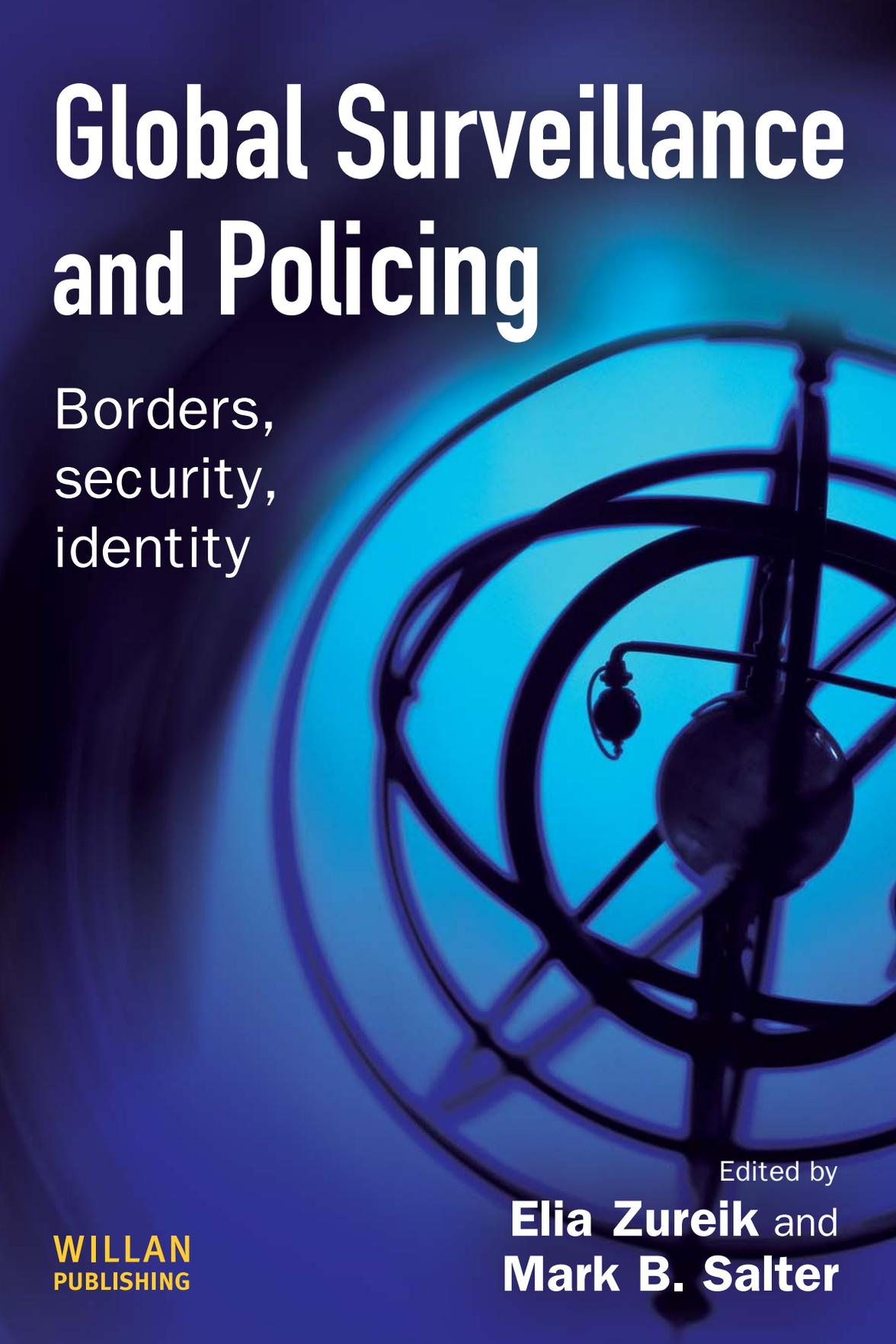


Global Surveillance and Policing



Borders,
security,
identity

WILLAN
PUBLISHING

Edited by
Elia Zureik and
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Development of State Practices in the Modern World (Princeton University Press 2001); of *Politics and the Past: On Repairing Historical Injustices* (Rowman & Littlefield 2003); and (with Daniel Levy and Max Pensky) of *Old Europe, New Europe, Core Europe: Transatlantic Relations after the Iraq War* (Verso 2005). His book *Making Whole What Has Been Smashed: On Reparations Politics* will be published by Harvard University Press in late 2005.

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Chapter I

Global surveillance and policing: borders, security, identity – Introduction

Elia Zureik and Mark B. Salter

There is no doubt that the mobility of people, data and goods is emerging as a defining feature of life in late modernity. The talk about globalization and the disappearance of space notwithstanding, borders in their geographical, spatial and virtual forms have become increasingly central for understanding the life chances of people. If for Marx the capitalist state exercised monopoly over the means of production, and for Weber the state exercised monopoly over the organized means of violence, for John Torpey (2000) the modern state exercises monopoly over the means of movement. If there was a move towards a borderless world, the terrorist attacks of 11 September 2001 have managed to dash any such hopes.

Since the 9/11 attacks in North America and the accession of the Schengen Accord in Europe, students, scholars, politicians and pundits have been increasingly concerned with the passages of people, goods and information across borders. In response, states have fundamentally changed the ways that they police and monitor this mobile population and personal data. In this highly topical anthology we assemble a number of prominent scholars from disciplines across the social sciences, all working on the common problem of policing and surveillance at physical and virtual borders. *Global Surveillance and Policing* combines theoretical discussions of how we think of policing and surveillance at borders with empirical case studies.

Gathering at a workshop held at Queen's University (Kingston, Ontario, Canada) under the aegis of the Globalization of Personal Data

Project funded by the Social Sciences and Humanities Research Council of Canada, scholars, researchers and activists discussed the ways in which the modern state attempts to control its mobile population and data flows. This collection offers both a theoretical frame and empirical cases for the study of borders and the flow of personal information which are accessible to students and scholars in sociology, political science, geography and public administration who are concerned with state power, bureaucracies, borders and border management, and homeland security in an age of terror. One of the great strengths of this collection is that there is no other anthology on this subject which examines the study of physical and virtual borders simultaneously. Furthermore, similar works on this topic do not address a post-9/11 world, which has fundamentally changed the global mobility regime and the way that states police their borders.

The themes of the papers in this volume capture various dimensions of borders, and indeed they highlight the relevance of Gary Marx's rephrasing in this volume of General Douglas MacArthur's often quoted words: 'old borders never die, they just get rearranged'. But in noting the flexibility of borders, one should also note that in the process people and their identities are deconstructed and rearranged as well.

Contributors to this volume come from a variety of disciplines and theoretical traditions. Our mutual concern with various forms, processes and institutions of surveillance provides the impetus for this collection. We might point to Foucault's writings on the topic of surveillance as a broad grounding for this analysis. Foucault examined the concomitant evolution of industrial and institutional techniques of modern governance through an investigation of how productive, healthy, moral bodies were constructed, schooled, policed and harnessed for labour and public order. His investigation of how the penal system in particular led to the evolution of a disciplinary society provides a model for this study in which we examine how mobile bodies are produced and policed (1977). Foucault was also instrumental in elaborating how a disciplinary society might evolve that used surveillance as a primary machine for the construction of docile citizens. While Lyon, among others, argues that the panopticon model is ambiguous and, on its own, inadequate as the basis of surveillance theory, he also acknowledges that it remains a powerful reminder that power is not solely repressive, but also constitutive. In examining the institutions of surveillance, Bigo has presented a modification of Foucault's panopticon as the 'banopticon' in which, rather than the criminal being encircled and institutionalized, modern societies encircle and institutionalize the 'normal' and exclude the 'abnormal' (Bigo 2002). Lyon puts forward the argument that the

effect of a generalized surveillance is a 'social sorting' that has only intensified after the terror attacks of 9/11 (2001, 2002, 2003). In analysing how the state and private authorities monitor and police populations, several different avenues of research present themselves.

Haggerty and Ericson discuss how the governmental modality of surveillance has become oriented around the idea of 'risk' and 'risk management'. In particular, they argue that a new form of 'surveillant assemblage' functions to 'abstract [...] human bodies from their territorial settings, and separate them into a series of discrete flows. These flows are then reassembled in different locations as discrete and virtual "data doubles"' (2000: 605). It is this prompting, among others, that has led us in this collection to examine the simultaneous flows of data and persons across borders to understand better the relationship between the mobile body and its data shadow. In addition to abstract data, we also examine the documents of identity which provide the grounding for surveillance. Torpey's work was seminal in his investigation of the history of the passport (2000), later supplemented by Salter's account of the evolution of international cooperation surrounding the global mobility regime of passports and visas (2003). This collection extends this research with chapters by Lyon, Muller, Torpey and Salter which push this agenda forward. In examining the object of surveillance, Zureik and others have explored the importance of biometrics – the conversion of the body into data (Zureik 2004). Muller situates biometric technology within a political framework in the current volume and in a forthcoming work. Muller highlights the role of the biometrics industry in framing the debate around security, identity and borders. Nancy Lewis argues in this volume that in responding to political and cultural pressures, the police have resorted to using the latest in surveillance technologies such as biometrics and DNA testing in a dragnet fashion, and in the process have expanded policing functions to include non-criminal activities at a cost to human rights.

The current collection brings together a number of these threads of investigation to weave a complex story about the current practices of surveillance and their implications for policy and policy study.

Our shared concern about surveillance has also led us to the border. Let us set out some commonly accepted precepts: Borders are important and understudied. While all borders are important, some borders are more important than others. Inter-state borders – of various significance – are central to the global mobility regime, the international system in both political and economic spheres, and to national identity. Inter-state frontiers always reflect the over-determination of economic, military and cultural boundaries. That said, the metaphor of the border is over-used

to the extent that our thinking about borders is often clouded – although Marx goes a long way to providing a typology of borders in the current volume. Marx reminds us that borders are the subject of a variety of disciplinary investigations, in addition to a few inter-disciplinary forays. Crossing the disciplines of anthropology, sociology, political science and human geography within this collection, the border itself is opened up as an extremely productive site of study.

The presumed isomorphism among sovereignty, nationality and territory has been undone by transportation, communications and population flows commonly called ‘globalization’. Airports, for instance, deterritorialize the border, while immigration databases virtualize it. Nevertheless, the border of a state is central to its definition; as Anderson suggests, ‘the frontier is the basic political institution’ (1996: 1). To draw an analytical distinction between the policing of population and the policing of territory (although in practice the two functions are often carried out in concert and are certainly mutually reinforcing), we might separate the frontier and the boundary of a state. Thus we can understand the policing of human movement across borders as a boundary-maintenance procedure and the policing of territorial rights across borders as a frontier-maintenance procedure. One sees the difference clearly in the kinds of institutions which arise to structure each of these different governmental roles. This analytical division is especially salient now, when many POEs (Ports of Entry) and checkpoints or security nodes – border policing – occur outside the territory of the state – or inside the territory of the state (in addition to being at the frontier). Albert and Brock have described this as a ‘debordering’ process because border functions are increasingly distant from territorial frontiers (1996: 62–3). For the most part, this collection focuses on the border and the control and policing of population rather than territory, although Donaldson’s work provides an interesting counterpoint by detailing both kinds of lines.

It is our contention that as the policing function of the border is undermined or interrupted, a more general policing of the population must take place, as Lyon and Salter have suggested. The image of a controlled border allows for the construction of the national space as smooth space, safe space and domestic space. In the macro-politics of the inside/outside dynamic, the anxiety of the internal other may be generalized into policing as the external other is contained by the army and the international border. As these two forces and threats intertwine, Bigo suggests, we see the forces of army and police coordinate to ‘lower [...] the level of acceptability of the other’ (2001: 111). To our mind, this is a reconfiguration of the national sense of ‘safe’ space – a vital part of national territoriality. Within a globalized, post-9/11 world, revolutions

in transportation, technology, and policing make the border an essential site of study.

Our core argument in this volume is fourfold:

- 1) That the new dynamics of global policing and surveillance should be a central concern of modern policy makers and policy studies;
- 2) That this project to understand the processes, institutions and experiences of control – such as identity cards, censuses, passports, etc. – requires a multi-disciplinary effort;
- 3) That the border itself is an under-studied and under-theorized important site of politics; and
- 4) That we must examine the paths, processes and institutions of the movement of data and information just as much as we examine the paths, processes and institutions of the movement of persons.

In an age of globalization, how do world governments, and often private corporations, attempt to mitigate the inherent uncertainty of increasingly mobile populations? How might we account for the ease of some persons jetting around the world with little concern other than the choice of an aisle or window seat alongside the tyranny of the local in which the majority of the world's population is tied to the natal home? Similarly, how might we explain the movement of our personal data, often without our explicit knowledge? We would suggest that there are three dimensions which illustrate the dynamics of state policing, surveillance and the differential mobilities of data and persons. We might gauge the freedom of mobility (of data and persons) as being conditioned by state capacity for surveillance, state inclination demonstrated by policing environment, and the characteristics of the different mobile (bodily or informational) populations. This three-dimensional space allows us to conceptualize the varying degrees of control and constitution of states and individuals as they cross international borders.

State surveillance capacity is determined by the resources available, including not only the budgetary, material or geographic restraints, but also political will. Distinct from the ability of the state to control its border, we must also examine the degree to which the state polices its citizens and its borders. Finally, as Salter has argued elsewhere, the characteristics of the mobile subject are crucial in determining the permeability of an international border, determined by class, nationality and other social scripts (Salter 2003, 2004).

Thus, we can characterize the freedom of mobility of particular individuals or information packets across different jurisdictions – allowing

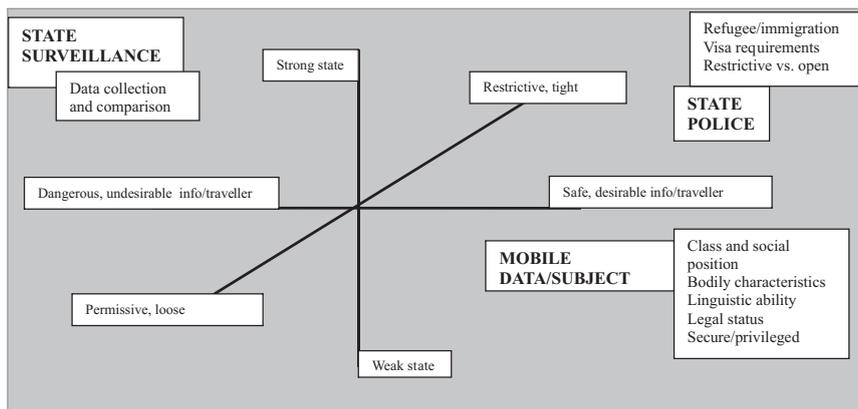


Figure 1.1 Dimensions of Control at the Border

for different permeabilities in different government jurisdictions. The various authors examine questions of technology, biometrics, identity, police cooperation, private surveillance, data and information sharing, airports and territorial borders.

Our collection is organized into four broad themes. Marx, Salter and Pellerin discuss typologies and theories of borders and border maintenance. Lyon, Muller and Lewis analyse the intersection of biometric and surveillance technologies through both empirical and theoretical lenses. Bennett, Finn and Torpey investigate the North American context – although Bennett examines private data tracks while Finn and Torpey trace governmental programs. Aas and Donaldson look at the persistence and even reprioritization of borders to states from a theoretical and empirical stance. Flynn and Maas investigate the European case through assessments of British and a potential European citizenship. From sociology, criminology, political science, communications, border studies and activist groups, these authors represent an important multi-disciplinary effort to parse the effects of state policing and surveillance at the border.

Marx offers a theoretical investigation into the ‘operating principle’ of a social barrier through exploring how risk, communications and surveillance technologies condition, alter and undermine different kinds of borders. By drawing upon the notion of systems in sociological theory, Marx points out that ‘forms of surveillance can be usefully viewed as techniques of boundary maintenance’. Through his typology, we see that borders are manifest in spatial, institutional, temporal and bodily ways. Salter examines the over-determined politics of the state border

through an examination of the various legal, economic, cultural and social functions it fulfils, in terms of the policing of a mobile population and the construction of a particular mobile citizen/subject. The airport is taken as an exemplar of the international border through the application of anthropological models of 'rites of passage'. Pellerin elaborates the political economy aspect of the international border in the context of state securitization, focusing on the way in which the regulation of border permeability is conditioned by labour markets, economic forces and continental integration. In adding economic information as data which travel, Pellerin productively expands the informational context in which states make decisions regarding freedom of movement. She argues that despite suggestions of trends towards deterritorialization as a result of economic globalization, we are in fact witnessing a reterritorialization of economic space.

The precise intersection of personal and data mobility is found in the national identity card, and the transmission of biometric information between governments and government agencies. Lyon's comparative approach to the national identity card issue illustrates the degree to which political will and political culture affect the adoption of wide-scale schemes. Taking into account the technological capacity of states, he suggests that with the increased ability to gather and use personal data, the border – both personal and virtual – is potentially everywhere. Muller also examines the technological capacity of states to 'know' their population, but uses the frame of security to ask, 'What is the political space of biometrics?' He argues that the construction of biometrics as an inevitable evolution of policing has displaced some crucial political debates about the value and possible abuses of such information. Bennett examines this dynamic of privacy/surveillance through a study of his own data trail generated from an airline ticket. This innovative project plots the trajectory of Bennett's data as he physically crosses the country, generating an empirically grounded view of the actual dangers of surveillance. Bennett concludes by cautioning against the use of 'totalizing metaphors' in discussing surveillance. Surveillance is a contingent thing. In his detailed description of what happens to the information collected about him as an air traveller coming to the workshop that generated the chapters of this volume, Bennett shows that it is not beyond reach to deconstruct one's digital persona as it is assembled at crossing points such as an airport. Lewis continues this empirical investigation in the realm of police cooperation, which she argues holds for information-sharing across borders among different agencies – a thesis supported also by the 9/11 Commission Report and the Auditor-General's report on Canadian anti-terror policies. For both Bennett and Lewis, the as-yet-