The Ban – Opticon in the Schengen Area
The Ambivalent Meaning of Mobility

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Essay – May 9, 2011

In the process of globalization, mobility has become characterized by ambivalence. On the one hand, we are witnessing ever greater control of the movements of migrants, and on the other, a rich elite can travel freely all over the world. The free flow of people, capital and goods within the Schengen Area has required an increasingly stricter policing of its external borders. Combined with innovative digital techniques, this has led to a shift from a system of control to a proactive system of selection and exclusion.

Border near Melilla, separating Spain from Morocco. – Photo: Laureano Valladolid

Globalization is generally (and certainly from the point of view of modernism) directly associated with homogenization, a process in which the world evolves into a unified whole – the global village. The speed with which goods and people travel across the globe has risen exponentially and is constantly increasing. Thanks to technological innovations, distance and time are becoming less and less relevant. Hybrid cultural expressions confirm this picture of uniformity. Millions of ideas are spread all over the world every day via the Internet. Nobody blinks an eye anymore at phenomena like 'Thai boxing girls in Amsterdam, Asian rap in London, Irish bagels, Chinese tacos and Mardi Gras Indians in the United States or Mexican schoolgirls dressed in Greek togas dancing in the style of Isadora Duncan'. [1] Political initiatives tie in with this by propagating an open border policy.

Within the Schengen Area, whose territory nearly coincides with that of the European Union, internal border controls have been abolished. Here, the free movement of people, goods, capital and services is a reality.

However, the same forces that reinforce this picture of a uniform, universal world are also at the bottom of the discord and divisions on earth. 'Globalization divides as much as it unites; it divides as it unites,' writes Zygmunt Bauman in the introduction to his book *Globalization: The Human Consequences*. [2] According to Bauman, the processes and technologies that lead to homogenization are the same as those that further polarize the world into an elite that travels freely around the globe and a majority that is stuck in local social circumstances in which it can no longer find protection against competition from other markets, precisely because of that time / space compression.

In our information society, 'nothing that happens in any part of the planet can stay in an intellectual "outside". No *terra nulla*, no blank spots on the mental map, no unknown, let alone unknowable lands and peoples.' [3] Everyone is aware of the contrast between Western prosperity and the poverty that exists elsewhere. In a world where natural boundaries are no longer a real obstacle, no one can be blamed for dreaming of a better life somewhere else. But neither do things remain in a *material* 'outside'. 'What happens in one place in the world has an influence on how other people live, hope or expect to live, elsewhere. Nothing is truly, or can remain for long, indifferent to anything else – untouched and untouching. No well-being of one place is innocent of the misery of another.' [4]

The 'unity of mankind' is a dubious notion, and a 'hybrid lifestyle' seems reserved for a minority. It soon becomes clear that the open border policy is attended by a dual movement. The liberalization of commerce and finance at the international level has brought with it a fear of crime, illegal immigration and terrorism. This has led to political calls for re-establishing the power of the border. This development is a departure from the idea of the emergence of a borderless world in which flows of capital and people move freely. Globalization affects everybody; there is no going back. Yet self-assertion for an (intellectually and materially) 'open' society, to which the processes of globalization have brought us, is equally out of reach. Whereas the idea of progress used to be characterized by optimism, this has now turned to fear.

Mobility, in the sense of the freedom to move from place to place, is seen as an increasingly important value in life. But mobility also seems to be evolving into a form of unequally divided wealth. It is becoming the favoured indicator of social stratification, as Zygmunt Bauman describes in his aforementioned book, *Globalization: The Human Consequences*. [5] No longer seen as a primary right, it has become a privilege of the elite: travelling to far-off places is part of 'the good life'. Checklists of 'must-see' destinations, preferably accompanied by as much visual evidence as possible, are the distinguishing marks of a privileged group. 'Tourism is a complex industry but it has promoted a lifestyle where speed is linked with leisure and leisure with money. A tourist is not a "vagabond", a nomad without money.' [6]

Mobility Regulation

Until recently, the state border was the locus for the regulation of mobility. The supervision of transnational flows of people, goods and information – and its filtering out where necessary – was one of the four basic functions of the Westphalian State vouchsafed by the border. [7] The other functions of the border were as territorial boundary of the sovereignty of the state, as an instrument for building a national identity and as a 'closed power container' for the military defence of the state.

Globalization presents a challenge for the traditional concept of boundaries. 'Before long,' says Gerald Blake, 'the world political map depicted as a mosaic of brightly coloured

independent sovereign states of equal status will have become meaningless. It will need to be replaced by a map that shows the major political and economic blocks, distinguishing between the internal and the external boundaries of the block.' [8] The grouping of states into political and economic regions changes the classical notion of the national boundary. Its meaning must now be considered within a context of supranational entities such as the European Union (EU), the European Free Trade Area (EFTA), the Association of South East Asian Nations (ASEAN), the Central American Common Market (CACM), the North American Free Trade Agreement (NAFTA), the Gulf Cooperation Council (GCC), etcetera. The liberal logic underlying this regionalization has made the military significance of national boundaries within these regions increasingly inexpedient. Moreover, modern armament techniques (long-distance artillery, rockets, and so forth) have rendered obsolete the military defensive function of traditional national boundaries. As a result, borders today have more of a controlling and regulating task than a military one. According to Didier Bigo, a political scientist specialized in security, 'the priority is no longer on sanctions, but on regulation. The issue is less about condemning an individual than about deterring others, but it consists above all of managing movement and flux, of managing groups of people in advance, analysing their potential future, in order to normalize them.' [9]

Thus, security at the border today is increasingly focused on a new set of sociopolitically loaded concerns such as drug smuggling, trafficking in humans and weapons, terrorism and asylum requests. Even though the nature of these phenomena varies widely, they are associated with one another because of their transnational character. [10] New security methods are being developed and implemented every day. The importance of passports and identity papers, permissions to travel (invitations) and visas is increasing. The monitoring of individuals is shifting from localized, face-to-face encounters at the border to a technology of identification that can take place remotely and is kept in an electronic database.

Panopticon

The historian Mark Poster called the electronic database for identification an 'updated cyber version of the Panopticon'. [11] The Panopticon derives its name from the eighteenth-century design for a prison by Jeremy Bentham, who also dubbed it the 'Inspection House'. The innovative aspect of this disciplinary apparatus lays in the application of new control techniques whose only principle was surveillance. This was a new type of inspection that affected the imagination more than it did the senses. 'The omniscient eye of the guard meant that instead of being physically punished ("affecting the senses"), prisoners were controlled merely by being visible ("affecting the imagination").' [12] Foucault described this design as a *dispositif*, the architectural expression of a more general power mechanism (*un mécanisme de pouvoir*), in which the 'abnormals'– be they lepers, lunatics, criminals or the homeless – become the subject of control. [13] This is a power mechanism in which surveillance establishes and maintains order, but in which the principles of the cell, the dungeon – imprisonment, concealment, darkness – are inverted: of these, only imprisonment remains important, while visibility and daylight become the pivotal factors. [14]

However, unlike the Panopticon, which ensures that no one can escape from the watched space, the primary function of the database is to ensure that no one enters it under false pretences. As Zygmunt Bauman says, 'the database is an instrument of selection, separation and exclusion. It keeps the globals in the sieve and washes out the locals. Certain people it admits to the exterritorial cyberspace, making them feel at home wherever they go and welcome wherever they arrive; certain others it deprives of passports and transit visas and stops from roaming the places reserved for the residents of cyberspace. But the latter effect is subsidiary and complementary to the former. Unlike the Panopticon, the database is a vehicle of mobility, not the fetters keeping people in

place.' [15]

With the elimination of internal borders within the Schengen Area, perhaps the most important economic block of states today, fear of the negative effects of globalization such as terrorism, smuggling and migration has grown, and new techniques of control have been sought. Mobility regulation has been given absolute priority in order to reconcile freedom, one of the primary objectives in the European process of integration, with security. 'Compensating' measures have been implemented in order that the free movement of people, goods, capital and services not come at the expense of public order. To reduce transnational risks, the European Union has taken various measures.

The Regionalization of the Schengen Area

The primary objective of the Treaties of Rome (1957) was to eliminate the barriers that divided Europe. In the first instance, this led to the establishment of the European Economic Community, which created a common market. Within this zone, customs duties were no longer levied on mutual trade. Controls were still maintained at the internal borders, however. These were not abolished until the creation of the Schengen Area in 1985, when the Schengen Agreement was signed in the town of Schengen in Luxemburg. In this convention, Belgium, Germany (then still West Germany), France, Luxembourg and the Netherlands agreed upon the measures needed to create a transnational space in which people could move freely. In 1990, these 'compensating', or 'guiding' measures were worked out in the Schengen Implementing Convention. Shortly afterward, Greece, Italy, Portugal and Spain also signed the Schengen Implementing Convention, which came into force in 1995. Entering the Schengen Area at a later date were Austria (1995), Denmark, Finland and Sweden (all three in 1996). The UK and Ireland decided not to join. However, Norway and Iceland did become Schengen countries (1997, even though they are not part of the EU. With the Treaty of Amsterdam (which went into effect in 1999), the Schengen Acquis (or rules) became part of the EU treaties. Since the Treaty of Amsterdam, the southern boundary of the Schengen Area has coincided with that of the European Union. The treaty also implied that any member state entering the Union after this automatically becomes part of the Schengen Area as well. The countries that joined the EU in 2004 (Cyprus, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia, Slovakia, the Czech Republic and Malta) and in 2007 (Bulgaria and Romania) thus automatically became members of the Schengen Area because of the Treaty of Amsterdam. Switzerland also has joined the Schengen Area.

The Strengthening of the External Borders

The most important idea behind the creation of this 'free movement area' is to abolish controls on people and goods at the internal borders and shift them to the external borders. This is most evident at the southern border of the Schengen Area, which is mainly a maritime border. But also marking the territorial dividing line of the Schengen Area on its southern side are the Canary Islands, the cities of Ceuta and Melilla, the Isla de Alborán, Peñon de Alhecumas and the Islas Chaffarinas. [16]

Ceuta and Melilla are two Spanish enclaves located on the North African continent. [17] Both cities experience considerable pressure from migration, because of the fact that these enclaves are the only regions to have a land border between Africa and the Schengen Area (8 km for Ceuta, 11 km for Melilla). Africans (primarily from the Sub-Sahara) try to cross the border there every day. When Spain became part of the Schengen Area in 1991, the economic gap between these enclaves and the Moroccan hinterland steadily widened. This made the 'Schengenized' EU into a huge magnet for the African continent. Workers were attracted by its economic stability, while migrants saw the possibility, because of the abolishment of internal borders, of asking for asylum in more than one country. In order to combat smuggling and the risk of 'asylum shopping', visa

policy was adjusted that year. Border controls grew increasingly strict. Moroccan citizens were no longer allowed to cross the Spanish-Moroccan border, now a Schengen border, without a visa. [18] On 19 May 1991, the first victims of 'illegal immigration' died in an attempt to cross the maritime border at the Strait of Gibraltar. 'Illegal immigration' became the new fear, and immediately the justification for implementing new security techniques as well. [19]

Accordingly, when the Schengen Implementing Convention came into force in 1995, a double enclosure was erected around Ceuta. The walls were outfitted with sophisticated security systems such as thermal and infrared cameras. Pepper spray and razor wire formed an extra protection against anyone attempting to scale the structures, which ranged from 3.5 to 6 m in height. Around Melilla, a triple enclosure was even built.

Later on, with financial help from the EU, the Spanish-Moroccan maritime border was also electronically protected through SIVE (*Sistema Integrado de Vigilancia Exterior* / Integrated External Surveillance System), a security system deployed along the coasts of the Iberian Peninsula and the Canary Islands. SIVE was implemented gradually, first with fixed and mobile radars along the Andalusian coast (2002) and later along the shores of the Canary Islands (2005). EU member states can also call upon RABIT (RApid Border Intervention Teams) when confronted with a sudden influx of migrants.

Migration pressure reached a high point in the autumn of 2005, when hundreds of migrants attempted to climb over the fences en masse with homemade ladders in Ceuta, and later in Melilla as well. This border crossing was planned and organized in the 'ghetto' encampments of migrants near the border in the woods of Bel Younech, Gourougou and Rostogordo. The consequences? The loss of 13 lives, increased militarization of the border and the establishment of a common policy on illegal immigration. The encampments were destroyed, the barriers around Ceuta and Melilla heightened and technologically reinforced. Detectors that can sense and record heartbeats from a distance are now also used. [20] During the two months following these events in 2005, 480 soldiers of the Spanish army were called in to reinforce the 647 police officers (331 in Ceuta, 316 in Melilla) and 1,302 members of the Guardia Civil (676 in Ceuta, 626 in Melilla) already on the scene. [21]

Collaboration between Member States

When the Schengen Area was created, the first priority was to combat organized and transnational crime. The 'compensating measures' implemented after the abolition of internal border controls involved not only strengthening external borders, but also improving collaboration between member states. One of the organizations assigned to this task was Frontex, an EU agency set up to carry out border inspections and additionally charged with making risk analyses. Frontex also sought methods of exchanging data between member states and countries outside the EU. An advanced database, the Schengen Information System (SIS), was also created. This enables national authorities (responsible for border, customs and police controls within the Schengen countries) to exchange data on certain categories of people and goods.

The Schengen system is based on the assumption that admission through one of the external borders of the Schengen Area implies admission to every Schengen country. A resident of a country outside the Schengen Area cannot gain admittance (even when in possession of a short-term visa) if he or she is deemed a potential security risk for one of the member states. When a person or object is registered in the database, it can mean that the person or object is sought by a Schengen country or that admission to the Schengen Area must be denied. A registration can refer to missing persons or undesirable foreigners, but also to false identity papers or stolen vehicles. Currently there are some 31 million registrations in the SIS database, referring to over 25 million identity papers, almost 4 million vehicles and 1 million people. [22]

The SIS is a 'hit / no-hit' system. If a person being checked at the border is registered in the system, the system generates a hit. This can lead to that person's arrest or to the confiscation of goods. [23] In 2008, the SIS generated over 120,000 hits. [24]

The political and judicial authorities of the member states decide whether a person should be registered in the SIS. The information held by the member states in national networks (N-SIS) is linked up to a central system in Strasbourg (C-SIS). This allows any member state to share data with the others. Within the Schengen member states, there are more than half a million terminals with access to the SIS. National SIRENE agencies (Supplementary Information REquest at the National Entry) form the human interface of the system and check the information put into in the database.

By the time the Scandinavian countries joined in 1996, the technological capacity of the Schengen Information System had become inadequate. A decision was made to develop a second generation, SIS II, which in addition to integrating new member states in the database also integrates extra applications, such as the coupling of registrations (for example, between criminals and terrorist suspects) with the Visa Information System (VIS), which keeps a record of all persons who apply for a visa.

When it turned out that SIS II would not be ready in time, SIS+1 was developed as a temporary solution in order to grant membership to the Scandinavian countries. Since the Treaty of Amsterdam, the need for SIS II has grown even greater, certainly in view of the Eastern expansion of the EU in 2004 and 2007. However, its completion was once again postponed, and a second temporary solution, an expansion of SIS+1 called SISone4all, was adopted and is still being used.

The laborious expansion of the SIS is the reason some member states of the EU have still not yet been completely integrated within the Schengen Area, seeing as the SIS is also used in the membership procedure for candidate member states, which must comply with the visa policy. First the SIS is implemented. Only when results show that a potential member state is fully capable of carrying out the required external border control measures can the internal borders be abolished. Satisfactory results are thus a prerequisite for membership.

Profiling System

Didier Bigo, like Zygmunt Bauman, sees the SIS as a profiling apparatus. According to Bigo, 'the main focus of the system is to ensure that persons who are or might be considered unwanted by any participating state are not permitted into the territory. Thus the rules focus on who must be excluded and provide little guidance on who should be admitted.' [25]

The system was originally set up to combat forms of transnational crime and to search for missing persons more easily. But instead of fighting organized crime, the SIS functions as a database that maintains dossiers on individuals in order to prevent illegal immigrants from returning to the EU. Over the last several years, immigration has been given priority,

and a uniform visa system has been one result. Around the turn of the millennium, police authorities were still denying that the Schengen system was set up in order to provide a policing body for immigration, but that time is past. In the words of Bigo, 'it is hardly even contested by police authorities in question that Schengen institutes an immigration police, that this is its priority … and that there is no focus on the relation between crime and disappeared persons. [26]

By building a uniform visa system into the (not yet operational) SIS II and coupling data on criminals and terrorist suspects with migrants, not only has Schengen extended its sphere of influence far beyond the EU and can the system increasingly operate from a distance, but the SIS has also ceased to be a neutral profiling apparatus. After all, such a coupling confirms the mistrust of migrants. 'The profile of the guilty changes; it no longer derives from a supposed criminality, but from a supposed undesirability,' says Bigo. [27]

According to Bigo, a culture of control holds sway in the EU. But here too, double standards apply, for not everyone is subject to the same degree of control. Using databases of information from police records and mixing them with records from the public sphere (social security, taxes, and so forth) and the private domain (insurance, credit bureaus, supermarkets), it becomes possible to categorize people and ultimately determine who should be checked further. This is a proactive approach, a risk management logic. Who represents a possible risk and who does not, who is dangerous and who is not, is determined beforehand. Mobility is not for everyone. Databases determine who has a right to it and who does not.

This proactive stance forms the legitimization for the policy of a liberal EU that considers freedom of movement essential to its existence yet maintains strong external borders and monitors people. A proactive policy targets an action even before a law has been breached. Gathering and filtering information makes it possible to anticipate the behaviour of possibly dangerous individuals or groups. This is not about committing a crime, but about an indication that connects a potential crime with an individual or group. In order to normalize a majority and filter out a minority, the supervision and control of their movements must be given priority. The justification for monitoring migrants is weak in itself, but not in light of the fight against terrorism. Lumping transnational threats together provides support for the logic of 'acting before it is too late' – a logic that is very much alive in the public discourse.

A Ban-Opticon

Moreover, the control of societal risks should not be viewed purely as a police responsibility. An entire spectrum of risk management systems should be considered: not just special architectural facilities such as asylum centres and detention zones in airports, the adoption of emergency decrees, administrative measures such as the regularization of undocumented migrants and mutual agreements among governments concerning transport costs for deportation, etcetera, but also the role of public discourse.

This surveillance *dispositif*, a term of Foucault's whereby architecture is part of a more general power mechanism, is a strategic project, but also a means of understanding the broader workings of society. [28] Because of its proactive strategy, which consists of controlling a selected group, it cannot be described as a Panopticon, however. Surveillance no longer depends on immobilizing institutions or on the omniscient gaze of a guard. In the words of Bigo, 'this diagram is not a panopticon transposed to a global level, it is what we call – in combining the term "ban" of Jean-Luc Nancy, as refigured by Giorgio Agamben, and the "opticon", as used by Foucault – a Ban-opticon.' [29]

The term 'ban', according to Agamben, refers both to exclusion from society and the sovereign's power to suspend the law. [30] Bigo gives it a broader interpretation, however:

he connects the notion with a general form of policy he calls ‘the management of unease’, which is developed through routines and technology by professional politicians, the police, judges and the constitutional state. The ‘ban’ is a way of excluding and normalizing, of using computer databases to create profiles and subsequently determine who is allowed to move freely and who is not. The objective is to determine beforehand who forms a possible threat to Europe and who does not. The labelling of certain people as ‘illegal’, ‘criminal’, ‘terrorist’ and so forth can thus easily proceed, with the argument that it is better not to wait ‘until it is too late’. The Ban-opticon lets us realize that controlling a particular group of people’s mobility, and thus not everyone’s, has unarguably become the leading trend in the age of globalization.

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Footnotes

1. N.J. Pieterse, quoted in: J. Friedman, 'The Hybridization of Roots and the Abhorrence of the Bush', in: M. Featherstone, S. Lash (ed.), *Spaces of Culture* (London: Sage, 1999), 236.
2. Z. Bauman, *Globalization: The Human Consequences* (Cambridge: Polity Press, 1998).
3. Z. Bauman, *Liquid Times: Living in an Age of Uncertainty* (Cambridge: Polity Press, 2007), 5.
4. Ibid., 6.
5. Bauman, *Globalization*, op. cit. (note 2), 2.
6. D. Bigo, 'Frontier Controls in the European Union: Who is in Control?', in: D. Bigo and E. Guild (ed.) *Controlling Frontiers: Free Movement Into and Within Europe* (Aldershot: Ashgate, 2005), 87.
7. The Peace of Westphalia (1648) is crucial to the concept of sovereignty. Since then, there has been no higher authority than the state.
8. G. Blake, 'State Limits in the Early Twenty-First Century: Observations on Form and Function', in: *Geopolitics*, vol. 5 (2000) no. 1, 1.
9. D. Bigo, *Globalised (in)Security: the Field and the Ban-Opticon*, 2006, 41, found at www.people.fas.harvard.edu (last viewed on 6 January 2011).
10. W. Walters, 'The frontiers of the European Union: A Geostrategic Perspective', in: *Geopolitics*, vol. 9 (2004) no. 3, 674–698.
11. M. Poster, 'Database As Discourse, Or Electronic Interpellations', in: P. Heelas and S. Lash, (ed.), *Detraditionalization* (Oxford: Blackwell, 1996). Also see: Bauman, *Globalization*, op. cit. (note 2), 50–51.
12. L. De Cauter, 'De panoramische blik', in: idem, *De Archeologie van de kick. Over moderne ervaringshonger*, 2nd edition (Nijmegen: Vantilt, 2009), 69–104.
13. The panoptic *dispositif* originated with the plague. See M. Foucault, *Surveiller et punir. Naissance de la prison* (Paris: Galimard, 1975), 197–201.
14. Ibid.
15. Bauman, *Globalization*, op. cit. (note 2), 51.
16. X. Ferrer-Gallardo, 'The Spanish-Moroccan Border Complex: Processes of Geopolitical, Functional and Symbolic Rebordering', in: *Political Geography*, vol. 27 (2008) no. 3, 304.
17. Strictly speaking, these are not enclaves, as both Ceuta and Melilla have access to the Mediterranean. However, this is an established term when referring to the towns.
18. An exception was made for the inhabitants of Tetouan and Nador, who can use a day visa, by virtue of a dispensation in the Schengen Agreement.
19. Ferrer-Gallardo, 'The Spanish-Moroccan Border Complex', op. cit. (note 16), 311.
20. Ibid., 310–311.
21. European Commission, 18-10-2005, Technical Mission to Ceuta and Melilla on Illegal Immigration: Mission Report 7th–11th October, 2005, 7.
22. M. Besters, 'De schaduwzijden van het Schengen Informatiesysteem', in: G. Munnichs, M. Schuijff and M. Besters (eds.), *Databases. Over ICT beloftes, informatiehonger en digitale autonomie* (The Hague: Rathenau Institute, 2010), 76.
23. Ibid., 78.
24. Ibid.
25. Bigo, 'Frontier Controls in the European Union', op. cit. (note 6), 46.
26. Bigo, *Globalised (in)Security*, op. cit. (note 9), 40.
27. Ibid., 21.
28. As a 'machine' that uses different institutional, material and administrative mechanisms and representations to establish and maintain power in a particular place.
29. Bigo, *Globalised (in)Security*, op. cit. (note 9), 34.
30. G. Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA.: Stanford University Press, 1998).

Tags

Biopolitics, Control