



Introduction

Migration Control and Strategies of Knowledge Production

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In his classic work *Seeing Like a State*, James C. Scott talks about the ‘maps’ that states produce of their populations (1998). These maps are always and necessarily incomplete: they only capture those aspects of society that the state needs to ‘render legible’ to accomplish a range of political projects. Yet in common with most literature on states and knowledge, Scott focuses steadfastly on what states *see*. And what they see is determined by certain core governance projects: conscription, taxation, accumulation, internal order, public health and so on. In this account, states are preoccupied with gathering knowledge as a resource to achieve their political goals.

In this book, we reverse this question, to consider those aspects of their populations that states render or keep *invisible* – the social issues clouded in obscurity. Theories of bounded rationality have shown that organisations, including state bureaucracies, have finite resources and attention, and routinely overlook information that might be relevant to governing (Baumgartner and Jones 2020; Jones and Baumgartner 2005). But such omissions may reflect more than just a lack of resources. States may have good reasons to produce haziness, ambivalence or ignorance on a range of social issues. A focus on state ignorance calls into question predominant assumptions about state rationality, that is, the considerations guiding state action. We suggest that states are not solely, or even predominantly, preoccupied with the kinds of state projects described by Scott. Rather, states are concerned with legitimisation, by which we mean sustaining their authority to produce collectively binding decisions. Social knowledge may, or may not, be the most appropriate means of meeting this goal. For every issue where visibility is advantageous, there are others where states are keen to avoid producing knowledge.

The governance of irregular migration is an ideal case study of state ignorance. The control of unauthorised, undocumented or irregular

migrants (we use the terms interchangeably) raises acute dilemmas for states. The task of determining who is authorised to live and work in a particular country has traditionally been viewed as one of the core prerogatives of the modern nation-state (Bommes and Geddes 2000; Cvajner and Sciortino 2010). Governments frequently find themselves under intense political pressure to roll out robust controls to limit irregular migration. Indeed, the very notion that states are tolerating the presence of large numbers of people who have no authorisation to be on their territory is often seen as a failure of governance, or a constraint on sovereignty (Cornelius et al. 1992; Hollifield 1992). Yet democratic states also face strong ethical, practical and legal barriers to introducing restrictions. Long-term unauthorised residents may have built lives in their host country, working and paying taxes, bringing up families and identifying as members of the nation-state (Bommes and Sciortino 2011). Depending on how the state monitors residents, unauthorised migrants may live their lives ‘beneath the radar’ of state systems for identification and registration. And they may have lost any meaningful or demonstrable connection with their place of origin, making it difficult to countenance return. All of these considerations make it extremely challenging for states to identify, apprehend and deport unauthorised migrants, even for those countries with rigorous internal controls (Castles 2004b; Düvell 2006; Spencer and Triandafyllidou 2020).

One way for states to handle this predicament is to control what is known about the issue. To be sure, political leaders or officials in public administration are often keen to gather more information about irregular migration in order to apprehend, regularise or deport unauthorised residents, especially where this signals their capacity to control immigration. But the production of more knowledge on this population may also open governments to scrutiny, exposing their failure to achieve rigorous control. Maintaining a degree of uncertainty is a useful strategy for handling this tension. Rather than managing undocumented migrants, states find it expedient to manage *what is known* about them. This offers a means of shaping how the issue is framed in political debate, and how it ought to be addressed. State strategies of knowledge production in this area – or the ‘maps’ they draw to understand their populations – are thus as much about what they omit, as what they capture.

There is ample opportunity for governments to shape knowledge on their undocumented populations. Unlike in many other policy areas,

there is a paucity of publicly available and accessible information on the scale, profile and activities of irregular migrants. It is notoriously difficult to measure the volume of unauthorised residence, and, by definition, irregular migrants do not engage with state systems of registration (Bommes and Sciortino 2011). Gathering robust knowledge about unauthorised migrants requires complex methodologies and substantial resources. States therefore have an unusual degree of discretion as to which aspects of the issue to produce knowledge on – with substantial leeway to cultivate ignorance.

Our aim in this book is to explore how and why states have monitored – and overlooked – undocumented migrants on their territory. We do so by tracing the evolution of state monitoring and control of irregular migrants from the 1960s to the present day, in three Western European countries: France, Germany and the UK. As we shall see, this historical and comparative approach allows us to elucidate the complex factors shaping approaches to monitoring unauthorised migrants, over time and across national settings. But the book also has an important theoretical ambition: we want to understand strategies of knowledge production. Which types of knowledge do states produce about social issues, when and why? Under what conditions do they produce knowledge about their populations? When and why do they seek to sustain ignorance? And what do these strategies of knowledge production reveal about state rationality?

States and Ignorance

To understand state strategies of knowledge production, we need to engage with theories of state rationality. By this, we mean the types of reasons or considerations that ground state action. Scott's account follows a broadly Foucauldian tradition of understanding state rationality in terms of realising projects of surveillance and control. Governance – or governmentality – involves developing techniques and practices to enhance the state's ability to steer its population (Foucault 1994). As we discuss in the following chapter, these accounts assume that states are preoccupied first and foremost with realising substantive governance projects.

We adopt a different starting point, influenced by the work of Niklas Luhmann (1981, 1982) and institutionalist theories of organisations (Brunsson 2002; DiMaggio and Powell 1983; March and Olsen 1976;

Scott 1995). These approaches see political authority in democratic states as highly contingent, even precarious. Political leaders and their administrations are far from sanguine about their political authority, indeed they need to continually reproduce legitimacy and justify their interventions. This means that states are engaged in ongoing efforts to read their environments in order to gauge how their rhetoric and actions will play with key audiences on whom they are reliant: voters, the media and a range of organisations that are monitoring and scrutinising policy. Knowledge of social problems will, of course, play an important role in how states seek to secure such legitimacy. States need to ensure they are delivering on key imperatives, such as maintaining law and order, sustaining economic growth or delivering a basic level of welfare – and for all of these tasks, they will need detailed social knowledge. But how they tackle these issues, and which aspects they choose to focus on, will be heavily contingent on their beliefs about legitimisation (Boswell 2009). In this sense, political leaders and their administrations are deeply reflexive, continually anticipating how their decisions and actions will be received by their audiences. This is all the more true in what has been described as contemporary ‘monitory’ democracy, where a plethora of organisations – the media, parliamentary committees, audit bodies, inspectors and NGOs – make it their business to scrutinise government and hold leaders to account (Keane 2009). Under these conditions, states need to consider which aspects of society they would like to elucidate, and which they would prefer to keep obscure. Shedding light on social issues creates expectations about how they should be tackled, exposing states to new demands, or revealing their deficiencies.

Thus far, we have discussed the state as if it were a homogeneous unit. But clearly the state is comprised of numerous elements, with complex and distinct roles and agendas. Indeed, the ‘state’ is one of the most debated concepts in political science. There has been extensive scholarship exploring the nature of the state, in terms of its functions, sources of authority and as an imagined community (see, e.g., Bartelson 2001; Dyson 1980; Evans et al. 1985; Hay 2005; Poggi 1990). For the purposes of this book, we adopt a narrowly functionalist approach, focused on the law-making dimension of the state. We understand the state as the set of institutions tasked with elaborating and enforcing collectively binding decisions – a process we also refer to as governing. Within this set of institutions, we are most interested

in those administrative organisations responsible for developing and delivering public policy. These include both the elected government comprised of party politicians; and the administrative and policing organisations headed by a more or less well-coordinated executive authority, tasked with developing and implementing the government's political programmes (Skocpol 1993).

Although elected governments and their public administrations are closely enmeshed and mutually dependent, we suggest that each is guided by a distinct type of rationality (Luhmann 1981). Political leaders are operating in the system of politics, which involves the competitive mobilisation of public support through advancing rival political programmes (Poggi 1990). Members of the government will thus be preoccupied with reading public opinion, anticipating criticism of their actions from the media and political opposition, and prioritising rhetoric and decisions that will best secure or sustain public support (Edelman 1999). This concern will guide how they select and prioritise knowledge about social issues. They need to demonstrate their mastery of salient social issues and signal their capacity to develop effective policies to address them. And they are keen to downplay aspects of social problems that they are, or have been, unable to address.

Ministries and agencies in the public administration, by contrast, are more attentive to sustaining the legitimacy of their organisations (DiMaggio and Powell 1983 March and Olsen 1976). This involves meeting the expectations of the political leaders under whose direction they operate. But, given the importance of sustaining morale and motivating action within the organisation, it also requires aligning action with internal organisational beliefs about appropriate goals and practices (DiMaggio and Powell 1983; Scott 1995). Given their task of coordinating the implementation of policies, these organisations are likely to be especially preoccupied with meeting operational goals, or delivery – and especially those outputs that will be monitored and evaluated by their leaders and by the various organisations involved in political scrutiny and lobbying (Brunsson 2002; Scott and Meyer 1991). This complex set of considerations guide their strategies of knowledge production, often creating a demand for highly detailed and specialised knowledge – but also, as we shall see, generating ignorance of issues that are not seen as pressing, or which cannot be feasibly addressed, or which may expose the organisation to criticism.

These distinct logics influence how states produce knowledge for governing. We understand this as grounded claims (or facts) about social issues deemed to be appropriate objects of political intervention. Such knowledge is typically grounded (or is accepted as fact) by virtue of the authority of its source or method of production. It may be drawn from experience, or derived from administrative records or produced through scientific methods. Clearly, the authority of such claims may be, and frequently is, contested in political deliberation. Data based on individual experiences (such as the opinions of constituents) may not be considered representative; administrative records may be deemed inaccurate and scientific methods may be dismissed as lacking rigour. Alternatively, the knowledge in question may not be considered relevant to public policy at all because of divergent beliefs about when and how the state should intervene (Gusfield 1981). What concerns us here, however, is not so much how knowledge is valorised in political debate, as how the state (the elected government and its administration) determines when and how knowledge for governing should be produced, and when and how it should *refrain* from producing such knowledge.

At this point, it is useful to introduce the concept of state ignorance, which we unpack in more detail in the following chapter. One way of understanding such ignorance is through notions of bounded rationality. There is an extensive literature showing how organisations, including those in the public administration, face constraints to the volume of information they can process (Baumgartner and Jones 2005; Jones 2001; Simon 1972). Thus, there are bound to be glaring gaps in the knowledge they are able to produce about social problems. This can be described as a form of ignorance by omission: a lack of knowledge on social issues created by limited capacity. This is a perfectly reasonable way of understanding ignorance and certainly helps explain many forms of state oversight or omission – but it tells us very little about state rationality. As discussed earlier, we are interested in the types of considerations that guide how states *select* what to know and what to keep obscure, not just issues they happen to overlook as a result of finite resources.

A more fruitful way of conceptualising state ignorance is as a form of *strategic* ignorance. This draws on a growing literature on the sociology of ignorance, recently invigorated by the work of Linsey McGoe and colleagues (Gross and McGoe 2015; Mallard and McGoe 2018;

McGoey 2012a, 2012b, 2019). These contributions have theorised ignorance in terms of a more or less deliberate attempt by elites to produce or sustain ambiguity or obfuscation (McGoey 2019; Rayner 2012). This way of understanding state ignorance implies a concern with legitimacy, as politicians or civil servants are keenly anticipating how their actions will be received and judged by their audiences. Their efforts to obscure or gloss over social issues display a form of reflexivity, which goes beyond the notion of social knowledge simply as a means of achieving substantive governing projects. However, these accounts rely on an overly simplified theory of state rationality. They assume that political leaders and bureaucrats are guided by vested interests that lead them to disguise their true motives or actions.

In this book, we explore a second, ‘weaker’ form of strategic ignorance as an essentially defensive tactic, designed to buffer states from unrealistic expectations. This account is inspired by sociological theories of the welfare state, which suggest that states have been overburdened by ever-increasing expectations about the type of protection they can deliver (Luhmann 1981). Ignorance becomes a strategy to avoid public disappointment, or even a crisis of legitimation (Habermas 1976). Political leaders and officials in the administration are keen to keep certain social issues opaque to circumvent criticism or exposure of government failings.

Both of these conceptions of strategic ignorance thus rely on a theory of what states are seeking to achieve. We will explore how far they are borne out through the empirical analysis in this book. Indeed, we consider it essential to keep an open mind about what substantive interests and goals shape state knowledge and ignorance. By embracing a more schematic theory of the state – one that focuses on the notion of states as seeking legitimation – we are leaving open the more detailed content of how they understand this goal and how to achieve it.

State Ignorance and Society

We have suggested that state strategies of knowledge production are reflexive, involving ongoing anticipation of how different audiences might respond to knowledge on social issues. This notion of an anticipated observer is central to how we understand state ignorance. State ignorance is not simply an absence of knowledge, but a deficit or omission in relation to what might have or should have been known.

As we are talking about *state* ignorance, the notion of a knowledge deficit has a political character: it implies a judgement that political leaders or civil servants do not have knowledge of social problems that they could or should act to rectify. In other words, states are not just ignorant of whatever issue might be under discussion (although politicians are often called out for lacking such general knowledge); they are ignorant of social issues that are deemed relevant to state intervention. Following this approach, we define state ignorance as an acknowledged discrepancy between what is known by state actors at a particular point in time and that which they might reasonably have been expected to know.

This conceptualisation of state ignorance invites us to step outside of the vantage point of state actors and consider how observers of the state identify and expose ignorance. There are a range of potential observers or critics who may identify state ignorance. Most obviously, the mass media will be keen to point out oversights, especially where these expose perceived transgressions. Opposition parties will seek to highlight areas where political leaders and their officials have a poor grasp of the facts, especially where this points to a broader lack of competence or commitment. There are also a range of bodies formally tasked with monitoring government policies: parliamentary committees, inspectors and ombudspersons, commissions, audit and regulatory bodies. These organisations derive their *raison d'être* from their ability to expose government deficiencies, and gaps in knowledge for governing are likely to be key objects of scrutiny. Just as importantly, non-governmental organisations and informal citizens' groups may be keen to hold governments to account through identifying instances of state ignorance. As we shall see in Chapter 5, such groups may produce their own knowledge about social issues and expect political leaders or civil servants to take this on board. This can be awkward for governments, especially where their ignorance is what we have termed 'strategic': the reasons they were reticent about producing knowledge may still be in place, and so exposure may cause acute political embarrassment for political leaders and their officials.

State ignorance may also be identified through focusing events that expose previously unacknowledged social problems (Birkland 1998). For example, an accident may reveal that particular technologies are more dangerous than appreciated, implying that the government should have produced knowledge more clearly delineating the risks.

Or a natural disaster may expose the government's failure to monitor environmental trends and how they would impact residents. Such events may prompt claims about what the state should have known in order to avert the disaster, even if such knowledge was not readily available at the time. In these cases, ascriptions of ignorance are retrospective, and they often set high and unrealistic demands about what the state could or should have known – especially given the points we raised earlier about limited resources.

The opportunities for non-state actors to identify state ignorance will depend in part on what we call the 'information environment' of policy issues (Boswell 2012). We suggested earlier that some issues are characterised by an abundance of information. Housing and urban design, road maintenance, the quality of primary healthcare, or rates of taxation are all areas of policy that are directly experienced or observed by large sections of the population. Members of the public are likely to possess well-grounded knowledge of government performance in such areas based on their personal experiences and through their informal social interactions. In other areas, knowledge of social issues may be less accessible through lay experience, but can be readily obtained through official data. Indeed, many social issues are defined and measured through bureaucratic records: unemployment, inflation, poverty, crime or birth rates. These statistics are continually updated and placed in the public domain, providing the public with ample opportunity to appraise government activity.

More challenging are those areas where knowledge is difficult to produce. This may be the case in areas characterised by complexity and risk, such as the social impacts of new technologies that require highly specialised methods to assess their effects (Beck 1992; Radaelli 1999; Weingart 1999). For example, studies have explored epistemic uncertainty in areas of GM food, BSE or bioethics (Beck et al. 1996; Littoz-Monnet 2020; Zwanenburg and Millstone 2005). Such uncertainty may also apply to emerging social issues that are less technically complex but raise uncharted social issues – such as a new type of public health risk or new tools of artificial intelligence. Similarly, it may be challenging to produce information on events in difficult-to-access places, including in contexts of nuclear proliferation (Mallard 2014), war casualties (Rappert 2012) or human rights abuse (Cohen 2013). Most relevant to our study is a third type of social issue involving forms of illicit behaviour that are deemed socially undesirable. In

areas such as crime or antisocial behaviour, social actors by definition seek to hide their presence or activities, as they are subject to punitive action (Bommes and Sciortino 2011).

In areas characterised by this kind of weak information environment, states may exercise considerable discretion in their strategies of knowledge production. They may refrain from producing more knowledge as they are aware that other actors (researchers, the media, NGOs, international organisations) will struggle to produce reliable data. And where such organisations do produce their own estimates or studies, states may question their rigour or credibility, given the clear methodological challenges in gathering data on the issue. In this way, states can invoke their privileged access to comprehensive knowledge for governing – their ‘epistemic authority’ (Geuss 2001) – in order to sustain ignorance.

Ignorance and Irregular Migrants

The case through which we examine these issues is the governance of irregular migrants in Western European countries. We use the terms ‘undocumented’, ‘unauthorised’ or ‘irregular’ to refer to the condition of lacking formal authorisation from the state to live or work in its territory. Although these terms are far from neutral or without pejorative connotations, we consider them to be less normatively problematic than the term ‘illegal’ (Düvell 2006) and the use of such terms helps create analytical distance from state categories and practices.

Irregular status is a condition that is produced by immigration rules (De Genova 2004): it is a juridical construct, which pathologises forms of cross-border mobility that transgress national laws. As such, classifications of who is and who is not authorised vary across national settings and over time. Even within one jurisdiction, unauthorised status may cover heterogeneous conditions. Migrants may find themselves in an irregular condition as a result of entering in a clandestine manner, undetected by border controls (e.g., arriving via an unchecked sea or land border, or being smuggled in a lorry); or entering with forged or invalid documents. Frequently, though, irregular status is not the result of irregular entry but of overstaying a valid permit, such as a tourist visa or a work permit (Finotelli 2008; Gabriel Anghel 2008; Morawska 2001). Unauthorised status may also occur as a result of a change in legislation or reinterpretation of existing legislation – as in

the case of the ‘Windrush’ scandal in the UK (see Chapter 9). People may slip in and out of unauthorised status – overstaying a student visa, awaiting approval for a new work permit, or pending an appeal against ‘removal’ after a rejected asylum application (Triandafyllidou 2016). In this sense, many migrants may be in a state of ‘liminal legality’, a precarious grey zone between legality and illegality (Menjívar 2006). They may have limited access to work, housing, health, education, welfare and other forms of support (Bloch 2014; O’Cinneide 2020; Villegas 2010, 2018) and live in a state of anxiety and precariousness that affects their everyday lives and relationships (Sigona 2012). Any study of how states manage unauthorised migrants thus requires reconstructing the legal frameworks, infrastructures and operational practices that generate such irregular status in order to denaturalise the category of what states ascribe as ‘illegal’. To this end, we provide a historical account of how such categories and practices emerged in our analysis of state management of undocumented migrants from the 1960s onwards (see Chapters 3, 4 and 5).

Literature on how states manage irregular migrants on their territory has understandably focused on more draconian or ‘spectacular’ (De Genova 2013) practices of internal control and enforcement. Scholars have analysed the expanding use of detention and deportation in European countries (Anderson et al. 2011; Bloch 2005; Bloch and Schuster 2005; Bosworth 2014; Gibney 2008; Gibney and Hansen 2003; Leerkers and Broeders 2010). And a growing literature explores the technologies and practices rolled out to prevent irregular entry at European and US borders (Amoore 2006; Broeders and Hampshire 2013; Vaughan-Williams 2015; Vrabiescu 2020; Walters 2010). These offer crucial insights into state control and its impact on the lives of unauthorised migrants. A particularly rich seam of literature has explored the role of state categories and control practices in constituting the identities of those migrants subject to control (Anderson 2010; De Genova 2004;). However, this literature tends to over-state the extent and efficacy of monitoring and control. By selecting instances where public authorities have adopted robust rhetoric or measures in enforcing control, they overlook striking omissions in monitoring and enforcement, and extensive evidence of successful mobilisation against or evasion of these approaches (Agar 2001; Bommers and Sciortino 2011; Coutin 2003; Ellermann 2010; Engbersen and Broeders 2009;

Leko 2017; Sigona 2012). Another problem is that this literature has overwhelmingly focused on normative critiques of state practices, rather than understanding the rationalities that underpin them. As Michael Bommers writes,

there is hardly any reliable knowledge about how such organisations function, how knowing and not-knowing are dealt with under conditions of uncertainty, and in what ways the dynamic of state organisation-formation corresponds to the dynamic of illegal (and legal) international migration, in a relationship of reciprocal escalation (Bommers 2012: 165).

We suggest in this book that one reason for this state of ‘not-knowing’ is the challenge of gathering systematic information on unauthorised populations. As we discussed earlier, irregular migration is notoriously difficult to produce knowledge on. It represents a classic case of an information-poor environment: unauthorised residence is a form of illicit activity, which by definition is not captured in formal systems of identification or registration. This implies the absence of bureaucratic data on this population. Although unauthorised migrants may be captured in certain systems – for example, residents may have tax codes, national insurance numbers, or be registered in health systems, schools or even as voters – such data are not generally coded in terms of migration status, and it is often inaccessible to those authorities responsible for immigration enforcement (Boswell 2008). Similarly, challenges arise in relation to estimating the scale of the unauthorised population in a particular country or city. A number of scholars have explored methodologies for estimating the scale of the unauthorised population using various forms of extrapolation from census data, police data or apprehensions (Jandl 2004; Kovacheva and Vogel 2009; Pinkerton et al. 2004; Strozza 2004). But such figures are widely seen as ‘guesstimates’, producing a range of figures and with low confidence levels. This lack of information allows states considerable leeway in their strategies of knowledge production. It means that they can determine which elements to produce knowledge on and which to leave unscrutinised.

Not only is it difficult to produce knowledge on unauthorised migrants, states may have good reasons to avoid doing so. There are various reasons why states may pursue strategic ignorance in this area. Let us return to the distinction we introduced earlier, between strong and weak forms of strategic ignorance. The strong version implied that

states were seeking to obfuscate social problems or to disguise their own actions/inactions in order to advance their financial or political interests – what Mallard and McGoeys have termed ‘willful ignorance’ (2018). Thus, states have certain vested interests in cultivating ignorance to avoid exposing ulterior motives or actions that deviate from the public interest, or are inconsistent with their political programmes. This idea of vested interests in the area of unauthorised migration can be found in Marxist and structuralist accounts of undocumented labour, which argue that capitalist economies are dependent on a continued supply of cheap, flexible and informal migrant labour (Burawoy 1976; Castles 2004a; Castles and Kosack 1973; De Georgi 2010; Piore 1979; Portes 1978; Sassen 1988). Indeed, as this literature shows, whole sectors of manufacturing and services in some countries have developed around ethnic minority labour (Samers 2004), creating a magnet for further informal labour (Baldwin-Edwards 2008; Düvell 2006). In an intriguing convergence, neo-classical economic theories consider it rational for employers – and thus the capitalist state – to employ irregular migrants (Entorf 2002) because of lower labour costs. Given this structural demand for irregular labour, Bommes suggests that unauthorised migration is a ‘productive societal problem’ for host countries, creating a ‘remarkable dynamic of escalation: illegalisation causes a specific demand for migrants which is based on the attempt to avoid socio-political and tax-related regulations – the same rules which the control of migration is supposed to uphold’ (Bommes 2012: 161).

States may cater to this demand for irregular labour in different ways: colluding with or being co-opted by business interests; succumbing to a powerful business lobby (Freeman 1995); or pre-emptively internalising this preference out of a concern to secure conditions for economic accumulation (Overbeek 2002). However, though many forms of irregular migration are largely accepted by the public (Triandafyllidou and Bartolini 2020), states also face strong political demands to restrict migration, which can make it electorally risky to sponsor policies that allow flexible, low-skilled labour. By decoupling stringent rhetoric from more lenient practice, states effectively tolerate the presence of large numbers of unauthorised migrant workers (Reyneri 1998). This may be manifested in the guise of lax entry controls or internal checks, weak enforcement of employer sanctions or the regular grant of amnesties or introduction of regularisation

programmes (Finotelli 2008). In short, on this account, the state exercises strategic ignorance by turning a blind eye to irregular migration in order to accommodate business interests.

Other scholars have questioned whether the state really does act consistently to advance such interests. One site of debate has been around Gary Freeman's influential political economy theory of immigration policy. Freeman argued that labour migration policies in liberal democracies tend to be more lenient than voters would advocate because of the influence of a well-organised and resourced employer lobby (1995). Many scholars have queried Freeman's account, arguing that in contexts where migration is politically salient, governments are far more preoccupied with mollifying their electorates by delivering restrictive measures. The need to appease the business lobby will also be less pressing in the corporate systems that characterise many European countries, where business does not enjoy the same privileged access to government (Boswell 2007). In her classic analysis of the US Bracero programme, Kitty Calavita also challenges the assumptions of structuralist accounts that the state is a monolithic entity, acting consistently to further the interests of capital. Instead, the state comprises a complex set of institutions, grappling with contradictory pressures and frequently guided by immediate institutional imperatives rather than a long-term grand plan (Calavita 2010). More recent work by Jennifer Elrick builds on this approach, showing how seemingly big shifts in Canadian approaches to immigration in the 1960s were in fact the cumulation of multiple 'street level', often pragmatic, decisions by immigration bureaucrats on individual cases (Elrick 2021).

These analyses take us in the direction of what we have called the weaker concept of strategic ignorance. On this account, states overlook unauthorised migration in order to manage expectations about what they can feasibly deliver. This account highlights the tensions faced by states in attempting to meet the expectations of different norms and interests in their environment – voters, lobby groups, the judiciary, monitory agencies and so on. In particular, it points to the often unrealistic demands placed on governments to deliver stringent control (Boswell 2007; Guiraudon and Joppke 2001; Guiraudon and Lahav 2006). These demands emanate from voters who generally favour restrictive approaches. But delivering such preferences is problematic, given the well-known 'liberal constraint' in three key areas. First, the range of rules and norms militating against restrictive approaches to

migration control, emanating from courts, constitutions and international treaties (Bauböck 1994; Guiraudon 2000; Guiraudon and Lahav 2006; Joppke 1999; Soysal 1994). Second, business and diplomatic concerns to allow flexible movement of tourists and visitors, free trade and movement of workers (Freeman 1995; Hollifield 1992). Finally, strong anti-discriminatory norms that proscribe measures to privilege groups on grounds of ethnicity or nationality. Although these liberal norms exercise distinct forms of checks across states and, in fact, do not always constrain restrictive approaches, they do act as a check on government policies (Joppke 1999).

Migration policy scholars have suggested that one way in which states reconcile these tensions is to decouple harsh rhetoric from lenient action (Boswell 2007; Boswell and Geddes 2011; Castles 2004b; Cornelius 2005; Sciortino 2000), often resulting in large-scale irregular migration. As with political economy accounts, states reconcile political and other pressures through forms of malintegration (Boswell 2007) – separating their tough talk from more tolerant practice, or simply failing to ‘join up’ approaches across parts of government. Clearly, such decoupling carries political risks. The issue of migration control is highly politicised in most countries of immigration, with strong incentives for political opponents and the media to expose government failings. Moreover, liberal democratic countries are likely to host a range of NGOs, migrant and church groups, as well as audit and regulatory bodies. These bodies scrutinise state actions in this area. States may therefore seek to manage expectations through controlling what is known about the issue. Given these tensions, the challenge is to understand how, why and when states produce knowledge and ignorance about irregular migration. The rich empirical evidence we present in this book offers some tentative answers to this question.

Governing Irregular Migrants in Western Europe

This book draws on a major comparative project exploring how France, Germany and the UK have produced knowledge on their irregular migrant populations since the 1960s. The historical perspective is crucial to this endeavour. Prior to the 1960s and 1970s, European states paid relatively little attention to the legal status of foreigners on their territory (Düvell 2006). To be sure, the end of the Second World War led to large-scale population movements that had to be

monitored in some way or another, as we chart in Chapter 2. But infringements of rules on entry or stay by labour migrants or refugees were not the object of significant political or administrative attention. It was only in the late 1960s and early 1970s that European governments began to identify the transgression of immigration controls as a social problem requiring political and legal intervention. From around the late 1960s, evasion of immigration controls became a problem in and of itself, whether or not it was linked to more specific concerns about security or public order.

The relatively recent emergence of ‘illegal migration’ as a policy issue thus begs the question of how the issue was first identified and framed as a problem requiring state intervention. Tracing the historical construction of illegal migration in political debate and policymaking allows us to denaturalise contemporary debates and classifications, exposing the contingent considerations and decisions that forged current approaches. We elucidate the range of political and operational pressures – often quite immediate and pragmatic (Calavita 2010, Elrick 2021) – that informed deliberations on the nature of the issue, the problems it created and how it should be addressed. We show how the decisions made at this time contributed to the development of specific infrastructures, techniques and practices of migration control that continue to influence policymaking to this day. In this sense, a historical analysis can also help us understand forms of path dependency that shape and constrain policy (Hanson 2002; Pierson 2000).

The historical analysis focuses on three crucial phases in the evolution of state approaches. These represent ruptures in state handling of the issue; they were moments of perceived crisis, in which governments and their public administrations needed to devise and settle on new ways of framing and addressing social issues. The first of these ruptures was the emergence of irregular migration as a social issue in need of remedial attention by the state. This phase, starting in Germany in the 1950s and in France and the UK from around the mid-1960s and extending to the early 1970s, saw states grapple with increasing numbers of unauthorised residents and workers in a context of decolonisation and an expanding welfare state. States rolled out or reinforced various forms of internal registration, checks and border control, and started to introduce sanctions for those employing irregular migrants. At this stage, the issue was relatively buffered from public political debate, allowing officials a protected space in which to reconcile their

international and (post-)colonial commitments with concerns about security, public unrest and 'race relations'. The lack of close political scrutiny of irregular migration specifically and as yet immature control infrastructures meant that states were subject to much lower expectations about what could or should be known about the issue.

The second phase, starting from the end of the Cold War in the early 1990s through to the mid-2000s, saw Western European states responding to larger scale migratory and asylum movements – both from newly opened Eastern Europe, and from internal conflicts across the Balkans, Middle East, Africa and Asia. Immigration issues became more politicised, forcing governments to worry about how their rhetoric and interventions would land with their public and other audiences. At the same time, the infrastructures and practices they had rolled out in the 1970s were ill-equipped to deal with the particular challenges of asylum migration, the diversification of migratory flows, and, for Germany, reunification and new challenges on its eastern borders. Intensified European integration, including the abolition of internal border checks in Schengen countries, prompted more-intensive patterns of cross-national learning and coordination and necessitated some reconfiguration of internal control infrastructures.

The third, more recent, phase starts with the 'refugee crisis' of 2015. This phase was characterised by the emergence of strong anti-immigration parties and new patterns of political contestation around identity, against a backdrop of financial austerity and disillusionment with 'neo-liberal' elites and the effects of globalisation. By this stage, there were also far more elaborate structures in place for – and higher expectations about – European collective action. The influx of refugees in 2015 threw into doubt the very future of EU cooperation in an enlarged Union struggling with the Eurozone crisis and an imminent Brexit. It occurred in a period of increasingly distributed governance of migration in Western Europe, creating new configurations of state knowledge and ignorance.

By focusing on these moments of uncertainty and flux, we gain insight into the considerations guiding state strategies of knowledge production on irregular migration. Our analysis explores how policy-makers in the three countries made sense of the issue – the knowledge they used, the information or institutional memory on which they drew and the assumptions within which they operated. It explores the different ways they framed and responded to irregular migration and

picks apart the range of political, legal and organisational pressures that shaped their response.

Crucially, our approach is comparative. While we have charted similarities in the historical evolution of state approaches to unauthorised migration, we are interested in unpacking the role of distinct institutions, infrastructures and political dynamics in shaping state responses. Such comparison provides us with greater theoretical purchase, allowing us to develop a number of claims about the conditions shaping strategies of knowledge production on irregular migrants. Broadly following a strategy of ‘most similar systems design’ (Teune and Przeworski 1970), we analyse three countries – France, (West) Germany and the UK – that faced similar trajectories as influential and prosperous Western European countries, experiencing substantial immigration in the decades after the Second World War. Two of the three countries underwent a process of decolonisation in the post-war decades (France and the UK), whereas Germany experienced loss of territory and partition after the Second World War. All three countries were members of the European Community/Union (although the UK only between 1973 and 2018) and they saw increased politicisation of immigration from the 1970s onwards.

And yet there are fascinating differences between the three national cases, which can help us to understand the factors shaping state strategies of knowledge production. One key variation is the role of control infrastructures – the equipment, techniques and practices rolled out to monitor migrants through identification, documentation, registration, databases and detention. In this respect, we have two classic ‘continental’ European countries, France and Germany, that monitor foreign residents through registration with local authorities, the issue of permits and identity cards and regular police checks. In the case of Germany, much of this function is devolved to the *Länder*, which are responsible for registration; in France, this function falls to municipalities. Although the German state displays strong confidence, even hubris, in its capacity to control irregular migrants, France has accepted the deficiencies of its system of registration, which are rectified by periodic large-scale ‘regularisations’. Both cases offer a marked contrast to the UK, which has repeatedly rejected moves to instigate centralised registration systems, instead relying on border controls – but increasingly also outsourcing of checks to non-state organisations as part of a ‘hostile environment’.

These distinct control infrastructures were shaped by, and in turn shape, bureaucratic cultures of monitoring and knowledge production

on migrants. The interior ministries, foreigners' offices and enforcement agencies in each country display quite distinct beliefs and expectations about appropriate and feasible approaches to control. This is to some extent linked to entrenched cultures of public administration: the three case studies under discussion display divergent norms and beliefs about the role of the state in producing knowledge on, and regulating, their populations (Caplan and Torpey 2001). The German state has historically nurtured strong expectations about state control and the *Legalitätsprinzip*: the notion that any violation of law needs to be followed up by state agencies. UK public administration, by contrast, is dominated by a far more pragmatic view about what the state can and should monitor. This has led the British state historically to accommodate a high degree of 'fog' (Bommes and Sciortino 2011), although this preference for ambiguity was partially curtailed by performance measurement tools introduced in the 2000s. The French state can be seen as something of a hybrid. It combines strong and deeply historical expectations about state hierarchy and the power to control its population, with a high degree of de facto decentralisation – especially from the mid-1980s – and a largely unspoken acknowledgement of the state's imperfect ability to realise its own vision (Chabal 2020).

A third important axis of comparison concerns the party-political dynamics that have shaped debate and policymaking. All three countries have seen an increased politicisation of migration issues, with centre-right parties beginning to mobilise support on an anti-immigration platform from the 1970s onwards – although often decoupling such rhetoric from more business-friendly practices. Centre-left parties have similarly struggled to reconcile labour market and welfare protectionist instincts with egalitarian and internationalist norms militating towards more liberal policies. It has frequently been smaller parties at the right- or left-wing end of the spectrum that have galvanised change. The growing clout of right-wing nativist parties – the French Front National, the UK Independence Party and *Alternativ für Deutschland* – has destabilised moderate centre-right positions, prompting them to embrace more nativist positions or risk electoral losses.

Yet irregular migration has not been a consistent focus of attention by anti-immigration parties. Rather, political mobilisation has tended to focus either on more visible or readily monitored aspects of immigration, such as asylum numbers or net migration, or issues that provoke strong moral outrage, such as the cultural integration of Muslim

migrants. By contrast, irregular migration has surfaced in party-political debate in a more episodic or punctuated fashion, in response to focusing events: the identification of unauthorised migrants in the backs of lorries, the growth of the Sangatte camp in Calais or high-profile border crossings in southern Europe or the Channel (Boswell 2012). Indeed, it has often been left-wing and green parties, unions and civil society groups that have been most active in raising attention to the plight of irregular migrants. For example, the *sans papiers* movement in France has, since the 1970s, been active in mobilising civic support for irregular migrants, which has had a powerful effect on left-wing governments. And unions, church and migrant groups have been instrumental in exposing the plight of irregular migrants in Germany (Kirchhoff and Lorenz 2018). But even these groups have had to grapple with the dilemmas of knowledge production. They have had to decide whether to campaign for more rights and thereby make irregularity visible, or keep their support for migrants more low-key, which maintains a degree of obscurity on the subject.

Methods and Structure of the Book

Our historical and comparative analysis is informed by a range of sources. For the historical analysis, we delved into national archives, enabling us to reconstruct the detailed deliberations underpinning responses to irregular migration in our first juncture from the 1960s and 1970s (and going back to the 1950s in Germany). Given the prominent role of the German *Länder*, we also analysed archives in Hamburg and Munich, as exemplars of (respectively) comparatively liberal and conservative states. These archives contain a rich source of data that enabled us to trace decision-making in a period when states were puzzling over how to grapple with this new social problem. The embargoes on release of public records in the three countries meant that we had to rely on a different source of data for our second and third junctures, primarily interviews with officials who had been active in policymaking in the 1990s and 2000s. We were able to locate and interview eighty-three officials, most of them retired. These respondents showed a remarkable willingness to bring to life the pressures and considerations animating decision-making over that period. Our archival and interview data have been supplemented by a range of policy documents, newspaper coverage and transcripts of parliamentary debates.

Although our analysis is structured to produce parallel data across the three cases, we have not organised the book in a strictly symmetrical way. Instead, we have drawn on our data to identify a number of themes that help elucidate aspects of state knowledge and ignorance on irregular migration across the three cases, and over the three historical junctures. Each chapter thus delves into a distinct aspect of state ignorance, drawing on what we see as the most instructive examples or comparisons. This is why some chapters compare all three cases; others compare two cases, where this offers greater theoretical leverage; and still others provide a more in-depth, historical analysis of a distinct approach developed in a single country. Although each chapter fits into a cohesive argument about state ignorance, we hope that they can also stand alone in offering original empirical knowledge and fresh theoretical insights, often using material that is unfamiliar to English-speaking audiences.

The first two chapters set out the theoretical and historical context for our analysis. Chapter 1 deals with our theoretical approach. Although most accounts of states and knowledge see knowledge as crucial to realising state governing projects, we question the assumptions about state rationality that underpin these accounts. Building on theories of state legitimation, the chapter argues instead that we should see knowledge production as highly selective and contingent. We elaborate on the three lenses for exploring ignorance: omission, inspired by theories of bounded rationality and information processing; strategy, building on sociological and anthropological notions of strategic ignorance and ascription, building on theories of social movements and focusing on processes of claims-making and political contestation that expose state ignorance.

Chapter 2 offers a historical overview of migration as a key element in the construction of the post-war European state. In particular, it explores the evolution of state capacities in relation to the control of (irregular) migration. It starts by introducing the immediate post-war period, in which large-scale population movement and displacement led to the emergence of legal frameworks oriented towards collective control, rather than individualised monitoring. It then introduces the three junctures or ‘ruptures’ that galvanised shifts in approach. First, the end of the European colonial empires in the 1950s and 1960s, when contests over citizenship, residency and movement rights reshaped the political framework of ‘irregularity’. Second, the ‘closure’ of West European

borders in the mid-1970s and the rise of asylum migration in the 1980s, which saw the emergence of immigration as a social problem and a growing – if rather haphazard – state focus on rendering irregular migrants visible. Finally, from the late 1990s to the present-day, a radicalisation of the politics of immigration, and processes of Europeanisation that have sought to monitor migrant flows at an individual level using new technologies of border surveillance. This historical overview provides the necessary wider context for understanding granular developments in the handling of irregular migration at the regional or national level.

The remaining chapters deal with specific cases or comparative analyses of multiple cases. Chapter 3 offers an interpretation of how irregular migration was first identified as a social problem requiring state intervention, using France and the UK as examples. Building on theories of information processing, it explores the filters through which each government scanned their political and operational environment to identify and frame the issue. In the UK, a political preoccupation with limiting overall numbers of Commonwealth migration led to measures to penalise ‘evasion of control’ in 1971. In France, concerns about internal order and industrial relations prompted a focus on irregular work and the codification of a category of *clandestin* in 1972. By locating the emergence of the issue in historical and cross-national context, the analysis highlights the contingent and selective nature of state knowledge production on the issue.

The German state is often presented as an archetypal system of bureaucratised migration surveillance and control. In Chapter 4, we challenge this perception by analysing the Ausländer Zentralregister (AZR, Central Foreigners Registry), one of the most comprehensive tools for gathering information on migrants in any liberal democratic state. Introduced in 1953 and digitalised in 1967, the Registry is seen as a central pillar of German internal control of non-national residents. Through analysis of federal and state records, the chapter reconstructs the immense challenges of coordination and resources that impeded the effective operation of the registry in the post-war years. However, despite its operational deficiencies, it has played an important symbolic role over the past decades in bolstering the self-image of West Germany as a modern state with a high capacity to control its population.

Chapter 5 focuses on UK immigration control in the 1960s and 1970s. Until the early 1970s, UK immigration rules did not include

a category of 'illegal' immigration for postcolonial immigrants. We trace the shift from this less punitive immigration regime based on the use of caps and criteria, to the more individualised approach based on illegalisation and individual punishment that emerged in the late 1960s and early 1970s. The chapter shows how an individualised approach was reluctantly embraced by officials and both Labour and Conservative governments as a necessary response to political expectations, rather than a means of better steering migration. The individualised approach also necessitated, and enabled, new forms of state knowledge of irregular migrants. However, a lack of operational commitment to this approach led to relatively lax implementation and a residual issue of limited state knowledge of unauthorised migrants.

Chapter 6 revisits our countries at a later phase of rupture: the asylum crisis of the 1990s. We explore how officials in Germany and the UK dealt with growing evidence of a sizeable population of irregular migrants. We explore three main strategies for responding to ignorance: denial, elucidation and resignation. Although both governments pursued forms of denial and resignation, the nature of this resignation took different forms. In the UK, pragmatism about the limitations of state capacity implied that officials were sanguine about their 'ignorance', with pressure emanating from external public and political scrutiny. In Germany, officials faced an acute conflict between bureaucratic and legal norms of enforcement, and operational realities. Both cases demonstrate profound state ambivalence about elucidating a social problem over which they had limited control.

Chapter 7 focuses on the use of regularisation in France. Since the end of labour migration in the mid-1970s, one of the key routes to legal immigration in France has been through practices of regularisation by local administration. These generally discreet practices reveal an intimate knowledge on the part of street-level bureaucrats of this supposedly invisible population. Alongside this generally low-key process, the French state has also organised more visible 'mass regularisations' in 1981, 1991 and 1998. This chapter explores the political dynamics shaping the French government's approach to both 'exceptional' and ongoing regularisation. Through archival and interview data, it shows how the French authorities at the local and national level developed an array of strategies to manage the visibility of its regularisation policies. This could mean making it into a grand political

statement of principles or tactically deploying forms of ignorance to divert public attention away from the situation on the ground.

The 1980s and 1990s saw a phase of increasing intergovernmental cooperation between European countries, culminating in the Schengen Agreement and greater coordination of EU-wide immigration policy. Chapter 9 shows how this cooperation sharply exposed the divergence of migration control across European countries, triggering both ‘learning effects’ as countries adapted domestic legislation on asylum and borders, and ‘compensatory effects’ to mitigate the loss of internal Schengen border controls. Yet rather than leading to convergence in approaches to internal control, systems of internal migration control remained surprisingly dependent on national histories. The persistence of these divergences made arrangements on Schengen and free movement vulnerable to political challenge.

In the final chapter, we review the key findings of the book in an analysis of the evolution of state infrastructures of control. Such infrastructures embody state beliefs about how best to steer migrants, and also provide maps with which states ‘see’ their unauthorised populations. We chart changes in infrastructures since the 1960s, across three dimensions: styles, sites and temporalities of control. The chapter highlights the continued reliance on centralised command and control approaches in Germany, despite niggling concerns that they are not capturing the full picture. In France, patchy implementation of work and welfare restrictions, and a sharp left-right divide on the issue, has repeatedly lured governments back to the tool of regularisation. In the UK, lack of internal control infrastructure has been compensated by outsourcing to external organisations, meaning that migrants get ‘caught’ at later stages in their lives when they are most reliant on social and economic support, as occurred in the tragic Windrush scandal. We explore the implications of these different infrastructures on state knowledge and ignorance, and on the welfare of migrants.

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