Theorizing Cross-Border Mobility: Surveillance, Security and Identity*

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Abstract

This article explores the effects of post-9/11 security programs on mobility into and within the United States. Specific programs such as retinal scanning and vehicle preclearance are analyzed according to the differential effects they generate in terms of risk, rights and speed of movement. These differentiations suggest that individuals and groups will be identified in unequal ways, and that they will in turn experience their mobility differently. In the end, the analysis provided here adds complexity to current theorizations about citizenship and identity: it shows that while individuals make claims to new and different kinds of citizenship, state power also makes claims on individuals that do not always depend on citizenship. In view of the manifest inequalities resulting from the mobility control practices currently in use, rethinking of those practices is warranted, and an emphasis on shared burdens would be more productive.

Part 1: Emerging Issues in the Securitization of Movement

The terrible events of 9/11 gave impetus to two emerging trends: the spreading out of border-like inspections from boundaries to the rest of society (in particular, throughout the transportation system), and the differential treatment of travelers as they move within this network of checkpoints. A vital thread of social-political inquiry concerns itself with relationships between state power and identity formation. In collective as well as individual dimensions, identity is impacted upon when states consolidate, reconfigure and deploy power. We need to explore such issues in emerging forms of mobility control, both documenting their forms as state activity and analyzing their effects on social groupings and self-understandings. In a world where movement within and across borders is increasingly important to people's life projects (e.g., work, and association with others), we are led to ask about how these new forms of mobility control actually shape what people think and do.

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In what follows, we describe specific security techniques that categorize travelers and goods, in order to concentrate time and attention on certain cases. In these techniques, we diagnose three axes of differentiation: *unequal rights, unequal risk, and unequal speed.* We then ask how such inequalities might reinforce each other, thereby constituting significant collective experiences.

We ask how differential mobility might be projected into the political domain, and we use our diagnosis to criticize recent theorizing that celebrates the effects of globe-trotting personhood on collective identity and action using concepts such as flexible citizenship and cosmopolitanism. Considering the three axes of inequality, we question these optimistic readings, and present another reading of potential political subjectivity that captures how these mobility practices might heighten a division between privilege (high rights, high speed, and low risk) and its non-privileged inverse.

With our inquiry, we pinpoint specific state practices of sorting and show how they impact upon life chances unequally. Sorting operates by "producing coded categories through which persons or groups of persons may be sorted" (Lyon, 2006: 404). Coding allows for faster processing of data, of course, and it also flattens differences among individuals in favor of ordering society for certain purposes of governance (Lyon, 2006: 403). Gandy (1993) uses the term "panoptic sort" to show how categorization of individuals into groups proceeds from surveillance-obtained knowledge of the details of lifestyle and consumption patterns. Because the state is in a position to observe intimately and incessantly, it can generate elaborate groupings of individuals based on in-depth knowledge. Adey (2006) finds airports to be spaces where mobilities are sorted in the contemporary world. Sorting proceeds by risk categories, i.e., air travelers are assigned a risk profile and treated in accordance with the assigned profile. Sorting is an understandable response to terror threats, but by definition it entails unequal treatment. We explore the unequal results of that sorting as it happens in airport-like settings.

Before we turn to the core of our argument, however, it is worth summarizing briefly the history of movement control both within and beyond the bounded nation-state. The thrust of our analysis is that the monitoring of movement, including specific techniques of identification, inspection, clearance, and surveillance, are diffusing from existing national borders to a more widely "distributed" network of control points. Mobility control is deployed inside bounded polities, but as Hardt and Negri (2001) show, it also moves through globally networked sovereignty. Thus, it is necessary to look within, at and beyond national borders as we survey the history of movement control.

Over the last several hundred years, there has been a close relationship between state-imposed and political personhood (drawing on Torpey, 2000; Caplan and Torpey, 2001). Pre-modern polities had fragmented, personalistic identification, such as letters from local notables, in keeping with their geographical organization of innumerable communal locations and fractured boundaries. In this form of distributed control, states had a limited capacity to inspect, record, and track people. Identification and tracking were greatly strengthened by the rise of nation-states as the political figure of the citizen emerged – with their rights and assigned duties within a nation's bounded territory. Citizenship limited movement to the outside and likewise, at times, the inward movement of outsiders (non-citizens) was restricted. Overall, however, a specific kind of political personhood

emerged that entailed rights to move around the national space.

The emerging era of distributed intra- and transnational mobility controls that we will describe shortly is built on this foundation. There have been two broad trends. First, there is increased volume and speed of movement in the world system, though transnational movement itself is hardly new. Checkpoints and barriers may continue, but they have to cope with, and in the case of many privileged travelers and commodities facilitate, high-speed global movement. Second, territorialized regulatory frameworks continue to operate. The programs we will discuss often emerge first at and continue to rely heavily on borders for identification, inspection, and tracking. However, the bounded units involved may change (such as the shift in part of Europe from a national system of movement regulation to a multi-country bounded zone, so-called Schengenland), and the systems of transit control are also diffusing to non-border settings (Lahav, 1998).

We link these changes to a process of "securitization": the spreading of national security techniques across a wide variety of issue domains. When policy issues are raised within a securitization context, they immediately appear urgent to the safety and perhaps even the survival of the society. Thus, immigration and drug trafficking call for swift and drastic action when "security" discourse is used: what were, before, issues simply to study and address over time became the very terrain on which struggles for survival must be fought (Wæver, 1995; Buzan, Wæver and de Wilde, 1998). And of course, securitization strengthens the central government (Wæver, 1995). The events of 9/11 gave considerable impetus to the "securitization" of mobility by means of distributed borders -- a development that was, however, well underway before 9/11 (on the securitization of the U.S.-Mexico border, emphasizing technological "solutions," see Ackelson, 2003).

It is worth emphasizing that the new regulatory system is built from the inherited past; it cannot be treated as a magical new era. As Staples (2001:152) puts it, surveillance-disciplinary techniques "must be understood as a product both of important, long-term processes set in motion with the onset of modernity, and of the emerging cultural context of postmodernity." Thus, the figure of "pure citizen," has certainly changed in multivalent ways, acquiring extensions of rights in some cases while experiencing increasing surveillance and fear in others. Likewise, long-standing inequalities by class, race, gender, nationality, etc. are often reproduced in the practices we describe.

Of course, we do not mean to suggest that control is seamless and its effects unchallenged. Such a view would exhibit what Marx (2007:33) has called "the fallacy of the 100% fail-safe system." Indeed, one of us has pointed repeatedly to the limitations and failures of vast police agencies at borders and elsewhere (Heyman, 1998, 1999a, 1999b). However, we want to know how systems of mobility control in the new security regime interpenetrate with various forms of law-breaking and law enforcement that have longer histories. To grasp the trajectory of this complex of old and new practices, we turn to an analysis of specific programs, and we use social and political theory to read their significance.

Our discussion will refer in the main to U.S. borders, and the empirical data is drawn primarily from the U.S./Mexico border. There are two reasons for this narrowed focus. First, one of us has researched the U.S./Mexico border extensively, and we utilize that

work here. Second, the cultural politics of U.S. border control have generated strong impulses toward keeping out "illegal" immigrants and "terrorists." The newly created Department of Homeland Security pursues both objectives, and we will discuss below some of the tensions that result from that dual pursuit. The imperatives of globalization and securitization are present in mobility control efforts throughout the world system, but the cultural politics of the U.S. context provide yet another layer of complexity.

Part 2: Theoretical Framework

As Didier Bigo and Elspeth Guild (2005) argue, the work of borders has expanded into a wider spatial and legal network of differentiated mobility. Just as it is inaccurate to view borders and border-like exterior and interior checkpoints (henceforth, simply "borders") simply as inhibitors of the movement of people and things, it is similarly problematic to assume that in the modern context, borders no longer present an impediment to mobility, and that free movement is now the universal norm (as in Albert and Brock, 1998). Security programs entail different effects on mobility, and those effects can be conceptualized as inequalities. In other words, the amplified border security regime generates differential mobility effects, so that the ability of individuals to negotiate borders becomes unequal in certain respects. We discuss those inequalities by supplying three intersecting categories:

- inequalities of *rights*,
- inequalities of *risk*,
- inequalities of *movement*.

Inequalities of Rights

First, it is necessary to provide some explanation of what these categories entail, beginning with the *rights* category. In the first section of this article, we review the work of Torpey and others on the historical relationships between the nation-state and individual freedom of movement. In its broadest outlines, this scholarship depicts an increasing tendency of the modern nation-state to enclose juridical as well as physical space via infrastructural-institutional moves to define subjectivity and restrict freedom of movement (Torpey, 2000: 11). One feature of this trend of enclosure was the employment of the passport as means of identification. Toward the end of the twentieth century, while cross-border mobility remained available to many individuals, loci of inspection became more ubiquitous, so that the movement of individuals, while still permitted, was tracked and inspected at various points beyond and in addition to the physical nation-state border. This story provides a background for discussing differential mobilities as a problem of rights: the rights of persons to traverse borders have become unequal within the legal frameworks of the host nations.

States confer rights by constitution or statute that individuals then may seek to enforce against those states. As Cresswell puts it, law "is a site of inscription for moving people at many levels" (2006: 736). While there is no recognized right, strictly speaking, for a non-citizen to cross a national border and enter the host country, there are procedural rights related to the event of border-crossing applicable to citizens and non-citizens alike: the

right to be free from unreasonable search and seizure, the right to a hearing prior to confinement at the site of inspection (or confinement elsewhere), the right to equal treatment vis-à-vis other persons. And because courts announce rules that govern mobility disputes, "law is one very important site when mobilities are produced." Crucially, Cresswell reminds us that "rights" to mobility, like other rights, come with a "pretence of universality" that masks the particularity of their exercise by differently positioned social actors. (2006: 740). Thus we remain skeptical of liberalism's universal rights discourse while recognizing that courts do in fact direct mobility in important ways.

Inequalities of Risk.

As rights affect the mobility of persons within and across national boundaries, risk categories similarly impact upon individuals' ability to move. Security technologies frequently involve risk classification: *who is to be inspected more closely* or thoroughly, or *who is to be permitted freer/faster movement*. These differentiations are often the product of discretionary judgments by humans, which are then operationalized in a particular form of security technology. Inequality can be observed in the type of technology employed in the case of one individual versus another, and it can also be seen in the decision to subject (or not subject) an individual to scrutiny.

We refer to risks to make a specific point. Many different laws and regulations may be, and often are, violated by a wide range of people at borders and other checkpoints—not just the foreigner but the national, and not just the dubious or apparently criminal but also the apparently legitimate and upstanding (see Heyman, 1999, 2004). There are, likewise, a variety of potential legal issues waiting to be detected in such settings. Indeed, one of the great puzzles of such systems of state regulation is that we largely do not know (in the public domain) exactly who is bearing a prohibited or penalized status or commodity other than those who are caught. Since the ones who are not caught remain unknown, greater scrutiny of some people leading to documented arrests may have elements of self-fulfilling prophecy, while it also partakes of elements of reasonable intelligence, detection, and guesswork. Increased scrutiny of some travelers and cargos, even if simply by increasing the amount of time they are under inspection, let alone profiling and differential targeting, will result in a greater likelihood that some of them will be caught in any of a vast range of violations. But this is only a difference in probabilities, and crossers in the suspect categories will not be penalized every time they are inspected. Unequal risk thus describes the inequality better than a notion of consistently unequal penalization.

Inequalities of Movement (Fast-track/slow-track movement)

To some extent, these dichotomous categories track the level of technology being employed: sophisticated technologies often enable quicker screening, and consequently faster border crossing. However, that is not always the case. One can imagine technologically advanced processes that actually *slow* movement down, while providing other advantages. Also, speed of movement can be linked to ease of movement, or mobility. At an inspection checkpoint, certain persons may be able to move through quickly or freely, while the movement of others is slowed. In this way, the securitized border actually generates different effects, or even subjectivities, of border-crossers. Differential mobilities may reinscribe class and race difference, for example, if lesser

mobility corresponds consistently to skin color or apparent wealth. In other words, the effects of security processes are not always uniform, and certain categories of individuals (but not others) may be marked or disabled as they pass through nodes of contact with the border security regime. In this section, we will present examples of various mobilities and consider high/low technology inspection methods in relation to fast/slow movement of humans. Obviously, the security techniques we list herein are representative, and nowhere near an exhaustive list. To the contrary, we hope simply to give a sense of the variety of components of the securitized border, and the types of effects produced.

Additionally, our classification scheme is intended as a heuristic device that aids understanding rather than a scientifically precise descriptive scheme. Multiple technologies are present in many security processes, and our designation of "low" technology should not be understood to denote the complete absence of advanced or sophisticated devices. Rather, it emphasizes that the process being described relies more heavily on human judgment in ways that have long been in use on the one hand, or on the functioning of a mechanical device employed for greater precision, efficiency, accuracy, etc., on the other. "Fast/slow" is also an imprecise classification because there is no precise dividing line between the two categories. It does, however, facilitate observations about the benefits to the state flowing from use of a given security process, as well as about the differential mobilities that that process generates: enhancing mobility for some subjects while impeding or denying the mobility of others. In the remainder of this section, then, we will schematize security processes and their effect on cross-border mobility by presenting examples of the intersection of the various categories.

Identity and Identification

If the analytical scheme presented above is to prove useful in the study of emerging risk classification categories, it must help us to see what is actually being done to people as they attempt to move across borders. What happens to them externally, and how do they experience their (lack of) movement internally? To that end, we distinguish between identification (state practices of documentation, surveillance, detection, and so forth) and the individual practice of identity (the ways in which individuals experience and understand themselves). Though they are related, they are also analytically distinct. Interaction with border security apparatus at fixed or mobile sites generates effects in terms of who may pass routinely (or who may pass at all). These sites of state/individual interaction present certain barriers in advance, in the form of inspection techniques that impact upon some categories of actors more negatively than others. Thus we can see that the mobility of some persons will be limited in advance of their arrival, in ways that can be known and predicted. Awareness of those limitations helps some actors to decide whether or not to attempt interaction with a particular border security apparatus. We can also use knowledge of those anticipated mobility limitations to predict the demographics of cross-border movement, i.e., what the patterns of human movement through the border security regime will look like over time.

Identification procedures often classify persons according to their established ties to the state (i.e., whether or how well are they "known to the state"?). These ties can be the result of economic or social position; they can also result from frequency of contact and willingness to follow the rules of the "confessionary complex" (Salter, 2006:180).

Torpey (2001) emphasizes the historical importance of documentary practices that identify individuals to state controls over territory and movement; in reconfigured forms, these practices continue and even increase in the new movement regime. Identification procedures and security technologies described in this article generate greater mobility, or determine whether to grant mobility, dependent on where an individual stands relative to state identification apparatuses: as an economic elite, an "undesirable" migrant, or a terror suspect. It is easy to see how the instantiation of risk categories would reinforce social and political classifications already present in the social imaginary: the foreign, the other, the desperate.

We are then brought to ask whether and how identification processes impact upon the identity of individuals who pass through it. This second personhood-related phenomenon of political border spaces implicates various critiques of the subject and of the process of subject formation/deformation. As border-crossing is *performed,* the subjectivities of participants in the process take shape, thus connecting the descriptions of programs and technologies above with our explorations of possible emergent identities and collectivities in the final section. What Judith Butler (1997) terms the "narrative grammar" of "subjectivation" confronts the individual as a set of juridical imperatives to be negotiated as she seeks recognition as a participant in a given physically and law-bounded regime. It is perhaps easier to see the performance of this "narrative grammar" in the act of entering a state or passing through its internal checkpoints than it is at other times. Indeed, Michael Walzer (1983) has suggested that membership in a political community is the first and most basic "good" that a political community can give or confer, and if we bracket the normative considerations implied there, we can see that from the individual's point of view, this membership is the first thing to be sought from the state, because attaining it is a precondition for all other benefits. These features of the border regime make it clear that subjectivity, however conceptualized, is often shaped, negotiated and contested at border-crossing sites, and as a result it is important to consider those processes as we begin to theorize cross-border mobilities.

Part 3: Empirical Data

1. *Retinal scan*

Retinal scanning is a form of biometric identification that can "automate the identification of people by one or more of their distinct physical or behavioral characteristics" (General Accounting Office, 2003). Retinal scanning in particular relies on the distinct "blood vessel patterns of the retina and the pattern of flecks on the iris" (Lowry, 2006). Once a person is "registered" within a given database, she can be identified subsequently when recognized by a retinal scanning device that requires her to focus on "an illuminated target": she looks at the target and her identity is confirmed (Ibid.). This screening method has been used at military and bank facilities (Ibid.). Retinal scanning can enable human mobility, because it is a uniform and objective process that allows state officials to *determine* quickly whether or not a particular person is recognized and allowed to pass, enter, board or cross. On the other hand, the increased mobility enabled by retinal scanning is only available to those whose contacts with the state are significant enough for them to be enrolled initially in the database. To require mass registration would be

impracticable, because it would risk enlarging the database beyond manageable size. More likely, the enrollees would be frequent air travelers, and as such, subjects already pre-selected as having higher social-economic status. The increased mobility, then, would benefit some subjects and bypass others. It allows those with the means to use frequent air travel to benefit from faster movement. Also, it facilitates the movement of those already known to the state: once enrolled (registered), individuals may travel more freely, but that benefit never reaches those with insufficient means to achieve frequent contacts. Finally, it merits pointing out that retinal scanning represents for the purposes of this article a whole new suite of identification technologies and database linkages central to the emerging border and border-like regulation of mobility.

Inequalities of rights. The retinally scanned airline passenger can expect to bypass more time-consuming and invasive identity verification and inspection. This is an enforceable entitlement, if not a right in precise legal terms.

Inequalities of movement. Clearly, persons who are enrolled in a retinal scan recognition database can move more freely and quickly than those who are not. A first-time air traveler, for example, will not be recognized, and will have to submit to slower, more time-consuming inspection. Likewise, persons who lack the means to use air travel will be left completely outside the quick recognition process unless its use is broadened to include ground travel checkpoints.

Inequalities of risk. A "recognized" person is automatically assigned a lower risk profile by virtue of their prior identification by the state. They have already submitted to the "confessionary complex" (Salter, 2006) by allowing themselves to be seen and known, and in return they are acquitted of being a possible risk (Butler, 1997).

2. *PAL*

The Pre-enrolled Access Lane program (PAL, also called Dedicated Commuter Lane [DCL] and the SENTRI program) permits automobile drivers to obtain pre-clearance by submitting various documents verifying identity: for example, proof of immigration status, driver's license, proof of insurance, vehicle registration. The program also involves significant application fees ($400 at the U.S.-Mexico border) and represents a significant privilege in the context of this impoverished region. Once enrolled, a driver can use a radio frequency identification (RFID) card to pass through border checkpoints without stopping for inspection. PAL is in use at various U.S.-Mexico border crossings and there are similar programs (NEXUS) on the U.S.-Canadian border (US Customs and Border Protection 2007).

The pre-clearance procedure relies on simple, or low technologies, although the high-speed, low-scrutiny movement through the border itself relies on a relatively advanced technology. The information-gathering process on which PAL relies is similar to that used to document eligibility for public welfare benefits, for example (cf. N.J.A.C. 10:90-1.1 et seq.): it stipulates a list of required documents to verify eligibility, and then requires an interview to cross-check the veracity of those documents. However, the background check relies on integrated criminal record and "watchlist" computer databases (though in reality those databases are incomplete and have performance limitations). Crucially, this

program enables greater mobility as PAL holders can cross quickly into the United States without having to wait in line to be questioned or inspected. The advantage of greater mobility is conferred selectively though: only border-crossers who pay substantial fees and have significant positive contacts with the state qualify for this opportunity for freer movement.

Inequality of rights. The laws governing border search, questioning, and seizure are not different at PAL and regular border inspection lanes, and in this regard, there is not a formal differentiation of rights. Effective enactment of rights differs, however, because search, questioning, and seizure is infrequently applied to pre-certified crossers who can quickly drive through using RFID clearance in passing (there are infrequent spot checks). Furthermore, PAL membership can be acquired by non-citizens, indeed, non-residents, by paying the substantial fees and by being investigated by the U.S. state. In other words, it begins to develop a new category of mobility rights-holders that is not identical to standard nation-state citizenship.

Inequalities of movement. Persons able to verify to the satisfaction of the agency that they are lawful travelers gain a freedom of cross-border movement that is graphically visible: while other vehicles wait in line, perhaps for hours, PAL travelers speed past in a minute or less.

Inequalities of risk. The PAL verification process establishes risk categories that reflect an individual's prior contacts with the state. A person known to the state through identification such as driver's license or place of residence receives a lower risk classification: that person is deemed less of a risk, and is allowed to pass without inspection. To put it another way, trust increases as perceived risk decreases, and PAL passengers are trusted to pass quickly in accordance with their designation as low-risk. Of course, this is a probabilistic judgment, and it cannot guarantee that any individual "lower-risk" driver is in fact worthy of the trust conferred on them.

3. Preclearance for Air Travel

This program creates a category of "registered traveler" for air travel that is similar to what PAL does for ground travel. As of July 2005, some major airports were participating in the "Registered Travel Interoperability Consortium," and by virtue of their participation, those airports could process registered travelers more quickly than passengers subject to regular screening (Goo, 2005). Registered travelers would use a biometric kiosk to check in and a separate screening lane to pass into secured terminal space. Some airports have begun processing air travelers in this expedited fashion, but at present groups representing airlines are seeking to implement a nationwide identification protocol that could be used by participating airports so that travelers could move freely among those airports internally within the United States (Registered Traveler Interoperability Consortium, 2006).

Inequalities of rights. The same issues that arise in PAL procedures are present here as well. Preclearance creates a de facto entitlement of reduced scrutiny in the same way that PAL status reduces the likelihood individual inspection and questioning.

Inequalities of risk and movement. Those not registered (and not biometrically recognized) are designated as greater risks and their freedom of movement is therefore restricted. This form of classification self-selects for class status as well, because those who travel by airline on a regular basis are likely to be business travelers or others with greater financial means; thus, freedom of movement and freedom from suspicion will be conferred more often on higher-income, rather than lower income persons. Risk profile corresponds to income profile.

4. *Highway checkpoints*

Highway stops operated by the Border Patrol (now part of the Department of Homeland Security) are familiar to travelers throughout the Southwest. They consist of a diverted traffic lane through which travelers must pass, leading to an inspection station where agents wait to question and inspect each driver and their passengers (General Accounting Office, 2005). The roadblock is a technologically simple procedure, and the key task is managing traffic delays on major highways (e.g., interstates) by waving most vehicles through with perfunctory or no questioning, with intensive questioning reserved for small numbers of selected travelers.

Under the law of search and seizure, which is governed by the Fourth Amendment to the U.S. Constitution, searches generally require a warrant secured upon a showing of probable cause of criminal activity. However, border inspections have traditionally been considered a function of national sovereignty, and thus not subject to the warrant requirement, because they are performed for security, rather than criminal investigation reasons. Courts have extended this to fixed interior checkpoints within a reasonable distance of borders, which includes huge metropolitan areas (San Diego, Tucson, El Paso, etc.).

At fixed checkpoints, border patrol agents may briefly detain and question a person without any individualized suspicion that the person is engaged in criminal activity, as long as the stop is brief and unintrusive.[3] In other words, they may ask about citizenship and immigration status, related identification documents, vehicle ownership, cargo, travel plans, and so forth, while building up reasonable suspicion, probable cause, or consent for further searches or detention. Notably, fixed checkpoints, unlike roving patrols, may allow officers to act on the basis of the Mexican appearance of the occupants in referring motorists to a secondary inspection area for questioning.[4]

In practice, this is exactly what happens at fixed checkpoints, as documented by ethnographical accounts and interviews of Border Patrol officers (Heyman, 1995, 2001, also see Ungar, 1998: 53-70). Remember, the challenge faced at such checkpoints is how to speed through traffic while targeting specific travelers, a situation common to the broad range of mobility controls discussed in this paper. In such checkpoints, agents often employ their own subjective judgments of the plausible story supplied by a given subject (Heyman 2001:32). The plausible story process, in turn, is based on various subjective assumptions about the subject, including apparent race/ethnicity, vehicle, manner of dress,

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[3] (See, e.g., United States v. Martinez-Fuerte , 428 U.S. 543, 562 (1976); United States v. Massie , 65 F.3d 843, 847 (10th Cir. 1995); United States v. Rascon-Ortiz , 994 F.2d 749, 752 (10th Cir. 1993)

[4] Martinez-Fuerte, 428 U.S. 543.

and affect (*ibid.*).

Inequalities of rights and risks. We are describing a combination of reduced rights for all travelers through checkpoints and a practical reality that the reduction in rights is applied to selected travelers, those that fit a complex set of profiles for focused questioning. Insofar as there is additional scrutiny of some travelers and their vehicles, and not others, this quite directly leads to unequal risk of officers developing reasonable suspicion, consent, etc., for a more intrusive search leading to arrest. The checkpoint process then carries a risk of erroneously detaining a person who is acting lawfully, and also introduces cultural assumptions and established biases into the security process. If persons wearing old clothes, or persons with dark skin and hair, are scrutinized more closely and prohibited more often from traveling on, then the process has become infected with illegitimate biases that are prohibited elsewhere in the U.S. legal/political realm. Of course, such practices are both under-and over-inclusive relative to the stated purposes of the security regime as stated in the Homeland Security Act (prevention of dangerous persons and goods from entering the country). They are overinclusive because they detain many people who have broken no law and pose no threat, and underinclusive because there is no uniform "look" that corresponds to dangerous entrants (i.e., it does not "catch" those it is ostensibly trying to detect).

Inequality of movement. In one sense, limitation of mobility falls on all travelers who encounter a highway checkpoint: everyone must stop. At the same time, however, Border Patrol agents may employ discretion to decide who will be subject to peremptory questioning and who will be taken aside for more extensive interrogation. Once again, this discretion permits the introduction of illegitimate bias into mobility control.

Part 4: Analysis

State power in a world of restructured boundaries

Restructuring of borders (e.g., the E.U.), as well as the increasing speed of transportation and communication, have generated much valuable theorizing about citizenship in terms that broaden the frame of reference of "citizenship" beyond the nation-state (Ong, 2005; Castles, 2005; Benhabib, 2005; Castoryano, 2005). Universal liberty and equality, for example, so central to liberalism, clash with the notion that rights depend on national boundaries, and this tension leads some to seek "democratic attachments" beyond the nation-state (Benhabib, 2005: 674). But we are concerned here, by contrast, with the *redeployment,* rather than the decline, of state power, and we ask what groupings of people are produced by the power practices utilized in movement control. We cannot ignore the tangible benefits and burdens that are conferred by the state. Thus, while Ong in one publication (2005) suggests that we are beyond the point where the binary opposition of "citizen/non-citizen" is descriptively useful, we point out the very real difference that the ability to prove formal, legal citizenship makes (for example, at a highway checkpoint in the desert, late at night). Similarly, to pass through a PAL checkpoint with a preclearance vehicle sticker, so that law enforcement aims its sights at someone else instead, is another example of an "ordinary" state/individual interaction that affects not only life-chances but esteem also. It generates a sense of privilege: a normal

and invisible, yet substantial, advantage within a system of inequality (Kimmel and Ferber, 2003). In this regard, we converge with the Ong of Neoliberalism as Exception (2005), in which she sees citizenship not as being outmoded, but as being reworked in terms of economic functionality and privilege, just as in the PAL programs.

State practices of identification affect identity as well. The state identifies (or, in Althusserian terms, interpellates) an individual and assigns her a degree of risk, but the individual must accept this identity in order to move across borders (or perhaps, to move at all): she lives out the truth of the state's "naming"of her (Althusser, 1984). But as Amoore (2006) reminds us, identification does not fully secure or constitute identity (see also Butler, 1997; Althusser, 1984). For one thing, the state can erroneously "name" an individual as suspicious or dangerous (Amoore, 2006:340), such that identity does correspond to identification, thus creating an ontological problem: a public identity at odds with an individual's self-understanding. And identities are created performatively each time the state requires a "confessional" prior to admitting someone at the border (Salter, 2006). For how long does a border-crosser carry with her the identity enacted at the point of crossing? As Amoore puts it, bodies become "sites of encoded boundaries," and individuals can actually carry the border within them, forever standing on it but never actually crossing it, never free of suspicion (2006: 347-348).

One study (Heyman, 1999) examined U.S. border surveillance practices, including biometric identification (fingerprints) and interlinked databases. For young people from Mexico involved in everyday drug trafficking, it found that identification and surveillance did not lead to a change in self-understanding and behavior, given other strong forces driving employment in smuggling (such as limited alternative employment opportunities). However, the control systems were less advanced than the ones we describe here, and were concentrated along the U.S.-Mexico border rather than being dispersed throughout the wider network of movement. Some of the individuals identified by the system could then stay inside Mexico and were thus penalized (by being unable to enter the U.S.), but could otherwise stay out of its control. For additional insights into vulnerable people moving around inside a network of control, we can look to ethnographic studies of undocumented migrants in the U.S. by Chavez (1992), Muñiz (2005), and Zlolinski (2003, 2006).

What bearing do these identification practices have on oft-stated U.S. commitments to liberal-democratic values? Rogers Smith (2005) argues that liberalism's ongoing challenge from the end of slavery to the present has been full equality. But Smith notes that often we seem to be trending in the opposite direction, and this is particularly true in the context of movement control. By operation of the PATRIOT Act and PRWORA (the law abolishing federal welfare), some citizens become more like aliens (rather than vice versa): their ability to move, work and enjoy esteem is inhibited as we collectively pursue policy goals such as "personal responsibility" or "national security." And of course, if citizens find it hard, aliens have it even worse, for they are perpetually and inescapably located in the vulnerable position that citizens sometimes encounter.

It would be mistaken to view globalization and securitization as equal and interchangeable alternatives. When we look at situations where they conflict, we see that the scrutiny directed at terror prevention (securitization) is often relaxed -- when it

threatens the movement of "kinetic elites," for instance. Freedom of movement required for international trade sometimes trumps security imperatives, as in the retinal scan and registered traveler programs discussed above. The risks posed by harmful border-crossers are tolerated in deference to globalization. The holder of a pass allowing faster, freer movement could still do harm, but their risk profile says otherwise: it says that they are safe and trustworthy. Here we see that risk is more about social ordering than it is about probability of harm.

The state project of securitization generates differing degrees of "suspect-ness," or distinct categories of suspicion. We have already discussed the ways in which Mexican migrants become suspect as a result of state efforts to control migration. At the same time, though, anti-terror initiatives generate suspicion toward Muslim-Americans. This suspicion is apparent in the state efforts in 2003 to "register" non-citizens from certain countries who were already living the United States. The U.S. government required those foreign nationals to report to processing centers where they were detained and questioned (Pallitto and Weaver, 2007:149). Mobility control, then, can operate unequally along multiple vectors at once, limiting Mexican migrants in pursuit of immigration control and Muslim-Americans in pursuit of terror prevention.

The intertwined logics of securitization and globalization

Long ago, Karl Marx showed how misguided it is to assume that in modernity, state power is the only source of harm to individuals and groups. In fact, the state often creates spaces in which *private* power can operate to produce inequality and injustice. With that observation in mind, then, we cannot look exclusively at state-imposed mobility controls in our effort to understand mobility regimes. Private force also affects mobility, and even more important, state force and private force cannot always be separated. Sometimes they interpenetrate to produce cumulative effects, and sometimes they exhibit tension with each other. Amoore (2006) and Sparke (2006) conceptualize this problem as a tension between securitization and neoliberalist globalization, which operate both to enable and to restrict movement. While the nationalistic imperative of border security urges restriction, globalization demands unrestricted movement of economic actors. Nowhere is this more vividly demonstrated than in Sparke's (2006) observation that the very same jet aircraft used to transport "extraordinary rendition" captives to overseas torture sites was also used for elite business travel. That example shows that the two logics (securitization and globalization) are not always in conflict, but sometimes work to accommodate one another. Together they stratify social relations, producing groupings based on mobility – mobility classes, if you will – whose members are readily identifiable by their movement capability just as Marx's social groups were defined by their relationship to the production process. In short, then, "sorting" by surveillance, in the sense used by Gandy (1993) and Adey (2004), has the effect of distributing benefits and burdens, opportunities and risks, along discernible lines that both create and reinforce social inequalities.

As Salter (2006) and others rightly point out, the political technologies of biometric surveillance cause surveillance to fall more and more on bodies, but that is not the end of the inquiry. Those technologies impact upon subjects unequally, and how well individuals can negotiate the surveillance of their bodies often depends on class status. If they can declare themselves blameless and be acquitted, they may pass, but the ability to do so is

often influenced by race and class, as in the case of highway checkpoints discussed above. It may be impossible for some individuals to escape the discretionary processing that occurs at checkpoints, and agents' perception of race and class becomes an externally-imposed limitation on movement -- illegitimate in legal terms, but nonetheless real.

Mitchell (2005) argues that U.S. courts have aided this sorting process, facilitating the free movement of economic elites by a certain kind of pro-privacy legal ruling, keeping those who would impede commerce (such as panhandlers) at a distance. The spaces created by these decisions, which Mitchell describes as "buffer zones" and "bubbles," allow some individuals to move without impediment, as the state will enforce protective boundaries around them. Crucially, there are two types of state actions at work here. States erect *public* barriers at borders and elsewhere through which people must pass (and be slowed or stopped). But states also clear away *private* barriers in certain cases, so that movement is even freer than it would have been if the state had not intervened. Moreover, "ordinary" people can police the movement of suspicious "others." Amoore (2006) notes that hand-held communication devices allow reporting of suspicious persons directly to federal authorities. With this development, border control diffuses through the social field, and restriction of movement occurs at innumerable nodal points at borders and elsewhere.

This diffusion and internalization of discipline recalls Foucault's (1978) depiction of power-knowledge regimes. However, changes wrought by globalization require some rethinking of his work. Fraser (2003) notes that Foucault's power framework relied on nation-state power practices and regulation of subjects, which Fraser terms the "fordist mode of social regulation" (2003:160). The "denationalization" and "transnationalization" we have seen in the era of "postfordist globalization," by contrast, calls for a new analysis (2003:165). Networks, for example, are able to combine rule-governed organization with flexibility, open-endedness, decenteredness and spatial dispersion" (2003:169). A more updated analysis of power practices would consider how network configurations regulate behavior, distribute privilege, and shape subjectivity.

One such analysis involves the concept of cosmopolitanism. Cosmopolitanism covers various phenomena within which political and cultural imaginations become relatively unbounded, losing their localized prejudices and sentiments, and thus cosmopolitanism is, predictably, often celebrated as a triumph of technology, or of social-cultural development (Vertovec and Cohen, 2002). However, its benefits are unequally distributed, and they come at a cost. The mobility freedom enjoyed by some depends on an "authoritarian underside" that denies movement to others (Sparke, 2006: 173, 174). Mobility freedom can be seen as a right or as a privilege, but either way it usually comes with greater speed of movement and lower designation of risk; that is, high rights and high speed are mutually reinforcing, and they are associated with lower risk. Those designated as "higher-risk," on the other hand, will experience risk in a double sense: they are seen to pose a higher risk of harm to others, and at the same time they themselves are more at risk for state scrutiny, detention and even mistreatment. Ulrich Beck (1992,1999) sees risks as products of modern and post-modern technological, social, and economic processes, creating new, shared domains of political collectivity that cut across traditionally bounded polities. Risk calculations made on a global scale can drive political decisionmaking, with the resulting calculations shaping the space for action in a

postmodern context. This may be plausible for some issues (such as global warming), but as our analysis of securitization of movement after 9/11 shows, world risk may also result in greater differentiation of treatment and potentially segmentation of subjectivities. When applied to social groups, risk calculation is problematic because of its stratifying effect that entrenches the unequal position of those at the losing end of the rights/risk/speed calculus.

A "world risk society" approach to movement control also risks losing a sense of how institutions affect the social landscape. Institutionalist scholarship seeks to show how institutions shape behavior, and when we look at contemporary life we see that the current configuration of institutions we live in and with is contingent. The 9/11 attacks and the response to those attacks, as Calhoun (2002:87) points out, could well have been otherwise. The state response from the U.S. was to address the attacks as "a matter of war rather than crime, an attack on America rather than an attack on humanity." The response that the U.S. chose led it in turn to "sweep aside protections for the rights of citizens and immigrants alike and to strengthen the state in pursuit of 'security'" (87). Thus, securitizing institutions interact with globalized flows. They are not merely the inevitable product of globalizing developments, but they develop and change, at least in part, through intentional human action.

Part 5: Directions For Future Research

So if we keep these insights and caveats in mind, is there any indication of a way forward that minimizes the harmful effects of current mobility control practices described above? Globalized movement of money, information, goods and people is a central, constitutive fact of the (post)modern setting of the cosmopolitical subject. And at the same time, concerns about security are not likely to abate anytime soon – if anything, globalization will continue to exacerbate them. One way to think about the tension between securitization and globalization in an era of terrorism and disease globalization is in terms of a shared *burden* of inspection, surveillance and delay. Thus the issue becomes one of distributive justice: how should these burdens be distributed? We would likely accept that some change in our expectation of mobility freedom is inevitable, given the shared desire to remain safe, but more attention must be paid to what changes are to be made, to what ends, and upon whom. This question is urgent, for even if we cannot implement immediately a new, more just kind of surveillance regime, we can diagnose the shortcomings of the present one. More work can be done tracing the multiple ways in which burdens of movement control fall unequally on several groups at once: suspected terrorists, suspected "illegal" immigrants and those not part of neoliberal global mobility. We believe that rights/risk/speed are useful categories for that multifaceted inquiry.

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