

Freedom and Speed in Enlarged Borderzones

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In *The Contested Politics of Mobility. Borderzones and Irregularity*, edited by V. Squire, Routledge, 2010.

This essay is structured by a central idea: that under liberal governmentality mobility is translated into a discourse of freedom of circulation, which reframes freedom as moving without being stopped, and confuses the speed of well-channelled movement with freedom. As we will see in a first part of the essay, this process of reframing freedom as speed emerges from a long history of liberal governmentality. It is related to more recent trends concerning the combination of different techniques (including biometrics identifiers, storage of personal data in huge data bases and exchange of these data at the transnational level), which have been experimented with in various local regions, such as at Australian borders, US/Mexico and US/Canada borders, and Schengen borders. This trend was destabilised after September 14, 2001, and was then reframed in light of the temptation to come back to a sovereign logic of border controls. It has been given the name of ‘smart’ borders. The techniques are unending, and in the language of the European Union (EU) have been defined as ‘enhancing freedom’. They have huge implications concerning who is considered a regular traveller or not, under what reasons the travel is considered as legitimate (legalised), and when the traveller is seen as entering a ‘borderzone’ that is deterritorialised from the locus of the state border. As we will see in the second part of this essay, such techniques also invoke compliance on the part of individuals to a regime of mobility that is associated with freedom and comfort. Control is less directed toward these individuals than it is directed towards their personal data, their ‘data double’, meaning the information collected in the data base systems which is seen as representing their ‘real’ identity, the truth of their body (see also Rygiel, this volume). The essay thus argues that liberal governmentality is more and more driven by a reframing of freedom as speed and comfort, implying that freedom is subordinated to unease, suspicion of others, and uncertainty of the boundaries of the self. The identity of this self is now related, not only to the soul, the body, but also to the data double; to the information collected by public and private bureaucracies about the self, and supposedly telling the truth about him or her. This, as we will see, generates new forms of irregularity through dataveillance.

THE LIBERAL GOVERNMENTALITY OF BORDERS

Traditional accounts of liberal regimes link control with the capacity to stop and to investigate and, by contrast, identify movement with freedom. The Jean-Baptiste Say argument of 'laissez faire, laissez passer' has been accepted as the truth of liberalism, and blocking movement is widely conceived of as a 'protectionist' or security move. The different bureaucracies of the state consider borders as forms of institutions, though in different ways. The military approach borders as symbolic lines of defence to stop the enemy, even if borders in this sense are technically obsolete. For police and custom purposes, borders function as places where it is easier to stop someone, both in practical terms and often in legal terms when it concerns foreigners. From an economic perspective, borders are places of exchange and of added values, and are operators of connections (Anderson and Bigo, 2002). Very often this diversity of visions and functions has been described as a 'liberal paradox' by opposing security on one side and freedom of movement on the other side (Wayne et al., 1994). Indeed, a large part of the literature on migration continues to use this metaphor of a dilemma solved (or not) by a 'back door' policy (a contrario Guild, 2009, Schmidtke and Ozcurumez, 2007). But this approach is misleading. Security is not only about stopping. Opening can also be a 'security' move.

Unfortunately, the association between mobility and freedom has obscured this fact by structuring a simplistic opposition: security is about stopping, freedom is about moving. Irregularity then becomes defined as crossing without authorization. The mythical association of liberalism with 'laissez faire,' and with the limitation of the state (of police) has been set up in opposition to controls that are designed to stop movement in order to check identities, to block products and persons, and to tax products and persons. Indeed, border controls for military, police and commerce purposes have been downgraded with the rise of political economy in its liberal doctrine approach. Any idea of control associated with erecting a wall, or sealing the border, in order to become a 'fortress' has been considered as 'illiberal', and even as 'authoritarian'. Borders are rather junctions, suggest liberal economists. They are useful as they are place of differentiation (and thus as places where profit is possible), but they have to be 'opened' to be profitable. For growth to exist, for life to develop, the required environment is one of mobility. This is what is called freedom of movement. Freedom is a terminology to signify a 'natural action': to put mobility into motion. Freedom of movement

is at the same time the movement of freedom. It is a dynamic. The two terminologies of freedom and of movement are consubstantial.

This liberal economist discourse has also framed the juridical discourse of the main international institutions of regional areas of commerce: not only the World Trade Organisation, but also the European Union as such. If states such as the USA and Australia have been reluctant to extend freedom of movement to persons and have preferred to restrict the freedom of movement to capital, ideas, products, and service providers (i.e. workers), the European Union, through the Commission and its 'founding fathers' has created the potential for the development of a wider range of struggles around freedom of movement than those limited to the economic agenda, including those concerning family reunification, tourism, and other activities not directly related to work. The two Courts of Strasbourg and Luxembourg (ECJ and ECHR) have set up a jurisprudence, which has given clear grounds to the notion of freedom of movement for individuals (Guild, 2004). Recognised as a central value of the EU, freedom of movement has thus been categorised as the norm, the exception being the sovereign argument of threat to survival and identity. Freedom (of movement) in this regard has been considered as an overarching value that can be contrasted with security. By the same token, freedom has often been reduced to freedom of movement. The notion of rights has invaded the notion of liberty and freedom as an epistemic category, and freedom has been associated with capacity to act and to move. Freedom has been seen as the 'engine' for the liberal economy to be productive. Freedom is then encapsulated into a political imagination whereby freedom is necessary; whereby freedom is a means to obtain the optimum development of life (of happiness).

In contrast to such liberal accounts of free movement, this essay argues that freedom is not so much a value, it is a technology of power; a technology of power where freedom is easily reduced to and associated with mobility. Michel Foucault was among the first to see that security does not disappear with freedom of movement. In his 1977 lecture series concerning security, territory and population, he considered security as the limits of freedom, that it is the result of this process of freedom of movement creating a 'milieu' (Dillon and Neal, 2008, Foucault, 2007). In order to show this, he tried to distinguish between discipline and security, between an environment of police, and an environment of market, reserving the terminology of security for non-sovereign and non-disciplinary techniques. Even if he abandoned the distinction later on because it was counter intuitive and because security is seen as coercive

more than as a social and economic instrument (better rendered by risk), there are two points that are central to his lecture. First, he refuses to oppose security and freedom as two values, with security instead appearing as the limit of freedom practices. Second, he is conscious that mobility is not the defining dimension of freedom (Bigo, 2008). On the contrary, mobility is conceived of by Foucault as a limit condition of freedom, like security, while mobility and security are conceived of as working together. Following Foucault, we thus have to recognize the structure of mobility as a means of undermining freedom and of equating freedom with security.

SEPTEMBER 14 2001, AND THE DISCIPLINARISATION OF BORDER CONTROLS

After the bombings of September 11 2001 the decision was made on September 14 to act as if a 'new world was born': a world of absolute danger and a world at a continual risk of Armageddon. Nuclear and biological terrorism in this regard was constructed as a worst-case scenario to avoid by all means. As Ashcroft puts it: it is not a question of 'if'; it is a question of 'when' (Brown Cynthia, 2003, Cole David, 2002). Thus, the sovereign move to seal the border, to consider the country as in a 'global war' against insidious infiltrated enemies gave way to a series of practices permitting the use of exceptional means. Existing techniques of surveillance, which were previously limited by privacy and by minimal investments on interlinking technologies, have in the interest of national security been used at their 'maximum' since 2001.

Under these conditions, sealing the border was again deemed legitimate and the searching of individuals without believing their identity documents was a key aim that biometrics was designed to resolve (see Walters, this volume). In Foucauldian terms, this can be described in terms of the conflation of the two environments of war and market, with the strategy being to discipline the environment of market and its freedom of circulation in terms that abandoned (liberal) security and returned to coercive, war like actions. In that sense Etienne Balibar was right to insist in 2003 that September 11 (or 14) was the end of the 'security' period, the end of the understanding of security in its liberal guise.¹ However, as we will see, this moment was limited to two or three years, and a liberal security discourse reappeared in 2003 through 'smart borders.' This shift requires that we examine both the techniques of surveillance and control implemented to stop people and to check them independently of speed, as well as the

techniques of surveillance and control implemented to maintain speed of travel while tracing people and preventing some people's travel. The two produces very different forms of irregularity, as we will see.

The initial 'policing' reaction in 2002 and 2003 was to multiply 'gates', 'check points' along different lines of travel, in order to filter the flow of people, and severely increase the number of rejections (Mattelart, 2007). An increased level of suspicion multiplied the numbers of travellers who were considered a potential danger, and who were subsequently blocked, detained and sent back. Very quickly, the watch list against terrorism worked against any form of unauthorised movement. It is critical to note, however, that the belief in the capacity to intercept these individuals trying to 'infiltrate' the country did not diminish and did not deter the administration to launch war in Afghanistan and Iraq. It is thus impossible to speak of September 11 as a state of Terror, or even a state of Fear, as too many analysts have done; despite such an approach creating a state of unease about the future mixed with ultra patriotic discourse permeated by a macho will of revenge against a 'weaker' enemy (Bigo, 2005, Bigo, 2002, Eisenstein, 2002). The will of revenge was more powerful than the fear of potential massive destruction, and the belief in the capacity to effectively 'seal' the border was always more or less present. With the best technology at work, the newest instruments, and no limitation to its use, danger can be jugulated and even anticipated, said it was claimed. Prevention in this regard is the absolute keyword. Indeed, a belief in the capacity of technologies of surveillance and anticipation has is now the 'doxa' of the solution against a global insecurity and all the different worst-case scenarios.

Technologies of surveillance and anticipation have not only been implemented by the states engaged in the 'war on terror'. So also have they been implemented by states that were sceptical about it, either under the pressure of the US and their allies, or for their own purposes of controlling terrorism and migration. The discrimination against some nationalities and the different forms of 'islamophobia' on both sides of the Atlantic have been outrageous from the start, and have been relayed by security companies and bureaucracies in charge of the devalorised border controls who wanted to show the importance of their work (Cesari, 2007). In the US, such discriminations have quickly reached beyond counterterrorist argumentation to the Hispanic community (see Coutin and De Genova, this volume). Similarly, they have reached to the black African community in the European context. If discriminatory surveillance and anticipation was mainly an approach of Greek, Italian and

Spanish border guards (with the ‘help’ of Nato fleet at times), it has increasingly become the game played by operational EU agencies, such as Frontex (Le Cour Grandmaison et al., 2007). These practices of a ‘war against migration’ have been widely discussed in terms of their direct violence, and it is not my objective to describe them again (Conflitti globali, 2007, Palidda, 2005). On the contrary, I want to insist on the importance of the ‘softer’ forms of control; on those techniques that are so invisible - so well packaged - that they appear as enhancing freedom of movement. When they produce irregularity, it is of a new kind: the irregularity of your data double, of the information about you in a range of interlinked databases.

SMART BORDERS, SMART SURVEILLANCE, SMART PEOPLE: ENHANCING SURVEILLANCE AS FREEDOM?

The importance of the different ‘border games’ that are played by border guards have been dismissed by other agencies, especially the intelligence services and the private security industry (Andreas, 2000). The latter have insisted on the role of intelligence, information, profiling and prevention to develop a form of policing at a distance. Here, security is less conceived of as an operation of coercion and struggle against an enemy force at the border (seen as a barrier), than it is conceived of in terms of the anticipation and a detection of adversaries in the midst of flows of travellers – the latter of which it is crucial to ‘preserve’ for the running of the economy, the liberal values and democracy. This has created two main forms of security arguments between what we have called the ‘heirs’ and the ‘pretenders’, the ‘classics’ and the ‘neo moderns’ generating a debate internal to the professionals of (in)security and excluding from the debate the liberty argument (Bigo et al., 2007, Bigo and Tsoukala, 2008). If the ‘Classics’ (border guards, immigration officers, border polices, customs, traditional military people) consider that the border of the territory is a line of defence and may be sealed if necessary for reason of survival, the ‘neo Moderns’ (antiterrorists squads, intelligence services, antidrug services, counter subversive operators, database analysts) have attacked this idea both on the capacity to be efficient and also on the legitimacy of such a reaction. They have insisted on the danger for the government in sealing borders and have proposed ‘smart borders’ as a model regulating the flow of population and not territories. They seem to have partly convinced the neo-conservatives in the US and certainly the EU members of this alliance, as well as the democrats in the US.

The terminology of smart borders was not an invention of 2003, but it has taken a different meaning since this date. It was previously evident from the mid-1990s in relation to the US Mexico border and even more the US/Canada border, where the idea was to create an enlarged borderzone, still territorialised, between multiple twin cities, which would allow for quick passage based on pre-checking and the first use of biometrics identifiers (Bigo et al., 2009, Salter, 2004). In this borderzone, people can consider themselves free as long as they don't cross the boundaries of the area. They are under continuous surveillance and their travels are traced through many devices, but they can reach their destination quickly. Localised at the beginning to a cross-border area, the notion takes on quite a different meaning when used for international travels. A version of smart borders through electronic visas and pre boarding checks was already implemented in Australia prior to 2001, thus enlarging the borderzone to an international network of airports, airline companies, bureaucracies and consumers. Moreover, the Schengen agreements internal to the European Union can be considered, without using the terminology, as one of the first steps towards this idea and its practice. Since 2003, the terminology of smart borders has 'flourished' among all the professionals of (in)security in relation to the fear of resistance both by many travellers and by the airlines companies on the restrictions of travel and the diminution of profits.

Mobility, which was not the major topic of any official documents for years, appeared in 2003 more and more regularly as 'the' factor to take into consideration. The Homeland Security Department has been one of the first to use 'mobility' instead of migration to cope with the 'full spectrum of threats' and to go against the initial move of tightening controls by physical presence. The then Homeland Security Secretary, Tom Ridge, insisted that the Homeland security was secure only if internal security agencies abroad were collaborating with the US agencies by gathering information. He expressed a lack of confidence in border controls in the US alone as sufficient (Bonditti, 2005, Ceyhan, 2004). He even went against some of his new subordinates by insisting on the importance of technologically maintaining mobility in safe channels all over the world, thus positioning against a conception of America as fearing the external world. For him, the solution was conceived of in terms of the relation between biometrics and exchange of personal data at the transnational level, in order that the arrivals of individuals can be anticipated using what he called the Australian model of biometrics, data-base, transnational exchange of personal data, electronic visa.

Biometric identifiers at this time were considered as a way to individualise travellers by authenticating the body for terrorist purposes, as well as being a way to control travel documents *en masse* for deterrence purposes (even if generating many errors). The idea was to reduce travel times using passengers name records sent in advance to the administration, with the names of individuals pre-checked against a list of potential dangerous 'names' previously recorded in various databases. The watch lists were simultaneously a way to exclude some persons and to normalise 90 % of the travelling population, with the aim being to speed up the process. As explained many times by the research network of surveillance and society, as well as by the Challenge programme, and the NGO statewatch,² from 2003 the role of the border guards has been restructured through data-led border surveillance practices. The proliferation of 'smart borders' and 'electronic borders' have been at the heart of the vision of the intelligence services, and this has led to a repositioning of border guards as 'the last line of defence and not the first' (Accenture Digital Forum, 2004).

A form of 'policing at a distance' and the channelling of people has emerged as an alternative to tough border control over recent years (Bigo, 2005). As explained by the authors of the report on the surveillance society, 'the everyday experience of surveillance at the border, then, is preceded by a dataveillant system that makes judgements about degrees of risk before the physical border checkpoint' (Surveillance Studies Network et al., September 2006). This has changed the logic at work in displacing the practices of control from those focused on obstruction to those focused on channelling. At the same time, discursive categories that oppose security as obstruction and mobility as freedom remain strong. This effectively justifies the new surveillance techniques as techniques of freedom because they are articulated as techniques of mobility (and anticipation) rather than as techniques of control and obstruction.

Technologies 'accelerating' the procedure entail several dimensions. First, they involve the gathering of information in advance from each passenger in order that the authorities of control can pre-check who may be dangerous or unwanted. The travel companies are ordered to cooperate and to give the data they previously collected for reward cards (for frequent travellers). In addition to the Passenger Name Records (PNR), they have collected Advanced Passengers Information (API) (Guild and Brouwer, 2006, Guild 2007, Statewatch, 2003). They work on 'time'; on prevention, anticipation. Second, the 'entry and exit systems of electronic visa travels' play even more into this logic by filtering who can and cannot travel

before departure (Hobbing, 2003, Hobbing, 2009). Their easiness, the speed by which people can obtain them, induces the collaboration of travellers who prefer to check on line, which allows them to avoid queues by giving more and more information about themselves. Indeed, airports themselves have been reconfigured to channel the different categories of population, and have created new categories based on their increased information on passengers: fast track channel, biometrics cards at some specific airports, credit card privileges and ‘the others’. On arrival, it is often the same in terms of different channels.

Despite the ambiguity of individualised logics of control the dream of a perfect management through risk assessment and monitoring of the future remains – seemingly blind to its disfunction. Or, more accurately we could say that it is assumed that a new technology will solve what technology has done badly so far. For example, the new technologies that are now developed in order to not stop and to not touch the individual aim at being invisible to their eyes. The disciplinary mode has to be used only in very few cases. And already fingerprints identifiers are not considered as a good technology. Ideally, the body should not be touched in order for it to be recognised. Fingerprints, even through easily laser scanned, are still too time consuming and produce too much of face-to-face interaction. Facial recognition patterns, especially if they can be developed to work in mass crowds and without long preliminary pattern establishment, are seen as the future for comfortable and smooth travel (Coaffee, Wood et al. 2009; see also Walters in this volume). RFID is also under study in order to trace people who try to overstay after their visa, and it is both tragic and funny to see the enthusiasm of the managers of (in)security for this technology. In any case, the arbitrariness of the day-to-day control is not erased by these ‘smart’ techniques. Arbitrariness disrupts the manager’s ideal of a seamless flow, and leads straight to face to face interactions between controllers and controlees (with social class differentiation) as it previously. These are just some examples among a long list of these new technologies operating at a distance and at dis-time of the body, which produces irregularity for those banned as ‘abnormals’ (Bigo, 2004).

Channelling techniques ‘invite’ people to gather according to their nationalities, their departure flights, their places of birth, their need of a visa, etc. Yet these channels and the work force of controllers are not always coherent, rendering the smoothness of the process highly questionable. The speedy system works so badly that it is often preferable to queue: the mass and the electronic seem to be antagonistic principles. Moreover, some categories of

people – such as dual nationals – are now by definition suspicious for a system that relies on one pre-registration/identification and one only. Other categories, including those on watch lists, are absolutely disconcerted by their own inclusion on the list and thus question the quality of the system. The multiplication of false positives by the aggregation of inaccurate and old information is destroying any idea of an overarching rationale. Even in terms of combating the terrorist threat, the practice of controlling liquids and gels (to put them into plastic bags in small quantities with the possibility of reuniting them after), is considered by the majority as a ridiculous and kafkaian organisation, rather than as an effective mechanism of surveillance. But it has nevertheless a strong impact. People adapt to a situation where individuals wait in line to avoid queuing while persons of colour are in front of them - even if they and the system claim to be blind to colour. In some ways, then it is because the system does not work that it works (Deleuze, 1994).

SUCCESS STORY OF ‘MOBILITY CONTROLS’: A ‘LIBERAL’ TECHNOLOGY?

Preserving mobility, the liberal system (working well) transforms freedom into dataveillance. The success of this new rationale has been overwhelming. All the professionals of politics have bought immediately the argument. The security industry has seen a window of opportunity at a scale that was only reached at the beginning of the Reagan era for the missile shield defence. The investments have largely been lighter, the civilian possibilities to sell the same technology have largely been better, and the sectoral profitability has largely been better than any defence contract. The security industry and the different police and border guard agencies have requested research into the feelings of the individuals under surveillance, as they were anticipating forms of unrest. This research claims to have found that people are not so much unhappy with surveillance as they are with any form of body control, especially physical searches and searches which take time or require that people queue. So the industry, with the help of massive public funding, has ‘answered to the market’ and now proposes a long series of new technologies or new systems for both ‘end users’ (i.e. the police, the border guards) and the targets (i.e. the public) that link old technologies in a different set of systems. These will control without touching bodies – without people knowing they are under surveillance, or with people knowing but smiling precisely because they are on camera.

The Group of Personalities on Security Research, which was convened in 2003, was at the heart of this change in Europe and relayed the US smart borders discourse. As explained by myself along with Julien Jeandesboz, Francesco Ragazzi, Anthony Amicelle and Philippe Bonditti in a common report for the FP7 Inex:

this group brought together executives from several major European companies with activities in the field of defence and security (Diehl Stiftung, Finnemecanica, EADS, Ericsson, INDRA, Thales, BAE Systems, Siemens), higher level officials from the European institutions, members of the European Parliament, former senior governmental executives and selected representatives of think tanks and research institutions (INEX WP1 report 2009).

The group delivered a final report, entitled *Research for a Secure Europe* (European Commission, 2004) in which the same reasoning concerning mobility threatened by violence and illegality was used as that developed by the Homeland department of the US. This document pleads for a European Homeland Security, and considers that the ‘only’ option is for the borders to be secured in order to achieve a real level of protection of the civilians in a globalised world. As the group said in their report ‘the contemporary “threats environment” is multifarious but technology stands as a key ‘enabler’ by providing an answer to the different threats through specific technologies or networks of technologies that create a secure area or ‘borderzone’ in which the speed of travel is not endangered by security measures.

Adding the control of mass migration to terrorism as a reason for the development of such technologies, flattering the advance of the EU with their Schengen agreement and their technologies concerning the biometric/data base/document system in relation to the US concern with Homeland Security, the group nevertheless insisted that this ‘technological advance’ was reduced by the capacity of the US to think ahead with the terminologies of ‘smart borders’ and to develop their industry in regards to this safe but high speed mobility. So, for the EU, the dilemma about privacy was out of date. Rather, the duty was to accelerate the development of technologies to assure mobility and safety in the EU, and to prepare the industry so that the competition for the specific ‘technologies of smart borders’ or ‘smart surveillance’ at the borderzone could be both virtual and global.

The report of 2004 was followed by the creation of a specific research programme for the security industry at the EU level and by a series of advisory groups ‘engaging the EU for the

future twenty years'. It was also followed by the formation of very narrow groups of experts setting up the agenda in relation with an even narrower group of internal experts from the EU Commission. The list of proposals trying to implement this system is impressive.³ From 2004 to 2008 we have seen a transformation in the problematisation of security, freedom and mobility. It began in some ways with the proposals for Visa Information System (VIS), and for Research for a Secure Europe in 2004. This was followed by The Hague Programme and its Ten priorities for the Next Five Years, in 2005, along with the communication from the Commission to the Council and the European Parliament on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs, as well as with the proposal for reinforcing the management of the European Union's Southern Maritime in 2006. In these documents we see that for the surveillance industry the strategy is to move far away from traditional airport controls, especially the ones implemented just after September 11 2001, primarily because the disciplinarisation of the individuals involved in such controls have been subjects to huge criticisms. Fingerprinting and slow techniques of biometric recognitions are problems as such, plus the face to face interrogations with private security agents applying discretionary controls, frequently on the base of colour and religious stereotypes, is too much 'visible'.

What is notable in all of these proposals is that they present the security measures taken by dataveillance as a form of freedom and protection of 'our' population (Bigo, 2006). This programme has been accelerated with the development of Biometric Deployment of EU Passports, the communication on an Integrated Maritime Policy for the European Union in 2007, the Report on the evaluation and future development of Frontex, and the Communication on examining the creation of a European Border Surveillance System, as well as the Impact Assessment of Examining the creation of a European Border Surveillance System (EUROSUR) in 2008, as well as a 'non-paper' in 2009 Towards a R&D Demonstration Programme on European-wide Integrated border control system, which all present the discussion on security issues, not as a discussion about limits of security, about freedom, about privacy, but about the capacity to secure 'channels' for specific flows of people (or money, or information) and to deliver them at high speed. We cannot discuss each of the measures here, but it is important to note that this 'smart' model of border surveillance developed over the last five years locates control less at the territorial border of the state as it was in the aftermath of 2001. The location of control has now moved upward and outward, often at the point of departure, but more often at the point of buying a ticket. It is effectively a

form of control over information before people move. This obliges people to give certain information to complement that already in stock, which is delivered it to another administration at a speed that exceeds that of the traveller him or herself.

IMPLICATIONS OF SMART SURVEILLANCE: GOVERNMENTALITY OF UNEASE AND FREEDOM

The 'advantage' of smart surveillance is that, for some travellers, the 'normalised' ones, the impression of control is very light, as they are not stopped and they wait only for a minimal amount of time. The 'unwanted' ones, the 'ones' who are categorized and profiled as potentially dangerous are on the contrary under 'discreet' surveillance all along their travel and are thus continuously 'traced'. Some of them will be put in detention, asked questions about their motivations for travel, judged along the category they pertain for the administration as risk profile. Their behaviour will be anticipated, either visually or through software profiles that deliver prediction through actuarial statistics. The control will then be highly focused on some groups and will be de facto relaxed for the huge majority of these travellers who are not stopped, but who are nevertheless remain under surveillance.

For these 'normalised individuals', it would seem to be less of a problem. They appear to be free so long as they do not see those who are controlling their movements; so long as they are not stopped during their journey. They are often pleased with the 'new' regime of smart borders, now that arguments justifying stern control have more or less faded with Georges Bush, and the discourse about the (state of) exception as a permanent feature has been transformed into a more traditional discourse of the temporary exception. But hysteria limits a return to the pre-crisis period, and a form of incremental securitisation of everyday life, less related to Terror, than to uneasiness in general has taken hold. This attitude of accepting surveillance, if surveillance is 'smart' and controls are light (i.e. if the surveillance is done with smiles and if the travel is quick and smooth) is related with this sense that comfort is as much important as freedom, and may be more important. Maybe comfort is even becoming the semantic equivalent of fundamental rights and freedom in the mind of many travellers, and speed and absence of blockade are seen as the proof of a free world in advertisements of travel agencies and in the mind of the travellers.

Compliance with modalities of surveillance that are set up to ease travel by anticipating the disturbance and by filtering preventively who can travel is at the heart of many discussions about the capacity of the governments to develop programmes of surveillance that will be accepted by their populations. It fits also with the new Democrat administration of Obama in the US and with the EU commission's position: that border control operations cannot be only military driven. The mobility of individuals requires a respect of the 'pastoral' dimension. This implies a more individualised logic, a more confessional one, where the individual has to state his or her own truth or narrative, and has to convince the authorities that s/he is a legitimate traveller or candidate to travel or that s/he has good reasons to flee his or her country of origin. But such a specific examination takes time. It requires that some people are stopped for interrogation, which supposes also for the others to wait on line. So, in order to 'help' the people waiting, in order to 'ease' their travel, it is necessary to provide information in advance in order that travel will be 'smooth.' These techniques of 'electronic visas,' of 'passenger names records', are thus presented by their promoters as solutions regarding the old disciplinary techniques of controlling by stopping people and by interrogating them harshly.

A biopolitical argument concerning numbers, statistics and not individual cases push towards more flexibility, more speed in the movement. Productivity is needed. The non-systematicity of control is considered as central in order to accelerate the flow. Good management becomes the value of travel (not only the economic value but the comfort value, its easiness), and is more important than the potential infiltration of one unwanted among millions of travellers. It is with this form of power as biopolitics that movement is associated with freedom and mainly with economy (consumers/workers). The regulation is statistical, not individual. The benefits of a centrifugal dynamics extending growth and life as such (family reunification, children, etc.) are preferred over military and police investigations at the borders or before. The idea of creating an 'area' of freedom (of movement), of security (of the community living in the area), of justice (of fair trial and punishment with the minimum differentiation possible inside the area between sentences) is a by-product of this biopolitics (Dillon and Reid, 2007). But the sovereign and disciplinary forms of power nevertheless re-invest this economic-biopolitical model of mobility controls, of comfortable surveillance with high-speed travel. The 'abolition' of the systematicity of controls is replaced by control in advance, as well as by a modernisation of aleatory forms of control where only some profiled groups, some

categories of suspicious populations are controlled. Indeed, the sovereign states have accepted a displacement of their sovereignty beyond their borders for these techniques to work, though this does not imply the dislocation or erosion of state sovereignty. They have ‘pooled’ their sovereignties, or so they say. They have constituted mechanisms of collaboration and have developed common tools (e.g. the Schengen Information System, Schengen Visas), while refusing to have common passports or common ID cards. Moreover, they have largely externalised their sovereign technologies and policing practices by obliging their ‘neighbours’ to participate actively to their controls towards movement of population coming from outside and rebranded as third country nationals. Biopolitical control in this regard both exceeds yet also comes within the remit of sovereign power.

THE NEW IRREGULARS: THE ‘IRREGULAR’ DATA DOUBLES

This world is populated by pre-boarding technologies that operate through internet and mobile phones, by specific corridors in airports for the travellers who have subscribed to some liberty pass exonerating them from showing their documents, by packages of taxi-plane-trains which are coordinated in order to avoid delay but which are obliged to stay in an enlarged border zone delimited in advance and which are obliged to go from the point of departure to the point of arrival without the right to change mind - because the data double has been sent already in advance to the point of arrival and is waiting for its body (you) to arrive. In other words, everything is done for your comfort as long as personal data is sent in advance, stored, and compared to previous travels. At arrival they are matched, not only with your body, but also with data that links categories of people’s belonging to behavioural patterns in order to assess their dangerousness – to check the level of acceptability of your travel. As we will see, these techniques work by the subjectification of freedom into speed and by their bodiless impact. They are preventive and they target less the individual as such than his or her data double. This data double, this virtual-you created through the accumulation of your personal data left in different databases and owned by different bureaucracies for different purposes, is now the one which is subject to control and to regulation. Like your guardian angel, your data double travels first through the flow of information coming from diverse interconnected databases. If clean enough, then you will travel safely. But the problem is that additional layers of information - frozen at a certain period of time and fried in the present operation - create a data double that does not mirror you exactly, and the tendency of this data double to have an autonomous life increases with each travel across databases (Marx, 1994). A wrong

association between first name, name or nickname and she or he is not clean anymore. Senator Kennedy cannot travel to his own country. Maher Arar, Canadian citizen is transformed into a potential terrorist and sent to Syria (Bigo, et al., 2009). Examples are multiplying everyday (see also Nyers in this collection), because now it is not only you who have to be put under surveillance, it is also the frequentations of your data double. Certainly, you have no control over it. Your data double encounters with other data doubles you never met, but then drives your life and decides whether you are suspect or not, whether you can travel or not.

Giving data in order to travel smoothly and to enjoy freedom is thus a more complex operation than it appears. Even if you have nothing to hide, you cannot control the matching of your data with other data. It goes beyond the traditional notion of privacy. It has to do with a statistical approach to surveillance, which prohibits the movement of the most suspicious ten per cent of the travelling population in order for the others to be at ease. It has to do with a world of smart borders where experts pretend they have the knowledge for filtering and sorting out preventively the potential terrorists, criminals, hooligans, or irregular migrants from the genuine masses of tourists.

But do we agree that prevention is needed in order to stop violence and crime before it emerges, and that 'reasonable' suspicion should logically replace the presumption of innocence? Is it acceptable that managers of travels accumulate information about us in order to decide who is allowed to move, even when the data is not about a specific individual but about a category of population with whom the unknown individual has been associated? Is it possible to think out the ways by which these managers monitor the future, and the relations between rational prediction, human action anticipation and the astrological or neo-religious forms of belief in technology which are often linked to a certain expertise which asserts that they can deal with the future and reduce the uncertainty by reading the future as a past-future?

Many of our answers to these questions are dependent on the *weltanschung*, on the meaning of the present world and its trends. Contemporary judgements on the relation between border crossings, individual rights and state rights seem to be linked to normative issues regarding the value of free movement and the scale to which it has to be applied. These judgements also entail normative responses to practices of 'nomadism' and frequent round trip journeys between countries, as well as on beliefs about how individuals' rights to move (and to stay)

relate to governments' rights to oversee who enters their controlled territory or their common territories. This brings to bear the issue of collective security of the national territorial area, of the financial network of important national firms, and of cyberspace offering potential access to their infrastructures. Yet these norms are not free value, ethical position, they are embedded into a 'doxa' (to use Pierre Bourdieu terminology) or 'mentality' (in the sense of Mitchell Dean and Nikolas Rose) which is the political result of the structuration of a certain governmentality (Bourdieu, 1998, Dean, 1999, Rose, 1999). The capacity of judgement involves forms of thoughts, which are structured by our bodies of knowledge and vision of truth. It involves belief and opinion in which we are immersed but which are often delegated to specific authorities, experts who draw the lines between what is opportunity and freedom, what is danger and threat, what is fate and what is not. It is then less an exercise to decide who is right than an understanding of the positions of the main agents of the debates that we want to develop. The power of the technologies we use to frame our subjectivity is very important in this regard, because it does not only affect our conceptions of (in)security, of obedience, of comfort and pleasure, but so also does it affect the way we think and practice what we call our freedom.

SUBJECTIVITY AND SUBJECTIFICATION

Subjectivity may be understood in many different ways. In a traditional account it refers to the consciousness and capacity of choice, the capacity to decide freely. Subjectivity in this regard is a means to overcome slavery and obedience. A subject is capable of will. It engages into a dialectic with his potential master. A collectivity of equal subjects has the capacity to transcend their subjectivities into an objective equalitarian condition of citizen. Freedom, choice, equality: these are conditions underpinning the exercise of a unique subjectivity of the self. The liberal subject as citizen or as consumer is free to choose and to satisfy its desires. To have the capacity to move, and to avoid being prisoner of a small group of providers (of products, of services, of desires) is a central feature of such a subjectivity. Subjectivity is thus realised only in a dynamic environment of mobility. The capacity to act, to enact is crucial (Isin and Nielsen, 2008). In a political economy of signs as Thorsten Veblen has shown, the mass production and its equalitarian mode is transformed into a run to be the first to have a product, to fulfil a 'desire.' Fashion, speed and seduction in this regard are destabilising, and create new incentives for mass production and consumption. The uniqueness of the subject by

the affirmation of limited distinctions and by the frenzy to be 'in advance' of others is carried out in this double movement: a movement both of the 'enlargement' of space and of the 'anticipation' of time through a predicted future.

Michel Foucault has challenged this view of a triumphant or alienated subject that struggles to emancipate him or herself from the threads of power or/and seduction. He has developed the notion of 'subjectification' in order to understand the position of the individual crossed (or pierced) by the rhizomes of power/resistance relations. In reflexive modernization, to use Mitchell Dean's formula, subjectification works as an (un)satisfied desire/consumer that James G. Ballard in his latest novels (*Super Cannes*, *Millenium People*, *Kingdom to Come*) has perfectly explored both for its tendencies of psychological drama, and its religious and sacred resurgences on both market and politics (Dean, 2009). This 'ethical substance' replaces the flesh of the Christians, the pleasures of the ancient Greeks is at the heart of the contemporary project to secure and to develop this mobile and proactive consumer of the present. It is the model of life that we seek to act upon.

The governmentality of this mobile consumer of the present is worked through a programme that I have called in other work, a governmentality of unease, playing with ambiguity and uncertainty and transforming opportunity and freedom into a call for insurance, reassurance, comfort given by the authorities. This governmentality of unease is working through everyday life and the dynamic of enlargement of life possibilities transforming reassurance into unease, angst, and even fear by evoking chaos, global insecurity, terror. It divides the population into categories of those non desirable, unwanted groups that are to be either integrated in a way of assimilation or to be banned, excluded, removed. It also assesses the potential destiny of each member of the category to become non desirable. It involves, as we have seen, different procedures of surveillance and control which are forbidden to stop, to limit, to block movement and which are on the contrary required to facilitate safe movement, to channel the flow of homogeneous groups already sorted out through profiles of identical patterns which prevent heterogeneous individuals, abnormals being mixed up in the flow. This technology of power is constructed through a series of actions at a distance/distime (in terms of both geography and time). It works through computerised data gathering techniques; through the storage and exchange of data concerning individuals at a higher speed for their information (or data double) than for their physical bodies; through circulating in 'roads' mapped at local, regional and transnational levels. It works with specific bodies of knowledge supposedly

derived from non-linear and pixellised information concerning an individual image of present and of future behaviour. All these elements determine a mode of subjectification concerning 'who we are when we are governed in such a way' and what freedoms we are asked to exercise in order for government to work on such processes of subjectification.

WILL TO SERVE, ACCEPTANCE, COMPLIANCE REGARDING TECHNOLOGY OF SURVEILLANCE AND CHANNELLING OF TRAVELS.

For those who control, or think that they are in control, this strategy is of course not an acknowledgement of the work of Zygmunt Bauman's notion of the contemporary world as a liquid modernity and even less a cosmopolitan globalist approach of nomadism that takes into account pendular travels and insists upon people's enjoyment of life travelling (knowing they can come back) (Bauman, 2006, Bauman, 2005, Bauman, 2007). Their frame is more about an image of a growing insecurity that destabilises the state's capacity to protect its own population against major violence, and a claim that mobility has to be continued, but under strict controls. This vision depends on the 'corporate image of the country' (Virilio, 2005) and its will to negate the 'accident,' whether in terms of terrorism as of September 2001, in terms of finance as of 2008, in terms of viruses as with the H1N1 flu or meteorological events such as tsunamis and earthquakes, or virtual as K2000. Here, mobility is not so much seen as an opportunity, than as a danger, a permanent danger. But, nevertheless, mobility has to continue as it is 'life' itself, and 'liberal economies are depending of mobility as human beings are depending on air to breath.' The 'accident' and the 'fear of the accident' does not deter from speed. Mobility is consubstantial of liberal economy. The world is a world of passage, of circulation of capital, goods, services, information and persons. The mantra cannot be changed, as it will be seen as the 'return' to protectionism, to mercantilism, to state police, to stazi and stasis. So mobility has to be simultaneously accelerated to show that the accident is under control and framed in a way where it is possible to filter, to sort out the legitimate and the illegitimate travels, the wanted and unwanted... products, assets, and persons.

What is thus required by the system is an accelerated mobility more than a freedom of movement. It is not a surprise, but the suitability of the words is so strong that it still resonates as a surprise when freedom is opposed to mobility and when mobility is associated with control. The subjectification comes from the fact that we, the 'normalised,' often agree that regulated mobility is the optimum of the regime of mobility controls; that traditional freedom

can be reframed. Regulated mobility on this account will act as ‘freedom.’ It is a question of traffic, of speed of traffic, but with comfort, with pleasure. The controls are then ideal, as long as they don’t need to stop us, to ‘touch’ us, and to be ‘visible.’

Much empirical data comes to this conclusion, which has the capacity to irritate ‘enlightened’ researchers. Not only do large groups of those travelling accept new technologies of surveillance and strong intrusive techniques concerning their privacy, but so also are such groups happy, considering themselves more safe and more free now that they can move with ease and safety. Being reassured that they are like a ‘community’ of travellers where all the ‘bad apples’ have been prevented to be with them, they love ‘big brother’ both by enjoying surveillance and even self surveillance (McGrath, 2004).

CONCLUSION

We have once again to come back to the questions of governmentality of others and of the self. We have to come back to the question of the location of power and resistance and the impossibility to break down the atoms of power and resistance in order to separate power on one side and resistance on the other side, and then to attribute them to different actors (good and bad) as in the theories of emancipation. We have then to take seriously this ‘self addiction’ for a surveillance in which disciplinary aspects stay invisible and in which alienation is (largely) removed. Perhaps it destabilises the opposition of freedom and power and obliges to think about the productivity of positive power. Perhaps it destabilises even more the opposition between freedom and security, as it seems that security is in that sense the name for the governmentalisation of freedom through management of mobility in a life environment. In the case of today’s liberal governmentality, security exists only in a diagram of power, which works through freedom of action and imperative of movement. Security is the programme, the dream of a self-disciplining freedom that realises order without coercion and only by preventive measures. Yet this utopia of a self disciplining freedom for all categories of life in a dynamic environment (based on the capacity to anticipate and to channel this freedom) is permanently producing resistance, viscosity, glitch which ‘oblige’ the authorities to take sovereign and disciplinary actions, in addition to their biopolitical forms of action. It obliges the authorities *not* to perform their dream as it endangers them even more by its centrifugal dynamics (dispersing effects). This is perhaps why the obedience to

surveillance through the accelerated advent of this dream may also be a form of resistance in relation to a power which insists on the centripetal aspects of collaboration, globalisation, centralisation, fusion, de-differentiation of all its activities, and their transformation into a widespread rhizome with nodal connections.

Mobility controls are spreading out of any previous locus of control. In everyday life to avoid queuing, to avoid to be stopped, to move speedily, people happily give information. How many passwords (in French: coupe-file) do we have now to enter into museums, libraries, offices, home? Beyond smart borders we have smart people, smarter than the smart programme. They are playing the same game of implosion with these information gatherers than Baudrillard has analysed concerning Beaubourg and the consumption of modern art (Baudrillard, 1977). They resist by giving even more information than asked. Through face-books networks online and an on-time network of information, they are creating an indigestible body of information for the analysts. These accelerate. The time for gathering, analysing, producing intelligence supposes time, and cannot cope with permanent overwhelming information. The surface (in French: la paroi, surface and partition) of the channels are criss-crossing.

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¹ Etienne Balibar oral intervention at the colloquium of Rada Ivekovitch Terror and terrorism
College International de Philosophie in June 2003

² See <http://www.libertysecurity.org/> and <http://www.statewatch.org/>

³ For a detailed account: WP1 Inex report 2009. Soon online. Available HTTP:
<http://www.inexproject.eu/index.php>.