

Law in the Margins: Economies of Illegality and Contested Sovereignties

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Liberal theory has long fetishized state law as a fortress against disorder, anarchy, and private violence. To prevent violence writ large, it advocated, the nation-state should be endowed with its monopoly, as the impartial and rational guardian of civilization and social peace. Yet, as critics suggest, the normative binary of law/violence and the legal purity of the state is empirically untenable and, as such, remains an ideological construct sustained and perpetuated through law and its fictions. In this paper, I revisit these debates to reflect on legal fictions in the context of migration policing. I draw on ethnographic research I conducted with immigration and police officers in the UK. Amid the growing economies of illegality that rely on migrant labour which these officers are in charge of suppressing, their everyday work reveals spaces of legal murkiness and ambiguity. The paper explores the paradoxes, dilemmas and contradictions that such legal ambiguity gives rise to and their implications for state sovereignty.

KEY WORDS: border controls, legal fictions, economies of illegality, modern slavery, sovereignty, policing, order, civilized spaces, legality

INTRODUCTION

In recent decades, a thriving industry operating fully or partially outside the law and profiting from the social and legal precarity of migrants has flourished in many urban areas in the UK and in other global North countries to serve a growing demand for a range of services: from hand car washes, agricultural and food industries, scrap metal factories and nail bars to cannabis ‘factories’, and sex work (Cruz 2013; Clark and Colling 2018; Gadd and Broad 2018). These ‘economies of illegality’¹ connect localized sites to a larger web of global transactions, networks and routes that span many continents, highlighting the reliance of contemporary forms of capitalist accumulation, production and consumption on global connections and inequalities (Norstrom

1 I use the term ‘economies of illegality’, instead of illegal economies, to refer to the myriad of economic activities and everyday consumption practices that depend to some extent on illicit practices. The term highlights the centrality of illicitness and illegality for global capitalism. Drawing on cultural economy (Hudson 2013; Gregson and Crang 2017), it contests the strict differentiation between legal and illegal economies.

2007). They have become the targets of policy making around illegal migration and criminal exploitation, and enforcement activity, prompting novel forms of multiagency collaboration between the police, the immigration service, and other agencies (such as the Gangmasters and Labour Abuse Authority) (Bogg *et al.* 2020).

Law and its sturdy enforcement have been the preferred antidote prescribed to tackle the various moral, social and economic vices afflicting an increasingly unequal and interconnected world. In this paper, I question some of the assumptions underpinning this orthodox approach to crime and illegalities. Deficit of law, according to it, is to blame for the multiplication of organized criminal networks that haunt civilized Northern spaces, profiting and exploiting vulnerable people, undermining competition and destabilising civil order. The Northern state thus emerges as an island of rationality and order amid the chaos and wildness unleashed by globalization. The protective aura of the state, through nationalistic attempts to assert its sovereign power, is palpable in the resort to border and immigration controls to divert flows of diseases, risky strangers, and other threats.

Building on legal and anthropological scholarship on the relationship between law, sovereignty and order, I argue that such relationship is much more complex and goes to the heart of contemporary problems of governance, including crime. I suggest that law is intrinsically connected to violence. By crafting a certain normative order, creating legal fictions and rejecting life outside the law, the law produces violence and disorder (Wall 2020). Violence and lawlessness stem from preserving spaces of legality and civil order, 'that great steaming morass of chaos that lies on the underside of order and without which order could not exist' (Taussig 1987, 4). Modern state formation and capitalist accumulation coincided with significant increases in violence and illegal practices in various societies around the world (Heyman 1999; Anders 2007). Under contemporary conditions, according to Jean and John Comaroff (2006, 5), economic liberalization and globalized capitalism have created 'spaces of rampant lawlessness and violence, and a concomitant erasure of received lines between the informal and the illegal, regulation and irregularity, and order and organized lawlessness' (also Mbembe 2019, 19). They urge us to rethink the relationship between, on the one hand, law and order, and on the other, lawlessness and disorder, through their dialectics -rather than in competing terms. Insofar as the economically prosperous North needs an underdeveloped South, the manufacture of 'walled spaces of sovereign legality' (Comaroff and Comaroff 2006, 35) relies on zones of lawlessness, both materially and conceptually. Such an understanding unsettles received geographies of crime and violence as global niches in wild southern corners of the world, and interrogates the nature of order that the law creates: a magical reality.

This paper questions the myth of the contemporary Northern states as territorially bounded and omnipresent, and argues that the efforts to sustain that myth through law creates zones of legal ambiguity. It does so by exploring these legal margins, where the ghost of lawlessness haunts residents and their sentinels alike. In focusing on these murky spaces shaped by attempts to evade law's power, the paper seeks not only to question the strict separation between law and violence but also the legal hegemony of the state. It argues that, in seeking to assert its authority through law, the state reveals its edges and lacunae, and the legal fictions that sustain its scaffolding. The margins are hence privileged terrains for understanding the state as incomplete and incoherent, where it is simultaneously constructed and unsettled (Das and Poole 2004; Blom and Stepputat 2005).

I study these geographies of lawlessness through material I collected during an ethnographic study with police and immigration officers in two large English suburban areas. Policing (and border policing in particular) epitomizes state sovereignty as it involves the drawing of social and territorial boundaries, eliminating ambiguity, and making people and places legible (Loader and Mulcahy 2003; Gundhus and Aas 2016; Aliverti 2020b), sometimes through violence. As

such it is a key site to understand the relationship between law, violence, order and sovereignty. Amid the growing economies of illegality that rely on migrant labour, border policing work reveals the fictions created by law to maintain that order, the violence involved in sustaining it, and the porosity of the boundaries created, evidenced by border workers' complicities in the illegal practices they are supposed to suppress and their cynic attitudes towards their work. The paper explores the paradoxes, dilemmas and contradictions that the task of policing the borders within gives rise to and their implications for state sovereignty. Before this analysis, I detail recent policies around immigration and 'modern slavery', expand on the theoretical framework of the paper and describe the methodology used.

PURSUING ILLEGAL MIGRANTS, RESCUING MODERN SLAVES

In what a critic branded 'a carceral and punitive approach to stamping out labour market exploitation' (Fudge 2018, 568), in the last decade the British government introduced a range of immigration and criminal laws to tackle irregular and exploitative labour practices—their own outcomes of the compounded effect of economic deregulation and globalization, labour flexibilization and migration illegalization (Wills *et al.* 2009). These laws seek on the one hand, to curtail access to work and life-support services to migrants without papers, and on the other, to identify and safeguard victims of exploitation. Contemporaneous major pieces of legislation (the Immigration Acts 2016 and the Modern Slavery Act 2015) were passed pursuant of these two distinct but interconnected strategies, through the 'hostile environment' and the 'modern slavery' policies.

Under the first, a range of civil and criminal sanctions aimed at deterring irregularized migrants by turning their lives in the UK inhospitable and ultimately unbearable. Statutory measures in the 2016 Act include preventive orders to tackle non-compliance with labour standards by employers, a new criminal offence of working illegally and a stricter criminal offence of illegal employment.² These measures added to an already restrictive legal framework which curtailed access to work to unsuccessful asylum claimants, limited non-EEA labour migration, and deprived migrants working illegally from any enforceable employment rights, under the common law doctrine of illegality (Bogg 2018). In fact, 'hostile environment' laws amplified this doctrine to its most extreme effects to deprive people without the right papers from accessing lifesaving services, from housing, healthcare and education, to banking and driving (Aliverti 2015).

Under the second, the notion of 'modern slavery' became firmly established in the legal framework to designate various forms of grave exploitation, which were already criminalized under various acts criminal and immigration acts. The 2015 Act introduced a number of punitive, preventive and protective orders. Among the latter are a specific defence for slavery victims when offending under compulsion, and visas for overseas domestic workers determined to be slavery victims.³ Likewise, the Act created duties on corporations to prevent slavery in their businesses, and on public bodies -including immigration and border control officers- to identify and safeguard slavery victims.⁴

Both policies were justified for the ultimate purpose of preventing the exploitation of vulnerable individuals. In her speech to the House of Commons in support of the 2016 Act, the then Home Secretary, Theresa May, explained: 'illegal working is one of the principal pull factors for people coming to the UK to live and work illegally, but those who do so are particularly vulnerable and can find themselves living and working in dangerous and degrading conditions ...

2 Respectively sections 14, 34 and 35.

3 See Part 5.

4 Respectively, Part 6 and ss 40, 52.

Increasingly, we are seeing labour market exploitation becoming an organized criminal activity.⁵ By linking illegal migration, labour exploitation and organized crime, these policies underscored the protective function of border and immigration controls, complicating the professional roles of frontline staff (Pickering and Ham 2013; Hadjimatheou and Lynch 2016; Aliverti 2020a). They simplify and attempt to domesticate complex social, political and economic processes and relationships born out of an interconnected and unequal world, through the template of law and its enforcement, and uphold the state as an avatar of civil peace. In turn, they conceal the violence of law and the fictions that sustain it, as I explain in the next section.

INTERRUPTING OCCIDENTAL MYTHOLOGIES: VIOLENCE, SOVEREIGN POWER AND LEGAL FICTIONS

The supremacy of the rule of law, the centralization of coercive power in the state as prerequisites for civil and economic order, and the legal geographies that such predicament helps shape, have a long vintage. Liberal theory has long fetishized state law as a fortress against disorder, anarchy, and private violence. To prevent violence writ large, the nation-state should be endowed with its monopoly, as the impartial and rational guardian of civilization and social peace. This ‘myth of the state’ revolves around its role as protector of a particular form of social order (Blom Hansen 2001, 222), which in turn has been defined in racialized, dichotomous terms: either civilization or barbarity (Fitzpatrick 1992, 63; Moore *et al.* 2003). The centrality of law for modernity as a crucial instrument for forging civil order served to legitimize the political dominance of the European nation-state (Hussain 2003; Kostal 2005). As colonial bureaucrats, jurists, criminologists, and corporate investors have long affirmed, state sovereignty, rule of law, civil order and economic development go hand in hand (Mattei and Nader 2008). Refusing to concede alternative forms of social and moral ordering outside state law, the Hobbesian nightmare stymied political imagination and as a consequence this imperialist construct endures (Roitman 2006; Taussig 2007; de Waal 2021).

The ‘myth of modern law’ (its sacred nature, autonomy, and coherence), as Peter Fitzpatrick (1992) explained, is part of a ‘western cosmology’ which has been critical for its authority. Exoticizing it, by revealing its mythical foundations and its magical efficacy, its contradictions and suppressions, its fictions and fantasies, attempts to subvert western rationalities and with it, deconstruct the political power founded upon it. Fitzpatrick (1992, 52) observed that ‘Law, like the deity, creates its own effect of invoking formulas within law which are mythically adhered to by priests and people’. Legal fictions aim at mediating law’s internal contradictions, the most obvious of them being the relationship between law and violence. For while law is based on rationality and freedom and associated with peace and order, its rule is sustained through the infliction of violence. Drawing on Walter Benjamin’s essay on ‘Critique of Violence’, Jacques Derrida (1992) argued that violence is not external to the legal order; it is intrinsic to it. In such intrinsic relationship lies the problematic or contradictions of law -which Derrida compares with the contradictions in the law of war. The monopoly of violence strives to protect the law itself and with it the system of privilege and power that is at its origin. In the task of preserving social order, law reproduces its founding violence, hence the distinction between founding and preserving violence fuses (Derrida 1992, 44).

This tension between law and violence is epitomized in the Latin maxim *ignorantia juris non excusat* which reveals the limitation of rationality for governance (Dubber 2005), and conveys the fictional nature of legal subjectivity (*homo juralis*) as universal, abstract, individual and disembodied (Lacey 1998; Norrie 2001). So too, the foundation of state authority, grounded on

a fictional foundational civil contract between individuals and a mythological Leviathan, has been crafted to legitimize political power and law as its tool. The ‘state’ has been entrenched in our imagination as a ‘jural artifice’: a bounded, monolithic, coherent entity distinct from society and corporations. Such myth has enabled its wielding of ‘a host of quasi-magical, monstrous powers’ (Comaroff and Comaroff 2009, 118). These fictions are made more obvious in the context of European colonial expansion through the designation of vast parts of the earth as *terra nullius*, endowing colonial settlers with property rights over them, and through the brutal force used to deflect opposition in the name of law (Fitzpatrick 1992). In what Taussig calls the ‘politics of representation’ (Taussig 1987), the colonial project manufactured ‘a magical reality’ to serve the colonial endeavour, creating a rupture of signification between things and words, and producing effects of truth. Legal fictions⁶ are, Stewart Motha argued, an ‘as if’: narratives reiterated over time that have the effect of establishing truths. Legal fictions sustain political facts and shore up the scaffolding of sovereignty (Motha 2018, 13). This edifice is an artifice and as such it is inchoate and fragile, ‘haunted by the eternal return of the unsettled origin’ and ‘the problem of unresolved violence’ (3) which is at the heart of its foundation.

The violence of law, hidden through its fictions is prominently, yet surreptitiously, apparent and exposed in the policing of law’s margins and its zones of ambiguity. Its enforcement in the context of the policing of migration lays bare how in rendering some human beings and the economies that sustain their livelihood beyond the pale, such violence is inevitably unleashed and intensified (Ty 2019, Super and Ballesteros-Pena 2022). Indeed, Michelle Ty (2019, 309) argued that ‘the border, for Benjamin, is not a *there*; it is rather an enactment of violence’. Enabled through fictions (most prominently, the doctrine of illegality), legal violence ‘at the border’ reveals through the denial of entitlements and the abjection from ‘the circuits of legality’ to human beings regarded as ‘illegal’ (Costello and Mann 2020; Akhtar 2021; Ochoa 2021). Such abjection, some scholars observed (Davitti 2019), is a prime manifestation of Agamben’s state of exception. As others documented (García Pinzón and Mantilla 2021), law enforcement does not placate private violence, but on the contrary it can incentivize an economy of violence outside the state.

The task of policing the borders within, that is the margins running through the state’s political body, involves the elimination of zones of legal ambiguity, and the assertion of state authority. As I will show, such a task makes the fiction of law evident and give rise to paradoxes and dilemmas. In the next section, I turn to the study I conducted with police and immigration enforcement officers on the labour of policing these margins.

METHODOLOGY

I conducted this study between 2017 and 2019 in two large police constabularies and the respective Immigration Compliance and Enforcement (ICE) teams. ICE teams are the operational arm of the Home Office’s Immigration Enforcement (IE) agency. There are 18 ICE teams across the UK formed by arrest-trained immigration officers with a range of powers to enforce low-level immigration offences, particularly illegal entry and stay, breaches to visas, and facilitation of illegal immigration. A parallel IE structure formed by immigration and police officers trained in criminal investigations -the Criminal and Financial Investigation (CFI) teams- has been set up to address serious and organized immigration crimes, such as human smuggling and trafficking, and organized passport fraud (Home Office 2017). While

⁶ The concept of legal fiction is not a modern invention but dates back to the doctrine of legal fictions in Roman law. This doctrine goes to the heart of the relation between law and truth, and law and fact, and underscores a conception of law as a force of (public) good and fairness. As Andrea Alciato noted, ‘fiction is a disposition of the law as though of a real thing which is contrary to truth (the objective facts) although possible, and made for the purposes of equity’ (Alciato quoted in Maclean (2002, 154).

the CFI teams are involved in complex, large operations often leading to criminal charges, the everyday work of the ICE teams in responding to allegations of immigration breaches routinely exposes them to the economies of illegality built around people on socially and legally precarious status. Within the 'multiagency' model and the policy turn towards safeguarding the vulnerable in policing, ICE have become a key partner given that a substantial part of the work of the police nowadays involves foreigners as both presumed offenders and victims.

After securing access to the ICE teams through their managers, I was allowed to shadow immigration officers and observe enforcement operations with their consent, and I then emailed individual officers who I share my shifts with to invite them to interview. Fieldwork involved the shadowing of ICE officers in police custody; the observation of training sessions, enforcement operations in businesses and private residences, and case management work and police-immigration officials' interactions at a distance from control rooms; and semi-structured interviews with police and immigration (ICE and CFI) officers. Observations of police custody were conducted four days per week for four months, and of enforcement operations fortnightly during a period of 12 months. The data derives from approximately 1,000 hours of non-participant observations and over 100 interviews with police and immigration officers at different ranks. Field notes of daily shifts were collated in diaries, and interviews were audio recorded. Both were transcribed and then analysed together. Participants are identified through pseudonyms, and the names of places mentioned are fictive to preserve the anonymity of individuals and institutions.

I accompanied immigration and police staff during pre-arranged intelligence-led operations. Most of the joint enforcement operations observed for this study related to allegations of exploitation (particularly, forced labour) and illegal employment. These ranged from large scale operations with a number of agencies to more routine visits to premises and businesses, such as car washes, food processing plants, cannabis 'factories', fast food restaurants, warehouses, and brothels. As many facets of immigration enforcement (Aliverti 2021a), these operations are often referred to in murky and euphemistic terms as 'harm reduction visits', because their aim is to identify and safeguard vulnerable individuals facing exploitation. However, they sometimes resulted in enforcement action, including the arrest of people without the right papers.

These 'visits' were particularly insightful for appraising the nature of the everyday work of these officers, the challenging material conditions in which it takes to play, and the extremely precarious conditions in which the people they police live and work. In my fieldwork notes, I pay particular attention to the texture of these atmospheres not least because of their importance for understanding everyday border work but also to emphasize the deeply relational, emotional, and sensorial nature of ethnographic research. Witnessing and often unwittingly partaking in the violence involved in these operations by dint of travelling in ICE officers' vehicles and following them around, made me somehow complicit in this violence. My presence undoubtedly shaped these officers' behaviour and, despite attempts to distance myself from them by carrying a university lanyard and introducing myself to the people being interrogated, the messy nature of these encounters inevitably precluded any academic pretence of passivity and detachment.

'Being there' made me also privy to the ethical dilemmas these officers face. Away from the scenario of British immigration politics, where moral and legal categories are neat and border enforcement is offered as a solution to multiple global evils, border work often demands navigating fluidity, indeterminacy and ambiguity, and leaves these officers uncertain, impotent and dirty, physically as much as morally. I turn to such work in the next sections.

SETTING THE SCENE: THE FAUX, THE ILLEGAL AND FUSSY LEGAL BORDERLANDS

It was 6.30 a.m. and a freezing January morning. It had snowed all night. I heard on the radio that there were traffic congestions everywhere and that trains were delayed. I managed to catch mine on time, as I prepared for a large enforcement 'visit' with one of the ICE teams. I got off the train and ran frantically to the ICE office, fearing I will be late for the briefing meeting and would miss the operation I spent so much effort arranging. Frank, the porter, greeted me and told me reassuringly: 'The 'guys' are still upstairs as many of them were late due to the weather. The briefing room was packed with uniformed staff. The meeting was conveyed to prepare officers for an operation to one of ICE's most visited quarters: Sham Town.

I have known of the area by name since I started fieldwork with this team, but I never went there. There is a mythical aura to it: 'it is a strange place', 'it is not a normal place' 'it doesn't look like England', officers repeatedly conveyed with a mixture of puzzlement, disdain and thrill. Sham Town, this miniature 'third world' at the heart of one Britain's metropolises, is defiantly perched on the edge of the glossy business quarters that paradoxically signal the city's recent overhauling, fuelled in part by the acquisition and revamping of its many cherished buildings and institutions (from football clubs to media outlets) by global capital. Sham Town is made of labyrinth-like alleyways, where electricity is shared by its many businesses, corners are filled with 'spotters' and shutters are down when the police are around. A panoply of law enforcement agencies monitored the area closely and, as with ICE, they hit it frequently with the hope of dismantling the web of economies of illegalities that the quarters harbour. No matter how many operations they mounted and how many tons of counterfeited merchandize they seized, members of the multiagency team protested frustratingly in one of the meetings I attended: 'the next week is all back in site.'

The operation I was about to join involved two large warehouses allegedly employing migrants without the right papers. 'They are cash in hand', Liz, the immigration officer (IO) in charge of the operation prefaced the meeting. As though alerting her team of important operational clues, she continued: they do not publicize their services through ordinary channels and were not registered as a business. Some time ago, she continued, the police received intelligence of 'modern slavery' involving 16 people who were living and working inside the premises. The paper file also said that the owner was Afghani and that he had been nationalized as British years ago. When the police and ICE visited them some time ago, he did not allow them to enter to inspect. With a judicial warrant, they were hopeful that they would be able to talk to the workers. After the officers donned their gear, we were set to go. As the car I was travelling in with other officers approached Sham Town, I was made aware of the peculiar landscape of the area: 'this is my area', IO Ben told me proudly, 'the shops at the front are fine but as you go down, there are small shops, all selling counterfeited goods. These small stalls are not very active at the moment because the Christmas period is over and there is not that much activity'. We passed the main road with the shutters of stores all down. There were a few people outside of them: 'it's good weather to be a spotter', another officer added sarcastically.

The car suddenly stopped, and my companions got off swiftly and ran to the entrance. As I sat patiently inside, I saw the street blocked by a long caravan of IE vans and unmarked cars from which an army of officers disembarked. Some of them started to question men outside the warehouses. I was then let in by one of the officers: a vast, tall and bared concrete structure full of industrial-like, stacked shelves reaching the grey metal ceiling. Inside, it was grim: very dark, humid and cold. Other officers were questioning people and rushing about. I got inside a room tucked to the side of the security office where Liz and two other officers were searching and questioning a man. This improvised 'staff room' was furnished frugally with a small dirty stove, a fridge and a sink full of used tea leaves, and with the workers' shoes and coats lying on the floor.

Somehow ironically, given the precarious working conditions in the site, the door exhibited a large poster on 'health and safety laws' prepared by the health and safety department. Safi, a skinny, young man, was obediently answering IO Nigel's questions through a Pashtu interpreter on the phone, while handcuffed. When I asked why he was handcuffed, I was told that he ran and climbed through the shelves when the team walked on. Performing a search on him was complicated by the various layers of clothes he was wearing to withstand the freezing conditions inside. Even as I continually sipped a thermal cup of tea to keep me warm, I was unable to feel my toes after standing there for a few minutes. I tried to imagine what he went through to come to the UK and what it must have been like to end up in this warehouse surrounded by officers, a story foreclosed in the dull bureaucratic exercise of interrogation to determine whether this man was an 'illegal'.

He told the officers his name and said he did not remember his date of birth: 'I'm not an educated person', he muttered. 'I am 18, or at least I was 18 when the police stopped me.' 'If you are 18, I am 23. Stop the games and answer the question!' a frustrated Nigel cried. Liz was losing her patience too. She had been up on visits since 4 a.m. and was visibly tired and cold. As they could not determine his home address and date of birth, Safi had to be digitally fingerprinted. After various attempts, the machine showed a match in the immigration record. It turned out that his name was roughly what he said, and he was down as aged 20. I learnt later that he had entered the UK three years before in the back of a lorry, and had claimed asylum. He then stopped reporting periodically to the Home Office. His records also showed that Belgium officers had first fingerprinted him and that, following European-wide asylum rules,⁷ he was due to be transferred to Brussels so his application could be processed there. But because the deadline to send him back had passed, the application was closed. 'I'm not going back. I rather be killed here', he asserted resolutely. Liz turned around to explain to me the different pieces of the puzzle: Afghan nationals could not be sent back then, so he would have to be dealt with in the UK. 'He knows that, and he understands more than what he says', she added vehemently. Safi was asked about his address once more. He said that he had been homeless until he found a place in a mosque. He was then offered a job in the warehouse 'for £10 a day, to buy tobacco and my own food'. He said he did not have anywhere to stay but Liz was not convinced: 'his hair looks clean'. As Nigel continued to question Safi, Liz speculated: 'he doesn't want to give up his address and because he doesn't have an address he can't be bailed'.

Safi is, according to British law, an illegal immigrant and is not allowed to work. Yet, as he had no identity documents, his European return had expired and his return to Afghanistan was doomed to fail, there were no legal grounds for detaining him. On the other hand, because he had no address, he was not able to be 'temporary released' under conditions of reporting to the Home Office. Liz rounded up this legal maze: 'even if we are not able to detain or bail him, we have a duty of care to find him accommodation'. Yet, since his asylum case was closed, they found themselves without many options: there are no grounds for state intervention of either the punitive or benevolent variant. After some thinking, Liz proposed to (in her words) 'resuscitate his asylum claim' so 'he can be allocated a bed space' with the National Asylum Support Service (NASS), the Home Office department tasked with arranging accommodation for asylum seekers at risk of destitution. At the end, Safi was escorted out of the warehouse and taken to the ICE office, so that he could be offered accommodation.

Such unorthodox and pragmatic decision raised a few eyebrows among her colleagues. After all, immigration decision-making is, as its officers boast, a dark quasi-magical art to solve contemporary policing problems (Aliverti 2021b). As many other people I met during my two years fieldwork with the ICE team, Safi from Sham Town poses significant conundrums for

7 The Dublin Regulation, then binding for the UK, before its exit from the EU.

state sovereignty, and for those exercising its power, in a global world. Bureaucratic traces of his life have been sparingly produced, if recorded at all, and these fragile artifacts - in the form of birth certificates and identity documents - are easily misplaced, destroyed, and forgotten. Border crossing unhinges individuals from such bureaucratic structures, making states' attempts to fix identities even more arduous. Contra Agamben, instead of 'bare life', he inhabits a space of legal indeterminacy, a condition that rather than enabling the wielding of absolute power, is perplexing, disorienting and bamboozling, upsetting its very basis. This scene encapsulates the tensions of sovereignty noted by Hansen and Stepputat (2005, 13) between 'the will to arbitrary violence and the existence of bodies that can be killed but also can resist sovereign power, if nothing else by the mere fact of the simple life force they contain.' His bare life reveals the fictions of law and the violence that it hides as well as its limits.

Evidence of the multiple ways in which law enforcement is entangled with law breaking, mounting enforcement of border controls, and a growing appetite to make people legible, have fed a counterfeit industry and ever ingenious attempts to 'scramble[] received signs of identity' (Comaroff and Comaroff 2017, 104) and unsettle states' monopoly on matters of identity and recognition. While passports from some countries are regarded as the 'golden standard' for proving citizenship, they are rare to find. Immigration officers are at pain of admitting other, more colloquial forms of identification, such as Facebook profiles, to pin down contemporary personhood. For some people, their bodies are the only available truth: 'you only have the words, you don't know who these people are or what they have done -IO Roger confessed while fingerprinting a man who just arrived at the police station to claim asylum. You can't ask their governments, imagine the Sudanese government is the biggest criminal gang!'. On some occasions, embassy employees and foreign police officers are called on to identify their own citizens, a practice largely reliant on racialized markers of citizenship and on diplomatic stick-and-carrot bargaining games. The notion of legal legibility, and the practices to assert and perform it, reveals the space of ambiguity between life and law, between bio-physical and jurial personhood, opening up spaces of uncertainty and suspicion. As Safi and his fellows experienced, their bodies, and the racial judgements made upon them, become the locus of truth (Reeves 2013, also Fassin and D'Halluin 2005; Kelly 2006). Ultimately, the truth about individual identities is always precarious, partial and contingent upon the pragmatic goal of removal. It leaves frontline officers, like Liz, impotent and disoriented, unable to wield their power.

Although shadowy and spectral, adject and stripped of politico-legal personhood, people like Shafi are integral cogs in the operation of the global economy and are instrumental for meeting the constantly fluid and evolving demands for cheap, flexible, quick, and on-the-go goods and services. These 'global proletariat' increasingly fill the warehouses and repurposed sites of much capitalism reproduction not in remote and exotic global corners, but right at the heart of Britain's suburbs. In the next section, I dig deeper into the political economy of migration illegalization, and the informal spaces and practices springing up to sustain albeit in precarious ways their existence.

SUBVERSIVE GEOGRAPHIES: MIMICRY AND THE BORDERS OF LAW

Sham Town is a unique space. Its internal geography is shaped by informality and organized around attempts to evade the state's glance and iron fist. From its demographic makeup to the goods sold there, one struggles to distinguish the fake from the authentic, and it is precisely this space of ambiguity which casts doubt on the very notion of authenticity and on the state as its arbiter. The fake and the counterfeit, as Comaroffs (2006, 15) put it, 'open an uncertain space between signifiers ... and what they signify' to the point that 'there is little practical difference between real and faux', unlocking alternative forms of identity and value aside from state law.

Sham Town is one of the many places I visited during fieldwork considered as hives and magnets for economies of illegality. These spaces are talked about with a mix of disdain and thrill, marked by their difference from an imagined England. Mimicry, Homi Bhaba argues, articulates ambivalent logics: on the one hand, 'it is a complex strategy of reform, regulation and discipline, which "appropriate" the Other', as 'almost the same but not quite'; on the other, it poses an 'immanent threat to both "normalized" knowledges and disciplinary powers'. It 'emerges as one of the most elusive and effective strategies of colonial power and knowledge' (Bhaba 2012, 122).

Dodginess and mimesis, enforcement officers insist, are valuable clues for spotting illegal migrants. 'If you go to these places where there are foreign nationals and there is animosity and find out that food safety is not great – you feel something is not right', detective constable Becky lectures an assorted audience of social workers and health and safety inspectors during a session to train them on immigration law enforcement, 'refer the case to us because, if they are breaching a rule, they're probably breaking other rules as well.' This felt sense that 'something is not right', the sensorial and intuitive 'out-of-place-ness' (Douglas 2002 [1966], 118) that underscores the 'cop nose', is organized around racial semiotics and the decoding of smells, moral sensibilities, vague measures of civility, cultural competencies and visual cues (Sekimoto 2018; Sekimoto and Brown 2020). Racial knowledge, Ann Stoler reminds us, is as much sensorial as somatic (Stoler 2016, 250). Often, though, the racialized taxonomies of polluted spaces are less subtle. On one occasion, as the immigration team approached a residential area made of tall Victorian houses, once home to the local genteel class and now dissected into housing units to accommodate various families, IO Tim boldly elaborated: 'There are no whites in here.' In the eyes of law enforcement staff, these are polluted, unruly, dirty spaces, 'almost but not quite' England, which demands concerted and bold legal intervention, or wholesale bulldozing.

This infrastructure at the margins of the law in practice manifests in fictive residences ('postal boxes') where a person is registered as a lodger to receive their mail but does not live there, fictive jobs (contrived work) arranged for family visa applicants who are unable to certify a certain salary threshold required to bring their family into the country, fictive marriages to bypass immigration laws, and faux currencies (or crypto money). Meanwhile, people survive, live, love and work in the most precarious places and conditions. They sleep in cupboards, lorry carriers, on sofas, or other places unsuitable for human habitation which do not figure in the housing register, in constant fear of fires and frost, and of being evicted or arrested. Many give up their labour in exchange of a hot meal, in relations that resemble more like favours than contracts, and are based on reciprocity and trust. Their workplaces suddenly pop up and disappear as soon as demand dries out. They are ghostly and ephemeral sites, adaptable and well suited to sustain the fast pace of modern life. The hyper-precarity of those 'living at the margins' of law forces them to develop avoidance strategies, alternative norms and systems of governance based on reciprocity, solidarity and trust, which as Bloch and McKay documented, can further instead of alleviating social exclusion, and render them prey to extortion (Bloch and McKay 2017, 82, also Gaibazzi 2017; Jiang and Wang 2021).

In these social and legal borderlands, the domains of the legal and illegal are rendered fuzzy, interdependent and interconnected (Coutin 2005). Far from being ghettos or strongholds, they are well engrained in contemporary urban geographies and economies. One of them, a large food warehouse I visited with the ICE team, was dedicated to cut vegetables to go into the ready-made salad and meal bags sold in mainstream supermarkets, and almost entirely crewed by people who failed their asylum claims and are legally banned from work. The owner was fined multiple times for hiring this workforce, but never paid the fines and was at risk of having his business shut down. I stood near IO Rashid as he questioned a man called Sohan, who said he was from Pakistan. He was skinny, in a hoodie and jeans, with wellies covered with vegetable pieces. His hands bore the imprints of life's hardship and unkindness, which he adamantly sought to hide. Struggling to understand and speak in English, Sohan said that he came there

to clean the place and stay for 3 to 4 hours at a time. He was encountered on another operation when he said he was cleaning the site. In exchange for doing some work, Soha said that the owner paid for his rent and food. ‘Do you pay any taxes?’ ‘Have you done any health and safety course to work here?’ The question sounded bizarre, but Rashid was following a written questionnaire prescribed for ‘illegal working cases’. At some point, he stopped and in reprimanding tone lashed out: ‘I’m noting your answer, but I don’t know if you realize that they are silly ... You are not supposed to work’ Rashid addressed him firmly and told him to leave the premise.

Inside this place it was humid and freezing cold, the strong smell of onions and potatoes made ones’ eyes itch. It was late at night and the team had been on similar operations all day. Frustrated and exhausted, the officer in charge decided to stop the interviews, send people away and close down the premise. They had a closure order in place as it was the third visit where they encountered workers in similar conditions. The file suggested that there was some level of exploitation happening there, but because they could not establish that the workers were being coerced, it was treated as a breach of minimum wage rules, a much lower administrative charge rarely investigated. As we were all departing, the owner arrived protesting: ‘you came once, twice, three times. Immigration, you can’t do this! This is my building, it’s my business.’ ‘We can do it if you keep employing illegals. You can go to prison for this’, Rashid replied while handing down the closure order.

Many of the ‘harm reduction’ and enforcement operations I attended with the ICE teams were motivated to ‘rescue slaves’ and punish their vile exploiters, in line with ‘modern slavery’ policies. Such pristine distinction, however, rarely exists since ‘many victims have skeletons in their own cupboard’, as an NGO worker specialized in slavery cases put it. Often, these operations resulted in officers finding people living in treacherous conditions and working for the ‘day’s meal’ grateful for being offered a place to sleep and work by those a step ahead in their migration journey and in slightly more comfortable positions. Filtering out ‘real slaves’ from the enlarging pool of global poor, it turns out, relies on legally narrow ideas of coercion and freedom. These people complicate the moral characters in the ‘modern slavery’ laws, which as the officers in charge of enforcing them attest, feature their own fictions and myths. On the ground, they boil down to mundane indicators: whether people have food in the fridge, how many daily meals they take, whether they are clean and tidy, and have a place to sleep, and if they keep their passports with them. Wrestling with these contradictions, officers are left with crude choices: ‘There are no good results -IO Sam admitted. Either they go back or are released into poverty.’

Borders conceived in literal and figurative terms as both material and social are subversive spaces that ‘challenge not only national economic regulations and monopolies, but also raise morally charged questions of sovereignty, legality, and legitimacy’ (Heyman and Symons 2012, 543, also Reeves 2014, 15). The spatial, legal and social margins I explored here have been rendered as peripheral, wild zones, in need of state colonization by legal and policy discourse. Yet, following Vena Das and Deborah Poole (2004), we might think of the margins as rivers running through the political body of the state, rather than lying outside of it, where its solidity, rationality and coherence are questioned, and where alternative forms of economic and political action are rehearsed and enabled. Margins, Das (2004) argued, are important for understanding the functioning of the state as an unfinished project. The next section turns to the frontiers of legal and illegal, and the complicities involved.

ON ENFORCEMENT GAMES AND COMPLICITIES: THE MORAL ECONOMIES OF IMMIGRATION

Police constable Paul, who specialized in complex organized crime, once put in simple terms as he explained his role in dismantling drug trafficking networks to a new recruit: ‘this is a game: they hide, we find them.’ A similar language was used by IO Roger: ‘I said to one detainee, I will send you to detention and in 8-9 days you will be back there, and then next time I come I will find you

again.' They both laughed, he said, the man acknowledging that it was true: 'it is all a big game, they know it. We know it. It keeps me in my job.' The law-enforcement-as-a-game metaphor speaks of the cynicism with which some officers regard their job, and it spells its ludic character. It acknowledges the plot-like, mutually constitutive nature of lawbreaking and law enforcement, and underplays its moral overtones and rigid lines between enforcers and transgressors. While much enforcement work assumes a clear distinction between the legal and the illegal, and the legal purity of those tasked with enforcing the law, in practice those assumptions are turned on their head as their work exposes them to the porous frontiers of legality.

Such porosity, that is the blurred line between legal and illegal practices, is particularly evident in the multiple forms of complicities with illegal activities that snared both the public and the officers themselves. The public, IO Felicity complained, is too oblivious to and uncurious about signs of immigration lawbreaking: 'people are quite easy to go "oh yes there is a fella from India who lives next door" but ... they don't understand so ... it doesn't matter, you know: has that person been naturalized, did they have legal stay in the United Kingdom, is he facilitating somebody, has he been facilitated? Is he part of modern-day slavery?'. Their job, she suggested, is to infuse with moral content the distinction between legal and illegal, and acquaint the 'public' to the signs of illegality. Other officers spoke in bolder terms about these social complicities. Rather than ignorance and indifference, much exploitation and abuse is enabled through the wilful blindness of mundane consumption practices. Penny, an experienced detective at a modern slavery unit, expands:

I just think it has got to be something about the fact that we provide a marketplace for it, it has got to be. If we are providing a marketplace, where you see some sex workers and they are a mess, like I think about those two girls we recovered from [city], there is no way that a client could have seen those women and not known that they were being exploited because they looked horrendous so what do we do about that? What do we do about that marketplace that allows for that to go on? And about those restaurants and those houses where those people were living. Unless we tackle that, unless we tackle the demand for it, that low paid, low skilled work and that environment, then we're never going to rescue people because for all of those reasons, people want to earn money and they want to support their families just like we do. It is the reason you and I are probably sat here, isn't it?

While many public campaigns around modern slavery have attempted to encourage public awareness and ethical consumption practices (see posters below), enforcement officers find themselves engulfed within an economic structure sustained through exploitative practices where law enforcement remains, at best, a futile attempt to tilt market forces within a world polarized by wealth distribution, at worst, an enabler of the worst forms of exploitation.



Frontline staff themselves partake in that market. During fieldwork, many officers I shadowed admitted in passing buying counterfeit clothes, consuming smuggled cigarettes and illegal drugs, and helping family members to enter the country illegally. Complicities in these various economies of illegalities can be explained through the notion of 'market anomie'. As [Karstedt and Farrall \(2006, 1015\)](#) argued, by engaging in shady practices, citizens are enacting neo-liberal roles as 'sovereign consumers' which prioritized unrestrained profit and self-interest. The pervasive nature of practices that enable exploitative conditions -including through consumption of goods and services- challenge the strict distinction between legal and illegal. As [Abraham and van Schendel \(2005, 7\)](#) states, 'licit and illicit practices coexist in social life and are together imbricated in state processes'.

The blurring line between legal and illegal surfaces in the very nature of border control work whereby the morality of law and sovereignty is contested. The function of law in prohibiting border crossing, including some forms of facilitation and smuggling, generates significant moral ambivalence not just among the people subject to it, but by the officers in charge of enforcing it. [Heyman and Symons \(2012, 548\)](#) distinguish two moral stances towards border practices: one distant to 'the border' characterized by essentialized and absolute positions, and other, proximate to 'the border', which is morally plural and shaded. 'The border then, imagined and politically practised at a distance ... or in isolated detention and removal sites, is a crucial simplifying move, giving "order" to ambiguous membership. In fact, ongoing relations cut across actual borders just as much—they are transnational – and thus such sites are also morally complex' (also [Mehta 2018](#)).

This dichotomic perception on the morality of borders coexist in immigration enforcement's accounts of their work and the people they are called to police. Unambiguous moral evaluations that adopt a legally formalistic appraisal of migration are sometimes followed without interlude by morally ambivalent stances. Moral ambivalence and uncertainty are often animated by human proximity and social identification. A former prison officer and child of Irish migrants, IO Barry puts it down to officer's own biographies:

While young officers tend to see things in black or white, I see these people not as offenders. I know they are formally crimes, but they just came here for a better life for them and their families, just in the same was that your parents and mine did. I used to deal with real criminals, these people are easy to deal with. With age you realise life is complex, it's not black and white.

Human proximity unsettles rigid and fixed legal categories; on occasions, it dismantles the fiction that the law creates and exposes its violence. These 'guardians of the border' are simultaneously moral guardians ([Koch 2021](#)), who in doing so not only reveal the ethics of immigration enforcement but also broader tensions between law and morality and spaces of legal indeterminacy.

CONCLUSION

In this paper, I question the orthodox approach to tackle 'modern slavery' and other forms of criminal activities reliant on exploitative practices. I pointed to the flaws of the approach, reliant on law enforcement, which ignores the intrinsic relationship between law and violence. I showed the violence at stake in defending the 'walled spaces of sovereign legality', and the 'as ifs' that sustain those material and metaphorical walls that form the myth of the state. Focusing on the work of frontline staff tasked with policing the internal borders and margins, I also elucidated the spaces of indeterminacy which render the fictions upholding that myth unstable. As a core part of policing ([Fassin 2013](#)), physical encounters between state officers and migrants-qua-citizens lay bare the legal fictions that strive to order and simplify, on occasions dispel the myths of the

law as an avatar of social order and civil peace, and interrogates the sturdy and coherent image of the state emanating from policies and discourses around ‘modern slavery’. Metaphorically, this is a Leviathan mutilated and stripped off its material and symbolic assets, a monster with its eyes covered. To paraphrase Derrida, the magic spell that foregrounds its authority fades as the violence that sustains it becomes pristine.

To go back to the scene in Sham Town, Liz’s remedy to bring Safi back to ‘legal life’ to enable state power is telling not only of such sense of sovereign bewilderment and impotence, but also of the fictions and artificiality of law to name and recognize, or to make people disappear. For, if as Hansen and Stepputat (2001, 21) argue, ‘the myth of the state is actually sustained by the rather mundane practices of authorization and recognition carried out by the state ... by literally implanting it in people’s lives’, it is also sustained, I would argue, through acts of misrecognition. Through rendering a human being ‘illegal’, the state inflicts the fiction of legal death. Such legal fictions, which reinstate the state as the arbiter of social and legal existence, not only expose people to extreme harm and misery and seclude them into ‘spaces of nonexistence’ (Coutin 2005, 14), but also at points render state power feeble and futile, and reveal the contradictions of the law.

Despite adject and stripped of politico-legal personhood, their biological and economic persona is very real. Beyond the function of illegality for capitalist reproduction (Calavita 2005; De Giorgi 2010), the contradictions created by the law -the simultaneous erasure of personhood by turning people into ‘illegals’, liminal entities, shadows and legal zombies, its sheer violence, and the problems that such negation poses for the upholding of sovereign power- interest me the most. As research on municipal activism demonstrates, local bureaucrats actively pursue inclusionary policies that widen welfare access for migrants without papers, at times defying national laws. Formal exclusion of migrants, Spencer and Delvino (2019) suggest, creates significant legal, social, moral, security and public health challenges for local authorities which they often address through their informal inclusion. The practices of these local bureaucrats and frontline staff, like Liz, acting within ‘the state’ are powerful for laying bare the instability and indeterminacy of legal categories. Often, the officers in charge of enforcing these laws are those contesting such illegality.

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