Territoriality, Border Controls and the Mobility of Persons in a Globalised World

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RESÜMEE[1]

Der vorliegende Artikel beschäftigt sich mit dem Zusammenhang von Territorialgrenzen, Personenkontrollen und Staatlichkeit. Im Zentrum der Betrachtung stehen der Wandel des Nationalstaates alter Prägung sowie die Veränderung der staatlichen Grenz- und Personenkontrolle unter den Bedingungen der Globalisierung. Unter Globalisierung wird üblicherweise die Zunahme grenzüberschreitender Transaktionen und die Abschwächung der Kontrollfähigkeit des Staates für ein ganzes Spektrum von Faktoren und Ressourcen verstanden. Diese Behauptung wird für den Bereich der Personenmobilität auf Basis einer Sekundäranalyse empirischer Studien überprüft, wobei zugleich hinterfragt wird, ob eine Zunahme an Grenzüberschreitungen mit einer Abnahme staatlicher Kontrolle gleichgesetzt werden kann. In der Debatte zur Globalisierung stehen Thesen zur abnehmenden Kontrollkapazität des Staates und zum Bedeutungsverlust von Grenzen konträren Thesen über eine anhaltend wichtige Rolle nationalstaatlicher Grenzen und Grenzkontrollen gegenüber. In Abgrenzung dazu deuten unsere gesammelten Hinweise darauf hin, dass diese allgemeinen Thesen zu kurz greifen, um die Breite der Entwicklungen zu beschreiben. Die Reaktionen des Staates auf Veränderungen im Kontext der Globalisierung scheinen den ersten Befunden nach vielfältiger zu sein als oftmals behauptet wird: Wir finden eine Gleichzeitigkeit von Öffnung und selektiver Schließung, was auf eine Ausdifferenzierung der Grenzkontrollfunktion hindeutet. Zugleich wenden Staaten sowohl Strategien zwischenstaatlicher Kooperation und Makroterritorialisierung von Grenzen bei gleichzeitig erhöhtem Einsatz technischer Mittel und neuer Technologien als auch integrierte Ansätze der inneren

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und äußeren Sicherheit an. Ein allgemeiner Kontrollverlust des Staates kann auf der Basis unserer Erkenntnisse nicht ausgemacht werden, vielmehr zeigt sich eine Veränderung der Formen und Inhalte staatlicher Grenzregime.

1. Introduction

The literature on globalisation often argues that territorial borders are increasingly losing their importance for OECD member states. Some authors have even proclaimed the end of the territorial nation state and therefore of traditional forms of border control and identity checks. According to a thesis that has become prominent in the debate about globalisation, the primacy of the global economy has transformed states into lesser subjects of a »transnational liberalism« that will in the long run result in the dissolution of jurisdictional spaces hitherto characteristic of the nation state. Catchwords such as »vanishing borders«,[2] »virtual state«[3] and »borderless world«[4] have thus gained widespread acceptance within this context. Other theses, by contrast, predict a renaissance of the strong state. In the face of newly emerging global threats states are, according to them, showing strong interest in maintaining their control competence to the point that it becomes possible to speak of »rebordering«.[5] Despite possible gains from the »global market-place«, which might induce states to dismantle borders, the maintenance of security has remained a central motive of the state's legitimacy, leading nation states to reinforce their borders and border controls.

Less prominent theses about the long-term transformation of national borders tend to describe these changes in a more differentiated way. They, too, subscribe to a change in the role of territorial borders for the state, but the borders' lesser role is seen as less pronounced and limited to certain fields of the state's competence. In this perspective, change both affects the configuration of borders and results in the creation of functional equivalents of national borders and their control. National borders thus become more open but, at the same time, an increased selection takes place regarding various categories of persons wishing to enter the state's territory. This transformation of borders includes reinforced international cooperation and an increased delegation of border functions to supranational (or macro-territorial) entities. In addition, we assume that borders and border functions are being more and more replaced by other forms of control such as the labour market.[6]

2   H. French, Vanishing Borders: Protecting the Planet in the Age of Globalization, New York 2000.
3   R. Rosecrance, The Rise of the Virtual State, New York 1999.
4   K. Ohmae, The Borderless World, London 1990.
5   P. Andreas / T. J. Biersteker, The Rebordering of North America: Integration and Exclusion in a New Security Context, New York 2003.
6   See U. Schimank, Weltgesellschaft und Nationalgesellschaften: Funktionen von Staatsgrenzen, in B. Heintz / R. Münch / H. Tyrell, Weltgesellschaft, Sonderheft 2005, pp. 394–414.

The present article will focus on changes in the regulation and control of cross-border movements of persons by the state. The first part will provide an overview of the existing literature on the relationship between borders, identity checks, and the state within the historical context of nation-building. The second part will then describe changes in the cross-border movements of persons and resources, as well as in border regimes and identity checks with reference to empirical studies. Its starting point will be the question whether and to what extent cross-border movements of persons and resources have increased in recent decades. The analysis will show that the number of crossings varies strongly according to various factors and types of cross-border movements, as well as the state's control of these cross-border transactions. Furthermore, the transformation of borders will be outlined with reference to changes in their operative organisation and the shaping of border regimes. Recent empirical developments indicate that states increasingly conceive of the control of their borders as bilateral and multilateral issues to be dealt with through international cooperation or within the framework of supranational entities. To this must be added a distinct technological change in security and control systems for border surveillance. The new model of border control and its corresponding surveillance regime can be described as follows: state borders are to be shaped in the form of semi-permeable filters that allow for a differentiated control of some people while simultaneously ensuring greater openness for others. In the last part of the article, we will synthesise the results of our literature review. We will argue that the transformation of borders and the state's capacity to control them should not merely be evaluated on the basis of increasing cross-border mobility, as has often been done. This transformation should rather be contextualised and therefore be part of an integrative approach that takes into account the operational and institutional level of borders, i.e. their concrete organisation and the shaping of policy fields relevant to them.

2. Nation state, territoriality and state borders

Historically speaking, the paradigm of a nation state acting sovereignly within and outside its borders and exercising the sole legitimate political rule within a defined territory in a quasi-anarchical environment has long been the predominant model of political organisation.[7] This model of the nation state as a »container«[8] did not only exercise

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[7]   See U. Beck, Was ist Globalisierung?, Frankfurt a. M. 1997; U. Beck, The Cosmopolitan Perspective: Sociology of the Second Age of Modernity, in: British Journal of Sociology, 51 (2000) 1, pp. 79-105; J. Habermas, Die postnationale Konstellation. Politische Essays, Frankfurt a. M. 1998; J.H. Herz, Rise and Demise of the Territorial State, in: World Politics 9 (1957) 4, pp. 473-493; J.J. Mearsheimer, The Tragedy of Great Power Politics, New York and London 2001; C. Tilly, The Formation of National States in Western Europe, Princeton 1975; M. Zürn, The State in the Post-National Constellation. Societal Denationalization an Multi-Level Governance, ARENA Working Papers 35, 1999.

[8]   This concept has been borrowed from the sociological »container« theory of society, which conceptualises the nation state as a container for society, territory (the state's domination of space) and politics by referring to its monopoly of authority and physical violence. In this approach, state and society are conceived as distinct enti-

considerable historical and empirical influence but also dominated scientific-analytic conceptions.[9] In this perspective, the nation state as an ideal-type is based on the congruence of three elements: as a space of domination that unites a nation and state authority within a given territory.[10] From the point of view of international law, the nation state was the single sovereign subject of international relations, which claimed exclusive territorial sovereignty and the monopoly on the legitimate use of violence in its internal and external relations.[11] The historical premise for this exclusive role was the emergence of territorial rule and a sovereign nation, as well as the state's penetration of almost every sphere of life.[12]

The modern nation state whose democratically legitimised authority is concentrated within a given territory, came into existence with the French Revolution at the end of the eighteenth century and, in the course of the nineteenth and twentieth centuries, became the predominant model of political organisation.[13] According to Habermas, »the nation state and democracy were twins born of the French Revolution. From the cultural point of view, they exist in the shadow of nationalism.«[14] It was the context of these events that gave rise to new forms of collective identity which furthered the republican idea of an ethnic, cultural and political solidary community, i. e. the nation, and equated it with the political self-determination of a nation within a given territory. From its starting point in France, the classic territorial state developed into the territorially anchored democratic nation state that became the predominant model of the state in the Western world.[15]

ties (compare P.J. Taylor, The state as container: territoriality in the modern world-system, in: Progress in Human Geography 18 (1994) 2, 1994, pp. 151-162; J. Agnew and S. Corbridge, Mastering Space, Hegemony, Territory and International Political Economy, London and New York 1995; U. Beck, Was ist Globalisierung? (note 6).

9   See M. Zürn, ›Positives Regieren‹ jenseits des Nationalstaates. Zur Implementation internationaler Umweltregime, in: Zeitschrift für Internationale Beziehungen 4 (1997) 1, pp. 41-68.

10   In a more recent conception of the state, the legal trilogy of nation, state domination and territory is replaced by a link between territory, political domination and society (B. Buzan, People, States & Fear, New York 1991, p. 61).

11   As an ideal-type, this model of the nation state has been developed by the realist school of international relations. Hans Morgenthau describes international politics as an open multipolar system without higher decision-making and sanctioning authorities, in which sovereign nation states are the sole actors, trying to maximise their particular interests. In this model, states are characterised by full sovereign rights and an exclusive monopoly on legitimate violence within and outside their borders (see H.J. Morgenthau / A. A. Michelson / L. Davis, Politics Among Nations: the Struggle for Power and Peace, New York 1973). Prominent contemporary proponents of the strong nation state are, among others, J.J. Mearsheimer, The Tragedy (note 7) and K. Waltz, Theory of International Politics, New York 1979 and idem, Globalization and Governance, Columbia University, 1999. www.mthoyoke.edu/acad/intrel/walglob.html, last access: 20 April 2006).

12   J. Habermas, Faktizität und Geltung. Beiträge zur Diskussion des Rechts und des demokratischen Rechtsstaats, Frankfurt a. M. 1992; idem, Die postnationale Konstellation (note 7); J.H. Herz, Rise and Demise of the Territorial State (note 7); S. Rokkan, Staat, Nation und Demokratie in Europa, Frankfurt a. M. 2000.

13   This process has been described by K.W. Deutsch (Tides Among Nations, New York 1979, p. 301) as follows: »The importance of such nations is quite recent in world history. Nationalism and nation states go back at most to the Dutch and English revolutions of the sixteenth and seventeenth centuries, respectively. For most of Western Europe, nationalism grew into a mass movement and a major political force only with the French Revolution and its consequences.«

14   J. Habermas, Faktizität und Geltung (note 12), p. 634.

15   See U. Beck, The Cosmopolitan Perspective (note 7); J. Habermas, Faktizität und Geltung (note 12); idem, Die postnationale Konstellation (note 7); P. Hirst and G. Thompson, Globalization and the Future of the Nation State, in: Economy and Society 24 (1995) 3, pp. 408-442; S. Rokkan, Staat, Nation und Demokratie in Europa (note 12);

The national territory is being understood as a space that is enclosed by the borders of other states, over which the state exercises its territorial sovereignty, and for which it has achieved the recognition of its »monopoly on legitimate physical violence« (Max Weber). Borders in the sense of international law separate sovereign territories and »demarcate« the extent of state sovereignty. Hartshorne characterises borders generally as »that line which is to be accepted by all concerned as bounding the area in which everything is under jurisdiction of one state as against areas under different jurisdiction«.[16] In addition to this political-legal concept of borders, it is also possible to emphasise the strategic and procedural character of spatial control. Thus Sack understands territoriality as »spatial strategy to affect, influence, or control resources and people, by controlling area.«[17] Borders can therefore be seen as institutions of control aiming at the regulation of transboundary processes.[18]

During their formative period, states have made great efforts to establish their capacity to take action through control of their territory. To achieve this objective, central strategic resources and the population were brought under unified control and then defended against external influences.[19] Sovereign territory within fortified borders in turn made it possible to ensure security and protection for the population living on this territory.[20] Herz resumes the central physical and integrative capacities of the state »as an expanse of territory encircled for its identification and its defence by a ›hard shell‹ of fortifications. In this lies what will here be referred to as the ›impermeability‹, or ›interpenetrability‹, or simply the ›territoriality‹ of the modern state. The fact that it was surrounded by a hard

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C. Tilly, The formation of national states (note 7); M. Zürn, ›Positives Regieren‹ jenseits des Nationalstaates (note 9). Here, we can distinguish between the model of a liberal-democratic nation state (typically represented by the USA during Woodrow Wilson's presidency) and its republican counterpart (see M. Zürn, The State in the Post-National Constellation, note 7). Whereas the republican concept is based on a community of common descent with a shared culture, language and history, the liberal-democratic model looks to commonly exercised democratic participation and speech rights of its citizens to define its public status (see J. Habermas, Faktizität und Geltung, note 12). The first model is often linked to homogeneous centralised states, such as France and Sweden, while federal multi-ethnic states, such as Switzerland, the Netherlands and the United States, rather refer to the liberal model (see S. Rokkan, Staat, Nation und Demokratie in Europa, note 12).

16   R. Hartshorne, The functional approach in political geography, in R.E. Kasperson / J.V. Minghi (eds), The Structure of Political Geography, Chicago 1969, pp. 34-49, and in particular p. 44.

17   R. Sack, Human Territoriality, Cambridge 1986, p. 21. For an overview and a better comprehension of the role of borders in geography see D. Newman / A. Paasi, Fences and Neighbours in the Postmodern World: Boundary Narratives in Political Geography, in: Progress in Human Geography 22 (1998) 2, pp. 186–207.

18   See M. Eigmüller, Der duale Charakter der Grenze. Bedingungen einer aktuellen Grenztheorie, in: M. Eigmüller/G. Vobruba (eds), Grenzsoziologie. Die politische Strukturierung des Raumes, Wiesbaden 2006, pp. 55–73; G. Vobruba, Grenzsoziologie als Beobachtung zweiter Ordnung, in: ibidem, pp. 217-225.

19   M. Anderson, Frontiers: Territory and State Formation in the Modern World, Cambridge 1996; B. Buzan, People, States, and Fear (note 10); K.W. Deutsch, Nationenbildung – Nationalstaat – Integration, Düsseldorf 1972; S. Rokkan, Staat, Nation und Demokratie in Europa (note 12); C. Tilly, The formation of national states (note 7).

20   Buzan (People, States and Fear, note 10, p. 97) explains that states can be exposed to very different perils according to their constitution. These could be military, environmental, economic, political and social threats and insecurity, all of which might endanger the existence of both the population and the state. It is through the protection and defence of the population against these dangers that the state gains a central motive for its legitimacy.

shell rendered it to some extent secure from foreign penetration, and thus made it an ultimate unit of protection for those within boundaries.«[21]

National borders enclose a specific territory and allow for the surveillance and regulation of cross-border transactions and exchange. Differentiated border control – the decision as to which persons and goods may cross the borders of a nation state – is the central condition for the internal configuration of political resources, whether these concern legitimacy, fiscal politics, administration, or identity politics. In view of making claims on persons and their spatial mobility, states pursue the objective to bring under control and thus »anchor« in space a territory and the population living on it.[22] Torpey thus contends that »in order to extract resources and implement policies, states must be in a position to locate and lay claim to people and goods. (...) I believe we would do well to regard states as seeking not simply to penetrate but also to embrace societies, ›surrounding‹ and ›taking hold‹ of them – individually and collectively – as those states grow larger and more administratively adept. More than this, states must embrace societies in order to penetrate them effectively. Individuals who remain beyond the embrace of the state necessarily represent limits on its penetration. The reach of the state, in other words, cannot exceed its grasp.«[23] According to this view, it is impossible to establish political order without the collectivisation of territories and the population living on them.[24] It is only within clearly demarcated territorial entities that nation states have been able to concentrate political authority, to create a nation and to transform the national territory into the primary focus of economic, political and religious life. Furthermore, during their formative period, states have attempted to use border controls as a means to control the centrifugal forces resulting from social, ethnic, political and religious cleavages. In addition, they compete with other states or subnational entities within their borders, against which they have to affirm their sovereign claims.[25]

Consequently, the formation of the state was accompanied by a take-over or monopolisation of border functions. Whereas restrictions on personal mobility had earlier been imposed by a wide range of social, religious or political organisations, Western states have suppressed these barriers and have monopolised control functions, thus depriving

21   J.H. Herz, Rise and Demise of the Territorial State (note 7), p. 474.
22   The literature cited below shows that border conflicts are empirically the most frequent reason for armed conflicts between states. This can also be seen as proof of the role and importance of territorial control for nation states (see A. Hudson, Beyond the Borders: Globalisation, Sovereignty and Extra-Territoriality, Geopolitics 3 (1998) 1, pp. 89-105; J. Anderson / L. O'Dowd, Contested Borders: Globalization and Ethno-National Conflict in Ireland, in: Regional Studies 33 (1999) 7, pp. 681-696; M.W. Zacher, The Territorial Integrity Norm: International Boundaries and the Use of Force, in: International Organizations 55 (2001), 2, pp. 215-250).
23   J. Torpey, Coming and Going: On the State Monopolization fo the Legitimate ›Means of Movement‹, in: Sociological Theory 16 (1998) 3, pp. 239-259, and in particular p. 244.
24   S. Rokkan, Staat, Nation und Demokratie in Europa (note 12).
25   J. Anderson and L. O'Dowd (Contested Borders, note 22, p. 596) emphasise: »The nation-state ideal of cultural homogeneity and centralized political control is both confirmed and disrupted at the border. Here the divisive aspects of states and nationalism predominate over their unifying aspects, and that despite (or maybe because of) the fact that the borders of would-be nation states often fail to coincide with the borders of nation, culture or ethnicity.«

regional powers, corporate bodies, religious organisations, and non-state political entities of their hold over the »legitimate means of movement«. John Torpey even affirms that the appropriation of control over the movement of persons through border controls, passport and visa systems has led to a fundamental transformation of the social order, no less important than the monopolisation of the means of production by a class of capitalists, described by Marx, and the creation of a state monopoly on violence, described by Weber: »To these two, we must add a third type of ›expropriation‹ in order to make sense of the modern world – the monopolization of the legitimate means of movement by modern states and the international state system more broadly. While hardly seamless, this monopolization has been extremely successful in regulating population movements and sorting out who belongs where.«[26]

Furthermore, a closer look at the function of state control over cross-border movements of people makes it possible to distinguish two essential aspects. Firstly, border controls permit to regulate the mobility of persons living on the state‹s own territory, thus allowing the state to control and make use of central resources. Citizens are registered through systems of identification with the aim of regulating and controlling their mobility across national borders. Identification and control not only allow for the imposition of conscription, thus ensuring the defence, security and protection of the state and of its citizens, but also for the levy of taxes. These in turn guarantee the financial fundament of the state and its capacity to take action.[27] In addition, border controls allow controlling the access to social rights and privileges, thus ensuring the inclusion of the citizens into the state. Even in the fight against crime and threats to the public order caused by individuals, the personalised and standardised documentation, identification and control of the population plays a crucial role.[28] Secondly, identity checks at the border are useful for preventing unwanted persons from »outside« who might constitute a threat to the security of the citizens, from entering the territory. Among these unwanted persons are potentially violent demonstrators, criminals, hooligans, terrorists, persons seeking political asylum, and persons who have already been rejected, illegal immigrants as well as labour migrants.[29] Border controls also aim at refusing certain categories of foreigners access to public goods, such as security, health services, education and social transfers,

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26 J. Torpey, Coming and Going (note 23), p. 256. However, a number of publications on migration, mobility and the state have suggested that World War I should be considered as the true turning point of border and mobility controls. By contrast, the nineteenth century has been described as the era of laissez-faire, with little developed passport systems and systems of border control (M.R. Marrus, The Unwanted: European Refugees in the Twentieth Century, New York 1985). But, contrary to this reading, it is possible to maintain that even before 1860, there existed a number of regulations limiting mobility inside and between states. During this same period of relative permeability, certain categories of persons (for example, the poor) were hindered in their mobility. Additionally, a number of functional equivalents to territorial control reduced the necessity for border controls.

27 See J.J. Mearsheimer, The Tragedy (note 7); J. Torpey, Coming and Going (note 23); K. Waltz, Globalization and Governance (note 11); U. Wesel, Geschichte des Rechts. Von den Frühformen bis zum Vertrag von Maastricht, München 1997.

28 See J. Caplan and J. Torpey (eds), Documenting Individual Identity, Princeton 2001.

29 See P. Andreas/T. Snyder (eds), The Wall around the West: State Borders and Immigration Controls in North America and Europe, Lanham, MD 2000.

which are generally limited to citizens and foreign legal residents, whereas non-citizens are excluded, among others, through border controls. Furthermore, states seal off their territory against labour migration, goods, and services with the aim to protect their labour markets and businesses against foreign competitors.

Control over personal mobility thus establishes a link between territorial borders and membership boundaries.[30] While territorial borders allow for the control of physical movements and thus of entry to or exit from a national territory, membership boundaries regulate access to certain social subsystems and services, such as education, social transfers and the labour market. While states are generally able to regulate inclusion into these systems, they are not in complete control of this process. Thus, on the one hand, access to the mechanisms of inclusion into (labour) markets and other social systems is limited;[31] on the other hand, the universalisation of legal rights and principles of non-discrimination and participation is imposing restrictions on state action, which do not allow for the complete exclusion of persons staying on the national territory.[32] Entry and exit controls along the borders therefore play a central role in the »protection« and demarcation of membership spaces.[33] Here Wimmer suggests that »the formation of societies constituted as nation states should be seen as a dialectic process where internal integration through extended rights for citizens and social exclusion of foreigners mutually reinforce themselves. In the final phase of this process of exclusion, even access to the national territory is subject to strict control.«[34]

3. Consequences of globalisation for territorial borders

The analytical model of the nation state as a closed and self-sufficient entity has increasingly been criticised since the early 1970s. A growing number of authors argue that global and international exchange and networks have led to an erosion of the »container« model.[35] The rising numbers of cross-border movements of persons, information, capi-

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30 G. Preyer / M. Bös, Introduction: Borderlines in Times of Globalization, in: idem (eds), Borderlines in a Globalized World: New Perspectives in a Sociology of the World System, Dordrecht 2000, p. xii; S. Rokkan, Staat, Nation und Demokratie in Europa (note 12), p. 134.

31 M. Bommes / J. Halfmann, Migration und Inklusion. Spannungen zwischen Nationalstaat und Wohlfahrtsstaat, in: Kölner Zeitschrift für Soziologie und Sozialpsychologie 46 (1994) 3, pp. 406-424.

32 B. Nauck, Migration, Globalisierung und der Sozialstaat, in: Berliner Journal für Soziologie 9 (1999) 4, pp. 479-493.

33 U. Schimmank, Weltgesellschaft und Nationalgesellschaften (note 6).

34 A. Wimmer, Binnenintegration und Außenabschließung, in: M. Bommes / J. Halfmann (eds), Migration in nationalen Wohlfahrtsstaaten, Osnabrück 1998, pp. 199-222, and in particular p. 200.

35 See M. Albrow, Abschied vom Nationalstaat, Frankfurt a. M. 1998; U. Beck (ed), Politik der Globalisierung, Frankfurt a. M. 1998; P.G. Cerny, Globalization and the Erosion of Democracy, in: European Journal of Political Research 36 (1999) 1, pp. 1-26; D. Held / A. McGrew / D. Goldblatt / J. Perraton, Global Transformation, Cambridge 1999; R. Rosecrance, The Rise of the Virtual State (note3); J. N. Rosenau / E. O. Czempiel (eds), Governance Without Government: Order and Change in World Politics, Cambridge 1992; S. Sassen, <Globalization or Denationalization www.ssrc.org/programs/publicatons_editors/publicationsitems.sassen.pdf > (access 30 January 2006); M. Zürn, Regieren jenseits des Nationalstaates: Globalisierung und Denationalisierung als Chance, Frankfurt a. M. 1998.

tal, goods, and services, as well as growing interdependencies between the states in the context of globalisation are generally being interpreted as indicators of the changing role of borders within the framework of the nation state. This leads to the question as to whether the classic model of the state with its corollary hypothesis of the important function of territorial control through borders can survive as an unquestioned analytical given within the social sciences.[36]

In the course of these debates, it has been claimed that state borders have increasingly lost importance and no longer play a decisive role in structuring social, political and economic transactions. Various authors are talking of »vanishing borders«[37] and a »borderless« or »seamless world«[38], thereby implying a loss of the function of national borders. Proponents of this thesis assume that the primacy of the global economy will transform states – and together with them national borders – into lesser subjects of transnationalism. According to them, the politically intended intensification of international trade and of interdependencies between national economies, as well as the ongoing differentiation of the division of labour between productive locations will transform national borders and the barriers they impose on mobility into anachronisms.[39] In the long run, this development would lead to the dissolution of the nation state's jurisdictional spaces and, finally, of the nation state itself.[40] Since, in the course of this process, border functions are being partially transferred to larger or non-territorial political entities, this would affect the effects of borders on entry and exit controls of persons, and on the monitoring of the resident population.[41] The trade-off between mobility and security would disappear in favour of hoped-for gains in public welfare from the global market-place and result in the suppression of identity checks at national borders. Security would no longer be conceived as a task primarily carried out by the nation state, but as a common task aiming at establishing »common security«.[42]

J. Habermas (Die postnationale Konstellation, note 7, p. 94) correctly points out: »The territorial state, the nation and an economy constituted within national borders have then formed an historic constellation in which the democratic process was able to become a more or less convincing institution. (…) This constellation is being questioned today through an evolution that has since attracted wide attention under the name of ›globalisation‹.« (authors' translation).

36   See critically N. Brenner, Beyond State-Centrism? Space, Territoriality, and Geographical Scale in Globalization Studies, in: Theory and Society 28, 1999, pp. 39-78, and particularly p. 40; see also K. Waltz, Globalization and Governance (note 11).

37   H. French, Vanishing Borders (note 2).

38   P. Krugman / A.J. Venables, The Seamless World: A Spatial Model of International Specialization, Working Paper 5220, National Bureau of Economic Research 1999; K. Ohmae, The Borderless World (note 4).

39   Cf P. G. Cerny, Globalisation and the Erosion of Democracy (note 35); R. Rosecrance, The Rise of the Virtual State (note 3).

40   Cf. J. Anderson / E. van Wincoop, Borders, Trade and Welfare, Paper presented at the Brookings Trade Forum 2001 on Globalization: Issues and Implications, May 10-11, 2001; R. Falk, Revisiting Westphalia, Discovering Post-Westphalia, in: The Journal of Ethics 6, 2002, pp. 311-352; R. Walker, Inside / Outside: International Relations as Political Theory, Cambridge 1993.

41   J. Agnew / S. Corbridge, Mastering Space (note 8).

42   See Palme Commission (Independent Commission on Disarmament and Security Issues), Common Security: A Blueprint for Survival, New York 1982. R. Rosecrance (note 3, pp. 89sqq), for example, argues that states in times of a globalised and interdependent economy no longer dispute wars and conflicts over territories with

A variation of this thesis describes the future of the state with catchwords such as »Weltstaat«, »global state« and »world society«.[43] More pointedly, its proponents contend that supranational institutions and organisations will be reinforced, the state will be newly conceptualised, and the traditional nation state will become obsolete in the long run. According to Albrow, »[this] state is decentred, transcends national borders and is penetrating the daily routines of people through which it realises itself. In this way a global state is emerging parallel to the growth of a global society.«[44] Consequently, persons would be integrated into a global civil society in which global citizenship replaces national citizenship. Borders and territorial control, which constitute the state's monopoly on violence, as well as forms of territorial exclusion and inclusion derived from the nation state, would thus lose importance.

By contrast, proponents favouring the thesis of a strong nation state observe a process of »rebordering«.[45] This position makes two assumptions: on the one hand, nation states continue to be seen as the sole relevant actors within the anarchic international system; on the other hand, security constitutes the predominant issue of state actions.[46] This means that nation states are reinforcing border controls and identity checks in response to growing international threats posed by other states – and by »informal violence« in particular –,[47] and aim at making them more effective and more efficient.[48]

Another position taken in this debate also stresses the continuous central importance of national borders but claims that the organisation of control is subject to fundamental changes.[49] According to this view, states have remained central actors of a network of international organisations, regional federations, and transnational enterprises because, first, they provide the infrastructure of globalisation in the form of legal norms, public security, and welfare; secondly, processes of globalisation become material on national

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arms. Progressive market integration is supposed to result in extended cooperation between states. Security aspects, such as the security of territories or border controls, become less important than gains from the »global market-place«. B. Buzan (Economic Structure and International Security: The Limits of the Liberal Case, in: International Organization 38 (1984) 4, pp. 597-624, and in particular p. 607), by contrast, contends that not the liberal economic system should constitute the key factor in explaining the dwindling number of armed conflicts between states, but rather the logic of international threats (e.g. the existence of nuclear weapons of mass destruction) and the logic of political structures (e.g. bi-polarity).

43   M. Albrow, Abschied vom Nationalstaat (note 35).
44   Ibid., p. 268.
45   See P. Andreas / T. Biersteker, The rebordering of North America (note 5).
46   B. Buzan, People, States and Fear (note 10), p. 13.
47   R.O. Keohane (The Globalization of Informal Violence, Theories of World Politics, and the ›Liberalism of Fear‹, in: Dialog-IO 1, 2002, pp. 29-43 and in particular p. 31) defines informal violence as »violence committed by non-state actors who capitalize on secrecy and surprise to inflict great harm with small material capabilities. Such violence is ›informal‹ because it is not wielded by formal state institutions and it is typically not announced in advance, as in a declaration of war. Such violence becomes globalized when the networks of nonstate actors operate on an intercontinental basis, so that acts of force in one society can be initiated and controlled from very distant points of the globe.«
48   See J.J. Mearsheimer, The Tragedy (note 7).
49   See P. Andreas, Redrawing the Line, Borders and Security in the Twenty-First Century, in: International Security 28 (2003) 2, pp. 78-111; P.G. Cerny, Globalisation and the Erosion of Democracy (note 35).

territories; and, thirdly, national territories are little affected.[50] However, proponents of this thesis also observe that border controls and identity checks are being carried out more selectively, for instance in the form of »smart borders«.[51] The latter allow for differentiated controls that distinguish between »high-risk« and »low-risk traffic«. Whereas borders are of very little importance to categories of persons considered as low risk, they become almost insurmountable obstacles for those persons classified as high risk. In the face of threats stemming, for example, from terrorism, organised crime, and illegal migration, border controls and identity checks are implemented in such a way that they simultaneously comply with criteria of permeability and selective differentiation for various categories of persons.[52] In this scenario, it is possible to control borders in an increasingly tight cooperation with other states, or partly even via private actors, or to shift them towards macro-territorial boundaries. While this thesis, too, suggests a concomitant possible loss of the state's control capacity – as it refrains from exercising its monopoly on control with regard to certain categories of persons in view of realising welfare gains[53] – states would nonetheless retain the capability to resume or reinforce border controls and identity checks in times of crisis.[54]

Even assuming the emergence of functional equivalents, borders would have a different but still central significance. Schroer thus argues against the thesis that borders will become obsolete: »The theoreticians of deterritorialisation and the enthusiasts of globalisation stop with the news that borders are disappearing. They forget that wherever a border is disappearing another one is being created elsewhere. Even borders seem to be subject to the laws of entropy. Borders do not disappear but shift their location and change their shape, disappear from one place only to reappear in another, change from clearly visible borders into less distinct invisible ones.«[55] In the future, this would allow states or even non-political entities to increasingly differentiate between memberships and geographical location.[56] If we apply this to the equivalents of national borders, this could mean that

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50   See N. Brenner, Globalisierung und Reterritorialisierung: Städte, Staaten und die Politik der räumlichen Redimensionierung im heutigen Europa, in: Welt Trends – Zeitschrift für internationale Politik und vergleichende Studien 17, 1997, pp. 7-30; P. Hirst / G. Thompson, Globalisation and the Future of the Nation State (note 15); S.D. Krasner, Globalization, Power, and Authority, Paper presented during the American Political Science Association's Annual Meeting in San Francisco, August 29 – September 2, 2001; S. Sassen, Globalization or Denationalization (note 35).

51   M.B. Salter, Passports, Mobility, and Security: How Smart Can the Border Be?, in: International Studies Perspectives 5, 2004, pp. 71-91.

52   P. Andreas / R. Price, From War Fighting to Crime Fighting: Transforming the American National Security State, in: International Studies Association 3, 2001, pp. 31–52.

53   This evolution should be seen in analogy to the control of capital flows. States refrain from controlling capital flows because they do not have the necessary regulatory capacity and wish to avoid potential sanctions by the market. Consequently, opportunity costs are estimated at a higher level than the long-term benefits to be gained from free trade (see P. G. Cerny, Globalisation and the Erosion of Democracy, note 35).

54   See N. Brenner, Globalisierung und Reterritorialisierung (note 50); P. G. Cerny, Globalisation and the Erosion of Democracy (note 35); P. Hirst / G. Thompson, Gloablisation and the Future of the Nation State (note 15); S. Sassen, Territory and Territoriality in the Global Economy, in: International Sociology 15 (2000) 2, pp. 372–393.

55   M. Schroer, Räume, Orte, Grenzen. Auf dem Weg zu einer Soziologie des Raums, Frankfurt a. M. 2006, pp. 222sq.

56   D.J. Elkins, Beyond Sovereignty, Territory and Political Economy in the Twenty-First Century, Toronto 1995; U. Schimank, Weltgesellschaft und Nationalgesellschaften (note 6), p. 411.

non-members might be allowed easy access to the national territory while being kept out from the labour market, political participation or social transfers, all of them remaining limited to members. This differentiation might be implemented through greater efforts at control inside a country, whereas classic border controls would largely be abolished or delegated to larger entities in view of preventing large-scale migration between spaces characterised by socio-economic disparities. However, it is not yet possible to predict the inevitability of this process or the possible future obsolescence of differential controls at entry points to the national territory. In this sense Schimank notes: »As of today this thesis [of state borders as a necessity of world society] should be understood in the sense that national borders have been a functional necessity for the reproduction of world society, have existed at the most as marginal functional equivalents. It must remain open whether national borders might in future be replaced by other large-scale mechanisms.«[57]

The above theses should not be considered as mutually exclusive; they refer to similar empirical phenomena but extrapolate them differently within a particular conceptual and theoretical framework. However, as indicated by extracts from the ongoing debates, the container model of the nation state and the architecture of its territorial borders are subject to change pressures. Yet, the transformation of borders has hardly been investigated systematically up to now. The following part will attempt to give a summary account of the evolution in the cross-border movements of persons and then address the question as to how control is organised and implemented.

3.1. Developments in the mobility of persons

In the literature on globalisation, the increase in cross-border mobility and cross-border transactions is seen as a central indicator for greater global integration. While empirical indicators suggest major differences between the various forms of mobility and transactions,[58] it is often assumed that these must be seen as part of an »overall syndrome«, and that the trend toward less borders applies to the whole range of cross-border transactions and forms of mobility formerly regulated by the state. Starting with this assumption, the following paragraph will address the question as to what extent cross-border movements of persons have changed in recent decades, and whether it will be possible to draw conclusions hinting at a modified control capacity of the state. Changes in the field of cross-border movements of persons must be seen against the background of the cross-border mobility of other, mainly economic factors. The strong increase in international economic relations and of international networks since World War II goes back to the Bretton Woods Conference of 1944.[59] In particular since the 1970s, there has been a

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57   U. Schimank, Weltgesellschaft und Nationalgesellschaften (note 6), p. 399.

58   See M. Zürn, Regieren jenseits des Nationalstaates (note 35).

59   See M. Beisheim / S. Dreher / W. Gregor / B. Zangl / M. Zürn, Im Zeitalter der Globalisierung? –Thesen und Daten zur gesellschaftlichen und politischen Denationalisierung, Baden-Baden 1999; Deutscher Bundestag, Schlussbericht der Enquete-Kommission, Globalisierung der Weltwirtschaft, Opladen 2002; D. Held / A. McGrew / D. Goldblatt / J. Perraton, Global Transformation (note 35); P. Legrain, Open World: The Truth about Globalization, Chicago 2002; R. Rode, Weltregieren durch internationale Wirtschaftsorganisationen, Münster 2002; idem, In-

strong push towards economic integration and towards the internationalisation of markets, though largely limited to the prosperous OECD member states.[60] As far as the mobility of central economic resources – such as knowledge and information, capital, goods, and services – is concerned, the last decades have seen an almost invariable opening up of national markets and, as its corollary, a greater permeability of borders.[61] Hirst and Thompson thus note: »Nation states […] have become the local authorities of the global system. They can no longer independently affect the level of economic activity or employment within their territories; rather, that is dictated by the choice of internationally mobile capital.«[62] At the same time, the increasing integration and internationalisation of trade and production is affecting other fields of cross-border exchange, including the way border controls are being implemented by the state.[63] Considerably less control has been exercised by the various states with regard to resources including knowledge, capital, and goods; this can be explained as resulting from the greater mobility of these factors and the decentralised nature of integration.[64] It remains, however, an open question whether the decrease in border controls should be interpreted as a loss of the state's control *capacity* or as an intended (and potentially reversible) change.

It is as yet unclear whether this loss or renunciation of control applies to the cross-border movements of persons.[65] Indeed, the number of border crossings has considerably increased in recent decades, though significant variations as to the various forms of mobility are evident.[66] With regard to the mobility of persons, we can distinguish two major types of long-term and short-term mobility by taking into account the duration of the stay and its motives. In the field of long-term mobility, *migration* plays a crucial role and has strongly increased in absolute terms over the last decades. While the number of migrants has been estimated at 75 millions in 1965, it has reached roughly 175 million in

ternationale Wirtschaftsbeziehungen, Münster 2002; R. Zolberg, Labour Migration and International Economic Regimes: Bretton Woods and After, in: in Mary M. Kritz / Lin Lea Lim / Hania Zlotnik (eds), International Migration Systems: A Global Approach, Oxford 1992, pp. 315–334; M. Zürn, Regieren jenseits des Nationalstaates (note 35).

60   P. Legrain (Open World, note 59, pp. 110 sqq) estimates that today roughly two thirds of the world's population are participating in globalisation, but that some 75% of worldwide trade is taking place between the three major »hubs« that are the EU, NAFTA and Japan.

61   One exception is the market for services, still characterised by a comparatively high degree of national protectionism. A detailed presentation of the evolution of these resources can be found in S. Mau / J.-H. Kamlage / T. Kathmann / S. Wrobel, Staatlichkeit und Territorialgrenzen und Personenmobilität, TranState Working Papers 51, Bremen 2007.

62   P. Hirst / G. Thompson, Globalisation and the Future of the Nation State (note 15), p. 414.

63   See B. Anderson, Introduction, in: G. Balakrishnan (ed), Mapping the Nation, London 2000.

64   See M. Beisheim / S. Dreher / W. Gregor / B. Zangl / M. Zürn, Im Zeitalter der Globalisierung (note 59); P. Hirst / G. Thompson, Gloablisation and the Future of the Nation State (note 15); P. Legrain, Open World (note 59); M. Zürn, Jenseits der Staatlichkeit: Über die Folgen der ungleichzeitigen Denationalisierung, in: Leviathan 20 (1992) 4, pp. 490-513.

65   B. Anderson, Introduction (note 63); J. Torpey, The Invention of the Passport: Surveillance, Citizenship and the State, Cambridge 2001.

66   Deutscher Bundestag, Schlussbericht (note 59); D. Nayyarn, Cross-Border Movements of People, Working Papers 194, UNU World Institute for Development Economics Research 2000; H. Overbeck, Globalisation and Governance: Contradictions of Neo-Liberal Migration Management, HWWA Discussion Paper 174, Hamburg 2002; J. Torpey, The Invention of the Passport (note 65).

2000, or about 3% of the world's total population.[67] OECD member states are absorbing roughly two-thirds of all migrants; it has also been noted that migratory flows and motives for migration tend to diversify on a global scale.[68]

Quantitatively speaking, the most significant form of migration is *family migration*, i. e. family members joining labour migrants.[69] Because of a growing number of legal norms regulating this form of migration, it is estimated that states are left with little freedom of action in this matter.[70] However, they may fix certain criteria (such as the age of family members or the definition of who qualifies as a family member). It should be noted that a number of the leading industrialised nations have not yet ratified the UN convention on migrants and their family members.[71]

With regard to *international labour migration,* we can distinguish several cycles since the 1950s. Nayyar has identified two major phases since World War II.[72] The first twenty-five years have been characterised by a strong increase in numbers, the second phase by a general halt of migration in Europe, which was accompanied by the introduction of wide-ranging restrictions and regulations for migration candidates. By contrast, labour migration within the European Union is politically intended and being promoted, albeit with comparatively few results.[73]

The numbers of *asylum seekers* and *refugees* have shown a strong increase during the 1980s and 1990s: while about 30,000 applications for political asylum were annually registered in the industrialised states during the early 1970s,[74] their number grew to 110,000 in 1983, and to 892,000 in 1992.[75] According to the UNHCR, the worldwide number of refugees grew from roughly 2.5 million in 1975 to 18.2 million in 1993. Since 2000, the number of refugees as well as the number of applications for political asylum registered

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67 G. Hödl / K. Husa / C. Parnreiter / I. Stacher, Internationale Migration: Globale Herausforderung des 21. Jahrhunderts?, in: K. Husa / C. Parnreiter / I. Stacher (eds), Internationale Migration: Globale Herausforderung des 21. Jahrhunderts?, Frankfurt a. M. 2000, pp. 9–23; Sachverständigenrat für Zuwanderung und Integration (ed), Migration und Integration – Erfahrungen nutzen, Neues wagen, Jahresgutachten 2004, Nürnberg 2004. There have been few changes in the number of migrants measured against the total world population because of rapid demographic growth on some continents over the last four decades (Demetrios G. Papademetriou, Managing International Migration Better: Principles and Perspectives for Gaining More from Migration, Migration Policy Institute <www.bamf.de/cln_042/SharedDocs/Anlagen/DE/Migration/Downloads/Expertisen/exp-demetrious-zuwanderungsrat,templateID-raw,property-publicationFile.pdf/exp-demestrious-zuwanderungsrat.pdf>, last access: 20 January 2006).

68 P. Hirst / G. Thompson, The Limits to Economic Globalization, in: D. Held / A. McGrew (eds), The Global Transformation Reader, Cambridge 2003, pp. 335-348, and in particular p. 336.

69 Sachverständigenrat (ed), Migration und Integration (note 67).

70 Ibid., p. 153.

71 UN Resolution 45 / 158 has been passed on 18 December 1990 and enacted on 1 July 2003. S. Dreher, Vom Wohlfahrtsstaat zum Wettbewerbsstaat? Die Bedeutung der Migration in der Globalisierungsdebatte, in: U. Hunger / B. Santel (eds), Migration im Wettbewerbsstaat, Opladen 2003, pp. 13–31 and in particular p. 15.

72 D. Nayyar, Cross-Border Movements of People (note 66).

73 F. Vandamme, Labour Mobility within the European Union: Findings, Stakes and Prospects, in: International Labour Review 139 (2000) 4, pp. 437-455.

74 D. Nayyar, Cross-Border Movements of People (note 66), p. 5.

75 F. Düvell, Europäische und internationale Migration. Einführung in historische, soziologische und politische Analysen, Hamburg 2006, p. 65.

in OECD member states has dropped sharply.[76] In Europe, this trend can be explained by the fact that entry into EU member countries is no longer possible via so-called »secure third-party states« because asylum seekers and refugees are supposed to be already safe from prosecution in these transit countries.[77] This has lead to huge numbers of migrants in the EU's neighbouring states, who are awaiting entry into the country of their final destination or who are attempting to illegally enter the EU.[78] In addition, the qualification of countries of origin as safe or unsafe has generally shifted at the expense of the applicants' interests.[79]

While there are no reliable numbers with regard to the evolution of *illegal migration*, researchers in principle agree on its increase. In Europe, illegal migrants are estimated to number some 5 million in addition to roughly 56 million legal migrants, with an annual increase of 500,000 persons.[80] Estimations for the United States indicate 8.5 million illegal migrants in addition to the 35 million legal migrants.[81] One indicator for the growing number of illegal migrants is the evolution in the number of so-called »visa overstayers«, i. e. persons who enter the country with a tourist visa but do not leave after its expiration and therefore continue to stay on illegally.[82] Similarly, the regularisation procedures implemented in various countries can to some extent provide data about the growing numbers of illegal migrants. Their repeated implementation suggests a strong flow of illegal migrants toward the countries that are implementing them, although these procedures affect only part of these migrants.

In addition to the already mentioned forms of long-term migration, there is short-term migration, such as tourism, student migration, and temporary labour migration. Generally, these forms are economically beneficial for the destination countries and are therefore being promoted by the state. Thus, highly qualified migrants, those with a contract for work and labour, as well as seasonal labour migrants have been excluded from the general prohibition of labour migration that is being practised in many industrialised countries. Among the European countries that explicitly favour the immigration of *high-*

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76   UNHCR, Asylum Levels and Trends in Industrialized Countries, 2006, Geneva 2007, pp. 3sq.

77   The only possibility of direct entry is by air. A number of OECD member countries have consequently introduced the so-called »airport procedure« (Europäische Kommission gegen Rassismus und Intoleranz, Zweiter Bericht über Deutschland, p. 32, <www.coe.int/T/e/human_rights/ecri/5-Archives/1-ECRI's_work/5-CBC_Second_reports-German%20version.pdf >, last access 17 January 2006). This procedure, which is based on the detention of candidates for asylum in the transit area of an airport until the final decision on their application has been made, presents an interesting case for the transformation of borders discussed here. The German federal government contends that these transit areas are located outside the Federal Republic of Germany, but are still »fully [subject to] intervention based on full sovereign rights« and form »part of the sovereign territory of the Federal Republic of Germany« (Deutscher Bundestag, Drucksache 13 / 4861 of 12 June 1996 [authors' translation]). Thus, a distinction is being made between the geographical territory, which is claimed to achieve full power of control over asylum seekers, and the border, which must be passed to validate entry of the territory.

78   Sachverständigenrat, Migration und Integration (note 67), p. 38.

79   Human Rights Watch, World Report 2006, <www.hrw.org/wr2k6/wr2006.pdf > (last access: 18 January 2006).

80   Global Commission on International Migration (GCIM), Migration in einer interdependenten Welt: Neue Handlungsprinzipien, Bericht der Weltkommission für Internationale Migration, Berlin 2005, p. 85.

81   OECD, Trends in International Migration, Paris 2003, p. 279.

82   Ibid.

ly qualified people are France, Great Britain, Ireland, and –, since the introduction of a green card in 2000 – Germany. The United States have, however, remained the country with the highest rate of labour permits for highly qualified migrants.[83] *Seasonal migrants and those with a contract for work and labour* are generally among those with little or no professional qualifications. All these forms of migration have seen a steady increase, even during less favourable economic periods: In selected EU countries, the respective annual growth rates for 2001 have reached 50% (Great Britain and Ireland), 37% (France) and 24% (Germany). But strong variations occur as states define quotas according to their economic needs.[84]

An increase can also be observed for other forms of temporary migration, and for *student migration* in particular.[85] According to statistical data from the OECD, 1,522,700 foreign students were residing in OECD countries in 2000,[86] with most of them in the United States (slightly more than one third of the total numbers). The number of foreign students in the United States reached 366,000 in the late 1980s[87] and has grown to 475,000 in 2000.[88]

Tourism is another form of temporary migration promoted by many states because of its economic benefits. It is estimated that some 11 to 15% of the gross national product in North America and the European Union derives from the tourist sector.[89] Worldwide numbers have risen from 25 million in 1950 to more than 635 million arrivals in 1998, increasing by a factor of 25; OECD countries are at present the most popular destination countries.[90] In 2004, 9.8% of the worldwide travel went to France, 7% to Spain, and 6% to the United States.[91] Several OECD member countries only provide data about the number of arrivals, which do not allow for a distinction between the various motives for travelling. Where data are available, it can be observed that all kinds of travel have increased during the last fifteen years.[92] Business travel has shown a particularly strong increase, with an average annual growth rate of 6.4%, whereas tourist travel has increased on average by 3.9% per year. Furthermore, travel abroad has increased with respect to all forms of travel within many OECD member countries. This is particularly true for Canada, Germany, France, Great Britain, Italy, and the United States.[93]

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83 Sachverständigenrat, Migration und Integration (note 67), p. 45.
84 Ibid., p. 46. This source does not provide absolute numbers.
85 R. Stichweh, Die Weltgesellschaft. Soziologische Analysen, Frankfurt a. M. 2000, pp. 146sqq.; P. Han (Soziologie der Migration, Stuttgart 2005, pp. 120-123) notes that this form of migration, though conceived by the state as a short-term measure, has to a large extent become permanent.
86 OECD, Trends (note 81), p. 28.
87 S. Castles / M. Miller, The Age of Migration: International Population Movements in the Modern World, Houndmills 1993, p. 162.
88 OECD, Trends (note 81), p. 28
89 www.world-tourism.org (last access: 13 January 2007).
90 H. French, Vanishing Borders (note 2), p. 6.
91 World Tourism Organization, Tourism Market Trends, world-tourism.org (last access: 20 May 2006).
92 Ibid.
93 M. Beisheim / S. Dreher / W. Gregor / B. Zangl / M. Zürn, Im Zeitalter der Globalisierung (note 59).

Overall, the number of cross-border movements of persons has shown a greater variety than it has been the case with the above-mentioned economic factors. Whereas the latter generally register a strong increase in cross-border transactions (with the exception of services), the movements of persons are characterised by a contradictory evolution. On the one hand, forms of mobility that provide economic benefits are being promoted and have led to a significant increase in the number of border crossings during the last decades, with tourists, highly qualified persons, seasonal migrants, those with a contract for work and labour, as well as students being among the economically »desirable« categories of persons. In addition, migration has been facilitated in a number of ways between OECD member countries or within the context of supranational communities such as the EU.[94] On the other hand, the number of border crossings thought to provide no economic benefits or to constitute a security risk has dropped. Chiswick and Hatton argue that the restrictive migration policies of OECD member countries are a major obstacle to world-wide migration toward economically prosperous countries.[95] The importance of security-related considerations with regard to cross-border movements of persons has become evident, in particular, against the background of the terrorist attacks on 11 September 2001. Persons who, because of their personal or structural characteristics, are suspected of being a security risk have been experiencing strong restrictions on their entry to the concerned states.[96] When comparing these contradictory trends, it becomes evident that the state continues to play an important role with respect to the cross-border movements of persons. It does so by differentiating between categories of desirable and undesirable persons and by implementing measures to facilitate or to restrict movements. Although the number of border crossings has increased in many fields, the entry and residence of persons are still subject to state regulation. Here, it is possible to observe a simultaneous opening up and closing that suggests a specialisation and diversification of borders and spaces.[97] Border controls have been adapted to specific categories of persons: for certain people their function as a barrier has almost disappeared, while other persons are still forced to accept severe restrictions on their movements.

3.2 The internationalisation of borders and their technological transformation

Ultimately, the transformation of borders, the form they take, and the state's capacity to control them cannot, as often implicitly suggested in the debate about globalisation, be explained on the basis of increasing numbers of cross-border transactions and cross-border movements of persons only. Indeed, the actual transformation of borders, as well as the state's capacity to control them can only be understood within the framework of

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94   Tourists from OECD member countries do no longer experience significant barriers during cross-border move-
      ments thanks to greater facilities in obtaining visas or gaining entry.
95   B.R. Chiswick/T.J. Hatton, International Migration and the Integration of Labor Markets, IZA Discussion Paper
      559, Bonn 2002.
96   H. Pellerin, Migration and Border Controls in the EU: Economic and Security Factors, in: J. DeBardeleben (ed),
      Managing the Divide in an Enlarged Europe, Aldershot 2005, pp. 105-122.
97   See M. Schroer, Räume, Orte, Grenzen (note 55), p. 233.

an integrated approach that includes border control regimes. The quantitative evolution of cross-border movements should therefore be interpreted as an indicator of the state's control, or the (selective) permeability of a specific border, and not as a loss of the state's control capacity or as the simple dismantling of borders.

Progressive globalisation and its corollary, the increased mobility of resources and persons, raise the question of how states react to the increasing number of border crossings in terms of control. Within this context, two trends can be observed, which can be subsumed by the keywords of »internationalisation« and »technological change«. With respect to the former, there appears to have occurred a fundamental change in the way states are using their frontiers: While formerly, border control was an exclusively sovereign task, it is now increasingly being organised as a bilateral or multilateral affair. Border agreements and treaties, cooperation in the fields of border security and information exchange, as well as between security agencies, shared criteria for visas and entry, and common databanks are among the major elements of this development.[98] However, there are great variations as to the kind, degree, and form of cooperation.[99] The latter ranges from common information systems for border controls and identity checks, shared law enforcement on drug trafficking and controls of immigrants to the development of a common infrastructure for border controls and border security. Another evolution with regard to internationalisation concerns the shift of border controls toward the supranational, or macro-territorial, level. Central characteristic of this process are the de-institutionalisation of international borders and a trend toward the growing importance of the external boundaries of a territory comprising several nation states, in which the control and protective function of the border is increasingly being administered through cooperation between several countries.[100] This has resulted in the evolution of larger geographical-territorial areas with partially homogeneous standards for border regimes, border security and border controls, which ensure greater internal permeability, whereas border control functions are shifted toward the external boundaries and thus operate as »macro-regional borders«.[101] The best example of this evolution is the European Union.[102] Within the EU, an economically, legally and socially unified area is contributing

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98 See J. Anderson / L. O'Dowd / T.M. Wilson, New Borders for a Changing Europe: Cross-Border Cooperation and Governance, London and Portland 2003; A. Church / P. Reid, Cross-Border Co-operation, Institutionalization and Political Space Across the English Channel, in: Regional Studies 33 (1999) 7, pp. 643-655; S.E. Flynn, Beyond Border Control, in: Foreign Affairs 79 (2000) 6, pp. 57–68; M.B. Salter, Passports, Mobility, and Security (note 51); J.W. Scott, European and North American Contexts for Cross-border Regionalism, in: Regional Studies 33 (1999) 7, pp. 605–647.

99 M. Cottam, Border Management Issues, Paper presented at the workshop on »Managing International and Inter-Agency Cooperation at the Border«, Geneva 2003; M.B. Salter, Passports, Mobility, and Security (note 51).

100 S. Mau, Die Politik der Grenze. Grenzziehung und politische Systembildung in der Europäischen Union, in: Berliner Journal für Soziologie 1, 2006, pp. 123-140.

101 J. Andersen / L. O'Dowd, Contested Borders (note 22), p. 600.

102 European integration is certainly one of the most impressive examples of the transformation of borders in the course of supranationalisation. Maurizio Bach (Die Europäisierung der nationalen Gesellschaft? Problemstellungen und Perspektiven einer Soziologie der europäischen Integration, in: idem (ed), Die Europäisierung nationaler Gesellschaften, Kölner Zeitschrift für Soziologie und Sozialpsychologie, Sonderheft 40, 2000, pp. 11-35, and in particular p. 23) even sees border policies as the key objective of integration: »[The] manipulation of borders,

to reduce the importance of borders between member states and has allowed the free movement of goods, services, capital, and persons.[103] The external boundaries are subject to unified standards and assume control and protective functions for the entire territory. Other examples of macro-territorialisation are the Nordic Passport Union of Scandinavia and, to a much lesser extent, the North American Free Trade Agreement (NAFTA), the Asian Pacific Economic Community (APEC) and the South American Mercosur. With regard to the EU, Lahav argues that border cooperation and the concomitant shift of controls toward the external boundaries do not result in a loss of control for the concerned states but rather reinforce the efficiency of border controls.[104]

The second central development trend concerns the technological transformation of borders and border controls, which is accompanied by operational changes in border regimes, with both factors mutually depending on each other.[105] In this context, Kaufmann mentions several concomitant evolutions conceptualised as changes in border topography and identified as the forward-shifting, intensification and inversion of the border.[106] The concept of *forward-shifting* refers to attempts that aim to ensure the defence against persons and events who or which constitute a potential security risk for the destination country even beyond the border. Partly, these efforts aim at preventing »undesirable« persons (i. e. those considered a risk) to reach the physical frontier: transport companies, for example, are under obligation to refuse persons without a valid visa for the destination country.[107] Other instruments of border forward-shifting are the transmission of personal data by transport companies,[108] advanced warning systems, and officials delegated to other countries in order to carry out monitoring tasks. These attempts are being implemented through new technologies of data recording and transmission which have created a »border beyond the border«.[109] Another aspect of this evolution

namely territorial national boundaries, has from the very beginning been one of the central instruments of shaping European policy.« (authors' translation)

103 B. Anderson, Introduction (note 63); M. Bach, Die Europäisierung der nationalen Gesellschaft (note 102); S. Mau, Die Politik der Grenze (note 100); J.W. Scott, European and North American Contexts (note 98).

104 See G. Lahav, Migration and Security: The Role of Non-State Action and Civil Liberties in Liberal Democracies, Paper prepared for the Second Coordinating Meeting on International Migration, Department of Economic and Social Affairs, Population Division, United Nations, New York, 15–16 October 2003.

105 This evolution is closely linked to changed perceptions of threats to national security. Threats posed by other states, as postulated by classic research on security, and its focus on international armed conflicts have lost their importance in recent decades. Today, other states are no longer exclusively perceived as endangering security since threats resulting from terrorism, internationally operating organised crime, drug trafficking and people smuggling have come to occupy the centre of attention (see P. Andreas / R. Price, From War Fighting to Crime Fighting (note 52), pp. 33 sqq).

106 S. Kaufmann, Grenzregimes im Zeitalter globaler Netzwerke in: H. Berking (ed), Die Macht des Lokalen in einer Welt ohne Grenzen, Frankfurt a. M. 2006, pp. 32–65.

107 L. Laube, Die räumliche Dimension der Migrationskontrolle. Über die Verhinderung unerwünschter Grenzüberschreitungen im Kontext liberaler Nationalstaaten, Diplomarbeit, University of Bremen 2007, p. 75; J. Torpey, Coming and Going (note 23), p. 243.

108 In late July 2006, EU member states have concluded an agreement with the United States about the transmission of data on air passengers to US departments (New York Times, October 7, 2005). As early as 2004, the EU passed a directive concerning the transmission of such data.

109 C. Boswell, The External Dimension of EU Immigration and Asylum Policy, in: International Affairs 79, 2003, pp. 573-593; D. Broeders, The New Digital Borders of Europe: EU Databases and the Surveillance of Irregular Mig-

is the increasing confusion between military and police tasks since terrorism, organised crime and illegal migration are being perceived as a single problem, and controls by the police and the armed forces therefore concern a »single« threat.[110] The *intensification* of borders is based on the transformation of isolated border controls into the large-scale surveillance of border regions. Thus, the use of video and radar technologies allows for the automated surveillance and registration of large categories of persons and vast spaces, that is without taking into account the specific characteristics of a person.[111] At the same time, control procedures focus on unique physical characteristics of the controlled person and no longer rely on identity papers held by them. Use is, for example, being made of new passport systems that now include biometric data and of interconnected electronic databanks for identification.[112] Finally, the concept of *inversion* refers to the spreading of identity checks without probable cause to the national territory, away from the border. Here, too, techniques of objectified control such as video surveillance and dragnet investigations are being combined with control instruments based on external personal characteristics. Inversion is mainly distinguished from intensification in that it separates control from the border space in its strict sense and is directed at a much larger category of persons. All three developments – forward-shifting, intensification and inversion – show that the notion of a linear boundary has disappeared in favour of a conception of the border as a flexible space, with technological change playing a central role. The internationalisation as well as changes at the operative level of border regimes do not suggest a loss of the importance of borders but rather indicate a transformation of their shape and form.

4. Conclusions

In the course of globalisation, the nation state and its territorial border controls have been subject to strong and continuous pressures to change. The increase in cross-border movements of resources and persons, in particular, has lead to a modified general framework to which states need to adapt. The empirical literature on the subject suggests a large increase in such cross-border movements. However, the quantitative evolution of cross-border exchange varies according to the various economic resources and, more par-

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rants, in: International Sociology 22, 2007, pp. 71-92; A. Ette / M. Fauser, Die Externalisierung der britischen und spanischen Migrationskontrolle, in: S. Haug / F. Swiaczny (eds), Migration in Europe, Wiesbaden 2005, pp. 7-27.

110   See P. Andreas / R. Price, From War Fighting to Crime Fighting (note 52); B. Buzan, People, States and Fear (note 10); S. Kaufmann, Grenzregime (note 106).

111   Ibid., pp. 51sq.

112   See B. Anderson, Introduction (note 63); S. Flynn, Beyond Border Control (note 98); M.B. Salter, Passports, Mobility, and Security (note 51); G.T. Marx, Identity and Anonymity: Some Conceptual Distinctions and Issues for Research, in: J. Caplan / J. Torpey (eds), Documenting Individual Identity (note 28), pp. 311-327.
      In his contribution, D. Lyon (Under My Skin: From Identification Papers to Body Surveillance, in: J. Caplan / J. Torpey (eds), Documenting Individual Identity (note 28), pp. 291-310) exemplarily shows the historical evolution of so-called »body surveillance systems« that register biometric data and make them available to the state, thanks to electronic databanks.

ticularly, to the various categories of persons and their motives for entry. How do states react to this new challenge? Do states, their territorial sovereignty and their control over »legitimate means of movement« remain fundamentally unchanged, only adapting border regimes to the new situation? Or do states react with the traditional instruments of extended and intensified controls at the borders and of movements, reinforced through new systems and technologies of internal security?

Existing research on the subject does not allow a final answer to these questions. None of the above-mentioned scenarios can claim to provide a complete and plausible description of the ongoing developments. Our preliminary results suggest that states react to the new challenges in a more complex and more differentiated way than has often been argued. It is not possible to detect an unequivocal trend toward the dismantling of borders and their increased permeability, rather a simultaneous opening up and closing. States *attempt* to transform borders into a kind of semi-permeable filters that allow for selective and differentiated controls of different categories of persons in order to reconcile defence and security, on the one hand, and economic imperatives, on the other. To ensure this aim, they rely not only on new technologies, methods and integrated approaches of external and internal security but also on concepts of border control and border security developed through international cooperation at a bilateral or supranational level. A clearly perceptible trend in this context is the dismantling of national borders and the shifting of control functions toward a supranational or macro-territorial level. Controls are hence carried out in common, probably with little losses of effectiveness and efficiency. Although the single nation state thus loses some of its control capacity, there is no overall loss of control. In addition, new technologies have enabled the state to implement more comprehensive controls at border crossing-points but also beyond and inside its territory.

This leaves open the question as to what extent the described developments reflect more general trends. The above-mentioned empirical results are mainly based on case studies and cannot be generalised because of strong variations between the various states. As of now, there exists no comprehensive empirical investigation of the transformation of borders or the state's capacity to carry out border controls and identity checks. Nonetheless, statements that postulate a general loss of the importance of borders seem excessive. All these questions need to be investigated empirically and in greater detail. Even greater are the research desiderata when it comes to describing the driving forces and central determinants behind the transformation of borders. Only answers to these questions will allow to finally elucidate the role of identity controls at borders within the context of an emerging post-national state.