

**Háskóli Íslands**

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# **Commodification of contingencies**

Threat construction of irregular immigration in the EU  
Commission and commodification of border surveillance

**Ritgerð til MA-prófs í heimspeki**

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*Problem statement and methodology*

In a report in New Scientist from 2010 reads the following:

A migrant makes a furtive dash across an unwallled rural section of a national border, only to be confronted by a tracked robot that looks like a tiny combat tank - with a gimballed camera for an eye. As he passes the bug-eyed droid, it follows him and a border guard's voice booms from its loudspeaker. He has illegally entered the country, he is warned, and if he does not turn back he will be filmed and followed by the robot, or by an airborne drone, until guards apprehend him. Welcome to the European border of the not-too-distant future. Amid the ever-present angst over illegal immigration, cross-border terrorism and contraband smuggling, some nations are turning to novel border-surveillance technologies, potentially backed up by robots.<sup>1</sup>

The article was reporting on Talos (Transportable Autonomous Patrol for Land Border Surveillance) a EU funded research project, developed by a consortium of European and Israeli arms manufacturers.<sup>2</sup> This particular design is one of many outsourced sub-projects within a larger umbrella concept called European Border Surveillance System (hereafter Eurosur), which has been partly operational since 2013. This „system of systems“ as it is commonly referred to, is meant to coordinate EU Member States border security apparatuses and increase the „situational awareness“ of The EU's Frontex's integrated risk analysis team. The launching of the Eurosur project was announced in the European Parliament in 2008 by the then European

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<sup>1</sup> <http://www.newscientist.com/article/mg20527426.600-robot-border-guards-to-patrol-future-frontiers.html>

<sup>2</sup> This consortium constitutes of Israeli Aerospace Industries, Sagem, Thales Security Systems, and a Polish company, PIAP – a manufacturer of combat robots. The European Commission has allocated €13 million to the this system which comprises two unmanned ground vehicles (UGVs), one to act as a spotter and the other to act as an interceptor of any suspects attempting to cross EU borders. The UGVs are connected to manned command units and the UGVs notify them that suspects have been intercepted and tracked. Non-lethal weapons could be added to the UGVs (SIPRI 2013: 50) A spokesperson for Frontex thought it unlikely that the UGVs would be seen on EU borders but that “Israel might find them more digestible as border control devices” (quoted in Mawdsley 2013: 50)

Commissioner for Justice, Freedom and Security, Franco Frattini who, at this occasion stated „there is no other alternative....Criminals have superior technology to ours“ (Eurotrib 2008).

Talos and Eurosur represent a crystallisation of four predominant and interrelated trends concerning the EU's external border policies: the first, and perhaps obvious, is that undocumented migration is treated as a grave security concern. This can be seen in context of the broader tendency to tackle societal and humanitarian issues with technological and often militarized means. Second, that the EU is increasingly turning to security companies in this endeavour. Thirdly, we see in Eurosur the primacy given to integrating and coordinating the EU's security systems. Fourth, the emphasis on risks analysis and information management, pre-emption and proactive measures which detach border control from physical and bureaucratic structures. This paper seeks to connect the dots between these trends, by building on a rapidly developing body of literature, within the nascent field of critical security studies. The main research questions of this paper are twofold:

- a) *How have bureaucratic processes and institutional dynamics contributed to the threat construction of irregular immigration within the European Commission?*
- b) *What are the implications of the increasing involvement of security companies in border surveillance and border policing on the formulation and practices of EU immigration and border patrol?*

This paper suggests that a Bourdieusian theoretical framework has something to offer to this question, in particular his „thinking tools“: the *field*, *capital* and *habitus*. More specifically this paper applies the Bourdieu inspired theoretical framework of the so-called Paris school of security studies, associated with Professor Didier Bigo. Following this school of thought, which grounds itself in sociology, means that this paper is characterized by a interdisciplinarian approach. More specifically, this paper avails itself of recent research from the separate fields of criminology, anthropology, and critical geography and, to a lesser extent, international law. These theoretical disciplines are increasingly communicating their findings on this topic between each other, thereby providing a fuller view and a more nuanced debate.

### *Field, Capital and Habitus*

The Bourdieusian theoretical constellation of fields, capital and habitus recur throughout the paper, so an introduction to these concepts is warranted. It should be noted that Bourdieu insisted that he was not aiming to construct a scholastic theory, theories for their own sake. Rather, he sought to develop theories and concepts that were useful for the understanding of concrete issues and problems. (Bourdieu and Wacquant 1992:83)

Bourdieu conceived the notion of *field* as a social space with its own rules, schemes of domination, legitimate opinions, where different actors constantly define themselves in relation to each other and struggle for dominance and influence. It is

perhaps useful to note that Bourdieu cited the arts, education, politics, law and economy among the main fields in modern societies. To this one might add the security field, which will be one of the main topics of discussion throughout this paper. In the conceptual constructions of a field, conflicts and struggle play a major part, and a hierarchy, organized around different types capital is central. A change in one position changes the boundary to other positions, (Bourdieu 1971). In the field of security within the EU, for instance, action undertaken by one of the actors to modify the economy of power in its favour has repercussions on the rest (Bigo 2000). Thinking in terms of “fields” has the advantage benefit of getting around public/private, state/ market distinctions, since, rather than being structured around a given, formally defined, boundary, the field is a social space created by the ongoing relations/struggles (Leander 2011). The actors within a given field accept that the field imposes certain ways of struggling, and are earnestly devoted in the fight: “every field stimulates a certain interest, an *illusio*, in the shape of an implicit recognition of what is at stake in the field and how the actors in the field play the field power game” (Bourdieu & Wacquant 2004[1996]: 103). This effects a belief in normality of the affairs in the field. The field thus exerts symbolic power on agents in subordinate positions, they „misrecognise“ their position and uphold central distinctions in the field through practices of reproduction (Berling 2011: 12). It should be noted that fields are structured by their own internal mechanisms. They are in Bourdieu’s language „relatively autonomous“. In mapping security practices, Bourdieusians „try to extract the general principle of an economy of symbolic goods“ (Bourdieu 1998: 93), that is „the stake at stake“. Bigo for example identifies this stake in the

field of security professionals, where agents are “in competition with each other for the monopoly of the legitimate knowledge on what constitutes a legitimate unease, a 'real' risk“ (Bigo 2006: 111). Fields tend to revolve around their own internal mechanisms and are according to Bourdieu „relatively autonomous“, i.e. closed circuits.

As a means to their ends, actors within a field avail themselves of the resources at their disposal, different forms of *capital*, which can be financial or symbolic, social know-how, cultural credentials, and other forms of prestige. The configuration of a field depends on the valued types of capital in a field and the doxic practice upholding it. It is in other words a „power-base“ which can be used in struggles in a particular field. (Berling 2011: 12). *Habitus*, meanwhile, refers to the shared habits, dispositions and automatic reflexes that certain professional groups develop through their social environment. Habitus is therefore useful in highlighting the way that actors act much in accordance with what they learn, without being “forced” to do so, and further, it points to analyzing what is taken for granted by field participants, since this is what makes up the dispositions (Leander 2008: 17). These dispositions are molded by the experiences of each actor within a setting or culture, and by each actor's position within that setting. One can see the influence of Habitus for example in the intelligence products disseminated by Frontex's risk analysis team. It relies on „expert“ knowledge drawn from networks of representatives from security industries, and is embedded in a specific security or law enforcement culture. Security professional such as the Frontex risk analysis team are predisposed to interpret problems as dangers.

*Irregular migration*

The words most frequently used to describe the people who cross an international border without the required valid documents are: irregular, illegal, undocumented, unauthorized, clandestine, or the french; *sans papiers*. These are all contested terms. Scholars and human rights organization generally stress that „illegal migrant“ is a value-laden concept, with connotations of criminal behaviour and harm to other persons (Sciortino 2004: 17). A common slogan used by migrant NGO's is „no human being is illegal“ to underscore the criminalizing effects of using this term. Indeed, as Vogel et al. (2008) note, the term “illegal migration” designates the act of entering a country in contravention to the law and is confined to illegal border crossing (but not overstaying the terms of visas or residence), referring only to a flow and not to a stock of persons. Despite the persistent discouragement, the term remains remarkably resilient. Mathew Gibney has traced the development of this terminology, and shown how „refugee“ gradually yielded to „asylum seeker“, as the preferred term in European discourses, which, in recent years, has given way to „illegal immigrant“ (Gibney 2006: 143-7). Monica Svanteson's (2014: 99) discourse analysis of the EU Commission documents would seem to confirm this. Her research reveals that „illegal“ was by far the favoured term, from 2000-2009, more frequently used than „irregular“, „undocumented“ and „clandestine“ put together in the documents analysed. Marco Rovelli (2009) proposes the Italian term „clandestini“, which underscores the hidden form of life that irregular immigrants face, but its English counterpart „clandestine“ is nonetheless problematic, as it suffers from the same

connotations as „illegal. One word that summarizes the everyday experiences of undocumented immigrants inside the receiving country is deportability (De Genova 2002), which was originally used to describe irregular immigrants' experiences in America, but seems equally suited for the Europe. Nicholas De Genova suggest deportability should be understood as a disciplinary technique that turns irregular immigrants into a highly disposable and submissive commodity, most notably in the work force, thereby emphasizing their vulnerable situation (De Genova 2002: 438-439). Leanne Weber and Sharon Pickering (2011: 4), in their „Borders and Globalization“, selected the term „illegalized traveller“ since it explicitly recognizes the legal and political power of those who define who is to be included and who excluded at the border. It thus represents the power to determine not only entry (or its denial) but also the political and legal discourse that invariably defines representations of legal and illegal actors. They suggest the term „traveller“ as it reflects a fluid conception of contemporary migration and mobility patterns.

The larger trend however, in scholarly and NGO's circles is to use irregular or undocumented migrant. Anna Triandafyllidou and Thanos Maroukis argue that undocumented migrant is more neutral than irregular as it simply describes the fact of not having the required papers in order, and does not refer to breaking the law. In this paper however, these words will be used interchangeably. The paper refers to Dita Vogel's (2008: 7) definition:

Irregular or undocumented residents are defined as residents without any legal residence status in the country they are residing in, and those whose presence in the territory – if detected – may be subject to termination through an order to leave and/or an expulsion

order because of their activities. Irregular entrants are persons who cross an international border without the required valid documents, either uninspected over land or sea, or over ports of entry.

In many cases the irregular migrant is also an asylum-seeker. According to the European Migration Network Glossary, (2010), asylum is:

A form of protection given by a State on its territory based on the principle of non-refoulement and internationally or nationally recognised refugee rights. It is granted to a person who is unable to seek protection in his/her country of citizenship and/or residence in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion

The United Nations Protocol adopts the term „the smuggling of migrants“ rather than human smuggling, but in this thesis (and more widely in the relevant literature) the terms „migrant smuggling“ and „human smuggling“ are seen as synonymous. In media discourses the distinction between smuggling (also disparagingly called „people pushing“) and human trafficking is sometimes obscured. Monica Svantesons discourse analysis on the subject of irregular immigration in EU Commission document confirm that actors within this bureaucracy have a tendency to muddle these terms (Svanteson 2014: 174).

*Introductionary remarks and outline of the paper.*

The initial assumption in this thesis is that one cannot determine objectively whether a certain political issue constitutes a threat on any essential level. What some actors perceive as threats, others do not, all according to the given context. To quote Gerald Seymours (1975) timeworn phrase: "One man's terrorist is another man's freedom fighter". From a constructivist point of view, threats cannot be objectively established, much less objectively measured. Although a given issue may be regarded as an obvious threat in a certain society, at a particular moment, from a constructivist perspective this threat is not considered self-evident. The analysis of social processes, such as threat construction, involves looking at the cultural, political and historical processes and that helped shape the belief of that issue being considered a threat. And integrating the constitutive effects of discourses into the analysis. A constructivist understanding of threats therefore, tries to specify who constructs threats (political elites, generally states), how they construct threats (through the dramatic grammar of security under certain conditions) and where they construct threats (in the public, intersubjective, discursive sphere) (Neal 2009). One of the or the central aims of constructivism is to de-naturalise discourses, to unveil their systematic bias.

One issue that has divided opinion, in society at large, is whether the arrival of irregular immigrants constitutes a „threat“ to to European societies. For many prospective migrants the irregular road across a border might be seen as the only possible way to safety, while parts of the population on the opposite side of that

border might, to the contrary, regard such an entry as undermining law and order. The latter group might then promote stricter border controls, and surveilling common border crossing sites. In fact, there is now a whole raft of measures in place to monitor and control various spaces and flows of migration. Many of these measures, such as the Eurosur project mentioned at the outset or, say, the Frontex-assisted Greek border policing in Evros, only appear legitimate once the prior threat construction of irregular migration is accepted.

In recent years there has been a growing body of literature that has analysed the discursive and political coupling of migration and crime. The central feature in this literature is to question the presumption that there is something inevitable or necessary in the fact that certain political issues, such as migration, has come to be widely perceived and governed as a matter of security. „What accounts for the existence today of this migration–security nexus?“ (Walters 2010: 218). “What are the reasons for the persistent framing of migration in relation to terrorism, crime, unemployment and religious zealotry ... rather than in relation to new opportunities for European societies ... or for some new understanding of citizenship?” (Bigo 2006: 64). This excerpt from William Walters neatly encapsulates this problem:

We are facing not a general phenomenon but a particular social and political construction of migration in which, for complex reasons, migration is represented as a ‘threat’. We are faced with a situation in which a whole series of dangers and fears come to find embodiment in the social figure of the immigrant, the refugee, the human smuggler, etc. (Walter 2010: 217).

The second part of this paper is concerned with analysing this „social and political construction“ of the migrant as a security threat, within the EU Commission (hereafter „the Commission“) in particular. There are several reasons why the Commission, and

not the EU Council or EU Parliament, must be the focus of attention. This paper aims to study the commodification of EU border monitoring apparatuses, such as Eurosur and Talos, it is therefore imperative to examine the Commission, the architect and funder of this equipment, and inventor of most of the external border initiatives. The Commission is the prime target of interest because it alone can take agenda setting and legislative initiative. Another reason is that the Commission provides a fascinating example of a bureaucracy that, unlike law-administration offices, has no any inherent security dispositions and therefore little to gain in expansion of threats, or villifying irregular migrants (Svanteson 2014). Since it consists of many separate departments or Directorates-General (DGs), with very different ideological agendas and

often conflicting views on how to do things, one should not assume that it acts in unison regarding the issue of irregular immigration. It therefore is an interesting test case for analysing how certain issues such as irregular migration come to be portrayed as a security threat within a bureaucracy.

The second chapter then, starts by looking at the different theoretical frameworks for the analysis of threat construction, in the first instance the *securitization* model, launched by the Copenhagen school. It is argued that while this theory is helpful in analysing discursive threat construction within the „spectacle“ of political and public discourse, attempting to adapt this model to the institutions of the EU does not tell us very much. Much of what is being done in the name of security within the EU is quiet, technical and unspectacular, and just as much again does not declare itself to be in the name of security at all (Neal 2009). The following section

therefore, advocates Didier Bigo's theory of a „governmentality of unease“ as an alternative and more appropriate approach to threat construction within the Commission<sup>3</sup>. Bigo (2002) argues that the processes of threat construction are driven through by the formation of linkages between diverse policy areas, different technologies and security professionals of different specializations. This involves the routine-like practice of influential actors of singling out risky or deviant issues. These day-to-day security practices then, foment a sense of unease and insecurity. This process constitutes what Bigo calls „insecuritization“. Bigo stresses that „migration control is not an answer to a security problem“. Instead, security agencies, nervous about their future relevance, „compete among themselves to have their objectives included in politicians ‘platforms’“ (Bigo 2001: 121). He encapsulates the inner logic of security administrations by employing the Bourdieusian concepts of *field* and *capital*. Professionals within the *field* of security, he says, impose on others the belief that they as „experts“, with access to diverse security and profiling technologies (*capital*), legitimately know best what issues constitute a security concern.

In the ensuing section, a few theories concerning the development of European migration policies will be presented, starting with the concept of „venue shopping“ introduced by Virginie Guiraudon (2000). Her theory suggests that security professionals, in the late eighties and early nineties expanded their power by „migrating“ their policy domain to Brussel, thus freeing themselves from the judicial constraints and requirements of public legitimation. The increased police cooperation within EU in the early nineties, and reinforced external border controls are according

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<sup>3</sup> William Walters (2004) calls this a material-semiotic approach.

conventional narratives explained as a „spill-over“ from the Schengen agreement. According to this theory, the abolition of internal borders required cooperation in the field of security, as open borders were thought to also facilitate criminal and illegal movement. Rens van Munster (2009) has pointed out that this does not tell us why immigration should be included as a threat alongside terrorism, organised crime and drugs trafficking. Munster, drawing on Bigo's theory of insecurity, argues that the capacity to „speak security“ should be located in the practices of bureaucratic experts. The following section then, explores Rens van Munster's „crowd out“ theory, that is, the ways in which security professionals closed off and managed to oust alternative enunciations about immigration.

One should be cautious however, not to overestimate the influence of security experts over EU border policies. While they are certainly important actors in shaping asylum and migration policies, there are other important bureaucracies involved in migration policy, such as influential NGO's and perhaps, most notably, immigration authorities which also vital actors in shaping immigration policies. Christina Boswell (2007) has pointed out that these have their own agenda, and that it is not self-evidently in their interest portray migration as a security threat. She warns that one should be careful in adopting Bigo's notion of insecurity, understood as a power-seeking theory of organizational action, as a concept for guiding empirical enquiry. Hence the attempts by the security professionals to „colonise“ other policy areas, as described by Bigo, seem problematic. This then begs the question why does the construction of fears converge on the irregular migrant in a Bureaucracy that has no clear interest in threat expansion?

A possible avenue, to a convincing answer of this question, is Monica Svanteson's (2014) empirical discourse analysis concerning irregular migration in EU Commission documents. Monica agrees with Boswell's rationale that while bureaucracies do not necessarily stand to gain from increased threat construction, that does not prevent a bureaucracy from contributing to threat construction in „non-linear way“. This is similar to Pouliot's (2008: 261, following Bourdieu) argument that: „social action is not necessarily preceded by a premeditated design. A practice can be oriented toward a goal without being consciously informed by it“. Svanteson conjectures that threat construction might emerge in a bureaucracy, such as the Commission, despite the ambiguous and conflicting internal interests. Her discourse analysis divides the policy issues of irregular migration into two categories: problem definitions and policy solutions. Her research reveals that the most frequent representation of irregular migration in terms of policy problems was that irregular immigrants very vulnerable, not that it posed a threat to the EU. In other words the general discourse considered irregular immigration primarily a threat to immigrants themselves (Svanteson 2014: 240). This stands in stark contrasts with the policy solutions which most commonly favoured stricter border control, return policies and increased surveillance of the external borders. Svanteson's ascribes this mismatch to the internal struggle for symbolic and material capital within the *field* of the Commission. Capital, she infers, is gained within the Commission by formulating sound policies, and ensuring that they get adopted by the EU. According to her theory, officials who are “realistic” and take a position not too far away from the member states positions, are the most likely to have their policies adopted, and

thereby gain capital. This in praxis translates to restrictive and exclusionary policies. Hence, the threat construction is made possible as an unintended consequence of the inner logic of the Commission. Finally an assessment is made of Svanteson's analysis, and a comparison with Bigo's theory. These are then matched with the findings of the first chapter, which concludes the paper.

This paper will, however start by providing a context, or an empirical backdrop, which will illuminate some of the issues discussed subsequently in the first and second chapter. The first chapter, begins with a brief glance at recent developments in the biometric market, before countouring the general outlines of the border policies that have been installed by the EU since the economic integration in 1990. A list is presented that counts the six-fold components of the so-called „integrated border management“ of the European Union. This followed by a short description of the most recent developments in EU mobility management. The next section presents some of the theories that have emerged in recent years concerning the ontology of European borders, that is, how recent migration management techniques have challenged our traditional understanding of what a border is. And some of the humanitarian implications of this transformations. An account is then given of how the vision of border security in the EU's integrated border management, is one that elongates, temporally and spatially, what is commonly understood to be the border. Subsequently proactive policing by European border guards will be discussed.

Future-oriented „threat assessments“ have been at the core of Frontex's practices since its inception. Scholars are divided in their opinion as to how to interpret this, and how the newly installed Eurosur will change these practices. Suggestions will be

introduced, among others that Eurosur represents not a realistic political endeavour but a fantasy, an expression for the desire of containment, impermeability, security, innocence and goodness, and that proactive security practices constitute a „wholly unscientific project of crystal ball gazing“ (McChulloch & Pickering) . Others suggest that Frontex's threat assessment capabilities fulfil a mostly symbolic function, to garner support for the agencies preferred course of action. The question whether proactive border policing is real or not, impels us to investigate how „the future“ is being related to, how futures are known, rendered actionable and acted upon. A promising route to investigate this is by looking at the interdisciplinary academic study of risks, and the theories emerging from the intersection of global security and global insurance. In particular Michael Dillon's theoretical framework concerning the „commodification of contingency“ has something to offer. His theoretical framework is applied in this paper to the case of current European non-arrival measures, and subsequently the Frontex's research and development policies. An account of Anna Leander's notion of „epistemic power“ is given and her theory shown to have a bearing on border monitoring security corporations. Finally some constitutive effects of pre-emptive border policing are examined. Without further ado, we will turn to the biometric market.

### *The Biometric Market.*

Border control is not only carried out by governments, it has also become the responsibility of various organizations and corporations. Recent years have seen the emergence of new territories of power that, while they may have states and their

agencies as key nodes, are not really reducible to the old political maps of the international order (Walters 2010). To take one example, one can consider the current turn towards biometric technology as a „solution“ for certain problems of surveilling, profiling and authenticating mobile populations. Since the start of this century there biometric technologies have been developing rapidly, with the beginnings of face, speech, iris even ear recognition, DNA tracing, and most recently non-participatory scanning techniques i.e surveillance by remote identification (Dijstelbloem and Meijer, 2011). Bernard Didier (2004), director of the Sagem Défense Sécurité Security Division, reveals how the integrated approach to Visa and passport management systems and the market for surveilling, profiling and authenticating mobile populations have turned biometrics into a commodity. This multi billion Euro technology industry involves a network of research laboratories, regulations and standards agencies, venture capitalists and investment consultants, and transnational corporations like Gemalto, Motorola, Sagem, and Steria (Walters 2010). These companies are both vying for and stimulating these expanding markets, be it in the development of entry and exit systems or local and national police and immigration agencies. Contracts for designing and delivering the technological infrastructure for the UK government's „E-border“ programme were put out for tender in 2007 and won by global multinational corporations such as BT, Thales, Detica, and Raytheon. The defence firm Thales, for example developed second-generation digital identity technologies designed to supersede current paper-based documentation. This technology provides continuously updated forms of identity capture using biometry and cryptography (Vaughan-Williams 2010: 1075). The countries waiting in the wings

to join the EU are particularly sought after customers, since joining the EU and engaging in its intelligence networks, involves purchasing and implementing new systems of biometric control and data-sharing (Walters 2010). Safran Sagem<sup>4</sup> claims being the current world leader in this market segment, and boasts of such prestigious clients as the FBI and Interpol. In addition it has signed contracts for visa and/or passport management systems in Denmark, Finland, France and Spanish (national electronic ID card) biometric passport systems. It has also signed contracts for providing a system capable to register biometric data of Visa applicants in Denmark. These market dynamics elude traditional public/private explanatory frameworks, instead, the boundaries between public goods and private commodities, state and market, national and international, become clouded and complex.

### *Schengen compensatory measures*

In the last two decades the European Union has put into effect a matrix of migration control tools, consisting of exclusionary discourses (discussed in the second chapter), laws, institutions, and technologies. The first steps were taken with the establishment of the internal (originally called „common“) market, followed by the signing of the Schengen Accord in 1985 and subsequently the Convention Implementing the Schengen Agreement (hereafter Schengen Convention), a landmark

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<sup>4</sup> In 2008 Sagem group spun off its communications and mobile telephony businesses (known simply as: Sagem Mobile) to focus on core company values. The identity, bio-metric and transaction business became Safran Morpho, and was bought by french defence company Safran . The company's defence electronics business became Safran Sagem.

in the history of European integration and cross-border trade relations. During the negotiations of the Convention, security concerns took priority over the market-oriented principles that had prompted the agreement to begin with. The increasing involvement of ministries of Justice and Home Affairs representatives during the negotiation of Schengen Convention led a police/law enforcement logic dominating final shape the agreement (Bigo 1996; Munster 2009; see second chapter). The lifting of internal border controls was accompanied with a range of so-called „compensatory measures“, aimed at addressing presumed security deficits caused by increased internal mobility. These measures included fortifying external border controls, increasing cooperation among national law enforcement authorities and setting up the Schengen Information System (hereafter SIS), a common database for the exchange of information on non-admissible or unwanted third country nationals (Brouwer 2008; Carrera and Balzacq 2006). The compensatory security rationale has been regarded by the literature (Bigo 1996; Geddes 2011; Guiraudon 2000; Huysmans 2006; Lavnex 2005; Munster 2009; et al.) as a central precipitating factor in the subsequent developments of the European border regimes. What is actually meant by border control has significantly evolved in the European context. Elspeth Guild (2006) has shown how the EU border system is composed of a sixfold tool-kit. In what follows, her list is presented and expanded upon. It summarizes the initiatives developed by the EU to manage mobility by techniques of „remote control“ (Zolberg 1999)<sup>5</sup>. This will be followed by a short descriptive outline of the most recent

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<sup>5</sup> Zolberg dates the emergence of remote control to 1924 (1999: 75–6) when the US federal government put in place a system requiring „all foreign nationals coming from overseas to produce an entry visa prior to boarding a US-bound vessel“. This was in response to the perception of uncontrolled immigration from Europe and chaos at its ports.

developments in EU border controls, and the Commissions changing rationale towards the management of mobility at the external border.

1. The Schengen Information System (SIS) is the largest operational database related to police, judicial cooperation and external border control in Europe. SIS stores all documented entries and alerts on wanted and missing persons, lost and stolen property and entry bans. All third country nationals entering the EU, whether under visa obligation or not, are checked systematically in the SIS. A second version, SIS II, was implemented in 2013 under the aegis of the Commission. It stores new types of data, including biometric information. SIS is run by the biometric company Steria (Steria 2013).

2. The Visa Information System (VIS) was established by a European Council decision in 2004 and implemented by the and set up by Steria in 2012. It was designed to enable „member states to grant Schengen visas and combat visa fraud“ (Steria: 2013). In addition to personal information on third country visa holders, VIS also collects biometric data, facial images and fingerprints.

3. A common format, i.e. rules on issue and meaning for a short stay visas.

4. A common list of countries whose nationals require visas to come to the common territory for short stays (visits of up to three months), and a common list of those excluded from the requirement.

5. Carrier sanctions<sup>6</sup> and passenger data transmission. Private transporters, principally airlines, railway, shipping companies, and road hauliers companies face financial penalties for transporting persons with forged passports or lacking visas.. This constitutes a form of *de facto* remote border control (see Gammeltoft-Hansen 2011; Walters 2004)<sup>7</sup>.

6. (Frontex)<sup>8</sup>, an intelligence driven EU agency tasked with coordinating the operational cooperation between Member States in the field of border security. It was proposed by the Commission in 2003 and operationalized in 2005. Since its establishment, its budget has grown manifold going from €19m in 2006 to €84m in 2012. Its organizational structure is divided into six units. But its central operational dimensions consist of assisting EU member states in border guard training. And, central to this paper, participating in research and development relevant to the control and surveillance of external borders. This is done in close collaboration with the security industry sector (Jaendertzboz 2011; Marin 2014). Finally, Frontex is charged with carrying out risk analyses, both so-called threats assessments and of member states capacity to face these threats.

In 2006 the Commission proposed to the Council and the European Parliament the creation of so-called Rabbit (Rapid Border Intervention Teams), an instrument to

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<sup>6</sup> It should be noted that however that various EU states already had carrier sanction stipulations in their domestic immigration laws before the 1990 Schengen Implementing Agreement elaborated the notion of carrier sanctions on the European level (Munster 2012: 102) for a further information see Gammeltoft-Hansen 2012

<sup>7</sup> The nature of air travel largely precludes the possibility of undocumented migration, has turned cross-border trucking into a key pathway for irregular migrants. At the airport it's largely a matter of training airline staff in the techniques of document inspection, but with trucking it's much more a question of detecting hidden bodies (Walters 2006: 194).

<sup>8</sup> Full name: „The European Agency for the Management of Operational Cooperation at the External Borders“.

address a situation where a member state faced “the mass influx of illegal immigrants”. Rabit was put under the management of Frontex in 2007. The Rabit Regulation authorises team members to carry weapons, ammunition and equipment. Frontex has been deployed in a number of joint operation, the first was joint operations Hera outside the coast of Mauritania and Senegal, both of whom had signed bi-lateral agreements with Spain. The operation was aimed at curbing irregular migration from West Africa to the Canary Islands.

Eurosur is a network of national surveillance systems, at Frontex's disposal. It was put in effect in 2013, but is not fully operational yet. It uses drones, satellites and offshore sensor to track illegal immigration to the EU. There were humanitarian reasons mentioned in the original Commission proposals, these were eventually dropped. After representations by the European Parliament and civil society groups was the rescue of people in distress objective re-inserted into the most recent version, as a secondary consequence of increased border surveillance (Marin 2014).

These components fall within the EU policy concept “Integrated Border Management” (IBM), first put forward by the European Commission in 2002. In addition to these there is the Eurodac biometric database that was envisaged immediately after the signing of the 1990 Dublin convention but only implemented in 2003, by the company Steria. Eurodac collects fingerprints of asylum-seekers older than 14, when applying for asylum in the Schengen territory, or if they are intercepted irregularly crossing the external border. Since its implementation the Commission has, on numerous occasions, addressed issue of widening amendments to the Eurodac

regulation, in order that law-enforcement agencies may access it to prevent, detect and investigate of terrorist activities and other crimes (Bigo et al 2012).<sup>9</sup>

Another milestone in the development of EU remote control policies was the establishment in 2007 of the External Borders Fund<sup>10</sup>, as a further move away from ad hoc funding of projects to more and more specified and detailed funding schemes. The External Borders Fund was presented by the Commission as a solidarity mechanism for sharing „responsibilities concerning the financial burden arising from the management of the Union’s external borders” (Commission 2006:402). The fund has financed border-crossing infrastructure, equipment and projects as well as the exchange and training of staff. It has enhanced and continually updated the surveillance capacities at the borders in Southern European and North African countries<sup>11</sup>.

It is fair to say that remote control has become an intrinsic feature of the way in which the European Union imagines and pursues border control. It is, as William Walter puts it „written in to the conceptual architecture of the Europe’s Schengen Agreement“ (Walters 2006: 194). It would however be misleading to take remote control as solely as an instrument for the EU to insulate its territories from unwanted

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<sup>9</sup> EDPS (2012). For a history of Eurodac see Aus (2006), Bigo et al (2012).

<sup>10</sup> This was part of a four-fold programme for the Solidarity and Management of Migration Flows, that consisted of funds: 1) an External Borders Fund, 2) a European Return Fund, 3) a European Refugee Fund and 4) a European Fund for the Integration of Third-country nationals. When looking at the budgets for the four funds it is clear that the EU has envisioned the External Borders Fund as being the most important in terms of money available for it.

<sup>11</sup> For instance, in 2012 Greece authorities received € 6 million from the External Borders Fund in 2012 to help finance Operation Aspida (Shield). The Greek authorities also used money from the External Borders Fund to buy equipment such as live scans for fingerprinting, helicopters, police patrol vehicles (over € 16 million); off-shore patrol vessels (over € 31 million); coastal patrol vessels (over € 14 million); high-speed boats, airplanes with sensors, off-road vehicles, motorcycles (over € 2.5 million); and night vision goggles, long-distance day goggles, thermal cameras, Co2 detection devices and search and rescue boats (Amnesty International 2014: 12).

population flows. As Virginie Guiraudon and Lahav (2000) noted there is an interplay of specific political logics at work in the development of European remote control. On the one hand there is a desire on the part of Western governments to intercept refugees before they have an opportunity to exercise their human rights claims within the union. On the other hand there is a concern to decongest border crossings in the interests of further liberalizing and accelerating circuits of trans national tourism, trade and production.

An expression of the latter concern is the Commission's recent proposal for a the „Registered Traveller Programme“ (RTP) which is based on voluntarily enrolment of non-EU nationals in preliminary screening procedure. The intention is that non-EU nationals who frequently travel to Europe can, in return for payment, avoid a complicated border controls by entering EU territory through automated gates rather than by going through immigration control. The automated gates will carry out the verification of the travellers identity without intervention of a border guard. A machine reads the biometric data contained in the travel documents or stored in a database and compare them against the biometrics of the traveller, saving costs by reducing the number of human border guards (Commission 2008:69 final). The RTP is one component in the so-called „Smart border package“<sup>12</sup>, a set of Commission proposals for additional computerised systems of border control and surveillance. Another component is the „Entry/Exit System“ (EES) which will use biometric identifiers to record the dates at which non-EU nationals enter and exit the Schengen area. For the first two years of operation the system will gather data, after which the EES will transition to the collection of biometric data, including fingerprints. The

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<sup>12</sup> For a critical review see Bigo et alii (2012) and Carrera (2015)

primary objective of the EES will be to identify so-called “overstayers,” non-EU nationals legally entering the Schengen who fail to leave upon expiration of their allowed stay. (European Commission 2013) The Commission anticipates that the EES will provide more accurate information about patterns of overstaying.<sup>13</sup> The aim, purported by the Commission, is a departure of the current country centric approach underlying the Schengen control instruments, towards a person-centric one. According to this rationale, an individual may be or may become a security risk on the basis of profiles, not necessarily related to nationality or migration status, but rather to other behavioral, physical or physiological characteristics (Carrera 2015)<sup>14</sup>. The EES will be composed of a centralized database connecting a multitude of systems to the central database. This centralized system will be managed by the so-called “eu-LISA”<sup>15</sup> which is already in charge of the coordination of the SIS, the VIS and Eurodac<sup>16</sup>.

### *Vacillation of the borders*

These cascading layers of technology have given currency to the metaphor „Fortress Europe“ among NGO's and human rights defenders, although this trope

<sup>13</sup> A 2012 report by Bigo et al says the EES is only likely to identify „over-stayers“ at the point at which they attempt to exit the Schengen area, which is too late to prevent unauthorised residence as it logically marks the end of any such stay. In this context the EES would create little more than an extremely expensive mechanism for gathering migration statistics (Bigo et al. 2012: 33)

<sup>14</sup> European law expert Sergio Carrera (2015) argues that imprisoning the agency of the border guard into a database designed in terms that are by nature, or „by design“, is at odds with the principle of non-discrimination. In addition to the problems regarding principles of privacy, the fundamental right of data protection, the risk and profiling based approach of the EES amount to “discrimination by default” and is inherently at odds with the EU Charter of Fundamental Rights (Carrera 2015, drawing on Gandi 2009)

<sup>15</sup> Short for; the Agency for the operational management of large-scale information systems in the area of freedom, security and justice.

<sup>16</sup> Short for European Dactyloscopy.

does not quite encapsulate the fluctuating nature of contemporary borders. Increasingly however, Fortress Europe is giving way to „Fortress Cyber-Europe“ (Guild et alii 2008). In the article containing the list of the six-fold list, Elspeth Guild (2006) states that the EU border system has shown a gradual “hardening of the tools of control” and that the emphasis has been on obtaining and using data about individuals as a key mechanism for the control of the external border. She infers that „one might suggest that the border has become personalised in a virtual space only tangentially related to a physical border of some kind. EU border controls seem to take place increasingly in databases and less in physical places“ (Guild 2006: 12). Guild is not alone in this assesmet. In the years since she wrote this there has been a virtual explosion of academic interest and publication about what the EU borders are, their actual and fluctuating meanings, as well as “who” and “how” border controls are conducted. Theorist have argued that borders move inside and beyond the territories of states through contemporary techniques such as visa policies, carrier sanctions, employment of liaison officers<sup>17</sup>, biometrics, databases, electronic id-cards, surveillance, and profiling of travellers (Bigo, 2011; Broeders and Hampshire, 2013; Dijstelbloem and Meijer, 2011; Lyon, 2005; Rajaram & Grundy-Warr 2007; Rumford, 2008; Vaughan-Williams, 2010; Walters 2004). However as Özgun Topak argues that „while scholarship on 'border is everywhere' has shown that borders can no longer be understood simply as territorial lines, overemphasis on the diffusion of borders may run the risk of obscuring an accurate understanding of how

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<sup>17</sup> The EU has a network of immigration liaison officers posted to airports, border crossings and national immigration authorities of key transit and that „advise“ and „support“ national border guards, airline officials and in some situations have extended access to foreign police and border records (Gatev 2006: 10; see also Gammeltoft Hansen 2011)

contemporary borders function“ (Topak 2014: 817). Although visa policies and carrier sanctions have indeed offshored borders and function as remote control, exercising control on those prospective migrants wealthy enough to procure forged document or entering Schengen from regular crossing points, those not so fortunate end up at the borderzones where they face camera surveillance, police raids and brutality. “Migrants experience the most extreme effects of othering and abjection in the borderzone space“ and since many of these migrants only succeed reaching European territory after multiple attempts, they have to go through this trial over and over again. (Topak 2014: 818).

Philosophers such as Topak have turned to the work of Foucault's and/or Agamben's notions of biopolitics as important starting point in analysing the spatial characteristics today's borders. The concept of biopolitics lends itself as an analytical tool for understanding the complex nature of contemporary borders, which operate in both diffuse and concentrated forms. Foucault defines biopolitics as “the administration of bodies and the calculated management of life” (Foucault 1998: 140). This definition of biopolitics does not refer to a fixed locality, and can therefore any space where calculation is practiced to manage individuals can be considered a biopolitical space. For Agamben the activity of the biopolitical is inherently linked with a sovereign decision about whether certain forms of life are worthy of living. Such a decision produces an expendable form of life banned from conventional juridical political structures. Vaughan-Williams (2010) for instance, has turned to Agamben's (2005) thesis, arguing the new border security continuum is symptomatic of broader attempts in the West to simulate the effect of total security via a

biopolitical logic of the ban (Vaughan-Williams 2010: 1072). He notes that within the various documents outlining the UK's new border doctrine, there are multiple references to the need to „offshore“ bordering practices: „Border control can no longer be a fixed line on a map. Using new technologies we must create a new offshore line of defence" (UK Home Office, 2007; cited in Vaughan-Williams 2010: 1072 ). The logic of this concept is that by the time „risky“ subjects have arrived at traditional border crossings on UK territory, such as ports and airports, it is simply too late. Rather, this design is aimed at taking the border to the perceived locus of threat before „it“ departs for the UK in the first place. Vaughan-Williams reflects that in one sense there is quite literally an „exporting“ of the border so that it is physically transported to territory overseas. On the other hand offshore bordering also relates to other forms of control of mobility that is not related to territories in any straightforward way, but is rather more electronic, invisible, and ephemeral, as Elisabeth Guild suggested. Although such offshoring does not necessarily eradicate these distinctions, he notes, these practices do challenge the prevalent assumption in the modern geopolitical imagination that states' borders are coterminous with their territorial limits. (Vaughan-Williams 2010: 1074). Returning to Agamben, he suggests that virtual biopolitical border security practices pursue the objective of maximum security through the simulation of the ban (ibid).

Dennis Broeders and Huub Dijstelbloem (2014) meanwhile argue that current inclusion-exclusion distinctions are insufficiently equipped to do justice to the variety of classifications that is being applied. They neatly summarize this in a paraphrasing of Hamlet: „There are more things in inclusion and exclusion, Horatio, than are

dreamt of in your philosophy“ (Dijstelbloem & Broeders 2014: 1). The main thrust of their argument is that information technologies encourage the emergence of an intermediary category of „non-publics“ situated between the level of groups and the level of individuals. And that the in/out dichotomy is in need of additional conceptualization considering the different ways demarcation processes take place at „digital“, „biometric“, „smart“ and/or „e“ borders. What they suggest instead is a point of view that transcends a priori ontological oppositions by emphasizing that individual persons and groups of people are assembled as a consequence of new policies and technologies. This would in turn undermine the category of „inclusions“ as a stabilized, homogeneous, and „safe“ group. With every ontological construction of „exclusions“, a category of „inclusions“ comes into being as a mirror image, implying that „trusted travellers“, national „inhabitants“ and even „citizens“ ought to be regarded as highly dynamic and often contested concepts as well (Dijstelbloem & Broeders 2014: 14). This would seem to be in line with Ranciere's thinking. For Ranciere, society is in process, political power is always contingent, and the border between norm and exception, belonging and nonbelonging, is in a state of flux and dispute over processes of counting. In his postpolitical framework the political issue of migration which reduces to a managerial and technical one (Trott 2012). Perhaps then, the clear cut separation between „aliens“ and „citizen“ that modern border technology reinforces is not so clear cut after all, and a more nuanced view is needed than what is afforded with Agamben's ban. Yet, it could also be helpful to look at the situation „on the ground“ so to speak, i.e. to see how modern social sorting technology is affecting immigrants. Sociologist Brigitta

Kuster and Vassilis S. Tsiano (2013) observed how many of the undocumented immigrants from the Maghreb having reached Greece still carried the border on their bodies, having had their fingerprints registered; „they weren’t able to completely cross the border that was literally embodied in the shape of their own fingers“ (Kuster & Tsiano 2013: 7). This seems to suggest a fairly sharp in/out distinction, and, incidentally take us full circle back to „borders are everywhere“. Some immigrants approaching, or even inside the EU boundaries have utilized the counter strategy of mutilating their fingerprints with fire, razors, glue or acid to avoid biometric capture and the bleak prospect of expulsion (Jonas 2014: 5). Katja Aas (2011: 342) observed that in 2008, the Norwegian police recorded 280 migrants who had disfigured their fingertips in order to escape recognition by the Eurodac system and subsequent deportation, 78 of whom were imprisoned for the duration of their recuperation. This, she reasons is the mirror image of e-borders (ibid). Although it does not disprove Dijstelbloem and Broeders argument that there there can be sub-groups of the included. Perhaps, what is needed is a new concept to emphasize the inherent contestability of the meaning of the border between belonging and nonbelonging. Rajaram Prem Kumar and Carl Grundy-Warr (2007), for instance suggest the concept „borderscapes“ (they attribute the term to Suvendrini Perera 2007) drawing on Arjun Appadurai's typology of different „scapes“ characterizing a disjunctive, fluid irregular, and perspectival globality (Ibid: xxix):

The instrumentalization of the border which clarifies a distinct space of politics as a space outside politics (a zone of exception), rests on an occlusion of the role that society plays in ameliorating and influencing territorial place-making. The borderscape is thus not

contained in a specific space. The borderscape is recognizable not in a physical location but tangentially in struggles to clarify inclusion from exclusion. (Prem Kumar & Grundy-Warr 2007: xxviii)

The borderscape concept suggested by Prem Kumar and Grundy-Warr resonates with Topak's description of the extreme effects of othering and abjection that migrants experience in the borderzone space, among other places in the Evros region in Greece bordering. In the ongoing „struggle to clarify inclusion from exclusion“ the Greek border guards and Frontex make use of thermal cameras, thermo-vision vans, the Surveillance Operational Center, and Geographical Information Systems (GIS), Eurosur, and other military equipment provided by Frontex and the EU External Borders Fund to intercept and return anyone trying to cross the border, in this zone of exception where all rights are suspended. (Topak 2014). As Prem Kumar and Carl Grundy-Warr note, society has largely been occluded from ameliorating and influencing the territorial place-making at such zones of exception. These struggles take place outside of the public eye.

### *The temporal dimension*

The vision of border security outlined both in the UK's new doctrine and in the EU's integrated border management, is one that elongates, temporally and spatially, what is commonly understood to be the border (Vaughan-Williams 2010; Jaendesboz 2011). As Vaughan-Williams mentioned,

the stretching of the UK border is increasingly projected globally beyond the territorial limits of the UK via offshore practices (Vaughan-Williams 2010: 1077). The Integrated Border Management (IBM), mentioned above ( i.e. the six-fold tool kit) follows a similar logic. It was coordinated in 2001, and represented a departure from the previous „management concept on border controls“, in two important ways. The first one has to do with where controls occur. The IBM strategy envisaged not one but „three strategic lines of protection at external borders: in third countries, at the external border, and within the common area of freedom of movement“ (European Commission, 2002: 16). Julien Jaendesboz has commented on how this temporal and spatial elongation is intimately connected with the notion of „risk“. The aim was to „identify movements entailing risk at the moment of their passage or their origin, most often in neighbouring third countries or territories“ (Jaendesboz 2011 : 17). This involves anticipating both geographically and temporally on border crossings, by categorising circulations according to their degree of „risk“.

By constructing border management on risk assessment and incorporating measures that reach beyond the point and moment where persons cross the border imply that border surveillance, rather than border checks as such, becomes the driving procedure underpinning European border control practices. (Jaendesboz 2011: 4)

This has conceptual as well as humanitarian consequences. As was previously shown, the classical of the border as spatially static, is problematic since borders, through diverse remote control applications, are rendered ephemeral and abstract. But this new border management suggest that while the checking of border crossings as

still takes place, border control is overdetermined by surveillance, effectively marking a shift from the coupling of digital and geographical borders to a state where space and time become interconnect with border control (ibid: 6). But what does this entail in practice? Essentially it means that the IBM extends the reach of control into the future via pre-emptive security practices. The pre-emptive border patrol of African territorial waters, based on cooperation and involvement of third country authorities. This „migration of sovereignty“ (Guild 2008) has been underpinned by the rationale that migrants setting ashore from the shores of Africa are, not only a threat to the integrity of the external EU border, but also a threat to themselves on the open waters. Migrants fleeing civil war or persecution must be prevented from leaving, for their own good. The „near-real time“ surveillance that Eurosur is meant to provide, with drones and satellite systems, effects the possibility of projecting controlling any given point, at short notice, thus intensifying the remote control capabilities already in place. Now, the big question is, how realistic is this?

Before answering this, there is reason to underscore the primacy given to risk analysis in Frontex's output. As Andrew Neal reports the Common Integrated Risk Analysis Model (CIRAM), is Frontex's *modus operandi* and further emphasizing this by adding that „the prevalence of the concept of ‘risk’ is one of the most intriguing aspects of frontex.“ (Neal 2009: 348). In the interest of clarity a presentation of what Risk, to Frontex, is defined as ‘a function of threat, vulnerability and impact’:

[A] ‘threat’ is a force or pressure acting upon the external borders that is characterized by both its magnitude and likelihood; ‘vulnerability’ is defined as the capacity of a system to

mitigate the threat and ‘impact’ is determined as the potential consequences of the threat.  
(Frontex 2012: 9)

A testament to Frontex's preoccupation with risk and data gathering, is one of the research projects commissioned by the agency called the „The future of borders“. This report focused on the foresight tools relevant to European border control. It developed long-term futures scenarios on the basis of identified areas of knowledge, in order to highlight trends that may impact on EU border security. (Liron systems: 2011) The study strongly recommended the education of border guards with strategic-level responsibilities in „futures thinking“. The report also included a revealing quotation from the management guru Peter Drucker saying „the best way to predict the future – is to create it“ (ibid). Another demonstration of Frontex's obsession with pre-emptive logic is its commissioned IC2 project,<sup>18</sup> yet another publicly funded monitoring device integrated into Eurosur. IC2 purports to sensor and register abnormal maritime behaviour, thereby identifying „early threats“ such as irregular immigration, illegal fishing, and terrorism. It seems safe to say that preemption and proactivity is something of a mantra in case of Frontex.

An empirical study, done by Inex highlighted the orientation of existing and developing security practices and technologies, as „strongly leaning towards the ‘monitoring of the future’, i.e. the privileging of pro-activity, prevention and profiling stance in the management of insecurity, to the detriment of the practices of criminal investigation and criminal justice, including the presumption of innocence or the right to a private life“. The study further accentuated that a distinction should be

<sup>18</sup> Short for Integrated System for Interoperable sensors & Information sources for Common abnormal vessel behaviour detection & Collaborative identification of threat. For further information see: [www.i2c.eu](http://www.i2c.eu)

drawn between anticipation, as a means to enhance and accelerate reaction to specific events, anticipation as pro-activity, as a means to prevent certain developments from taking place. The shift towards the 'monitoring the future' embodies, in this respect, a shift from possibility to probability, which orientates security practices towards prediction (Inex 2011: 13-14).

Another empirical research on EU agency-generated knowledge, has indicated that Frontex's emphasis on „threat assessment“ was mainly for symbolic capital. Joanna Parkin, the author of the report and a Researcher at the Centre for European Policy Studies, found that the very general nature of the Frontex's threat assessment reports, their lack of specificity, meant they had little operational value for police officers and border guard officials on the ground. She suggested that the threat assessment capabilities fulfil a mostly symbolic function. That is, to enhance the credibility of policy decisions and to garner support for a preferred course of action (Parkin 2012: 39).

Criminologist, researching border control, have been particularly scathing towards the proactive logic of Frontex's border policing. For instance Dean Wilson (2014: 635) raised serious doubts about the pre-emptive and proactive capabilities of Eurosur, and Frontex in general, saying that while Frontex's risk assessment might be represented as scientific calculations the „largely instinctive imaginaries of looming, catastrophes“ arise from little more than „gut feeling“. His colleagues Jude McCulloch and Sharon Pickering argue, that the methods of „monitoring the future“ are nothing so much „joining the dots“ as they are „a wholly unscientific project of crystal ball gazing“ (2009: 635). And Katja Aas (2011: 342) suggests that visions of a Eurosur

system should be read as a surveillance fantasy, rather than a realistic political endeavour, i.e. an expression for the desire of walls and borders „harbouring fantasies of containment, impermeability, security, innocence and goodness“. Didier Bigo has similarly expressed how the proactive logic in modern day security practices is based on fantastical notion of security experts: „this new technique is mixing the newest technologies (biometrics, databases, DNA analysis) with a kind of astrological discourse of intelligence agencies“ (Bigo 2005: 63) and „the will to control time and space, present and future, here and there, has an effect to goes beyond antiterrorist policies; it creates a powerful mixture of fiction and reality for profiling.“ (ibid : 62).

What is one to make of this? Is this anticipatory strategy simply the results of security experts agencies „dream to foresee the future and arrest people before they commit a crime“ ( Bigo 2008: 62), akin Philip K. Dick's sci-fi novel *The Minority Report* as Bigo Suggests. Or is it a result of successful marketing of surveillance equipment by private security company products. The most detailed empirical study as of yet, on the genesis of Eurosur (Hayes & Mathias Vermulen 2012) would indicate the latter suggestion<sup>19</sup>. In Bourdieusian terms one might speculate that private security companies, possessing a great deal of symbolic capital, in the form of valued technology and administrative expertise, have mobilized this capital in Brussels and successfully gained lucrative contracts.

In the interest of a more nuanced understanding, one promising route for this investigation is to look at the emerging scholarship concerning risks. A range of

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<sup>19</sup> This study berated the „technocratic process“ behind Eurosur as well as the „blank cheque“ that was ostensibly given to development of its security equipment (Hayes & Vermulen 2012).

interdisciplinary work demonstrates, the language of „uncertainty“ and „indeterminacy“ can now be found throughout attempts to govern not only terrorist activities, but also climate change, natural disasters and epidemics (Adey, 2009; Amore and de Goede, 2008; Anderson 2012; Aradau and Van Munster, 2007; Beck 1992, 1998; Dillon and Lobo-Guerreo, 2008; Diprose et al., 2008). Much of this work has its gestation in the academic study at the intersection of global security and global insurance. For instance Richard Ericson and Aaron Doyle (2004) examined how the proliferating effects of preemption may generate opportunities to be seized, and how the profiting from the incalculable has been a consistent strategy of insurers. Common to such industries is a dependence on what could be called the „politics of conditionality“; the tendency for political and economic authorities to „thrive on their inability to predict or mitigate future risks“ (McGoey 2012: 8). What Michael Dillon has called the „commodification of contingency“ (2008). Dillon explains how risk has come to pervade the biopolitics of security of the 21<sup>st</sup> century, and how, through the way in which it is traded on the capital markets, it has acquired the properties of money. What separates risk from uncertainty, he writes, is that the former represents commodified uncertainty, it is a calculation of one's exposure to more risk. Risk then, understood as a calculation of exposure to contingency; „satisfies the desire for security by upping the ante and thereby massively increasing exposure to contingency, which is further translated into new risks“ (Dillon 2008: 326).

This salient observation does resonate with the systemic logic of EU's migration policies, which in many cases has left asylum-seekers with no other option but irregular entry into Europe. The EU has, in Dillon's terms, increased the „exposure to

contingency“, i.e. undocumented arrivals, by their „non-arrival“ measures (Gibney 2006: 36), which not only restricts entry but effectively „criminalizes the search for asylum“ (ibid). And further by „upping the ante“ with ever increasingly efficient border monitoring technologies (such as thermal cameras, thermo-vision vans, radar surveillance systems, the Surveillance Operational Centre, and Geographical Information Systems), the EU and Frontex have driven the price of smuggling up, thereby stimulated the incentive, and vastly increased the amount of capital in the smuggling business (Gammeltoft-Hansen 2011; Grant 2011; Vives 2009). As Thomas Gammeltoft-Hansen and James Hathaway note (2014: 14) „for each loophole closed by officials, two new modes of unauthorized entry seem to emerge“ (ibid: 2), leading to a never-ending „cat and mouse game“. This is confirmed by the several studies that show how the perilous irregular entry routes to the EU, maneuvered by smuggling networks, are partly generated and sustained by the EU's tough immigration and asylum policy (Koslowski 2001; Triandafyllidou & Maroukis: 2012)<sup>20</sup>. For instance, a 2006 briefing to the European Parliament concluded that efforts to curb migration to Europe had not led to decreasing the numbers of irregular migrants, instead they have displaced migration from one place to another, accompanied by an increasing number of fatalities at the EU's external borders (EP Briefing paper 2006). The UNHCR has also criticized state policies which lead to „boat people“ being „interdicted, intercepted, turned around, ignored by passing ships, shot at, or denied landing“, tough policies have not solved, just changed, and

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<sup>20</sup> For a full analysis see for instance Koslowski, R. (2001). Triandafyllidou, A., & Maroukis, T. (2012).

complicated the dynamic of irregular movement.<sup>21</sup> The irregular routes to Europe are in a constant state of flux as the places of disembarkation change in relation to the controls exercised along the journey. The general pattern however is that each time a route is more efficiently controlled at embarkation or disembarkation, new routes circumventing controls are invented, in most cases longer and more dangerous, than the older routes. (Koslowski 2001; Triandafyllidou & Maroukis 2012). Mathew Gibney has formulated this rather succinctly:

While it is not known how many actual refugees are prevented from accessing asylum by these measures, the effects of non-arrival policies are in themselves completely indiscriminate. Most refugees who do arrive at Western states now are forced to break the law to do so, usually with the help of traffickers or smugglers (Gibney 2006: 158).

It seems clear then, that EU's non-arrival measures are increasing the EU's exposure to „contingency“, which is further translated into new risks. But how are these contingencies commodified? How does the commodification of contingency translate to Frontex's risk analysis and anticipatory action? For Dillon the 2008 subprime lending crisis serves as an example of commodification of contingency. Perhaps one should look to Wall Street by way of an elucidation of Frontex's risk management. As it happens, anthropologist Ruben Andersson's (2012) has provided a useful analogy between Frontex's risk assessment and investment banking.

Anderson notes that in the derivatives at the heart of the 2008 credit crunch, risky subprime mortgages were packaged into a bundle, pushed into off-balance sheet financial vehicle and traded on global markets in „tranches“ with different levels of

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<sup>21</sup> Erika Feller, Assistant High Commissioner for Protection, speaking to the UNHCR's Executive Committee, 6 October 2010.

exposure to risk (Andersson R. 2012: 9). The trick, was an unprecedented *dispersal* of risk. The current European border regime applies a similar approach. There is the creation of a „domain of insecurity“ (Huysmans 2006: 103-4), in the shape of the irregular migrant and the smugglers, which the security professionals the promise to manage (Bigo 2002). And with the aid of Frontex's i-Map, „solutions“ are worked out through a graphic interface. It is here that the dispersal and distribution of risk takes place, analogous to the investment banking: „it is bundled into pockets, routes, flows and vulnerabilities and assigned to police forces and external investors. While African policing partners are left with the most risky, ‘junior’ tranches, the larger, virtually risk-free gains in securitizing migration go elsewhere, to Europe’s security industry .“ (Andersson 2012: 9).

Risk then, is the link that connects geopolitics, monitoring and law enforcement with an ostensibly humanitarian underpinning. Risk provides the depoliticized securocratic language needed to make leaking migrant boats an abstract threat to the external border (ibid). Recall the notion of the *habitus* of security experts. It is suggestive in this context. It helps to make sense of this pre-emptive logic and the use of technologies as a way of anticipating the movement of the targeted group of irregular migrants, coupled with the managing a "stock exchange" of fears at the transnational level (Bigo 2002: 75) all the while maintaining secrecy from outsiders. As Bigo notes, the professional "threat-management universe" is like a bank that manages credit through customer profiling (ibid).

Frontex has through its research and development unit coordinated and linked up EU authorities with security companies and managed to publicly fund a wide range

of security apparatuses. Electro-optical sensors for sea, land and air surveillance, advanced command and control systems and vessel tracking tools (Frontex 2010: 55), and the G-MOSAIC programme, with a website showing footage of car tracks in the Algerian desert and colour-coded maps of 'border permeability'. These security and arms corporations, through their close connection with Frontex compete among themselves to create a platform by which they can influence policies relevant to the demand of their products and services (Lemberg-Pedersen 2013: 146). These and other publicly funded initiatives have pulled in defence companies that develop the technology at a healthy profit. Frontex then, ever „in the thick of it“, works much like the offshore „special purpose vehicles“ used in derivatives banking before the crisis, spreading risks off-balance-sheet, diffusing accountability away from sovereign states and their elected government (Andersson R. 2012: 9).

To recapitulate, one sees that EU's restrictive border regimes have greatly increased the exposure to such contingencies as migrant smuggling, and by upping the ante with monitoring equipment, they have greatly increased their exposure to risk. And lastly, one sees how risk, or the commodified contingency, usually taking the shape of an unseaworthy migrant vessel, has greatly benefited arms and security corporations.

But the risk is that these companies, by their unrivaled expertise and symbolic capital, can influence policies. As Anna Leander (2006: 811) has convincingly argued, the privatisation of intelligence places security companies in a position where they are directly involved in producing these discourses. In the case of Eurosur companies such as Finmeccanica, Boeing Airbus (formerly EADS)<sup>22</sup>, Thales Siemens, Amper and

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<sup>22</sup> EADS gained some notoriety when it was

Indra and others provide a growing share of the information that forms the basis of decisions on whether or not something is a security concern. This constitutes what Leander calls „epistemic power“ (Leander 2006: 805), that is the capacity to shape understandings of security. These firms have to sell their products. In order to do so, they need to convince policy-makers that the product or service they sell is important for security and that it is more important than the alternative products/services sold by competitors. This pushes firms to try to shape the security understandings of their costumers (ibid). Leander's analysis provides important insights into the *field* of security experts, and their habitus and, in return, how this field authorises certain voices rather than others. Leander also notes how the self-promotion of security companies has boosted a certain habitus of the field. It has become possible, she says, for these compaines to openly advocate private soulutions in a sphere where these had previously been entirely unthinkable (Leander 2006: 822). The the security professionals cannot loose, if a predicted threat fails to emerge, the identification of the threat is credited for deterring it. If a predicted threat does emerge, authorities are commended for their foresight. All the more so if a predicted threat does not materialise which supports the idea thatthe next crisis is imminent and that we need to become prepared (McGoey 2012: 8).

### *Constitutive contingencies*

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recognized as the company responsible for building Saudi Arabia's anti migration fence, to stop migration from Iraq in 2009 (Bloom 2013)

Dillon also remarks how contingency is constitutive. He argues that „a biopolitics of security that seeks to 'make life live' cannot secure life against contingency but must secure life through governmental technologies“ (Dillon 2008: 811). Risk, he says, is one of these technologies. Securing the future no longer simply entails the taming of chance through technologies enabled by the rise of statistics, it also entails simulation, prediction, premediation, prevention and pre-emption (Dillon 2008 drawing on de Goede, 2008; Aradau & van Munster, 2007; Grusin, 2004). This indicates the salience of looking at the constitutive effects that characterises preemptive action (Amoore and de Goede, 2008; Adey, 2009). The extraordinary proliferation of anticipatory action in Iraq, Afghanistan and the War on Terror in the name of preempting the threat of terror, offers a clue here. Ben Andersen (2012) asks how „the future“ is being related to, how futures are known and rendered actionable and acted upon. He offers a succinct summary, in the context of 2003 Iraqi War, of the proliferating effects of preemption, and the opportunities they provide:

In inciting its adversary to take form, pre-emptive war in Iraq opened up lucrative markets for private security firms and contractors as well as short-term investment opportunities for finance capital. Unlike precaution, which aims to preserve a valued life through prevention, pre-emptive logics work by proliferating effects and creating life, albeit in the case of the 'war on terror' lives that have been abandoned and dispossessed. (Anderson 2012: 791)

An analogy of the „fight against smugglers“ with the pre-emptive War against Terror is fitting here, since both have „incited its adversaries“ to take form. As already noted the EU non-arrival policies have contributed to the increase in human smuggling. The rise in the numbers of undocumented migrants reportedly began after

the EU countries in 1995 started introducing tighter visa requirements (Aas 2007: 36), thereby „inciting the adversity“, i.e. the irregular migrant and the smuggler, to take form.

Restrictive European border regimes have indeed incited adversaries of many shapes and sizes. A telling example of the side effect of stricter regimes, or border iatrogenesis,<sup>23</sup> is when the Greek Parliament in 2009 passed a law (law 3772/2009, Article 48) that allowed for the imprisonment of immigrant smugglers up to ten years and a fine of €20 000–50 000 and detention of irregular migrants up to six months. With this law coming into force, human smugglers employed the counterstrategy of sending minors to operate the boats in order to avoid penalties, although now even the minors are subjected to the same penalties (Töpak 2014: 825). Another counterstrategy used by the smugglers is to use lightweight Zodiacs (rubber inflatable high-speed boats) that are very difficult to detect or apprehend. And yet another new

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<sup>23</sup> The term border iatrogenesis is borrowed from Mchulloch and Pickering (2009) who attribute it to Stanley Cohen (1988). It provides a critical framework through which to analyse the harmful effects of border control policies (Cohen, 1988). According to this framework iatrogenesis occurs where interventions that purport to ameliorate harms instead produce new ones leading to a „paradoxical counterproductivity“ (ibid: 201). The number of border iatrogenesis are countless. One example provided by Guido Friebel and Sergei Guriev (2006) who examined the interaction between migrants and smuggling agents and found that intermediaries finance the migration of the migrants who cannot pay upfront. These migrants enter temporary servitude contracts to repay the debt, which are easier to enforce in the illegal than in the legal sector of the host country. Therefore, stricter deportation policies, that impede immigrants moving from the illegal to the legal sector, means that fewer of them default on debt. This reduces the risks for intermediaries, who are then encouraged to finance illegal migration default on debt. Stricter deportation policies thus have the contrary effect of increasing rather than decreasing the flow of irregular migration. Their research found that stricter deportation policies worsen the skill composition of immigrants and result in an increase of debt-financed migration. In other words, the smuggling is skewed towards the poorer migrants. In a similar vein, Tamuray (2007) has observed that migrants might not have any idea whether their prospective smugglers are exploitative or not (essentially whether they are traffickers or mere smugglers, delivering the service for an agreed fee) and hence cannot make an informed decision of whether they should pay a higher fee and avoid exploitation upon arrival or whether they prefer (often out of necessity) the lower fee but risk exploitation at destination. Tamuray argues that increased enforcement raises the risks and costs for smugglers and drives non-exploitative smugglers out of the market. Thus, it indirectly raises the probability that irregular migrants seeking the services of smugglers will be exploited.

strategy is going directly from Turkey to Italy. Because human smugglers fear getting caught on the Greek side they usually do not escort the migrants but „teach“ one migrant how to drive the ship or or boat. The longer journeys greatly increase the risk of death especially in the smaller boats (ibid). These are but few of the „adversaries“ that the strict border regimes have summoned.<sup>24</sup>

### *Conclusion*

Finally then, What are we to make of the the „near-real time“ surveillance that Eurosur is meant to provide, with drones and satellite systems, are these security fantasies? It seems that the technology provided by Eurosur, could radically change the way we understand the nature of borders and border policing, both in a territorial and a temporal sense. Instead of waiting for migrants to arrive at European borders, the acquiring of swift information would allow third country border patrols to intercept and divert emigrants back to the country of embarkation, thus radically preventing the phenomenon of migration (Marin 2014).<sup>25</sup> In other words it seems clear that EU's intention is shifting from stopping irregular immigrations to stopping potential irregular immigration, i.e. stop emigration before it becomes immigration.

<sup>24</sup> jIt would be misleading to however to assume that the insulating European border policies, and strict border monitoring is the only to important drivers for inciting immigrant smuggling is the steep reduction of the fish stocks that has traditionally provided the maintenance of these populations. The former Ghanian and Senegalese fishermen, being experienced in seafaring, thus turn to people smuggling. Lucht 2007 ). Reporters assert that this depletion can be ascribed to EU agreements with Senegal and Mauritania and other countries to buy access for European trawlers which operate within the territorial waters of west African states. „Thus the EU and its member states first pay to ensure access for their trawlers and then again negotiate access to the same waters for the purpose of curbing irregular migration“ (Gammeltoft-Hansen 2011: 35). Interestingly, Icelandic companies such as Samherji have have been trawling West African waters for years, thus contributing to this devolpment. Companies like Samherji pay a certain amount for a fishing permits in the jurisdiction of African countries and can in turn catch as much as they want..

<sup>25</sup> For example, drones have been deployed by the operation Mare Nostrum which is operating close to Libyan shores (Marin 2014).

## CHAPTER 2

### *Securitization*

The subject of threat construction gained much attention within a range of academic disciplines in the mid-1990s, when Ole Wæver, Barry Buzan and Jaap de Wilde (referred to as the Copenhagen school) introduced a highly influential framework for the analysis of threat construction by establishing the concept „securitization“. In a nutshell, their idea was that an issue was elevated to a level of security (i.e. *securitized*) when a relevant actor successfully presents it as an existential threat to a given audience. According to their theory, then, it is imperative that the actor employing the speech act is successful in convincing the audience that the issue warrants such a status. Securitizing an issue, and therefore defining it as an existential threat, allows for the use of “extraordinary measures” to address it, without the established check-and-balances that are expected in Western liberal democracies. Drawing on J. L. Austin's speech act theory, their idea is that the very act of naming something an existential threat turns it intersubjectively into a security threat (Wæver 1995: 55).

This, now widely disseminated, theoretical concept is useful in directing attention to the ways in which certain issues come to be framed within popular and official discourses and in the media. Indeed, the most profound contribution of the

securitization theory has been that it highlights that the act of rendering something a threat can itself be a fitting subject of inquiry (Walters 2012: 219). One could point to the American Patriot Act as an example of securitization or the utilization of “enhanced interrogation techniques”, employed by the US intelligence community, as examples of extraordinary measures mandated by discourses of existential threats. Another example closer to home would be the suggestion made by current Icelandic parliamentarian Ásmundur Friðriksson, shortly after the Charlie Hebdo shooting in Paris, that all Muslims living in Iceland should be background checked to see if they had any terrorist affiliations. This comment was made on his facebook page and reiterated in the ensuing media debate. (Eyjan 2015) <sup>26</sup>. Since his threat representation was not accepted by the „audience“, i.e. it was not convinced that the issue warranted such a measure, this would only qualify as an unsuccessful attempt at securitization. The audience, according to Buzan, Weaver and de Wilde (1998: 41) can be defined as „those the securitizing act attempts to convince to accept exceptional procedures because of the specific security nature of some issues“. It has been pointed out, that this somewhat vague notion of an audience has been an important weakness in the securitization theory. Thierry Balzacq (2005) has argued that the notion of „audience“ oversimplifies the fact that there can be multiple audiences, with various sets of characteristics. He maintains that Barry, Buzan and de Wilde fail to specify the configuration of circumstances in which the securitizing speech act takes place, „including the context the psycho-cultural disposition of the audience, and the power that both speaker and listener bring to the interaction“ (Balzacq 2005: 172). It is

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<sup>26</sup> <http://eyjan.pressan.is/frettir/2015/01/13/eldfim-ummaeli-thingmanns-bakgrunnur-muslima-a-islandi-verdi-kannadur/>

problematic to assume there is a unified „public sphere“ in „national“ discursive contexts, which may also be pluralized, fragmented and difficult to reliably interpret (Neal 2009: 237). Wæver has acknowledged the relevance of this criticism and stated that the concept of „'audience' [needs] a better definition and probably a differentiation“ (Wæver 2003: 26).

More specifically, this deficiency in the securitizing framework makes it unsuitable for exploring threat construction within EU bureaucracies, since the documents circulating there (policy documents, staff working papers, proposals for regulations, action plans, reports etc. ) usually receive very scant public attention or discussion. It is very difficult to locate, identify and analyse a „European“ or „EU“ security discourse in a meaningful analytic sense. As Jef Huysmans (2006: 91) notes, following Bourdieu: The „ [discursive approach] does not tell us anything specific about how to conceptualize the embedding of this discourse in a particular social practice. In other words, it does not theorize the power of language in relation to specific political processes“. Rens van Munster elaborates further on this point:

Rather than being about distinct speech acts, the securitization of immigration has come about as a result of bureaucratic discourses that have gradually rendered the issues of immigration and asylum susceptible to professional risk calculations and threat assessments related to the introduction of free movement (Munster 2009: 40).

A prime example of this is Frontex's Risk and analysis unit, which seeks to manage and regulate both migration and the practices of Member State border security apparatuses. Their reports and public output is invariably characterized by neutral, technocratic and professional discourse which contrasts with what would be expected of „securitization“ or „exceptional politics“ (Neal 2009: 350).

This drawback within the framework of the Copenhagen school can be explained by its roots in the Neo-Realist dominated field of International Relations, which favours a highly state-centric outlook (McSweeney 1996). According to Realism and Neo-Realism literature (e.g. Morgenthau 1967, Waltz 1979), threats can, in theory, be measured objectively, for instance by assessing the arsenal of an enemy state. Although Neo-Realist writers have, during the last decade, broadened the spectrum of security threats to include various non-state actors, they have nonetheless kept the objectivist epistemology, according to which, threats can be objectively determined in this manner (Svanteson 2014: 35). This is particularly problematic when it comes to the issue of immigration and asylum seekers. How does one measure the „threat“ of 5000 arrivals versus that of 10 000 arrivals? Presumably, some would see the arrivals of any number of asylum-seekers as a potential threat, while others see no threat in these arrivals at all. Neo-Realism provides no solution to this problem.

### *The Paris School*

Another school of thought, and a direct antipode to Realism, is the constructivist approach. It favours an intersubjective epistemology (Reid 2014: 3). In general, it can be said that constructivists share two understandings: that of the social construction of knowledge and that of the construction of social reality (Adler 2012: 113; following Guizzini). As Emanuel Adler (2012: 113; emphasis in original) writes: „The constructivism's *common ground*, is the view that because the material world does not come classified, objects of our knowledge are not independent of our

interpretation and our language, and therefore social artifacts.“ Constructivists, it should be noted, have diverging views as to how far one should take the claim that reality is socially constructed. On the one hand there is “constructive realism” in which “the agent has an epistemic but not ontological influence, that is, knowledge is constructive in nature, but the existence of the world does not depend on the existence of an agent”. On the other hand there is “constructive idealism”, where the agent “has both an epistemic and an ontological influence on the known world” (Ben Ze’ev 1995: 50).

One school of thought, sometimes called the Paris School, analyses how threats are socially constructed.<sup>27</sup> One way to distinguish between these two schools (Copenhagen and Paris) is by looking at the separate conclusions they arrive at: threat construction results in a „politics of exception“ or a „politics of unease“ (Huysmans & Buonfino 2008). The former school holds that actors claim that a socially constructed issue is an existential security threat that calls for extraordinary measures (Buzan, Wæver & de Wilde 1998). By contrast the latter maintain that this definition does not capture how issues can be treated as security threats even though they might not be portrayed as existential threats as such. Jef Huysmans for instance, separates technocratic politics from the political spectacle, arguing that the latter is „a game in which the parties position themselves so as to be identifiable as having the support of the people“ (Huysmans 2006: 82). The notion of a politics of unease, or alternatively „governmentality of unease“ offers a way to consider the linking of terrorism,

<sup>27</sup> The label “Copenhagen school” was first used by McSweeney (1996) and refers to a loose group of security scholars, with Buzan and Wæver at its centre. In recent years others have attached a “school” label to other perspectives within the category of critical security studies, most notably the Paris school, which revolves around Dider Bigo, and tends to use a Bourdieu inspired framework for analysis, and the Welsh school/Aberystwyth school, which focuses on emancipation and with Booth and Wyn Jones as two key figures. For an elucidation see Reid (2014).

security, migration and borders that does not assume the importance of a dramatic invocation of existential threats and exceptional measures (Neal 2009: 352). This manifests itself through the institutionalization of links between different policy areas such as external border control, asylum policy, and counter-terrorism. And it involves the routine-like practice of influential actors of singling out risky or deviant issues. These day-to-day security practices then, foment a sense of unease and insecurity. This process constitutes what Bigo calls „insecuritization“. It follows that the processes that security professionals deem necessary to safeguard the citizenry may result in greater insecurity; „in this (in)securitization process any attempt to obtain maximum security always provokes maximum insecurity and not, as traditional approaches to security may claim, minimum insecurity“ (Bigo 2008: 2).

As was mentioned above, the actors most frequently referred to in the securitization literature are politicians and the media, but Bigo stresses that cases of successful securitization are rarely that simplistic. Instead he underscores the importance of bureaucracies and administrative agencies, and the routine manner with which they work with political issues on a daily basis. For instance, decisions concerning EU border security are made, not by publicly elected officials, but by Frontex's risk and analysis team. Frontex has an impact not only on individual border security policies but also on the larger priorities established under the EU Internal Security Strategy (ISS).<sup>28</sup> Insecurity can therefore only be understood in connection with institutional knowledge and knowledge of the agencies, including their

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<sup>28</sup> The ISS (established in 2010) aims at and greater interdependence between internal and external security, and sets up general guidelines for action within and beyond the EU. To this end it integrates agency-generated strategic analysis products (by Frontex, Europol and other security agencies) into political priority setting and decision-making. For a critique see: Joanna Parkin (2012).

discursive practices. As Andrew Neal (2009: 352) points out, most, if not all of what is being done in the name of security is quiet, technical and unspectacular in the EU, and is rarely carried out in the name of security at all. In Western societies most security decisions are not in the domain of individual political actors, but in the hands of expert regimes of bureaucratic systems, that have capacity to „speak security“. In order to encapsulate the inner logic of the bureaucracy (its values, dispositions, standard operating procedures and power relations) Bigo employs the Bourdieusian concepts of field, capital and habitus. This approach yields an interpretation of EU politics that situates the locus of European institutions in the social positions and trajectories of actors and their symbolic conflicts about meaning, legitimacy and social power.

Bigo conceives of the EU as a field where political actors compete for power by carving out jurisdictions through the construction of threats and subsequently offer their legitimate expertise to manage them. The „field“ in this case represents a vaguely defined and fluctuating political space where different political actors constantly define themselves in relation to each other and struggle for dominance and influence. The European Commission is made up of many separate departments, so-called Directorates-General (hereafter DGs), with very different ideological agendas and often conflicting views on how to do things. These DG's all seek to influence and shape the Commission's stance on specific issues (in this instance the issue of irregular immigration). Moreover the DG's establish and cooperate with agencies, such as Frontex and Europol, which compete to influence the policy agenda of their respective DG and of the Commission in general. Where there is struggle between

actors, Bigo asserts, it is because they have the same interests, the same sense of what is at stake. It is because all action undertaken by one of the agencies to modify the economy of power in his favour has repercussions on the rest of the actors. These struggles are fundamental to understanding the internal economy of the field its processes of constitution (Bigo 2000: 347).

Employing concepts such as field and capital allows Bigo to establish the significance of both context and power for threat construction. According to his rationale, the actors which, within a given field, should be considered powerful are the ones that hold a large amount of the kind of capital (material or symbolic) that is valued in that particular field. For example, within the field of border security, technology is considered a source of symbolic and practical capital, and its value is gauged by its usefulness within the field. In order to understand the social construction of fears that now converge on the figure of the migrant, one must look to the *field* of security, where the different security agencies (police, gendarmeries, customs officers, army and information services, private security agencies and, more marginally, local security agencies, pro- and anti-immigration agencies) participate *de facto* in the global redefinition of their respective attributions. These are the actors one must study closely.

The field of security exercises its “force” or “capacity of attraction” by its power to impose on other agents through the belief that the insiders of the field possess, as “experts”, the supplementary knowledge and secrets that only professionals may have. This belief is reaffirmed through everyday routine work, technologies and “exchange and sharing of information, as a certain approach to social

change, risk, threats and enemies that is constantly invoked and reconfirmed (Bigo 2008: 25)

The Bourdieusian concepts employed by Bigo easily lend themselves to an analysis of the threat construction within the EU border bureaucracy. Here the notion of *field* is helpful in that it focuses on the power struggles within each group of actors, and it highlights that this particular bureaucracy is a world of its own (albeit, as will be shown, enmeshed within a larger security field), with its own particular power hierarchies moulded by the historical conflicts and „turf battles“ (Munster 2009: 57) between these participants. The notion of capital suggests that power is not only monetary, and it further indicates the importance of studying which actors, within a field, can formulate threats, and on what grounds. The notion of habitus can help explain why specialist groups, such as „security professionals“, tend to act according to a pattern which leads to certain kinds of policies being more dominant than others in the long run.

Bigo's theory of securitization has been widely influential within Security Studies and his use of these Bourdieusian concepts have been adopted by scholars such as Rens van Munster (2009) and Monica Svanteson (2014) whose work will be discussed later in this paper. In what follows however, a few complementary theories concerning the development of European migration policies will be considered, starting with the concept of „venue shopping“. In a series of articles published in the early 2000's Virginie Guiraudon introduced an account of how migration was coupled with security within the EU that was congruent with Bigo's theoretical framework. In these papers she remarks how security professionals in the eighties and early nineties

expanded their power by „migrating“ their policy domain to Brussel, thus freeing themselves from the judicial constraints and requirements of public legitimation.<sup>29</sup> As she puts it, these security professionals (mostly executive branches of national interior ministries) „venue-shopped“ (Guiraudon 2000, 2003), thereby avoiding national public debate and parliamentary scrutiny that impeded their activities at the national level. According to this theory, first put forward by Guiraudon (2000, 2003) and subsequently expanded by Lavenex (2006) and Maurer and Parkes (2007), national policy-makers in the field of asylum and migration policy-making “went European” (Lavenex 2006) and found a different policy-venue that sheltered them from such constraints, so that they could adopt stricter asylum and migration measures. This was made possible by the informal networks established in the Trevi Group<sup>30</sup>:

The ‘winning and dining culture’<sup>31</sup> of the 1970s Trevi group alerted law and order ministries to the potential European-wide scope of policy-making. Once a model had been set for security ‘clubs’ that discussed drugs or terrorism, it was easy to add new types of working groups responsible for other cross-border issues or to widen the subject matter of a pre-existing one. Migration control officials meeting their counterparts in the early 1980s established links between migration, asylum and crime-related issues, and emphasized technical issues that required their expertise” (Guiraudon 2000: 254)

This development was also stimulated by increasing competition for budgets at the national level so that police agencies were encouraged to develop strategies for the expansion of their jurisdiction by appealing to EU networks, as a source

<sup>29</sup> Such as domestic constitutional principles (equality before the law, fundamental rights), general legal principles (due process, proportionality), national jurisprudence and laws (Guiraudon 2000: 258).

<sup>30</sup> The Trevi group was the first step of security and justice cooperation within the EU, it was an ad-hoc working group created in 1975 and was composed of member states' justice and home affairs ministers. It was originally tasked with countering terrorist organisations such as the Baader-Meinhof group and Rote Armee fraktion. Den Boer's theory shows how ad-hoc routines can eventually gain supranational political or legal review. See: den Boer (1996)

<sup>31</sup> The informal Trevi network identified by Monica den Boer (1996), promoted the idea of finding transnational solutions at the „low politics“ level. This „culture developed at the European level for interior ministers from EU member states and had important socialisation effects.

both of legitimacy and of efficiency (2000b: 260). She writes that “interior, justice and police personnel ensured that they were the most well equipped to provide solutions to the problems that they themselves had identified”. Furthermore she found that “they emphasized technical solutions that required their expertise,” and also, interestingly, that “‘solutions’ had been devised before ‘problems’ had been identified“ (Guiradon 2000: ). The problems that “presented themselves” after the end of the Cold War were an influx from the East of asylum-seekers in many European countries, especially Germany, accompanied with heated media debates centered on „tides of bogus refugees“. It is important to note that this period was not only characterized by the end of the Cold-War; it also saw the devastating wars in the former Yugoslavia. There was a widespread fear of immigration flows from the Eastern European countries which had hitherto put strict restrictions on emigration, and that refugees leaving the former Yugoslavia would seek asylum in countries of the EU. In 1990 the Dublin regime originally established by the Dublin Convention, was signed. It introduced the „first country of arrival concept“ which Denmark formulated as a response to Germany's allegations that immigrants from the former Soviet Union were „asylum shopping“, i.e applying for asylum in several states or seeking to apply in a Germany after transiting other states.

Security experts took advantage of these concerns, and premised their intergovernmental co-operation on coupling migration and crime, which they maintained were a “dark side of globalization” that required a supranational response (Guiradon 2003: 268). As a result, international migration was „added

to the list of transnational phenomena considered by a plethora of experts as the 'new threats' which replaced Cold War ideology" along with Islamic fundamentalism, global mafias and terrorism (Guiradon 2003: 268; drawing on Huysmans 2000; Munster 2009).

Guiradon ascribes the lack of an alternative policy frame to the economic slump and high unemployment at the time, which demobilized business interests that traditionally lobby for openness. Pro-migrant NGO groups have since renewed their lobbying efforts towards the EU, but these groups made limited use of the new opportunity structure early on (Guiraudon 2001). This, she infers, would to some extent explain why migration became a security and not a labour market issue in the 1990s.

To see the merit of the Paris School's approach to security, we can try to reconstruct the rationale behind this policy drive of turning migration into a security issue. Here a certain policy is presented as an inevitable solution to a previously defined problem. For instance the Copenhagen School assumes that exceptional policy solutions are preceded by a threat definition (the portrayal of an issue as an existential threat). This view assumes that policy solutions follow similar problem definitions. Guiradon, in her papers, utilises the theoretical framework of the „Garbage Can Model“, originating in Decision Theory. The Garbage Can theory developed by Michael Cohen James March and Johan Olsen (1972) tried to explain apparent irrationalities in organizational decision making. Its novelty was to disconnect the problems, solutions and decisions, and to substitute the „temporal order for a consequential order“ (March and Olsen

1986: 17). In other words, the Garbage Can model affirms that problems and solutions, interests, institutions, ideas, etc. are not processed according to a preordained order as „exogenous streams flowing through a system“(Olsen 2001: 191). Instead it suggested that organizations may produce many "solutions" which are thrown in the „garbage bin“ due to a lack of appropriate problems. When problems eventually emerge, a search of the garbage might produce fitting solutions. Members of organizations operate on the basis of inconsistent, ill-defined preferences, and trial and error. Unforeseen events block certain paths, while others are cleared.

Guiradon applies this model to show how the „solution“ consisting of international law-enforcement cooperation and reinforced controls had not been establishes, before the „problem“ had been identified. The Garbage Can model is useful in that it brings to light the contingencies in policy making, and it successfully explains seemingly irrational policy-making. On the other hand, as we have seen in the previous chapter, the policy solutions promoted by the Commission to address undocumented migration have decidedly followed a single track: stricter border control, surveillance and immigrant aversion in general. The Garbage Can model does not explain this. It does not take into account the power imbalance in an organisation. (Svanteson 2014: 53) This is a serious limitation to the theory.

In the narratives that trace the development of European politics of internal security (and migration policy), the past is often linked to the present in an evolutionary and linear-progressive way. This, as Rens van Munster (2009:

18) observes, gives precedent to historical constants and continuities over continuities and ruptures, in the interest of providing a causal narrative. These narratives assume that the central motivating factors in the history of EU migration policy, have been external, most notably the influx of asylum-seekers in Germany in the early nineties (mentioned above) and the „spill-over effects“ from economic integration (ibid). According to conventional wisdom, the removal of internal border controls between member states, gave rise to undesirable forms of movement and raised the need for so-called „compensatory measures“ in the form of intensified external border control. Jef Huysmans (2006: 91) called attention to the problems related to this narrative, by asking what discourse should be considered important in the construction of the spill-over: „Is it the political discourse of treaties, Council meetings, etc. or is the technocratic discourse of professional lobbyists, custom officers, liaison officers, etc.?“

This challenge was taken up by Rens van Munster in „Securitizing Migration“ (2009) where he analysed the institutional conditions and constraints under which security professionals put forward their understanding of Immigration. He notes that in the original 1985 Schengen Accord no mention is made of compensatory measures, and further „the text of the treaty strongly indicates that such concerns, while present, were not at the core of the agreement“ (Ibid: 17), Rather, the treaty was primarily concerned with facilitating cross-border transport.<sup>32</sup> According to van Munster, the ensuing intensified focus on compensatory measures was in no small part due to the

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<sup>32</sup> The Schengen Accord was a response to the 1984 road blockades placed by French lorry drivers, who protested against the extensive controls by customs officials (Ibid).

entry into the field of security professionals working within the national Ministries of Justice and the Interior, and the relative withdrawal of Ministries of Transport in the course of the negotiations on the 1990 Schengen Convention. While the 1985 Schengen agreement only contained three articles on immigration, this issue dominated the 1990 Schengen Convention, in which only 7 out of 141 articles did not relate to compensatory measures. In short, security interpretations closed off and managed to „crowd out“ alternative enunciations <sup>33</sup>about immigration. They are simply not self-evident determinants of effects, but are filtered through the structure of the field, the distribution of capital and the habitus of the bureaucracy in question.

As we see from the original accord, the causal „spill-over“ relation between the abolishment of borders and an increase in insecurity was less than inherently self-evident, it might just as well have spilled-over in the opposite direction, relaxing external border patrol, which would have been more in line with the rationale of free movement. Instead the convention introduced the Schengen Information System (SIS), a database for the purpose of border checks and controls which is explicitly viewed as a tool in the fight against „undesirable aliens“ (Schengen Convention 1990: Title I). Since then the trend within EU has increasingly been one of aversion towards immigration, although it should be noted that immigration is still rather marginal in the Commission in the mid-1990s. The major expansion and profiling of border control policies came after 1999, at the turn of the millennium.

One should be cautious however, not to overestimate the influence of the military's and police's administration of borders. While they are certainly

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<sup>33</sup> Guiradon (2003: 267) makes a similar assertion, quoting Vendelin Hreblay, a negotiator from the French police, who admits that Foreign Affairs ministries were progressively ousted by Justice and Interior ministries.

important actors in shaping asylum and migration policy, there are other important bureaucracies involved in migration policy, such as influential NGO's and perhaps, most notably, immigration authorities which also have considerable funds at their disposal. Christina Boswell (2007) has pointed out that they have their own agendas, and that it is not self-evidently in their interest to portray migration as a security threat. The immigration authorities' interests are not necessarily aligned with those of the security professionals. Rather, according to Boswell, they seek to avoid uncertainty and generate commitment from members by consolidating roles and routines within the organization. Boswell finds fault with the securitization literature when it claims that organizations are exclusively interested in power-maximization; one should not automatically assume that every bureaucratic agency seeks to expand its influence. „Power-seeking behaviour does not reliably emerge from an ontological condition of organizations and their environments“ and, furthermore, she says, „immigration agencies may be motivated by alternative logics of action, possibly even avoiding the acquisition of new technologies or practices that might reveal inconsistencies in goals or deficits in implementation.“ (Boswell 2007: 593). While threat construction often legitimates certain practices, it is not necessarily a precondition for those practices. Indeed, administrative agencies may have substantial leverage for action without being held accountable to public or judicial scrutiny (ibid). She therefore warns that one should be careful about adopting the notion of

securitization, understood as power-seeking theory of organizational action, as a concept for guiding empirical enquiry.

...the insights of the critical security studies literature offer a useful way of thinking about the political agendas underlying the framing of migration issues in public discourse, as well as the expansionist tendencies of many security agencies. However, adopting the theory's assumptions about politics and organizations as a heuristic device is problematic. It obscures possible alternative patterns of issue-framing in public discourse and takes for granted a uniform rationality in explaining organizational action.

This implies that the attempts made by military and police institutions to „colonize“ other policy areas, as described by Bigo seem somewhat problematic. What Boswell's contribution suggests is that other bureaucracies do not have the same clear interest in threat expansion. In other words, not all bureaucracies would gain from more threats, nor are their dispositions as clearly inclined toward security. How should one then account for the threat construction undertaken by a bureaucracy whose interests and dispositions are not to expand the number of threats (as opposed to the police and the military)?

This is the problem that Monica Svanteson (2014) grapples with in „Threat Construction inside Bureaucracy“. She agrees with Boswell that bureaucracies are not all inclined to want to expand their influence, nor do they necessarily stand to gain from increased threats. One should therefore not expect them to act in a "linear" direction towards threat construction. What

Boswell does not develop is „that the lack of a clear interest in and dispositions towards threat expansion in and by itself does not necessarily prevent a bureaucracy from contributing to threat construction in another, more „non-linear way“ (Svanteson 2014: 20). As Vincent Pouliot (2008: 261, following Bourdieu) notes: „social action is not necessarily preceded by a premeditated design. A practice can be oriented toward a goal without being consciously informed by it“. In other words threat construction might emerge in a bureaucracy despite ambiguous and conflicting interests.

Svanteson investigates this problem by analysing the discourse within the EU on the subject of irregular migration. She does this by analyzing the discourse in the EU commission documents concerning irregular migration. The analysis is centred on the notion of „framing“. The concept of framing is not in itself novel, Mark Rinhard (2011) in „Framing Europe“, for instance, argues that the Commission constructs frames to help member state governments „make sense“ of policy questions. Framing, can thus be understood as filters that not only lessen the complexity of the surrounding world, but also make people understand issues in one way rather than another. Individuals filter the world, through framing in such a way that some parts are sifted out, while others are highlighted. Mark Rhinard (2010) seeks to unravel the blend of formal resources and informal strategies at work in the Comission, and how these are mobiliezed to “strategically frame” policy choices. In Rinhard's analysis, the Commission constructs frames to help member state governments “make sense” of policy questions in a way that tends to privilege Commission preferences.

Policy entrepreneurs, he argues, mobilise their preferred frames within their respective policy domains by manipulating ideas, institutions and interests in ways that are partial to their preferred outcomes. This constitutes, Rinhard argues, a “strategic framing” process.

Svanteson (2014: 46) rejects this interpretation on the grounds that it is largely based on the understanding that policy solutions logically and intuitively follow similar problem definitions, which, as was argued, is not necessarily the case. Instead, the reason why certain policies are more prominent, she argues, is more cultural or customary. Following David Laws and Martin Rein (2003: 174), she considers frames the manifestation of factors systems of beliefs, and connects this to their identity and customary social actions. Frames are, in this perspective, not tools, but „more a constitutive result of how actors have become themselves in the specific setting, or field, where they exist ( Bourdieu & Wacquant 2007 1992]). Moreover Laws & Rein (2003: 179, emphasis in original) argue; “frames become institutionalized in habits of thought and action, in practices”. Framing, is about meaning construction (Benford & Snow 2000, 614). The presence of a certain policy frame rather than another, is consequently a sign of it being seen as the truth. Thus in analysing the framing of how irregular immigration is constructed in the research material, Svanteson takes the presence of a certain policy frame at the expense of others as a being seen as the truth. In Bourdieusian terms, the connection between the Commission’s framing of irregular immigration and the Commission field, capital and habitus is not a relationship of cause and effect, i.e. one that relies on

a positivist ontology and epistemology, assuming that objective mechanisms exist out there waiting to be discovered (Svanteson 2014: 66 following Pouliot 2007). Instead, there is a more constitutive relation, where certain frames are authorized by the field. Her analysis is hence not one that studies causality, but a constitutive analysis of how social facts are made possible.

Pouliot argues that there is in a sense no reason for constructivist researchers to establish independent variables, i.e. to establish why social facts come about, because the independent variable is simply always that the relevant actors perceive the social facts as the truth. Instead, he says that for constructivists “[the interesting question is what inter-subjective context makes such a social fact possible” (Pouliot 2007: 373). He illustrates the link between the social fact and the inter-subjective context as: something X counts as a social fact Y in context C (Pouliot 2007: 373-374). Svanteson uses this illustration to demonstrate how her investigation goes about its analysis: firstly, through the analysis of frames, which determines what irregular immigration (the X) counts as (the Y) in the context of the Commission (the C). She then analyses the Commission field, capital and habitus (the C) to learn what made possible the framing of irregular immigration as Y. The relation between Y (the framing of irregular immigration) and the C (The Commission field, capital and habitus) is hence not primarily a causal one, but a constitutive one (Svanteson 2014: 67).

Drawing on Benford & Snow (2000) she identifies two kinds of policy framing: 1) prognostic framing, in which an actor advocates certain policy

solutions and 2) diagnostic framing, where an actor identifies a problem. These are then divided into subgroups. In the case of diagnostic frames of irregular immigration, these were for example a socio-economic threat, a securitarian threat or an economic benefit etc.<sup>34</sup>. The empirical study revealed that the most prominent diagnostic frame was that of a migrant as a victim. From the 1970s and 1980s, this view centres on immigrants being victims of exploitation in the workplace, while in the late 1990s the view of irregular immigrants as being victims of human trafficking becomes more commonplace. And in the 2000s, the view of irregular immigrants as being „victims of ruthless smugglers“ became a recurring frame. (Ibid: 107). The second most common diagnostic frame was the immigrant as socio-economic threat. In this frame immigrants are portrayed as distorting the market and undermining welfare society. An example of this is: „Undeclared work, while difficult to measure, seems to be on the increase in many Member States. It tends to act as a pull factor for illegal migration and it can lead to exploitation and insecurity for the migrants involved, while undermining the financing and delivery of public services and social protection” (Commission 2003, quoted in Svanteson 2014: 108). Here migrants are portrayed as victims of exploitation and at the same time also seen as a socio-economic threat to the EU in the form of deteriorated public services (ibid: 111). The most common understanding of irregular immigration, however, was that it left irregular immigrants very vulnerable, not that it posed a threat to

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<sup>34</sup> There were 6 diagnostic frames: Victims frame, Socio-economic threat frame, Threat to EU Migration policy frame, Securitarian frame, Normalizing frame, Economic benefit frame.

the EU. In other words the general discourse primarily considered irregular immigration a threat to immigrants themselves (ibid. 240).

The analysis of the prognostic frames (or suggested policy solutions) showed that in the 1970s and 1980s, the frame that sought to Combat Illegal Employment was the most popular, whereas in the 1990s, it was the Border Control frame. In the first half of the 2000s, the most common frame was a Return Policy, and then in the second half of the 2000s. Among the twelve prognostic framings identified, one significant continuity appeared; „the grand strategy that was always on top was averting immigration“. (ibid: 181)<sup>35</sup> Surveillance was the third most advocated prognostic frame, after border control and return policy. This presents an apparent mismatch between solutions and the identified problem. Svanteson presents an abstraction of this discrepancy between problems and solutions in a (uncharacteristically) tongue-in cheek-way:

In order to help irregular immigrants escape exploitation, the risk of death or injury on the irregular journey to Europe, or from a marginal position in European societies, the EU should, according to the Commission. invest in more border control measures, send captured irregular immigrants back to a home or transit country as fast as possible, and make sure to supervise irregular immigrants movements as effectively as feasible (Svanteson 2014: 185)

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All in altogether these frames number 12: Border Control, Return Policy, Surveillance, Combat Legal Employment, Financial Assistance to Third Countries, Information Exchange between Member States, Fight Trafficking, More Legal Ways into the EU, Take Care of Victims, Information Cam paigns, Protection of Rights and Visa Policy.

This seems all the more puzzling since (as was shown in the last chapter) border control measures make the journey to EU territory increasingly perilous. Svanteson suggests that the Bourdieusian concepts of field, habitus and capital can help explain this schism between problems and solutions. By dividing the field of the Commission into sub-fields made by the internal departments (Direct Generals or DG's), she identifies a number of struggles between those who should be responsible for immigration. While the department of Employment was by default the main actor in charge of this policy issue during the 70s, and 80's, its position was challenged in the 90s by the DG of Justice and Home Affairs (DG JHA)<sup>36</sup> which came out on top and was handed this issue at the turn of the millennium. This is important because the other departments, such as DG Employment and DG External Relations (DG Relex), tend to advocate a more human-rights-oriented approach than the restrictive DG JHA. With regards to capital DG JHA was not only ahead of the other departments in terms of material capital, i.e. funding and manpower, but also as regards the distribution of informal and tacit symbolic capital. To gain symbolic capital in the Commission, she infers, officials have to be able to prove their competence and „willingness to move forward in policy-making“. This is because the main issue at stake in the Commission field was the formulation of *sound policies*, and ensuring that they get *adopted* by the EU. This she says: „is what the whole Commission field gravitates towards“ (Svanteson 2014: 250). It would appear that she has thereby identified the Bourdieusian „stake at stake“. Now this begs

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At the time was called Task Force for Justice and Home Affairs.

the question, what is a sound policy? Svanteson provides no clear definition of „sound“, but says that officials within the Commission struggle between themselves over what sound policies should entail. Just like artists struggle over what should be seen as art. At the risk of oversimplifying, one might say, however, that „sound“, in this context, is interchangeable with „realistic and effective“. Realistic policies in the Commission, are those that take a position not too far away from the member states' positions, which, in turn, translates as exclusionary policies. Of the relevant participants within the Commission, DG JHA, proposed the most realistic (i.e. restrictive) policies, those that were most likely to get endorsed, and therefore held the most symbolic capital. A further contribution to the favouring was the habitus of this department, where in the day-to-day work, things have to move fast and actors rely on their standard operating procedures rather than examining different available perspectives (ibid: 231).

Svanteson identified a further institutionalization of the distribution of symbolic capital, in that DG JHA alone is granted a voice in meetings of European Council working groups (ibid: 263). Which strengthens the ties between this department and the governments of the member states.

But why then were the diagnostic framings most commonly associated with immigrants as victims? The fact that immigrants are commonly identified as victims would seem to confirm Svanteson's main conclusion, namely that a Bureaucracy such as the EU might not have any direct interest in threat expansion, and yet it can contribute directly towards such a development.

Problem identifications and suggested policy solutions generally affect the issue at hand in different ways. While policy definitions are directed both towards other policy-makers and the general public, suggested policy solutions are usually directed mainly towards other policy-makers (Balzacq 2005: 184-185). This means that the former affects irregular immigrants largely in indirect ways through public sentiments, whereas the latter affects them directly. As was mentioned in the first chapter, the Commission is a minor player when it comes to shaping public opinion on issues such as irregular migration, unlike national politicians, media and NGO's and activists.

To summarize, the restrictive policy solutions proposed by the DG JHA, which were the most likely to get adopted, provided the department with capital, both symbolic and material. But Svanteson surmises that DG JHA bureaucrats were not aware of this themselves; „they largely just acted out of a feeling for the game, in accordance with what seemed right to their “habitus“ (Svanteson 2014: 251). The Commission's fairly large contribution to threat construction (mainly the number of policy solutions seeking to avert immigration) was hence made possible as an unintended consequence of the Commission's inner logic. And what are the theoretical implications of this? First of all that threat construction should not be narrowed down to a study of those who have a clear interest in threat expansion as opposed to Bigo (2000; 2002), pre-empirically limit threat construction analysis to those actors that have a clear interest in threat expansion, such as the security professionals. Nor should one, as Boswell (2007), rely on the assumption that the absence of a

bureaucracy's clear interests automatically prevents threat construction (ibid: 251).

### *Assessment*

Svanteson's empirical findings are informative and shine a light upon the institutional dynamics and development of border policies in the Commission. Her theoretical framework does not significantly differ from Bigo's, except that she insists that a pre-empirically limited analytical focus on the actors that have a clear interest in threat expansion, i.e. security professionals, cannot give a satisfactory answer for the institutional threat construction of migration within the Commission, that underpin its border policies. Svanteson makes no mention of the defence or security industry at all. This is perhaps understandable since this her research is aimed at answering; how is threat expansion possible in a bureaucracy that has no interest in threat expansion. One could still argue that a discourse analysis that identifies stricter border policies as the most frequently suggested policy solution and more surveillance does point toward the large influence that organized interest groups of security and defence corporations have in Brussels. Existing research (Schilde 2010; Mawdsley 2013; James & Edler 2010; Hayes 2006, 2010; Sjiper 2005) has established the plausibility of a relationship between the mobilisation of

security company interest groups and the generation of legislation within the Commission, and the role of organised interests in the

domains of border security. Svanteson makes makes no allusions to this which could be seen as a flaw in her overall assessment of the power analysis of the Commission. That does not mean that her conclusion is not sound, but it tells us that it is prudent to pay special attention to the security professionals, as Didier Bigo suggests. It seems they have more influence than Svanteson gives them credit for.

The Commission has since 2004 outsourced security research and development to many of the biggest arms corporations within the European security industry. This has given rise to a conflicts of interests where „large multinationals have been able to shape the security research agenda, apply for the subsequent R&D funds on offer, and then sell the resulting technologies and systems back to the governments that funded their development“ (Hayes 2012: 173). Security research and development received a budget of €1.4 billion for the period 2007-13, it has been tripled to 3.8 billion in the 2014-2020 (Euobserver 2015). The Commission has on numerous accounts stated it's intention of purchasing the military products it has funded to deploy it in border security. Here is an excerpt from a communication to the council and parliament:

The Commission intends to make full use of the pre-commercial -procurement (PCP) instrument set out in Horizon 2020 and devote a significant part of the security research budget on this instrument. This novel funding approach should bring research closer to the market by bringing together industry, public authorities and end users from the very beginning of a research project. *The Commission considers that border security and aviation security are the most promising areas for undertaking PCP.* (European Commission 2012. Emphasis added).

Aviation security in this instance refers to drones, i.e. border surveillance. A full understanding the threat construction within the Commission, must also take into account the influence of the arms and security lobby within the Commission.

### *Conclusion*

As was shown in the first chapter there has been an increasing shift of expertise of border security away from the public administration towards the private sector. This in turn, entails an ever heavier reliance upon private security companies for expertise and advice, who thereby make themselves indispensable for border security (Lemberg-Pedersen, 2013). The outsourcing of border control to private contractors risks creating self-reinforcing dynamics and lock-in effects that are difficult to control and curtail (Menz 2013). This paper has pursued this problem by engaging the Bourdieusian concepts, field, capital and habitus and examined some theories by scholars who have utilized the theoretical framework of Didier Bigo. The findings of the second chapter suggested that more research is needed concerning the connection between security companies and threat construction within the Commission. As Anna Leander (2006) has argued the mobilization of insecurity and fear invites the construction of new problems and the marketing of new solutions for the security industry. The bottom line is that the market of „security“ generates its own demand, insofar as the social perception of threat is both cause and effect of the marketing of security solutions.

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