become the cornerstone of political and media discourse surrounding immigration, where 'migration itself has been redefined as a crime' (Webber, 2004, p.133). This discourse constructs binaries between 'bogus/genuine; refugees/boat people; law abiding/criminal; legal/illegal; good/evil' (Pickering, 2001, p. 172). Notions of 'genuine' become associated with 'law abiding', in opposition to illegality, criminality and threat to national security (Pickering, 2001, p.170). This language criminalises migrant populations, as well as those who facilitate irregular transportation or provide assistance (Weber and Pickering, 2011). Media stories also reproduce this discourse of criminality. The deaths of fifty-eight Chinese nationals found dead in the back of a lorry on the 18th of June 2000 in Dover was met with a 'blanket coverage in the British press' (Webber, 2004, p. 134). Mainstream media reports in the immediate aftermath of these deaths (e.g. Hopkins *et al.*, 2000; Tran, 2000) 'focused on the distress of those who had found the bodies and on the criminality of those who had brought them, rather than attempting to understand the issues thrown up by the deaths' (Webber, 2004, p. 134). Following Webber (2004), this chapter explores how criminality often becomes the defining political discourse which conditions what constitutes a criminal and by association responsibility. As I discuss, full responsibility is placed directly on 'criminals' alongside efforts to uphold law-and-order. There is little attempt to understand the wider issues and the parliamentary debates reveal an overwhelming rhetoric infused and defined by criminality.

The decision to analyse parliamentary debates was primarily led by the role they play in generating policies and new laws. Parliamentary debates have numerous material and societal implications and are fundamental in shaping how accountability is understood and attributed. Following the deaths of twenty-three cockle-pickers in Morecambe Bay, the UK parliament adopted the Gangmasters Licensing Act (GLA) in 2004 to protect migrant workers (Gangmasters Licensing Act, 2004). A follow-up report found that this had improved conditions (Inter-

Parliamentary Union, International Labour Organization and United Nations (Office for the High Commissioner for Human Rights), 2015). However as Edkins (2016) argues, the broader circumstances which led to these deaths remained overlooked. Human rights campaigners have argued that the conditions of modern slavery were considerably 'worse' a decade after the tragedy (Glover, 2014). Parliamentary debates offer an insight into how policy is derived often as direct response to a particular case or tragedy. This chapter argues that the parliamentary debates in 2004 and 2019 were limited in that they did not engage with the broader circumstances that led people from Vietnam and China into illegalised patterns of migration.

As this chapter demonstrates, while there are distinctions between the cases in 2004 and 2019 there are some striking similarities and continuities in discourse. Despite political differences, with a Labour government in power in 2004 and a Conservative one in 2019, this chapter observes a similar application of the discourse of criminality. This is most evident in the portrayal of the 'evil' perpetrator and demands for increased border security. Writing in 2004, Webber (2004, p.142) discusses the amplification of penalties for migrant smuggling and imprisonment of 'would-be asylum seekers'. This hostility is magnified by political and media discourse that exacerbates the threat and disorder that migration poses to UK society (Cohen, 2011). This sentiment appears to have amplified in 2019 in the aftermath of the 2016 Brexit referendum and with increasing hostile environment policies (Forkert *et al.*, 2018; Bhatia, 2020).

The previous chapter raises issue with the interpretation of 'natural death' which can deflect wider social and political accountability. While I discussed how interpretive denial provides immunity to wider structural conditions surrounding a death, this chapter examines how a discourse of criminality reinforces a state's implicatory denial (Cohen, 1996; 2013). By placing culpability onto 'criminal' individuals, states deflect their own moral responsibility (Weber and Pickering, 2011, p.65). By focusing solely on prosecuting smugglers and strengthening border security, the conditions of illegalised migration are not only perpetuated but can conversely become more perilous. This kind of rhetoric 'seeks social remedies through criminal justice interventions', focusing solely on the 'deviant individual' whilst leaving 'intact the social structures that drive' people 'into patterns of risky migration and exploitative informal sector employment' (Bernstein, 2007, p. 137).

This chapter argues that accountability doesn't end with criminality. It aims to challenge the ways in which immigration has become inherently criminalised, and increasingly so in the United Kingdom. The current circumstances reinforce a need to interrogate the legal and political infrastructure that seeks to justify automatically criminalising a human being. This discourse of

criminality curtails any consideration of the broader structural conditions and contexts of these deaths. It also serves in deflecting any state responsibility and as a result the wider societal complicity in these deaths.

I bring these two cases together to further explore how our understanding of border deaths also forms our perception of accountability. The deaths of the cockle-pickers at Morecambe Bay are not always conceptualised as border deaths. However, since immigration policies leave undocumented people with no choice but to take employment in precarious working environments, I argue they should be conceptualised as border deaths. To frame these deaths as border deaths places a much greater burden of responsibility beyond that of the gangmaster. Similarly, deaths at the border that are systematically blamed on criminal gangs ignore the role of immigration policies as well as larger global inequalities (Heller and Pécoud, 2018). A more expansive conceptualisation of border deaths might highlight the violence that pervades all aspects of immigration policy. It shows how borders criminalise certain people from the moment they leave their country of origin, at the point of entry and within a state territory. Without considering how bordering practices are embedded within and throughout society, I argue that it is much easier to contain responsibility within a very narrow and individualised discourse of criminality.

Though I analyse the two parliamentary debates in detail, I also acknowledge the permeable and overlapping discourses between parliamentary and media discourses, that reinforce and inform one another. Following the deaths of the "Essex 39", Priti Patel recalled media representations and the 'awful events we see in the news every single day' (House of Commons Debate, 2019a). Labour MP for Normanton, Pontefract and Castleford, Yvette Cooper also referenced media discourses following the deaths stating that:

> The Home Secretary will be aware of the disturbing news that children were found in another refrigerated lorry yesterday, this time at Calais. They were reportedly already suffering from mild hypothermia and were, luckily, found before it was too late. The refrigerated lorries are particularly dangerous and make this such an appalling crime (House of Commons Debate, 2019b).

Further discussion of media discourses are also present in comments made by Diane Abbott, Labour MP for Hackney North and Stoke Newington. Referencing the mainstream media reporting, she stated that 'many of us in the House will have seen the images in our media over the weekend of desperate communities who are frightened that their young people may have been in that lorry. Many of us will have seen the messages from people to their families on the verge of their own suffocation' (House of Commons Debate, 2019b).

The same is true of the representation of parliamentary discourses and discussions in media. On the same day as the parliamentary debate, the *Daily Mail* reported the tougher measures that Home Secretary, Priti Patel had called for, quoting parliamentarians and the then Prime Minister Boris Johnson demands for the application of the 'full force of the law' (Williams, 2019b). Stills and video clips from the parliamentary discussions reproduced in the same media outlet provide further evidence of the entanglement of these discourses (Daily Mail, 2019).

By signaling to the entanglements between media and parliamentary discourses, I hope to collapse assumptions of rigid boundaries around parliament. The same discursive entanglements between parliament and the media are true decades earlier in the aftermath of the deaths at Morecambe Bay. Conservative MP James Paice confronted the then Home Secretary, David Blunkett, and his appearance on mainstream media. Challenging the Home Secretary for their discourse and failures in action, Paice's comments draws further attention to the intersection between parliament and the media. He stated that:

> The Home Secretary appears on the media to declare that we need more migrant workers yet does nothing to combat the ruthless exploitation of migrants who are working illegally for slave wages. Does not this tragedy expose the hypocrisy of inaction from a Government who talk tough but act weak while the vulnerable pay the price? (House of Commons Debate, 2004).

The first section of this chapter begins by presenting the literature that guides my analysis. In particular, I draw insight from Cohen (2011) and Hall's (2013) research on moral panics that demonstrate how tropes of criminality are used to justify a response led by law-and-order. This section also discusses the definitional issues of the terms 'smuggling' and 'trafficking' and the wider context in which migration is criminalised. The case of the 'left-to-die' boat is discussed to explore how state responsibility for border deaths may not only be the result of explicit and deliberate structural violence but also state inaction.

The second section details the context and subsequent investigations following the "Essex 39" and the Morecambe Bay cockle-pickers. I put these cases in context with other border deaths and develop my argument for bringing these cases together. The third section presents how a discourse of criminality was produced during the parliamentary debates in 2004 and 2019. There are remarkable similarities even though the cases are fifteen years apart. In particular, the focus on demonising the individual perpetrators and a failure to account for the wider circumstances involved.

The final section stresses the importance of engaging with the wider conditions that led people from Vietnam and China into illegalised patterns of migration. The resilience or vulnerability to climatic disasters, such as flooding as Neimanis and Hamilton (2018, p.88) discuss, is always 'already textured by gender, race, class, accessibility' and coloniality. Alertness to the interconnectedness between these elements and the material environments is crucial. As I discuss in this chapter, many of the victims of the "Essex 39" and Morecambe Bay were displaced by environmental degradation in their home countries. Hazardous and precarious working conditions led to the deaths of five industrial workers, as well as those collecting cockles in Morecambe Bay. The intensification of climatic change and disaster, as Neimanis and Hamilton (2018, p.82) argue, must also be considered as interconnected to the total climate of antiblackness, coloniality and exclusion. It is essential that these structural conditions are integrated into wider societal and political understanding about migration and border deaths. By way of conclusion, I argue this involves moving beyond a discourse of criminality.

A discourse of criminality

Cohen (2011) examines media, public and political discourse surrounding contemporary social issues such as crime, immigration, and subcultures. Moral panics, he argues, are typified by exaggeration, hyperbole, and stereotypes. Since the 1990's Europe has accelerated a 'hostile agenda' towards refugees, asylum seekers and immigration in general (Cohen, 2011, p.xxii). This has created an incredibly hostile, unwelcoming, and mistrustful discourse around all forms of migration. The kinds of political and public reactions discussed in this chapter are not novel. Rather they are symptomatic of a longstanding history of hostility and fearmongering around immigration. As Cohen (2011) argues, a succession of both Labour and Conservative governments has perpetuated this culture of hostility and discrimination. For example, in May 2002 the Labour government announced their new plans of 'zero acceptance'. This included the interception of boats on the Channel and the acceleration of deportations within the UK. Political and media rhetoric in the 1990's and early 2000's already vilified migration and stirred fear and mistrust. Racist undertones are and continue to be used to describe asylum seekers as 'criminals' or an 'invading army' (Cohen, 2011, p. xxiii). This is consistent with present-day constructions of migrants crossing the Channel as a 'major threat' to the UK border (Ford, 2020).

Stuart Hall (2013) connects histories of racialised and colonised violence to moral panics around 'mugging'. In the early 1970's, 'mugging' entered criminal reporting and the moral panic

was characterised by fears and hostility towards black youth culture and crime. As Hall (2013, p.17) argues the moral panic serve to heighten perceptions and exaggerate the reality. The moral panic, he explains did not reflect the objective scale of the threat. However, political language and fear led to increased hostility towards black communities in Britain as a result of the defining characteristics of this moral panic. The distinctly racialised framing of 'mugging', which mobilised and justified ideologies of 'law-and-order' and the policing of black communities, became synonymous with the crisis in Britain in general. To this day black, Asian and ethnic minority males are still disproportionately stopped-and-searched by the police (Dodd, 2021), demonstrating why Hall's reference to moral panics is still relevant.

Both Cohen (2011) and Hall (2013) are useful for analysing the statements in the House of Commons in 2004 and 2019. Their approach to moral panics elucidates how language in parliament is used to criminalise immigration, amplify prejudice, and generate support for increased border enforcement. The vilification of the 'evil' and 'ruthless' 'gangmaster' in both contexts represents a distortion of reality. Though not to excuse or undermine the severity of their actions, hyperbolic language used to describe them is reductive of the wider issues. I argue it seeks to condense and individualise a social issue. To vilify individuals through this hyperbolic language seeds and perpetuates the argument that they are the main arbiters and reason for illegal immigration. However, as both Cohen and Hall argue, this language deliberately employed serves to fuel public fear and hostility. This fear is utilised by politicians to auger support for passing further hostile legislation.

In the aftermath of the June 2016 Brexit-referendum, the moral panic around immigration fuelled xenophobic and hostile sentiment (Forkert *et al.*, 2018). Politicians and media have stirred further moral panic and fear around numbers of people attempting to cross the Channel (Ford, 2020). Nigel Farage's inflammatory comments and depiction of small boats as an 'invasion' and accusing Border Force as acting as a 'taxi service' are extreme examples of this moral panic. Media reporters have also contributed to this moral panic. Video footage of a *BBC* journalist asking if Syrians 'bailing out their vessel with a plastic bucket if they were alright […] represents a failure by broadcasters to situate the potent imagery of brown men in boats within facts, explanation, or humanising context' (Sarkar, 2020). Repeated panic and 'perceived assaults' escalate and sharpen political efforts to make Channel crossings 'unviable' whilst eroding the 'human rights of those seeking asylum in the UK' (Sarkar, 2020). This criminalising discourse, preconditioned by hyperbolic language helps the state excuse itself of responsibility for the conditions of illegalised migration. As Smith and Mac (2018, p. 69) argue, this discourse 'works not only to obscure the

role of the state but to absolve it'. Further policies that criminalise illegal migration 'directly create conditions where harm can flourish' and can directly implicate the most vulnerable and at risk (Smith and Mac, 2018, p. 67). As I explore in this chapter, this is consistent with representations by parliamentarians following the two cases of the "Essex 39" and the Morecambe Bay cockle pickers.

Many academics (e.g. Squire, 2017; Weber and Pickering, 2011) and human rights groups (e.g., Institute of Race Relations, 2020) claim that border enforcement policies indirectly or unintentionally contribute to border deaths. As discussed in chapter six, border policies of deterrence at the US-Mexico border deliberately funnelled people in the most hostile and dangerous terrains (De León, 2015). Public belief that border crossers lives are 'insignificant is reflected both in their treatment by federal immigration enforcement agencies and in the pervasive anti-immigrant discourse' (De León, 2015, p. 28). This allows the Sonoran Desert to become an exceptional and isolated territory. It can be 'policed in ways that would be deemed violent, cruel or irrational in most other contexts' (De León, 2015, p. 28). Both the physical remoteness of the terrain and the public perception of illegal immigration serve to justify measures to police and prevent border-crossings (De León, 2015). As a result, border-crossings are framed as criminal and any deaths that happen as a result are tolerable (Callamard, 2017; De León, 2015).

Ultimately the discourse used to describe and attribute responsibility to an individual replaces the complicity of institutions and the role of state structures. The UN Special Rapporteur of the Human Rights Council notes:

> In a global environment where refugees and migrants are demonised, and their movements criminalised […]countries around the world have designed policies based on deterrence, militarisation and extraterritoriality which implicitly or explicitly may tolerate the risk of migrant deaths as part of an effective control of entry (Callamard, 2017, p. 672).

As she continues, deterrence policies are designed to be punitive. By tightening security of more accessible routes, migration journeys are funnelled into riskier and potentiality perilous spaces. Externalisation and militarisation policies are ultimately designed to ensure people cannot reach their destination. The criminalisation of 'irregular' migration leads rather to increased risk of death. Furthermore, she states that migrant deaths 'seem to be tolerated as an assumed risk of irregular travel' (Callamard, 2017, p. 682).

Framing deaths at territorial borders as 'tragedies of migration' conveys the assumption of accepted death (Institute of Race Relations, 2020, p. 7). It externalises these deaths away from

states and their policies. The reality is that border enforcement which are designed to prevent or deter undocumented people remain immune from scrutiny. As I discuss in chapter five, legal classifications such as death by 'misadventure' or 'accidental' death dissolve the broader conditions surrounding a death and make it impossible to interrogate the wider circumstances.

Existing literature supports my argument for interrogating political and public rhetoric that naturalises the criminalisation of immigration. As Khosravi (2010) explains, 'illegal' border-crossings are seen to stand against the authority and symbols of the nation state. As such they are deemed criminal and deserving of punishment. The border system is thus governed through this lens of illegality. It distinguishes between those who can legitimately cross borders or exist within borders, and those who transgress the border and ultimately threaten the supposed natural order of things. As Simon (2007) argues 'governing through crime' institutionalises crime and punishment as the only viable context. Governing migration in this lens constructs the individual (for example the 'illegal' immigrant or 'smuggler') solely within this discourse of criminality. As a result, 'illegal' or 'irregular' migrant journeys become inherently and irrevocably criminalised. As De Genova (2002) states 'illegality' is both the product of and produced through immigration laws. There is nothing natural nor innate about 'illegality', nor its co-concomitant relationship to citizenship. This offers an important reminder of the ways in which 'irregular' migration is already produced and continues to be criminalised as 'illegal' through the law. Immigration law has made it impossible to seek asylum from a home country or travel legally to other countries. As a direct result of these policies, any migration that is not sanctioned by a state becomes illegalised (De Genova, 2002).

As Smith and Mac (2018, p. 85) state, governing migration through a process of criminalisation produces 'horrific harms, from exploitation and abuse in workplaces, to deaths at sea'. These laws are premised on the idea that people are 'breaking the law'. As a result, punitive immigration laws and border controls are legitimised. As Mac and Smith add (2018, p. 69), undocumented people living in the UK, due to their immigration status, may be vulnerable to exploitation by their employers. Further, as Palmer states, a disproportionate number of work placed deaths are amongst migrants (Wallis, 2020). In 2012, the then UK Home Secretary, Theresa May, introduced 'tied visas' which tied domestic migrant workers' visas to their specific employer. This prevented overseas workers from changing their employers or finding other full-time work. Under the new 'tied visa', as Human Rights Watch report (2014), there is little that charities or organisations can do to help migrants find other work, whilst also being able to stay in the UK. It was reported that migrant workers tied to their employers are twice as likely to have been physically

abused, work longer hours, be prevented from leaving the home they work in and are more likely to be underpaid, overworked and experience abuse compared to those on previous and more flexible visas. Some also reported that their employer withheld their passports (Human Rights Watch, 2014). Though these immigration rules were designed to protect migrant workers, the tied visa tethers a worker to their employer 'sending a clear message that they are under the employers control and will be criminalised if they escape' (Kalayaan, 2014).

Hilda Palmer from the Hazard Campaign also stated that many migrants are working in precarious or temporary contracts which provide little support for workers' rights. Migrant workers are thus tied to their employer and at risk of removal if they attempt to leave an abusive situation (Wallis, 2020). Immigration laws create the conditions for harm, vulnerability and exploitation (Smith and Mac, 2018, p. 69). As reported in the media, it is crucial to highlight the wider context which 'creates an environment in which the business of exploiting the desperation of human beings can thrive' and 'where people can be exploited for profit over and over again with the near certainty that in the end it will be the victim who the system comes down upon, for making the journey in the first place' (Kelly, 2019).

These kind of punitive immigration laws, as Smith and Mac describe (2018) fuel an economy that relies on labour, with little protection and support. The border is made to appear distant or immune from the violence it creates. However, as Smith and Mac (2018, p.67) argue 'smugglers are not inexplicable villains; instead, the criminalisation of undocumented migration has directly created the market for people smuggling'. The border in all its manifestations has created the conditions in which smuggling occurs. As such, they argue that the border is the structure around which criminality is figured and comes into being (Smith and Mac, 2018). I draw upon this literature as the context in which I approach the parliamentary debates later in the chapter.

Smuggling / trafficking

In political rhetoric following the "Essex 39" and Morecambe Bay cockle-picker deaths, there is clear interchange and conflation between 'smuggling' and 'trafficking'. As Priti Patel, Home Secretary, stated in the aftermath of the "Essex 39", '[w]e have been confronted with a stark reminder of the evils of people smuggling and human trafficking' (House of Commons Debate, 2019b). The following comments also illustrate the use of both smuggling and trafficking in the

context of the "Essex 39". As Patel further commented, '[t]he Home Office will now accelerate our joint intelligence-led operation between the police, the National Crime Agency and immigration enforcement, which aims to disrupt and deter organised crime gangs using refrigerated and hard-sided lorries to smuggle clandestine migrants' (House of Commons Debate, 2019b). Diane Abbott, Labour MP further supported this response, stating 'we have to bear down on the people traffickers' (House of Commons Debate, 2019b).

Following the deaths of the Morecambe Bay cockle pickers, Home Office minister, Beverly Hughes blamed 'the highly organised elements that are behind the trafficking' and who 'operate globally and transport people for labour exploitation' (Lawrence *et al.*, 2004). Twenty years later, David Morris, Conservative MP discussed these deaths in the context of smuggling. He describes how the 'men and women [that the gangmaster] exploited paid a heavy price […] Not only did many die, but all of them had paid enormous sums to be smuggled into the UK in the first place' (House of Commons Debate, 2014).

Trafficking and smuggling are two distinct forms of crime. According to the United Nations, human trafficking is defined as the 'recruitment, transportation, transfer, harbouring or receipt of persons' using 'force', 'deception', 'fraud', 'abuse' […] for the purpose of exploitation' (United Nations, 2000b, p. Article 3 (a)), whilst people smuggling is the facilitation of irregular entry for financial or material gain (United Nations Office on Drugs and Crime, n.d). The crucial difference is that human trafficking is involuntary and exploitative. Unlike smuggling which always involves movement across international borders, trafficking does not always involve transportation (Polaris, 2021). Smuggling is considered as a crime against the state, while trafficking is a violation against human rights and against a person (The Crown Prosecution Service, 2020). In legal terms, they are distinctly different. However, as Smith and Mac suggest (2018, p. 62) while '[i]t's tempting to think of these as separate things […] there is no bright line between them: they are two iterations of the same system'. The reality of undocumented migration is more fluid. Smuggling and trafficking can be interlinked. It is possible that someone who is involved in smuggling may later experience trafficking (Smith and Mac, 2018). The separation of experiences 'into discrete categories – trafficked/smuggled, voluntary/forced' is used to determine between deserving victims, entitled to protection or illegal criminals who must be deported (Serughetti, 2018).

Gangmaster is a broad term encompassing someone who supplies or uses casual manual labour, though it also has connotations to 'ruthless' and 'criminal' individuals who exploit 'vulnerable' migrant workers (Gangmasters and Labour Abuse Authority, 2009). Though it is clear

from political debate at the time that these gangmasters were also associated with human trafficking and smuggling.

While there are clear legal and experiential differences between trafficking and smuggling, the above examples from the House of Commons demonstrate how the two often become conflated in political discourse. This may be reductive and limit the level of agency that some migrants have. However, as Smith and Mac (2018, p.67) argue both smuggling and trafficking are created by the 'criminalisation of undocumented migration' and hostile immigration policies.

Ultimately, the mainstream political discourse criminalises those seeking to migrate or seek asylum, as well as the so-called smugglers and traffickers (Smith and Mac, 2018). When asked about the experience of everyday borders in the UK, Miriam, a member of an NGO in the UK, explained that 'when refugees come [to the UK], they have often gone through child abuse, they've witnessed murders, brutality, they've had several bereavements […] they are vulnerable witnesses who have gone through significant traumas. Instead of treating them in a 'therapeutic way' she explains they experience a 'really hostile environment where they're treated like criminals […] they are actively told they are lying […] even about the smallest thing like where they are from'. As Miriam stressed it is important to remember how borders are the violent structures around which criminality is constructed. Just as I argue for an evolving understanding of the term border deaths, it is also important to recognise how borders themselves appear, disappear, and reappear in ways that play out in the lives and deaths of migrants, refugees, and asylum seekers.

The danger with writing about migration is that researchers can end up reproducing stereotypes. De Genova (2018) is highly critical of the framing of the "migrant crisis" following the deaths of refugees and migrants in the Mediterranean Sea. As he states, the rhetoric is overtly de-racialised. Furthermore, academia must 'do the critical work of reconfirming the precisely racial specificity of what is so commonly and casually euphemised across Europe as "migrant" or "of migrant background"' (De Genova, 2018, p.1768). As Sanchez (2017) argues, most academic iterations of irregular migratory routes focus on documenting victimisation and violence, often relying on a highly fetishised and dichotomous rhetoric. She challenges the focus on deaths and suffering within migration research. As she argues, academia runs the risk of reproducing stereotypes and binary depictions of 'migrants' and 'smugglers'. She explains, these essentialised identities have permeated academic engagements within migration with many researchers failing to reflect upon the hegemonic discourses they utilise and perpetuate (Sanchez, 2017, p. 47). In my research I am aware of these tensions and my aim is not to reproduce stereotypes but rather interrogate how depictions of the 'smuggler' and 'migrant' reappear in the classification of border

deaths and what they achieve. In this chapter, I examine how the overwhelming focus on 'criminals' and 'smugglers' enter political discourse as a way to deflect attention from the wider political circumstances surrounding a border death. The depiction of the 'migrant' in parliamentary debates also reinforces stereotypes of victimisation and binaries where those who lose their lives are deemed victims and those who survive are constructed as criminals. As such, I explore how the stereotypes that Sanchez (2017) discusses become an important tool in which states deny or deflect their responsibility for a border death, as well as reinforcing a discourse of criminality.

The "left-to-die" boat

In order to reflect upon the multifarious ways in which borders and structural violence manifest, my research is guided by the various iterations of necropolitics following from Mbembé (2003). It is the reminder that sovereignty still determines who can live and who can die (Giroux, 2007, p. 309). The toleration of border deaths and the criminalisation of 'illegal' immigration, as described above, is justified through public perception and political rhetoric. As Giroux (2007) states, we must confront this logic that allows some deaths and the conditions that lead to them to be tolerated. By highlighting that structural violence is not limited to culpability or intent but can be conditioned or perpetuated by state forms of inaction, my research hopes to open up broader discussions regarding accountability.

An interesting example that exposes and challenges the blatant necropolitical state project is the "left-to-die" boat. Forensic Architecture (2012) led an investigation into the deaths of sixty-three passengers of a boat who were literally 'left-to-die'. Forensic Architecture are an activist research and architectural group, whose rigorous research methodologies and architectural analysis are employed to investigate human rights violations. By combining forensic oceanography analysis of wind and sea-currents with interviews with survivors, Forensic Architecture were able to reconstruct the failings of states to intervene. On the 27th of March 2011, seventy-two passengers set sail to Italy from Libya on a small rubber boat. For fourteen days, the boat and its passengers moved towards, but only momentarily reached, Italian and Maltese search and rescue zones, before drifting back towards the Libyan coast. The boat made its crossing in one of the most heavily surveyed maritime spaces. During its passage it sent out multiple distress signals which were received by Italian coastguards who sent out alerts to NATO. The boat also interacted with at least one military helicopter and boat. After fourteen days, and despite repeated distress signals sixty-three passengers on board died (Forensic Architecture, 2012).

Using testimonies from survivors, as well as the digital traces the boat left, Forensic Architecture mapped out the trajectory of the vessel and the continued inaction of states. Their evidence, they argue, shows how sixty-three people were 'killed by a selective and militarised mobility regime which has turned a perpetual flow of currents into a deadly weapon'. The sea they argued becomes enrolled by the states as an 'unwilling killer', that is 'speedy and secure for the privileged' but 'slow and deadly for the unwanted'. The "left-to-die-boat" investigation moves beyond a nexus of blaming smugglers and criminalising migrant trajectories. It demonstrates an active withdrawal from state actors whose responsibility for these deaths is displaced onto natural elements (see also De León, 2015). It puts into perspective analyses of necropolitics. Mbembé's (2003) argument is that states actions lead to deaths. However, in the case of the 'left-to-die' boat it was the deliberate inaction of states that led to sixty-three deaths.

As the Forensic Oceanography project argue, the natural elements have become enrolled so that the maritime spaces of migration become the 'unwilling killer' with a removal of responsibility (Heller and Pezzani, 2017, p. 106). And yet, the same technologies are being used by civil society to make new demands for accountability and responsibility. The thermal cameras, vessel tracking technologies and other surveillance technologies that are used to patrol and police the borders are the same technologies that civil society use to reframe responsibility for deaths. There 'is nothing "natural"' about these deaths (Heller and Pezzani, 2017, p. 96). As these authors state:

> The Mediterranean has been made to kill through contemporary forms of militarised governmentality of mobility which inflict deaths by first creating dangerous conditions of crossing, and then abstaining from assisting those in peril (Heller and Pezzani, 2017, p. 97).

As they argue, these conditions of violence are dispersed, so that it is not simply the inaction of one actor but of many. The Mediterranean Sea, and indeed the Channel, creates a layer of ambiguity in terms of jurisdiction and international maritime law, making it both difficult to determine and prove who is responsible. The work of civil society, such as the Forensic Oceanography project, is to challenge the idea that deaths at sea are "natural", "accidental", and not the fault of the structures of border governance. It challenges an indulgence in criminality and opens up wider questions relating to societal and political responsibility. This example provides useful reflection in the context of this discussion where a discourse of criminality usurps any other possible explanation for the deaths of thirty-nine Vietnamese nationals and twenty-three Chinese.

It provides insight both into the failings of the state to intervene as well as the limits within political and legal processes to hold them accountable.

The "Essex 39": death at the border, a history of death

At 1.37am on the 23rd of October 2019, emergency staff in Essex responded to a 999 call. The call was made by Maurice Robinson, the driver of a lorry who was parked at an industrial park on Eastern Avenue in Grays, Essex. The emergency services on arrival found all thirty-nine people dead at the scene (Pennink, 2020). During the criminal investigation, it became clear that multiple parties had been involved in attempts to transport people for financial gain to the UK. The police identified Gheorge Nica (from Romania) and Ronan Hughes (an Irish haulier) as the ringleaders. During the criminal investigation, the court heard that three young lorry drivers (Eamonn Harrison, Christopher Kennedy and Maurice Robinson) were all recruited from rural Northern Ireland to work for Hughes. Ronan Hughes was involved in both legal shipments of soft drinks, wine and also the illegal smuggling of people, alcohol and cigarettes (Gentleman, 2020b).

On Sunday the 20th of October 2019, Maurice Robinson entered the UK via Dublin. He continued driving the front of the lorry towards Grays in Essex. At the same time, the trailer of a lorry driven by Eamonn Harrison made its journey to Essex from Belgium. Inside the back of the lorry were thirty-nine Vietnamese nationals. Day earlier, many of these people had been instructed by Nica and Hughes to meet at a flat in Paris. It had then been arranged for a taxi to take them to Bierne, a small village in Northern France (Gentleman, 2020b). From here, they were 'closely packed' into the trailer which was owned by Ronan Hughes and was to be driven by Eamonn Harrison (Pennink, 2020). During the criminal investigation, the court heard that days earlier Harrison had attempted to travel from northern France to the UK with twenty Vietnamese people hidden in the back of his vehicle. Though he was stopped at the Eurotunnel, he had not been fined. His ringleader, Hughes, was anxious to secure funds and so as a result, despite knowing the risk involved, decided to increase the number of people in the trailer (Gentleman, 2020b). On the 22nd of October at 2.49pm, the trailer driven by Harrison arrived in Zeebrugge, Belgium. Hidden in the back of the trailer were thirty-nine people. From Belgium the trailer set sail by boat to Purfleet in Essex (Grierson and Blackhall, 2019). A heat sensor in the trailer tells its own story of a 'relentless rise in temperature' reaching 38.5C (Cawley and Portal, 2020). Unsent text messages later recovered from the victims mobile phone recount the sweltering heat and total lack of oxygen inside the back of the trailer (Gentleman, 2020a). After the trailer reached Purfleet at 12.30am, it

was collected by Robinson. During the court hearing, it was told that Hughes, aware of the risk and shortage of oxygen with a greater number of people inside the lorry, sent Robinson a message via Snapchat at 1.00am. The message read 'give them air quickly don't let them out'. Parked at Waterglade industrial park in the early hours of the 23rd of October, Robinson discovered that all thirty-nine people were dead (Gentleman, 2020a).

Both drivers, Eamonn Harrison and Maurice Robinson, as well as coordinators of the operation Ronan Hughes and Gheorge Nica have been found guilty and jailed for manslaughter. Three other members of the 'people smuggling gang' were also sentenced for conspiracy in facilitating illegal immigration (BBC, 2021a). During the trial, it was heard that the 'gang' had already been involved in illegally smuggling groups of Vietnamese nationals to the UK. They received a payment of 'upwards of £10,000 per person' (Gentleman, 2020a). The highly profitable nature of this activity was also reported with an estimation that the group could have earned more than £1million in October (Gentleman, 2020b). Criminal proceedings and prosecutions also took place in Vietnam. A court in the central province of Ha Tinh sentenced four people between the ages of twenty-four and thirty-six for 'organising and brokering illegal emigration', as Reuters (2020) reports. The area of Han Tinh was home to most of the victims, as well as neighbouring province Nghe An. According to a police statement, most of the victims had paid $22,000 (17,000euros) to travel illegally to France and then to the UK (Sanderson, 2020). One family was reported to have paid 35,000 euros for their twenty-six-year-old daughter's fatal journey (Bierbach, 2019).

The British authorities along with international parties identified all thirty-nine bodies as Vietnamese nationals and repatriated their bodies to their families. The post-mortem report found that all victims died due to lack of oxygen and overheating whilst hidden in the back of the lorry (Ingram, 2020). The victims included twenty-eight men, eight women and three children, two of them aged 15. They were named by Essex police as Dinh Dinh Binh, 15, Nguyen Minh Quang, 20, Nguyen Huy Phong, 35, Le Van Ha, 30, Nguyen Van Hiep, 24, Bui Phan Thang, 37, Nguyen Van Hung, 33, Nguyen Huy Hung, 15, Nguyen Tien Dung, 33, Pham Thi Tra My, 26, Tran Khanh Tho, 18, Nguyen Van Nhan, 33, Vo Ngoc Nam, 28, Vo Van Linh, 25, Nguyen Ba Vu Hung, 34, Vo Nhan Du, 19. Tran Hai Loc, 35, Tran Manh Hung, 37, Nguyen Thi Van, 35, Bui Thi Nhung, 19, Hoang Van Tiep, 18, Tran Thi Ngoc, 19, Phan Thi Thanh, 41, Tran Thi Tho, 21, Duong Minh Tuan, 27, Pham Thi Ngoc Oanh, 28, Tran Thi Mai Nhung, 18, Le Trong Thanh, 44, Nguyen Ngoc Ha, 32, Hoang Van Hoi, 24, Tran Ngoc Hieu, 17, Cao Tien Dung, 37, Dinh Dinh Thai Quyen, 18, Dong Huu Tuyen, 22, Nguyen Dinh Luong, 20, Cao Huy Thanh, 37, Nguyen Trong Thai, 26,

Nguyen Tho Tuan, 25, and Nguyen Dinh Tu, 26 (Gentleman, 2020a). An inquest, opened in early 2020 and has been adjourned until all criminal proceedings linked to the case are concluded (Halliday, 2020a). At the beginning of 2022, I contacted the coroner's office to enquire about the status of the inquest. I received a reply stating that the inquest remains suspended, and the coroner is yet to make judgement about resuming the inquest. No further details were provided (personal correspondence with coroner's office).

Border deaths at the Channel are not a new nor recent occurrence. On the 18th of June 2000, fifty-eight Chinese nationals were discovered in the port of Dover dead in the back of a refrigerated truck. All were said to have paid approximately £18,000 to be smuggled illegally to the UK. The scene described by the emergency response team resembles that of the "Essex 39", 'a group of motionless individuals' trapped in a deadly airless and overheated trailer (Griffiths, Corbishley and Weller, 2011, p. 191). The primary response was led by policing with the secondary aim of protecting those in illegalised patterns of migration (Spijkerboer, 2017). In response, the European Parliament (2000) pointed out that 'similar incidents occur daily at EU frontiers' and that migrants and refugees are mostly victims to smuggling and trafficking. It called upon Commission and Council to combat criminal organisations, requiring effective controls to stop illegal migration which led to the Smuggling Protocol (United Nations, 2000a). The core obligation of this protocol was to criminalise migrant smuggling and its secondary aim was the protection of individuals (Spijkerboer, 2017). The primary concern, though was the 'great harm to the States concerned', which 'the activities of organised criminal groups' cause (United Nations, 2000a, p. 1). This demonstrates the continuity and prevalence of a discourse of criminality which takes priority over the protection of migrants. My decision to focus on the "Essex 39" in this chapter is examine the continuity of a discourse of criminality between 2004 and 2019 and between two very different cases.

At the end of 2020, the first research to collate figures on UK border deaths estimated that almost three-hundred people have died whilst trying to cross the Channel since 1999 (Institute of Race Relations, 2020). This figure is no doubt already much higher at present. In the aftermath of the "Essex 39" Frances Webber, the Vice-Chair of the Institute of Race Relations said,

> These deaths are not 'natural' nor 'tragic accidents' but man-made, created by policies which do not merely close borders but also erect ever more obstacles to safe travel for the most vulnerable. Military-style solutions don't solve humanitarian problems. They simply create more profit for the smugglers, and more suffering for the migrants. The history of the securitisation of the English Channel is a history of death' (Institute of Race Relations, 2020, p. 5).

As discussed in the previous chapter, drowning or exposure to natural elements may be deemed to be the supposed natural risks of crossing borders. However, as Webber highlights, these deaths are directly related to border enforcement and securitisation. Government policies that prevent safe and legal travel, as Webber states, has increased the risk that people will take to cross the Channel. Academics have also argued that increased border security (unintentionally) leads to increased migrant mortalities (Spijkerboer, 2013). Maël Galisson reports that:

> Crossing strategies evolve according to the level of securitisation of the border. The more a crossing point is securitised, and thus inaccessible, the higher the risks and the need for border-crossers to have recourse to a "third party", a smuggler' (Institute of Race Relations, 2020, p. 4).

Historically, deaths at the Channel border used to take place on passenger or freight trains. Reports of deaths in the early 2000's were of those at the Eurotunnel as well as at Gare du Nord in Paris. As several interviewees explained to me, since 2015 the UK border agency has increased border controls and installed barbwire fences around the Channel Tunnel. As a result, attempts to cross the border at the Channel Tunnel have ceased. The Channel Tunnel became completely inaccessible. As Jeanne, a member of a local support group, explained to me, new security measures have completely averted these crossings from the Channel Tunnel. In 2019 when I interviewed Jeanne, I asked her about her experiences working in Calais. When I asked her about the evolution of the situation, she explained that many more people attempt to reach the UK in the nearby vicinity, attempting to board stationary vehicles in gas stations or carparks. Whilst explaining the impact of the increasing fortification at the Calais border, Jeanne stated that:

> Nobody tries at the [Channel] Tunnel anymore, there used to be big traffic jams and now [it's] very rare that there are traffic jams at the port and tunnel, they have organised extra parking when there is a bigger arrival of lorries. When a lot of lorries arrive to the port, they get diverted to a very well protecting parking and so there is no more traffic jams.

With increased security measures around the Eurotunnel, organisations such as the Calais Migrant Solidarity group cited an increased number of vehicle related fatalities on motorways leading towards the Channel Tunnel (Calais Migrant Solidarity, n.d). However, recent years have seen a decrease in attempts to reach the UK via vehicle. In 2021, more than 25,700 people arrived in the UK by boat. This is three times that of the previous year (Lee and Faulkner, 2021). It appears that attempts to reach the UK via vehicle may have been superseded by the use of inflatable dinghies.

The 'history of death' at UK borders, and the kinds of deaths, are also reflective of the elevating levels of border security. With the increase in border security, it is argued that the risk factors involved in border-crossings also increases (Institute of Race Relations, 2020). Though as I explore, these details seemed strikingly absent from the parliamentary debates.

Death of the "migrant" worker: the Morecambe Bay cockle pickers

On the 5th of February 2004, twenty-three Chinese people died whilst picking cockles in Morecambe Bay. Situated in the northwest of England in an area of outstanding beauty, Morecambe Bay is notorious for its treacherous fast-moving and high tides. With cockle beds seven to eight miles from the shore 'this deceptively calm and beautiful area can turn into a death trap within minutes' (Brunskill and Mallett, 2011, p. 207). A year earlier, good quality cockle beds had been found at two spots at Morecambe Bay. The new beds increased the profitability of the harvest to around £8,000,000 per annum. As knowledge grew of this lucrative business, local fisherman began noticing groups of Chinese nationals collecting cockles. It was believed that these groups were largely undocumented workers working for middlemen and gangmasters. Many had little or no choice to undertake such work to finance families in China and to pay off the debt they had incurred to travel to the UK (Brunskill and Mallett, 2011). Much of this work was controlled by gangmasters, who could exploit the workers due to their immigration status, either as 'failed asylum seekers', 'destitute asylum seekers waiting for Home Office decision' or 'migrants who were never known to the immigration authorities' (Pai, 2006).

Tensions and altercations grew between local fisherman and groups of Chinese nationals. To avoid local confrontation, the Chinese cockle pickers began harvesting cockles once the local fisherman had left the bay. On Thursday the 5th of February 2004, thirty-eight Chinese cockle pickers were driven to Morecambe Bay to harvest cockles for gangmaster Lin Liang Ren. They arrived late just as the local fisherman were departing for the night (Brunskill and Mallett, 2011). They had not been provided with tidal timetable (Pai, 2006) nor live-saving equipment and with little experience nor view of the notoriously dangerous tides, 'they did not stand a chance of survival when the incoming tide cut them off from the shoreline over 2 miles away' (Brunskill and Mallett, 2011, p. 210). The cockle pickers made attempts to signal to the coast guard that they were in danger due to the rapidly rising tide. Phone calls were made to family members in China describing the 'great danger' they were in. Attempts to seek rescue were in vain (ibid.). Nineteen men and four women drowned trapped by incoming tides off the Lancashire coast. Thirteen cockle

pickers who were working close to the shoreline were able to escape the rapid tides (Brunskill and Mallett, 2011).

A full disaster identification process and criminal investigation was launched by Interpol (Edkins, 2016). Only twenty-one bodies of the twenty-three victims were recovered. They were all formally identified on the 22nd of June 2004 and their bodies repatriated to families in China (Brunskill and Mallett, 2011, p. 221). The body of Dong Xin Wu, 38 has never been recovered and the skull of Liu Qin Ying, 37 was discovered by fisherman close to Morecambe Bay six years later in 2010. The victims whose bodies were identified in 2004 were named as; Yu Hui, 34, Chen Mu Yu, 30, Guo Nian Zhu, 39, Lin Zhi Fang, 19, Xu Yu Hua, 37, Wu Jian Zhen, 36, Wu Hong Kang, 34, Xie Xiao Wen, 41, Lin Guo Hua, 37, Guo Bing Long, 28, Zhou Xun Cao, 38, Lin Guo Guang, 36, Cao Chao Kun, 35, Guo Chang Mou, 18, Yang Tian Long, 33, Lin Li Shui, 33, Wang Ming Lin, 37, Lin You Xing, 38, Chen Ai Qin, 39, Zhang Xiu Hua, 45, Wang Xiu Yu, 27 (Press Association, 2006b).

The gangmaster Lin Liang Ren was found guilty of manslaughter and sentenced to fourteen years in jail, though he was later deported to China in September 2012 (Henderson, 2014). His girlfriend and cousin were also jailed. Lin Liang Ren was described in parliament by David Morris, Conservative MP 'as a callous man, motivated by money. The men and women he exploited paid a heavy price for that cavalier and greedy attitude. Not only did many die, but all of them had paid enormous sums to be smuggled into the UK in the first place' (House of Commons Debate, 2014). It was also reported that he encouraged many Chinese nationals to travel illegally to the UK for his own financial gain (Press Association, 2006a). In the aftermath of the 2004 Morecambe Bay deaths, the Gangmasters Licensing Act (GLA) (2004) was established with the primary aim of preventing the exploitation of workers in fresh produce sector. It required people who employed seasonal workers to have a license. Though some argue that the GLA has made advancements in reducing the exploitation of workers (Broadbent, 2014), others suggest that the exploitation of undocumented workers was still very apparent ten years later (Pai, 2014).

The Morecambe Bay case is the only example (or at least the only reported case) in the UK where a large number of people have died due to work related conditions. However, this does not absolve the fact of other work related deaths amongst undocumented or migrant workers. Anderson and Rogaly (2005) in their report 'Forced Labour and Migration to the UK', document other examples where migrant workers have died as a result of injurious working conditions or where health and safety are disregarded. In October 2002 two Polish workers in their twenties suffered horrific injuries and died when they became entangled with a rope reeling machine. They

had been dismantling polythene tunnels used to grow strawberries and raspberries for supermarket selling. In July 2002 a young Hungarian woman working on a farm near Bassingbourn died after being trapped beneath a fork lift truck and in February 2001 Ionut Simionica, a twenty-two-year-old from Romania was killed while working on a construction project at a church in Westminster (Anderson and Rogaly, 2005).

What these other examples reveal are the longstanding and ongoing risks faced by undocumented workers. Moreover, the kinds of environments in which undocumented workers are employed are illustrative of the total climate of racial hostility. As Sharpe (2016, p.15) argues, the total climate of antiblackness in the United States is marked by police brutality, incarceration, and violent, premature death. The total climate of racial hostility embedded in immigration rhetoric and policies appears prominent in the UK, especially in consideration of the cases discussed in this thesis.

On the 7th of July 2016, five men originally from Gambia and Senegal were killed by a fifteen foot concrete wall whilst working at a recycling plant in Birmingham (Halliday, 2016). The recycling industry is one of the UK's most lucrative industries with an annual profit of approximately £7billion. The kinds of jobs in this sector are also incredibly precarious, ad-hoc and potentially very dangerous. As Daniel Lemberger Cooper, the families' lawyer, stated the recycling industry 'exploits migrant labour for enormous profits'. Cooper also explained that these workers are often in 'precarious employment', working on 'zero hour contracts' or in 'temporary and agency work' (Gall, 2020). Following the inquest into the five deaths, the jury found their deaths to be 'accidental' (BBC, 2018b). In March 2021, two directors of the recycling plant appeared in court for the first time to face health and safety charges (Haynes, 2021). The verdict of 'accidental' death and delay in prosecution has been criticised by the families who have so far received no compensation (Halliday, 2020b). The recycling firm has so far not acknowledged any responsibility for these deaths (BBC, 2020). Their family lawyer firmly believes that there are clear injustices in the criminal justice system which fails to treat employment related deaths as seriously as other fatalities (Gall, 2020). This seems to be reminiscent of earlier discussions in this chapter and chapter six. The criminal justice system, which focuses on prosecting individuals deemed responsible, appears to do so at the expense of considering the wider societal and economic conditions of illegality. This underlines why I bring these two cases together. They reveal how criminality has become the hallmark of immigration and border control in multiple sites and locations. Furthermore, by examining these cases in detail, I hope to reveal how the underlining narrative of criminality distracts from the wider structural conditions.

The production of criminality: parliamentary debates

This section explores how criminality is produced as the only viable framework during the parliamentary debates in 2004 and 2019. Government policies around 2004 were marked by an increase in border checks, surveillance, and monitoring. Policies including the 2005 Controlling our Borders: Making Migration Work for Britain and the 2004 Asylum and immigration Act were designed to enforce restrictive measures and increase border control (Somerville, 2007). As such, at the time of the Morecambe Bay deaths a new culture of increased immigration control was emerging. A couple of decades later, successive Immigration Acts (2016; 2014) marked further efforts to monitor and criminalise "illegal" immigrants in the UK (Webber, 2018). Over this period, a succession of governments had implemented restrictive and hostile migration policies, aimed at deterring, and preventing migration. Embedded within these policies was justification and practices for increasing criminalisation and border security (ibid.).

The language to describe and individualise 'criminal gangs' is evident in both cases. There is also the assumption that the only viable response was to increase policing, border enforcement and uphold criminal justice. Furthermore, the debate in both contexts reinforces the discourse that immigration is inherently illegal. It does not interrogate how laws and policies produce the conditions of illegality (De Genova, 2002) and which can lead to increased risk and potential death (e.g. Callamard, 2017; Squire, 2017).

Individualising the 'criminal'

The deaths of the thirty-nine Vietnamese nationals are framed within the House of Commons by various MPs from different parties as the direct result of criminality. As David Hanson, Labour MP, described, '[t]his was an act of unconscionable criminality organised by gangs across Europe' (House of Commons Debate, 2019a). The language used by parliamentarians to describe the perpetrators is incredibly demonising. The perpetrators are depicted by Priti Patel, Home Secretary as inherently evil and amoral, as 'brutal and unscrupulous criminal gangs' (House of Commons Debate, 2019b). The opposition, as demonstrated by Labour MP Diane Abbott, also described the perpetrators as 'people traffickers [who] are greedy, ruthless and unscrupulous, and [who] have a callous disregard for human life' (House of Commons Debate, 2019b). Other parliamentarians emphasised the abhorrence of the criminals, Independent MP for Dover, Charlie Elphicke describes the 'trade' as 'appalling and evil' (House of Commons Debate, 2019b).

This language is reinforced by Conservative members of the government. For example, Damian Green, Conservative MP, emphasised the presence of criminality at the UK's international border stating that 'the disgusting and murderous crime of people trafficking [has] been concentrated on the channel ports and on unorthodox, non-official transport across the channel' (House of Commons Debate, 2019a). Priti Patel, Home Secretary, further inflated and individualised the level of criminality, conflating this language with the need to increase border control. She stated that '[t]he actions of traffickers are the worst of humanity. It is right that we use our law enforcement and all aspects of the law through existing legislation to ensure that justice is served and perpetrators are prosecuted' (House of Commons Debate, 2019a). The continual emphasis and focus on the criminal individuals are not limited to the government's response. As Joanna Cherry, SNP MP, exclaimed during debate 'I associate myself with what the Home Secretary said about the gross immorality and inhumanity of people smuggling' (House of Commons Debate, 2019b). This demonstrates how this language crosses multiple party lines.

This hyperbolic language further individualises the crime by externalising the criminal activity away from the UK. This is reflective of what Cohen (1996, 2013) describes as implicatory denial and the government's strategy to exonerate any blame from the state by placing the entirety onto criminal individuals. As Weber and Pickering (2011) describe the media's attention on prosecuting smugglers is demonstrative of implicatory denial – whereby responsibility for these deaths is displaced on to non-state actors. The language from these parliamentary debates exemplifies how the government endorses and accentuates a discourse of criminality, with the resulting effect that their own responsibility is deflected. An example of this comes from Priti Patel's, Home Secretary opening statement:

> We have been confronted with a stark reminder of the evils of people smuggling and human trafficking. This trade is a blight on the modern world. For the sake of these victims, and for millions like them, we must do all we can to stamp it out (House of Commons Debate, 2019b).

Describing the perpetrators as cruel, deceptive, driven by greed and with a cold indifference to human lives, is, as Sanchez (2017) illustrates, an all too familiar language for depicting smugglers and traffickers. Sanchez's own research seeks to deconstruct this narrative of the smuggler in the context of migratory routes between the US and Mexico. As Sanchez (2017, p.47) argues the image of the smuggler is constructed as an 'inherently evil, violent, and predatory male […] construed as a threat not only to others but to the very security of the nation-state, the smuggler is a monster to be contained'. My argument does not to excuse their actions. However, I argue that this

hyperbolic language may be reductive and may serve to neutralise the wider circumstances. Following Cohen (2013), I suggest that it illustrates a form of implicatory denial, where responsibility is deflected away from state policies onto a non-state actor.

Furthermore, this rhetoric creates a dichotomy between "them"; the evil smuggler versus "us"; the 'modern world'. This binary works to distance the UK and British society from the trade of smuggling. This rhetoric reinforces the narrative that the UK Government must protect the public from the 'blight' posed by smuggling and trafficking. The 'blight' on the 'modern world' is reminiscent of the hostile and racist undertones used to describe asylum seekers as 'criminals' or an 'invading army' (Cohen, 2011, p. xxiii) or the construction of migrants crossing the Channel as a 'major threat' to the UK border (Ford, 2020). In a similar vein, we also see an incredibly individualising narrative following the deaths at Morecambe Bay. In this context, the individual gangmaster is constructed as the 'criminal' and wholly responsible for the deaths of the cockle pickers. They too are described by multiple parliamentarians as exploitative and unscrupulous (House of Commons Debate, 2004). As member of the ruling party, Geraldine Smith, Labour MP for Morecambe and Lunesdale, stated he gangmaster's responsible are 'absolutely despicable, ruthless and evil people' (House of Commons Debate, 2004). As Andrew Miller, Labour MP, continued during debate 'the ruthless gangmasters who appear to be responsible for the terrible tragedy' must be targeted (House of Commons Debate, 2004).

In the context of the "Essex 39" and the Morecambe Bay cockle pickers, what ultimately connects the construction of the smuggler and the gangmaster is the demonisation of these individuals as 'scrupulous' or 'evil' with 'callous' regard for human life and driven by greed and profit. This kind of rhetoric hold these individuals as solely accountable for the deaths and appears consistent with the idea of implicatory denial or the displacement of responsibility on to non-state actors (Cohen, 2013). In the context of the Morecambe Bay cockle pickers, this discourse infused by criminality has remained constant since 2004 and between different ruling parties. Twenty years later, in 2014, David Morris, Conservative MP in Morecambe and Lunesdale demonstrated this in his opening statement. He similarly focused on the 'sinister criminal gangs' that profit from asking 'immigrants' to pay huge sums of money despite the incredible risks involved in 'being carried to the UK in appalling circumstances'. As David Morris stated:

> The cockle pickers' disaster demonstrated that, at best, illegal immigrants and their families are small cogs in far larger and more sinister criminal gangs. At worst, they are nothing more than victims. Most are from poor backgrounds, forced to leave their home countries due to extreme poverty. We all know that we have a problem with illegal immigration in this country (House of Commons Debate, 2014).

The cockle pickers are reduced to 'nothing more than victims', which reinforces Sanchez's (2017) argument related to the stereotypical depictions of smugglers and migrants. The people who died are painted as victims and in generalising ways. The focus on the 'sinister criminal gangs' following the deaths at Morecambe Bay is also framed around prosecution and holding individuals to account. As Labour Minister for Rural Affairs and Local Environmental Quality, Alun Michael in the immediate aftermath stated '[w]e need to do more to prosecute those who are responsible' (House of Commons Debate, 2004). Similarly, Liberal Democrat MP, Norman Baker further reinforced a discourse of criminality:

> Should we not do more to prosecute those who appear to be content cruelly to exploit migrant workers and pay them pittance while making huge sums […] there is an absolute need to clamp down on those who improperly exploit migrant workers (House of Commons Debate, 2004).

This kind of narrative further works to reinforce a discourse of criminality by focusing on the individuals. With reference to Cohen (2011) and Hall (2013), it is clear how criminal individuals become the principal arbiters of the crisis associated with the exploitation of 'migrant workers' and victims of smuggling and trafficking networks. The language used by the parliamentarians exemplifies how this is used to leverage support for more stringent border enforcement policies. Just as Cohen (2011) references moral panics, the smugglers and gangmasters become the scapegoat for a much larger societal issue.

Policing the crisis

The criminalisation of the perpetrators and the embedding in individual criminality is instrumentalised to justify a response predicated on policing. In both contexts and on multiple occasions, parliamentarians stressed the need for the 'full application of the law' and bringing 'perpetrators to justice'. In the context of the "Essex 39", law enforcement within the criminal justice system is depicted as the only viable and logical way in which to proceed. The following comments delivered by Home Secretary, Priti Patel, illustrate this. As she stated during debate, the government 'must be ruthless now in our response'. She also indicated that 'criminals must be pursued and prosecuted, and we must use every single level of law enforcement'. Patel, known for her record of punitive policies, argued that 'it is right that we use our law enforcement and all

aspects of the law […] to ensure that justice is served, and the perpetrators are prosecuted' (House of Commons Debate, 2019a).

Further comments from the Home Secretary indicate that the government's response must be led by targeting and dismantling human trafficking and smuggling networks. This, as she explained must ultimately be achieved through the increased employment of border security and intelligence. As Priti Patel made claims regarding the only viable solution stating that the government 'must do all we can to stamp people smuggling and human trafficking' out (House of Commons Debate, 2019b). The following interaction between the Home Secretary and an independent MP for Dover illustrate the kind of response:

> **Charlie Elphicke (Independent):** May I urge her to not to have a Dad's Army set up […] but instead to have more investment in our Border Force, the National Crime Agency and in working internationally with partners to combat this appalling and evil trade.

> **Priti Patel, Home Secretary:** It will involve working with partners overseas and foreign law enforcement agencies and unravelling a threat of criminality (House of Commons Debate, 2019b).

In the above statements, we observe how the demonisation of the perpetrators is directly connected to justify increased border security. There is a coupling with increased policing of borders as the necessary steps to 'combat' the so described 'evil' trade.

Ultimately the response is driven by prosecution, and the absolute assurance that border security is increased. Several parliamentarians stressed the need to ensure that ports are protected and made more secure with the appropriate measures and checks. This is outlined by different MPs from opposing sides of government:

> **Diane Abbott, Labour MP:** Of course, we have to bear down on the people traffickers – they are ruthless and have no concern for human life – but we also have to look at issues such as how we make those eastern ports more secure.

> **Richard Drax, Conservative MP:** The message today is that we need stronger borders, not weaker ones (House of Commons Debate, 2019b).

As the Home Secretary, Priti Patel, reinforced '[i]t is about ensuring we have the right level of security and the measures in place to enable police officers … including Border Force to act on intelligence' (House of Commons Debate, 2019b). Days after the deaths of the "Essex 39", actions to bolster border security were already put in place, as the Home Secretary reassured the House of Commons; 'I can confirm that Border Force is increasing its presence in Purfleet', Essex where

their bodies were found (House of Commons Debate, 2019b). The following two statements, from the Home Secretary, are also revealing of the Home Office's priorities of investing in and increasing border security. She stated that:

> The Home Office will now accelerate our joint intelligence-led operation between the police, the National Crime Agency and immigration enforcement, which aims to disrupt and deter organised crime gangs using refrigerated and hard-sided lorries to smuggle clandestine migrants […] The Home Office is investing a great deal not only in research but in new technology for enhancements in border controls (House of Commons Debate, 2019b).

We see a similar response driven by policing following the deaths of the cockle pickers at Morecambe Bay. The language of criminality and application of the 'full force of the law' is also evident in this context. The Gangmasters Licensing Act (2004) was created to regulate the supply of labour in agriculture, food processing and packaging sectors, and to provide protection to vulnerable workers. Sentencing for using illegal labour ranges from a fine of up to £5,0000 to imprisonment. The gangmaster involved in the Morecambe Bay cockle pickers deaths was convicted of twenty-one counts of manslaughter, facilitating illegal immigration and perverting the course of justice and sentenced to fourteen years (Henderson, 2014). The political focus following this case, like in 2019, also reflects the commonplace of criminality and prosecution, as the following statements indicate:

> **Norman Baker, Liberal Democrat MP:** There is an absolute need to clamp down on those who improperly exploit migrant workers'.

> **Alun Michael (Minister for Rural Affairs and Local Environment Quality):** We need to do more to prosecute those who are responsible (House of Commons Debate, 2004).

There is an emphasis on policing 'illegal' workers in the UK and ultimately improving legal frameworks to monitor and license gangmasters. James Paice, a Conservative MP directly challenged the Labour Government for not being 'robust' in 'cracking down on illegal working' (House of Commons Debate, 2004). He openly criticised the Labour Government's for what he perceived as failed and weak policies to police illegal immigration. As James Paice stated:

> In the case of this tragedy, it is reported that nine of the survivors were asylum seekers and five were unknown to the authorities. How was it that the Government did not know where those asylum seekers were?[…] Do the Government agree […] that the problem will continue unless the Government are more robust about illegal immigration? (House of Commons Debate, 2004).

Ten years later, it is clear that measures to 'police the crisis' (Hall, 2013) were put in place, with an emphasis on criminalising 'illegal' employment. Along with the GLA, the Immigration, Asylum and Nationality Act (2006) made it a criminal offence for both employers and their employees to carry out illegal employment and this legislation increased enforcement, employment controls, identity checks and licensing measures. As David Morris, Conservative MP stated during debate border '[e]nforcement at ports has been tightened up, the GLA has enforced against unscrupulous employers' (House of Commons Debate, 2014).

In 2004, James Paice, Conservative MP, also confronted the Labour Government on their policies around illegal workers in the UK. He referred to legislation passed by the former Conservative Government who made it illegal to employ 'illegal immigrants' under the Asylum and Immigration Act 1996. As Paice stated:

> In the first four years, there were a total of 34 prosecutions. In 2001, there was just one. How many prosecutions have there been since then? In recent months, sadly, three suspected Kurdish gang workers were killed in collision with a train in Worcestershire. Following a house fire in King's Lynn, 36 Chinese were discovered living there illegally and working in the food industry. That led to 60 arrests. Can the Minister tell the House how many of those people were deported? (House of Commons Debate, 2004).

Both this and the statements made in 2019 and 2004 are evidence of priorities given to incriminating illegal workers, smugglers and gangmasters through the introduction and tightening of immigration laws. In all these cases, the criminal justice system takes precedence and is the only framework in which to respond.

Reproducing the language of illegality

While there is a focus on dismantling smuggling and trafficking networks in discussions following the "Essex 39", there is also emphasis on the threat that 'illegal' immigration poses more broadly to British society. The focus on the threat and fears of illegal immigration appears consistent with Cohen's (2011) earlier research on moral panics. The focus on implicating other actors other than the state also relates to his latter research on state denial. By minimising their own role and placing the responsibility entirely on to criminal individuals, the UK government relies on the moral panic to deflect or abstract any of the state's own responsibility. This is exemplified by the following statement from Priti Patel, Home Secretary, '[i]llegal migration fuels

organised crime, erodes public confidence and, most importantly, endangers the lives of desperate people' (House of Commons Debate, 2019b).

We see a similar rhetoric during the Home of Commons debates following the deaths at Morecambe Bay. There is a strong concern about illegal immigration in Britain, that rests on a dichotomy of legality and illegality. The following statements reinforce and justify a distinction between legal and illegal forms of entry to the UK. As the two MPs commented:

> **Tim Collins, Conservative MP**: There is a right and a wrong way for people to come into this country.

> **Alun Michael, Minister for Rural Affairs and Local Environment Quality:** We need people working seasonally in this country, but they should be legitimate workers. (House of Commons Debate, 2004).

In both the statements following the "Essex 39" and the Morecambe Bay cockle pickers we see how death becomes the boundary in which binaries between victim or criminal are produced. Furthermore, this rhetoric remains within a nexus of legality and illegality. Whilst emphatic and criminalised language is used by multiple parliamentarians in 2019 to describe the perpetrators, the people who died are described as 'vulnerable' and 'unfortunate' 'victims' who were 'preyed' upon (House of Commons Debate, 2019a). Similarly following the deaths at Morecambe Bay, the victims are also described by different MPs as 'vulnerable' and as having paid 'the price' (House of Commons Debate, 2004). This appears consistent with the stereotypes that Sanchez (2017) is critical of that reduce victims to their vulnerability whilst solely emphasising the evil nature of the perpetrators. There is also a distinct difference between the construction of people who are found at the border alive and those who die at the border. A month after the "Essex 39", on the 21st of November 2019 ten male 'migrants' were found alive in the back of a lorry. These men were arrested and described as 'suspects' of 'immigration offences' (BBC, 2019). They were apprehended and arrested of immigration offences (Morrison, 2019). It is striking to note that victimhood is assigned to the deceased, whilst criminality is applied to the living and survivors of an extremely risky journey to the UK.

We also see how death reproduces a criminality discourse in the statements in the House of Commons in 2004. A Conservative MP commented on the raids that have been made on illegal workers and the number of deportations and arrests that followed.

> **James Paice, Conservative MP:** In November 2002, 20 illegal Chinese workers were arrested in the Wirral after returning from a cockling expedition. How many of them were deported? In August 2003, 37 suspected illegal Chinese workers were

arrested in Morecambe Bay. How many of them were deported?(House of Commons Debate, 2004).

From these statements, it is possible to gain insight into the border between life and death; where there is a re-application of criminalisation if people are found alive compared with the victimisation and empathy if someone dies. This kind of bordering between life and death creates a dichotomy between criminal and victim and is evident elsewhere (e.g., Sanchez, 2017). Not only are the perpetrators framed through a discourse of criminality, but so are 'suspected illegal workers'. It seems that only the dead are granted innocence and treated as victims. Perl (2019, p. 13) sheds light on how 'the regime of contemporary irregular migration' directly informs 'specific forms of dying and death' (2019 p.13). The border regime, she articulates, not only leads to death but construct the identities of those who die and those who survive. In her article, the survivor of a shipwreck in Spain does not receive the same attention from the media and politicians as those who died (Perl, 2019). In the statements from the House of Commons, those who did not fall victim to the fatal consequences of border policies are constructed as criminals. This is exemplified by James Paice who asked how many arrests and deportations were made. This is another example of a discourse devoid of any regard for human life until it is too late. The criminalisation of migrants and refugees in 2004 appears consistent with the current climate in the UK where the government's Nationality and Borders Act could lead to the criminalisation and immediate deportation of people arriving via illegalised means to the UK (Wakeling, 2021).

Beyond criminality?

Parliamentary debates offer important insight into legislation that not only responds to border deaths but generates legislation which is supposedly designed to prevent further deaths from happening. However, what I argue is that the parliamentary debates following the "Essex 39" and the Morecambe cockle-picker deaths do not go far enough.

In 2022, deaths at the UK border are still prevalent. Increasing criminalisation does not appear to deter people from travelling across borders. It was reported, that even in the subsequent months following the thirty-nine deaths, many people continued to take similar journeys. On one day alone in March 2022, it was reported that the UK and French authorities intercepted 943 people crossing the Channel. As Tom Pursglove, Minister for Justice stated in response, 'through [the government's] Nationality and Border bill, we're cracking down on people smugglers and

fixing the broken system by making it a criminal offence to knowingly arrive in the UK illegally and introducing a maximum sentence of life imprisonment for those who facilitate illegal entry into the country' (PA Media, 2022). Despite the government's belief that increased border enforcement will solve the problem, the known risks and increased border enforcement do not appear to prevent people from making dangerous and illegalised attempts to reach the UK. As the journalist who also reported on the Morecambe Bay deaths, Hsiao-Hung Pai (2019), states 'the risks are known and won't deter people. There will be more deaths in lorries unless Britain changes its immigration policy' (Pai, 2019).

A discourse marked almost exclusively by criminality formed the basis of the response in both the 2004 and 2019 cases and did not attempt to consider the wider context in which these tragic events happened. Instead, parliamentarians from all angles focused almost exclusively on assigning blame to the criminal gangs and individuals. The result of which was an emboldening of severe policy towards anything deemed illegalised migration.

However, there are indications of a counternarrative within these debates. The parliamentary debates suggest, though limited, interpretations that counter the dominant political rhetoric, as exemplified by the following exchange between Dianne Abbott and Priti Patel in 2019. Diane Abbott directed attention to the wider circumstances of migration and the obligations on the government to prevent future deaths. Here is an example of an MP approaching the issues of migration with a desire to address the broader picture.

> **Diane Abbott, Labour MP:** We should take account of the wider context. Nobody leaves their home on such a journey, with so much risk and fear, on a whim. They often do it because they are desperate; they can be victims of economic privation, war, famine, catastrophic climate change. There are so many adverse conditions that people flee from […] The Opposition have long argued that the Government should establish safe and legal routes for genuine refugees to make their way here. If they do not, I fear there may be further tragedies like this. […] There is an obligation on us to ensure that where people are moving legally, we provide safe and legal routes.

> **Priti Patel, Home Secretary:** Today is not the time to be talking about our immigration system. We have migration challenges, which we see across the world. People are being displaced in record numbers, and many are being preyed upon by the appalling behaviour of organised criminal gangs. At this stage it is right that, as a country, we work with all our partners, both domestically and internationally, and with law enforcement agencies to do our upmost to stop this horrific crime. (House of Commons Debate, 2019a).

It is incredibly poignant to note that Abbott's language and reference to 'genuine refugees' is an attempt to humanise the migrant predicament. This is in direct contrast to the response from Patel who deflects the conversation away from government policy and responsibility about immigration. She then continues the narrative that focuses solely on apportioning blame to 'organised criminal gangs' (House of Commons Debate, 2019a). This parliamentary debate highlights the difference in framing criminality. One side seeks further investigation of the causes while the other is simply determined to punish the symptoms.

The following interaction in the wake of Morecambe Bay cockle pickers deaths is further evidence to the argument in this chapter. The Labour MP does not deny the culpability of the gangmasters. However, he brings attention to the policies and legislations that exacerbate the conditions in which undocumented people can be exploited. However, the response in 2004 from the Minister for Rural Affairs and Local Environment Quality resonates with the response from the Home Secretary in 2019. He appears to suggest that the wider circumstances are irrelevant to the current debate.

> **Hilton Dawson, Labour MP:** Nothing can take away the wicked responsibility of the people who placed those poor souls and their fellow workers on the sands of Morecambe Bay in such dangerous circumstances. However, in reviewing all aspects of the terrible tragedy, will the Government consider the effects of clause 55 of the Nationality, Immigration and Asylum Act 2002 and the potential effect of clause 7 of the Asylum (Treatment of Claimants, Etc.) Bill to ascertain whether making those who are perhaps failed asylum seekers destitute helps to create some of the circumstances in which people can be so cruelly and disgracefully exploited?
>
> **Alun Michael, Labour Minister for Rural Affairs and Local Environment Quality:** I agree with my hon. Friend's first point about exploitation and the need to eradicate it. His point about the withdrawal of family income support applies to people whose applications for asylum have failed. That is a totally different set of circumstances. People who come into the country illegally may be exploited and such exploitation needs to be tackled, but that is not directly relevant to the problems that we are considering (House of Commons Debate, 2004).

I find it striking how there is a complete disregard of the Labour MP's attempts to connect the deaths at Morecambe Bay to wider systems of immigration policies. My research hopes to expose this deliberate and implicit lack of engagement with the wider circumstances. As Trilling (2021) argues we should be asking:

> why are people so desperate to reach the UK that they will step into dinghies, and what is our role in creating those conditions? Why does one of the world's richest countries have an asylum system that forces children to sleep in disused offices and leaves cases unanswered for up to a decade?

There are numerous reasons that force people into migratory patterns which provide evidence for expanding enquiry into the wider context. The existence of illegal migration does not and cannot only be understood as the symptom of 'criminal gangs' or 'gangmasters'. For example, the majority of the "Essex 39" victims were forced to migrate from the provinces of Nghe An and Ha Tinh in Vietnam due to an environmental disaster. In 2016, a major toxic spill from a steel factory in the Ha Tinh province destroyed the local fishing economy. Without the opportunities for local work, residents of this province became more vulnerable and the region was targeted by people smugglers (Stephens, 2019). In the case of the Morecambe Bay cockle pickers, twenty of those who died came from the Fujian province in China. Due to low income opportunities and following land developments many people were left without a livelihood or compensation (Pai, 2012). As different articles illustrate, the decision to leave in both these cases was not inconsequential and left families of the victims with huge debts (e.g., Pai, 2012). This emphasises the desperate circumstances and enormous risks that the decision to migrate can have. It also reveals the limitations of existing legal and political processes which chose not to consider the wider political and global processes in investigations (Forensic Architecture, 2012; Weizman, 2014). The 'left-to-die' boat is one example that illustrates how a greater acknowledgement of systems and structures of violence can expose how states and their policies unintentionally or unwittingly contribute to border deaths (Forensic Architecture, 2012).

The analysis of the 'left-to-die' boat is illustrative of how the Mediterranean Sea becomes perilous for some as a result of structures of neglect and exclusion. The concept of weathering provides further critical engagement with the total climate in which these deaths occur. It illustrates how structures of coloniality, racism and hostility mean that not all bodies weather the effects of climate change in the same way (Neimanis and Hamilton, 2018). The economic and environmental vulnerabilities faced by so many of the victims of the "Essex 39" and the Morecambe Bay highlights the relevance of weathering. It illustrates how the vulnerabilities within these spaces are connected to wider political economies of exclusion, difference, and racialisation.

My argument is that while criminal gangs will always be synonymous with opportunities of exploitation, there is an onus on governments to address their relationship with immigration policies. Ultimately the creation of these categories of illegality exacerbates the conditions that lead to the exploitation of vulnerable people. These might occur both in the processes of illegalised migration and also whilst working as an undocumented worker in the UK. As Smith and Mac (2018, p. 62) argue:

The vast majority of people who end up in exploitative situations were seeking to migrate and have become entrapped in a horrifically exploitative system because when people migrate without papers, they have few to no rights. Acknowledging that people who end up in exploitative situations wanted to migrate is not to blame them. It is to say that the solution to their exploitative situation is to enable them to migrate legally and with rights. Everything else is at best a distraction […] and […] actively worsens the problem by pushing for laws which make it harder, not easier to migrate legally and with rights.

Without safe and legal routes into the UK and avenues to work and live, people will be forced into dangerous crossings or employment. A joint letter written by three human rights groups to the coroner for the inquest of the "Essex 39" raised the question of how and why these people were able to travel undetected. They also stated that there exists no safe nor legal route for unskilled workers wishing to travel from Vietnam to the UK (Taylor, Pham and Humphrey, 2020).

One of the primary objectives of this research is to rethink the representation of border deaths. I demonstrate how border deaths are not limited to territorial borders. The term could encompass work related deaths related to immigration status (as discussed in this chapter). It could also include deaths in immigration detention (see chapter five), self-inflicted deaths or suicides (see chapter four). As chapter six discusses, it could also include deaths that are perceived as 'natural'. The expansion of the definition is ultimately connected to rethinking how responsibility for border deaths can and could be framed. Whilst a small number of human rights groups, activist organisations and NGOs document border deaths as the 'predictable consequence of irresponsible national and international polices' (Walter, 2020, p. 246), borders and immigration policies in the UK have become increasingly more hostile and punitive. Instead of examining their own involvement in creating or exacerbating the situation, states largely argue for increased border security and the policing of criminal gangs, smugglers, and traffickers. The appointment of a Clandestine Channel Threat Commander in 2020 (Gov.uk, 2020) and a new agreement between France and the UK doubled French police patrols in Northern France. This enhanced border surveillance technology is testament to a strategy led exclusively by criminality (PA Media, 2020). Furthermore, trials to test a 'blockade' tactic in the Channel (Grieson and Elgot, 2020) and threats of indefinite deportation to anyone who has entered the UK illegally at risk of indefinite deportation (Grierson, 2021) are all part of making illegalised crossings to the UK 'unviable' (PA Media, 2020). Yet, academics and human rights groups working on border deaths argue that these policies contribute if not exacerbate the number of border deaths (e.g., Institute of Race Relations, 2020).

While this chapter attempts to look beyond a discourse of criminality and draw attention to the constructed categories of illegality, it is also imperative that researchers interrogate their own discursive frameworks. On reflection of my own research process, it was important to me to understand how border deaths are the tragic realities of complex migratory issues. My own assumptions and positionality already shape how I approach and present the material discussed. With this in mind, my research is not asking for a solution but rather a more nuanced and deeper interrogation of the broader circumstances surrounding border deaths. Here authors such as Sharpe (2016), Geronimus (1992), Neimanis and Hamilton (2018) and Gunaratnam (2019) play a crucial role in redefining and critically engaging with this landscape.

Summary

This chapter demonstrates the prevalence of a discourse of criminality which individualises both the cause and culpability of a crime. It also demonstrates how this discourse is produced in parliamentary debates following two high profile cases. By analysing debates following the deaths of the "Essex 39" and the Morecambe Bay cockle pickers, this chapter examines how a discourse of criminality set in motion through parliamentary debates in the House of Commons was made the only viable framework in which to respond. This political rhetoric over time saw increased and actively promoted increased policing and border enforcement. However, this chapter argues that this rhetoric cannot and does not capture the wider conditions of illegality that create and exacerbate the circumstances in which people can be exploited. These conditions can heighten the risk and potentiality of death.

Chapter Eight

Conclusions

This research set out to explore the systems of information and processes that are involved in classifying and producing knowledge about border deaths. My intention is to critically engage and interrogate existing understandings of the term border death. I also examine examples of deaths that could broaden understandings of the term and explore how these cases are situated within political, legal, and humanitarian systems of classification in the UK. My research offers a critical engagement with existing terminology and demonstrates what is made visible or invisible by dominant tropes of representation and different methods of classification.

To critically examine the classificatory systems surrounding border deaths and their outcomes, my research explores the following interrelated issues; the classification of border deaths, the processes that classify deaths and the consequences of classification. I analyse multiple sites in which deaths are classified and my data set includes interviews with members from NGOs, human rights groups, charities, and activists, as well as journalists, legal representatives, and a member of the police. Other sources of data include observations at coronial inquests, analysis of documents produced by multiple human rights and activist organisations, media reports and parliamentary debates. This research explores how different communities of interest intersect and dispute the details, cause and context surrounding a death. It also examines what interpretations are brokered as the legal fact or official determination of death.

This research presents the argument that reframing debates about what is considered a border death might also warrant alternative policy, practice, and social response. The empirical chapters of this thesis examine the processes that follow and classify a death. These chapters interrogate the frameworks that constitute a death and their material consequences. For example, I examine what it means to classify a death as 'natural' or by 'misadventure' and what kinds of implications a classification can have. The interpretation of a death also narrates how accountability can be understood. Chapter six explores the limits of death by 'natural causes' which may not account for the wider social and structural conditions surrounding a person's death. The consequences for qualifying these deaths as border deaths open up a different set of questions. This shift in classification could reveal the structural issues that support how institutions and as a reflection society, value death and accountability.

Key findings and implications

Expanding the term border death

As a result of this research, I argue that the term border death should not be limited to deaths exclusively at international territorial borders. Border deaths are commonly positioned by intergovernmental bodies, such as the International Organisation for Migration, as the deaths of migrants and refugees whilst crossing state boundaries. However, many human rights groups and activists explained to me during interviews that this is not reflective of the reality of border deaths. Anna, a member of a human rights group reasoned that those deaths relating to the UK asylum system 'are in a way also border deaths'. As she explained 'I think that it is often forgotten that the harm' experienced in 'Calais is not gone when people reach the UK'. The conditions prior to arriving in the UK 'affect the ability to negotiate an already hostile [situation]'. Lily, another member of a human rights group, described to me during our interview that there is a 'constant enforcement of borders internally within [British] society'. As I evidence in chapters six and seven, this can materialise through restricted access to healthcare, insecure and precarious employment, as well as denial to other entitlements that safeguard people from risk or peril. As I illustrate throughout this thesis, the physical border is not the only site where fatalities occur and everyday internal bordering impacts people's lives and also leads to death. As discussed in chapter seven, the deaths of twenty-three cockle pickers in Morecambe Bay and the deaths of five individuals killed whilst working in a recycling unit in Birmingham are cases that should be considered as border deaths. As I discuss in chapter six, the government's hostile environment policies that impose borders within the UK are also contributory factors surrounding individual deaths, such as the case of Dexter Bristol.

To develop a more expansive understanding of the term border death, my research aligns itself with critical research on borders and bordering (e.g. Balibar, 2011; Khosravi, 2010; Yuval-Davis, Wemyss and Cassidy, 2018; 2019). This literature conceptualises borders as multi-faceted and deterritorialised. Borders are exclusionary and racialised mechanisms that are embedded within the UK and in its policies, institutions and as a result the fabric of daily life. In chapter five, I discuss death in immigration detention centre as another site in which these kinds of exclusionary and racialised borders occur. By drawing attention to the case of Tarek Chowdhury, I am connecting structural violence to border practices within the UK. I suggest deaths in immigration detention should be considered as border deaths in order to hold mechanisms of structural violence accountable.

In relation to border death classification, my research endorses the work of Bowker and Star and their reflection on classificatory systems in general. As they state:

> It is politically and ethically crucial to recognise the vital role of infrastructure in the "built moral environment". Seemingly purely technical issues like how to name things and how to store data in fact constitute much of human interaction and much of what we come to know as natural […] a key for the future is to produce flexible classifications whose users are aware of their political and organisational dimensions and which explicitly retain traces of their construction (Bowker and Star, 1999, p.326).

Following these authors, my research suggests that border death in a classificatory sense should be reflective and encompassing of the constantly evolving circumstances in which deaths occur. Though my research attempts to broaden border death classification it also highlights the inherent political nature of the systems that register them. While I hesitate to define in exclusive terms something that is so complex and constantly shifting, at the very least as this thesis documents, it should be applicable to contextualise a wide range of deaths in the UK. My research urges a need for greater flexibility in conceptualising the term border death that is alert to the multiple and fluctuating ways in which borders manifest. It directs attention to asylum processes, immigration legislation, and everyday bordering policies within the UK. Like territorial borders, my research shows that these conditions also lead to death, though it recognises the 'political and organisational dimensions' (Bowker and Star, 1999, p.326) that also condition, record and classify these deaths.

Methods of classification and their consequences

The complexities in the process of classifying a death, as evidenced throughout this research, highlight the various problems as well as the potential liberatory effects involved. Following Hacking (2000), I suggest that methods of classification as recorded by human rights groups go some distance towards achieving greater visibility with regards to the systems that produce the deaths themselves as well as the levels of political indifference. They achieve this by documenting individual cases that create a wider statistical picture and reveal repeated patterns of structural violence. As a result of reports produced by organisations such as UNITED, INQUEST, Calais Migrant Solidarity, the Institute of Race Relations and Medical Justice, deaths that might otherwise be invisible are made visible. Though the extent to which these reports generate wider political and public support is debatable, the desensitisation towards human rights reports is

discussed in existing literature (Cohen, 2013; Moon, 2013b; Seu, 2003). As Anna, a member of a human rights group stated during our interview, reports of border deaths are no longer 'shocking anymore' and 'do not really lead to people feeling a personal sense of responsibility'. In discussions with human rights groups and charities, my research reflects on the response of the wider public and how this impacts death classification. Further research could focus on exploring societal response in more detail.

In reference to Hacking (2000), there is evidence that methods of classification can be repressive and can conceal or perpetuate systems of structural violence. Furthermore, existing literature also reveals how structural violence is embedded within state policies (Giroux, 2007) and how categories of illegality are intrinsically related to imperial histories (El-Enany, 2020). Moreover, the concept of weathering illustrates the interconnectedness between more subtle structures and histories of racism, coloniality and exclusion and how they manifest in the cases discussed in this research (Neimanis and Hamilton, 2018; Sharpe, 2016). As the case of Dexter Bristol exhibits, his death classified as 'natural causes' by the coroner did not contextualise the wider politics and the stress he experienced as a result of the hostile environment policies, as well as histories of racialised exclusion and hostility. The consequences of this official classification offer no further insight or preventative recommendations related to the systemic conditions surrounding his death and others.

Another key finding of my research relates to the limitations of the coroner's record. Though not legally required to report the immigration status of a deceased individual (Cohen, 2021), strikingly as my research found there is 'no search field for migrant' for accessing and searching official coronial records. Though it is unclear whether this is intentional or deliberate it highlights the institutional constraints on coronial inquests to fully contextualise deaths. The consequence of not classifying an individual's immigration status nor including the term 'migrant' to search coronial records make it impossible to collate other similar deaths and as a result deaths may be treated in isolated terms. It seems that a clear consequence of this inconsistency in records from the coroner ultimately hinders any progression in terms of preventative measures. Though the coronial system can expose systemic failures and injustices, their findings and recommendations are not enforced and are all suggestive. As Deborah Coles, Director of INQUEST states, 'the recommendations made are ultimately only as good as their implementation' and 'yet there exists a shocking accountability gap that allows lifesaving recommendations to disappear into the ether' (INQUEST, 2019a).

Modes of representation and their consequences

Just as the classification of death is neither exclusively repressive nor liberatory (Hacking, 2000), my research demonstrates how modes of representation oscillate between under-reaction (characterised by indifference or denial) and over-reaction (characterised by hyperbole and moral panic) (Cohen, 2011). Death at the border is inherently politically constructed as a result of the vested interests of governments, states and other authorities in controlling movement and determining the boundaries of national identity. My research argues that this politically constructed mechanism permeates further than merely state boundaries. Relating to the expansion of the term border deaths, I argue that it is crucial to interrogate how modes of representation such as media coverage and political debate play a significant role in explaining fluctuations between visibility and invisibility.

Following Laqueur (2019, p.202), the parliamentary debates in the House of Commons offer poignant insight into how the narratives following the cases in 2004 and 2019 serve to 'ground legal or political action' as the primary response. The dominant rhetoric from a series of governments from both sides of the political sphere was to leverage a discourse of criminality in order to justify increased 'law-and-order' (Hall, 2013). The consequence of an overwhelming response focused on a discourse of criminality, singling out 'gangmasters' and 'smugglers' as the root cause, is a distinct under-reaction towards the wider global and political context. As a result of the increasing criminalisation of migration, it is also argued that the risk of death is heightened (Callamard, 2017; Institute of Race Relations, 2020). My research attempts to highlight the limits within the legal process for framing responsibility (Weizman, 2014). By drawing upon analysis of necropolitics and structural violence, I argue that responsibility for border deaths should not be limited to the individual directly culpable but the broader global and societal structures of inequality.

The modes of representation also relate to the types of death as well as the ramifications that a particular death can incite. The evidence I discuss in this thesis examines the representation of events, facts and evidence surrounding a death or deaths. This also determines whether a death is given a high profile or low profile status, or whether the surrounding circumstances are treated as 'accidental', 'natural', 'misadventure' or related to systemic failures or criminal activity. The material consequences of how a case is represented either encourage policy development or procedural improvements. For example, as I discuss in chapter five, following the death of Mohammed Hassan provisions were made to offer advice to unaccompanied minors in France.

However, the case of the Maidstone inquest and the tragic death of Mahammat Abdullah Moussa warranted no further recommendation. This is reflective of the kind of low profile individual death that is typically represented by the media in blanket or anonymous terms (Webber, 2004).

Contribution to existing literature

Expanding sociologies of death and dying

My research demonstrates the importance of bringing border deaths to wider conversations within the sociology of death and dying. As I outline in the introduction, existing scholarship focuses on 'normal' deaths (Walter, 2008; 2017) and as a result neglects the crucial relevance of border deaths to notions of belonging, identity, and citizenship. While certain tendencies and empirical biases exist within sociological literature on death and dying, I argue they provide important methodological and theoretical insight for my own research. My research draws upon existing theories and concepts from the sociology of death that have traditionally been used to research 'usual deaths' (e.g., old age, medical illnesses as well as deaths of citizens). I connect the classification and representation of death to wider moral panics surrounding migration. Anti-immigration rhetoric as well as human rights perspectives also shape how these deaths come to be understood.

My research also hopes to consider the distinction within existing literature between 'ordinary' and 'unusual' deaths (Walter, 2017, p. 3) by illustrating cases where wider systems of structural violence play a significant role. My contribution also seeks to illustrate how structural violence has become normalised through everyday bordering practices and as a result deaths like Dexter Bristol's and Mercy Baguma's are the symptoms of these. The examples discussed in chapter six illustrate cases where death is classified as 'natural causes'. I argue that they are instead the result of normalised structural violence (e.g., the hostile environment policies and other forms of racial exclusion) and therefore distinct from other 'usual' or 'ordinary' deaths.

My research contributes to existing literature which illustrates the processes, institutions and actors involved in determining a death and its cause (e.g., Klinenberg, 2002 Timmermans, 2006). By focusing on the coronial system in the UK and specific investigations following a death in an immigration detention centre, deaths crossing the border and deaths as a result of internal borders, as well as deaths conditioned by borders, I connect existing literature on death classification to analyses of structural violence. My research broadens the scope and considers how

interpretations surrounding a death and its causes have wide reaching ramifications that include the deceased's family as well as wider political and social responsibility.

My research argues that border deaths should not be relegated to the periphery of sociological analysis which can offer valuable insight regarding the recording, investigation, and classification of border deaths. Following Cohen (2011, p. x|iii), I suggest that the role of sociology might not be to develop 'remedial policies' but it can expose the over-reaction that fuels moral panic, prejudice and hyperbole as well as the under-reaction marked by 'apathy, denial and indifference'. By making these comparisons, as Cohen argues, sociology can examine the 'ways we are manipulated into taking some things too seriously and other things not seriously enough' (ibid). Sociological forms of expertise that are not limited to political, legal, or humanitarian realms might be important in challenging the dominant representation of border deaths. As Miriam suggested towards the end of our conversation, 'academia is so important because we need evidence and people doing the academic research to prove things, because people on the ground don't have time'. As academics we are ideally situated to raise challenge and concern to issues surrounding border deaths. However, it is imperative that as researchers we also combat structures of inequality and racism that exist within our own walls, recognising when and where we may also be complicit.

As I discuss in chapter three, existing scholarship also provides important insight for my own methodological and ethical concerns. The ethics associated with writing and researching about border deaths became a central and connective part of my thesis and I took direction from existing scholarship on death and dying (Borgstrom and Ellis, 2017; Gunaratnam, 2013; Timmermans, 2006). Issues of discomfort or concern with how to write and engage with data on death and dying are not distinct to research in end-of-life or palliative care settings. They became very much embedded in my own doctoral research on border deaths. It is important to my research that I engage with my own ethical dilemmas in tackling this subject matter. My thesis argues that being reflexive about the conceptual frameworks and discursive language we use should be central to research on borders and death. On reflection, although my ethical decision to focus on systems of death classification was made in order to mitigate potential harm, the reality of any research that relates to the subject of death no matter how distant will inevitably evoke a human and emotional response. This was particularly felt during multiple interviews where distressing details were recounted, whilst reading upsetting details about the cases discussed throughout this thesis and at the inquest in Maidstone where my presence contributed to one fifth of the parties in attendance.

Sociologies of migration and bordering

My research strongly aligns itself with and reaffirms the importance of existing critical research on borders and everyday bordering (e.g. Balibar, 2011; Fassin, 2020; Houtum, Kramsch and Zierhofer, 2005; Khosravi, 2010; Yuval-Davis, Wemyss and Cassidy, 2019). We live in a world of boundaries and borders, which have become more discrete or invisible, while at other times more acute and apparent. By expanding our understanding of the term border death, I also contribute to existing research on bordering. I illustrate how borders are embedded within institutions, practices, and policies within the UK and these sustain conditions of structural violence. My research emphasises that issues of perpetual inequality and structural violence will continue unless we draw attention to them. To reiterate what Alex, an international humanitarian worker, explained during our interview:

> this is the future where borders are related to access to healthcare. There is a border in the system and there is a border in the service. It's not visible, it's even less visible but it is the same thing that we will have to manage as the biggest problem in the next years to come.

While Brexit, Windrush and the hostile environment policies are hallmarks of the contemporary border regime, I explore in chapter six how they are in fact consistent with an enduring history of hostile and racialised immigration policies (El-Enany, 2020; Gilroy, 2019). This thesis aims to expose the (often invisibilised) borders in the system and within systems of healthcare, employment, rights to reside, as well as within systems of death classification. As Alex demonstrates, they signal the closure or exclusion of rights and the reinforcing of everyday borders. Furthermore, aggressive immigration policies also overlap with more subtle and slow forms of structural violence (Sharpe, 2016).

By focusing on the different ways in which border violence manifests and the different types of border deaths, my research urges that conceptualisations of borders must be reflective of the reality in which bordering processes are constantly evolving. Everyday bordering has proliferated with the COVID-19 pandemic. Indeed, non-citizens or undocumented migrants, fearful of deportation, have not sought medical assistance after contracting COVID-19. In some cases, people have died (Bulman, 2020b). The precarity of many migrant workers in the UK, deprived of statutory sick pay and forced to continue working during the lockdown, has also led to death (Grant and Ramalho da Silva, 2020). The pandemic exposed existing systems of exclusion

and racism. Like Neimanis and Hamilton (2018) and other authors argue, I also attest to the critical scrutiny of more subtle histories and structures of power and inequality. As Ahmed (2020) argues, bordering processes in the UK are notoriously indecipherable, constantly evolving in confusing ways which can often blur the lines between citizen and migrant. As she argues '[o]pening up our notions of bordering can shed light […] on the pervasive ways in which they splinter populations into various categories of precarity' and create new hierarchies of exclusion and inclusion (Ahmed, 2020). To account for the rapidly changing and difficult landscape of borders, my research and conceptualisation of border death aims to resist any finite definition. While there must be exclusionary criteria based on the time constraints of conducting doctoral research, the intention of my thesis is not to confine or limit understandings of the term border death.

Expanding empirical studies of border deaths

Academic research on border deaths has grown exponentially in recent decades (Last, 2020). It traverses multiple international locations including the US-Mexico border (see De León, 2015; Reineke, 2016), European borders in Spain (Perl, 2016), Greece, Italy, Malta, and Cyprus (see Cuttitta and Last, 2020) and Australia (Weber and Pickering, 2011). By researching border deaths in the context of the UK, my research offers a unique empirical focus and brings attention to internal bordering. My research does not dispute the importance of scholarship on deaths at international borders and I hope to provide an empirical contribution to what we know to be a border death.

Existing research demonstrates how the framing of border deaths as the unfortunate consequence of 'natural' or environmental elements delimits responsibility from states and their policies (e.g., De León, 2015). As Perl (2016, p.201) argues, in declaring that deaths at the border have occurred as a result of 'natural causes' the 'state rejects not only culpability and accountability for the circumstances of death, but also refuses to take responsibility for the fate of the deceased'. My research demonstrates how these discussions have relevance for border deaths within the UK. As I discuss in chapter six, the classification of death by 'natural causes' contributes to the absolution of state responsibility. As existing scholarship has addressed the ways in which a natural environment is weaponised to deter migratory journeys, my research observes how the classification of death by 'natural causes' neutralises the potentially contributory conditions. In both existing literature and my own research, the abdication of state responsibility is limited by the representation of death as a natural occurrence. Where De León (2015) considers the 'unnatural'

deaths of migrants as a result of the supposedly 'natural' environment outside of state control, my research considers the supposedly 'natural' death of individuals whilst within state jurisdiction and care. As a result of my research, I seek to add further complexity and extend the understanding surrounding border violence.

Sociologies of knowledge

The relevance of my research for broader sociological inquiry relates to the registers of how knowledge about violence is produced or denied (Cohen, 2011; Moon and Trevino-Rangel, 2020). Sociological inquiry can highlight how systems or structures legitimise certain forms of knowledge whilst also suppressing others (Klinenberg, 2002; Moon, 2012b; Wilson, 1997). In the context of border deaths, the legal system in which a coroner is positioned, attributes them with the authority to determine a cause of death (Timmermans, 2006). Therefore, the legitimacy of a coroners' final determination is encoded by the legal structure within which they reside. States do not necessarily have to completely deny a border death but by drawing on Cohen's (2013) work, I show that they can interpret deaths in ways by which their own responsibility is denied. In an extension of Cohen's research, my thesis also demonstrates how denial is generated. This may be complementary to literal, interpretive or implicatory denial (Cohen, 1996; 2013). However, it is suggestive of the more subtle ways that denial is facilitated through methods of recording information or data. A striking example is the omission of immigration status from coronial records and practical impossibility of searching these deaths which may 'rely upon memory'.[53] This invisibility of data was also evidenced in my correspondence with the UK Missing Persons Unit, where markers such as 'immigration case', 'asylum seeker' or 'illegal immigrant' produced very little results. As such my thesis demonstrates other modes in which indifference or denial surrounding border death is generated that may involve seemingly mundane and administrative practices of record-keeping.

One of the most frustrating realisations and confirmations during my research and its duration over four years has been the scarcity and fragmented nature of the information related to border deaths in the UK. However, it strikes me that this absence of information or record of immigration status by coroners is a key finding. Although all deaths are unique and some have led to individual investigations, it appears that no one is looking at these deaths systematically. There

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[53] This refers to the personal correspondence from a coroner, following my request for information on existing cases.

seems to be a distinct gap in records that could facilitate a better understanding of how many people in the UK die as a result of the conditions created by their immigration status. The wider ramification of this missing record has both sociological and political value in analysing what lives are allowed to be seen and what lives are not allowed to be documented, recorded, protected, and grieved (Butler, 2009).

My research also contributes to existing literature on classificatory systems more generally. As I explore in chapter five, consistent administrative errors that may have seemed trivial at the time were later found as contributory factors in Mr. Chowdhury's death. This supports earlier research that highlights how classification has tangible and often severe consequences (Bowker and Star, 1999). This serves to evidence that central to these modes of classification are systems built on exclusion and embedded in the infrastructure of immigration detention. As the family lawyer for Mr. Chowdhury stated during the inquest, 'Mr. Chowdhury had not absconded, he had attended weekly reporting sessions when he was asked. He had the right to run appeal and had a good case here. Mr. Chowdhury should never have been detained; do you see the tragedy?'

Wider relevance and further research

Though my research is just a starting point to begin a conversation about the limited frameworks in which we can conceive a border death, it also demonstrates that the lack of information surrounding these deaths points towards both active and deliberate acts of denial, as well as more indifferent, discrete acts of oversight. The omission of detail and context surrounding these deaths is enabled by systems that cannot capture the data, but simultaneously are not designed to do so. My research seeks to ensure that a broadening of the conversation incites a demand for adequate systems of record and classification. There are already ongoing discussions between charities and the coronial service that an oversight body would significantly increase visibility and prevention. As the Director of INQUEST, Deborah Coles states:

> there needs to be a national oversight mechanism so that there is a clear framework for following up what happens to these reports. Families repeatedly tell us that they go through these processes in the hope of meaningful change and, yet, they subsequently find out about deaths in similar circumstances, which, you can imagine, really does add to the trauma and can be very re-traumatising (Justice Committee, 2020).

My research supports a need for a clear framework that collates all the recommendations following coronial inquests and ensures that the investigations and subsequent findings are not dealt with in isolated terms.

Empirically my research proposes that border deaths in general are considered in a wider scope including those that occur at territorial borders as well as a result of everyday borders. Further research could examine the moment that people decide to migrate and therefore first encounter a border. I contextualise my understanding of the term border death within the UK jurisdiction, future research might reflect on other forms of bordering in other sites globally. This further supports my argument for a flexible and evolving understanding of the term border death.

The questions this thesis raises about a specific discourse of criminality could similarly be applicable to the criminal justice system as a whole. It raises issue with the constraints of the criminological framework which determines culpability within an individualistic manner and based on intent. In cases such as those I discuss in this thesis, a discourse based on criminality does not encapsulate the role or responsibility of structural conditions and causations. This has wide-reaching relevance for academic research that is not limited to border deaths, but it could also include other cases where structural violence is involved.

As I reflect upon the last four years on my research, I consider the recent events that occurred during the final stages of my doctorate. It seems clear that the issue of borders and border deaths have become increasingly more acute. On the 24th of November 2021, twenty-seven people drowned after their inflatable boat capsized crossing the Channel (Henley, 2021). Most of the victims were Iraqi Kurds. Also on the boat were four Afghan men, three Ethiopians, a Somalian woman, an Iranian and an Egyptian man (Agence France-Presse, 2021). Three siblings (aged 22, 16 and 7) along with their mother were amongst those who died (Pinter, 2022). These deaths are a tragic reminder of the continued human cost at the UK border. Media reports and political rhetoric of these deaths appear consistent with my discussion regarding the overwhelming focus on criminality. According to the then Prime Minister, Boris Johnson, these deaths demonstrate 'how vital it is that we now step up our efforts to break the business model of the gangsters who are sending people to sea in this way […] it's so important that […] we distinguish between people who come here legally and people who come here illegally' (Bloom, 2021). In response, the government underlined the urgency of 'accelerat[ing]' border enforcement and implementing the proposed Nationality and Borders Bill' (Bloom, 2021). Highly criticised, measures in the Bill include 'pushback' policies, 'offshore' detention centres, penalties for those travelling to the UK via illegal routes and immunities for border control. Critics argue that the Bill 'represents the

biggest legal assault on international refugee law ever seen in the UK […] at the heart of the Bill is penalisation, both criminally and administratively, of those who arrive by irregular means in the UK' (Bloom, 2021). It seems inevitable that in this political climate of hostility people will take even greater risks and with heightened levels of criminalisation extended within the UK this is bound to have severe ramifications.

To conclude, this thesis argues that as a society we are bordering on accountability. This recognises not only the constant precarity that is faced by millions daily on a global scale but also the wider societal response to this problem. It signals to the common thread within the thesis, in which certain forms of knowledge gain prominence. However, it also points to the sites of contention or nuance where the classification of a death and the circumstances surrounding it could be constructed otherwise. By unveiling this subtext, this research hopes to push the boundaries of accountability. We live in very challenging and critical times. It is urgent that all mechanisms of bordering which put lives at risk and deflect responsibility are confronted. By considering the limits of my own positionality, I reflect upon the institutional spaces and places I occupy (Borsa, 1990). I acknowledge the structural privileges that are afforded to me based on my own social positioning. As researchers, it is also our responsibility to challenge the way we report and interrogate our own findings, as well as the structures of power that exist within our disciplines and institutions. This requires much more critical work and care within our own research settings as well as within wider society. As a society, we are all complicit in our attitudes and actions following the deaths of fellow human beings.

Appendix A

Table 3: List of interviewees[54]

Type of interviewee	Name	Position	Date of interview
Members / volunteers from frontline charities and NGO groups	Alex	International humanitarian worker	20th July 2018 via telephone
	Louisa	Volunteer for a local charity based in France	6th July 2018 via telephone
	Laurent	Volunteer for local NGO based in Northern France	1st October 2018 in person
	Bernard	Activist and NGO worker based in Northern France	2nd October 2018 in person
	Jeanne	Volunteer for an NGO based in Northern France	29th August 2019 by telephone
	Miriam	Member of charity based in the UK	30th November 2018 via telephone
	Tiphaine	Humanitarian worker based in France	6th December 2018 via telephone
Members from human rights groups and charities	Anna	Human rights activist and researcher	25th July 2018 via telephone
	Sara	Policy officer based in the UK	10th December 2018 in person
	Louis	Member of charity based in the UK	30th January 2019 via telephone
	Rosemary	Member of charity based in the UK	6th June 2019 in person
	Lily	Member of a human rights and research organisation based in the UK	4th December 2018 in person
Journalists	Carl	International journalist	28th September 2018 in person
	Joe	International journalist and activist	22nd October 2018 in person
	George	Journalist	5th November 2018 in person.
	Matilde	International journalist	15th November 2018 via telephone
Legal professionals	Laura	Immigration solicitor based in the UK	7th November 2018 via telephone

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[54] Pseudonyms are used for all my interviewees. Some interviews were conducted via telephone based on a person's location or availability.

Type of interviewee	Name	Position	Date of interview
	Marcus	Member of the UK police	18th December 2018 in person
	Thalia	Legal advisor based in Northern France	23rd October 2018 via telephone

Appendix B

Table 4: List of organisational reports and documents[55]

Name of Organisation	Type of Organisation	Data on border deaths	Source(s) used	URL:
The International Organisation for Migration (IOM)	Inter-governmental organisation	Deaths worldwide at international borders	*Missing Migrants Project Data* *Missing Migrants Project Methodology*	https://missingmigrants.iom.int/data https://missingmigrants.iom.int/methodology
United for Intercultural Action (UNITED)	Activist / charity	All deaths within Europe both at state borders and within them	*List of 44 764 documented deaths of refugees and migrants due to the restrictive policies of "Fortress Europe"*	http://unitedagainstrefugeedeaths.eu/wp-content/uploads/2014/06/ListofDeathsActual.pdf
Calais Migrant Solidarity Group (CMS)	Activist organisation	Deaths at the UK/French border	*Deaths at the Calais border*	https://calaismigrantsolidarity.wordpress.com/deaths-at-the-calais-border/
The Migrants' Files	Consortium of journalists	Deaths within Europe	*Event during which someone died trying to reach or stay in Europe*	https://docs.google.com/spreadsheets/d/1YNqIzyQfEn4i_be2GGWESnG2Q80E_fLASffsXdCOftI/edit#gid=1169253097
INQUEST	Charity	Deaths in immigration detention	*Deaths of immigration detainees*	https://www.inquest.org.uk/deaths-of-immigration-detainees.
Medical Justice	Charity	Deaths in immigration detention	*Death in immigration detention 2000 – 2015*	http://www.medicaljustice.org.uk/wp-content/uploads/2016/09/MJ_death_in_immigration_detention__FINAL_WEB-1.pdf

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[55] These reports and documents were identified as those that document border related deaths. They were analysed to evaluate and examine different ways border deaths are and could be conceptualised.

Name of Organisation	Type of Organisation	Data on border deaths	Source(s) used	URL:
The Institute of Race Relations	Charity	Data on deaths at the UK border and in immigration detention	*Deadly Crossings and the militarisation of Britain's borders*	https://irr.org.uk/wp-content/uploads/2020/11/Deadly-Crossings-Final.pdf
			Deaths in immigration detention: 1989-2017	https://irr.org.uk/article/deaths-in-immigration-detention-1989-2017/

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