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A revised version of :"Weak state / tough territory: The South African mobility regime complex" has now been published in International Migration Review as "The Complex Sources of Immigration Control".

Abstract

How do policy makers control international migration? Previous research suggests that they can only strengthen the immigration enforcement bureaucracy. This study points to an alternate method: by changing the 'mobility complex': the state's set of overlapping and non-hierarchically organized regimes for controlling the movement of people. When policy makers ban old - or invent new - movement control regimes this can enhance or undermine the chances that street level bureaucrats will enforce immigration laws. The study demonstrates that such changes can dramatically impact the degree to which a given country can control international migration through an in-depth analysis of South Africa from 1980-2010. South Africa has a weak, corrupt and incompetent immigration administration. Yet, in the 2000s, the country became one of the world's most prolific deporters of foreign nationals. The study demonstrates how South African policy makers indirectly engendered this outcome by changing the number of laws pertaining to movement control on their books. The paper uses these findings to call for more genuinely global and comparative research into the relationship between regime complexity and immigration control.

Keywords: South Africa, mobility, immigration, state capacity, borders, regime theory, complexity.

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Contents

In 2015, migration control resurfaced as a prominent political issue on both sides of the Atlantic. In the United States, Republican presidential candidates garnered attention with promises to restore the Federal government's capacity to control immigration. In Europe, the images of asylum seekers streaming across – and sometimes dying within reach of – its Southern-Eastern borders, drew attention to the mortal implications of the continent's efforts to control international flows. These events have placed theories of international migration governance into stark relief. All states seek to determine who crosses their borders and stays on their territory. Yet, they vary widely in terms of their capacity to achieve this end. To this point, we have seen the proliferation of a wide body of theories regarding why immigration controls often do not work, but relatively few explicit attempts to specify, why, in some cases they do. This paper seeks to address this gap.

Deportations are an important part of all state efforts to control international migration. While states may discourage unauthorised entrants and residents from remaining on their territory in other ways, they need to physically remove those who will not choose to leave of their own accord. Most states contain a wide variety of people with the resources and skills to locate, arrest, detain and forcibly move human bodies (hereafter: movement controllers) yet these groups rarely consistently focus their attention on removing unauthorised residents. Policy-makers might attempt to address this problem by compelling movement controllers to implement immigration laws. However, they might achieve equally dramatic outcomes in an alternate and heretofore largely unnoticed way: by changing the nature of what I describe in this article as the 'mobility regime complex'.

'Mobility regimes' are sets of infrastructure, rules, actors and practices concerning the legitimacy of specific movement and settlement practices and providing for the physical detention, and/or forcible movement of people who are deemed out of place. The immigration regime is one example of such a regime. But it constitutes but just one component of a mobility regime 'complex': a set of partially overlapping and non-hierarchical mobility regimes. In most contemporary states, this complex consists of immigration, criminal justice, landed property and transport regimes. The principal argument in this paper is that the precise composition of this complex will powerfully shape the extent to which states control migration and that policy-makers can – at times – significantly change the composition of the complex in their jurisdiction. More precisely, when states ban old mobility regimes or invent new ones, this can dramatically narrow or widen movement controllers' discretionary authority, leading to a significant increase or decrease in deportations.

This paper will develop this argument empirically through an in-depth case study of immigration enforcement in South Africa from 1980-2010. South Africa is a puzzling case for contemporary research on immigration control. South African immigration policy-makers head an under-resourced, incompetent and corrupt department and have few ideas on how to locate illegal migrants, let alone how to arrest and send them home. Yet, in the post-Apartheid era, South Africa became one of the most prolific deporters of foreign nationals in the world – removing informal migrants at a significantly greater rate than both the United States ~~or~~ and the European Union. How did this proto-typically 'weak state' create such a 'tough territory'?

I sought to account for this outcome by using a mixed-method approach to trace the causal mechanisms between policies pertaining to the mobility regime complex and changes in the state's capacity to deport. I argue that South Africa's decision to rescind its segregation laws in 1986, explains why it became a prolific deporter of foreign nationals in the 1990s and 2000s. Briefly, those movement controllers that had developed an aptitude for locating, arresting, detaining and forcibly removing South Africans without passes, began to instead enforce immigration control laws. The approach then identifies how similar changes might lead to an overall decline in deportation rates. In 2000, the government rolled out a new component of the mobility regime complex, a 'hot-spot' policing regime that encouraged movement controllers to displace criminal elements and potential victims from high crime areas. This move created opportunities for many of those actors that had been enforcing immigration laws to apply their skills and resources to this new regime instead – resulting in a discernible decline in immigration arrests in the precinct where the new approach had first been piloted. On this basis, I argue that in South Africa and elsewhere, when policy-makers change the composition of the mobility regime complex, they can powerfully – albeit indirectly – change the state's capacity to control migration.

While based on the analysis of a single national context, the findings suggest the need for significant changes in the way we study the politics of international migration. First, we have tended to study immigration enforcement as if it were either the 'implementation' of immigration policy and law (De Haas & Czaika 2013), or the serendipitous outcome of the discretionary behaviour of everyday officials. This study suggests, to the contrary, that if we want to understand the *relative* capacity of governments to shape deportation outcomes, we need to explore the ways that the discretionary behaviour of ordinary officials is shaped by a wider range of movement control laws and policies. More specifically, immigration policy needs to be analysed in relation to those policies that determine the nature and evolution of other regimes

within the mobility complex. Second, we have struggled to understand variation in immigration outcomes because we have tended to focus too much attention on a small number of relatively specific cases in Europe and North America, to the neglect of a globally comparative research agenda. In order to fully comprehend why immigration control capacity varies across space, we need to begin to explore how the full gamut of variation in the mobility regime complex shapes control outcomes.

The paper develops this argument in six sections. The first section identifies the unique characteristics of my approach. I define the concept of a mobility regime complex and explain why it might help us to understand variation in immigration enforcement outcomes. I specifically pay attention to the manner in which changes in the number of regimes that make up mobility regime complex might impact on the degree to which immigration laws are enforced. Section two then opens up the empirical puzzle of the paper. I explore the apparent success of South African policy-makers' to compel their officials to enforce the law, despite possessing a relatively weak bureaucratic apparatus. The account reveals the counter-intuitive finding that even as deportation rates sky-rocketed, top-down measures to increase enforcement outcomes were failing dramatically. Section three searches for the alternate factors that might have produced this outcome. Here, I demonstrate the powerful effects of South Africa's decisions to rescind its internal movement laws in the 1980s and invent a new movement control regime in the 2000s. Section five rounds off the analysis with a brief discussion of 'the dog that did not bark': why, despite the legal instruments created by the banning of segregation, did South Africans in the post-Apartheid era not object to having their movements so violently policed? This account not only provides an additional line of explanation for South Africa's prolific deportation rates, but points to the need for further research on civilian compliance with immigration enforcement processes. Finally, my concluding remarks summarise the findings, and draw out their implications for research into immigration control, the politics of movement and international relations theory.

Section One: What is a Mobility Regime Complex and How Does it Effect Immigration Controls?

All governments aspire to determine who resides within their borders. However, they consistently fail to achieve this end. One of the main reasons for this policy gap is that

governments cannot prevent migrants from entering their territory and/or physically expel them once they have arrived. Policy makers might try to use a variety of non-coercive mechanisms – including, for example a) visa processing fees; b) disincentives for companies that hire informal migrants; c) adjustments in asylum procedures; d) language barriers; e) professional qualification standards; f) welfare restrictions; g) state sanctioned xenophobia etc. to make up for this gap, thereby discouraging migrants from entering informally, or to encourage undocumented foreigners to leave. Apart from there being relatively little evidence of the effectiveness of such strategies, it seems plausible to suggest that they are only likely to work if used in combination with the coercive practices of surveillance, arrest, detention and deportation (hereafter: enforcement). Enforcement involves separating out unauthorised residents from an otherwise undifferentiated population, taking these persons into custody and – if necessary – transporting them beyond the state's jurisdiction.[1]

From this point on, I take the claim that immigration enforcement shapes population distributions in line with state preferences as a given, and focus my attention on the factors that determine whether enforcement occurs. The key claim in this paper is that the amount of resources devoted to immigration enforcement, and the degree to which such resources are effective, will depend on both the character and history of the 'mobility regime complex'. The starting point for this argument is the assessment that most civilisations throughout human history have featured a number of 'movement control regimes'. Movement control regimes are sets of infrastructure, rules, actors and practices concerning the physical detention within, and/or physical exclusion of, people from specific places and/or jurisdictions. Immigration controls constitute just one of many such regimes. More specifically, immigration controls constitute a regime concerning the physical detention of people who do not possess state authorisation to be within a given territory, and for their deportation to their

1 Enforcement might impact on international migration in four ways – each of which echoes a well established theme in the criminal justice literature. First, following a logic of incapacitation, deportation simply removes bodies from where they are not supposed to be (Feeley and Simon, 1992). Second, following a logic of deterrence, where the threat of deportation is credible, it may amplify migrants' assessments of the costs involved in crossing the border illegally or outstaying their welcome. Third, following a logic of punishment, deportation – particularly when it involves prolonged detention – may convince deportees not to return. Fourth, following a logic of discipline, the construction of informal groups as a deviant other may serve as a means to encourage a wider population to relatively unreflectively comply with statist migratory norms (Foucault 1977).

countries of origin. We can speak of at least three parallel regimes which almost all states sanction: 1) the criminal justice system, which proscribes the use of violence to arrest and incarcerate convicted offenders (Moran, 2015; Feeley and Simon, 1992); 2) the property system, which proscribes the use of violence to remove trespassers and squatters (Blomley, 2003); and 3) the transport system, which proscribes the use of violence to prevent non-paying passengers from accessing certain roads and vehicles.[2] Some of the other major institutions that have required or featured movement control regimes include slavery, serfdom, criminal justice, conquest, transportation, disease control, banishment, segregation, apartheid, the caste system, *hukou* and public order policing. Many of these regimes have disappeared from state law books a long time ago, and in some cases have been formally abjured or even criminalised. This mere fact does not necessarily diminish their importance for the analysis of contemporary immigration enforcement outcomes, because – as we shall see – past efforts to ban components of a mobility regime complex, they may have significant impacts on subsequent events.

Mobility regimes have conventionally been studied in isolation from one another. Yet, a small but growing literature suggests that the historical and phenomenological connections between these various forms of control ought to be factored into our analyses of contemporary immigration politics (Aas and Bosworth, 2013; Vigneswaran, 2015; Koslowski, 2011; Glick Schiller and Salazar, 2013; Shamir, 2005; Van Houtum, 2010). In describing this phenomenon as a 'complex', I am not specifically seeking to advance our scholarly understanding of regime complexity, but rather to draw the readers' attention to the way in which developments in law, policy and practice concerning controls on human mobility that may ostensibly have little to do with immigration, nonetheless impact significantly on a given state's capacity to enforce immigration laws.[3] At the same time, in restricting the analysis to a *mobility* regime complex, I am also distancing myself from those inquiries which posit that immigration enforcement ought to be interpreted as embedded within an infinitely

2 If we look somewhat further afield, we see a more diverse array of movement control regimes, including the use of camps to contain populations of refugees, the *hukou* system to control urban migration in China and a range of temporary measures to control population mobility in times of state emergency or natural disaster.

3 This idea is not dissimilar to a notion that is emphasised in the literature on 'regime complexes' – which note how the presence of multiple parallel regimes encourage state actors to 'forum shop' (Alter and Meunier, 2009). The difference here, is that whereas that literature still places the agency in the hands of the state, this approach suggests that the more significant 'forum shoppers' might be individual officials or sub-state agencies.

malleable 'assemblage' of material and human elements (Salter, 2013). It is a given society's concrete efforts to devote its collective resources to the specific purpose of controlling mobility that will determine whether it will be capable of controlling immigration or not. There are three dimensions to this claim. The nature and evolution of other movement control regimes will influence a) the resources a given state possesses to control mobility; b) whether these resources are channelled into immigration enforcement; and c) whether such enforcement practices are effective.

Let's begin by talking about the way that other movement control regimes generate resources that can be transferred to the immigration regime. The tasks of immigration enforcement – including locating, arresting, detaining and deporting people – require specific types of human and material resources. At a minimum, they require four things: (1) 'locators': people who are capable of differentiating between unauthorised and authorised residents and identification documents and procedures that help them to make these distinctions; (2) 'enforcers': people who are physically capable and trained to arrest suspected unauthorised residents and the uniforms, vehicles and arms required to make successful arrests; (3) 'guards': people who are capable of maintaining detention facilities and the prisons required to maintain custody of such a population over a period of time; and (4) 'transporters': people who are capable of moving unauthorised residents domestically and internationally and the cars, planes and supporting transport infrastructure required to get them there. Forcibly moving bodies from place to place is not an art but a profession, which only certain people are suited to, and the performance of which requires specific types of material resources.

Different societies have built up different sets of locators, enforcers, guards and transporters with varying purposes in mind. Immigration policy-makers have been all too aware of the resources on offer. The most significant regimes in this regard are the criminal justice and transport regimes. All criminal justice regimes consist of a constabulary that is – amongst other things – responsible for locating and arresting criminal offenders, and a prison system which guards detainees and transports them throughout the country. These resources have been commonly used for the purposes of immigration enforcement. Meanwhile, most transport regimes possess means of moving people around, but also means of discriminating between paying and non-paying customers. These tools have been commonly used to prevent access to unauthorised residents and to deport them when they have been found on the territory of the state. The central point here is relatively straightforward: the *potential* capacity of

a given state to enforce immigration laws is not the product of immigration policies alone, but of the growth and evolution of multiple mobility regimes.

While policy-makers have been quite creative in seeking to draw upon the resources provided by their complex, they will consistently struggle to do so effectively. In this respect, I recognise Michael Lipsky's ideas regarding the discretionary autonomy of street-level officials (Lipsky, 2010). Lipsky's work emphasises how officials choose to deploy personal and institutional resources. Lipsky also argues that where there are many different laws to enforce, individual officials have a greater range of options and therefore greater discretion to choose.

Many scholars have emphasised the gap between ordinary officials' discretionary behaviour, and immigration policy maker preferences and mandates.[4] However, they have possessed a relatively narrow understanding of how this gap might be closed. Briefly, most scholars have explored how policy-makers might change immigration policy and law to empower movement controllers with the discretionary authority to enforce immigration laws or narrow their discretionary authority to not enforce immigration laws. This former act might, for example, involve empowering local police officers to act as immigration officials. The latter might involve limiting judges' discretionary power to not deport convicted felons. I argue that policy-makers can powerfully shape immigration enforcement outcomes without making changes to immigration policy and law: by altering the composition of the mobility regime complex and increasing or reducing the number of mobility regimes on their books.

In order to formulate this argument, I turn to one of the most widely referenced historical narratives on the state's capacity to control international migration: John Torpey's work on the 'invention of the passport'. Torpey describes a process whereby national policy-makers were able to collectively transform the nature of the global mobility regime complex over time by narrowing the range of legitimate mobility regimes. Between the eighteenth and twentieth century, North American and Western European states simultaneously 'banned' a series of competing movement control regimes and 'invented' a new means – the passport and national identity document – of regulating human mobility. States abolished both the laws and the forms of discrimination that underpinned systems of slavery, feudalism, empire, ethno-racial segregation, exile and ethnic cleansing. At the same time, states held up their own identification and movement control systems as the sole legitimate means of discerning who rightfully belonged in a particular place.

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4 For a recent review see (Bonjour, 2011)

Almost all authors working on this topic have paid particular attention to Torpey's claim that the modern state "monopolised the legitimate means of movement" and have tended to emphasise the status of the immigration regime as the defining feature of such a monopolistic system (Torpey, 2000). However, if we look more closely at Torpey's work and the historical record, a slightly more nuanced reading seems warranted. The immigration regime never assumed the status of the sole legitimate mobility regime and no single actor ever assumed sole authority to decide how the immigration regime worked. Crucially, Torpey's work explicitly drew our attention to the survival of *internal* mobility regimes, such as those that that were evident in many authoritarian states, and which remained legitimate in many countries. Hence, it would perhaps be a more accurate representation of Torpey's historical narrative to say that policy makers have, over time, acquired a considerable and collective comparative advantage to widen or narrow the range of legitimate movement control regimes. More specifically, by banning alternate forms of movement control, states might limit the discretionary options available to movement controllers, creating the conditions in which they might begin to focus their energies on immigration enforcement. *Vice versa*, by inventing new regimes, states might widen the degree of discretion for movement controllers, creating the conditions under which they gravitate away from their current efforts to enforce immigration laws.

Thus far, I have identified how mobility regime complexes might generate the resources for immigration enforcement and decide whether these resources are indeed used for this task. Unfortunately, the inter-relations between the various components of a regime complex are not as simple as that. Even if movement controllers choose to deploy their skills and resources to enforce immigration laws, they may not be able to achieve many results. This point brings us to the third and perhaps least studied way in which the evolution of a mobility regime complex might impact on immigration controls: by influencing the effectiveness of enforcement.

Here, my thinking rests on a specific vein of work in the study of policing, which suggests that the efficacy of policing rests on the practiced compliance of the governed.[5] If every member of a population – undoc umented or otherwise – were to obstruct efforts to a) identify themselves; b) channel themselves through ports of entry; c) inspect their property; and/or d) keep themselves in state custody, immi-

5 While some of the literature frames this as consent (Bittner 1970; Brogden 2014), I am more powerfully persuaded by the argument that the fact that such practices always take place in the shadow of state violence makes it highly problematic to impute reflective choice into this behavior.

gration enforcement would be an exceedingly – and potentially prohibitively – time consuming and labour intensive task. Perhaps more importantly, enforcement would require the consistent deployment of brute force – as compared with the communicative and non-physical manner in which coercive potential is more commonly conveyed – and this would possibly engender a range of further costs that are associated with protracted violent encounters. Based on these assessments, I expect the efficacy of efforts to exclude undocumented foreigners, to increase when the broader population – and not just migrants – tends to comply with official efforts to identify, arrest, detain and move them around.

Civilian compliance is not wholly separate from policy-making process. Rather, efforts to ban and invent different mobility regimes may also encourage or undermine compliance. I specifically expect this dynamic to be evident in cases where policy-makers' do not simply aim to allow a given mobility regime to subside, but proactively seek to ban the enforcement practices associated with it. Here, laws to outlaw slavery, segregation, feudal bondage and serfdom, and laws to limit sovereign powers within the criminal justice system are prominent examples. In many contexts, these legislative processes were accompanied by a raft of measures to place more general limits on the capacity of movement controllers to locate, arrest, detain and forcibly move people. These laws have provided those seeking to not comply with immigration enforcement processes with a range of enabling measures such as laws regarding illegal and prolonged detention. Equally importantly, they have left a less easily traced but equally important legacy of norms that constitute specific types of enforcement as illegitimate, such as public perceptions of police profiling in societies with a history of slavery and segregation, or public suspicion of mass public surveillance in societies with a history of genocide and forced removals. Given these issues, I expect that efforts to ban and invent different components of a regime complex are also likely to have diffuse outcomes on the degree to which people comply with immigration enforcement processes, and thereby determine what sort of outcomes immigration enforcement engenders.

To summarise, immigration control requires deportations. Deportations require enforcement. The nature and evolution of a mobility regime complex in a given state will impact on the amount and effectiveness of immigration enforcement processes, and the number of deportations that occur. The complex provides resources for enforcement, influences whether these resources will be deployed to that end and shapes how effective those enforcement efforts will be. The point here is not that immigration control policies do not work and should not be studied, but that they

might not always be the policy that explains why a given state has the capacity to control international migration flows.

Section Two: Weak State/Tough Territory

The remainder of this article outlines a set of empirical findings which lend support to this line of argument. The relationship between theory, methods and empirics in this study was exploratory and iterative. The conclusions from each phase of the study necessarily informed the methodological decisions and empirical focus of the next. Over time, I believe I have gradually narrowed in on a suitable covering theory and methodological toolkit, which could be used to further advance our understanding of the phenomenon. The following sections describe this process of development chronologically in order to specify the character of my contribution and enhance the prospects of replication. As the classic work on research design suggests, "only by reporting the study in sufficient detail so that it can be replicated is it possible to evaluate the procedures followed and methods used" (King, Keohane & Weber: 26). While my efforts to offer such transparency entails a more disaggregated account of methods and findings than will be familiar to most readers, the outcome is an enhanced opportunity to accurately evaluate the merits of the claims advanced and for work that builds on – or develops reasons to depart from – the theoretical and methodological insights developed.

The story begins with a hypothesis that has gained considerable traction in the study of migration politics. Over the past two decades, research had suggested that policy-makers in Europe and North America were seeking to compliment border controls by compelling a variety of different actors to control mobile migrants both before they arrived at the border and once they had established themselves within the territory of the state (Guiraudon, 2000; Lavenex, 2006; Lahav, 1998). These authors identified a range of new laws and policies, which suggested that these initiatives were being widely pursued across a number of jurisdictions, but few assessments on whether these approaches were a success. While the jury has remained out regarding state efforts to control migration beyond their borders, in the 2000s, several authors began to argue that the internal side of these control initiatives had worked. Matt Coleman made this case for the US exemplary (Coleman, 2007; Coleman, 2009; Coleman, 2012), while a range of scholars supported similar claims about immigration

policy in the Netherlands (Leerkes et al., 2012; Engbersen et al., 2001; Van der Leun and Bouter, 2015).

While suggestive of general patterns, research into these issues has not sought to explore whether their proposed linkages between policy and practice can be meaningfully regarded as indicative of a general pattern or theme. The crucial – albeit unacknowledged problem here, is the absence of a reliable measure of the effects these authors hypothesize: changes in a state's internal immigration enforcement capacity. Researchers have tended to use non-representative sets of observations – of changes in officials' behaviour – as indicators that such effects might have occurred. Unfortunately, there has not been an explicit coherent scholarly discussion about whether such indicators are adequate and/or whether other forms of data might provide a superior means of generating a more reliable measure.[6] This is a concern, because this gap in the empirical record has not simply meant that we have lacked the materials with which to engage in large-n quantitative testing of hypotheses. It means that we lack the ability to accurately assess how case study and small-n research on individual national contexts contributes to the development of knowledge regarding the relationship between policy and immigration enforcement practice.

In order to move beyond this impasse, my research sought to build on Matt Coleman's work in the direction of a more reliable measure. Coleman used deportation statistics to gauge the impact of devolution policies on enforcement practices in the United States. He demonstrated that devolution policies could work: resulting in large increases in arrests of undocumented migrants within US borders. Following Coleman, I would argue that deportation figures offer us a reliable measure of how much immigration enforcement work a given state is doing at a given time. However, deportation figures do not provide us with a solid basis for the comparative analysis of state *capacity* to deport across space and time.[7] Capacity refers to a state's rela-

6 There is an increasingly wide array of data sources on immigration enforcement processes. This includes numbers of deportations, rates at which detainees awaiting deportation are deported, numbers of informal migrants, public expenditure on immigration departments and measures of difficulty in obtaining a visa. However, to this point there has been almost no effort to assemble representative or longitudinal sets of these various sources, let alone efforts to gauge how these various measures might be combined to generate a single index of enforcement capacity. Hence, scholars lack any straightforward means of gauging the impacts of the policy initiatives they had described in any one country, let alone means of conducting comparative studies of the causal relationship they had proposed.

7 To begin with, laws pertaining to what constitutes a deportation vary over time within a given state and from state to state. Hence, it is not clear whether these numbers are measuring the same thing.

tive ability to deport those foreign nationals who reside within its territory without authorisation. Capacity must be a measure of the proportion of the unauthorised population that the state has been able to deport.

Unfortunately, estimates of the population of undocumented migrants within a given territory are far too unreliable and the established means for generating them are too variable from state to state to provide an adequate baseline. In the absence of such data, I opt for use total population size as an – admittedly imperfect – proxy. Hence – and with these caveats in mind – in this study, I take deportations per capita as a measure of capacity. While this measure does not provide us with a reliable means of conducting large-n comparative analyses, I argue that it provides us with a superior means of gauging differences between national contexts and within national contexts over time for small-n comparative work than the indicators that we have used so far: individual researchers' non-representative qualitative assessments of enforcement practices.

Using this revised measure, I identified South Africa as a crucial case for further study. Much like its European and North American counterparts, South Africa had launched an internal migration control policy in the late 1990s and early 2000s. Under the leadership of the Inkatha Freedom Party leader, Mangosuthu Buthelezi, South Africa's Ministry of Home Affairs had ordered a re-write of the country's immigration legislation and reorganisation of the Department. The new approach would shift "administrative and policy emphasis from border control to community and workplace inspection" (Department of Home Affairs, 1999).

The *prima facie* evidence suggested that the same policies we have seen in the US and Europe had resulted in for more 'impressive' results in South Africa. Throughout the period in question, South Africa consistently deported significantly more foreign nationals on a per capita basis than the European Union and the United States of America. These numbers began to skyrocket after the passage of Buthelezi's immigration enforcement overhaul in the Immigration Act in 2005. In 2008, South Africa deported approximately 5.6 people per 1000 members of population. The comparable rates for the EU and USA respectively were 0.5 and 1.2. Importantly, these measures were supported by a variety of indicators with which the literature is more accustomed, qualitative and non-representative observations which testified to the manner in which undocumented foreigners were being located within South Africa, arrested and deported back to their country of origin (Klaaren and Ramji, 2001; Landau, 2006).

In order to determine whether – and if so how – internal enforcement policies had worked, I adopted a process tracing approach. The extant literature provided only limited guidance in selecting what processes to observe. While these works appeared to broadly adopt a rational, Weberian image of the relationship between policy and practice, they did not make these assumptions explicit. I drew on analogies formulated by Weberian theories of state capacity in the study of Political Economy to select which processes to observe (Leftwich, 1995). Put simply, I sought to examine whether elites had passed laws and issued orders to compel junior officials to enforce immigration laws, while avoiding other tasks. I therefore began at the top of the immigration bureaucracy to gauge whether such a process had indeed been initiated, intending to gradually determine whether and to what extent this process ended up influencing enforcement practices. In order to do so, I conducted a survey of publicly available material on immigration policy, including parliamentary debates, Departmental Annual Reports, draft and final legislation, Ministry press releases, NGO reports and newspaper articles. I then conducted a series of key informant interviews with senior officials within the Department of Home Affairs and the Police, members of the Parliamentary Committee on Home Affairs, NGO workers and local academics.

The primary outcome of this approach was a null hypothesis. Senior officials within the Department of Home Affairs had indeed sought to develop an internal immigration enforcement agency along classical Weberian lines. The Buthelezi Ministry had put forward motions to shed the DHA's non-enforcement responsibilities to municipal governments, transform the DHA's Migration Directorate into a regulatory agency governed by a relatively autonomous Immigration Board, establish an immigration police force under the migration directorate, increase DHA capacity to administer the enforcement mechanisms of other State Departments, place the DHA in charge of interdepartmental border control, and create a series of immigration courts with exclusive jurisdiction over immigration cases. If implemented, and effectively resourced, it is plausible to suggest that these various proposals might have created an enforcement agency with the capacity to generate significant numbers of deportations each year. However, none of the relevant proposals ended up in the final Immigration Act, with each of them being scuppered by various competing agencies along the way. More significantly, when asked about the manner in which South Africa was able to achieve its high deportation rates, policy elites within the DHA simply had no response. Indeed, even those policy elites who were directly responsible for the task of administering investigations, arrests and deportations

of undocumented foreigners knew relatively little about how these outcomes were being achieved. For example, during my interview with Willem Vorster, the Assistant Director of Investigations for the DHA, he railed against the systematic incompetence, insubordination and corruption within the Department, but did not manage to formulate an account as to why such a weak agency, that was the object of his great displeasure, had nonetheless presided over a period of skyrocketing deportation rates.

While this sort of information did not help to answer my original question, it did help to expose further weaknesses in the initial hypothesis. More specifically, it was not clear that the DHA was capable of achieving any ideal-typical Weberian process of reform. Vorster was complaining about a very real organisational problem within the DHA that was only gradually beginning to become public knowledge at the time of the interview in 2006. Over the course of the period during which these reforms were supposed to have been introduced, the capacity of DHA policy elites to significantly shape the behavior of their own officials, let alone South Africa's broader movement control system, had been in a state of rapid decline. DHA officials were failing to perform their most basic functions, consistently accepting bribes to secure the release of undocumented migrants, or to provide them with fake documents, and were flouting a wide variety of procedures in their administration of detention and deportation processes (Segatti et al., 2012). Put simply, the DHA was falling apart. This made any suggestion that the Buthelezi Ministry had been able to compel its agents to implement its new internal enforcement policy – through legislation or fiat – seem utterly implausible. So, in the absence of an effective hierarchy, what explained South Africa's high deportation rates?

While this first set of data poured water on one hypothesis, it also began to lend plausibility to an alternative account. A scattered array of source materials from the first study pointed to the possibility that the police were playing a largely independent role in immigration enforcement processes. For example, one senior DHA official pointed to the fact that immigration officials rarely determined when, where or how often they worked. Instead, the police would run such a high volume of operations in which they called on the DHA to confirm the status of detainees, that the DHA would have little time and resources to develop and deploy their own enforcement strategies. Was the DHA the unknowing beneficiary of an enforcement dynamic grounded in the practices of the South African Police Service (SAPS)?

Section Three: The Hangover of Apartheid Policing

These preliminary findings provided the rationale to begin a second research project, devoted specifically to understanding why the South African police were enforcing immigration laws. A further round of preliminary findings lent credence to such a focus. On the one hand, we conducted a survey of police officials across six stations in Gauteng province to identify how they spent their time. Beat level police officials in this province were spending approximately one quarter of their working hours locating, arresting, detaining and processing undocumented foreigners (Vigneswaran and Duponchel, 2009). A survey with detainees at the Lindela detention centre suggested that this effort was accounting for the majority of arrests (Sutton and Vigneswaran, 2011). The vast majority of those detained reported having been arrested by a police official (Vigneswaran and Duponchel, 2009). Given the fact that SAPS officials significantly outnumbered DHA enforcement officers across the country, it seemed plausible to suggest that they were the ones generating most of the arrests within South African territory that ultimately led to deportations.

On the other hand, our review of policy documents and interviews with SAPS officials suggested that a modified version of our initial hypothesis would be quickly disconfirmed. The answer was not simply that SAPS policy-makers had assumed responsibility for making and implementing immigration enforcement policy. While we detected a vast array of sporadic allusions in SAPS statements and policy documents to the relationship between undocumented migration and crime, we found no evidence of a concerted policy to devote SAPS resources to immigration policing. To the contrary, we spoke to SAPS officials at station, provincial and national level who said that they had been repeatedly trying to communicate to junior officials that they should not be spending their time enforcing immigration laws, but to the policing of 'real crime'. Enforcement was taking place in direct contravention, rather than in adherence to, orders from above (Vigneswaran and Duponchel, 2009).

These theoretical and methodological limitations suggested the need for new methods and new lines of explanation. More specifically, recognising the inability of policy-makers to tell us why their policies were or were not being implemented, we did not place as much stock in the capacity of elite interviews to reveal the causal dynamics behind enforcement outcomes. Instead, we took the enforcement behavior of ordinary officials as the object of our study and then sought to work our way backwards towards policy, to see whether we might infer that a causal linkage existed.

Two additional approaches were needed to achieve this outcome. The first approach was attentive to the everyday decision-making processes of street level officials. This involved a multi-sited ethnography of policing at border posts, detention centres and six different station precincts in Johannesburg. While this sample of sites was not aerially representative of either Johannesburg or South Africa as a whole, the method approached 'holism' and 'representativity' from a different angle. Here, the aim was to identify why the rather occasional and sporadic incidents of immigration policing occurred when understood in the context of a much wider set of formal policing practices and informal policing habits and routines. This technique helped us to better understand why the police consistently made use of their discretionary authority to enforce immigration laws.

The second approach was more attentive to the potential significance of historical process. Extending our study beyond the chronological parameters of the last, we explored policy documents and archival sources back to the period in which the first substantial increases in deportation numbers were registered in the Department of Home Affairs books. Here, we sought to detect whether there were any previous changes in policy or practice that had made the outcomes in the post-Apartheid period more or less likely.

This multi-pronged approach generated the study's first compelling evidence of a causal pathway. The ethnographic research suggested that street level police officials in South Africa were ideologically and behaviorally predisposed to immigration enforcement work. South African police interpreted the world around them in a territorial way (Herbert, 1997). The act of defining whether an individual was in the right place constituted the primary mode of inquiry through which South African street level police officers problematised the world that they observed, and arrived at appropriate ways of intervening in that environment. The principal focus of their policing efforts were human bodies. The main questions that they posed about those bodies pertained to those characteristics – racial, ethnic, and national – which might identify those bodies as belonging to a particular place, and by extension, not belonging to others. These identifying characteristics then suggested a particular role for police intervention, depending on where the person was and whether that was a place to which he or she 'belonged'.

The most obvious example of this form of interpretative work involved racial and spatial profiling. In neighbourhoods where White and Indian populations constituted the majority of home owners, police officers commonly presumed that black pedestrians had a criminal intent for simply being there, and would observe and often

interrogate them accordingly (Diphoorn, 2015; Steinberg, 2008; Vigneswaran, 2013; Vigneswaran, 2015). However, this territorial style of policing cannot be reduced to this most obvious example of the racial profiling of black people as criminals. This interpretative scheme could be deployed in various other ways. The police would also formulate their response to the pleas of white civilians for police aid by first asking themselves whether that civilian was located in an appropriate neighborhood. For example, in our research on the predominately black African neighborhoods of Hillbrow and Berea, the constabulary could justify deferring or avoiding interventions on behalf of white civilians. By coding a) the white victim of a cellphone theft in a black area as a drug addict; b) the white victim of a road rage incident as a commuting non-resident, and c) the white lobbyist of policing agencies as an outsider, a police official could reach the conclusion that s/he was not *really* responsible for providing these individuals with protection or service (Vigneswaran, 2015). Thus, this inherently territorial mode of inquiry was not merely a way of using racial characteristics to impute criminal intent, but a deeply ingrained and habitual thought process whereby police officers formulated their assessments of appropriate policing behavior by correlating the phenotypical characteristics of the population with the physical characteristics of a given place.

This policing *interpretative frame* was not something that merely existed inside police officers' heads, but was enabled by the set of operational strategies that the police most commonly deployed. To put it in its most simple terms, the South African police 'arrest first and ask questions later'. Their everyday work involved a high volume of raids, road blocks, cordon and search operations, and stop and frisk operations and most of the officers involved in these interventions had a relatively vague or superficial understanding of the types of criminal behavior, criminal enterprise or criminal suspect they hoped to uncover. Instead, these strategies were initiated with the working knowledge that they would result in large numbers of apprehensions of people who could subsequently be searched for possessions of firearms and drugs and, more importantly for our purposes, interrogated about whether they were 'in the right place'. The most common way of initiating such encounters were the Afrikaans term 'waar slaap je?' (where do you live/stay?), or simply the English 'papers', immediately setting the tone and content of the encounter to follow.

When taken together, police officers' territorial mode of interpreting the world around them and apprehension-oriented working habits helped us to understand why they were producing such high numbers of arrests leading to deportations. They targeted outsiders and captured populations in a way that is analogous to a roving

border post. Nothing in this account disputes the fact that a number of other organisational logics within the police – such as xenophobia, corruption and performance management structures – helped to entrench or amplify this role. This account also does not provide a complete tracing of the causal mechanisms whereby South Africa generated so many deportations in the period concerned. Doing so would require a more thorough and statistically representative exegesis of the arrest and deportation process that went beyond the police and tracked changes in practice over time. While I would ideally like to conduct this sort of research, I have major doubts about its feasibility. It was exceedingly difficult to obtain and maintain access for participant observation research on the police and the DHA in South Africa.[8] Furthermore, it is far from clear that such an approach would be the best means of developing our understanding of the issue at hand. The bigger question that our ethnographic approach had posed, and could not in and of itself solve, was: why do the South African police think and work in this specific way?

Our parallel and historically oriented research process was key to generating a potential answer to this question. The core of this argument is the claim that Apartheid had generated the movement control resources for the modern immigration regime. South African police developed their unique working culture under the aegis of an altogether different regime: influx control. The key legislation here was the Group Areas Act of 1950, which provided for the division of South African jurisdiction into a series of discrete racial areas and set out a series of measures – known as the pass laws – for the policing of movement between separate residential spaces (Posel, 1991). Part of the issue here is that the South African Police was the primary agency that enforced the Group Areas Act. Hence, policing internal movement, asking people to show their pass and arresting those without adequate authorisation was something that the police were accustomed to doing. Given that the numbers of removals on an annual basis often amounted to hundreds of thousands, it should be relatively unsurprising that this organisation was able to achieve similar outcomes in the internal enforcement of immigration laws.

The deeper issue is that the enforcement of the broader structure of a segregated South Africa became fundamental to the manner in which the South African police defined crime as a problem and set about ameliorating it (Brewer 1994). In short, criminality was largely represented as a problem stemming from over-population,

8 This is not a purely South African problem. As Matt Coleman has recently lamented, the window to conduct this sort of research on policing structures in the US may also have begun to close (Coleman, 2016)

the presence of unauthorised residents and the proliferation of informal residences. South Africa's dragnet approach to policing was born during this era when unannounced and blanket raids of residential areas, stop and search operations and road blocks were not simply conceptualised as a means of enforcing segregation, but as a means of stemming criminality, and ultimately of suppressing political unrest. In essence, policing in South Africa became largely devoted to the policing of segregation, which was the basic response to all evidence of increasing levels of crime and eventually all forms of threat to the state.

Crucially, this line of interpretation helps to point in the direction of an explanation – not simply of continuity, but of change: the rapid rise in South Africa's deportation numbers. The crucial date to note here is 1986, when the National Party abandoned influx control. In his Presidential Address of that year, P.W. Botha announced that 'the present system is too costly and has become obsolete'.[9] With a stroke of a pen, the lynchpin of Apartheid, the Group Areas Act, was gone. The reasons why Botha made this decision are not particularly significant for the argument being advanced here.[10] The consequences of the change are far more important. More specifically, what effects did the abandonment of influx control have on other elements of the mobility regime, and the enforcement of immigration laws?

What appears to be beyond dispute is that the abandonment of influx control laws preceded a sharp increase in deportation numbers. At the very moment when influx control laws were dropped, we see a rise in the number of people being deported under the terms of the then Aliens Act. What is also clear is that officials within both the South African Police Force and the precursor to the DHA – the Department of Internal Affairs – were responsible for generating these arrests. It is more difficult to decide what the precise reason behind these new arrests was. For some vocal government critics at the time, these changes reflected the specific intentions of the ruling party. Many thought that the National Party was merely using immigration enforcement laws to implement the policy of influx control in another way. Here, they drew specific attention to the fact that citizens of the now independent Bantustans had been arrested and deported alongside many of those foreign nation-

9 1986 State President's Address, 31 January, p. 12

10 A number of factors contributed to this decision, including increasing evidence that the Act was being widely flouted and becoming increasingly impractical to enforce, the widespread evidence of the failure of the 'Bantustan states', the rising level of unrest in township areas and the moral condemnation of and sanctions to the regime imposed by the international community, partly in order to condemn state-sanctioned segregation (Klotz, 1999).

als being deported back to countries like Lesotho, Swaziland and Mozambique. As one journalist in the newspaper *Business Day* suggested: "there is growing concern that government has not killed off influx control, but merely intends enforcing it in another guise". While plausible, we could not discover any other material to lend support to this more conspiratorial line of analysis.

An alternate line of reasoning, and one that is more strongly supported by the archival data, is that the banning of the Group Areas Act had merely narrowed the range of legitimate mobility regimes. South African street level officials had been policing the Group Areas Act and immigration laws simultaneously for many decades, drawing little distinction between the populations concerned and the purposes of each. When one legislative system was suddenly rescinded from above, they simply continued policing as they always have, with significant impacts on the outcomes recorded under the one legislation that remained. This angle seems to be at least partly validated by the fact that the issue of immigration control policy only really began to be discussed in elite policy circles *after* the steep increase in deportations in the middle of the decade, as Parliamentarians and legislators began to look for a *post-hoc* rationalisation for the enforcement work that was already taking place on the ground. Validation from above was not immaterial, but was also not essential. So, it is likely that when the government committed itself to an anti-immigration posture with the passage of a revised Aliens Act of 1991, street level officials found themselves with greater resources and license to enforce immigration laws, and this contributed to the continued increase in deportation rates. However, the new Aliens Act by no means 'invented' a movement control regime. It was merely a compilation of a variety of immigration control measures that had, to that point, been distributed across a number of separate legislative and regulatory mechanisms (Peberdy, 2000; Peberdy and Crush, 1998). The discretionary behaviour of everyday officials was doing the work of producing the numbers.

This historical account provides us with the rudiments of an alternate explanation for South Africa's relatively high deportation rates. In essence, the ideological outlook and operational posture of South Africa's security structures, and particularly the police, had been structured to simultaneously enforce at least two movement control regimes: influx and immigration controls, with a significant emphasis on the former. When policy-makers abandoned influx controls in 1986, the police began to focus their resources on immigration policing, and to great effect. This finding lends support to the line of argument being advanced above: that one of the ways in which policy-makers might alter deportation outcomes is by changing the number of movement control regimes on their books.

Section Four: Bringing Numbers Down and the World Back In

While this interpretation is plausible, it has been rightly critiqued by colleagues as being somewhat mired in the specificities of its case (Klotz 2015). In short, like the South Africanist literature more generally, by explaining post-Apartheid observations as the path dependent outcomes of Apartheid era forces and processes, the case loses some of its leverage and capacity to shape how we think about immigration politics further afield. More specifically, while I believe the overall interpretative framework, of placing primary emphasis on the interpretative schemes of everyday officials and the potentially dramatic impact of state efforts to ban movement control regimes, is valid, one might argue that in a South African context, a historical approach to process tracing is somewhat predisposed towards an outcome of this sort.

Again, some of the more anecdotal findings stemming from the previous two studies, and a range of other parallel research projects, suggested the potential for an alternate way forward. More specifically, in addition to the evidence that the police had moved their enforcement capacity from policing segregation to policing immigration, there was mounting evidence at the time that an altogether different set of movement control actors were inventing a new movement control regime.

The starting point here was the recognition that the police were not the only non-DHA actor who had played a role in immigration enforcement. We have more *ad hoc* and anecdotal evidence of a variety of different actors – both state and non-state – that assisted the DHA to locate and arrest undocumented migrants, albeit in the pursuit of other territorial and political goals. Department of Social Services officials located migrant youths and transferred them to the DHA for deportation. Construction companies reported their undocumented workers to the DHA at the end of the month in order to avoid having to pay their wages. Farmers took their workers' documents and used the threat of deportation as a means of enforcing discipline in the fields. Perhaps the most intriguing data on this issue was coming out of the research conducted on the xenophobic attacks on foreigners, which peaked in a conflagration of nationwide violence in May 2008.

The most compelling line of interpretation of these attacks was that – while partly targeted at foreigners and occurring nation-wide, these attacks had in fact been initiated and sponsored by a series of intensely local and largely disconnected efforts by local gangs to claim turf in the townships. The most obvious evidence of this fact was that almost half of the victims had not been foreigners, but South African nationals.

Harking back to long-standing battles between ethnic groups in these areas, armed gangs had merely been utilising the widespread legitimacy of anti-foreigner sentiment to consolidate their position as the principal arbiters of access to residential space – excluding foreigners and locals at the same time. While formally disavowing and condemning these illegal, violent attacks, various components of the South African government had lent them legitimacy, by deporting many of the foreign victims and failing to prosecute any of the perpetrators for murders – of South Africans or foreign nationals. Was the growing power and exclusionary strategies of gangs in the townships a sign of an emerging nativist movement control regime, and if this were to gain in strength, would this in some way impact on the legitimacy and/or enforcement of immigration laws?

In order to explore this proposition further, I deployed a modified version of the previous approach. Working again with a most likely case study approach, I began with an ethnography of vigilante policing in a Johannesburg precinct with a very high concentration of undocumented migrants (Vigneswaran et al 2010), and a strong reputation for immigration enforcement: Hillbrow. The assumption here was that if we were to observe the discretionary decision-making of ordinary officials and movement control actors changing in the context of a new localised nativism, then we would most probably observe it here. Instead of tracing the process backwards towards South African history, my aim was to venture out into the broader and growing literature on communal violence and ethnic riots in Africa and elsewhere to gauge whether, rather than being a purely South African phenomenon, this was a movement control regime that was in some way diffusing across borders or moving from place to place.

Contrary to my expectations, neither the formal police in Hillbrow, nor the vigilante groups that had formed a quasi-partnership with the police, were policing immigration laws or engaging in the more micro-nativist forms of policing that had been observed in the townships where the xenophobic violence had taken place. Indeed, during my many months observing police work and that of the local vigilantes, I did not witness a single arrest or even a single police officer ask to see someone's papers. Furthermore, while the vigilantes were embroiled in a variety of partisan and inter-ethnic struggles, and criminal victimisation in the neighborhood clearly demonstrated elements of ethnic and national bias, these groups did not seem to be engaged in a turf war of the sort that had been witnessed in the township areas.

While explaining the absence of a nativist movement control regime is beyond the scope of this study, the research did offer some useful insights into the demise of

immigration enforcement in Hillbrow. Of course, the police officials' I interviewed and observed had a ready explanation for this outcome. They could simply argue that they were following the orders of their seniors to focus their resources on the 'real criminals'. This account, while lending credence to a typical Weberian assessment of how to shape the behavior of movement control actors, belies the atypicality of the case. In all the other sites we had studied, none of the police seemed to be listening to their superiors' commands, and continued to routinely enforce immigration laws.

A more compelling finding was that ordinary officials had appeared to have 'discovered' a different way of deploying their movement control skills. More specifically, the police were making increasing use of crime maps to develop correlations between problematic populations and place, and to intervene in ways that shaped how people moved. So, for example, instead of asking about how an individual's racial identity correlated with the demographic composition of an area, police officers would ask about how their identity correlated with the criminal patterns known to obtain in a given space and whether this made them a potential victim requiring police assistance or a potential perpetrator requiring surveillance and/or preventative measures. At the same time, crime-maps provided the police with a new guide for how to target their arrest-first interventions, suggesting how to locate 'bad buildings' for raids, where to situate their road blocks in order to increase seizure yields and whom to subject to a body search in what place. Street level officials saw these techniques as a powerful means of changing crime patterns by shaping patterns of human mobility. Raids were seen as a means of pushing criminal syndicates out of the neighborhood. Targeted roadblocks were used to get higher numbers of criminals off the streets. Stop and frisk operations were means of protecting armed civilians from entering zones of violent conflict.

The most intriguing outcome of the study was that the behaviour of movement control actors outside the official SAPS command structure had also been powerfully shaped by this emergent 'crime map' regime. More specifically, the vigilante policing groups that we observed had substantially imbibed the statistically driven 'hot-spot' policing ideology as their definition of effective policing work. This group's primary policing strategy was to patrol the street on foot and in large numbers and randomly stop and frisk pedestrians. While their methods were even more crude than those of the SAPS and more dependent upon rough and ready Apartheid-style tactics for results, their patrol strategy was wholly based around an image of their neighborhood as a series of statistically generated concentrations of criminal behaviour, assessments of potential for criminal predation and victimhood based upon

correlations between individual identity and this map, and interventions designed to move perpetrators and victims in ways that prevented and deterred these potential crimes. Moreover, they received a steady stream of statistical data from the SAPS to consistently refashion their patrolling strategy accordingly.

This null hypothesis and set of alternate findings suggested the need for a substantially revised but not altogether different process-tracing approach. More specifically, instead of seeking to explain the policing behaviour of vigilantes in terms of the diffusion and or transfer of re-emergent Africanist nativist norms, the approach suggested linkages to a more global and substantially more 'technicist' philosophy of crime control.

Here, it is crucial to note that Hillbrow precinct had become the focal point of South Africa's efforts to modernise its policing strategy. In the year 2000, Hillbrow – as one of the precincts reporting the highest concentrations of crime in the nation – had been chosen as the site to pilot a new national crime prevention strategy. The core of this system was the idea that spatial representations of crime reporting data – or crime maps – ought to define how the police distributed its operational resources across space. This was not a specifically South African trend, but one that had been inspired by an emerging neo-liberal criminological philosophy being developed in the United States, wherein policing problem places – rather than converting problematic people, had become the core ideal of how to both respond to and reduce crime trends (Braga and Weisburd, 2010). While in the US scenario this policing approach has been strongly associated with the move towards the increased incarceration of criminal offenders (Feeley and Simon, 1992), in the South African context, it appeared that when married with its existing movement control infrastructure, it was giving life to a fundamentally different set of exclusionary practices.

The evidence of the Hillbrow police effectively rolling out their policing strategy within their own organisation and thereby reducing their propensity to make large numbers of immigration arrests, lends support to the hypothesis that governments can powerfully impact deportation rates by 'inventing' new movement control regimes. When policy-makers began to provide movement control actors with a different way of deploying their skills, the latter could gravitate towards a new task. However, the more powerful support for this hypothesis is the observation that actors outside the formal SAPS command structure had responded to this newly minted regime. In essence, far more than simply ordering their officials to stop policing migration, the dissemination of crime maps and their attendant policing performance ideologies could shape how exclusionary violence was being deployed across society at large.

I do not expect that this relatively small scale study, based largely on the observations of a small number of police precincts in Johannesburg will, in and of itself, turn the study of immigration control on its head. However, when considered in the context of the set of other findings presented in this article, I believe it helps to powerfully combat some of the criticisms of the limits of the case selection and heuristic strategies deployed in previous iterations of the research. The study suggests that deportation rates may not simply be changed through bans but through 'inventions'. Hence, it suggests the need to look towards the variety of different movement control regimes – hot-spot policing and otherwise, that policy-makers might introduce that may also have the potential to impact the extent to which existing movement control actors choose to devote themselves to immigration enforcement. These movement control regimes may take the form of hard laws and administrative structures, which define how exclusionary violence can and cannot be deployed, but may perhaps be more likely to originate in 'softer' products of the state – statistics, manuals, strategic documents – which define what constitute appropriate law enforcement standards and techniques. Finally, and joining forces with a long-standing literature on normative diffusion and a more recent literature on policy mobility, we need not expect that governments will draw solely on their national traditions to invent these new regimes, but would be inclined to expect that emergent forms will represent hybrid instantiations of transnational or global norms of movement control.

Section Five: Compliance: The Dog that did not Bark, but Might?

To this point, this narrative of the research process has focused on the relationship between two of the three sources of legitimacy that I discussed in the theoretical discussion: street level officials' discretion and government policymaking. More specifically, I have been largely interested in demonstrating how, despite the considerable discretionary authority of street level movement control actors to disobey policymakers' instructions, governments might shape their behaviour by giving them fewer or more movement control regimes to enforce. This account has largely left the question of civilian compliance aside. In part, this is a reflection of methodological limitations. The document survey, interviews and participant observation process that I have followed to this point were specifically focussed on official actors, or at least those who purport to wield violence in the name of the state. In this study, 'civilians'

– strictly speaking – only appear indirectly within the ethnographic components of the research, as part of the social world that enforcers inhabit.

The one exception to this is the final study on vigilante policing in Hillbrow. This work paid specific attention to civilians, albeit ones that crossed the lines between the objects and wielders of state violence. The most confusing finding here was the considerable disconnect between these individuals' experience of other movement control regimes, and their revealed attitudes towards contemporary modes of enforcement. Almost all of those who formed part of the vigilante patrol that I worked with had experienced the brutal edge of pass law policing, and several of them expressed deep political and personal opposition to the forms of violence: arrest, detention and forced removal that it involved. Yet, these very same actors expressed almost no moral compunction with regard to their efforts to subject their fellow neighbors to the same forms of rough-handed movement control methods – and particularly arbitrary stop-and-frisk procedures. Indeed, they most commonly responded to any attempt by their neighbours to question the legitimacy of such a personal invasion with further violence. How is it that the anti-Apartheid movement had not shaped, at some fundamental level, these civilians' attitudes towards such violent policing measures?

If this were merely a matter of civilians turning into vigilantes and thereby operating with a somewhat fraught and inconsistent approach to policing, this would be one thing. However, the preliminary data would seem to suggest otherwise. While others have argued that policing in South Africa takes place largely without popular consent (Steinberg, 2008), this position seems to ignore the routinely and seemingly obsequious compliance of South Africans with the movement control operations of their police. If the position of the patrollers was somewhat conflicted, that of their compatriots who became the object of such policing was somewhat bizarre. The vigilante's policing methods were not only invasive in a way that was reminiscent of the Apartheid regime; their actions were patently illegal. Police officers do not have the lawful authority to stop and search an individual without cause. The vigilantes are not a lawfully constituted policing force and do not possess any law enforcement mandate beyond that of ordinary citizens. Yet, both South African civilians and foreign nationals in the Hillbrow precinct routinely – and without question – allowed the group to subject them to a full body search without any pretext, rarely raising any kind of direct physical or legal resistance.

This tradition of compliance is not only evident in Hillbrow precinct but across a wide variety of our research findings. While some of this may be explained away by

the context in which this type of policing took place, where civilians do not so much as consent to being policed, but relent in the face of a fearsome violent actor, there are strong reasons to believe that it goes much deeper than this. Here, it is worth reflecting on the fact that when it comes to human mobility, South Africa possesses some of the strongest civil rights legislation in the world. This is no accident. Reflecting the antipathy of the anti-Apartheid movement to the influx control laws, the constitution of post-Apartheid South Africa explicitly enshrines internal movement of people as a basic human right: s. 21(1) reads "Everyone has the right to freedom of movement". Yet, to my knowledge, this provision has never been used to question the legality, not simply of individual immigration enforcement acts within South African territory, but of the legislation upon which such enforcement is based, which empowers an exceedingly wide variety of actors to locate, arrest and detain persons who are not in possession of documents authorising their stay. In the immediate post-Apartheid period we saw considerable evidence of South Africans questioning the legitimacy of immigration enforcement processes based upon their prior experience of the violent enforcement of influx controls (Vigneswaran, 2007). The laws of South Africa provide the sub-stratum upon which a powerful tradition of non-compliance with immigration enforcement – and policing more generally – could be built. However, this is an outcome we have yet to see emerge.

Ultimately, this last finding poses more questions than answers. However, it does help us to further understand some of the particularities of the South African case. South Africa not only inherited an active movement control agency but a remarkably compliant civil society. While policies were introduced that we might have expected to change both, only one shift occurred, with the result that internal immigration enforcement encountered no regularised civilian resistance – undoubtedly amplifying the deportation numbers that resulted. In addition, the findings also provide some indications regarding the types of methodologies we need to adopt in order to more fully understand how movement controls are legitimated. At a minimum, the findings provide strong reasons to be suspicious of any attempt to study this phenomenon through attention to laws and public discourse alone. These are questions that could only be solved by a study that was specifically dedicated to the study of everyday practiced compliance. Legitimate violence is not something that is thought up and communicated, but acted out and achieved.

Concluding Remarks

This account of an ongoing research project has offered a range of reasons to believe that we need to pay more attention to the social sources of immigration control. First, we have powerful evidence to suggest that the Weberian state is not the only means of generating deportations. Second, we have two examples that suggest that government efforts to change the number of movement control regimes on their books can alter the degree to which immigration laws are enforced. Third, we have data to suggest that compliance may play a role in determining how many deportations such changes eventually produce.

Nothing that I have said ought to be read as an attempt to 'disprove' Weberian models of immigration control. I have deliberately, and admittedly rather painstakingly, sought to represent these findings as a series of historically evolving interpretations of a particular set of historical conjunctures. My particular emphasis on the social construction of legitimate exclusion is very much the product of an isolated effort to explore a specific set of data in an adaptive manner. The plausibility of the account rests more on the fact that, despite the variety of factors leading to the contrary, a particular framework of analysis continued to present itself as compelling. The first study was geared to demonstrate top-down authority, but could not find it. The second study adopted a methodology – ethnography – that has been commonly antagonistic to top-down conceptions of state power, but nonetheless lent credence to the causal significance of a single legislative act. The third study went looking for one, particularly Africanist form of policy diffusion and found something that was far more global in origin. Finally, while the research as a whole largely ignored civilians, I found myself grappling with their potential power at its very end. As an IR scholar who began with the hunch that violence determined outcomes, I have tried to tell a story about how our disciplined preconceptions of the nature of violence were consistently challenged by my efforts to work my way through the South African case.

It is in this respect that I would like to conclude by briefly ruminating on the broader implications of the study for IR theory more generally. As we all know, our discipline has made a great deal of use of a particular interpretation of Weber's definition of the state, wherein violence is largely understood as a material factor, to be contraposed with ideas that exist in our minds and our books. In drawing our attention to the significant degree to which the efficacy of state proscribed violence is dependent upon social legitimating processes, my aim has not been to formulate another constructivist trump card that might be used to relegate materialist realms

of the discipline to a disciplinary rump end. Rather, the goal has been to open up a more sophisticated conversation regarding the manner in which the material capacity to determine who belongs where is augmented and undermined by a range of social processes which we have consistently failed to see. Nothing that I have said here disputes the fact that the concrete use of raw, material, violence can in turn powerfully shape how people think and whether they believe such violence to be legitimate. However, based in particular on this study's non-finding of South Africa's failure to contest the brute power of its police, I strongly believe that this will only be fully understood through further historically and ethnographically grounded analysis.

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