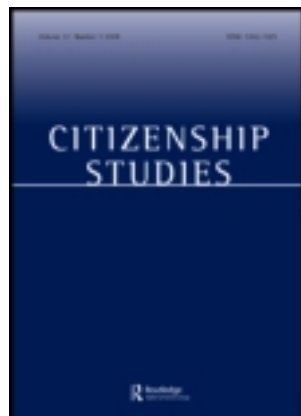


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Border formations: security and subjectivity at the border

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This paper offers a normative argument for reconfiguring borders that rests on a critique of intersecting logics bearing on security, incorporation, agency, subjectivity, encounter, and citizenship. Especially important to my critique is the mutually reinforcing relationship between border security and prevalent assimilationist and integrationist forms of incorporation associated with the dominant single-citizenship model. I offer instead an alternative framing of incorporation I call enfoldment, which is anchored in the contingent and negotiated agency and subjectivity of mobile persons and a multiversal understanding of societies. As I argue, one avenue for opening the possibilities of migrant agency and subjectivity is via what I term ‘mediated passage’. It entails shielding migrants and travellers from the direct control of movement by states at borders, allowing for passage across borders mediated by civil society organizations possessing independent power and authority.

Keywords: borders; mobility; security; social agency; subjectivity; claims making

The career of the national border has never been better, boosted lately by a triple dose of attention: from state security programs we associate with the ‘war on terrorism’ and the battle against illegal immigration; from publics and political agents railing against the failure of borders to keep undesirables out; and from scholars, activists, and immigrants drawing attention to new or intensified practices targeting the poor, the Islamic, and the brown-skinned. Whether or not we attribute this invigorated concern, among especially western states, to intensify the regulation of mobility and presence to an escalated politics of fear or to the effects of the ongoing development of technologies of control of bodies and lives – or better, a conjuncture of both – the transformation of the border (as a project and conception) from a checkpoint for passage into the primary site for defending and defining a homeland I take as a provocation to think through, especially in normative terms, what the border might otherwise be.¹

My thinking through of what the border² might otherwise be does not rest on a general ethical argument about inherent injustices and unfairness – however much I might believe that – in the face of the profound insecurities those in passage face at the border. Rather it rests on a critique of logics operative around borders, as they exist at territorial boundaries and within societies (Balibar 2004).³ The elements of the critique I advance in this essay extend beyond the practices at the border per se to include problems of incorporation, subjectivity, and encounter. This more expansive approach rests on the notion that security programmes and practices, at the border or elsewhere, should not be treated in isolation from questions

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about the incorporation and status of migrants, which in turn requires thinking about the hinge between migration and the various social domains encountered and passed into and through. In effect, it is advantageous to theorize mobile subjectivity in relation to social spaces and institutions. Otherwise, it is more difficult to know what is lost and at stake in state programmes of security. To claim a security programme closes off or excludes individuals means somewhere a concept of openness and inclusion is lurking in the background.⁴

By incorporation I mean, on the one hand, the well established sense of migrants becoming a part of the constellation of social and political spaces we more conveniently but problematically call a national society – with incorporation representing a sort of master term that encompasses different understandings of the various modes by which migrants become part of spaces, as citizens and non-citizens. As the overarching concept, ‘modes of incorporation’ (Alexander 2001) include, assimilation, multiculturalism, hyphenation, and we might add integration and cohesion. Incorporation does not insure inclusion, as the terms of incorporation can be quite exclusionary (e.g., incorporation into a ghetto). As I will argue, assimilation, integration, and articulations of multiculturalism anchored in official state policies can be understood as various forms of what can be called the subsumption frame. In this frame migration and exclusion is a temporary, exceptional starting point on the way toward full integration into the social fabric, either on multicultural or fully assimilationist terms; where transnational lives are treated as an aberration. I seek to connect the subsumption frame to security programmes and to suggest that we should not separate concepts such as assimilation, integration, and cohesion from programmes of security.

Subsumption points to another understanding of incorporation I will consider, anchored in the ways that migrant lives, possessions, and bodies are drawn up and rendered into data, security logics and discourses, images, and detention centres. These acts and practices of rendering constitute a regime, which I label a *rendering regime*, within which lives and bodies are transferred and displaced in both representational and physical terms across spaces, both digital (e.g., security databases) and physical (e.g., immigration and intelligence facilities).

Distinguishing modes of incorporation that are subsuming implies the possibility of modes that are non-subsuming. I will suggest that incorporation need not be understood only in subsuming terms. An alternative rests on a different understanding of how migrants (whether or not they regularly move across borders) incorporate into their subjectivity the various institutional fields they enter and confront. I will offer a far more contingent concept of incorporation I label *enfoldment*. Migrants need not face the stark choice of isolation versus assimilation and integration – as a final, permanent condition. They can fold in social fields into their subjectivity and unfold them. Additionally, I will suggest at the conclusion that the mediation of civil society groups is one avenue available to advance these possibilities at the border. The range of possible ways of being at the border can be potentially expanded by what I call *mediated passage*: that is, movement across borders mediated by civil society organizations, which have independent power and authority and offer migrants and travellers the option to pass through without an unmediated submission to state and state-sanctioned officials and to the security programmes within which they operate. Mediated passage is meant to open a space of distinction that would be in tension with the state subsumption frame.

Subsumption and security: temporariness as problem, incorporation as risk

The justification for more intensive security and restrictiveness at the border rests not only on the notion that potential threats and risks might be kept from entering a national space,

but also on the notion that integration and migration programs especially for suspect (for example, Muslims and the undocumented) groups, can fail because of supposedly flawed or lax policies or individuals and groups who are not capable of integrating or waiting patiently for legal entry.⁵ The underlying theory of society that guides these assumptions is the cohesive, single citizenship state-society, integrated at a minimum along civic lines (Joppke 2007). Despite all the recognition or tolerance of multiple citizenship and cultural diversity, this frame remains the basic ground for thinking about security across borders.⁶

As scholars like Saskia Sassen and Aristide Zolberg have reminded us, the tensions between the ever changing but persistent Westphalian frame and forms of mobility are centuries old, even if the border as a problem really only emerges in the twentieth century.⁷ It is still too early to know if a different framing of the state/society/territory complex we associate with the Westphalian polity has a chance of emerging in practice – one organized around multiple citizenships and residencies, anchored in the possibility of lives lived at multiple scales across borders and with varying degrees of newness in a place.⁸ That is, a frame that does not privilege only mobile subjects with fully resourced and stable lives. However, we do know that in the current moment, the logic of incorporation remains central, setting the terms of entrance into and presence in a national space especially for the suspect, the worker, or the poor.

The simple and well-known logic of incorporation starts with the notion that entrance into a national space across a border is ultimately about designating the terms upon which a person will be present in that space: as a tourist, student, investor, permanent immigrant, refugee claimant, temporary worker – to name some main categories of presence. The choice is typically stark: either one comes in to settle and be incorporated within the perceived social fabric called Canada, the United States, or France; or one comes in as a temporary presence restricted from that incorporation by time and access to social goods.

While slippage occurs between the temporary and permanent once migrants are inside a society (e.g., marriage or application for permanent status) – permanence can mean permanently present but restricted (in poverty or a *banlieue*) – there is no real room for migrants other than the elite to negotiate their presence; to define it on terms other than the state/society/territory complex; to break the permanent versus temporary divide that begins with entrance and which reinforces the current single citizenship frame.⁹ Thus, from the start the migrant is subsumed within the logic of settled, single national citizenship (especially since we know the very category of migrant is a function of that logic). Commitments and efforts to accommodate difference along typically multicultural (multi-ethnic, -national, or -religious) lines run squarely into this more fundamental political condition, which I call the *subsumption frame*: where a newcomer either has temporary status or is at the starting point on the way toward integration into the (typically restrictive, bounded, exclusionary) social fabric, either on multicultural, civic, or fully assimilationist terms. These lives that are wholly dependent on the disposition of the state – as opposed to the mobile elite who are privileged by smooth, legitimated mobility offered by organizations such as corporations, hospitals, and universities within and across national boundaries – either for being in limbo waiting for refugee status or after a negative decision,¹⁰ or seeking to change their status from temporary or ‘illegal’ to ‘legal’ and permanent, stand at the frontier of the imagined social fabric (McNevin 2006, Sharma 2006).

Although I seek to challenge this framing indirectly and piecemeal with mediated passage below, it is difficult to envision what twenty-first century border security would look like if it was not framed by subsumption. As just discussed, subsumption makes possible a basic distinction between channels of passage at the border: the legal migrant on

the integrative path and the temporary entrant seeking different modes of provisional presence – of course, the illegal entrant is really bypassing the territorial border but runs up against the internal border a notion I expand upon below.

Both these channels are subject to suspicion and the pursuit of authenticity, which begins in the consulate, long before the physical border is encountered, as information such as documents, photos, and fingerprints are collected. But what distinguishes the temporary entrant channel is the utter provisionality of it relative to the subsumption frame: the refugee claimant who may or may not receive refugee status; the temporary worker who may or may not renew their visa (if the option is available); the student who may stay on for more studies; the business person who may be recruited full time or invest enough to justify permanent residency or even citizenship; the family member who may seek to join their family permanently; and the tourist who may come and go too often.

This ambiguity and uncertainty, which remains with the realm of legal status, is intensified in two ways: by officials that fear such entrants will violate the terms of provisional presence on their own accord (by, for example, overstaying their visa); and by the notion that the lives of provisional entrants may not be integrated into the social fabric – e.g., living transiently, using false names, getting forged documents – and thus control over their presence once inside is difficult. It is of course short sighted to assume the border is only about entrance. As theorists such as Etienne Balibar (2004) have underscored for us, the border is not merely about physical entrance and exit at the outskirts of national territory but about problematizing presence before, during, and after entrance.¹¹ Rand Corporation strategist Lebecki (2003) uses the analogy of the gastro-intestinal system that swallows up entrants like foodstuffs and bacteria that can be attacked, regurgitated or expelled from within if necessary. Recourse to the subsumption frame continues long after entrance when newcomers at any point can be subject to exclusionary acts. We saw this in the case of Mohamed Cherfi in Montreal who was recently denied permanent residency on the grounds of being insufficiently integrated into Quebec society (Berman 2006, Nyers 2006b). And we see it in the daily experiences of undocumented migrants the world over who are on the edge of detection and detention nearly every moment from home to work (De Genova 2002).

I do not want to imply that the subsumption frame inherently produces hostility to forms of provisionality. On the one hand, the very possibility of provisionality, a function of the existence of permanent and definite status, allows states to move an individual or group from permanence to tentativeness through practices such as expulsion or revocation of citizenship (Macklin 2007) to deal with the perceived failures of integration I mentioned at the start of this section.

On the other hand, the subsumption frame produces the relatively clear distinction between integrative migration and non-integrative mobility that is a function of the outward reach of state and society in networks of financial, intellectual and social capital (Castells 1997). The latter relies on the legitimacy and recognition of clearly bounded categories of mobility that most societies prefer, that is bounded within categorical limits such as the 'legitimate' or 'trusted' tourist, business person, family visitor, foreign student. As inclusive social categories became better defined (and more subsuming) inside societies – the flipside of the Marshallian trajectory of rights development – it becomes all more necessary to define the exclusive categories of provisionality.¹² In other words, subsumption makes it relatively easy to operationalize temporariness as a problem and risk to be addressed through discretionary distrust. It is a problem that is compounded if your information, race, religion, class, or disposition do not allow for a decisive designation or sorting (Lyon 2003), where you are rendered a risk for seeking permanent presence on a *de jure* or *de facto* basis, or committing terrorism or espionage (Amoore and De Goede 2005).¹³ And it also

allows for a form of bounded mobility that takes on the aura of legibility if you come through the border clearly identified as the non-integrating traveller – via identity systems that read deeply into your body and life, which is consistent with the official hermeneutic of the social fabric.

Rendering regime

The persistence and development through the twentieth century of the single citizenship-Westphalian frame occurred along with the widely recognized expansion in the capacities of states, corporations, universities, and international institutions to organize and collect social and scientific information through practices and technologies such as statistics (Hacking 1990) and monitoring (Castel 1991). How extensive the co-evolution of these two processes has been is an important question that lies beyond the scope and purpose of this essay.¹⁴ My interest is in the implications of a particular set of logics operative around the encounter between information systems and social and material life, including bodies, personal histories, and social institutions.¹⁵ These logics include but extend beyond the practices and technologies of reading identity-sorting, and risk assessment that have rightly occupied surveillance studies scholars (van der Ploeg 2006, Bennett and Lyon 2008). In other words, the practices, logics, and technologies associated with surveillance and dataveillance (from biometrics to data-mining) – present at the border, the welfare office, or in the squad car – are part of a wider regime organized around the logic or rendering, which I label the *rendering regime*. By rendering regime I mean the constellation of technologies, practices, logics, and institutions that are involved in the depiction, displacement (not just communicative but also physical displacement), and translation from one context to another of bodies and institutions. If disciplinary sites are prisons, hospitals, barracks, schools and clinics, then rendering sites are at the border, in the database, surveillance system, the web, and in the encounter with police, with government officials, sales staff, secretaries, data collection stations, torture chambers, and scientific outposts.¹⁶

The rendering regime should be understood to have at its core the unique quality of a radical assumption of reformatting and recontextualizing (money, relations, places, bodies, minds). The rendering regime involves appropriation, transformation, even reissue (e.g., currency can be appropriated and reissued in new form). A clear example of rendering occurs when the everyday objects we travel with – liquids, nail clippers, computers – are treated suddenly as weapons of terror.¹⁷

Rendering is not just a synonym for representation because rendering implies movement, displacement, turning over, and giving to (where in some cases a datum is rendered into a representation or where a representation is transferred or tendered). In other words, with rendering there can be transport (of a body, a data input, an image, an object) from one space to another (physical, virtual, ideational). In this respect it is another dimension of incorporation. At the border a migrant's information and read identity may be first inspected and drawn into a data system just as at a bank money that is deposited is in turn rendered as digits in the bank's electronic ledger. There can also be violence, which is another form of reformatting, as bodies, subjectivities, relations, and meanings are broken down or destroyed. Thus, the rendering regime is not just about the displacement into databases and info systems and forms of sorting but also about bodily displacement, which is associated with the practice of extraordinary rendition, an important facet of the rendering regime. With extraordinary rendition you see a move from symbolic/discursive/data rendering to physical rendition as a handing over: we can see this as moving

the body and person through various contexts the way Latour (1999) traces the displacement of specimens across different contexts – from the field, to the tent, the truck, the lab.¹⁸

It is important not to turn the rendering regime into something reified, frozen: it gains its power from its presence in social contexts as an option and part of repertoire of action through technologies of rendering. It is not necessarily about domination but recasting; or control through recasting and reframing. Thus, while its exercise may be authoritarian, there is little that is totalitarian about the regime. Nothing is secure or fixed; not even previous formats. It is not a totalizing regime throughout societies but a regime operative within societies helping produce control and power. By regime I do not mean therefore a determinative body of relations of power and control but a constellation of understandings, valuations, practices, institutions, logics, and technologies that together produce forms and sites of control (at the border, in the workplace, through the corporation).¹⁹

Understood in this way the rendering regime is built into the complex of practices, logics, and technologies of the border (screens, biometric readers, detention areas, data programmes), as it is for any site of institution encounter. But it is important to recognize that the rendering regime produces power for officials not just by its operation but also by the possibility of their discretion over whether and how to deploy it: to run an extensive background check; to force a detailed interview, or to override a system warning judged to be in error or unfounded.²⁰ As we know in some cases an individual agent like a border guard can decide when and how to draw entrants into rendering systems guided by various rules and procedures but also by instinct and inclination (Pratt and Thompson 2008). Public officials in non-security institutions typically do not have this level of discretion, nor do private sector agents who must follow rendering procedures. Power in the encounter is lodged in the agency of the machines and technologies (Latour 1999) rather than the human agents. In addition, border agents by necessity produce their own rendering of a border crosser through their own subjective depictions, and this discretion can become part of the rendering if it is entered into the data systems.

Subsumed agency

What is unique about border agents and the border itself – the external as well as the internal borders – is the salience and scope of what is being secured: access to a social space in its entirety rather than admission to any discrete, limited institutional space or right to use specific resources. This matters especially because what can be denied to migrants at the border is the potential for a broad range of agency and mobility once inside a national space – however restricted this agency may be because of internal policing and social and political exclusions.

Consequently, the significance of the issue of agency should not be underestimated. If you discard the starting point of fixed singular identities and spatial scales that both the subsumption frame and its complement, liberal individualism, demands (with the individual asserting rights and claims from limited and contained positionalities within the context of the single state citizenship), then agency is understood as central to negotiating across complex, translocal multiplicities rather than just within a contained national multiculturalism.

This requires recognizing that migrants need to negotiate access, status, and presence in multiple social webs and spaces; that is, negotiating their very positions rather than negotiating from their positions (Lalotou 2004). Such negotiation of and for positionality is not unique to migrants – and is especially relevant to individuals in poverty and subject

to multiple exclusions – but migrants, who are also poor and do not enter as the mobile elite described above, face a precarious positionality in a racialized and gendered global political economy, exacerbated through securitized citizenship regimes regulating access to prosperous zones through mechanisms of subsumption.²¹ It is a cruel irony that the insecurity of precarious migrant lives increases the salience of negotiation and agency. Few things in their lives are automatic and smooth; almost everything is a struggle (in contrast to elite travellers).

The salience and unfortunate irony of agency for non-elite migrants is only intensified by what migratory agency means in the context of Westphalian statehood: transboundary mobility stands out as an existential form of agency that both challenges and reinforces the single citizenship frame just as illegal acts challenge and reinforce systems of law and licit life courses (Cornell 1993). The nature and degree of challenge and reinforcement varies across the spectrum of transboundary mobility; from desires to refashion one's existence in another place to sufferings of everyday immigrant life (Abdelmalek 2004) to radical responses to existential insecurities associated with the search for refuge (Nyers 2006a). All of this we know. The question is how does the state contend with the agency it encounters at the border (agency that leads migrants up to the gate; agency that is to follow as they enter national social space)? Very simply to render it with its own framing as a sort of surplus agency.

From the state's perspective the first layer of agency for migrants and visitors is the placement of their bodies and lives at the border. The second layer is migrants' acts of presentation, representation, and authenticity: for state officials entrants can be hiding a history of or intention to be a terrorist, Islamic extremist, criminal, exploiter of public resources, or violator of a visa or entrance permit. And the third layer is the agency associated with these categories of action once inside a territory. In other words, the theory of agency at the border renders entrants into a multilayered vortex of extreme forms of radical agency contained within circumscribed channels of designation as threat (to try to stay, do harm, unauthorized, drain resources, unsettle social and cultural life). The only option if you are designated as a non-threat is the subsumption pathway: you are to become part of the sea of society either anonymously as an individual or assertively as a cultural group – or as a welcome but temporary visitor. If you do not subsume yourself, Rogers Brubaker (2001) reminds us, then your children will.

It is important to underscore what is at work here. Not only do we see the ascription of extreme forms of agency to migrants, but at the same time their self-constituted subjectivity and lived experience as historically understood by migrants themselves are transported in the encounter with border officials out of their context and placed inside the logics of suspicion and risk (Bigo 2006). Rendering unsettles in the border exchange the terms and context of migrant agency as a recognized field of signification. We can see this when anyone challenges a rendering by claims such as 'I am not a terrorist', 'I have not visited what you call a terrorist haven', or 'I am not seeking work illegally'. Security programs in the moments of external and internal border encounter challenge the subjectivity and personhood of migrants (Willen 2007). The recognition of any aspect of that subjectivity by officials is something to be granted or denied. One's subjectivity does not disappear in this encounter even if it is not recognized; but it is transformed and displaced into another space and context, along sometimes with one's body that is turned away, banished, detained, or destroyed.

Enfoldment

So far I have had in mind the external border that bounds a society and territory, and the internal borders where forms of formal policing and surveillance occur (e.g., workplace

investigations, hospital reporting, random police checks). But, as argued above, it is not enough to focus on these specific moments of encounter, however important they are to migrants and transnationals. The logics of subsumption, agency, security, and rendering set for officials the terms of encounter with entrants because these logics more generally frame for the state the problematic of the everyday presence for migrants. In other words, border officials are not working with a *sui generis* frame of migrant–society relations but one that has emerged through the twentieth century. This suggests that a critique of contemporary approaches to passage ought to address the broader assumptions inherent in the subsumption frame. A critique of the border of societies is really a critique of presence within societies. My purpose here is to offer an alternative to presence framed by subsumption.

Subsumption rests on a number of teleological assumptions about the incorporation of migrant newcomers into societies (1) that migrants integrate on a permanent basis (or remain provisional, wanted or barely tolerated, visitors); (2) that the process of assimilation and integration is leading to a final condition of incorporation, as full members of society in political, economic and social terms, even allowing for multi-cultural differentiation (or remain incorporated on a permanently partial, often exclusionary basis); (3) that migrants will integrate on a synergistic, mutually reinforcing basis so that, for example, acquiring language skills, internalizing civic norms, participating in political and economic activities produce a comprehensive condition of integration (or remain trapped by exclusionary lack of access to these); (4) that assimilation and integration is authentic (or remain unassimilated ‘foreigners within’); and (5) that the social and political practices and norms that are assimilated have depth and consistency within the subjectivities of migrants (or remain alienated from national identity and culture). These assumptions depend upon overlapping logics of assimilation and integration, which in turn also produce the exceptions and variations (the provisional, precarious, and excluded) from the subsumptive ideal that are very much a part of its functionality.

These are the assumptions – exactly because they are teleological – that function oddly to produce the forms of certainty and uncertainty discussed above regarding those who come in on provisional, temporary and exclusionary terms and a form of uncertainty regarding those who come in to establish permanent, incorporative presence. Officials create certainty that someone who is offered restrictive, provisional status will remain precariously present – until they seek or qualify for permanent incorporation – and under suspicion as a threat (for terror or illegality). But the state from its perspective cannot be sure anyone who is admitted on a permanent basis will live up to the assumptions of subsumptive incorporation. The state tries to mitigate some of this uncertainty through assessments of skills and background; and seeking assurance through the practices of interviews, tests, and oaths and a belief in the natural tendency for allegiance to emerge through long-term social and cultural submersion. However, these mitigations remain hypothetical for officials deciding about entrance. In both instances insecurity prevails on the certain terms of the provisional and precarious as well as on the uncertain terms of the permanent.

The logics associated with subsumption and security (including the logics of agency and rendering) reinforce one another and thereby produce an autopoietic-like quality to the constellation. What would it mean to refuse to submit to this constellation? I wrote above there is little room in the subsumption frame for migrants to negotiate their presence. Challenging and articulating an alternative to this frame and constellation – that is, locating that space – means, first of all, reframing the relationship between migrants and the societies within which they are present in terms other than the basic, subsumptive logics of assimilation and integration. This alternative frame would reverse the five assumptions

above and redirect the terms and negotiation of presence in the agency of migrants (which as argued is central to presence).

The capacity to negotiate the terms of presence requires some sort of relationship between the subjectivity of migrants and the social institutions which migrant lives bump up against. That relationship I believe should be conceived as *enfoldment*: the folding-in to one's subjectivity the distinct institutions, discourses, and practices of the social space within which one is present. By folding an institutional or discursive field in, a migrant is bringing their experience and interpretation of that field within her or his own world and subjectivity. In effect, what is being folded in is the migrant's own rendering of that institutional field.

Enfoldment does not occur only at the moment of encounter or contact. Rather, enfoldment is the process of taking the social in to one's subjectivity – folding aspects of it into one's world. But it does not imply any necessary internalization of values or practices. That is, they need not be made a permanent part of one's social being. To enfold means contending with, drawing in, engaging on local institutional terms, which is quite different from assimilation and even integration as I will discuss below. A fold creates zones, spaces, fields; it is two halves like paper: the crease separates one's self understood subjectivity from a social field that also becomes or is part of one's subjectivity, but which remains distinct and different from one's self understanding of oneself. This implies that our subjectivities are only ever in part constituted by our many enfoldments. In my own experience I have folded into my subjectivity the institutional field of York University where I work as I render it; but I distinguish my life and subjectivity from my working rendering of York. I could say the same thing about the Ontario Health System or the school system my children attend (my children, in turn, have their own ways of rendering and enfolding the same school system).

When one enfolds an institutional field one renders that field within one's subjectivity; but by doing so a subject also opens her or his self up to being rendered by the institution by simply physically emplacing oneself in an institutional domain (e.g., entering a business, community centre, or school) and by likely encountering the profiling machines associated with institutions at reception desks or the telephone or via the Internet (Elmer 2004). This holds whether the institution is private or public in that the way encounter is organized is increasingly indistinguishable; a convergence that facilitates private contracting across a range of domains from health and security to education. Folding is a metaphor. It is a heuristic image meant to convey how one makes a social field or site like a hospital or street corner part of one's social horizon. The fold image is actually quite prevalent in philosophy: Leibnitz (1996), Deleuze (1992), Derrida (1981) among others use it in many senses other than my own use. I am applying it to a social theory of mobility.

Enfoldment is related to but distinct from a *habitus* as articulated by Pierre Bourdieu (1984). Enfoldment, unlike *habitus*, is not necessarily embedded in the subject's frame and horizon; it can be alienated. In contrast to the status of a *habitus* as a deep subjective structure, embedded within, and constituting subjectivity, enfoldment can entail shallowness; it can apply to the newcomer or to anyone that is negotiating encounters and emplacements. *Habitus* assumes some built-up internalization of norms, practices, expectations based on time and habit. Enfoldment does not. However, *habitus* and enfoldment overlap. Internalization of this sort is one possible outcome of enfoldment. That is, in an instance where internalization occurs the institutional field that has been enfolded ultimately becomes part of a *habitus* (Hayles 1999, pp. 202–203).

Considering enfoldment from a societal perspective, as a form of incorporation, we can think of the vast range of folds across social spaces as the many multiversal hinges between distinct and fluid universes and worlds (Latham 2008). The relationship between this

understanding of society and enfoldment rests on a set non-teleological assumptions that run counter to the teleological assumptions of subsumption discussed above, associated with assimilation and integration. In contrast to the subsumption frame, enfoldment does not necessarily entail: (1) a permanently folded-in institutional field; (2) a final condition of incorporation; (3) a totalized condition of integration, as each fold is local; (4) a claim regarding the authenticity of what is folded in; and (5) a claim something is enfolded deeply into a subjectivity (as it can be variable and shallow).

Enfoldment shifts the balance of agency back towards migrants, whose negotiation of their presence across manifold fields is anchored in their own self-determining subjectivity, their own acts of rendering in the face of the renderers.²² This negotiation of presence means revisiting that which is folded in and the act of folding, maintaining the fold, or reversing it by unfolding. Indeed, inherent in folding is the very possibility of unfolding; and the possibility of unfolding is about re-examining, re-negotiating; to distance and remove oneself from a given interpretation and experience of an institutional or social field, and to perhaps refold oneself again.

Enfoldment, security, and mediated passage

Enfoldment is meant to emphasize that migrants already have cultural and social practices; their own subjectivity is not necessarily in need of assimilationist injections. What they do fold into their lives is based on their agency and, as much as it is feasible, on their own terms. And what they might make part of their world can be taken out, unfolded. It can remain contingent and distinct within their subjectivity. Migrants should control enfoldment and *unfoldment* as a crucial dimension of their subjectivity.

While states, in a Marshallian sense, have historically afforded numerous options for enfoldment across a range of social domains, migrant agency has especially been subject to the surveillance logics shaping citizenship along borders (Torpey 2000). This holds especially for those whom states do not trust or view as authentic against the background of a given subsumption frame. We can see that states can survey enfoldments to ascertain their supposed authenticity (e.g., to determine the purpose of registering at a flight school or applying for a drivers license). States more generally, can – especially through acts of rendering – put themselves through surveillance between folds: a security programme can interpenetrate and seek to judge an enfoldment (for example, investigate whether someone is really interested in local education or fund-raising for the Tamil Tigers).

States can also seek to unfold what someone has folded in, whether it is a state institution or not (e.g., prevent access to school, healthcare, banking, or a home through eviction or loss of rights of use). They also can prevent enfoldment through restrictive forms of status (e.g., temporary workers who are prevented from accessing welfare or job training services). The most intensive form of unfolding occurs in physical terms at the internal and external borders through denial of entry, detention, or deportation.

On its own the agency of migrants involved in negotiating their presence around the border will typically be outflanked by states that are able to interpose themselves between migrants and social institutions or establish unmediated relations with migrants in the context of border security. The relationship between migrants, the security state, and the social institutions that populate a society, therefore, requires a politics of mediation. Such mediation should not only come between migrants and the state at external and internal borders, but also help blunt the state's efforts to survey and authenticate enfoldments.

While some day migrants might be able to organize themselves to establish modalities of passage across borders that unsettle state practices restricting enfoldment, this

development remains remote without some sort of empowerment of migrants at the border that would open a space for organization. In the current political moment states, on their own, are not going to create this unmediated space on behalf of migrants. If anything trends associated with increasing surveillance and legal restrictions (e.g., the Canada–US Safe Third Country Agreement) point in the opposite direction. One long-term avenue of change is the political mobilization of the sort that was seen recently in the US, as migrants and their supporters took to the streets protesting lack of citizenship status and advocating regularization (Nyers 2006b, 2008). Another possible avenue would be to alter the structures of authority at the border in order create a space of mediation between migrants and the state. Civil society organizations (CSOs) – as distinctly nonprofit institutions that are already becoming more active at the border (Walters forthcoming) – could provide to migrants what I term *mediated passage*, establishing the bone fide movement of migrants across the border in ways that unsettle the state's unmediated relationship to migrants. CSOs would verify and vouch for the legal identity of the migrant and negotiate with the state as to what the minimum criteria are for admission. This might include things such as the absence of a history of commitments to violent action. The state must remain blind to this process; all there is to know is that the migrant is vouched for by a trusted CSO. CSOs would establish their meaningful reputation with migrants and states based on the extent to which they successfully mediate passage.

On the other side of this intersection the migrant should control how much information is given out about him or her. Only a minimum of information may be needed if she or he is only visiting or travelling through a territory. Alternatively a far more extensive range of information would be passed along via mediation if she or he plans to remain and build a life in a place and needs to access a range of services from health care to education.

These logics are consistent with enfoldment and the repositioning of agency that is central to this essay. In effect, I am positing in mediated passage a space of mediation that is still part of one's individual subjectivity and which creates options regarding how one negotiates the institutional fields that one enfolds. In other words, a subject can engage institutional fields through mediatory organizations mediating the enfolding of, for example, schools, clinics, job-training services. These possibilities might unsettle the containments associated with subsumption, rendering, and security and potentially open up the way toward a different calculus of negotiated presence, thereby tilting, if even just a little bit, the border more toward the migrant, who might be able to expand his or her power over what is enfolded. At the least mediated passage could potentially expand the range of possible ways of being at the border (e.g., anonymous versus identified) beyond the basic distinctions offered by subsuming state. The aim would be to open a space of distinction that is in tension with the state subsumption frame.

We already have aspects of this mediation in the legal defence of and advocacy for migrants around refugee claims or migration status. But in law the terms of mediation are established by the state and highly circumscribed. Relatedly, some CSOs already have mediational power outside and inside of the border. They provide such help as legal aid and information, facilitate enrolment in private and public programs and services, and in general advocate on behalf of migrant rights. In many instances the state is willing not just to tolerate CSOs providing aid and advocacy but also to work through and with CSOs in so-called partnerships to provide services. There are very important issues at stake here about whether this sort of contract work (Owen 2000) is undermining public sector commitments. However, the logic of collaboration and aid that guides these state–civil society relations is very different from the establishment of autonomous mediatory power for civil society organizations that is called for in mediated passage. In order to make

mediated passage work, CSOs need to be autonomous from the state, with independent legal status. Very importantly, migrants need to be able to control their relationship with CSOs by being able to choose which organization will mediate their passage and on what terms (how much and when information is represented to whom in states or elsewhere). To achieve this sort of autonomy will likely require constitutional change in many polities, perhaps through new or amended human rights charters and bills. However forms of authority stemming from executive orders or legislation might mean continued dependence on states.

The logic of mediated passage resembles the new models in development along these lines associated with what is called *user-centric digital identity*, being advanced by web activists such as Ken Jordan and Clay Shirky and organizations like Identity Commons (Jordan 2008). User-centric digital identity refers to the attempt to establish nonprofit organizations that can be chosen by individuals to house and organize their digital identity in forms and to degrees fully up to the discretion of the individual. In other words individuals take control of their digital presence on the web and in databases, using CSOs as trusted mediators to achieve this. Subjects choose what information is made available to whom, when and in what form. The stakes in this are not just the protection of privacy, but the facilitation of meaningful mobility and agency across the web, and ultimately more robust forms of democratic collaboration.

It is not possible in the limited space available here to explore the range of implications associated with mediated passage; nor to consider the specific practices that might be implied bearing, for example, on passports or policing. Important questions include: how do we think of the boundaries of mediated passage? Should we think of passage as something that terminates at some point, or instead consider passage as a regular dimension of social existence even if one is not mobile across multiple geographical scales? Recent critiques of CSOs (Fisher 1997, Walters forthcoming) raise the question of how mediated passage might contend with the production of forms of power by CSOs that are abusive, constraining, and sympathetic to neoliberal agendas of states and capital – or even dedicated to preventing migration, harming migrants, or pushing the state toward greater restriction (Doty 2007). Even if mediated passage is important to open up to migrants options, possibilities of counterings and of mobilizations not otherwise available, the question remains whether CSOs would reproduce the injustices described above.

A related question is whether mediated passage displaces security to the realm of civil society? If the logic of the threatening alien remains pervasive across states and societies, does this mean it is likely CSOs will just reproduce the operative logics of fear? Is there something in mediated passage that overcomes these logics? Does mediation help dissipate the abstracted state fear that, in encountering subjects at the border, all and everyone is a potential threat? And, more broadly, in the current political moment, on basis what will a political formation come into being that cannot only enact mediated passage but reframe incorporation around enfoldment?

Finally, the concept of mediated passage (and enfoldment for that matter), which I have held up in opposition to subsumption and security-aligned rendering regimes, place a great deal of emphasis on individual agency. This can be read as a particularly liberal approach. However, I think it is mistake to underestimate the degree to which liberalism puts forward a framing that is in practice severely constraining of individual agency and subjectivity, as has been suggested by Foucault (1982) in his concept of individualization and more recently, those observers following on his work such as Nikolas Rose (1999) who explores the relationship between governmentality and liberal subjectivity.

Similarly, my emphasis on civil society might be taken as a rewarmed liberalism, if not also a rightist neoliberalism, which sometimes calls for increasing reliance on civil society organizations to shape and govern political life.²³ However, this is again a misreading of liberalism. I have argued elsewhere that liberalism is the most statist of political frameworks (Latham 1996): CSOs in a liberal frame are relatively disempowered and subsumed under the wing of modernist, state-centred, especially biopolitical, projects. The point of mediated passage is to empower CSOs in a way that has historically been unknown in liberal modernity. But rather than establish another form and space of power over migrants, mediated passage ultimately rests on the agency of migrants in their negotiation of passage and presence through choices over who will mediate, why, and on what terms. This anchoring of an alternative framing in the agency of migrant subjects means a broad range social institutions, public and private, must be recast to reflect a very different understanding of borders, incorporation, and mobility.

Conclusion

The title of this essay, border formations, is meant to signal not just that borders can be thought of as spaces and zones but, more importantly, that borders entail a varied and multitudinous range of processes, practices, and forms of power. There is, I have sought to emphasize, a great deal more going on through bordering than facilitating, surveilling, or obstructing passage. Concepts such as subsumption and rendering help reveal the mutually reinforcing relationship between border security and prevalent assimilationist and integrationist forms of incorporation associated with the dominant single-citizenship model. I offer instead an alternative framing of incorporation I call enfoldment, which is anchored in the contingent and negotiated agency and subjectivity of mobile persons.

Border (re)formations, I have argued, require considerable attention to how societies (or national spaces) overall are framed and constituted. As I stated above, a critique of the borders of societies is really a critique of presence within societies, better understood not as national spaces per se but as vast multiverses of overlapping and fluid universes and worlds. Understandings of the relationship between borders and presence will be well served by starting with conceptions not only of societies as multiversal but also of migration as involving multifarious mobile subjectivities which might resist violent containments through their agency and potential avenues of political transformation, as suggested in the concept of mediated passage.

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Notes

1. We of course are still not done understanding the nature and implications of border transformations and their consequences upon regimes of citizenship (Amoore 2006, Sparke 2006, Walters 2006, Bhandar 2008, Muller 2008, Zureik and Salter 2005). The need to continue research and analysis should not stop us from also exploring alternative normative framings of the zones of passage across territories, states and social spaces, even if these framings require

- abstracting away the important specifics of practices, policies, and histories in order make theoretical links across conceptual terrains.
2. For the purposes of theorizations in this essay I am abstracting away from the great and very important diversity of practices and formations at borders across the global North and South. However, even in that abstraction, it should be clear to readers that when I invoke the term, the border, I mostly have the borders of my own experience in North American and Europe in mind.
 3. Such a critique articulates the effects of borders and opens the possibility of refusing to be governed a particular way. And such refusal opens the way toward reframing and altering practices. The motivations for such refusal can be contingent and variable: a sense of injustice, an ethical concern for others, or even a revulsion regarding forms of violence and exclusion. This follows from Foucault's 'What is critique?' (1997) and Butler's (2002) excellent exploration of that essay. Along with Butler and Foucault I am comfortable with the emphasis on acts, practices, and possibilities of refusal rather than on privileged moral systems and orders required to legitimate refusal and alternatives.
 4. For Foucault that concept was the alternative forms of subjectivity he was exploring in his late works, such as in the second volume of his *History of sexuality* (1992). For those who leave it lurking in the background, the inclusive concept might default to some form of rights-bearing liberal subjectivity, even if the theorist is troubled by liberal subjectivity.
 5. Cf. Prins and Salisbury (2008).
 6. I have argued exactly for this sort of framing in Latham (2008).
 7. For a historical perspective, see Aristide Zolberg (1978) and Saskia Sassen (1999).
 8. The works of Aihwa Ong (1999, 2006) examine the practice of 'flexible citizenship' as a cultural logic. Yet it remains to be seen whether this logic can give birth to a post-Westphalian institutional framework especially in light of contemporary suspicion and restrictions towards dual forms of citizenship in Australia, Europe and North America (Stasiulis and Ross 2006). Nevertheless, see efforts to think the post-Westphalian moment in Europe (Walters 2002), and from a normative perspective by Andrew Linklater (1998) and Nancy Fraser (2007).
 9. They might, for example, enjoy the bundle of rights available to everyone in a society. See the arguments around denizenship as one line of thought in this vein (Benhabib 2004, Soysal 1994).
 10. See the articles in the special 2005 edition of *Refuge*, 'Betwixt and between: refugee and stateless persons in limbo', 22 (2).
 11. See also Côté-Boucher (2008).
 12. Bommes and Geddes (2000).
 13. Amooore and De Goede discuss the larger effects of the operations of computerized data mining such as the transferring the deemed il/legitimacy of behaviours, identities and bodies into risk categorizations, thus fostering a sense of normalized self and suspicious otherness in securitized societies.
 14. But see Soll (2007) Pred (1973), Beniger (1986) and Edwards (1988).
 15. Recognizing that information systems are but one more form of social and material life.
 16. See Elmer (2004) for an exploration of the politics of many of the especially commercial rendering sites.
 17. I owe this observation to Greg Elmer.
 18. One question is whether extraordinary rendition is the beginning of reflexive state theory of this crucial and tragic dimension of the rendering regime.
 19. I am thus using regime in a far weaker sense than Deleuze and Guattari's (1988, pp. 100–120) 'signifying regime', where there are master signifiers and chains of signification.
 20. The relevance of the Schmittian concept of decisionism should be obvious here. Of course, pointing to the power of officials via decisionism is one thing; making general claims about the state and sovereignty another. On the limits of Schmitt see Huysmans (2006).
 21. The need to negotiate can vary based on how new someone is and what access they have to capital, financial, intellectual (training), and social (family).
 22. Bommes (2005) argues for the importance of looking at incorporation as a variegated set of processes across social space understood as composed of multiple fields.
 23. See for example Berger and Neuhaus (1977), Fukuyama (1995) and Putnam (2000).

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