



## **The Politics of Uncertainty**

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# **The Politics of Uncertainty: Producing, Reinforcing, and Mediating (Legal) Uncertainty in Local Refugee Reception—Introduction to the Special Issue**

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Even though a migration-uncertainty nexus has been widely acknowledged, several of its dimensions are strikingly understudied and under-theorised. This special issue contributes to the debate by focussing on migration movements that are linked to an extraordinary degree of uncertainty: refugee and forced migration. This introductory article highlights key points arising from the contributions. The articles look at both the migrants' perspective and the perspective of local organisations dealing with refugee and forced migration, including the state. The special issue puts into sharper focus the relevance of further theorisation of uncertainty in migration processes at the local level, as it reveals several dimensions of uncertainty, namely as a fundamental experience, a challenge as well as a governing tool. Furthermore, we are able to bring together the micro- and meso-levels and to substantiate our theoretical contribution with ample empirical material.

**Keywords:** Uncertainty, forced migration, refugee reception, local level

## Introduction

Long before the SARS-Cov2 pandemic made uncertainty one of the most prominent terms in public and private communication, the present age has already been described as an ‘age of uncertainty’ (Bauman 2007). This holds even more in the field of migration, where the decline of modernity’s reliable institutions comes with inherent uncertainties, especially for those who leave their homes to find a new home elsewhere. While some forms of migration are characterized by a high degree of predictability and familiarity—as, for instance, Yamamura (2019) shows for Western transnational professionals moving to Tokyo and residing there in a confined, highly westernized space—most migrants face a high level of uncertainty: leaving a familiar place generates economic, social, linguistic, and sometimes even physical uncertainty. This is particularly true for refugee and forced migration, as these often are the more or less unplanned reactions to a deterioration of circumstances and/or fundamental threats to human security.

Despite this general acknowledgement of a migration-uncertainty nexus, several of its dimensions are strikingly understudied and under-theorized. This special issue contributes to closing this gap by focusing on migration movements that are linked to an extraordinary degree of uncertainty: refugee and forced migration. Special attention will be paid to uncertainties in the context of the so-called European migration crisis around 2015–16. The contributions look at both the migrants’ perspective and the perspective of local organizations dealing with refugee and forced migration, including the state. The approach we have chosen for this special issue puts into sharper focus the relevance of further theorization of uncertainty in migration processes at the local level, as it reveals several dimensions of uncertainty as both a fundamental experience, a challenge as well as a governing tool. Furthermore, we are able to bring together the micro- and meso-levels and to substantiate our theoretical contribution with ample empirical material.

In accordance with the plethora of social phenomena marked by uncertainty, a closer look at the academic literature confirms that authors use the concept of uncertainty to describe quite diverse phenomena in the realm of refugee migration and reception from various theoretical and methodological perspectives (Biehl 2015; Schiltz *et al.* 2019). In consequence, there are many different conceptualizations of uncertainty.

Building on Knight (1921), who proposes a distinction between known and unknown uncertainties, Williams and Baláz (2012) contend that uncertainty in migration has two sources: imperfect knowledge about the new environment and the unpredictability of the migrants’ future. From a theoretical point of view, the uncertainty that refugees face may reach a level that reduces them to their ‘bare lives’ (Agamben 2000), their mere physical existence, as in some situations it is not even certain whether they will enjoy the most fundamental rights. Persons detained in the so-called European ‘hotspots’ in Greece, for instance, are deprived of access to legal remedies to their situation, they can move neither back nor forth and their individual and collective future is highly uncertain—without their being

able to influence it. Therefore, some authors associate uncertainty with Turner's notion of 'liminality' (Tunaboyle and van Liempt 2021; cf. Schiltz *et al.* 2019: 3). These authors highlight that refugees are "'in a state of being in between, both in a temporal and spatial sense" (El-Sharaawi 2015, p. 46), "no longer classified and not yet classified" (Beneduce 2008), and in an "indefinite and potentially permanent state of precariousness" (Sampson *et al.* 2016, p. 1)' (quoted in Schiltz *et al.* 2019: 3). This does not necessarily change after reaching the country of destination. As a recent data analysis on the nature of refugee concerns in Germany shows, "'uncertainty" is the key concept that explains worry structure of refugees, indicating that most of the worries are related to uncertain conditions of refugee experiences' (Gürer and Sözer 2021).

Societies and organizations receiving refugees face uncertainty, too, although differently.

When a person arrives and announces himself as an asylum-seeker, he does not know whether he will be granted permission to stay or will eventually have to go back. Neither do the authorities. The uncertainty connected to this process has a long list of consequences both for the asylum-seeker, as well as for the authorities organizing the process. (Brekke 2004: 7)

This is not to imply that the challenges the state actors face in uncertain situations hold the same existential quality as the uncertainty which refugees encounter. Their uncertainties and ambiguities, however, can influence the interactions with refugees. Additionally, the arrival of newcomers seeking protection may create new social configurations as well as new challenges for the state, for welfare and other organizations that go along or are caused by increased uncertainty. Likewise, the departure—and the potential return—of refugees is often linked with new risks and uncertainty for those who stay. When Williams and Baláž note that '[m]igration is both informed by risk and uncertainty, and generates risk and uncertainty, whether for migrants, non-migrants in sending communities, or populations in the destination countries' (Williams and Baláž 2012: 167), this holds even more in the case of refugee migration.

Griffiths (2013: 267) points out that it is necessary to research uncertainty without 'succumbing to the anthropological (and human) tendency to make "sense" of chaos'. In order to come to a better understanding of the (local) production of uncertainty and its effects, we therefore plead for a minimalist framework that conceptualizes the uncertainty-migration nexus as a psychological or cognitive challenge imposed on or produced by the actors. We suggest focusing on three dimensions: the social construction of uncertainty, its ambiguous character, and the manifestation of uncertainty in specific localities.

### The Social Construction of Uncertainty in Migration Processes

First, it is important to think about uncertainty as socially constructed, i.e. as a social phenomenon that is *produced* in migration contexts, although it is often

considered as an inherent, quasi-natural state. It should not be in question that uncertainty often does play a role in situations of flight and exile (Horst and Grabska 2015), but by raising awareness that this is something that has been made and by examining these situations, we can help to grasp how the experience of uncertainty is constituted through certain conditions. As a result, these conditions and the uncertainty they produce come into focus as changeable contingent phenomena that may, under certain circumstances, be altered. Significantly, power relations, dependence, and exclusion come into clearer view if we consider uncertainty as socially constructed. Tackling uncertainty from this perspective allows us to adopt a multidimensional understanding of power as it is discussed in the literature on the different ‘faces of power’ (Digeser 1992). In the actual reception of refugees on the ground and the decisions about their accommodation and the granting of status, a pluralistic concept of power—its ‘first face’—can easily be discerned, according to which power is seen as the ability to dominate the behaviour of others (Dahl 1957). In this conception of ‘power-as-agency’, the focus is on decision-makers, who ‘administer, manage or rule’ (Luke 2015: 154). In contrast, in introducing a notion of uncertainty as socially constructed, we follow a Foucauldian understanding of power as a positive, productive force, not as a top-down arrangement between rulers and the ruled, but as a question of ‘government’ in a wider sense of the word: ‘To govern, in this sense, is to structure the possible field of action of others’ (Foucault 1982: 790). If we understand governing as a heterogeneous field of thinking, speaking and acting with a multitude of authorities, of forms of knowledge, rationalizations, strategies, technologies, and modes of subjectivation, we can see how the production of knowledge and subjectivity goes hand in hand with the production of uncertainty.

In her contribution to this special issue, Camilla Alberti (2021) for instance shows how public authorities try to outsource implementation to create a buffer zone in order to deal with the uncertainty they face, but in doing so, they produce new forms of uncertainty for the refugees involved. Sybille Münch’s (2021) contribution on the policy innovation of central reception, decision-making, and repatriation facilities (so-called ‘AnKER-Zentren’) in Germany is in line with research that focuses on the evitable production of uncertainty by ‘containing’ refugees (cf. Agier 2011). Even though policy-makers present these centres as a straightforward, efficient option that, through fast decision about protection claims, allegedly reduces uncertainty for the state, municipalities, and the migrants in question, the inhabitants often remain in these dire conditions for far longer than originally intended, and thus experience more and more intense forms of uncertainty. This finding resonates with ethnographic research on detention in the UK: ‘Despite a “common sense” assumption that detention is ordered and definite, it can be profoundly uncertain and unpredictable, a time of “crisis” which stretches for weeks, months or even years’ (Griffiths 2013: 266). The social production of uncertainty, therefore, is not necessarily the expression of a political agenda. As Alberti as well as Münch show, policy-makers try to mitigate or even resolve uncertainties. In focusing on isolated phenomena of uncertainty instead of treating uncertainty in migration contexts as a multifaceted syndrome with many

levels and actors affected, however, those policies just relocate the locus of uncertainty.

### **The Ambiguity of Uncertainty**

Second, uncertainty in contexts of (refugee) migration can be considered a highly ambiguous phenomenon. While it may significantly contribute to passivity and despair among migrants and especially refugees as well as to paternalism and dependence, uncertainty may—even simultaneously—be an important enabling and empowering factor as it allows for hope and, in the case of organizations like the (local) state, for discretion.

At the micro-level, this means that uncertainty may be a paralyzing or an empowering factor—or both. In situations of continued legal limbo, for instance, as refugees often experience them, uncertainty becomes a determining element of everyday life. Important research has highlighted how ‘prolonged periods of uncertainty, social exclusion, rejection, discrimination and lack of perspective make refugees feel like second rate citizens’ (Van Dijk *et al.* 2001). It has furthermore been shown that their dependence on officials’ decisions about their legal status forces asylum-seekers into passivity as it is mostly beyond their power to influence these decisions (Kramer and Bala 2004). At the same time, studies also show that uncertainty offers space for hope (Besteman 2014; Brun 2015; El-Shaarawi 2015) and can promote individual and social transformation (Griffiths 2014). ‘Uncertainty implies an at least preliminary lack of closure and hence a space for hope’ (Kleist 2016: 4). It is, therefore, necessary to stress the individual and collective resources of refugees and asylum-seekers in dealing with uncertainty and focus on the agency of migrants and their everyday resilience in dealing with different aspects of the migration regime and how this is embedded in the local context (Benz and Schwenken 2005).

Thus, as studies show (e.g. Vigh 2008), uncertainty does not always make life (almost) unbearable. It can become, for example, a routine for the involved actors. Refugees may respond to uncertainty not only by seeking to replace uncertainty with certainty but also by developing strategies helping them to live with uncertainty, such as by hoping for a better future. Sara Miellet (2021), building on Horst and Grabska’s (2015) terminology, impressively illustrates such practices in the context of refugee accommodation in the Netherlands. She presents findings on individual and collective strategies to navigate in and negotiate beyond uncertainties.

On the meso- (and macro-) level, private and state actors may experience migration-induced uncertainty as a challenge. In the face of uncertainty, organizations and bureaucrats cannot rely on standard procedures and tend to act restrictively—if they act at all. State actors might also aim at mediating or alleviating the refugees’ or their own uncertainties. At the same time, they can use uncertainty as a strategy to reach their political goals, i.e. to govern through uncertainty, e.g. implementing restrictive policies or issuing ambiguous laws (Horst and Grabska 2015: 14), as research by Whyte (2011) on how Danish

asylum centres operate through inconsistency has shown. By keeping them in limbo, actors of the host societies continuously remind refugees of their utmost dependence on the host's goodwill. Administrations of Western countries might not be able to completely defy refugee protection. By governing through uncertainty, however, they try to dodge their international obligations and convert refugee protection from an individual right into a commodity at the organization's/state's discretion (cf. [Aschenbrenner 2012](#) on asylum as 'discretionary form of relief').

Furthermore, and importantly, situations of uncertainty, as we have witnessed in Europe during the 'long summer of migration' ([Kasperek and Speer 2015](#)), can be regarded as a window of opportunity for local actors who wish to implement new approaches ([Geuijen et al. 2020](#)). Barbara [Oomen et al. \(2021\)](#) refer to this productive aspect of uncertainty in their contribution on the divergence in refugee reception and integration in European cities.

### **Localizing Uncertainty**

Third, in contrast to much literature focusing on uncertainty during the actual process of moving from one place to one or more other places, this special issue scrutinizes the politics of uncertainty in the local reception of refugees in Europe. To be sure, arrival and reception are essential parts of migration processes. They are, however, specific as uncertainty may occur in a more protracted and slow way than during the actual mobility ([Horst and Grabska 2015: 2](#)). Moreover, the agency and decision-making of (local) actors *and* the agency and experiences of migrants come together.

In this special issue, we are particularly interested in the interplay and interactions of the meso- and micro-levels under the conditions of (increased) uncertainty. Actors at both levels inevitably possess imperfect knowledge about the present and the future, which they seek to reduce and/or to use to their advantage. They develop individual or organizational practices and strategies to navigate within or negotiate beyond their respective uncertainties. Even if these actors do not voluntarily make use of uncertainty, they reproduce the perception of uncertainty as a structural given, thus strengthening (local) power relations and structural inequalities. The ambiguity of norms and a notion of uncertainty about the social and political context of refugee protection are reflected in the actions of street-level bureaucrats, the practice of (local) refugee politics, and even the behaviour of non-governmental organizations. On a local level, there is a vast variety of practices in dealing with legal and political uncertainties. Some actors just pass on the uncertainty to the migrants. Others try to mediate and even reduce uncertainty. For example, in some municipalities, local strategies and guidelines try to guarantee a coherent approach to local refugee protection; some cities even speak out publicly against deportation (movement of 'sanctuary cities') or offer to host more refugees ('solidarity cities'). However, comparative studies ([Riedel and Schneider 2017](#)) have documented that those regional variations might be a further source of uncertainty for the affected refugees.

## The Contributions to this Special Issue

The contributions to this special issue agree on the three assumptions outlined above: (a) uncertainty is socially constructed; (b) uncertainty is ambiguous in its outcomes; (c) a vast variety of uncertainties of different micro- and meso-actors and their strategies to mitigate uncertainty converge at the local level. Although most contributions touch upon all three aspects, they may also emphasize one in particular.

Correspondingly, the papers in the first part of this issue focus on the **social construction of uncertainty**. Camilla Alberti's contribution studies the role of private actors in local refugee reception. Alberti approaches the outsourcing of public services through an ethnographic lens, and focuses on the policies that enable public authorities to deal with the many uncertainties of refugee reception through delegating tasks and services to private organizations. She investigates how cantonal (local) governments in Switzerland navigate uncertainties by implementing the policy of reception through private intermediaries, i.e. actors, instruments, and rationalities from the private sphere. The analysis shows that by thickening the interface between the decision-making and implementation spheres, these elements constitute a multi-layer buffer zone that dilutes, absorbs but also shifts the insecurities related to the governance of refugee reception. The article argues that the use of private intermediaries enables the state to 'navigate within' unpredictable temporalities and realities, but also to 'govern through' uncertainty as it is transferred and (re)produced in the implementation work carried out by the mandated organizations. This paper thus apprehends uncertainty as a *structural condition* and a *mechanism* that together shape how different governmental actors engage with (the reception of) refugees.

In the second contribution, Sybille Münch looks both at the 'punitive turn' and its effects on refugees in the German state of Bavaria. Since summer 2018, all newly arriving refugees to Bavaria have to stay in so-called AnKER centres until they receive a decision about their asylum claim and are dispersed to municipalities or have to leave the country. AnKER is an acronym for central reception, decision-making, and repatriation facilities. Policy-makers present these centres as a straightforward, efficient option that reduces uncertainty for the state, municipalities, and the migrants in question through fast decision about asylum applications. Yet Münch's interpretive policy analysis shows that different implicit or explicit justifications of the target groups' inclusion or exclusion from certain rights and resources, which following Carmel and Sojka (2021) she calls 'rationales of belonging' are not always shared. Constructions and rationales are subject to contention, across time and different societal sub-systems.

The second part of the issue concentrates on the **ambiguous character of uncertainty**. In their contribution, Oomen *et al.* (2021) analyse the dynamics, discourses, and implications of divergence in refugee reception and integration in European cities. The question of the discretionary spaces offered by domestic law is a salient one for multi-level migration governance, where these are continuously created and inhabited in different ways and with often profound consequences for the



conditions on the ground. The article focuses on local authorities as it classifies and theorizes the strategies of divergence that these employ when confronting national migration policies. Their central argument is that it is useful in the migration domain to distinguish between strategies that are either within or outside the boundaries of domestic law as well as those that take an explicit or an implicit approach to positioning, thus harnessing or downplaying the communicative potential of the law. For this purpose, the authors propose a 4-fold typology of strategies of divergence: defiance (explicit and extra-legal), dodging (implicit and extra-legal), deviation (explicit and within the law), and dilution (implicit and within the law). They discuss each type based on illustrative examples from Greece, Turkey, Italy, and the Netherlands, hypothesizing which types of cities and which conditions may lead to the adoption of one strategy over the other. As such, this contribution seeks to draw attention to the relevance of law within multi-level migration governance and to the meaning of legal ambiguity and discretion as shaped by law and legal interpretation. The strategies of divergence that mould discretionary spaces, in turn, can either mitigate or exacerbate legal uncertainty and should be considered a significant factor to account for change in migration governance.

Sara Miellet's contribution focuses on migrant agency and examines how social media and smartphones shape the strategies that refugees and asylum-seekers in the Netherlands adopt in order to cope with uncertainties arising from particular modes of refugee reception and housing governance. The focus here is on the years of 2015 and 2016, as the increased and faster refugee immigration in those years marked the modes of refugee reception in Dutch localities. Miellet analyses different forms of migrant agency and coping strategies and further develops [Horst and Grabska's \(2015\)](#) conceptual distinction of 'navigating in' and 'negotiating beyond' uncertainty. Her multi-method qualitative study shows that refugees use the affordances of smartphone technologies and social media to cope with spatial and temporal dimensions of uncertainty, and identifies different responses to them.

The articles in the third part of the special issue zoom in on how (complex) actors mitigate uncertainty **at the local level**. Alexander [Nagel \(2021\)](#) looks at institutionalized housing and uncertainties that arise from this form of refugee reception. In his contribution, Nagel analyses how in German reception centres staff members deal with uncertainty related to religious diversity. The paper draws from an extensive case study on religious diversity and practice in refugee accommodation centres in lower saxony. It focuses on the administrative staff and the social workers in these centres who face a high degree of uncertainty vis-à-vis the multi-religious and multicultural constellations they encounter. Alexander Nagel shows that, in order to cope with their own 'religious illiteracy' and to transform uncertainty into certainty, members of staff apply three different strategies: restriction of the scope of legitimate religious expression, simplification of religious and cultural heterogeneity through culturalist stereotypes, and externalization of responsibilities to deal with religious differences, such as dietary needs.

In a similar vein, Antonia [Scholz's \(2021\)](#) contribution sheds light on how central organizations of the local welfare state deal with uncertainty. The paper

is located at the crossroads of integration and early childhood education policies. Drawing on empirical research conducted from a perspective of early childhood care facilities, it provides insights into the local reception of refugee children in Germany. In recent years, the early childhood education and care (ECEC) sector in Germany has been and still is facing the challenge of organizing access to childcare for a considerable number of newly arrived children and their families. So far, the process of providing access has been shaped by various uncertainties both for ECEC policy-makers and service providers. Scholz analyses data from the first survey carried out among ECEC organizations across Germany. It investigates how the centres deal with different dimensions of uncertainty related to forced migration, by shedding light on enrolment patterns of refugee children, admission processes, working with parents, and external cooperation on the local level. The ECEC centres' experiences provide a diverse picture of the enrolment situation of refugee children and differing approaches to dealing with related challenges. Through the lens of local childcare provision, the still under-researched situation of young accompanied refugee children is addressed.

By bringing together different approaches to the politics of uncertainty, this issue not only facilitates transdisciplinary exchange and maps the debate. The contributions to this special issue also provide original empirical findings and widen our understanding of the politics of uncertainty in European refugee reception.

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