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Citation for published version:
Boswell, C & Badenhoop, E 2020, '"What isn't in the files, isn't in the world": Understanding state ignorance of irregular migration in Germany and the U.K.', *Governance.* https://doi.org/10.1111/gove.12499

Digital Object Identifier (DOI):
10.1111/gove.12499

Link:
Link to publication record in Edinburgh Research Explorer

Document Version:
Publisher's PDF, also known as Version of record

Published In:
Governance

OPEN ACCESS

ORIGINAL ARTICLE

Governance WILEY

"What isn't in the files, isn't in the world": Understanding state ignorance of irregular migration in Germany and the United Kingdom

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Abstract

While there is extensive literature on states and knowledge, there has been little focus on state ignorance: instances where states are identified as lacking knowledge relevant to addressing social problems. We present the first systematic analysis of how states perceive and respond to ignorance, developing a typology of responses (denial, resignation, and elucidation). We test and refine the typology through analyzing state ignorance of unauthorized migration in Germany and the UK, 1990–2006. Public authorities in both countries responded to ignorance through both denial and resignation. However, variations in control infrastructures and bureaucratic cultures meant that "resignation" took distinct forms. In the UK, pragmatism about the limitations of state capacity implied that officials were sanguine about their "ignorance," with pressure emanating from external political scrutiny. In Germany, by contrast, officials faced an acute conflict between bureaucratic and legal norms of the rule of law, and constraints to enforcement. Both cases reveal profound state ambivalence about elucidating social problems over which they have limited control.

1 | INTRODUCTION

There is a strong tradition of scholarship that views states as preoccupied with producing knowledge to identify and address social problems (Foucault, 2000; Giddens, 1987; Lacey & Furner, 1993; Wittrock & Wagner, 1996). Less explored are instances in which states are unable or unwilling to produce knowledge about issues they are expected to address, or what we term "state ignorance". We define state ignorance as an awareness on the part of public authorities that they lack knowledge relevant to addressing social problems. This concept offers an excellent lens through which to interrogate theories of the state. How do states select and prioritize which aspects of social problems to "see" or produce knowledge on, and which to overlook? And how do they handle knowledge deficits, especially in areas where there are strong public and political expectations about their capacity to address social problems?

A classic area for state ignorance is state monitoring and control of unauthorized migrants. While unauthorized migration is generally constructed in political discourse as an issue that states should address, states often tolerate or perpetuate a degree of ignorance about this population–whether because of the methodological difficulties in monitoring or gathering data on this social problem (Vogel, 2001); or to buffer them from scrutiny of their policies or performance in this area (Bommes & Sciortino, 2011). Yet there has been surprisingly little attempt to understand how such omissions are identified and communicated by states and other actors; or how such ascriptions of ignorance are handled by political leaders and officials. Given deeply entrenched norms about the epistemic authority of states, how do public authorities deal with ignorance, both in their external communications, and in terms of their internal organizational beliefs and goals?

This article contributes to theory-building on state ignorance, through examining how officials and political leaders in two countries—Germany and the U.K.—have handled their lack of knowledge about unauthorized migration. We begin by conceptualizing state ignorance as a spectrum between "strategic ignorance" and "ignorance by omission". We then distinguish three broad responses to ignorance: elucidation, implying an attempt to gather more knowledge on unauthorized migrants; denial, which involves downplaying the scale or importance of the problem; and resignation, implying that officials acknowledge the problem but accept their inability to address it. We analyze the institutional and political factors shaping which of these responses is adopted, and explore the implications of the respective strategies for governments and public administration. We then present analysis of state responses to ignorance in Germany and the United Kingdom between 1990 and 2006. The analysis is based primarily on 56 interviews with policymakers in Germany and the United Kingdom.

2 | THEORIZING STATE IGNORANCE

2.1 | Strategic ignorance and ignorance by omission

Historical and sociological literature on the state has tended to view the state as concerned with mobilizing social knowledge to enable the effective steering of its population (Caplan & Torpey, 2001; Torpey, 2000). By contrast, far less attention has been devoted to instances of state ignorance: an awareness on the part of political leaders and public administration that they lack relevant knowledge on/of social problems they are expected to address. In unpacking this concept, it should be noted that ignorance is not simply the negation of that which is known. All

observation involves selection, and at any point in time there will be a vast number of social operations that have not (yet) been identified or observed (Luhmann, 1998). Indeed, literature on bounded rationality and information processing has shown how organizations develop perceptual filters that enable them to select very limited information from their environments, to avoid being overwhelmed (Daft & Weick, 1984; Jones & Baumgartner, 2005). Instead, we need to understand ignorance as an acknowledged discrepancy between what *is* known by public authorities at a particular point in time, and that which they *might reasonably have been expected* to know. Political ignorance is thus an acknowledged deficit, reflecting a gap between what is perceived as appropriate and feasible to know, and that which is actually known.

Second, it is important to consider which observers recognize and label these knowledge deficits. Indeed, the perception of what might reasonably be known will depend on the positionality of the observer. Thus, political opponents, lobby groups or the media may have quite exacting expectations about state knowledge, and may seek to expose instances of political ignorance as serious transgressions. Whereas government actors may see such omissions as a normal and acceptable consequence of limited state capacity or resources. Thus, the identification of political ignorance may reflect political agendas or sectoral norms, and may vary over time.

We should also consider what sorts of interests or rationalities might underpin state ignorance. We conceive of such ignorance as running along a spectrum, from more strategic ignorance, to inadvertent oversight. On the strategic end, politicians or public authorities may be keen to sustain a degree of obfuscation if this aligns with political or economic goals (McGoey, 2012a, 2012b). Ignorance in this sense is a resource for those wielding power, enabling them to achieve ends that might not otherwise be politically viable (Rayner, 2012). Another form of strategic ignorance may involve attempts to buffer the state from unfeasible public expectations. Politicians may be keen to avoid drawing attention to social problems that they are unable to address (Weick, 1998). On both accounts, states are aware of their deficient knowledge of social problems, but reluctant to fill the gap, implying a form of "rational" (Somin, 2015) or "preferred" ignorance (Haas & Vogt, 2015).

Alternatively, state ignorance may be understood as a form of oversight rather than a conscious attempt to obscure information. Such ignorance may take the form of neglect or omission—a decision not to channel resources into producing knowledge of particular issues because they are not seen as a priority. Thus information may be procurable, but the organization does not consider it a priority to extract or process it, instead focusing on more pressing tasks. State ignorance may also arise where actors external to the organization identify an omission; or where such oversight is revealed in retrospect, should the neglected issue subsequently become identified as a social problem. Thus the simple fact that the government chooses not to focus resources on a particular area of knowledge is not in itself an instance of state ignorance, but may be identified as such if the state, or other actors, can plausibly construct it as an omission, whether at the time or retrospectively.

Not all social issues lend themselves to state ignorance. In many areas of state activity there is abundant information about social problems, which may be directly accessed by the public, or captured in official statistics or registration systems. In such areas, it may be difficult for public authorities to sustain political ignorance. The issues most susceptible to ignorance are those characterized by information-poor environments (Boswell, 2012), where there are limited opportunities to produce knowledge on social problems. Of course, the availability of information on social problems may change, as they become the object of attention for researchers, the media, or political actors. But at any time, some areas will be characterized by an information-

poor environment, which makes obfuscation more viable. Information-poor environments are thus a necessary—but not sufficient—condition for the production of political ignorance. They present states with a higher degree of discretion regarding whether or not to produce (further) knowledge, or to leave a social problem in obscurity.

2.2 | Handling ignorance

The possibility of state ignorance raises important questions about how political leaders and officials in the public administration handle such ignorance. As we saw, states are subject to strong norms about their capacity to monitor their residents—indeed, the legitimacy of the state has long been seen as contingent on its privileged access to knowledge (Geuss, 2001; Weber, 1980, p. 129). We would expect these norms about state knowledge to be internalized in organizational cultures, underpinning strong beliefs about the importance of evidence and knowledge in policy-making. As a consequence, the acknowledgement of ignorance would create discomfort or dissonance within bureaucracies, potentially affecting organizational morale and internal legitimacy. Clearly, where ignorance is exposed, it may also create external problems of legitimacy for organizations. This pressure will be particularly pronounced where an issue is politically salient, and there is political scrutiny of organizational performance. Organizations may also be sensitive to the claims-making of interest groups who identify instances of ignorance. Such claims may expose them to external expectations about how they should tackle knowledge deficits and require them to develop responses.

How do political leaders and officials in public administration reconcile these norms and expectations about knowledge with instances where they are aware of, or confronted with, state ignorance? We are interested in two dimensions of state responses. First, the internal dimension, which refers to how states develop organizational narratives to sustain legitimacy and motivate action within the organization. Second is the external dimension, referring to the rhetoric and decisions they adopt to satisfy the organization's external audiences.

We identify three possible state responses to ignorance. The first of these is elucidation: the attempt to illuminate the problem by producing more knowledge. Once ignorance is exposed, officials may decide to invest resources in commissioning studies or enhancing tools and practices of monitoring to shed light on the problem. The second type of response is denial: officials may refuse to accept or act on claims about ignorance. This may imply a refusal to acknowledge there is a deficit in knowledge, whether because relevant knowledge is unreliable or unavailable (Rayner, 2012); or because officials or political leaders deny the existence of a social problem in need of elucidation. The third strategy is resignation: this represents an uneasy combination of recognizing state ignorance, while maintaining that there are insurmountable obstacles to overcoming it. In this case, officials are aware of and even explicitly acknowledge their ignorance, but nonetheless fail to take action to address it because of acknowledged political, practical, or ethical constraints. This can create discomfort and dissonance within the organization. In particular, denial or resignation may undermine staff morale and organizational legitimacy.

2.3 | The case: Unauthorized migration

The issue of irregular immigration—and especially the unauthorized residence of foreign nationals—is an excellent example of an area prone to state ignorance. It is characterized by an

information-poor environment, which permits the cultivation of political ignorance. Irregular residence is produced by unauthorized entry (with forged documents or clandestine entry), or through overstay of an expired permit, visa or leave to remain. As such, those who are illegally resident are by definition not captured in formal systems for registration and documentation. This creates challenges in producing knowledge about the unauthorized population, whether estimating the scale of the unauthorized population, or assessing the social and economic impacts of irregular migrants. It also creates operational challenges, making it difficult to detect individual cases of irregular stay or work. Even where data does exist or can be obtained, governments may be unable or unwilling to collate and process such information, for financial, technical, legal or ethical reasons (Vogel, 2001).

States may also be ambivalent about producing knowledge on unauthorized migrants, encouraging strategic ignorance. Some scholars have argued that states collude with business in tolerating irregular immigration, to help sustain a pool of low-cost, flexible labor (Castles, 2004). Others have argued that states refrain from producing information about irregular residents because they are aware of their limited capacity to enforce policy (Bommes & Sciortino, 2011; Slaven & Boswell, 2019). Thus public authorities may be aware that limited resources or inadequate infrastructure constrain their ability to meet public expectations about control. This recognition leads them to downplay the problem by omitting to produce knowledge on it.

Finally, we might expect different actors to display divergent expectations about appropriate state knowledge in this area. Thus governments and others specialized in the area may be quite sanguine about the lack of knowledge, and aware of the methodological impediments to monitoring irregular residents. Other actors—such as opposition parties or the media—may be keen to expose such omissions, identifying instances of ignorance by omission. Given the political salience of immigration issues, we might expect virulent contestation around what states ought to know about their populations.

However, we would also expect to see cross-national variation in the extent of, and responses to, state ignorance on unauthorized migration. For a start, states have developed distinct infrastructures and practices for monitoring and controlling unauthorized migration, which are likely to produce divergences in the information environment. States with more rigorous internal control, or which have carried out regularization programs, may (rightly or wrongly) perceive themselves to have more comprehensive knowledge of their unauthorized populations, or even perceive irregular stay not to be a significant social problem. Secondly, the issue of unauthorized migration may be subject to varying levels of political attention across countries, and over time. In cases where it attracts greater political attention, we might expect state ignorance to be constructed as a more pressing problem. A third potential variation is in bureaucratic cultures of knowledge. In some national systems or policy areas, there may be strong expectations about the state's role in gathering systematic knowledge; in others, they may be a more laissez-faire or pragmatic approach to knowledge production. This will influence how organizations in the public administration handle instances of identified ignorance.

In order to capture these variations, we compare how bureaucracies have produced and handled ignorance in two countries: Germany and the United Kingdom. We focus on 1990–2006, a period in which both states experienced significant numbers of asylum applications, and a corresponding problem of monitoring and returning those who had either absconded from the asylum system, or overstayed unsuccessful asylum applications. This period allows us to trace the evolution of state awareness and responses to the issue of irregular

migration as and when it surfaced, with this particular time-frame capturing a number of focusing events that brought the issue to the attention of civil servants and politicians.

Over this period, both countries also faced infrastructural and operational obstacles to producing knowledge on unauthorized migrants, though for varying reasons. While Germany had developed a robust system for internal registration and control of foreign residents, it was also exposed to more porous borders and thus irregular entry, and also faced rigorous legal and constitutional checks to monitoring residents. The United Kingdom has traditionally benefited from its geographical position as an island, relying on border control to limit irregular entry, but from the late 1980s increasingly experienced challenges related to unauthorized overstay and a lack of internal checks and registration.

However, the two countries display important differences in their bureaucratic cultures. German and United Kingdom public administration are typically associated with distinct cultures of knowledge production and approaches to enforcement. While the German administration is associated with higher expectations about state knowledge and capacity to address social problems (Rueschemeyer & Van Rossem, 1995, p. 136), the United Kindom system is seen as more pragmatic and less legalistic (Peters, 2003), and more resigned to its lack of capacity to control unauthorized residents (Boswell, 2009). These differences are likely to produce divergences in administrative approaches to producing knowledge on irregular migrants. Thus we would expect German officials to be under greater internal pressure to demonstrate knowledge of social problems, with the United Kindom subject to a more flexible and pragmatic approach.

The analysis is based on 56 semi-structured interviews (31 in Germany and 25 in the U.K.) with government officials, politicians and immigration practitioners working closely with government over this period. [2]Responses were coded to understand how officials made sense of the organizational and political problems confronting them; how they prioritized aspects of their work; their beliefs about political priorities and how this shaped their priorities; their reflections on knowledge and ignorance of irregular migration; and their beliefs about the limitations of control and enforcement. Most respondents were retired officials, enabling them to be unusually frank in their responses; however, this also meant that in some cases, respondents lacked detailed memory of events. To help address this, we complemented interview data with document analysis of contemporaneous official reports, studies, and media coverage. This data were used both to triangulate the interview data and to structure and provide prompts in interviews.

3 | THE U.K. CASE: "WE DON'T KNOW WHO WE DON'T CONTROL"

3.1 | Political context

The issue of unauthorized migrants in the United Kingdom first surfaced in the mid-1960s, around the problem of irregular entry and overstay by Commonwealth immigrants. Legislation was adopted in 1968 and 1971 to prevent Commonwealth immigrants from evading entry controls, and the following decade saw Home Office enforcement activities focused on border controls. However, the challenges of unauthorized stay increased dramatically from around 1986–7. Instead of being admitted based on authorization to work or join family, entrants increasingly applied for asylum either on arrival, or upon being apprehended once in the United Kingdom. Once an asylum application was lodged, this triggered an asylum process that could stretch over months or years. The Home Office was concerned about abscension, either

during the asylum process or after being rejected; or that the protracted asylum process, or lack of documentation, would make it impossible to "remove" people at the end of the process. The result would be an expanding population of unauthorized migrants, who could not be removed. This created particular difficulties for an immigration system so focused on border control, and with very little infrastructure for apprehending, detaining, and removing unauthorized residents once they were in the country. The shift in patterns of entry and stay ushered in a sense of crisis, with Home Office officials and political leaders concerned at their lack of control of the situation. As one official recalled of the late 1980s, "You went from something reasonably stable to something that was in continual change and turmoil" (U.K.8).

At the same time, the Home Office was subject to sustained political pressure, which continued through the 1990s and 2000s. The media fostered a perception that a rising number of migrants were abusing Britain's generous asylum and welfare systems. The primary concern became that of reducing both asylum applications, and removing those whose applications had been rejected. Home Office officials were acutely aware of this political pressure, and focused resources on those aspects of unauthorized immigration that were linked to asylum: "You can't do everything and this was already such a hot topic that it needed to be the focus [...] The political concern was this sense that we were as a country being exploited by people who didn't want to come to work but were coming anyway and didn't have any entitlement to be here" (U.K.3).

As an official described the priorities of the Conservative administration in the early 1990s: "What ministers wanted, and it became very much a key measure of activity, was removal of failed asylum seekers" (U.K.8). This focus became even more pronounced under Prime Minister Tony Blair, with the government introducing high profile targets on asylum. The targets became a significant driver of Home Office attention from 2000 onwards, and other aspects of immigration were put on the backburner. As one official put it, Blair's view was that "immigration isn't a problem, we don't want to make it one; let sleeping dogs lie. The last thing the government wanted to do was to have a report that said there are too many illegal immigrants in the country, frankly" (U.K.13).

3.2 | Exposure of state ignorance

While the Home Office was preoccupied with asylum, there was widespread awareness within the organization of the problem of unauthorized residence: "We were aware that there almost certainly was a lot of illegal working going on and conscious that we were probably only scratching the surface with our enforcement efforts" (U.K.3). Indeed, officials recognized that increased irregular stay was not just a by-product of the increase in asylum-seeking. More seriously, there was a perception that efforts to tighten the asylum system may have served to increase irregular stay. "As things toughened up, I think it's probably right that there was more an incentive, if anything to keep out of sight" (U.K.8). Thus the more stringent provisions may have discouraged people from applying for asylum, leading to greater numbers of unauthorized migrants who were not known to authorities. While the media was relatively quiet on this issue through the 1990s, a number of N.G.O.s and researchers sought to bring it to the attention of the Home Office. As one migrant rights activist explained, there was an awareness that restrictive measures had led to an increase in irregular migration: "But all of that was the sort of intelligence that could only be known to people who were close to the community, the fact that people weren't applying wasn't showing up in any set of statistics" (U.K.5).

Two focusing events in the mid-2000s served to expose the issue to wider media and political attention. First, the Home Office had set up a new immigration research unit in 2001, whose initial program was strongly driven by its inhouse researchers, rather than by political or operational priorities (Boswell, 2009). In early 2002, the unit commissioned researchers at University College London to review methods for estimating the unauthorized population, with a view to developing an estimate for the U.K. The report, completed at the end of 2002, provided a tentative estimate of 500,000—a figure that alarmed the Home Office, which decided not to publish the research (although it did publish a paper reviewing methods, without providing an estimate). The media got wind of this research through a freedom of information request lodged by the *Guardian* newspaper. But the government was quick to distance itself from the figure, and during the election campaign of May 2005, Blair strenuously refused to give an estimate, insisting that "You cannot determine specifically how many people are here illegally" (BBC News, 2005). In July 2005, the Home Office published a revised estimate of 430,000, with the popular media citing this as evidence that the government was unable to control immigration.

The second episode was a scandal around the Home Office's failure to remove foreign nationals who had served prison sentences in the U.K. In a series of select committee hearings in 2005–6, Home Office officials were scrutinized over the lack of intelligence on these former offenders—in the process exposing wider omissions in their knowledge of irregular residents. In his evidence to the Public Administration Select Committee (May 2006), a senior official conceded that the Home Office "didn't have the faintest idea" how many irregular migrants there were in the United Kingdom. Again, there was a flurry of media attention, with the Home Office being lambasted for its failure to enforce immigration rules. However, political attention to the issue subsided over the following year, and the focus once again was on the more visible aspects of immigration control. The general lack of information on irregular migration ensured this issue did not surface in the public domain, with the political focus on those aspects that were readily observable (Boswell, 2012). One Home Office official summed up this leptokurtic pattern of attention to unauthorized migration. "Things tend to go in phases. The attention may be driven by some *cause célèbre*, or driven by some media campaign, and suddenly all the attention goes on that" (U.K.10).

3.3 | Responses to state ignorance

This episodic pattern of political attention to unauthorized migration created a number of predicaments for the Home Office. Officials were keenly aware of the risks for the organization in giving less priority to unauthorized migration. They understood that there was a gap between public expectations about immigration control, and what the Home Office could feasibly deliver. Yet rather than attempting to produce more knowledge (elucidation), they tended to be fatalistic about the prospects for gathering more knowledge. Thus the dominant response can be characterized as a form of resignation: a pragmatic acceptance that it was simply not viable to gather systematic information about the unauthorized population.

This resignation is illustrated in officials' attitude to the deficiencies of the U.K.'s infrastructure for internal control over that period—the lack of a system for registering foreign nationals, identity cards, or extensive internal checks on migrants. One official explained this by comparing the U.K. to what he knew of other European systems:

> We were much more prepared to accept that in practice, people broke rules [...] an illegal immigrant, even if you know his address when he arrives in the country, he's not going to tell you when he moves if he doesn't want to [...] All those controls that notionally look good, actually, unless you have a complete infrastructure – and both France and Germany are more bureaucratized than the U.K. (U.K.13).

There was a sense of fatalism about these limitations, with limited confidence that the U.K. government could, or should, roll out more rigorous internal checks and controls. One official described the reliance on border controls rather than internal control as "an article of faith" across the political spectrum (U.K.9).

This pragmatic acceptance was also a product of resource limitations: "Immigration controls are limited affairs. Limited by law and by the staff and resources you can throw at it" (U.K.2). Home Office officials typically managed this through prioritization: acceptance that they could not target all irregular residents, or follow-up on all information. One person described the dilemmas as follows:

> You can't detain everybody. You impose conditions on people who report, and so on and so forth, and if they abscond you've got to go out and find them. That's difficult and very resource consuming. [...] Do they start on this, or do you put them on that? Are you going to ask the police to do a million things, or are you going to ask them to do three? (U.K.2)

There was also an element of denial in the Home Office response. As we saw, the Home Office research unit had commissioned research in 2002, but the political wing of the organization was quick to dismiss this. As one senior official put it: "Various estimates were made [...] but we weren't able to say how many people were in the country who weren't entitled to be here. Doesn't mean they were doing harm, they might have been hugely beneficial to the economy" (U.K.12). Officials also repeatedly suggested that irregular residents who were working hard and keeping their heads down were not an operational priority, implying a denial that this constituted a serious policy problem.

Another strategy of denial involved downplaying the importance of knowledge of the unauthorized population, instead favoring symbolic deterrence measures as a preferred policy approach. As one official put it, officials had to balance a focus on internal control "against, as it were, the opportunity benefit – the future asylum cases not generated because people thought that the U.K. was less attractive as a destination" (U.K.7). Indeed, there was a strongly held notion in the Home Office that introducing restrictions on asylum and enforcing removals would send out a signal to potential future applicants.

> You make these firm pronouncements that only these categories of people are going to qualify and everybody else will have to go home, but you know that ultimately, it's only a small proportion who are going to be compelled to go. The more you can make the bluff work, the more people will say, "OK, enough is enough, I've had my decision. I realise I've got to go, I will go" (U.K.3).

The use of the term "bluff" is revealing here: the official appeared to be referring both to the messaging to asylum seekers, and to internal organizational beliefs about the effectiveness of this approach. As he continued, "we always knew that it was a small proportion of the refusals

who ended up being deported. I suppose it was a mixture of complacency and bluff [...] Bluff is endemic to immigration control" (U.K.3). So in this sense, officials persuaded themselves that deterrence obviated the need for intelligence about unauthorized migrants.

Of course, this form or resignation was difficult to sustain once Home Office ignorance was exposed to external scrutiny in 2005. Yet rather than prompting a rethink, if anything, this exposure reinforced the Home Office's strategy of resignation. There was widespread sympathy with the admission by the Head of Removals that the organization "didn't have a clue" how many irregular migrants were resident in the United Kingdom. As one official explained, "[T]here's a lot of truth in that. He didn't necessarily know. And we still don't really. I mean, we do this counting, and produce this net migration figure, but we don't have full control, so we don't really know" (U.K.4). Or as another former official put it, "Many people in I.N.D. [Immigration and Nationality Directorate] said, good on you Dave, you told it as it is, of course we haven't the faintest idea, why are they asking this question? Don't they know, we only know what we know. We know what we control. By definition, we don't know who we don't control" (U.K.22). Home Office reactions to this admission suggested that the exposure of ignorance was in some senses cathartic, a welcome release of tension for an organization that felt it had been struggling alone with this uncomfortable truth. The sense was that the incident helped align public and organizational understandings about the challenges of producing reliable knowledge in this area.

In sum, Home Office officials over this period were subject to strong political pressure to focus on asylum, rather than the wider population of unauthorized residents. Officials were aware of a wider population of unauthorized migration, but given political priorities and limited resources, they did not see these as a priority area for enforcement, and thus had limited incentives to produce knowledge on this population. Thus their strategy most closely resembled one of resignation: an awareness of their ignorance, but a belief that there were insurmountable obstacles to overcoming it. The case also suggests elements of denial, insofar as officials either denied the importance of unauthorized migration as a social problem, or claimed that it was best addressed through deterrence rather than internal control based on intelligence. However, these strategies of denial and resignation created political risks for the organization, as illustrated in the mid-2000s scandal over Home Office ignorance of unauthorized migrants.

4 | THE GERMAN CASE: "WHAT ISN'T IN THE FILES, ISN'T IN THE WORLD"

4.1 | Political context

Unlike the United Kingdom, Germany has a robust system of population monitoring, including a general registration duty for national and foreign residents, identity checks, and a central database on foreign residents developed in the early 1950s (Badenhoop, 2020). However, the challenges of unauthorized stay became a major political concern during the late 1980s and 1990s. Germany received one million ethnic German immigrants between 1989 and 1992, as well as 1.8 million asylum applications between 1987 and 1995, many refugees from civil war in the Former Yugoslavia. Against this background, the 1990 reform of the Foreigners Act (*Ausländergesetz*) reaffirmed the traditional self-understanding of Germany as not a country of immigration (Herbert, 2001, p. 284). In an attempt to enhance control of migrant residents, paragraph 76(2) of the 1990 Foreigners Act introduced a reporting duty for all public institutions,

including schools and hospitals, to inform the foreigners authorities about the presence of an irregular migrant.[1]

However, the growth in asylum applications and low recognition rates generated a growing population of rejected asylum seekers (Bade, 2002, p. 389). Many of these rejected applicants were legally "obliged to leave the country" (*Ausreisepflichtige*) but could not be deported because of a lack of documentation or because they were temporarily "tolerated" (*Geduldete*) for humanitarian reasons. Political attention focused on this group of migrants whose presence was considered unauthorized, but whose residence was usually known to the foreigner authorities.

Politicians and officials showed less concern about migrants absconding. There was a widespread perception that the generous welfare system provided a strong incentive for rejected asylum seekers to remain known to the authorities, despite the risk of deportation (G2, G5). As the former Bavarian Interior Minister explained: "The central problem was not those who live undercover. We regularly tried to get those, among others through routine checks. The real problem were those whose asylum application was rejected and who extended their procedure" (G2).

The political focus was thus firmly on unauthorized but "known" rejected asylum applicants, and there was a widespread assumption that the robust German monitoring system would pick up undocumented migrants sooner or later. As a senior official in the federal work ministry put it: "We strongly believed that the German control system is functioning well, that we get everyone" (G18).

4.2 | Exposure of state ignorance

Over the 1990s, activists from the churches, unions, and a number of Green Party politicians began to raise awareness of the living conditions of the *sans papiers*, who faced serious barriers to accessing wages, housing, healthcare and education, especially following the introduction of the 1990 legislation. Both Protestant and Catholic church groups started campaigning more vigorously on these issues in the early 1990s (G16). The Catholic Migration Commissioner was one of the first to break the silence on the issue, including through pursuing "dinner diplomacy" by lobbying individual politicians and officials: "I conducted countless confidential conversations in ministries and parliaments at the federal and state levels, and nobody wanted this [the issue of irregular migrants] to ever become known" (G13).

In 1996, the European Jesuit Refugee Service commissioned research into the living conditions of irregular migrants in Germany (Alt, 1999) and other European countries. In 2000, the German bishop conference published a statement estimating "the number of illegal residents in Germany over one million" (cited in Bührle, 2001, p. 57). They were joined by the trade unions, who began to signal solidarity with migrants as victims of exploitation (G12). The unions became more active in employer inspections and in legal protection of undocumented migrants, contributing to growing attention to the issue. These activities began to influence a number of politicians at the federal level, and the Süssmuth Commission on Immigration in 2001 recommended waiving reporting duties for schools and teachers (G3, G4). At the same time, delegates and councilors from the Green Party in various cities brought the issue of irregular migrant residents into parliamentary debate at the local level, including in Munich and Hamburg (G19, G28).

Thus unlike in the U.K. where officials were always aware of the problem, and public exposure of the problem was more episodic and communicated in mass media reporting, in Germany this exposure took the form of lobbying activities by a range of social organizations including the churches, N.G.O.s and unions.

4.3 | Responses to state ignorance

While most of our interviewees were aware of the figures published by the Catholic church and the Jesuit Refugee Service, these numbers were generally dismissed by officials working at the federal level, who saw no need to comment on these statements (G18). This dismissal of the scale of the undocumented migrant population was in part justified by methodological doubts about these studies. As an official in the federal work ministry explained, "It was a grey area. Nobody knew how to gather data on this. [...] There was never an attempt to statistically grasp illegals because that was just out of question" (G18). The official went on to explain their response to estimates of the scale of the problem:

> I kind of refused to know, and told myself "What we don't know, doesn't exist." That this phenomenon existed was out of question and I think the Jesuits talked about a million. And we always said: "Where did they get that figure, how can they possibly know that?" We don't know that. We honestly did not know. And besides I would not have known how we could have effectively done research about that. (G18)

The dismissal of these studies suggests a strategy of denial: officials rejected N.G.O. claims about state ignorance based on their skepticism about the reliability of the information, or indeed the viability of producing such knowledge. But it was also clearly convenient to evade knowledge of a problem that would have carried strong expectations about state enforcement. Indeed, many of the responses suggest a form of quite conscious denial, even irony. As the former Bavarian Interior Minister explained: "What isn't in the files, isn't in the world. That's a legal proposition in Germany" (G2). Or as an activist described the attitude at the time: "What doesn't exist is not in need of regulation" (G13). From the perspective of the state, non-knowledge is unthinkable. This resonates with previous findings on local authority responses to undocumented migrants in Frankfurt (Krieger, Ludwig, Schupp, & Will, 2006, p. 175).

This idea about the link between state knowledge and enforcement was bound up with legal norms of law enforcement and coherence inherent to the *Rechtsstaat* and notably the principle of compulsory prosecution (*Legalitätsprinzip*): "The moment we knew, here is an illegal, he had to go of course. In those instances we had to act because of the Legalitätsprinzip which bound us very strongly. In that sense we always believed as soon as an illegal is detected, that's him gone" (G18). This construct of the knowing and enforcing state implied strong norms within the public administration around coherent state behavior. As a senior civil servant in the federal work administration explained:

> I always said: "Guys, whoever is illegal, has to leave the country." [...] The state cannot be schizophrenic. State organizations who have to organize the removal and deportation [of migrants] have to be informed by other state organizations so that the state can act in a logical, coherent way. [...] We should not reward those

who violate our immigration laws [...] Whoever is illegal, has to leave the country. (G3)

On first glance, this might imply that legal doctrine and cultural norms in public administration militated in the direction of elucidation. And yet the very stringency of this requirement produced the opposite effect: a desire to avoid knowledge that *could not* be followed up on. Thus the obligation to follow-up on suspected irregular migrants encouraged strategies of both denial and resignation.

In this light, the "reporting duty" created by the 1990 legislation was generally seen as an encumbrance. Officials would rather retain opacity on cases of unauthorized residence, than be obliged to follow them up. Part of the concern about following up was linked to humanitarian and human rights considerations, which often militated against more rigorous enforcement. Officials at all levels of government mentioned humanitarian and human rights concerns, which militated against more rigorous prosecution of irregular migrants, specifically given Germany's Nazi history (G1, G6, G18, and G20). As one former senior official in the federal work ministry explained, gathering personal data on people with a migration background was "just a no-go" (G18). Another official from the federal interior ministry explained: "You cannot implement rigorous measures to simply exclude these people from the asylum process, as some states suggested, because this would violate human rights standards" (G6).

In this sense, gathering more information about unauthorized residents was "negative knowledge" (Knorr-Cetina, 1999) because there was an awareness of the potentially adverse repercussions of shedding light on this area. One official in the federal work ministry felt this tension particularly acutely. Initially a strong supporter of the reporting duties, after attending the 2005 annual Catholic conference on "illegality," he recognized the "huge gap between the image in my head and the real world" (G3). He described his changing attitude as a "a Damascene conversion" and, while maintaining general support for reporting duties, he began to favor exemption of schools:

> Then I learned that when these reporting duties are strictly enforced, they do not have the effect that we gain more knowledge about children in schools who are here illegally with their parents. Rather, the children will remain in the illegality and won't go to school. In that case we create ourselves a problem in a few years' time that is much bigger than the logical problem. The state would be schizophrenic if on the one hand it acted to enforce your return, if necessary through forced deportation, and on the other hand, authorities in another area of the state where illegal migrants appear refrained from the duty to report. In this case, I would rather live with the schizophrenic behavior of the state than accept a much bigger societal problem for the state and individual hardship. (G3)

This official thus preferred to accept that there was evasion that the state did not follow-up, even though this made the state appear "schizophrenic." Indeed, interviews confirmed that the reporting duty was never actively implemented, either by public service providers or law enforcers in the administration (G1, G2, and G4).

This type of resignation was more widespread at the local state (*Land*) level, where the social problems of undocumented migrants were most visible and thus difficult to ignore. The presence of irregular migrants without access to adequate housing, healthcare, employment, and education became a serious problem in cities like Munich. Indeed, officials in Munich

adopted a more pragmatic approach to knowledge production and enforcement. Part of this pragmatism reflected a recognition of the state's limited capacities and resources. For example, the Munich foreigner authorities decided to prioritize criminals and suspected terrorists for security reasons, and neglected tourist and student overstayers or *au pairs* (G1). Even the former Bavarian Interior Minister who was known as a "hardliner" on irregular migrants kept no illusions and acknowledged that:

> What I learned throughout the years is that there is never 100 per cent precision in this area. [...] In police states in the past, the policeman knew who lived in the village. Whenever somebody came to visit, he would know. In a city like Munich, where there are millions of tourists, nobody knows who is there. And that's OK, we can accept that because tourists are normally not significant in terms of criminal activities. If it's not significant from the perspective of criminality or social benefits, then it's not important to know who is there. (G2)

Similarly to the United Kingdom case, then, the administration faced limited resources and had to prioritize how it followed up on cases of irregular migration.

In sum, the practical and ethical challenges involved in pursuing *sans papiers*, and the political attention devoted to asylum, led the federal authorities to focus their efforts on the *Geduldete*. German authorities were aware that there was a wider problem of *sans papiers* but were reluctant to gather more knowledge on this. This reluctance stemmed in part from skepticism of claims about the scale of the problem—a strategy of denial. We can also see evidence of resignation, whereby officials preferred to limit their awareness of instances of irregular migration, because of their reluctance or inability to follow-up on such cases. Indeed, resignation in the German case was characterized as a form of "schizophrenia." Officials saw themselves and their actions as in some sense separate from the abstract notion of a *Rechtsstaat* that rigorously enforces its laws. This cultural construct—the knowing and enforcing state—was decoupled from the informal goals and operational priorities of the public administration, which were guided by more pragmatic considerations.

5 | DISCUSSION AND CONCLUSIONS

This article explored the neglected question of how states perceive and handle ignorance. It conceptualized state ignorance along a continuum from a reticence about producing knowledge on social problems (strategic ignorance), through to inadvertent oversight, which is identified as ignorance by other actors, or in retrospect (ignorance by omission). We argued that the identification of state ignorance was likely to expose organizations in the public administration to both internal tensions, as they reconcile ignorance with organizational norms about knowledge and control; and external risks, as the public administration addresses expectations from their environment about epistemic authority. The article examined the strategies states adopted to handle such instances of ignorance, identified as elucidation, denial, and resignation.

Our analysis of how German and United Kingdom officials handled ignorance on unauthorized migrants showed that despite quite different control infrastructures, there were many similarities in their strategies. In both cases, civil servants acknowledged the likelihood that there was a significant number of irregular migrants not known to the authorities. But neither administration made significant efforts to produce more knowledge of these populations,

eschewing a strategy of elucidation. This reflected their awareness of the considerable obstacles to apprehending or removing unauthorized migrants. In both cases, officials were reluctant to expose the gap between expectations raised by enhanced knowledge of the social problem and ineffective enforcement. There was little evidence of an ulterior motive behind this reticence: it appeared to be motivated by a need to buffer the state from unrealistic expectations, rather than a desire to promote particular vested interests.

Rather than pursuing a strategy of elucidation, officials in both countries embraced a combination of denial and resignation. In the United Kingdom, officials denied that unauthorized migration posed a significant social problem, and/or questioned whether knowledge production was an appropriate route to addressing it. Instead, officials tended to embrace deterrence as a more effective approach—thus aligning operational goals with the clear political prioritization of dealing with asylum. Even more pronounced than denial, though, was a form of resignation about the U.K.'s capacity to enforce internal checks and controls. Given this strong perception of the state's incapacity, for many officials the problem of ignorance did not even arise. The mantra of "we can't know what we don't control" effectively absolved the organization of responsibility to know. And yet this resignation risked political exposure, as occurred in the context of the foreign nationals scandal in 2005. In this sense, the Home Office did not self-define as "ignorant," but had this label thrust upon it by intrusive political and media scrutiny.

In the German case, federal authorities exuded more confidence about the limited scale of the problem, and their capacity to enforce controls, in line with earlier studies (Vogel et al., 2009). Indeed, some responses implied a strategy of denial. However, many officials were aware of a wider problem, which produced strong discomfort. Entrenched norms around state enforcement and legal coherence created a paradox of a formal commitment to produce knowledge, coupled with an informal acceptance that robust enforcement may create practical and ethical problems—or "schizophrenia". Thus the German case suggests a different form of resignation, one in which the conflict between the ideal and what was realistic were internalized within the organization's own goals and self-understanding.

Thus in both cases, we see an ambivalence about knowledge production; but while in the United Kingdom the Home Office was fairly clear (and comfortable) about the reasons for not producing knowledge on unauthorized migrants, in Germany a strong culture of legal enforcement, especially at the federal level, created considerable unease. The main challenge for U.K. officials was therefore in managing the gap between administrative and political expectations. For German officials, by contrast, the challenge was one of reconciling two conflicting sets of priorities within the public administration—that of rule of law, and more practical and ethical considerations that militated toward a lenient approach. This divergence in the handling of ignorance was to some extent influenced by differences in internal control infrastructures: while U.K. officials invoked the lack of such infrastructure to exempt them from knowledge production, German officials felt they had no such excuse. But the divergence was also strongly shaped by administrative cultures of enforcement. Paradoxically, where there was a stronger expectation about robust enforcement, as in Germany, there appeared to be a greater desire to avoid knowledge production. Partial knowledge of a social problem generated a requirement for action, which the authorities were aware they could not redeem.

The analysis has implications for how we understand states and knowledge production. While much of the literature has assumed that public authorities are keen to enhance their knowledge of social problems, here we have an instance of states avoiding knowledge of social problems they know they cannot adequately control. There was limited interest in producing knowledge on social problems that public authorities believed they could not mitigate. This

supports a view of the state as driven by concerns about legitimacy first and foremost: the impulse to expand state control or governmentality needs to be understood as subordinate to this goal, rather than driving it. Our analysis suggests that states have a surprisingly high tolerance of ignorance, in cases where elucidation would expose their operational limitations.

List of interviews cited

Germany

G1: four government officials (group interview), January 29, 2018.
G2: politician, January 30, 2018.
G3: government official, January 31, 2018.
G4: government official, February 1, 2018.
G5: government official, February 2, 2018.
G6: government official, February 19, 2018.
G12: trade union official, March 17, 2018.
G13: church official, March 17, 2018.
G16: church official, March 20, 2018.
G18: government official, March 21, 2018.
G19: politician, March 22, 2018.
G20: government official, March 22, 2018.
G28: politician, April 25, 2018.

United Kingdom

U.K.2: government official, November 27, 2017.
U.K.3: government official, November 28, 2017.
U.K.4: government official, December 12, 2017.
U.K.5: NGO official, December 13, 2017.
U.K.7: government official, February 9, 2018.
U.K.8: government official, February 9, 2018.
U.K.9: government official, March 23, 2018.
U.K.10: government official, March 26, 2018.
U.K.12: government official, March 27, 2018.
U.K.13: government official, April 13, 2018.
U.K.22: government official, July 17, 2007.

Colombeau, Emile Chabal, Jennifer Elrick, Karen Schönwälder, Mike Slaven and René Wolfsteller. We would also like to thank the Editor and the two anonymous reviewers for their insights and suggestions, which substantially improved the current draft.

ENDNOTE

[1] Today this provision can be found in the Residence Act (*Aufenthaltsgesetz*) paragraph 87(2).

[2] Twenty two of the UK interviews were conducted by Mike Slaven, who was part of the ESRC project 'Seeing "Illegal" Immigrants'.

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