

MIRREM

Measuring Irregular Migration

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GAINING ADDITIONAL VALUE FROM DIVERSITY IN PROJECT PARTNERSHIP AND STAKEHOLDER ENGAGEMENT: THE MIRREM CONCEPTUAL APPROACH

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EXECUTIVE SUMMARY

MIRREM is a Coordination and Support Action commissioned to produce a handbook on the improvement of measuring irregular migration as well as a handbook on regularisation – two hitherto loosely connected policy domains. The project consortium unites a wide range of partners from research and civil society and involves external stakeholders in a collaborative manner – each from discrete professional fields with specific expertise. The implementation of project purposes occurs in independent but nested work packages and tasks – among the analysis of political handling of irregular migration issues, the inventory and advancement of data in irregular migration and the characteristics of migrants in an irregular situation, and the design of policy options that offer a way out of an irregular situation. Obviously, the MIRREM mission is exciting and supporting policy changes in the highly contested field of irregular migration governance.

Considering the diversity of involved actors and the heterogeneity of pursued purposes, this paper formulates a common conceptual framework that serves the goal of providing an orientation to reach a shared understanding of the project mission and a common conceptual alignment. At the same time, the paper aims to sensitize for the ambiguities and the complexity the project partners have to cope with in the implementation of the project's mission. The paper identifies five key themes, relevant both for the internal communication within the consortium and for external communication with stakeholders:

- A first theme concerns the diversity of purposes, tasks and expertise. An effective way to prevent disintegration is to consciously build an epistemic entanglement between the two issues – partners with expertise on regularisation consider which numbers and statistics are required for this task while partners with expertise on estimates and measurement consider which numbers and statistics are available or can be provided.
- A second theme concerns a shared basic understanding of the importance and implications of statistical thinking in our times. The concept of statistical thinking critically reflects the pervasive importance of quantification that shape public perception and political decision making and strengthen a tendency towards a governance by numbers. Awareness of the social and political implications of statistical thinking sensitizes for the risks and chances related to aspired changes in the measuring and governance of irregular migration.
- A third theme concerns the nature of different drivers for change in public policies. MIRREM strives for changes that display distinct features. The improvement of measuring is a first-order change – a variation that occurs within a given system that remains unchanged – while regularisation as a more contested issue display features of a second-order change – a variation whose occurrence changes the system itself - that involves discontinuity and constitute a new direction. As a coordination and support action, MIRREM has to be aware of the complexity and multi-centric nature of political decision making that rarely comply with expectations of rational procedures. In particular in the case of complex issues like irregular migration, changes occur in a situation of urgency as result of non-linear and non-predictable decision making influenced by a situational availability of

- possible responses. M_{Irre}M aims to develop and make available possibilities for the improvement of measuring irregular migration and implementation of regularisation.
- A fourth theme concerns the systematic development of policy options. The approach of Critique Guided Designing provides orientation for the development of policy options in highly contested policy fields. Critique Guided Designing entails the development of first-best policy design and systematically collects and reviews reservation in order to re-design a policy option that is technically feasible, politically acceptable and ethically preferable. Consequently, Critique Guided Designing enable as second-best options the identification of incremental steps towards the realization of technically feasible, politically acceptable and ethically preferable policy designs.
 - A fifth theme concerns stakeholder engagement. M_{Irre}M aims to produce the handbooks with stakeholders in a collaborative manner. Findings from stakeholder research indicate that the identification of and communication with stakeholders is an intricate issue and imply also risks. Considering that M_{Irre}M operates in a contested policy field, the paper proposes to complement the classic criteria of stakeholder identification – power, urgency, legitimacy – with expertise and alignment. Stakeholder engagement should be organized with a task-specific orientation that focus in a first stage on the collaborative development of tasks with well-aligned stakeholders and in a second stage on the inclusion of a broader range of stakeholders in critique-guided assessment events.

Finally, the concluding chapter provides a brief summary of the paper, identifying the availability of more and more sophisticated policy options for change in the highly contested policy field of irregular migration governance as the main asset of M_{Irre}M.

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THE MIRREM PROJECT

MIRreM examines estimates and statistical indicators on the irregular migrant population in Europe as well as related policies, including the regularisation of migrants in irregular situations.

MIRreM analyses policies defining migrant irregularity, stakeholders' data needs and usage, and assesses existing estimates and statistical indicators on irregular migration in the countries under study and at the EU level. Using several coordinated pilots, the project develops new and innovative methods for measuring irregular migration and explores if and how these instruments can be applied in other socio-economic or institutional contexts. Based on a broad mapping of regularisation practices in the EU as well as detailed case studies, MIRreM will develop 'regularisation scenarios' to better understand conditions under which regularisation should be considered as a policy option. Together with expert groups that will be set up on irregular migration data and regularisation, respectively, the project will synthesize findings into a Handbook on data on irregular migration and a Handbook on pathways out of irregularity. The project's research covers 20 countries, including 12 EU countries and the United Kingdom.

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1. INTRODUCTION

This paper outlines the corner stones of a common communication framework for the EU sponsored research project MIRreM. The project involves a wide range of academic partners and external stakeholders from administration, policy decision-making and civil society. MIRreM pursues a broad set of purposes and objectives which will be elaborated in co-production with divergent stakeholder. The objectives encompass the elaboration of proposals for measures with relevance for an *improvement* of technical aspects (quality of measurement), political aspects (policies dealing with irregular migration), institutional relevance (institutional missions, purposes, procedures and decisions) and societal relevance (improvement of coping and solving social problems linked with and assigned to irregular migration). The simultaneous pursuance of such a wide array of tasks imply the risk of compartmentalization.

The *MIRreM Common Conceptual Framework* responds to this challenge and points to common grounds and overlapping consensus that provide orientation for the joint efforts of the MIRreM consortium. The Common Conceptual Framework explores a set of general themes relevant for internal communication among project partners and for external communication with stakeholders.

- fostering coherence through epistemic entanglement
- understanding the implications of statistical thinking
- understanding the nature of drivers for policy change
- and the orientation to critique guided designing

In practical terms, the complicated structure of the project requires a consistent framework for stakeholding. While the final explication and practical implementation of stakeholding will be elaborated in other project deliverables, this paper provides at least some indications for

- stakeholder identification
- stakeholder communication

The paper is organized in six parts: (2) chapter two emphasizes epistemological entanglement as a chance to reduce the risk of compartmentalization, (3) chapter three introduces the ongoing debates on “statistical thinking” as an overarching theoretical frame of reference, (4) chapter four introduces selected theoretical explanations of change in policy making, (5) chapter five introduces the method of critique-guided designing as an approach for the development of alternative policy designs, (6) chapter six points to techniques of stakeholder identification and stakeholder communication, and (7) chapter seven present brief concluding remarks.

2. EPISTEMIC ENTANGLEMENT

MIRreM is a project that bases on a division of labour among a comparatively large number of different types of partners each with a specific disciplinary affiliation, being responsible for the implementation of different tasks, serving different functions and pursuing different partial goals in the project context. The overall feature is a high level of diversity. In order to avoid that the project activities fall apart, centripetal arrangements should be installed which promote coherence and integration of the parts. This chapter points to shared understanding of the project mission and epistemic entanglement of project activities as factors that foster coherence.

2.1 Awareness of the MirreM mission

The project proposal introduces as set of overarching questions describing the core interest of the research:

“How can we promote a shared understanding of key dimensions of irregular migration and how these can be measured, in order to contribute to more effective and coherent policies on irregular migration and regularisation?”

A crucial aspect affecting successful performance of the project is academic and topical coherence. The MIRreM project addresses in response to the call two distinct issues: the improvement of measuring of irregular migration and the exploration of regularisation as one policy option. MIRreM project partners are expected to produce in cooperation with stakeholders as final *output* two handbooks:

- Handbook on Measuring Irregular Migration
- Handbook on Regularisation

The handbooks shall induce as *outcome* “a shared understanding of key dimensions of irregular migration and how these can be measured”. The expected *impact* consists in “more effective and coherent policies on irregular migration and regularisation”. Since MIRreM tackles and combines two usually separately treated areas, it is necessary to clarify the relationships, links and interactions of the issues at stake.

The project description only provides implicit answers to these questions. For example, the indexical “we” seems to imply the research consortium and external stakeholders; the key dimensions seem to refer to validity and reliability of data on the one hand and the social security of migrants in an irregular situation on the other hand; and the endeavour to

contribute to more effective and coherent policies implies the aspiration to contribute to a not-yet realized state of evidence-base in the governance of irregular migration.

2.2 Coherence through epistemic entanglement

In response to the EU-call, the project pursues two distinct and at first glance only loosely coupled issues: (1) The improvement of the measurement of irregular migration and (2) the improvement of policy responses with regularisation schemes as central measure.

In order to prevent a merely juxtaposed handling, the two strands I call *measurement section* and *regularisation section* should be epistemically entangled. This means in concrete terms, that the regularisation section should consciously and systematically tackle the issue of measurement in the context of exploring, designing and implementing regularisation possibilities. Addressing a quantitative dimension implies a systematic consideration of the role of numbers and quantitative reasoning in debates on regularisation initiatives. Consequently, this analysis identifies quantitative indicators relevant in these debates, including the existing and the non-existing statistical information. This implies, for example, an enhancement of the capacity to deal with the classic argument against regularisation as a pull-factor. Other requested data may relate to information from welfare associations providing assistance for irregular migrants. Such supply-related and process-induced data is significant for an assessment of possible impacts of policy measures, both stricter enforcement and regularisation.

Notwithstanding that the issue of regularisation policies is scheduled at a later phase of the project and mainly takes place in the second half of the project, the quantitative aspects of regularisation should be considered by all partners engaged in the collection and analysis of available stock and flow data.

On the other hand, the measurement strand should systematically include the aspect of regularisation and explore as additional field of statistical improvement how the regularisation related demand and supply of statistical information can be catered and improved. Such an epistemic entanglement generates overlapping interests and fosters the coherence of the MIrreM project.

2.3 Common conceptual frameworks

Coherence can be further supported with the formulation of an overarching conceptual framework that constitutes common points of reference for the interaction and cooperation of project partners. For this purpose, the paper proposes as frame of orientation three complementing themes: the ongoing debate on the importance and implications of *statistical thinking* in our times, the ongoing debate on the nature of the causation of change in political decision making, the approach of Critique Guided Designing as a method to produce alternative policy designs which are technically feasible, politically acceptable and ethically preferable; and finally the ongoing debate on the importance and implication of stakeholder engagement in political decision making. The following chapters provide a brief introduction of the four frameworks.

3. UNDERSTANDING THE IMPLICATIONS OF STATISTICAL THINKING

Following an exchange with partners, the idea of reflexive statistical thinking was identified as a suitable conceptual bracket for the MIRreM project. The notion of statistical thinking emerged as a category of analysis in the 1980s when Theodore Porter published a path-breaking study on the rise of statistical thinking in the 19th century (Porter, 1986). In the meanwhile, the notion of statistical thinking designates a flourishing research area that gained relevance due to the increasing capacity to produce and process mass data with digital tools.

Today, as Poldrack (2023, p. 13) explains, the foundations of statistical thinking come primarily from mathematics and statistics, but also from computer science, psychology, and other fields of study. The overflowing tendency to produce and relate to statistics induced a tendency towards the quantification of the world (Mennicken & Espeland, 2019). In a forthcoming textbook, Poldrack provides as definition: “Statistical thinking is a way of understanding a complex world by describing it in relatively simple terms that nonetheless capture essential aspects of its structure or function, and that also provide us some idea of how uncertain we are about that knowledge” (Poldrack, 2023, p. 1). As Mennicken and Espeland (2019, p. 223) argue, calculation and quantification have been critical features of modern societies, closely linked to science, markets, and administration. Scholarship on quantification flourishes, but unifying accounts of quantification should be met with caution. Instead, the essential ambiguity of different quantification regimes should be appreciated.

For the purpose of this exploration, I premise that statistical thinking encompass distinct but overlapping strands. On the one hand, statistical thinking designates attitudes and practices that take the application of statistical methods and techniques as a way to provide a quantitative representation of the world. The *affirmative statistical thinking*, as I propose to call this strand, is an elementary component of public deliberation and political decision making. On the other hand, statistical thinking designates a research strand that analyses the rise, the believe in and the effects of quantification and statistics from a social and cultural science perspective. The starting point of this *critical statistical thinking* is the observation that quantification is a constitutive feature of modern science and social organization that requires critical scrutiny (Espeland & Stevens, 2008, p. 402). Finally, *reflexive statistical thinking* emphasizes that statistics are contingent artefacts with performative power. Consequently, Mennicken and Salais (2022, p. 8) argue that it is important to look at quantification as both a technology of government, that reproduces a power structure, and as a tool that can facilitate political actions towards this structure, and its change. The reflexive strand aims to generate a deeper understanding of the chances and risks affiliated with statistical thinking.

3.1 Affirmative statistical thinking

Affirmative statistical thinking believes that proper application of statistics provides the basis for evidence based policy making. As Poldrack argues, statistical thinking distinguishes from other, less reliable forms of thinking like human intuition: “However, intuition fails us because we rely upon best guesses (which psychologists refer to as heuristics) that can often go wrong. For example, humans often judge the prevalence of some event (like violent crime) using an *availability heuristic* – that is, how easily we think of an example of violent crime. For this reason, our judgements of increasing crime rates may be more reflective of increasing news coverage, in spite of actual decrease in the rate of crime. Statistical thinking provides us with the tools to more accurately understand the world and overcome the biases of human judgement” (Poldrack, 2023, p. 1)

Poldrack continues that statistics can be used for three major operations: To describe a world that is complex in a simplified way that can be understood; to make decisions based on data, usually in the face of uncertainty; and to make predictions about new situations based on the knowledge of previous situations (Poldrack, 2023, p. 3).

Affirmative statistical thinking focusses on the promised beneficial effects of quantification. A statement by the UN Expert Group on Refugee Statistics (2018) illustrates how affirmative statistical thinking conceives the merits of quantification. The expert group states that quality statistics provide the requisite evidence to support (a) better policy formulation and sound decision making, (b) more effective monitoring, evaluation and accountability of policies and programs and (c) enhanced public debate and advocacy. In addition, the expert group underlines that robust statistics correspond with the expectations and demands of users (Expert Group on Refugee and Internally Displaced Persons Statistics, 2018, p. 13).

In this line, EUROSTAT launched a “power from statistics initiative” that was jointly organized by Eurostat and the European Political Strategy Centre. The initiative aimed to determine which topics will be relevant to decision makers and citizens in the future and how official statistics could best deliver information about them. As a first step, five thematic round table events were organized. Gathering expert participants from various stakeholder groups, the round tables covered trends in migration, globalization, new economic and business models, sustainable development as well as statistics, science and society (EUROSTAT, 2018, p. 196).

The expectations linked with “good statistics” are high. Good statistics are perceived to do a lot of good: They help to base decisions on factual arguments and simplify conflict resolution (Radermacher, 2022). However, as Radermacher continues, to facilitate these positive effects requires an understanding of the opportunities and risks, the strengths and limitations of statistical facts. Overestimation leads to exaggerated expectations and disappointments, underestimation to missed opportunities, risks. Even worse is the trouble if facts are influenced or manipulated with political intentions or if even the impression of arbitrariness is created with so-called ‘alternative facts’. The very bad excesses of political misuse of statistics are carried out with intent and not negligently. Nevertheless, it can be argued that the virus of false and manipulated information flourishes when the statistical literacy of the population is at a low level. On the less serious scale of missed opportunities or too high expectations regarding statistics, there are, also observations that suggest that an

improvement in statistical literacy would be very good for politics, both on the part of the population and on the part of politics itself. Rademacher concludes that an overall aim must be to promote and nurture a culture in which a conscious and experienced approach regarding data and statistics has become the standard (Rademacher, 2022). One way to reach this envisaged goal is the fostering of statistical literacy (Ben-Zvi & Garfield, 2004).

3.2 Critical statistical thinking

Critical statistical thinking is a strand that goes beyond the internal caveats addressing poor or erroneous calculations or the risk of manipulation and misuse. Far more fundamentally, critical statistical thinking addresses the performative and world-making power of statistics (Fioramonti, 2014; Gergen, 2015).

The emergence of critical statistical thinking is closely linked with the work of Theodore Porter who initiated the critical assessment of the quantification (Porter, 1986). He identified trust in numbers as a pervasive feature and standard of modern societies (Porter, 1995). His work fostered the consciousness that social arrangements and processes are highly impacted by practices to make things quantitative (Porter, 1994). He stated that success of quantification is related to the basic mechanism of reduction that creates a “technology of distance” (Porter, 1995, p. 10).

Consequently, quantification displays an overwhelming appeal in business, government and social research (Porter, 1995, p. 9). “Since the rules for collecting and manipulating numbers are widely shared, they can easily be transported across oceans and continents and used to coordinate activities and settle disputes. Perhaps most crucially, reliance on numbers and quantitative manipulation minimizes the need for intimate knowledge and personal trust. Quantification is well suited for communication that goes beyond the boundaries of locality and community. A highly disciplined discourse helps to produce knowledge independent of the particular people who make it” (Porter, 1995, p. 10). The methodological discipline implies that the authority provided by quantification is not power plus legitimacy but power minus discretion (Porter, 1995, p. 98).

Porter explains that the soft power of numbers and quantitative indicators is characteristic of our time. A vivid example provides the PISA process (e.g., Program for International Student Assessment) with its irresistible regime of testing. These tests are not merely measures but define new structures of incentives and shape the transformation of organizational structures and processes. Porter emphasizes, that the power of numbers and indicators may not require state power. One example provides the ratings privately produced by an American magazine that reshaped the preferences of students’ and even the law schools themselves. The prestige hierarchy as defined, though harshly criticized, became real because people acted on it. Porter emphasizes the impact of quantification on the public. Many public numbers are intrinsically value-laden, at least in the sense that they have consequences for people. The modern social sciences with their concerns for classification, quantification, and intervention produce looping effects. Hacking (1996) argues that looping processes produce particular human kinds – labels which assign a classificatory kind onto people and thus create their subjectivity: “By coming into existence through social scientists’ classification, human kinds change the people thus classified” (Hacking, 1996, p. 351).

Wild and Pfannkuch (2004, p. 21) argue that statistical thinking implies a performative power and permeates the way we operate and function in everyday life. Quantification and statistical accounting do not only mirror but make worlds (Gergen, 2015) and can achieve an own reality that is only loosely connected with social experiences but deeply influencing the social world (Boltanski, 2011). Numbers are particular deceitful when they move beyond descriptive measurement to function as targets or goals, a basis for rewards (Porter, n.d.) (Broome et al., 2018; Broome & Quirk, 2015). The tendency towards individual self-measurement through digital tools is a pertinent case. “The rise of numbers, data and indicators of societal self-observation is often viewed as a way to objectify and rationalize these activities and behaviours, but they themselves they are part of a valorization and value ascription process. They may not create quantitative representations of the social world, but they do re-create them and should therefore be understood as a reality that is sui-generis” (Mau, 2020, p. 20).

The quantification of political debates was particular visible during the Covid-19 pandemic with intensive disputes on and resistance to the governance through evidences and incidences (Münc, 2022). Scholars of statistical thinking observe that many contemporary societies experienced a shifting from government by rules to “governance by numbers” (Supiot, 2020) and that “authority is increasingly expressed algorithmically” (Pasquale, 2016, p. 9). While producing important new subjectivities and groups, the quantification of the world raises questions about the nature of political order, citizenship and democracy.

3.3 Reflexive statistical thinking

Between the hopeful and dewy-eyed expectation that statistical thinking can do good and a cautionary questioning of statistical thinking as powerful tool for manipulation and domination, a third position I call reflexive statistical thinking aims to deal with the insight that quantification is an inevitable but ambiguous component of the social world. Reflexive statistical thinking is not strictly separated but partly overlapping with and emanating from both the affirmative and critical strands.

Poldrack emphasizes that statistics can provide evidence. However, he continues that evidence is always tentative and subject to the uncertainty that is always present in the real world (Poldrack, 2023, p. 6). This caveat complies with the statement that statistics are products of social activities and as such are susceptible to errors. Instead of assuming that statistics are facts that simply exists, the users should be vigilant to “sort out the good statistics from the bad” (J. Best, 2012, p. 27). For that purpose users should think about three things every time a new statistics is encountered: who created it, why was it created and how was it created? (Poldrack, 2023, p. 6; see also Leese et al., 2022).

This recommendation relates to the proposal to overcome the risks of affirmative statistical thinking by fostering statistical literacy (Ben-Zvi & Garfield, 2004) – a move that accepts the shortcomings of statistics and shift attention to the user of data as weak link in the chain. However, Porter is sceptically to shift responsibility to users. He states that statistics should be treated as a technical field, in which statisticians and subject specialists (guided, perhaps, by political leaders) seek the best measures even when they do not correspond to the best outcomes.

Fligstein (1998, p. 331) argues that “the organization and relative power of external constituencies (i.e., who controls the economy and government) and scientific communities are the main forces that determine the development of quantification. Quantification is a language for negotiation in the public sphere. But it is also deeply embedded in political and economic arrangements, both current and historical, that dictate how and under what conditions it is used.”

An integral part of the reflexive strand is the request to consider not only available data but also the availability of data. Data absence has become as meaningful as data presence (Van Rossem & Pelizza, 2022, p. 2). A telling example for the implications of data absence is the registration of refugees in the so-called hotspot camps at the outskirts of the European Union. As Pelizza (2021, p. 275) shows, in Greece the competent authority “collects a range of standard basic data: name, nationality, gender, ID, photo and date of birth. On top of that, it also includes fewer standard categories, like name of father and mother, religion, ethnic group, educational level and languages spoken, profession, family situation and number of children, members of the family who already reside in Greece, socio-cultural ties with Greece. Furthermore, separate sections accessible only to specific profiles (e.g., physicians) collect health and vulnerability data.” However, only a fraction of this data is shared through the EURODAC system that serves the purpose to clarify EU member states’ responsibility for processing asylum procedures and enforcing removal. “What is not in the system is relevant here, especially if compared to the Hellenic Register of Foreigners: religion, ethnic group, educational level and languages spoken, profession, family situation and links within Greece, socio-cultural ties with the Hellenic Republic. Furthermore, most data are system native: they did not exist before the person was recorded in the system (e.g., place and date of the application for international protection). In other words, Eurodac creates a self-referenced digital index, in which information acquires meaning in the context of the system itself, and is functional to pursue its main goal: compare fingerprints with asylum requests” (Pelizza, 2021, p. 276). The absence of data at European level implies, that data like professional qualification or family affiliations cannot be used for the purpose of allocation of refugees among EU member states.

Within a wider scope, McAuliffe et al. (2022) reviewed the use of data in debates on and governance of migration. The authors concluded that the world has well and truly entered a data-driven age with a movement from evidence-based policy to data-driven policy (van Veenstra & Kotterink, 2017). “However, in moving in this direction we risk becoming more and more distant from the underlying meaning of data variables, thereby increasing the risk of ineffective data-driven policy that misunderstands and misinterprets social phenomena such as migration” (McAuliffe et al., 2022, p. 4). Consequently, reflexive statistical thinking decisively points to the ethical dimension of producing data and statistics. This raises the question about the impacts of data production and use: who is concerned, which purposes are at stake, what are the impacts (Leese et al., 2022)

Against this background, the efforts to improve statistics on migration in general and irregular migration in particular requires a careful reflection of purposes and the legitimacy of users’ interests, e.g., stakeholders in the field of irregular migration governance.

In addition, reflexive statistical thinking asks what *improvement* means in the context of measuring irregular migration and which possibilities of improvement are available. At least three approaches exist:

- The first is a “keep-it-up” approach of insufficient statistical accounting. Such an intentional ignorance and refusal to launch efforts to get reliable data on irregular migration is a prevailing feature in UK and Germany (Boswell & Badenhoop, 2021). Drawing on work from ignorance studies, Scheel and Ustek-Spilda (2019) interpret the acknowledged unreliability and non-coherence of migration statistics as a strategic ignorance intertwined with politics of expertise. They identify four practices producing strategic ignorance: (1) omission of the significant gap between recorded immigration and emigration events, (2) compression of different accounts of migration into one “world migration map,” (3) deflection of knowledge about the specificities of different methods to production sites of statistical data, and (4) usage of metadata for sanitizing the statistical production process of any messy aspects. In consequence, migration policies risk the danger to be characterized by an ineffective muddling-through policy style (Hampshire, 2013) that fuels disputes.
- At European and member state level some efforts had been initiated to produce better statistics in spite of or even because of the methodological problems related with the measuring of a hard-to-reach segment of population (Ardittis & Laczko, 2017; Vespe et al., 2017). These efforts are motivated by claims to establish evidence-based policies. The changes may be motivated by the affirmative intention to support the effectivity and efficiency of the dominating purpose to enhance the capacity to control cross border mobility. In this vein, efforts for the improvement of data production is shaped by and aligns to the purpose of migration control as dominant purpose.
- An alternative motivation is related to improve data production in order to increase the awareness of and knowledge for the creation of alternative policy designs that implies the evidence-based evaluation of alternatives to the dominant exclusionist migration governance. In this vein, efforts for the improvement aims to extent the framing of data production purposes and systematically include data useful for evidence-based assessments of the effects of more open migration policies on the quantitative development of irregular migration, including more liberal visa policies, granting access to social services or opening avenues for regularisation programs (PICUM, 2022).

As the statements indicate, reflexive statistical thinking refers to both affirmative and critical statistical thinking as inspiration for improvements and innovations in the measuring of irregular migration.

3.4 Implications for MIRreM

The consideration of statistical thinking serves the purpose to provide an overlapping conceptual framework, to sensitize for the different contradicting and even antagonistic instrumental expectations and believes of stakeholder, to recognize pitfalls of affirmative statistical thinking like data absence and finally to address the ethical dimension of

measuring irregular migration. MIrreM efforts to improve the current practices and systems of data registration of irregular migration have to take into account the ethical and practical implications both of the current and of the proposed purposes and practices of data production.

MIrreM starts from the underlying premise that proper quantification and statistical representation of a phenomenon is principally possible and can provide the foundation for evidence based and thus reasonable decision making. The *statistical thinking* framework provides a common frame of orientation in two regards. On the one hand, the framework of reflexive statistical thinking offers a joint overarching conceptual approach that may serve as an overlapping discursive space for analysis and publications. On the other hand, conscious awareness of the logics and implications of affirmative statistical thinking helps to create mutual understanding how partners and stakeholder directly or indirectly involved in the MIrreM project relate to and make sense of quantification and statistics. Sharing a basic understanding of how statistical thinking works provides the chance to integrate the MIrreM components, to link more consciously to stakeholders and to enhance the probability that changes developed and recommend by the MIrreM partners will connect to stakeholders.

Taking into account that public measurement is often already in action, it is necessary to consider in advance how people will react to changes. In this context, it is important to recognize that numerical comparison can be valuable. However better numbers do not always correspond with genuine improvement; and different political, cultural, and economic systems may have good reasons to pursue different goals in differently-organized systems.

The next chapters offer a selective consideration of the literature on factors influencing political decision making.

4. UNDERSTANDING INSTITUTIONAL CHANGE

The main purposes of MIRreM are improvement of measuring irregular migration and designing feasible regularisation options. In other words: MIRreM is about changes in the design of irregular migration governance – a policy field characterized by a strong status quo bias (Hadj Abdou & Pettrachin, 2022). This means that established policies and practices continue when no agreement on changes can be found (Samuelson & Zeckhauser, 1988). From a conservative point of view the burden of proof for policy change should be on those wishing to make them because it has taken a great deal of time to establish institutions but they can be destroyed very rapidly (Wolff, 2018, p. 19). However, preferences for the status quo can resonate with strategic ignorance as a way to avoid confession that a status quo is problematic and requires changes (Boswell & Badenhoop, 2021). A status quo bias with a refusal to develop and introduce alternative policy designs can endanger and undermine the existence of social systems when ongoing changes that respond spontaneously to occurring problems are also suppressed. A shared understanding of the nature and dynamics is important to launch proposals for improvements in the governance of irregular migration.

4.1 Institutional change as rational adaptation

Economic, social and political dynamics constantly necessitate adaptations of rules and institutional changes. Koremenos et al. (2004) consider institutional change in international politics as outcome of rational design. At international level, they observe continuing calls for change of institutional arrangements induced by the occurrence of new problems. Consequently, policy actors adapt established or create new institutions in the course of learning processes. Koremenos et al. (2004, p. 6) argue that many institutional arrangements in the realm of international relations are best understood through “rational design” among participants.

“This rationality is forward looking as states use diplomacy and conferences to select institutional features to further their individual and collective goals, both by creating new institutions and modifying existing ones. Even trial-and-error experiments can be rational and forward looking in this way. Although we do not argue that all institutional change is the product of conscious design, we do consider it the overriding mechanism guiding the development of international institutions” (Koremenos et al., 2004, p. 6).

In this view, institutional evolution involves deliberate choices made in response to changing conditions. Institutional development frequently depends on prior outcomes (“path dependence”) and evolutionary forces. As institutions evolve, rational design choices can arise in two ways. First, participants may modify institutions in stages, by making purposeful

decisions as new circumstances arise, by imitating features from other institutions that work well in similar settings, or by designing explicit institutions to strengthen tacit cooperation. Second, institutions may evolve as states (and other international actors) select among them over time. States favour some institutions because they are better suited to new conditions or new problems and abandon or downplay those that are not (Koremenos et al., 2004, p. 7).

Koremenos et al. treat international institutions as rational, negotiated responses to the problems international actors face. The sustainability of institutional rules depends on *incentive compatibility* which means that actors create, change, and adhere to institutions because doing so is in their interests. Incentive compatibility does not mean that members always adhere to rules or that every state always benefits from the institutions to which it belongs. It does mean that over the long-haul states gain by participating in specific institutions—or else they will abandon them.

4.2 Change and complexity in European migration policy

However, simple imaginations that human beings or collectives have the capacity and power to induce change and realize preferred future states in a linear and fully controllable process are misleading. Cairney points to complexity as an inevitable aspect of decision making in a decentred policy arena: “Decentred policymaking may result from choice, when a political system contains a division of powers or a central government chooses to engage in cooperation with many other bodies rather than assert central control. However, it is largely borne of necessity: governments would fail if they tried to centralize policymaking.” (Cairney, 2022, p. 46). Cairney introduce two arguments for this statement: (1) All policymakers face ‘bounded rationality’ and (2) engage in a policymaking environment over which they have limited knowledge and minimal control. The former suggests that they must ignore most information most of the time, since they can only pay attention to a tiny proportion of their responsibilities at any time. The latter suggests that there are many policymakers and influencers spread across many types of government, producing a myriad of rules, networks, locally dominant beliefs, and ways to respond to socioeconomic conditions and events outside of the control of any single ‘centre’. Some policymakers are more powerful than other actors, but not to the extent to conclude that there is singular central control” (Cairney, 2022, p. 47). Rather, policymaking is multi-centric (Cairney et al., 2019). Consequently, even when decision makers act interest-guided, they do not fully control the process and outcome of decision making (Geddes, 2021, p. 124f).

In spite of severe unexpected events usually experienced as crisis, no fundamental change has taken place in migration policies at European and national level. The European Union still pursues an approach based on deterrence that was established more than 30 years. Combatting irregular migration and reducing asylum-seeking entries have remained consistently the key component of EU action. Even increased resources and political attention on migration, as well as important institutional changes with the 2009 Lisbon Treaty have not changed EU’s “policy priorities” on immigration and asylum (Hadj Abdou & Pettrachin, 2022, p. 2).

A recent analysis of policy networks engaged in European migration policy making indicated and increasing diversity and diversification since 2015 (Hadj Abdou & Pettrachin, 2022, p. 11). Regarding the networks' policy preferences, Hadj Abdou and Pettrachin identified an economy-oriented preference for liberal migration policies, a preference for restrictive migration policy and border security and a preference for rights-based migration policies. Actors interact more intensively and fruitfully with actors within their own coalition that are perceived as like-minded or sharing similar perspectives, rather than with actors with different views (cit. op. 14).

However, the key programmers within the EU migration policy systems are National Interior Ministries, DG Home (EC), and permanent representatives at the EU level with a home affairs mandate. The "home affairs actors" are identified as core actors for the designing of European migration policies with a preference to perceive migration as a security issue and the continuation of control and deterrence policies. Although the dominant network of home affairs actors considers exchange with other networks as very valuable, in practice home affairs actors rely on internal sources (i.e. sources within their own institutions) such as staff on the ground, EU agencies and advisory boards and reports or information produced by other Home Affairs actors. Also traditional media were mentioned as key sources of information by many Home Affairs actors. "Conversely, other types of sources such as reports from think tanks, academic sources, and reports from other international organizations, were very rarely or never mentioned by the same interviewees. Reports produced by NGOs or other actors were never mentioned as key sources by any interviewee" (Hadj Abdou & Pettrachin, 2022, p. 15).

The authors summarize the findings: "First, our analysis has demonstrated that, despite an increasing diversification of migration policy networks, Home Affairs actors have remained the dominant actors within the EU migration policy system. Second, we highlighted that whilst these dominant actors mostly consider exchanges with other non-core actors as valuable, these exchanges are far less frequent and do not take place regularly. Third, Home-Affairs actors are less likely to describe these actors as holding similar perspectives to them, which points to the role of trust and cognitive and organizational proximity for the constitution of understandings and policymaking processes. Fourth, Home Affairs actors tend to rely on internal sources of information, and when they reach out beyond their organization they rely on 'like-minded' actors, i.e., actors with similar pre-set organizational goals and mandates (mostly: other core Home Affairs actors)" (Hadj Abdou & Pettrachin, 2022, p. 16).

As in other policy domains, also in migration politics new ideas face difficulties to reach the responsible (Hadj Abdou & Pettrachin, 2022). Responsible actors use to interact within their own circles (Hadj Abdou & Pettrachin, 2022, p. 14). At individual level, social-psychological mechanisms reinforce a status quo bias, among the trust in common heuristics (Kahneman, 2011), illusory truth effects (Hassan & Barber, 2021), efforts to avoid cognitive dissonance (Harmon-Jones & Mills, 2019) effects of motivated reasoning (Bolsen & Palm, 2019; Leeper & Mullinix, 2018) and the influence of emotions (Considine, 2018).

Governmental bodies in the field of European and national migration politics usually commission research to justify pre-ordained policy-decisions in order to get policy-based evidence making: "Policymakers in the EU, as in many member states, often claim that

policymaking is evidence-based. However, the evidence that may inform migration policy is a product of a process of knowledge generation that is shaped by the policy priorities themselves” (Singleton, 2015, p. 133).

Consequently, European migration policies display a status quo tendency, “the inclination of decisionmakers to continue with existing goals and plans beyond the point at which a neutral observer or a statistical model would recommend a change in course” (Silver & Mitchell, 1990, p. 34). Deterrence policy prevails over other goals like the protection of vulnerable population.

4.3 Understanding decision making in organizations

These considerations do not only cast doubts that the processes of political and administrative decision making is really as rational as commonly premised but also instigate questions regarding the relationship of science and politics. The classic policy cycle model conveys an idealized image of decision making intended to provide guidance for a rational organization of decision making grounded in thoroughly definition, analysis and evaluation as basis for evidence-based ruling. However, Cohen et al. (1972, 2012) describe the reality of organizational decision making as chaotic. In their view, problems, solutions and decision-makers form three independent streams, each generated separately and flowing disconnected from each other. These three streams meet only when a fourth stream, a situation requiring a decision, arise. In such a situation, the streams of previous and current problems and solutions come to the fore. Due to limited time and energy, participants in a decision-situation cannot all equally engage with the same intensity. At the same time, many things happen at once competing for attention. Proposed solutions are only loosely coupled and change during bargaining. To illustrate this process, Cohen et al. (1972) introduced the metaphor of a garbage can: In a decision situation, participants dump problems and solutions together as they are generated, similar to the use of a garbage can. The garbage can model emphasizes that decision emerges from the sorting of this messy and chaotic mix.

The political use of expert knowledge is part of this mix, as Boswell (2009) has shown. Political decision makers often maintain an instrumental relation to expert knowledge and utilize it for different objectives. It is selectively used as proof that a problem really exists and requires a response, as legitimation that a decision is evidence based, as producer and provider of feasible technical solution, and as an option to win time and curb a discussion by commissioning research or an expert commission.

However, ongoing natural and social proceedings jolt dynamics that challenge the routines of institutional arrangements. Institutional arrangements deal with these pressures by either incremental adaptations that retain the institutional arrangement or go – less frequently - through disruptive transformations implying the dissolution of an established arrangement and the emergence of a new one (Baumgartner et al., 2018). Watzlawick distinguished first and second order change (Watzlawick et al., 1974). First order change involves a variation that occurs within a given system which itself remains unchanged. The changes are incremental and involve improvements and development in the default direction. Second order change involves a variation whose occurrence changes the system itself. The change

constitutes a revolutionary jump, involves discontinuity and takes a new direction (Levy, 1986, p. 11).

Radical transformations do not come out of the blue. Schneidewind (2018) argues – with reference to Appiah (2011) – that great transformations involve a change of moral certainties that proceed in five steps: (1) Ignorance, a particular problem is not seen as such, a practice is not questioned although moral critique is already there; (2) recognition of the problem without a personal bearing, critique of a particular practice is formulated but without greater resonance; (3) recognition of a personal bearing without consequences, justification why a change is not feasible in spite of critique and alternatives; (4) acting, the powerful elites lose central position and new regulations are introduced that mirror the new understanding; (5) in a look backward incomprehension that old practices were accepted. “Nevertheless, at the end of the moral revolution, as at the end of a scientific revolution, things look new. Looking back, even over a single generation, people ask, “What were we thinking? How did we do *that* for all those years?” (Appiah, 2011: 9).

The model of moral transformation (Appiah, 2011) indicates that the formulation of alternative policy designs plays an important role in the occurrence of change. Horx (2014)¹ like many others points out that imagination and anticipation is the source and motor of the realization of alternative policy designs as a self-fulfilling prophecy (Bregman, 2018; Brewer, 1980; Levitas, 2013).

4.4 Implications for the MirreM project

As indicated, the modes of statistical measuring and political handling of irregular migration are the outcome of human decisions and thus subject to change. Due to the involvement of many actors with diverging interests, decision making is characterized by a level of uncertainty and unpredictability. Scholars of irregular migration research have consequently analysed policies as muddling-through like responses to migration movements that can neither be suppressed nor controlled (Cvajner & Sciortino, 2010). Consequently, Hampshire (2013) states that governments of receiving countries can only operate in the muddling-through mode with only incremental steps. However, even when no full control is possible, there is some capacity to influence at least developments.

MirreM operates in the muddling-through context of irregular migration governance with the production of two handbooks that can be assigned to the distinction between first and second order change as proposed by Watzlawick et al. (1974). The handbook on measuring irregular migration implies a first order change and relies upon step-by-step incremental learning, expansively building upon previous capabilities while simultaneously modifying what has been learned before. In contrast, the preparation of a handbook on regularisation implies a change of a second order type, because it demands fundamental shifts in thinking,

¹ <https://www.zukunftsinstitut.de/artikel/die-welt-neu-konstruieren/>

a reframing of previous learning which serves as a springboard for a transformation to new levels of comprehension (Maier, 1986).

5. METHODOLOGICAL APPROACH: CRITIQUE GUIDED DESIGNING

MIRreM is a coordination and support action (CSA) combining related but distinct areas each with specific tasks and purposes. The overarching common mission of these separate sub-actions is the purpose to support the improvement of policy design. A methodological orientation for this mission-oriented research provides the approach of Critique Guided Designing. The following section familiarizes with the key ideas of policy designing as general framework. The next section introduces the idea of Critique Guided Designing. The subsequent section considers implications for MIRreM.

5.1 A Policy design perspective

Critique Guided Designing of future-oriented policies resonates with current trends in political sciences to analyse and improve policy making with a design perspective (Howlett & Mukherjee, 2018b). Policy design aims to contribute to the generation of better or improved ways to construct policies and ensure that maximizing or even optimal results are achieved from the expenditure of scarce governing resources. Howlett and Mukherjee (2018a, p. 6) argue that a “policy formulation process guided by the design orientation is able to translate policy problems into possible policy means” (2018a, p. 6). At the heart of policy design is the *formulation of policy alternatives* that can achieve government objectives and the idea that a *formulation process* that is capable of doing this is the most effective approach.

Effective policy design embodies a process that pursues a more intentional and instrumental purpose and entails the intentional undertaking of linking policy instruments with unambiguously outlined policy goals. This mission involves the organized effort to analyse the effects that policy tools can have on a policy field. This appraisal is used to craft policy responses that can, in all practicality, lead to expected policy outcomes (Howlett & Mukherjee, 2018a, p. 5).

However, designing public policies is a difficult task for a number of reasons, among lack of resources, the existence of corrupt or inefficient bureaucracies and of other policy actors who are either incompetent or motivated by values other than doing the public good, the presence of powerful veto players among both state and societal actors who can block even the best thought-out plans, problems of vague goal definitions, and poor implementation, evaluation and other policy practices (Howlett & Mukherjee, 2018a, p. 3). Among the aspects that shape the potential of policy designing efforts, a government’s or administration’s *design intention* and the *capacity to carry it out* are particular important.

Competences to make policy designing is crucial and rely on their availability and the availability of adequate resources to allow them to be mobilized. These resources of capabilities must exist at the individual, organizational and systems levels in order to allow individual policy workers and managers to participate in and contribute to designing, deploying and evaluating policies. It includes not only their ability to analyse but also to learn and adapt to changes as necessary (Howlett/Mukherjee 2018: 11). Consequently, design spaces differ considerably. Some are rather simple, while others are more complex (Howlett & Mukherjee, 2018a, p. 3). The worst situation for design “is a politicized, religious or ideologically driven policy process with few governing resources. However, even when these values dominate, capacity remains a critical pre-requisite for successful formulation and implementation” (Howlett & Mukherjee, 2018a, p. 10).

Other crucial aspects that influence the opportunities for the formulation and implementation of design possibilities imply the goodness of fit of proposed designs with pre-existing governance preferences and the degrees of freedom designers have to innovate. “The extent to which this choice is led by design considerations is affected by the particular mix of partisan, electoral, legislative and other preferences governments have, including their habits and historical *modus operandi*” (Howlett & Mukherjee, 2018a, p. 9).

As the brief and selective description of policy design efforts indicates, a host of factors come into play affecting the different governments’ choices of different possible mixes of policy instruments. The design of policy mixes can encompass the need to ensure a good fit not only between packages and tools and government goals but also their institutional and behavioural contexts at specific moments in time. “Such decisions can be systematically modelled and analysed in terms of their effects on the process of policy designing” (Howlett & Mukherjee, 2018a, p. 10). Consequently, depending on the available space for the formulation and implementation of design, a context sensitive appraisal guides the decision to promote either first-best (theory-inspired) or second-best (real-world) design possibilities.

5.2 Critique Guided Designing

Critique Guided Designing offers orientation for MIRreM activities dealing with the highly contested field of irregular migration governance that is described as intractable or wicked problem (McConnell, 2017; Raadschelders et al., 2019). When solving a wicked problem is beyond reach, the clear understanding of alternatives which are not yet realized open an avenue to cope with the problem and tentatively solve it.

Critique Guided Designing pursues an intensification of the *formulation process* in policy design. In line with the policy design approach, Critique Guided Designing approaches a particular policy problem with the perspective to identify a first-best solution and to consider technical feasibility, political acceptability and ethical preferability in the light of governmental design intentions and capacities to implement them. Critique Guided Designing emphasizes that the formulation process should distinctively collect and grapple with reservations that cast doubts on the feasibility, acceptability and preferability of a proposed alternative policy design in a systematic and iterative manner.

Critique Guided Designing is a suitable approach for dealing with policy issues perceived as complex or wicked (McConnell, 2017; Raadschelders et al., 2019). Initially, Critique Guided Designing emerged in the context of the consideration of the tension between conflicting claims to acknowledge freedom of movement as an individual human right on the one hand and the claim to control and govern immigration as a right of political collectives (Cyrus, 2021). In general terms, CGD aims to provide a method to determine both preferable futures as not yet realized states (Weber, 2015) and formulate incremental steps towards these futures. The main difference to so called “realist” policy approaches is the willingness to explore possibilities perceived to be utopian as “real possibilities” (Bauder, 2017). As a “mission-oriented research” (Foray et al., 2012, p. 1697), CGD is about the designing of measures and mechanism for problem solving and the evaluation of its effectiveness and efficiency,

Critique Guided Designing does not conclude with a mere formulation of a blueprint of a preferred future but seeks actively to explore the technical feasibility, political acceptability and ethical preferability of this blueprint by collecting and dealing with objections in order to re-design the blueprint and gain more social robustness (Nowotny et al., 2003). Being aware that the assessment of policy designs is hardly consensual, Critique Guided Designing aims to identify second-best but feasible real-world options (Howlett & Mukherjee, 2018a, p. 4) that can be incrementally implemented. In other words: First-best (theoretical) conceptions of a preferred future serve as signposts and orientation while implementation of this future is designed as second-best (real world) projects with identification of incremental steps towards this future. The process of Critique Guided Designing advances in five steps.

(1) Defining preferred futures and researchable cases

As a policy design project, Critique Guided Designing refers to a policy problem that looks for a solution. Critique Guided Designing seeks to formulate as first step a policy alternative that is not only feasible in technical terms and acceptable in terms of political majorities but also preferable in terms of moral foundations and ethical fairness (Lever & Poama, 2018; Motilal et al., 2021).

Critique Guided Designing requires first of all to define a manageable problem. This step implies the determination of transparent criteria for the assessment of preferences, which may include instrumental (efficiency, effectivity, feasibility), political (appeal to voters, matching with values) and ethical (fairness, respect for human rights, harm avoidance or reduction) aspects. In order to identify and defend the preferences for a particular alternative policy design, it is necessary to dispose of reasons why a particular not-yet realized state is preferable in comparison to the current or other possible ones (Lever & Poama, 2018; Wolff, 2018).

Philosopher Wolff (2018) propose for the generation and ethical considerations of possible policy designs a sequence of six steps: (1) to identify the issue at stake and current state of affairs; (2) to identify the arguments and values; (3) to look at examples of practice at other times and places; (4) to create a profile of solutions; (5) to evaluate the options in terms of moral foundations and ethical legitimacy; (6) to recommend policy options.

In concrete steps, the identification of preferred futures may be carried with particular techniques like future-related methods (Poli, 2018) or “scenario planning” (Amer et al.,

2013) in cooperation or coproduction with well-aligned stakeholders (Andersen et al., 2021). In order to anticipate the probability of the realization of intended effects and impacts as well as of unintended and harmful side-effects, the explication of the underlying “theory of change” (UNEG, 2016) is instrumental, in particular the explication of an assumed intervention logic consisting of a description of “the expected chain of events by using a simplified model of causality” while “taking context into account” (European Commission, 2015, p. 54).

The final outcome of the first design step is the formulation of a not-yet realized policy option that the involved designers consider to be the first-best solution. At this stage, Critique Guided Designing does not shy away to formulate alternative policy designs that engender serious doubts and objections of various stakeholders regarding technical, feasibility, political acceptance and ethical preferability. The formulation of this alternative policy design serves the function to evoke critique and reservations.

In order to enhance the chance of stakeholder inclusion, it is crucial how a particular policy issue is framed (Düvell et al., 2008; Schön & Rein, 1994). Controversial issues do not present themselves automatically as problems capable of resolution or even sensible contemplation. They must be posed and formulated in fruitful and often radical ways in order to move them toward the vision of a solution. “The way the problem is posed is the way the dilemma will be resolved” (Getzels, 1979, p. 167). Since Critique Guided Designing contributes to controversies perceived to be intractable, wicked or complex with reasonable and feasible solutions, there is a good chance that critics and opponents pay attention and raise their voice.

(2) Collecting arguments and reservations

While proposed alternatives may initially sound plausible a least for all involved in the first-step designing process, it is an open question if and how they work in practice. Also, well-intended interventions can induce harmful effects and impacts, in particular when the knowledge and agency of local people is disregarded (Scott, 1998). Consequently, the second step implies procedures that more systematically acknowledge social complexity, uncertainty of causal relations in social affairs and the unpredictability of social dynamics (Geyer & Cairney, 2015). Some scholars point to the importance to systematically involve those affected by decisions also in the decision making. Such an involvement is not only a virtue with respect to formal legitimacy, as discussed in political philosophy (Habermas, 1991), but also with regard to the social robustness of procedures for decision making (Nowotny et al., 2003). The developing and designing of solutions that match local contexts require the co-design and co-creation with all affected by decisions (Amri & Drummond, 2020), an approach that also enhance innovativeness and sustainability (Cea & Rimington, 2017).

Critique Guided Designing implies a systematic stocktaking of reservations for selected topics and samples the references to obstacles in as concrete and practical terms as possible. Possible reservations against particular components may raise the issue of lacking capacities, imbalanced input-output relations, technical feasibility or impossibility, lack of public interest, political opposition, legal obstacles or ethical imbalances.

Since Critique Guided Designing aims to utilize the energy of criticism, the inclusion of stakeholders in a series of iterative deliberation (Benhabib, 2004) is a basic requirement. A careful identification of stakeholders is prerequisite. It is crucial to get to know the reservations held by powerful key-stakeholders. Due to the psychological mechanisms mentioned in the previous section, it is probable that some relevant stakeholder may be reluctant to engage or to participate in a constructive manner in cooperation (Kujala et al., 2022).

Ordering and Evaluating Reservations

Subsequently, the sampled reservations are ordered and evaluated. CGD operates with three classifications: (a) Affective pleas constitute a class of arguments that do not claim to refer to empirical facts but to a deep-felt conviction or faith (Furegon, 2022; Motilal et al., 2021, p. 14; Wirth et al., 2016). As a matter of conviction, affective pleas are hard to challenge, in particular when sentiments are reinforced in echo chambers and communities of faith adhere to conspiracy theories (Sunstein & Vermeule, 2008). Convinced believers resist rational arguments. Usually, affective pleas receive high public attention due to its alleged authenticity and compassionate and loud presentation. CGD has to avoid the pitfalls and traps of false balance in the attention towards arguments (Birks, 2019). (b) Fact-claiming statements can be made subject to methodological sound examination of evidence in a methodological systematic form. Here the response pattern consists in a test, exploring truth, evidence or logic of a reservation (Birks, 2019). (c) The third class of reservations refers to concerns regarding future impacts. Projective reservations constitute the class of arguments most difficult to deal with. Due to ontological and epistemological complexity (Geyer & Cairney, 2015) it is impossible to forecast what future will bring for sure – and social sciences have an impressive record in failed prognosis (Scott, 1998). “Possibilities, even mere one, must be reckoned with” (Bigelow, 1988, p. 37). In order to deal with this class of arguments, approaches from evaluation research (i.e., theory of change) (UNEG, 2016) or are forecasting approaches (Sardoschau, 2020) can be consistently applied in order to estimate the likelihood that a projective rejection becomes reality.

(3) Re-Designing alternative policy design

Based on the classification of reservations, CGD deals seriously with critique and aims to utilize the critical spirit and energy for an improvement of envisioned changes. CGD thus combines research and development in order to re-design the initially proposed alternative policy design in the light of reported reservation and enhance feasibility, preferability and acceptability. The operations implemented in step 1 activities are newly applied. The proposed alternative design then consists of a nuanced and concrete formulation of possibilities and steps towards their realization.

(4) Translating feasible formulations in incremental policies

The realization of envisioned changes is a political decision and depends on the support of stakeholders and uptake of political core actors (Hadj Abdou & Pettrachin, 2022). The chance to initiate developments towards envisioned changes depends on a set of factors: (1) An envisioned change have to be championed by an alliance of “great” actors (for example faith organizations, trade-unions, employer associations, political parties, NGOs) which engage continuously for a particular change in a non-blaming style; (2) it is helpful to

translate an issue from a politically contested issue into the question of technical feasibility: not if, but how to implement an proposed intervention; (3) it should be emphasized that the proposed change is in the best interest of all, including the local population; (4) and the message should be distributed in a variety of formats (including parliament petition, studies, articles, media coverage, blogs etc.) and channels (Cyrus, 2017b).

The communication strategy has to consider that debates on migration are contested, emotionally charged and dominated by styles of “fast thinking” (Kahneman, 2011). This view challenges the conviction that transfer of scientific knowledge primarily takes place in a rational policy-science nexus. Social scientists critically engaged in migration issues face serious problems to make their voice heard and to sell their ideas to politicians (Scholten, 2011). One reason for the mismatch is that policy decisions demand a particular kind of knowledge, i.e. expertise. Expertise translates scientifically based knowledge into applicable recommendations and complies with a contextually expected level of epistemic and social robustness (Nowotny et al., 2003).

Consequently, mission-oriented research on and development of alternative policy designs should broaden horizon and address beyond politics also civil organizations (including foundations, NGOs, faith organizations, trade-unions etc.) and media in a science–media–civil society–politics nexus. The different arenas require different kinds of expertise, and researchers together covering the different roles of academic, critical, political and public intellectual (Burawoy, 2005).

Researchers have to be particular sensitive regarding the naming of a concern. To give just one example: Many scholars adopted and use the term “refugee crisis” that popped up in public debates around 2015. The term implicitly suggests an understanding that refugees cause a crisis. In other words: This notion frames refugees as a threat to the public order. Independent from a speaker’s intention, the use of such a terminology repeats the message that refugees constitute a threat. Influencing the framing of public problems by using powerful metaphors is an explicit strategy of populist thinking to contaminate public perception. CGD would search for alternative metaphors that avoid such toxic connotations and provide an alternative framing. In the case of “refugee crisis” for example, the term “refugee protection crisis” provides an alternative frame that directs attention to the underlying driving problem, namely that the system of refugee protection failed (Cyrus, 2017a).

5.3 Implications for MIRreM: Awareness of options and obstacles

In the MIRreM context, the preferred futures relate to (1) robust and reliable measuring of irregular migration and (2) regularisation as a possible policy option. The two issues display different levels of general acceptance and preferability in the highly contested policy domain of migration governance. In a world of prevailing statistical thinking, the improvement of measuring irregular migration is an issue principally shared and widely accepted. However, the viewpoints of relevant stakeholders diverge with regard to political acceptability of purposes, the willingness to spend resources and the assessment of technical feasibility. The

efforts to improve the measuring of irregular migration relate to different policy preferences, among to support restrictive policies and strengthen migration control; to develop statistical accounting as an evidence base for the development and assessment of policy designs in migration governance that accomplishes the declared purposes effectively; and to gain evidence-based insights on shortcomings and unintended side-effects and unwanted consequences of ongoing migration governance efforts in order to call for alternative policies.

In contrast, the M_{Irre}M mission to describe the possibilities and feasibility of regularisation address a principally contested issue in the governance of irregular migration that is very unevenly appreciated and practiced (Hinterberger, 2020; PICUM, 2022). The designing of regularisation programs constitute a second-order change in tension with the officially declared dominant policy preferences to manage, e.g., control migration movements and intensify restrictive efforts in response to the failure to accomplish declared policy targets (Geddes, 2021; Hadj Abdou & Pettrachin, 2022).

With regard to regularisation, a strategy to establish communicative overpass is the framing of regularisation as one component of an overall strategy to reduce irregular migration (Cyrus, 2008). Migration research provide innovative ideas for the identification and substantiation of preferred futures (for example Cyrus, 2022; Hinterberger, 2020; Jandl & International Centre for Migration Policy Development, 2007; Pécoud & Guchteneire, 2007; PICUM, 2022; Weber, 2015). With regard to the preferability of regularisation, ethical considerations emphasize that the refusal to offer regularisation as an exit option deprive persons in an irregular situation for an unlimited time of a perspective to make a living in dignity. The argument that regularisation induce additional irregular migration is a claim that lacks evidence. An increase of irregular migration after a regularisation program can be also interpreted as an indicator of failed migration and border control policies. The improvement of measuring irregular migration may involve the designing of statistical tools that enable a robust statistical exploration of this and other related questions.

6. STAKEHOLDER ENGAGEMENT

The MIRreM project displays a strong commitment to the development and implementation of objectives in co-creation with stakeholders. This feature calls for a clarification what stakeholding means in the very project context. This chapter provides a brief and focused review of stakeholder research and utilizes the findings for identification of and communication with stakeholders.

6.1 Stakeholder research

Stakeholder research advanced to a flourishing branch (Harrison et al., 2019) that emerged from management and business studies during the early 1980s (R. E. Freeman, 2010). The development of the stakeholder approach was a response to and critique of the then dominant perspective of shareholder (or stockholder) theory which stated that firms and enterprises are committed in their value production only to the interests of their immediate shareholders.

Stakeholder theory criticized the shareholder perspective as too narrow and dysfunctional and challenged the shareholder opinion that participants in business are self-interested actors extremely opportunistically pursuing maximization of shareholder profits as the only legitimate purpose of business (E. R. Freeman, 2011, p. 371). Such a tight focus on value creation in the sole interest of shareholders neglected ethical concerns regarding the consequences of transactions for employees, communities and nature. Moreover, the neglect of other actors' interests was identified as a potential threat for commercial value creation and the survival of a firm.

A stakeholder perspective states that executives have to pay much more attention to external forces and pressures in a fast-changing business environment. Strategic business action requires a more sophisticated version of dealing with customers, suppliers, employees, financiers, communities, societies, interest groups, media and the like (E. R. Freeman, 2011, p. 364). Consequently, stakeholder theory offered an alternative view to the dominant story about business in capitalism as primarily interested in making money. The stakeholder approach formulated a set of commitments in a business context, among the following three: (1) No matter what you stand for, no matter what your ultimate purpose is, you must take into account the effects of your actions on others, as well as their potential effects on you. (2) You have to understand stakeholder behaviours, values, and backgrounds/contexts including the societal context. (3) Stakeholder interests need to be balanced over time.

The widely accepted definition of stakeholder covers in a broad strategic sense “any group or individual that can affect or is affected by the achievement of a corporation’s purpose” (E. R. Freeman, 2004, p. 229). During the late 1990s, research on stakeholding in a business context intensified when researchers explored in interdisciplinary efforts the question what constitutes stakeholder’s salience (Mitchell et al., 1997; Wood et al., 2021).

The progress of research and theory building induced the diffusion of the stakeholder approach beyond the business domain. Stakeholder engagement gained relevance not only in the public sector with its focus on the production of common good as its specific value (B. Best et al., 2019) but also in scientific projects (Corbie-Smith et al., 2018; Slunge et al., 2017). In the meanwhile, political actors at all levels emphasize the relevance and importance of stakeholding (UNESCO & i4Policy, 2022).

The broad application of stakeholder theory in diverse contexts implies terminological fuzziness. According to Kujala et al. (2022), stakeholder research operates with a set of terms that have to be distinguished and coherently applied in order to avoid misunderstanding and confusion. The concept of *stakeholder management* remains inherently unilateral because when organizations conventionally manage their stakeholders, they “take steps to defend themselves from the demands of stakeholders”. The concept of *stakeholder inclusion* relates to the presence of stakeholders in organizational activities, such as decision making, to include stakeholders’ perspectives and knowledge in value creation. The term *stakeholder collaboration* refers to the joint activities with external stakeholders and can be depicted as a means for organizations “to pursue goals that would otherwise be difficult to achieve internally”. The term *stakeholder democracy* involves the idea that “stakeholders participate in processes of organizing, decision making, and governance in corporations.” Finally, *stakeholder engagement* refers to practices an organization undertakes to involve stakeholders in a *positive* manner in organizational activities. Stakeholder engagement constitutes a process that creates a dynamic context of interaction, mutual respect, dialog and change, not a unilateral management of stakeholders (Kujala et al., 2022, p. 1142 f).

However, as Kujala et al. (2022) continues, the bright image of stakeholder engagement as a process that creates a dynamic context of interaction, mutual respect, dialogue and change implies blind spots. In reality, stakeholder engagement may result in deadlocked relationships due to intractable conflicts, in particular when value dissensus is essentially high and values are protected and hardly negotiable. “Regarding the aims of stakeholder engagement, issues such as misfit or misuse of stakeholder engagement for firms’ or stakeholders’ purposes, or how the characteristics of the aims relate to moral reasons such as value incongruence, strategic reasons such as interest conflicts, and/or pragmatic reasons such as wicked social issues, remain largely underexplored” (Kujala et al., 2022, p. 1168). Misguided stockholding leads to poorly informed decision-making, exclusion of stakeholder voices or stereotyping marginalization of stakeholders. These observations call for a critical reflection of stakeholder engagement as a real-world process.

The shady sides of stakeholder engagement even matters more when public institutions are involved and the value at stake is a public one (Hartley et al., 2017). Stakeholder research emphasizes the particular role of state agencies. In a business context, the state is unique stakeholder that can set the organizational field in which industry or firm develops. This brings to bear power that is unattainable by other stakeholders. The state can influence both

the legitimacy of specific stakeholders and the possible set of transactions between them (Olsen, 2017, p. 71).

These considerations point to the particular framework that characterizes the development of policy designs in initiatives commissioned by state agencies. State agencies are involved at the same time as constituents, stakeholders and addressees. In order to deal with this constellation, it is reasonable to create distinct contexts in which representatives of involved state agencies are encountered with regard to one functional characteristic only, as stakeholder, addressee or constituent.

6.2 Stakeholder identification

The MIRreM project aims to develop the central outputs – the handbooks on improving measurement and regularisation schemes - in co-creation with stakeholders. Consequently, the identification and selection of stakeholders is a constitutive task and thus require careful implementation. In the MIRreM context, the term stakeholder encompasses all agents who are affected by or affect (1) the making and utilization of irregular migration measurement and (2) the making and implementation of regularisation schemes.

Stressing the relevance of stakeholder leads to the question how to identify stakeholders. Stakeholder research deals with this question since Mitchell et al. (1997) published their seminal work on stakeholder salience and identification.

The *stakeholder theory of salience* identified power, legitimacy and/or urgency as relevant indicators for the identification of stakeholders (B. Best et al., 2019, p. 1712). Power denotes the ability of stakeholders to impose their will on a given relationship through coercive utilitarian or normative means; a legitimate stakeholder is one whose actions and claims are perceived as appropriate, desirable and proper; urgency refers to the degree to which a stakeholder believes its claims are time sensitive or critical. Based on the uneven overlapping of these features, Mitchell et al. (1997) distinguished seven classes of stakeholders (see Figure 1).

The figure visualizes how combining the three analytically distinguished attributes yield seven classes of stakeholders. “Logically and conceptually, seven types are examined – three possessing only on attributes, three possessing two attributes and one possessing all three attributes. We propose that stakeholders' possession of these attributes, upon further methodological and empirical work, can be measured reliably. This analysis allows and justifies identifications of entities that should be considered stakeholders of the firm, and it also constitutes the set from which managers select those entities they perceive as salient” (Mitchell et al., 1997, p. 873). Consequently, the authors discuss in detail the features and the relevance of each type of stakeholder.

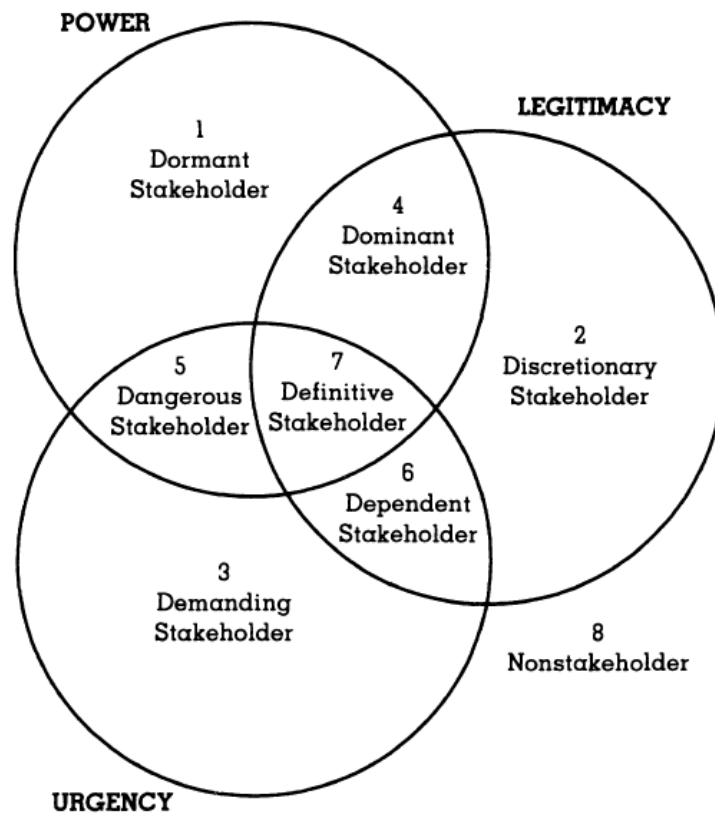


Figure 1: Stakeholder Typology (Source: Mitchell et al., 1997, p. 874)

Classic stakeholder research dealt with the creation of value in a business context. The expansion of and diffusion beyond business contexts instigated the development of alternative conceptions: “A final key shift entails a move away from managerial and corporate applications of the stakeholder concept. With initial stakeholder thinking the primary dependent variable was economic performance: stakeholder management had to be justified in economic terms. However, as stakeholder thinking expanded to other organizational contexts – namely the public and non-profit/nongovernmental sectors – alternative conceptions justified stakeholder thinking. In nonbusiness contexts organizing is more likely to happen around focal issues or problems, not focal firms or organizations. Research in this vein retains the basic stakeholder concept but does not emphasize business strategy or privilege managerial interests” (Koschmann & Koczynski, 2017, p. 6).

This clarification implies that stakeholding in nonbusiness contexts has to be clear about the addressed issue, the purposes in addressing the issue and the conditions for facilitating change.

6.3 Stakeholder communication

Stakeholder communication is an issue attracting more attention in the last years (Feucht, & Lemp, 2006; Hoppenbrouwers et al., 2012; Koschmann & Kopczynski, 2017; Slunge et al., 2017). According to Koschmann and Kopczynski (2017, p. 1), stakeholder communication “involves any process of interaction or information exchange between an organization and relevant people, groups, other organizations, or broader constituencies. Almost any communication situation could be considered stakeholder communication because the participants involved all have some sort of stake in the interaction that prompted the interaction in the first place.”

Management research use to emphasize that organizations should be aware of and take into account shareholders’ values and expectations in their strategic planning processes (Brummette & Zoch, 2015, p. 12). Stakeholder engagement is portrayed as a type of interaction that involves at minimum recognition and respect of common humanity and the ways in which the actions of each may affect the other (Noland & Phillips, 2010, p. 40). Stakeholder engagement is described as a social process where diverse stakeholders share a common forum, learn about each other's values, reflect upon their own values and create a shared vision and shared objectives (Brummette & Zoch, 2015, p. 1).

However, communication scholars engaged in stakeholder research challenge the harmonistic view that takes stakeholder communication as one-way models of illusory control or two-way models of disguised monologue. Communication is more than linear transmission of information. In the view of a constitutive approach to stakeholder engagement, communication is perceived as a social process in which the identities of stakeholder emerge in communication and are performed in conversation and meaning emerges through negotiation and consensus. “This perspective stands in sharp contrast to the ideas of stakeholder thinking as developed in the management literature, especially because it goes against many assumptions of strategic, managerial thinking – that dialogue is inefficient, it challenges hierarchical control, and it is unpredictable. But dialogue may also be the approach needed in today’s organizational landscape, especially in contexts of increasing complexity and interdependency” (Koschmann & Kopczynski, 2017, p. 8).

The emphasis on dialogue as a social process points to the chance that stakeholder communication does not only create meaning regarding an issue at stake but also influences how stakeholders conceive the own position and role in a policy field.

6.4 Implications for MIRreM

The brief and selected review of stakeholder research yields a set of suggestions for stakeholder engagement in the context of the MIRreM project.

A first take-away refers to the broad and fuzzy use of the term stakeholder that blurs context- and task-sensitive understanding. MIRreM partners should agree upon the meaning of stakeholder engagement in the context of the project and distinguish between experts consulted due to their technical expertise and alignment with project purposes and

stakeholders included due to their relevance in the formulation of alternative designs in the governance of irregular migration.

Cooperation with stakeholders takes place at different stages of the project, is related to the accomplishment of distinct tasks and serves specific purposes. For example, the improvement of measuring irregular migration pose questions of technical feasibility, political acceptability and ethical preferability. While these dimensions are issues that matter in stakeholding, the particular roles and functions of the actors need to be distinguished. As a practical task, the improvement of measuring irregular migration requires professional expertise and alignment with this special purpose. Also, the production of a handbook on regularisation requires expertise and alignment with the purpose to develop a policy design that accepts regularisation as an option. Consequently, the identification of stakeholder should include in addition to the classic criteria of power, legitimacy and urgency also expertise and alignment.

The composition of stakeholders' inclusion in the project will differ with respect to the operational issue at stake, the national contexts, institutional settings and civil society engagement. The identification of key stakeholders is context and field specific. Against this background, MIrreM partners should pursue an aligned comprehensible approach for stakeholder recruitment and integration.

Since MIrreM operates in a highly contested policy field, it is operational to focus in the first step of Critique Guided Designing on an engagement with experts and stakeholders well aligned with the purpose to formulate alternative policy designs. In order to avoid that inappropriate stakeholder inclusion prevents or hampers the practical development of innovative policy designs, stakeholder engagement should be sequentially organized. For the stage of collaborative development, cooperation should be established with experts in alignment with the project purposes. Stakeholders not in alignment with project purposes should be included in the middle stage of critique-guided assessment of the alternative policy designs in order to gain more social robustness.

Starting from this consideration, the MIrreM partner may consider for each task to what extent the integration of all classes of stakeholders is instrumental and necessary – and partners may develop on this basis a consistent strategy how to identify, include and cooperate with key stakeholders.

MIrreM's combination of different purposes constitute distinct although overlapping fields and accordingly distinct but overlapping stakeholder landscapes. In the field of measuring irregular migration, the relevant actors include in a very broad approach all actors that collect data, generate quantitative or statistical accounts or use the generated statistics on irregular migration. On the other hand, the field of regularisation concerns actors because they are calling for regularisation, being the addressees for regularisation calls or benefit from regularisation programs.

Stakeholder communication need to be adopted with regard to the features of a special target group. The relevant aspect addressed should be clearly formulated. For example, with regard to the envisaged training for journalists, the main goal could be – in reference to the statistical thinking debate – described as enhancement of “statistical literacy” (Ben-Zvi & Garfield, 2004; J. Best, 2012; Steen, 2002; Van Witsen, 2018).

7. CONCLUDING REMARKS

As Coordination and Support Action, MIrreM aims to contribute innovative and alternative policy designs to the “stream of solutions” (Cohen et al. 1972) available in the governance of irregular migration.

The epistemic entanglement of the distinct but overlapping purposes to improve the measurement of irregular migration and to extend the possibilities of political handling of irregular migration with the formulation of regularisation options will broaden not only the understanding of the nature of irregular migration but also of the capacities to politically respond in a reasonable manner. MIrreM’s quest for an elaboration of technical feasibility, political acceptability and ethical preferability of alternative policy design in collaboration with stakeholders contributes to the development of not-yet realized possibilities.

Since appropriation and implementation of innovation occurs due to the complexity and multicentric nature of political decision making in a non-linear and unpredictable manner, alternative policy designs displaying a goodness of fit with established frameworks and governance preferences have a higher chance of implementation. Critique Guided Designing with a systematic attention to reservations and criticism provides an approach to enhance the goodness of fit and thus support reasonable decision making in a highly contested policy field.

Contributing to the availability of more and more sophisticated policy options for change in the highly contested policy field of irregular migration governance is the main asset of the MIrreM project.

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