



The check and the guardianship: A comparison of surveillance at an airport and a housing-estate area in the Paris outskirts

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3 THE CHECK AND THE
5 GUARDIANSHIP: A COMPARISON
7 OF SURVEILLANCE AT AN
9 AIRPORT AND A HOUSING-ESTATE
11 AREA IN THE PARIS OUTSKIRTS
13

15 Fabien Jobard and Dominique Linhardt
17

19 **ABSTRACT**

21 *This chapter approaches the question of government and surveillance*
23 *through a comparison between the control practices observable in two*
25 *types of places. First, we focus on international airports, specifically the*
27 *French international airport of Orly. Airports are maximum security*
29 *zones where persons perceived as having no legitimate business are*
31 *expelled and where suspicious objects are destroyed. The second kind of*
33 *places are the ones labeled as “no-go areas”, violent pockets within urban*
space. Social housing projects located in the bleak suburbs of French cities
are such danger zones. Both kinds of places – airports and no-go areas –
have very different time and space features: people briefly pass through
anonymous airports where relationships are kept at an impersonal
minimum, whereas the population of a housing estate area is made of
“permanent transients” pinned down by a shared fate of which there
seems no escape.

35

Surveillance and Governance

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INTRODUCTION

1
3 The term surveillance raises a lexical difficulty which complicates its
4 theoretical implications as well as its empirical specification. Narrowly
5 understood, it refers to the set of processes and measures through which the
6 State is informed of the activities of a person or of a group of persons while
7 avoiding repressive action, either because no offence has actually been
8 identified or because the government prefers, for one reason or another, to
9 be discrete (Fijnaut & Marx, 1995; Sharpe, 2000). Yet, Michel Foucault's
10 seminal work *Surveiller et punir* was translated into English under the title
11 *Discipline and Punish* (Foucault, 1977). In this latter disciplinary under-
12 standing, the notion of surveillance has to do with a much broader
13 field (Deleuze, 1988). It ceases to be a mere policing tool among many **AU :1**
14 others in the State's policing arsenal, and instead becomes a regime of
15 "governmentality" combining and articulating different technologies,
16 strategies, and governmental rationalities (Miller & Rose, 1992). Accord- **AU :2**
17 ingly, surveillance becomes a notion to describe a specific way through
18 which human behavior is apprehended, and hence ensure predictability,
19 calculability, and "governability" (Gandy, 1993; Lyon, 1994; Wood, 2003).
20 Here, of course, we find ourselves following a path opened by Foucault
21 (1988) and followed by many others since (for instance Rose, 2000).

22 However, whether one understands the notion of surveillance in its narrow
23 sense, as a mere set of disparate means within a governmental apparatus, or, on
24 the contrary, as the basis for the constitution of a governmentality regime
25 which relies on spotting, identification, and control, using number of
26 techniques, devices, and processes, in both cases, the risk is that surveillance
27 becomes an "all-terrain" notion which has less and less to do with the ground
28 realities of its implementation. As David Garland (1997) strongly underlines,
29 the notion of surveillance could then lead directly to a variant of reductionism:
30 applicable to too many situations, it would, at the same time, suppress the
31 empirical specificities of each one. This inclination is all the more detrimental
32 that, in polishing the ruggedness of reality, it contributes to neglecting the
33 uniqueness of the organizational methods and the institutional layouts, the
34 various types of intervention, and of the stocks of knowledge precisely meant to
35 define the "surveillance society." Yet, if there were one systematic observation
36 to report, it would be the multiplicity and variability of the devices of
37 surveillance. Each of these devices adapts to specific constellations, which have
38 characteristic social, spatial, and temporal indicators, and are defined by the
39 nature of the threats and the risks that operate inside of them. The differences
40 from one constellation to another are what deserve particular attention.

1 Our approach answers the need felt for a return to the scrutiny of the
2 actual modalities in place in the practice of surveillance. To this effect, we
3 chose to anchor the description in space, reminding the reader that Michel
4 Foucault's analyses of surveillance were above all analyses of the
5 spatialization of power (enclosed areas in the treatment of insanity, confined
6 areas in the containment of contagious diseases, areas of panoptical
7 centrality in the disciplinary process, territorialized space in the security
8 process, etc.).¹ We have deliberately stressed the contrast between two
9 unique sites, both of which underwent an in-depth empirical study. Both are
10 located in the southern Paris agglomeration, they only stand a few miles
11 from each other. In both cases, security, control, and surveillance are high-
12 stake and greatly sensitive issues. Yet, everything seems to separate them:
13 when not a blatant antinomy, the surveillance practices at Orly airport on
14 the one side and in the Bas-Moulin housing project of Dammarie-les-Lys on
15 the other diverge entirely, in many respects. As we will establish, in the first
16 case, surveillance takes the form of a checking, in contrast to the second,
17 where it takes the form of guardianship.

18 An airport, a housing project: are the intrinsic differences between the
19 two not so great that any comparison would only resemble a far-fetched
20 artifact? We find such resistance unnecessary: if indeed surveillance and
21 governance are broad concepts, then they must be able to welcome
22 differences, as extreme as they may seem. But more importantly from an
23 empirical standpoint, one cannot overlook the fact that both sites face the
24 same "problematic of government" (Miller & Rose, 1992): that of security.
25 A technical problem for experts to solve on one level, the question of
26 security nonetheless becomes a public matter when its treatment or
27 non-treatment affects public opinion, and is likely to enter a controversy
28 where lack of security is then seen as the problem and surveillance as its
29 solution.

31

32 **VARIABLES USED IN THE DESCRIPTION** 33 **AND THE ANALYSIS**

35

36 Both the studies of the Orly airport and of the housing project in
37 Dammarie-les-Lys were undertaken using the classical tools of the
38 qualitative method (i.e., empirical observations and interviews). In order
39 to facilitate comparative analysis, however, we entered the collected data
into one same analytical grid, in which a number of variables are *tertio*

1 *comparationis* – their value thus varies according to where they were
collected. Table 1 gives an idea of what type of variables we are referring to. AU 3

3 The variables we identified are of two different sorts. The first is purely
descriptive: the variables have to do with matters of fact noted from our
5 field observations, and do not require specific interpretation. The first
variable (A) corresponds to the institutional arrangement within which the
7 actors of surveillance find themselves; accordingly, it is a description of
the various types of cooperation, lines of conflict, distribution of tasks,
9 and share of responsibility in the site under study. The second variable
(B) characterizes how the surveillance apparatus defines the targets of
11 surveillance. The third variable (C) allows us to specify the type of
interaction existing between the surveillance agents and the surveillance
13 targets, the main point being to identify whether interactions are unique,
or whether, on the contrary, there is a principle of reiteration of
15 interaction. The fourth variable (D) allows us to classify surveillance
apparatuses according to whether or not they require records and to how
17 collected records are reinvested in the surveillance practices. The fifth
variable (E) allows for a better apprehension of the various sources of
19 legitimacy with regard to the authorization and supervision of the
interventions in the different spaces, according to the constraints they
21 themselves face.

The second type of variable is analytical. While these may be inferred
23 from the previous sort, they nonetheless require a higher qualification
process than does mere observation. The first of these analytical variables
25 (F) seeks to compare the effects of surveillance practices at each site; it
distributes the effects on a continuum extending from the “objectification”
27 of the individual targets to their “subjectification.” The second analytical
variable (G) has to do with the modalities of “we”-formations. For, the
29 deployment of an apparatus affects not only individual subjectivities,
but also creates collective subjectivities, or even communities, whose
31 relationship with surveillance services is a relevant matter. The last
analytical variable (H), based on a synthesis of the previous variables,
33 seeks to precisely characterize the nature of the intervention at each site.
In what follows, and based on the aforementioned variables, we would
35 like to go beyond merely describing the case studies by showing evidence
of two contrasting models of surveillance and of governance of behaviors:
37 the check model found on the grounds of the airport, and the
guardianship model observable on the grounds of the suburban housing
39 project.²

Table 1. Categories of Comparison.

Variables		
Descriptive Variables		Relevant Questions
(A)	Institutional arrangement	What is the institutional arrangement between the various security agencies involved in the apparatus? What is the impact of the arrangement on the spatial organization and the responsibility distribution?
(B)	Targets of surveillance	How are the surveillance targets defined? How does this definition affect the surveillance apparatus in itself?
(C)	Type of interaction	What is the nature of the relationship between the surveillance actors and the individuals under surveillance? Are their interactions unique, or reiterated?
(D)	Absence or presence of records	Does the surveillance apparatus rest on recording devices and the production of a type memory? Or is the amnesia of the apparatus intentional?
(E)	Sources of legitimacy	What is the normative justification for the surveillance apparatus? How are the presence and operations of the surveillance actors justified?
Analytical Variables		Relevant Questions
(F)	Effects of surveillance on the individual status of its targets	What is the nature of the individual identity produced by surveillance? Does surveillance create subjects, or is it searching for objectification?
(G)	Effects of surveillance on the collective status of its targets	Does surveillance produce a collective identity of individuals under surveillance? How does it infer a sense of collective identity? What are the types of “we” that emerge from it?
(H)	Type of intervention	Everything taken into account, how can the type of surveillance actors intervention be qualified? What does the relationship between surveillance and space and temporality imply?

1 **ORLY AIRPORT: THE CHECK MODEL**

3 Terrorism has a strong relationship with the massive streams of mobility
4 which characterize our societies (Urry, 2000) (E). Indeed, the terrorist AU 4
5 enterprise is doubly dependent on the socio-technical systems, which are
6 vital to them. First, mobility infrastructures give terrorists the perfect
7 conditions to achieve their goals. Answering a constant need to conceal
8 themselves, the anonymous streams of movement appear as a perfect
9 hideout for terrorists (Linhardt, 2006). From there, they can attack the
10 infrastructures of mobility themselves and the people who are inside them,
11 since, while offering terrorists a form of protection, the targets of the
12 terrorist enterprise only become more vulnerable. Air transportation was
13 faced with this problem very early on. From this standpoint, the September
14 11th attacks were only the temporary end of a long-lasting relationship
15 between terrorism and civil aviation (Crenshaw, 1988; Merari, 1998; Lyon,
16 2003). Throughout the relationship, specific prevention systems have been
17 set up. These systems have quite obviously evolved since the end of the
18 1960s, in step with the evolution of the threat itself.³

19 Paris Orly airport has faced terrorist threats more than once. It does not,
20 however, show any particular characteristic distinguishing it from other
21 international airports on this level. This is all the more true in light of the
22 fact that air transportation security is a matter for international institutions,
23 which ensure that procedures are normalized beyond national borders and
24 local specificities (Wallis, 1998). Thus, while the site under observation is
25 Orly, the point is not to underline any form of specificity at Orly. Quite the
26 contrary: given the constant normalization of the place, the study shows
27 how Orly's security apparatus more or less fits the framework found in other
28 airports.

31 *Testing and Filtering*

33 In order to understand the mechanisms of airport terrorism prevention, it is
34 appropriate to start from the terrorist enterprise. One way to characterize
35 it is to recognize it as a game with "normal appearance" (Goffman, 1971,
36 p. 256). Terrorists act from an ambush which is not a physical, but, rather, a
37 "social ambush" (Walzer, 1977, p. 176): they blend into the normality of
38 daily coexistence by borrowing a commonplace, negligible or plain physical
39 appearance: nothing looks more like a lambda traveler than a terrorist
40 checking in, or a hijacker going through security.⁴ This specificity of

1 terrorists to act in such a way so as to follow through with their goal while
concealing it under normality implies that those who seek to stop them must
3 know how to see behind what a person or object is putting on display.
Indeed, the real capacity to strike back is measured by the ability to identify
5 and seize terrorists despite their concealment strategies. In the undiffer-
entiated world of streams of travelers, control means a re-discrimination, a
7 sorting between ordinary and ill-intentioned individuals with the imple-
mentation of suspicion (B) (Adey, 2003).

9 The airport example clearly shows that the practice of suspicion is less
arbitrary than one might consider it when associating it with a conception of
11 the notion which rests mainly on intuition. Economy of suspicion at the
Orly airport rests exclusively on an advanced codification, formalization,
13 and division of labor. The imperative of suspicion is delegated to an
apparatus whose quality will depend on the specific lineup of the persons
15 and the objects within the apparatus determined by pre-defined scripts
(Akrich, 1992). Hence, suspicion takes form from routine procedures (H).
17 This explains the importance of the organizational aspects of airport
security.

19

Spatial Organization: Zoning

21 This organization rests above all on a penetration of the area. The airport
space undergoes a thorough process of subdivision before the streams of
23 people crossing the zones are actively controlled. Airport security is
conceived on a model of concentric circles surrounding the aircraft: the
25 closer one gets, the more limited the access of persons (passengers,
employees) and objects (luggage, shipments), which is only authorized after
27 strict inspection, becomes. Accordingly, the space is divided in to various
zones of different status; each border between two contiguous zones of
29 different status is either rendered completely hermetic by physical barriers,
or offers access opportunities (E).⁵

31

Zoning and Distribution of Responsibilities

33 The zoning goes hand in hand with a strict distribution of responsibilities.
The Prefect of the department holds ultimate authority in terms of the
35 security of the airport. His main roles are the elaboration, implementation,
and monitoring of the “Airport security plan”, and the management of
37 crises. More specifically, he decides which zones are open to the public and
which are restricted, what the conditions for traffic and parking of persons
39 and vehicles within the restricted zones are, and what the set up ensuring
the security of vehicles, equipment, and goods in these zones should be.

1 In addition, he has ultimate authority over airport coordination bodies such
2 as the Local Security Committee and the Operational Security Committee.
3 As for on-the-ground operations, every zone type is attached to a specific
4 institution. Hence, the national police force is responsible for the public
5 zone, the functional sectors within the airport, and the security sectors for
6 passengers. The air transportation Gendarmerie is responsible for the
7 aircraft security sectors and the functional sectors outside the airport, and
8 for luggage and shipment security on national flights. As for the security
9 sectors for luggage and shipments on international flights, they are taken
10 care of by the customs service. It is important to note that the actual security
11 check operations are not carried out by police officers or customs agents:
12 they are delegated to private companies whose agents are paid for by the
13 airlines and the airport operator. These agents nonetheless answer to a
14 regulatory authority, to which they must immediately turn if they suspect
15 anything is wrong (A).

17 *The Rationale of the Check*

18 The cross-over areas between zones have a particular denotation: they act as
19 cognitive tide gates where vigilance and suspicion are constantly practiced in
20 order to determine whether a person or object may pass or whether their
21 access should be denied. This creates a dilemma: when can one effectively
22 pass judgment as to whether a passenger or an object is “clean” enough?
23 The social ambush strategy of terrorists makes it necessary to take small
24 details into account, as potential clues. The clues agents will be looking for
25 depend on existing available knowledge concerning the terrorist enterprise:
26 a certain number of features are selected, and serve as a basis for control
27 operations. Terrorists need weapons, for instance. These weapons are made
28 of specific, easily identifiable materials. Weapons which can be used to
29 hijack an airplane and could be used in the pilot’s cabin, for example, are
30 usually made of metal. Consequently, the clue the agents will be looking for
31 during hand luggage checks is the presence of metallic objects. As for
32 checked luggage, they will look for what is known as the “pyrotechnic
33 chain”, that is, the simultaneous presence of three elements: an explosive, a
34 detonator, and a power source.

35 In order to detect the presence of such elements, agents use sophisticated
36 equipment whose “cognitive artifacts” (Norman, 1991) help see beyond
37 what can be seen with a naked eye. Despite such technical sophistication,
38 however, what vigilance ultimately requires is a sense of normality. This
39 sense of normality is directly integrated into the devices and can be detected
independently from the operator, but when the equipment informs an agent

1 of some form of abnormality, he or she will have to assess it according to
2 their own sense of normality. It is rare for an agent to instantly recognize the
3 nature of the abnormality, or what it is due to. His or her degree of certainty
4 will affect his or her interpretation. This is the “investigation” stage.
5 The depth at which the investigation is to be pursued will depend on the
6 “importance” the interpreted detail may have, and, more particularly,
7 on the assessment of the risk taken in closing a case when the degree of
8 certainty is still low (Schütz, 1971, p. 77). On the other hand, one must avoid
9 falling into an attitude of constant suspicion and paranoia. Thus, there must
10 be predetermined criteria which allows agents to assess the value of the clue
11 (H). This check rationale implies putting every human being in circulation
12 in the airport through a short test, whose purpose is to verify the absence
13 of pre-defined clues. Once this absence is confirmed, the test is over
14 (Pinch, 2003).

15

17

Controlling Customers and Citizens of Law

19

20 This test-oriented filtering technology can be understood as a form of
21 political semiology (Linhardt, 2001). Here, actors assess in situ whether or
22 not they are facing danger through the interpretation of small and
23 predetermined details. This semiology, which allows for an appropriate
24 economy of suspicion, is seen as beneficial by all security actors: indeed, the
25 ability to differentiate between dangerous and non-dangerous situations is
26 considered a pledge of efficiency. This does not prevent the security
27 apparatus from being strongly criticized. In fact, two types of criticism are
28 quite common. The first points at the flaws in the apparatus and considers
29 the airport to be completely inefficient in preventing well-prepared terrorists
30 from acting even though it may, at best, succeed in stopping “amateurs.”
31 This criticism obviously plays a crucial role in the constant modification of
32 the apparatus. However, we will focus on the second criticism, which points
33 to risks of violation of the rights and freedoms of those individuals who
34 undergo security checks. Potential violations, the argument holds, are: the
35 violation of the freedom of movement, the invasion of privacy, and the
36 violation of the protection against arbitrary treatment by authorities (E).
37 The evocation of such rights and liberties is made particularly relevant by
38 the fact that the subjects of the law also happen to be customers (B).⁶ In all
39 three cases, nonetheless, we will see that it is possible to demonstrate that the
40 airport’s security apparatus can coexist with individual rights and freedoms.

1 *The Risk of Violation of the Right to Move Freely Within a Given Territory*
With regard to mobility rights, the issue was addressed by the introduction
3 of the security apparatus in specific areas of the airport designed to fill the
requirements of an efficient air transport system. Zoning came as an
5 additional tool for distinguishing various sectors from each other according
to their role within the system. Such differentiations according to
7 functionality show that security is an intrinsic part of the air transport
system: the security apparatus is a just another element of the entire process.
9 Rather than being permanently open or closed, the doors remain “half-
open.” The apparatus allows the airport access zones to act like a binary
11 switch: if the “cleanness” of the passenger is proven, he or she can go
through. If not, the doors remain shut (E).

13

The Risk of Invasion of Privacy

15 The various forms of security check also limit the risk of an invasion of
privacy. Metal detectors only permit agents to see if passengers are carrying
17 metallic objects; besides, the images of the contents of luggage provided by
X-rays have more to do with expressionist painting than photography. This
19 indicates that the goal here is not to show everything, but rather to show as
little as possible while ensuring that the important elements become visible.
21 It corresponds quite precisely to what Bruno Latour and Emilie Hermant
call the “oligoptic” (Latour & Hermant, 1998, pp. 76–80), as opposed to
23 Foucault’s “panoptic”: to see very little, but to see very clearly. Foucault’s
“microphysics” (Foucault, 1975) do indeed appear rather gigantic, here, in
25 comparison to a kind of “nanophysics” of vanishing clues: the beep of a
metal detector, colors on a screen, the glance in a bag. But at the same time as
27 the field of vision diminishes, the precision of what can be seen increases (F).

29 *The Risk of Violation of the Protection Against Arbitrary Treatment by
Authorities*

31 It takes a triple operation to calm the feelings of unfair treatment created by
misplaced suspicion. The first operation consists in shifting the attention
33 from the terrorist to the “unclean” passerby, for security devices do not,
indeed, detect terrorists per se, but only “unclean” individuals or objects.⁷
35 The second operation consists in disconnecting suspicion from subjectivity
by making the practice of suspicion “mechanical”: vigilance is made a
37 “machine-like action” (Collins, 1992). The point is to make the process
uniform, and to ensure the iteration of identical actions at any given point in
39 the mechanism (F). A tempting analogy is that of a “taylorization” of
suspicion, where vigilance is no longer individual or subjective, but

1 collective and objective. The regulation and normalization of the security
2 apparatus is largely comparable to the technical formatting of vigilance by
3 the preliminary definition of “behavioral coordinates of action” to which
4 the components of the apparatus must react regardless of their qualities or
5 flaws, psychological states, moods, mental representations, or ideologies.
6 This taylorization is, in fact, the guarantee of impartiality: just as the
7 terrorist is “objectified”, so is suspicion, in that it is under coded restraints
8 which go beyond the agent (F). Finally, the third operation consists in
9 refusing to keep any database or record of the security checks, or to link
10 them to a “center of calculation” (Latour, 1987, p. 235) (D). Each security
11 check operation is closed on itself, and restricted to a certain location; it
12 cannot be moved, and can rarely be expanded (C). For instance, when a
13 passenger leaves a boarding area he has been authorized to access and then
14 wishes to return, he or she will have to go through the security check process
15 again, since the apparatus will not have kept any records of the previous
16 security check (D).

17 The extent of protection guaranteed by the absence of records and
18 databases can be measured by the recent debates concerning the
19 introduction of measures requiring centralized databases. Following the
20 September 11th attacks, the U.S. Transportation Security Administration
21 (TSA) announced its intention to introduce a new passenger profiling
22 system. Amongst other things, the system would have required every
23 passenger to reveal their name, date of birth, address, and phone number.
24 Security guards would have had to check the information along with other
25 available data before giving a “risk potential” score to each passenger
26 (Adey, 2003; Lyon, 2003; Singel, 2003). The plan was strongly criticized, and
27 raised concern that it would permit for passenger surveillance to become an
28 excuse for the scrutiny of private information such as financial transactions,
29 and the use of biometric databases (D).

30 It is possible that, in the long term, airport terrorism prevention converges
31 with the guardianship model developed below. Up to the present, however,
32 developments at Orly airport have remained experimental. The general
33 framework is still one of repetition of standardized methods to reducing
34 suspicion through binary-type tests, which everyone needs to undergo so
35 that agents may detect the absence or presence of previously defined clues.
36 Given the rare occasions on which the airport will actually be confronted
37 with terrorists, it is tempting to question how the efficiency of the whole
38 apparatus can be measured. On the other hand, the airport is constantly
39 confronted with millions of passengers passing through it. In a sense, then,
40 the apparatus can be only looked at in the context of preparation for defense

1 against an absent enemy. It must also be understood as a form of alliance
 3 between the checking agents and the checked individuals: “*we together* must
 5 protect ourselves against *them*.” The checking agents and checked
 7 individuals form a micro-system where, in order for the political technology
 9 to be considered part of the democratic machine (Linhardt, 2000),
 the former must show respect to the latter. In light of recent developments,
 it is appropriate to hope that Orly airport does not come to resemble
 Dammarie-les-Lys in the near future. A heteropia today (Foucault, 2001;
 Salter, 2007), Orly would then inevitably become a dystopia.

11

DAMMARIE-LES-LYS: THE GUARDIANSHIP MODEL

13

15 Second policing area: Dammarie-les-Lys and the Bas-Moulin housing
 17 project. The type of policing practiced there is in direct opposition to the
 19 type of policing exercised in Orly. Here, too, there is a specific security
 21 apparatus, a characteristic relationship between surveillance agents and
 individuals under surveillance, between those who hold a monopoly on
 legitimate violence and the subjects to the law. The relationships and
 apparatus do not, however, rest on the success of a test system, but on a
 form of guardianship.

23 Dammarie-les-Lys was chosen because of a local historical specificity.
 25 In the summer of 2002, an unexpected event took place: there was a political
 27 mobilization in the housing estate. This mobilization had developed in
 29 reaction to two deaths, which had occurred during police intervention, one
 31 on May 21st, the other on May 23rd. The event was indeed unexpected,
 33 since it was one of conventional kind: no disorders, riots, destructions,
 35 street-battles, but demonstrations, public claims made to the local
 government, press coverage, calls to political organizations, etc. It marked
 a departure from the contentious repertoires usually resorted to by youths
 from French deprived urban areas (known as “*banlieues*”) in similar cases,
 such as “coordinated destructions” and “scattered attacks” (Tilly, 2003,
 p. 15). Typically, in December 1997, when a 17-year-old youth was shot and
 killed by a police officer, Dammarie’s housing project underwent three
 nights of violent attacks comparable to those which took place on the entire
 French territory in October and November 2005 (Roy, 2005; Jobard, 2007).
 The 2002 rallying broke the cycle of the “routinization of rioting”
 (Campbell, 1983) noted in Dammarie-les-Lys, and other similar places.

39 Two specific features of the political mobilization are addressed below.⁸
 First, the interlacing of routine and exception (H), a feature which is

1 characteristic to the place and will be illustrated by an intervention of the
new repressive unit, the “GIR” (A); second, the priority given to two
3 overlaying approaches: the familiarity (B) and longstanding nature (C) of
the interpersonal relationships between the surveillance agents and
5 individuals under surveillance.

7

Routinization of Exception

9

11 End of May 2002: after a presidential race dominated by crime and
disorders issues, President Chirac is reelected with almost 90% of the votes
in the second run against Jean Marie Le Pen, the far-right candidate. A new
13 Interior Minister, Nicolas Sarkozy, is appointed, and immediately sets up a
new squad, the GIR (*Groupes d'intervention et de recherche*). These groups
15 are the product of a superposition of all the existing policing, administrative,
and judiciary services (A): Gendarmerie (i.e., military police force), national
17 police (i.e., local civil police force), customs, public prosecutor, fiscal
administration, etc. Investigating and administrative agents show up under
19 the protection of a number of forces similar to the paramilitary police units
described by Kraska and Kappeller (1997). Their conformity with the
21 general principles of law is fragile, for their authority emanates from elected
officials and prefects, when judiciary matters are independent from the
23 government. This is why the use of GIR is exceptional in itself (H), which
consist in “crackdown” missions on drugs, gun trade, prostitution networks,
25 or illegal immigration operations.

The housing project of Dammarie-les-Lys, and more specifically the Bas-
27 Moulin block, where the family of the second youth killed in the May 2002
tragedies lives, was surrounded by a GIR on the morning of June 27th, at
29 6.00 a.m. But the GIR, who entered the local youth center, destroyed it and
finally managed to get the court bailiffs to shut it down and seal its doors;
31 the GIR, who proceeded to identity checks on every inhabitant of the
building, did not come alone. Indeed, they came accompanied by riot police
33 forces and marksmen positioned on the roof of the high-rise facing the Bas-
Moulin building (A).

35 On July 10th, Interior Minister Sarkozy shared his views on his own
security policies implemented in skid-row areas:

37

39 Police forces must regain control in abandoned territories. Let's take an example. There
is a housing project, in Dammarie-les-Lys, in which neither police nor gendarmerie
couldn't set foot any more. For years, people lived in fear there. A few days ago, the GIR
went there. It was disappointing on a penal level, but for the people who live there, and

1 the vast majority of them are honest citizens whose only claim is their right to lead a
peaceful daily life, well, they suddenly thought ‘we’re not abandoned anymore.

3 Two political rationalities were put forward⁹: the first was the consecration of
5 the legitimacy of the State, of the power of public institutions, and of their
7 continuous territorial coverage. The second was the preservation of public
order (E). The GIR intervention rests on an economy of fear and of rights.
9 The target areas thus became a platform for the public display of State
sovereignty. State’s administration spread out in three different ways: a
11 deployment of deterring physical and military forces, identity checks, and the
eviction and rampage of the local youth center.

13 *The Show of Power*

15 There is no doubt that the goal of the intervention was to physically close
the protest area off from the rest of the city. The number of police officers
17 (around 250), and their lay out (two officers every 10 m, deployment of
forces on the roofs, a continuous line of police cars driving around the
19 building, revealing policemen armed with flash-balls and ensuring that the
Bas-Moulin was entirely surrounded) allow for no ambiguity concerning
their geographic target.

21 The physical separation between the flashpoint (Waddington, Jones, &
23 Critcher, 1989) and the rest of the city places the presence of the police
forces within a purely military semiology, where the display of weapons
25 appears as a deterring sign of the power of the State (E), as opposed to the
case of Orly, where police presence can be understood as part of a political
semiology.

27 *Identity Checks on Inhabitants*

29 From 6:30 a.m. to 8:00 a.m., every Bas-Moulin inhabitant had to submit to
identity checks, under so-called “administrative” (i.e., routine, not judiciary)
31 procedures provided by articles 78-2 and 78-2-2 of the Criminal proceedings
code (CPP), allowing the authorities to check the identity of “any person,
33 regardless of his or her behavior ... where the authorities have knowledge of
repeated offenses, but have not identified their perpetrators.” The whole
35 operation led to the arrest of two illegal migrants (“The operation was
disappointing on a penal level”, M. Sarkozy then said).

37 The intervention sheds light on another specificity of the type of policing
in the area. Contrary to Orly, where the administration is based on the
39 presumption of “cleanness” paired with a technical apparatus allowing for
the emergence of suspicion if necessary, here, individuals are always a priori

1 suspected of disrupting public order. Accordingly, the administration
demands proof that a person is complying with his or her legal status
3 (through the identity check): the use of this method limits the individual's
identity to the one the policeman is verifying, leading to a process of
5 subjectification through police intervention (on control and subjectification,
see Rose, 2000, pp. 330–331) (F).

7

The Eviction and Shutting Down of the Grassroots Organization Center

9 At the time, the building hosted a grassroots organization (“Bouge qui
Bouge”), which was headed by the brother of Mohammed Berrichi, the
11 second youth killed in the May events. The center had become the effective
nerve center of the political mobilization: it was the place where
13 journalists, political parties, and other grassroots organizations were
invited to meet, where equipment was kept, where decisions were made,
15 information brochures were written, etc. A court bailiff let the organiza-
tion know that the center would be closed and restituted to the Public
17 Housing Society (headed by the conservative representative of a neighbo-
ring city) who some years ago had agreed to lend the center to the
organization free of charge. According to the bailiff, the deal had been
19 broken following signs of “behavior which is incompatible with the social
purpose announced by the organization, and specified in the contract
21 establishing the free lease.” In a decision taken on July 18th, the court of
appeals ruled that the center should be given back to the grassroots
23 organization. The keys were to be handed back to the organization on
July 29th. On July 27th, however, the center went up in flames, and was
25 entirely destroyed.

27 What is the social background of the protesters? Low education levels,
geographic alienation from city-centers, limited options in terms of vital
29 resources (housing and employment): the scarcity and precariousness of
resources available to them stand in stark contrast with the stability and
31 perpetuation over decades of the local conservative political elites, who not
only occupy all elected official positions (national assembly, senate, city
33 councils), but also (and, in fact, consequently) disproportionately head local
administrations, including the one in charge of social housing. One of the
35 consequences of this asymmetry in the distribution of public resources is the
use of police forces by local elites to try to control the expression of public
37 opinion. The signs of undesirable “behavior” referred to by the local court,
the eviction demanded by the social housing administration, and the final
39 restitution of the center are all based on a political economy of suspicion.
Clearly, this economy of suspicion leads to the strong polarization of

1 collective identities – to the formation of a “we” which is not, as in the case
 2 of Orly, directed against a common enemy, an absent terrorist, but, rather,
 3 against a particular State’s authority: the police (G).¹⁰

4 These features of the local administration make Dammarie-les-Lys, and
 5 more specifically the Bas-Moulin building, a place which is in a permanent
 6 state of exception (H). Contrary to the implications of the generalization of
 7 this concept by Giorgio Agamben’s (1998), “permanent state of exception”
 8 does not make the area a place with no link to politics, no relationship with
 9 political forces: it is not a zone of “bare life,” which has become an
 10 abandoned “camp.” The Bas-Moulin is, however, a zone where the
 11 formation of individual (F) and collective (G) identities are determined by
 12 an administrative body, the police. Traditionally, such identities would
 13 normally form out of politicization processes anchored in the usual social
 14 spheres (the workplace – politicization through a labor union; the family –
 15 the shaping of opinion; income, or capital – the formation of political
 16 preference; the grassroots organization – the expression of local or universal
 17 concerns). The local administration uses repressive means (with police
 18 forces, but also, as we will see, via judiciary means) to hang over individual
 19 lives and collective destinies, where, in Orly, its discretionary power is
 20 blocked by the prevalence of socio-technical procedures.

21

22

23 *A Perennial and Personal Relationship With the Administration*

24

25 Adding to the consecration of the state of exception (H) in the Bas-Moulin,
 26 there is a clear personalization of the relationship between police and
 27 targeted subjects, which gradually takes on a perennial character (C). One
 28 of the central features leading to this intimacy between police and
 29 individuals was the criminalization of verbal assaults on police officers and
 30 resistance against police officers (art. 433-5 and -6, French Penal Code,
 31 CP). On July 6th, a gathering of protesters was to be held in the city center:
 32 the aim was to break the invisible walls confining the protest within one
 33 excluded area symbolically defined by the GIR intervention, and to bring
 34 the issue onto larger public areas. The Mayor, however, allegedly reacting
 35 to the “constant climate of tension and insecurity in the town over the past
 36 month,” decided to prohibit the gathering. Note that violent protests are
 37 common in France, but their prohibition is actually very rare (Fillieule &
 38 della Porta, 1998). Here again, the routinization of the state of exception in
 39 the area is striking (H).

1 *Charges of Verbal Assault on a Police Officer as a Tool for Political*
2 *Regulation*

3 On July 5th, the day before the gathering was to take place, Abdelkader
4 Berrichi, president of the grassroots organization “Bouge qui Bouge” and
5 brother of the deceased Mohammed, was taken into police custody. He was
6 accused of verbally assaulting police officers during their intervention in the
7 organization center on June 27th. Shortly before he was taken in, Berrichi
8 had been discussing a way to get around the Mayor’s prohibition with one
9 of the Prefect’s assistants (while, in France, protests may be previously
10 discussed with the Mayor, it is the Prefect who has authority over the police,
11 and thus over public places – sometimes regardless of what the Mayor says –
12 see Fillieule & Jobard, 1998). Negotiations were then taken up by one of
13 Berrichi’s friends,¹¹ who demanded his release – which the Prefect granted
14 two hours later.

15 In this case, it clearly appears that police forces can use the criminal
16 justice system in order to serve the local political elites, as shown by the time
17 the decision to put Abdelkader Berrichi in custody had been taken. It is also
18 interesting to note that at times, even the central State (locally embodied by
19 the Prefect) must intervene to restore the balance in the political moves
20 made by the various protagonists (in this case to prompt a de-escalation
21 process, see Edelman, 1969). Thus, the process of politicization of a criminal
22 justice system which allows for local officials to use policing tools in their
23 interests and appears as a constant threat over potential protesters can, in
24 rare instances, be blocked by an administrative act, here illustrated by the
25 Prefect’s use of exceptional powers to intervene in judiciary matters (freeing
26 a man from custody and a summoning).

27

28 *The Personalization of the Relationship between the Targeted Individual and*
29 *the Administration*

30 Let us return to the charge of verbal assault against a police officer in itself.
31 On July 1st, Berrichi had used “nique ta mere” (“fuck your mother”), a
32 usual insult in deprived suburban areas, against a police officer. Throughout
33 his life, Berrichi was summoned four or five times for verbal assault, the last
34 having been in Paris Court of Appeal in May 2007 for verbal assault and
35 resistance against police officers of Dammarie’s neighboring town. What is
36 striking about the June 27th case, though, is that eight police officers sued
37 for damages: eight policemen claimed to have heard the slur, and considered
38 that they were eligible, in a civil lawsuit, for financial reparation.

39 Usually, this sort of reparation is minimal (about 300 Euros, as stated by
40 Jobard, 2004). However, it is not so much the financial aspect which makes

1 the verbal assault an administrative tool. When a police officer sues for
damages, he or she reverses the nature of offense. Originally defined as an
3 offense against a police officer and, as such, against the State's authority
(the assault is said to be "against a public authority's deputy", in the terms
5 of art. 433-5 CP), the assault becomes a mere interpersonal offense, since,
beyond the assault alleged against the State, the officer asks the judge to
7 recognize his or her own psychological casualty resulting from the offense as
a person, not as a State's deputy anymore. The tendency for police officers
9 to sue for psychological damages has increased since the end of the 1980s (at
least in Dammarie-les-Lys; see Jobard, 2004). The end of the 1980s is also
11 when the relationship between police and targeted individuals, or, more
accurately, between police and police property, as the young protesters in
13 Dammarie-les-Lys were perceived (B), started to crystallize.

15

Perennialization of the Relationship

17 As mentioned above, the reparation for verbal assault is financial (for
prison sentences as an alternative, due, for instance, to a lack of financial
19 resources, see Aubusson de Cavarlay, 1985; Hodgson, 2002). Yet, one of
the characteristic features of the target individuals here is their constant
21 inability to pay, due to the social background we previously evoked. Police,
who generally know this, rarely take the procedure much further. But
23 judges are through these unended civil proceedings provided with an
exceptional tool for making their relationship with target individuals
25 perennial: a disciplinary tool, the civil decision to repair the damage always
hangs above the head of a target individual when he or she has to appear
27 before the justice system again, or when the justice department itself seeks
to close open cases (H).

29 As we can see, Dammarie-les-Lys is a site of State sovereignty display,
which rests on an ancient mode of relationship between the administration
31 and the administered: an inter-individual, immediate, personalized, and
asymmetrical relationship, always characterized by an imminent use of
33 violence.¹² Such display of sovereignty is obviously contrary to the neo-
liberal governmentality requirements and its three "e"s: efficiency, effec-
35 tiveness, economy. Its legitimization lies in the government itself. This
circular governmental rationality supports D. Garland's hypothesis against
37 the governmentality literature, which takes it as axiomatic that government
is a problem-solving activity (1997). Dammarie-les-Lys is, indeed, a place
39 manifesting a "*wertrational*" sovereignty, whose logic is absolutist, not
strategic.

1 **TEMPORAL ARRANGEMENTS AND SPATIAL** 2 **REGIMES OF SURVEILLANCE**

3
4 Two sites, two antagonistic surveillance practices. It is relevant to assess the
5 consequences of their differences. In the one, the international Orly airport,
6 well-defined authorities control the access modalities onto and in a space
7 divided into units and sub-units. The institutions interact with consumers,
8 strangers, with whom they engage for a strictly defined purpose. During the
9 sorting and checking operations, each interaction is unique and immediate
10 in the sense that it does not allow for any perennialization of the relationship
11 between surveillance agents and individuals under surveillance. It is not
12 recorded, cannot be used in a different temporality, or even reiterated. Each
13 test is a new test – each time an object or a person passes through the unit or
14 sub-unit, the process starts again. The justification for the apparatus, its
15 political rationality, resides in the combination of the need for security, and
16 the need for the traffic of people, luggage, and shipment to be maintained.
17 Given the extremely low chance of actually being in the presence of the
18 enemy, this norm – a pragmatic norm, combining commercial and moral
19 imperatives – is, *in fine*, the greatest source of constraint but also the best
20 way to assess the efficiency of the apparatus. The apparatus rests on the
21 “iridescence” of the passerby: it does not focus on the intentions, past, or
22 even the being as such of the individuals. Instead, individuals are subject to a
23 series of tests with pre-defined parameters. Every passerby is part of a
24 greater community in that he or she is linked to the surveillance institutions
25 by the invisible presence of a common enemy whose threat must not disrupt
26 the constant mobility within the airport.

27 From a surveillance standpoint, Dammarie-les-Lys is almost in perfect
28 opposition to the Orly situation. The overlay of institutions is such that they
29 seem to become one, almost in a paramilitary fashion. The intervention
30 targets are familiar targets, and one of the consequences of intervention is
31 the reinforcement of the sorting of the non-familiar faces, and the
32 recognition of those who are already familiar. The relationship is based
33 on a repetition of interactions, which are recorded in several types of
34 memories (individual or collective, codified or otherwise), which can be
35 reinvested in future interactions. The consequences of the surveillance
36 procedure are the subjectification of the surveillance targets and the
37 formation of a community defined by the antagonism felt toward the
38 surveillance institutions. A guardianship relationship follows from it.
39 Indeed, the practice of surveillance in Dammarie-les-Lys creates a space
40 where individuals depend on surveillance institutions, with whom they have

1 a relationship, which is marked in time and highly personal. Throughout
 2 the repetition of the interactions, surveillance is reinforced by legal trails
 3 and the mutual identification between policemen and targeted individuals
 4 that follow, so that the state of dependence is coupled with a form of
 5 subjectification, the shaping of an individual identity, a *self*, and of a
 6 collective identity, a *we* (Table 2).

7 What does the comparison between these two entirely different cases tell
 8 us about the surveillance/governance couple? First, that it is necessary to
 9 keep eventfulness in mind when thinking of governmentality. Both sites also
 10 have a peculiar relationship with time. The study focused on the surveillance
 11 apparatus of Orly airport on a normal day. The event, or, rather, the

13 **Table 2.** Synoptic Table of the Findings of the Comparison.

15	Variables		Test		Guardianship
17	Descriptive Variables				
19	(A) Institutional arrangement	(A1)	Division into sectors	(A2)	Overlay
21	(B) Targets of surveillance	(B1)	Strangers (customers)	(B2)	Inhabitants (locals)
23	(C) Type of interaction	(D1)	Uniqueness	(D2)	Iteration
25	(D) Absence or presence of record	(E1)	No recording	(E2)	Recording
27	(E) Sources of legitimacy	(G1)	Mobility	(G2)	Residence
29	Analytical Variables				
31	(F) Effects of surveillance on the individual status of its targets	(C1)	Objectification	(C2)	Subjectification
33	(G) Effects of surveillance on the collective status of its targets	(H1)	A common “we” vs. an absent enemy	(H2)	Two antagonistic “we”s
35	(H) Type of intervention	(E1)	Routinization of surveillance	(F2)	Permanent state of exception

1 emergency, is in virtual reality – and the normalized, standardized, uniform
2 feature of the various security processes are specifically designed to keep it
3 that way. On the other hand, the study of the Dammarie-les-Lys apparatus
4 was undertaken in the heat of a specific moment, or event (a political
5 mobilization following two deaths). This dimension, the unpredictable
6 feature of an every-day life which is always on the verge of a crisis, is
7 neglected by the bulk of the literature on governmentality. To acknowledge
8 the relevance of the event is to understand how the governmentality agencies
9 both act on the spur of the moment and organize the future while at the
10 same time tightening their grip on society. The observation of the
11 surveillance apparatus during a disruptive event in Dammarie-les-Lys shows
12 how surveillance becomes an element of a form of governance based on the
13 settlement of an extremely unique time: the time of permanent exception.

14 A close look at history, at the actual interactions between governance
15 agencies and their targets (the citizens, the passengers, the customers ...) also
16 helps understand that, despite the political rationalities in place in
17 advanced liberal democracies (Rose & Miller, 1992, p. 180; Rose, 2000,
18 p. 323) and the subjectification born out of a “new penology” (Simon &
19 Feeley, 2003), some places still bear the marks of ancient forms of
20 governance: personalization and perennialization of the relationships
21 between agents of governance and the governed, politicization of relationships,
22 permanent imminence of physical contact. Other sites, such as Orly
23 airport, are also places where State agencies are present, but State control
24 does not rely on the display of power or on the threat of violence. Rather, it
25 relies on the introduction of control programs in a machine-like apparatus:
26 control becomes the product of a machine of machines.

27 In his lectures “Security, territory, population”, Michel Foucault had
28 identified this question of eventfulness and of unpredictability. But he had
29 also identified a second question, closely related to the first: the question of
30 space and the necessity of dividing it, creating grid patterns within it – in
31 other words, the necessity of rationalizing space (Foucault, 1978). As
32 different from each other as they may be, both sites under observation show
33 different mechanisms of political rationality in Foucault’s sense, that is,
34 manners of “conducting conducts” (Foucault, 1981; Gautier, 1996) closely
35 linked to space-penetration. In both cases, control means a total knowledge
36 and coverage of the geographic space, and the adjustment of every
37 operation to specific spatial constraints. But the way the space is
38 apprehended in each case is entirely different. At the Orly airport, the
39 space is seen as purely transitory. Hence, the division of space into sub-units
can be understood as the provision of a set of directions, which allow a

1 better understanding of the space without territorializing it as such. These
 2 sub-units are not territories, in that they do not have inhabitants, and that
 3 no one has a permanent relationship with them: in fact, the zones are
 4 precisely designed for people to pass through them. The resulting
 5 organization of the space, almost geometrical, is designed to fit a principle
 6 of regulation, which cannot be ignored without affecting the sole purpose of
 7 the airport: the preservation of the continuity of the flow of transit and the
 8 reduction of the likeliness of friction. An entirely different story in
 9 Dammarie-les-Lys. In opposition to the Euclidean regime of Orly airport,
 10 the Bas-Moulin project is under a *chôra* regime (Berque, 2000, pp. 20–25):
 11 the site cannot be separated from its inhabitants, nor can inhabitants be
 12 separated from their place of residency: they “wear” the site, just like site
 13 “sticks” to them. Here, the territorialization is at its strongest.

15

CONCLUSION

17

18 The examples we have used are sufficient to reveal the importance of
 19 ensuring that analyses of surveillance and of its governance map the sites
 20 under surveillance to better identify what singles them out, take the various
 21 modes of access across zones into account, and identify the political
 22 rationality which emerges from the interlacing of spaces – or on the contrary,
 23 from their strict separation. Michel Foucault called this necessity “hetero-
 24 topology” (Foucault, 2001). But the cartography is also a marked in time: as
 25 underlined by Michel Foucault, “more often than not, heterotopies are
 26 linked to divisions of time, that is to say that they open up onto what, by
 27 pure symmetry, we could call, ‘heterochronies.’” If the check and guardian-
 28 ship models put forward a contrast between the time of repetition and the
 29 time of the event, it is because all forms of governance of surveillance, in fact,
 30 lead to a specific time arrangement. If we keep this in mind during our
 31 analyses, we place ourselves in a better position to contribute to the literature
 32 on criminology which tends to focus on various forms of “government at a
 33 distance” on the one hand, and on withdrawn places of incarceration on the
 34 other – and as a result, to neglect the great diversity of modes of control and
 35 surveillance, and the way they produce individual and collective identities.

37

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39

Collins (1990); Goldberg (1991); Pinch (1993).

NOTES

1
3 1. Right up until his final lectures, M. Foucault paid particular attention to the
spatial anchorage of discipline and security devices. See, in particular, his treatment
5 of urban space in his lectures at the Collège de France in 1977–1978 (Foucault, 2004).

2. In order to make our text easier to follow, our empirical descriptions will
include uppercase letters corresponding to the variables where appropriate.

7 3. To quote James Beniger (1986), the historical feature of terrorism prevention in
airports can be interpreted as a sequence of alternations between situations of *control*
9 *crisis* and *control revolution* – the latter understood as what facilitates the transition
from a world which has become uncontrollable because of transformations in the
11 nature of the threat it could face to a world once again under control, thanks to the
establishment of an apparatus able to contain and apprehend new risks within a
13 process of rationalization and normalization. The latest crisis to date was triggered by
the realization of the existence of liquid explosives concealable in bottles and flasks.

4. Here, one may recall the widely broadcast images after the September 11th
15 attacks showing the hijackers going through security checks at the Portland airport.
The outrage produced by the images comes from the double lack of efficiency they
17 disclose: not only did passenger checks not allow security to catch the terrorists, but
the images revealing the first breakdown in efficiency come from no other than
surveillance cameras themselves.

5. The most important border is that between the “public zone” and the
19 “restricted zone.” Its purpose is to ensure that all necessary functions for take off are
concentrated within the restricted zone, and that all others are excluded. The
21 restricted zone includes the post-transborder filter area inside the terminal as well as
the traffic area, the control tower, and certain technical rooms outside the terminal.
23 Within the restricted zone, there is a subdivision separating “security sectors” from
“functional sectors.” Given their proximity to the aircraft, security sectors have the
strictest access policies.

6. For a description of the relationship between the consumer and the airport, see
25 Rosler (1994).

7. To take a concrete example: at a security checkpoint, an agent signals the
27 presence of a hand-grenade in a piece of hand luggage. We know nothing of the
passenger, nor whether he has ill intentions or not. After all, the grenade may be a
29 collector’s item (which it turned out to be). Nonetheless, the passenger is not
authorized to go through – not because he is considered a terrorist, but because he
31 does not satisfy the criteria of “cleanness.” On the other hand, all the passenger had
to go through to give his hand-grenade to the security agent – and this would have
33 been the case *even if he had been a terrorist*.

8. A more detailed account of these events was published in Jobard (2004).
35 Numerous documents, archives, and pictures are also available on: <http://vacarme.eu.org/rubrique102.html>

9. In the narrow sense of Miller and Rose (1992, p. 175): “the moral justification of
37 power.” Further on, we will be using this term in the larger sense promoted by Foucault.

10. In a similar vein, see Escobar (1999).

11. The transcripts of the interaction can be found at: <http://vacarme.eu.org/article377.html>

1 12. The sovereignty we are referring to is the one described by Foucault (1977),
 3 such as the ancient mode of power display which preceded the emergence of
 discipline.


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