

## **A Neoliberal Nexus: Economy, Security and the Biopolitics of Citizenship on the Border**

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### Abstract

In this paper I explore what the development of an expedited border crossing program called NEXUS reveals about the changing political geography of citizenship in contemporary North America. Developed after 9/11 as a high-tech solution to competing demands for both heightened border security and ongoing cross-border business movement, NEXUS and other so-called Smart Border programs exemplify how a business class civil citizenship has been extended across transnational space at the very same time as economic liberalization and national securitization have curtailed citizenship for others. The biopolitical production of this privileged business class citizenship is explored vis-à-vis the macroscale entrenchment of neoliberal policy through NAFTA and the microscale production of entrepreneurial selfhood. By examining how this transnational privileging of business class rights has happened in an American context of exclusionary nationalism, the paper also explores the relationship between neoliberalism and the development of new spaces of exception defined by exclusion from civil rights. Examples of such exclusion include 'expedited removal' and 'extraordinary rendition', two forms of American anti-immigrant control that have been developed in concert with expedited border-crossing programs. Examining these forms of expedited exclusion and comparing the carceral cosmopolitanism they produce with the soft cosmopolitanism of the NEXUS lane, the paper ends by offering an argument about the relationship between the neoliberal privileging of transnational mobility rights and its exclusionary counterparts.

"Cross often?" asks the Canadian Border Services Agency website: "Make it simple, use NEXUS" (see Figure 1). It almost sounds like an advert from an online travel agency, and the very name of the Canadian government's new border management agency would likewise seem to signal a revisioning of travelers as customers consuming services. But the invitation here to "Make it simple, use NEXUS" is nevertheless an invitation to enroll in a government program, and the agency that runs the program - notwithstanding its titular tilt towards 'Border Services' - remains a governmental institution charged with managing Canada's borders by administering over 90 different Canadian laws. The NEXUS program which is designed to reduce delays for pre-cleared frequent travelers across the US-Canadian border is not a particularly significant program in and of itself (by the summer of 2005 it only had about 45,000 enrollees<sup>1</sup>). It builds on a number of prior programs designed to expedite border-crossing between Canada and the US, and it will no doubt be revised and replaced in its own turn. However, it is a revealing example of contemporary border developments because of the way it has been jointly developed by Canada and the US in line with a so-called Smart Border Declaration made by the two countries on Dec 12 2001 in the immediate aftermath of 9/11. In this paper, I would like to explore how, as an illustration of Smart Border management practice, the development of NEXUS and related programs also reveals a great deal about the changing meanings of citizenship in contemporary North America. Following many other political geographers (e.g. Hyndman, 2005; Newman and Paasi, 1998; Paasi, 1996; Van Houtum and Van Naerssen, 2002; Fall, 2005), the premise in this respect is that borders are consequential condensation points where wider changes in state-making and the nature of citizenship are worked out on the ground.

What makes NEXUS an especially worthwhile focus for analysis is the way in which its development as a border management program has taken shape as a technological fix mediating two extremely significant and contradictory sets of contemporary social forces in North America. On the one side, are the economic forces that continue to generate pressures for liberalized cross-border business movement in the

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<sup>1</sup> Data provided verbally by Hugh Conroy of the International Mobility and Trade Corridor (IMTC) project of the Whatcom Council of Governments.

context of the North American Free Trade Agreement (NAFTA). On the other side, are the political and cultural forces that are leading to heightened border surveillance and

Figure 1: *Cross often? Make it simple, use NEXUS*

The use of this figure in this article was prohibited by the Canadian Government even though they continue to use similar images and phrases on the government website at: <http://www.cbsa-asfc.gc.ca/prog/nexus/menu-eng.html>

more militarized border enforcement in the context of the US 'war on terror', cultural and political forces that are also based on more longstanding racial and class preoccupations with restricting access for non-white non-professionals. While the agents of the economic imperatives employ a geoeconomic rhetoric of economic facilitation and urge border softening measures, the advocates of intensified border policing make a geopolitical case for a harder border that combines an older, often ethnically exclusivist, xenophobia with the post-9/11 security script of fighting terror and (at least in the US) defending 'homeland security'. Clearly, the borderlands between these contradictory social forces are fraught with tension, and yet the promoters of NEXUS see it as a high-tech bridge that can span the tensions and facilitate economic development while improving homeland security. The questions that I would therefore like to pose in what follows are: Who is being developed and secured by this bridging exercise? What kinds of people are they? What new forms of citizenship might they be argued to embody? And, lastly, what new forms of sub-citizenship and subordination are emerging as the underside of expedited border-crossing privilege? Answering such questions, I want to suggest, should take us much further than a narrow focus on the national credentials required by the US and Canadian authorities administering programs such as NEXUS. It also requires us to move beyond the anachronistic methodological nationalism of arguments that posit the protection of propertied citizens and the defense of national borders as two defining features of liberal state-making. The deeper and more complexly inter-scalar issues raised by the intersection of homeland securitization and economic facilitation at the border concern the transformation of citizenship on a continent shaped

by a notably *neoliberal* nexus of *securitized nationalism* and *free-market transnationalism*.

By securitized nationalism I am referring to the cultural-political forces that lead to the imagining, surveilling and policing of the nation-state in especially exclusionary but economically discerning ways. The increasingly market-mediated methods of such securitization often involve commercial risk management and 'dataveillance' strategies, but with securitized nationalism they are combined with longstanding nationalistic traditions of imagining the homeland, encoding bodies, and - in David Campbell's (1998) terms - 'writing security' through identity-based exclusions of people deemed to be untrustworthy aliens. By free market transnationalism, by contrast, I am referring to distinctively incorporative economic imperatives that involve increasing transnational capitalist interdependencies and the associated entrenchment of transnational capitalist mobility rights through various forms of free market re-regulation. Such a regime of free market transnationalism may well be considered by many readers to be a rough synonym for neoliberalism. But here I am proposing a more conjunctural approach to theorising neoliberalism as a contextually contingent *articulation* of free market governmental practices *with* varied and often quite illiberal forms of social and political rule (see also Sparke, 2004a and Sparke, forthcoming). This context-contingent definition of neoliberalism should not be taken to imply that it is a form of rule that is all-inclusive or simply continuous with the long history and heterogeneity of capitalism itself. The 'neo' does mark something discrete and new historically, including, not least of all, the transnationalism of today's liberalized market regimes. While neoliberalism certainly represents a revival of classical 19<sup>th</sup> century free market liberalism, it is also clearly a new kind of capitalist liberalization that is distinct insofar as it has been imagined and implemented *after* and *in opposition to* the state-regulated national economies of the twentieth century. It is because such imagination and implementation has been worked out in different ways in different places that neoliberalism needs to be examined conjuncturally. The 'Neoliberal Nexus' referred to in the title of this paper is therefore meant to indicate this conjunctural approach as well as underlining how the Nexus program itself can be understood as an example of neoliberalization.

A conjunctural approach, it needs underlining, does not foreclose the possibility of making more general claims about neoliberalism and its reterritorialization of social and political life. Thus while explaining the emergence and significance of the Nexus program as a context contingent response to the contradictory imperatives of national securitization and economic facilitation, the article still makes a claim that the program exemplifies broader changes to citizenship - most notably, new transnational mobility rights for some and new exclusions for others - under a combination of macroscale neoliberal governance and microscale neoliberal governmentality. In order to clarify this argument, I begin by explaining what I mean by neoliberal governance and governmentality and why border management can be viewed as a useful window on to the neoliberal remaking of citizenship. Subsequently, I will chart the contradictory story of the development of the NEXUS program and consider the ways in which it exemplifies both the inclusions and exclusions of neoliberal citizenship.

### *Neoliberalism and Citizenship*

Neoliberalism as a regime of *governance* is easy enough to describe in the abstract. Ideologically it is organized around the twin ideas of liberalizing the capitalist market from state control and refashioning state practices in the idealized image of the free market. At the macro-scale of government policy these ideas have inspired and informed the promotion and entrenchment of the now familiar neoliberal approach to governance that includes free trade, privatization, financial deregulation, monetarism, fiscal austerity, welfare reform, and, the punitive policing of the poor. At the level of the more micro practices that Foucault's followers have called *governmentality* (see Burchell *et al* 1991), neoliberalism is also commonly associated with the remaking of state regulation through the market-based mentalities and techniques associated with audits, performance assessments, benchmarking, risk ratings, and, at a still more personal level, the educational and cultural cultivation of a new kind of self-promoting and self-policing entrepreneurial individualism. Whether macro or micro, all these innovations in governmental policy and practice represent transformed patterns of state-making and rule. Even in the abstract, therefore, it is clear that, despite the common-sense cant about 'deregulation' in neoliberal rhetoric, neoliberalism leads in practice to *re*-regulation.

However, when such context contingent neoliberal reregulations are examined in detail, the contradictions and resulting theoretical complications expand exponentially (Sparke, forthcoming).

Examined in historical and geographical context, neoliberalism represents an extraordinarily messy mix of ideas and practices that have been developed and deployed in different ways with different names in different places (Larner, 2000; Mitchell, 2004). While the ideas go back to Smith and Ricardo, their reactivation as *neoliberalism* is connected to the late twentieth century rejection of Keynesian liberalism. This rejection had been persistently demanded through the 1940s, 50s and 60s by critics of state control such as Friederich von Hayek and Milton Friedman. However, it only came to be implemented as policy in the aftermath of the economic crises of the 1970s when politicians such as Margaret Thatcher and Ronald Reagan came to power promising the roll-back of state control over capitalism. At the time of the Thatcherite and Reaganite revolutions, however, their national critics tended to talk not about neoliberalism but rather about a 'New Right', or about 'Thatcherism', 'Reaganism' and their much touted but generally flouted commitments to 'fiscal conservatism'. Only retroactively have Thatcher and Reagan been reviewed as revolutionaries of neoliberalism *per se*. During the 1970s and 1980s it was instead more commonly critics in the Global South, most especially in Latin America, who were early to use neoliberalism to critique externally imposed but internally reproduced market-based governance (Adelman and Centemo, forthcoming). This is worth remembering because the Latin American experience also reminds us that neoliberalism frequently had an authoritarian underbelly. This does not mean that neoliberalism is always and everywhere connected to the sorts of coercive political violence that cast out the socialists and brought Pinochet and his Chicago trained economists to power in Chile (Valdés, 1995). Nor does it mean that it is all about the eclipse of national citizenship by the structural adjustment imperatives of transnational finance. However, the Latin American lessons do clearly suggest that we should approach any examination of neoliberal governance with a sensitivity to its contradictions, to its subordination of national citizenship, and to the casting out from the neoliberal nation-state of sundry others deemed unworthy of civil rights (see also Hart, forthcoming).

Alongside the lessons that can be garnered about neoliberalism's contradictions from studying its uneven innovation and implementation as a macrological mode of governance, the actual approach taken in what follows to the neoliberalism of the NEXUS program draws just as much for inspiration on the more micrological approach to neoliberal power relations developed in the governmentality literature (Burchell *et al* 1991). In an exception to his normal focus on the development of government in France, Foucault spent some time in his 1979 Collège de France lectures also examining German and American innovations in liberal government. Especially in his account of Gary Becker and the Chicago School, Foucault was keen to chart the totalizing assumptions of neoliberal economic theory and, in particular, its assumptions about a new *homo economicus*, an "individual producer-consumer," in Colin Gordon's gloss, who is "not just an enterprise, but the entrepreneur of himself or herself" (Gordon, 1991: 44). In Gordon's interpretation this normative model of personhood identified by Foucault as a symptomatic feature of neoliberalism simultaneously signified a wholesale transformation of societal belonging too: a transformation from a society of collective citizenship to a society of radically individuated citizenship, a new market-mediated society over which state practices rule as what Foucault called "*une sorte de tribunal économique permanent*" - a kind of permanent economic tribunal (quoted and translated in Lemke, 2001: 198). As a result, argues Gordon, the transition from liberal Keynesian government to neoliberal government means that: "[t]he notion of the social body as a collective subject committed to the reparation of the injuries suffered by its individual members gives [...way to a new] role for the state as a custodian of a collective reality principle, distributing the disciplines of the competitive world market throughout the interstices of the social body" (Gordon, 1991: 45). Also following Foucault, other theorists of governmentality such as Thomas Lemke suggest in this way that "the key feature of neo-liberal rationality is the congruence it endeavours to achieve between a responsible and moral individual and an economic-rational actor" (Lemke, 2001: 197).

Lemke might just as well have said "responsible and moral citizen" because it is precisely the normative individuality of national citizenship that neoliberal governmental practices are busily reworking into a new more market-mediated "citizenship regime" of economic-rational actors (Dobrowolsky and Jenson, 2004; and Jenson and Phillips,

1996). Expanding on Lemke's argument, Wendy Brown underlines that in this way neo-liberalism "normatively constructs and interpellates individuals as entrepreneurial actors in every sphere of life" (Brown, 2003). As Barry Hindess (2002) further points out, these marketization developments in governmentality therefore have profound consequences for both the political and the social rights of citizenship we have inherited from struggles of the twentieth century (cf Fraser, 2003). He argues thus that "political rights (such as they are) may remain but their scope is restricted as market regulation takes over from direct regulation by state agencies and the judgement of the market is brought to bear on the conduct of states, while the social rights of citizenship (where they exist) are pared back as provision through the market replaces provision directly or indirectly through the state" (Hindess, 2000: 140). Hindess here takes his categories of social and political citizenship from the 1960s' work of the English sociologist T.H. Marshall, and, while focusing on how social and political forms of citizenship have been increasingly restricted and economically recoded in the subsequent years, he does not reflect on how Marshall's third category of 'civil citizenship' might have changed rather differently. As I have argued elsewhere (Sparke, 2004b), however, it is useful to reflect further on how the economic recodings of this third form of citizenship have not only led to its increasing restriction to entrepreneurial social classes, but also to its *rescaling*: a territorial rescaling, most notably, from the scale of nationally-defined and territorially enclosed rights to the scale of transnationally-defined and territorially open-ended rights.

For Marshall 'social citizenship' was associated with the expansion of equality rights in tandem with the development of the welfare state in the mid-twentieth century, and 'political citizenship' was associated with the development of the public sphere, voting and other sorts of political rights from the 19<sup>th</sup> through to the 20<sup>th</sup> century (Marshall, 1998). Prior to these developments, his evolutionist account associated the earliest innovations in British national citizenship with the growth of the 'civil citizenship' made up of such newly codified and legally protected rights as mobility rights and rights to sell one's labor that developed in concert with the establishment of bourgeois property rights in early capitalism. The historical trajectory and the transferability of Marshall's narrative to other contexts are questionable, as too is the adequacy of his triptych of citizenship in light of feminist and postcolonial critiques of the normative white western

man of property that stands at the center of most modern formulations of liberal citizenship (Fraser and Gordon, 1998; Kofman, 2003; Marston, 1994; and Mehta, 2000). However, as Sallie Marston and Katharyne Mitchell have argued, Marshall's attention to how eighteenth century civil citizenship was associated with the liberal repudiation of interventionist government helps explain how a certain sort of *retreat* to civil citizenship is now coincident with the entrenchment of neoliberal policies (Marston and Mitchell, 2004). This is the retreat marked by the erosion of social citizenship through the roll-back of the welfare state and the rolling out of what Jamie Peck calls 'workfare states' (Peck 2001, 2004). It is also a retreat characterized by the demise of political citizenship through the privatization of the public sphere, the increasing intrusion of money into politics, and the legal restriction of political debate to various oxymoronic 'protest zones', 'free speech zones' and what Don Mitchell, examining the re-imagining of public space in recent US court decisions, critiques as the privatized bubble spaces of an atomized 'SUV citizenship' (Mitchell, 2005). But as such the retreat has not been back to a static, nationally-fixed form of civil citizenship based on property and mobility rights merely *within* the nation-state. SUV citizenship has instead been twinned transnationally with the development of the frequent flyer 'Gold clubs', 'Platinum elites', 'Red Carpet communities' and even with what might be dubbed the 'Gulfstream citizenship' of today's hyper-mobile business class (Adey, forthcoming). Faced with developments like these - including expedited border-crossing innovations such as NEXUS - we need to consider how neoliberal government practices, both macro and micro, have been busily rescaling civil citizenship in transnational ways.

At the macro-level of inter-government agreements and policies, neoliberal governance is creating what the Gramscian theorist Stephen Gill calls a 'market civilization' (Gill, 2003: 116 - 142). In Gill's analysis this needs to be conceptualized as a quasi-constitutional process that is creating through agreements such as NAFTA wholly new rights for the class core of today's hegemonic bloc: the transnational business class. This transnational class which organizes itself through elite gatherings such as the G7, OECD, and annual Davos meetings is, according to Gill, entrenching for itself all sorts of new oligopolistic privileges while imposing market discipline on the poor and weak (see also Lapham, 1998). Amongst the privileges with which Gill is most concerned are the

"privileged rights of citizenship and representation" (2003: 132) conferred on corporations through the protections secured by international trade agreements and the more hidden hands of the financial markets. Yet, alongside this 'new constitutionalism' for capital, Gill also gestures towards developments such as gated communities in order to point up the more personal implications of neoliberal citizenship for entrepreneurial individuals. Other theorists who have focused directly on the transnational business class subjects have in turn fleshed out how this market-mediated remaking of citizenship relates to personal rights at a more micro level of governmentality (*e.g.* Mitchell, 2004; Olds and Thrift, 2005; Ong, 1999). And, in a different way, Leslie Sklair's (2001) work on the transnational capitalist class of business elites highlights the seemingly unbounded global visions of belonging (including rights to move and belong in societies all over the planet as well as the rights to amass and control belongings globally) that animate corporate discourse (see also Sparke, 2003 and 2005). It is precisely this combination of abilities and attitudes associated with transnational corporate mobility that underpins what I am describing here as the transnational rescaling of civil citizenship. Through a whole set of governmental practices - from the formal and most obvious acts of remaking national law in accordance with transnational trade law (Wallach and Woodall, 2004) to the most informal and often unnoticed developments in education and popular culture (Roberts, 2004, Hillis *et al*, 2001) - we are witnessing an emergence, albeit an extremely uneven emergence, of a new kind of transnationally envisioned, transnationally protected and transnationally mobile citizen-subject. However, the big challenge for scholars - not to mention for transnational business class entrepreneurs themselves - involves coming to terms with how such transnational transformations of citizenship are worked out on the ground in the context of all sorts of countervailing imperatives, including not least of all the sorts of intensified border securitization we have seen in North America in the aftermath of 9/11.

Taking my cue from Foucault's own work on the so-called biopolitical production of self-governing citizen-subjects in modern prisons, clinics, classrooms and so on, my suggestion in what follows is that we can usefully examine the context contingent transnationalization of civil citizenship - including how it is shaped by countervailing nationalistic forces - by focusing on the particular spaces of border management

technologies. The jargon of biopolitics is useful in this respect because it points to what the recoding of citizenship through border discipline can tell us about the assumptions, attitudes, and abilities associated with the more general neoliberal refashioning of civil citizenship. Biopolitics for Foucault included both discourses about the self-governing subject *and* the actual production of self-governed life within particular modern spaces. Some of the governmentality literature that supposedly follows in his footsteps has not always addressed both these aspects of biopolitics. Nikolas Rose's depiction of 'advanced liberalism', for example, offers such an abstract discursive account of the self-government of the entrepreneurial subject that the nitty-gritty activities of biopolitical production under neoliberalism disappear from view. Partly this is because he associates neoliberalism more with ideology than government practices, and partly this appears to be because he wants to avoid an epochal account of historical transition from an age of liberalism to an age of neoliberalism. However, his disembodied account is also ironically indicative of a structuralism that he disavows. Thus, as Larner cautions, "without analyses of the 'messy actualities' of particular neo-liberal projects, those working within this analytic run the risk of precisely the problem they wish to avoid - that of producing generalized accounts of historical epochs" (Larner, 2000: 14). Here, therefore, I want to explore the messy actualities of the development of the NEXUS lane as a way of examining in a more grounded way the convolutions, contradictions and countervailing forces surrounding the neoliberalization of citizenship in contemporary North America. In underlining the reterritorialization of the resulting civil citizenship and by therefore highlighting how the 'new normal' - as Davina Bhandar (2004) calls it - of this neoliberalized citizenship is distinctively transnational in scope, I also want to point towards the parallel transnationalization of the new abnormal too. As a result, I complement and conclude this study by exploring how NAFTA region neoliberalization also entails new forms of exceptionalism: new exclusionary exceptions from citizenship that are based upon older raciological imaginations of nation, but which work through new techniques of expedited and transnationalized alienation that expel so-called 'aliens' as quickly as business travelers can now buy fast passage across the NAFTA region's internal borders.

### ***The NEXUS of neoliberalization (and its others)***

#### *From economic integration to expedited crossing lanes*

NAFTA did not suddenly integrate the political-economic space of North America through independent and top-down legislative *fiat*. Not only did it build on other agreements such as the 1965 Autopact and the 1989 Canadian US Free Trade Agreement; more significantly, it also built upon and represented a juridical recognition of what were already increasing economic interdependencies between Canada, Mexico and the US. That said, after it was implemented on January 1<sup>st</sup> 1994, NAFTA did nevertheless set the legal stage or, in the words of its political promoters, 'level the playing field' for much more intensified cross-border economic integration. As I argue at length elsewhere (Sparke, 2005, chapter 3), it did so by creating *transnational state effects* which, emerging out of a host of largely unseen administrative practices, locked neoliberal policies into transnational place. In a way that was quite unprecedented, some of these practices involved giving corporations the quasi-constitutional right to sue national and local governments if such governments ever sought to re-nationalise or otherwise provide as public services privatized utility, healthcare or welfare services. Less dramatically but more importantly in practice, NAFTA's basic codification of trade liberalization also made it possible for businesses to move much more easily between the signatory countries and thereby abandon regions or at least threaten to abandon any region considering a reversal of pro-business legislation. Insofar as the resulting property and mobility rights for business were therefore predicated on the liberalized cross-border movement of commodities, they not only depended on NAFTA's quasi-constitutional sanctions and secret legal tribunals but also on important innovations in the coding used by customs officials at the border. This was because commodities previously subject to tariffs did not simply move tariff-free and uninspected across the border after NAFTA's implementation. Instead they became subject to new codes and minutely calibrated tariff reduction schedules all of which involved a great deal of new administrative work by customs officials managing cross-border flows. Calling NAFTA a free trade agreement was therefore something of a misnomer. It might have been better termed a 'managed trade agreement': managed, that is, in the interest of expanding and entrenching free

market mobilities. Moreover the management was itself transnationally entrenched by NAFTA's market-mediated mechanisms; thereby creating a transnational state effect predicated on the market exactly along the lines described by Foucault in his examination of neoliberal discourse. "Unlike the state in the classical liberal notion of rationality," he argued, "for the neo-liberals the state does not define and monitor market freedom, for the market is itself the organizing and regulative principle underlying the state." (paraphrased by Lemke, 2001: 200).

In tandem with the border developments relating to the movement of goods, NAFTA also had three important implications *vis-à-vis* the cross-border movement of people. Here again was the expansion and entrenchment of free market civilization's regulative principles. Here too were a series of emergent transnational state effects interarticulated with ongoing state practices at national and subnational scales. But unlike the liberalized cross-border movement of goods, the effects of NAFTA on the cross-border movement of people were far more contradictory, structured as they were and continue to be by all the asymmetries that structure the uneven interdependencies between the US on one side and Mexico and Canada on the other. First of all, by liberalizing the flow of highly subsidized Canadian and American grain exports into Mexico, the agreement undercut a large part of the Mexican farm sector's profitability thereby precipitating a farm crisis and, in conjunction with the peso crisis that followed in 1995, a huge exodus of rural workers off the land and, in many cases, straight into the migration stream heading north (Purcell and Nevins, 2005). Second, while American negotiators had repeatedly refused to countenance any legalization of such working-class Mexican migration in NAFTA, they did nevertheless reach accord with both the Mexican and Canadian negotiating teams on new freedoms *vis-à-vis* the movement of professionals (NAFTA's *Chapter 16*). And third, based in part on the specific rules that were established relating to the movement of professionals but much more on the basic idea of leveling the playing field for business that NAFTA inspired, the agreement's implementation also led many regional business communities on either side of both the Canadian-US border and the Mexican-US border to reimagine their local regions as newly 'borderless' business gateways and development hubs. This, after all, was the mid-1990s, and books such as Kenichi Ohmae's *The End of the Nation-State* (1995) were very

much in vogue in the business sections of bookstores. In other free trade regimes around the world, both in Asia (*e.g.* Sparke *et al*, 2004) and Europe (*e.g.* Sparke, 2000), business groups were touting the opportunities for inward investment into cross-border regions. And in North America too it was the borderless regionalism idea articulated in the subtitle of Ohmae's book - *The Rise of Regional Economies* - that came together with the transnational state effect of NAFTA's level playing field to enable all sorts of fanciful visions of cross-border regional development. Not surprisingly, such visions also entailed new proposals for further expediting business travel across the borders targeted for business transcendence, and at least in one case this led to two business boosters from the Pacific Northwest opining about the need to "Bulldoze the checkpoints" (Schell and Hamer, 1995: 148).

The specific vision being promoted by the Pacific Northwest boosters was a cross-border region called Cascadia. In other writing I have sought to show how the business map of Cascadia, while based on an earlier ecotopian idea about cross-border regionalism, was nevertheless crudely adapted for the commercial 'glocalization' project of attracting global investment and tourism into the local region (Sparke, 2002; and Sparke 2005, chapter 2). Just like many other place-promoting cross-border regional visions developed by business communities along the US-Canada border, the promotion of Cascadia also revealed a great deal about the sorts of idealized citizen-subjects that the visionaries sought to attract: namely people whose nationality was not so important but who had to have money ready to invest or to spend (Sparke 2004b). At first blush this might seem to be a very simple ideal about the perfect post-national citizen. However, realizing such ideals has proved anything but simple in a world still structured by the nation-state as much as by transnational state effects (Purcell and Nevins, 2005). Consequently, the ongoing challenges faced by business boosters in their efforts to expedite the cross-border movement of their idealized post-national citizenry reveal considerable disjunctures between the neoliberal ideas and biopolitical practices on the border. Far from bulldozing the checkpoints as they had originally hoped, the boosters of Canada-US cross-border regionalism have instead found themselves embroiled in an increasingly defensive struggle to maintain the few border-softening measures on which they had based such transcendent optimism in the early 1990s. In order to understand

this rocky road from NAFTA to NEXUS it is important to stress from the start that the difficulties for the business boosters did not simply begin in 2001 after 9/11. Some of their problems actually related to other neoliberal reforms in Washington DC. And yet others represented a relay of NAFTA's very own transnational state-making, including in particular the way in which the agreement connected Canada-US border management practices with developments on the Mexico-US border (see Gilbert, forthcoming). At the very same time as they were issuing their appeals for border bulldozing, therefore, the business visionaries of post-national citizenship were already approaching roadblocks. The intensified border control measures that followed 9/11 obviously added to these challenges. But, as we shall now see, neoliberal contradictions were already complicating the glocalised neoliberal visions of cross-border regionalism.

One of the expedited crossing programs in which the business visionaries placed much pride and hope in the early 1990s was called the PACE lane. The acronym initially stood for Peace Arch Crossing Entry, a reference to the crossing on the Pacific coast between the US state of Washington and the Canadian province of British Columbia. Subsequently, other PACE lanes were developed at a number of other sites along the US-Canada border, all of them underpinned by the basic idea of expediting the transit of frequent travelers across the border and thereby picking up the pace, as it were, of cross-border travel for local business. The way in which the PACE and CANPASS lanes worked was quite simple. Applicants were screened, and then, if they passed, they were issued with a decal for their car that showed they were entitled to drive in the PACE lane when they came to the US border or the CANPASS lane when they came to the Canadian border. Being reserved only for pre-cleared travelers with the designated decals, these dedicated commuter lanes had much shorter wait times than other lanes, and the likelihood of a long verbal interrogation by the border guard was also considerably reduced. Thus as long as applicants were American or Canadian citizens, and as long as they were prepared to pay the relatively small fee to purchase fast lane memberships, the application process was not especially burdensome. It was precisely this the model that so excited the business visionaries as something that "should be more widely promoted and expanded, eventually leading to even more open borders between the United States and Canada" (Schell and Hamer, 1995: 148).

As a technique of border management, the PACE and CANPASS lanes encoded a division already long used by border agents to distinguish between, on the one hand, supposedly safe travelers deemed fit for high speed 'primary' processing and, on the other hand, questionable travelers made subject to the slower ordeals of 'secondary' processing. The dedicated commuter lanes simply gave 'primary' travelers who crossed the border frequently the chance to buy the additional flexibility they needed to cross the border fast, all the while guaranteeing them a certain degree of protection from the likelihood of being trapped by delays or erroneous assignments to 'secondary'. In a sense, then, the programs merely stripped away the superficial sense of equality that used to emerge from the common experience shared by primary and secondary populations alike of waiting in line to be interviewed at the checkpoints. Like the SUV citizenship that Mitchell (2005) finds in the atomised-*cum*-cocooned citizenship ideals running through recent US court decisions, PACE and CANPASS citizenship would seem in this sense to have embodied - or, more precisely, encoded on to the bodies of primary travelers - the private mobility rights so cherished by neoliberal visionaries. With rarely a line-up at all in the PACE and CANPASS lanes, those who signed-up as members could follow the equivalent of a red carpet up to the border and proceed onwards with almost as little trouble as crossing a line between two provinces or two states. This was a form of flexibility much appreciated by local business groups, and as such it seemed for a short period to bear out Aiwaha Ong's characterization of a flexible citizenship based on "the cultural logics of capitalist accumulation, travel, and displacement that induce subjects to respond fluidly and opportunistically to changing political-economic conditions" (Ong, 1999: 6). But this flexibility was not to last.

#### *Neoliberal ideals versus neoliberal and nationalist practices*

In 1996 in Washington DC the US Congress passed the *Immigrant Responsibility and Illegal Immigration Reform Act* (IRIIRA). Leading Republicans such as then House Leader Newt Gingrich boasted that the legislation made good on a key immigration control pledge of the 1994 'Contract with America', and in many ways it did. Like 'The Contract' with its neoliberal emphases on personal responsibility and government accountability, the 1996 IRIIRA combined a traditionally conservative restrictionist

approach to immigration with a radically individualizing contractualism. Just like the contractualism that Sanford Schram has traced from 'The Contract' into the atomisation of citizenship enacted in the 1996 welfare reform act (Schram, 2000), the contractualism of IRIIRA represented a notably neoliberal roll-back of social and political citizenship rights. Counter-intuitively, however, it also was this very same neoliberal contractualism with its repeated emphasis on personal responsibility and individual accountability that was ultimately to create so many difficulties for the neoliberal promoters of expedited border crossing. IRIIRA had actually been intended to facilitate cross-border business flows while interdicting illegitimate flows, and the aim was to implement this double-pronged strategy using high-technology applications at the border. But when combined with the legislation's underlying embrace of individualizing contractualism, the implications of the act for programs such as PACE and CANPASS seemed nothing short of disastrous. "It's more than a slap in the face," one cross-border business booster told a reporter. "It would bring business between Canada and the United States to a grinding halt." (Pynn, 1997). The reason why was that Section 110 of IRIIRA had massively overextended the neoliberal idea of personal accountability without fully acknowledging its practical consequences. Based on the fact that most unauthorized immigration into the US begins with visa overstays, Section 110 had sought to implement an automated entry and exit recording system for all 'aliens' including, though some house members did not seem to realize this when they voted for the act, both Canadians and Mexicans (see Wilhelm, 1997). The Immigration and Naturalization Service (INS) was mandated by IRIIRA to put this system quickly into place thereby immediately obliging all Canadians and all Mexicans entering *and* exiting the US to file the necessary information so that by matching-up entry and exit data officials could start tracking overstays. When the huge delays this system would create on US borders became clear to officials, when it became obvious that such delays would create lines stretching back so far that it would not even be possible to *access* PACE and CANPASS lanes, and when it was also noticed that Congress had mandated the whole of the Section 110 system without providing for any additional funding, the business community went into uproar and immediately began to lobby for change creating a group called *Americans For Better Borders* (Cohn, 1999). Joining the business lobbying against Section 110, the Canadian government went into a

high gear effort to have Canadians exempted from the system. To this the Mexican government - now a NAFTA signatory like Canada - added its own criticisms of Section 110, arguing in a way that was to become significant for subsequent rounds of re-regulation that one NAFTA signatory should not be treated any differently from another. As a result of all these lobbying efforts across the length and breadth of the whole NAFTA region it was not long before legislative amendment ensued. Section 110 was first put on hold, and then finally, in the early summer of 2000, it was effectively annulled. However, just as PACE lane promoters were celebrating their victory over Section 110, federal action struck again. Initially, it was just new neoliberal budget cuts affecting PACE lane funding that had to be dodged, but then came the terrorist attacks, the intense ensuing governmental interest in homeland security, and amongst other militarized responses, the deployment of over 1600 US military personnel to border control duties.

The instant results of the militarization of border security after 9/11 were monumental cross-border traffic delays. Border control agents implemented Level 1 Code Red antiterrorism operations that involved inspecting individually all private vehicles, trucks and buses. Overnight there were 16 hour wait times being reported on the major crossings from Canada into Michigan and New York, and elsewhere on the US-Mexico border 9 hour delays were common (quoted in Flynn, 2003: 115; and dePalma, 2001). It was also not long before the economic impacts of these delays began to be felt in border regions. In Washington State border areas businesses complained that there were facing "an economic disaster" (Stark, 2001). And on the Ontario-Michigan border between Detroit and Windsor the economic consequences of the delays were still more significant because of the "just-in-time" production systems run by the auto companies moving parts and vehicles across the border. Stephen Flynn, one of the leading Republican policy specialists on border issues, notes that in this respect the economic impacts were immediate and immense:

"By September 13, Daimler Chrysler announced they would have to close an assembly plant ... because their supplies were stuck on the north side of the border. On September 14, Ford announced they would have to close five plants the following week" (Flynn, 2003: 115).

Flynn himself depicts such economic costs of border hardening as intolerable, and, as we shall see, he has therefore allied his influential voice with others who have called for technological solutions such as NEXUS that can supposedly bridge the demands of transnational economic integration and national homeland security. Yet while these voices are now in the ascendancy, back in the immediate aftermath of 9/11, it was the border control restrictionists who held sway. The conservative Congressional Immigration Reform Caucus declared that: "The time is right to call for troops on the border in order to protect our national security interests" (quoted in Ackleson, 2005: 177). And, as Jason Ackleson describes in more detail, numerous federal politicians joined the call for stronger border enforcement, arguing like Tom Tancredo, a Republican from Colorado, that: "The defense of the nation begins with the defense of its borders" (quoted in Ackleson, 2005: 177). As a result of this congressional preoccupation with defending 'homeland security', new immigration and border control measures were passed as part of both the PATRIOT Act and the Enhanced Border Security Act, and, amongst their many other impacts, these new laws officially ended low tech fast lanes like PACE. Meanwhile, anti-immigration think-tanks such as the Center for Immigration Studies (CIS) had a field-day, claiming that the terrorist attacks vindicated their long held suspicions about both foreigners and the business boosters of a 'Borderless World' (CIS, 2005).

Insofar as anti-immigration groups found vindication in the new preoccupations with homeland security, their arguments should also remind us that the border securitization initiatives that followed in the wake of 9/11 did not spring out of thin air. As Matt Coleman usefully underlines, they grew out of long-standing links between anti-immigration discourse and associated border control measures. "[T]he PATRIOT Act and the Enhanced Border Security Act," he explains thus, "built on already well-established grounds for immigration inadmissibility and previously legislated policing solutions." Tracing these established practices back to the 1986 Immigration and Reform Control Act (which increased funding for detention facilities, surveillance equipment, fencing and roads), the 1994 Violent Crime Control and Law Enforcement Act (which provided money for a 'criminal alien tracking center and expedited removal for aliens convicted of felonies), as well as to IRIIRA, Coleman makes a compelling case that the PATRIOT

Act and Enhanced Border Security Act were therefore "part of a long-standing geopolitical frontier regime rooted in congressional immigration law" (Coleman, 2005: 194). This same geopolitical frontier regime was in turn also clearly buttressed after 9/11 by the wider burgeoning discourse on 'homeland security'. Following the critically questioning approach of intellectual historian Amy Kaplan, we might therefore further ask: "Does the word *homeland* itself do some of the cultural work of securing national borders?" (Kaplan, 2003: 85) Answering her own question in the affirmative, Kaplan clearly suggests that it does: "[T]he meaning of *homeland*," she says, "has an exclusionary effect that underwrites a resurgent nativism and anti-immigrant sentiment and policy (Kaplan, 2003: 87).

Yet while the geopolitics of border securitization built on long-standing legislation and the resurgence of anti-immigrant nativism, there was also something novel, indeed something neoliberal about the ways in which 'homeland security' discourse became translated into biopolitical practice at the border. As Coleman himself suggests there was a notable geoeconomic influence on this translation exercise, and, following a definition of geoeconomics I have developed elsewhere (Sparke, 2002), I would also argue thus that a whole set of geoeconomic preoccupations - including a subordination of frontiers and place to spatial metaphors fetishizing networks and pace - informed the redevelopment of border management practices that ensued. It was true, programs such as the PACE lane were no longer considered acceptable (Olson, 2001). However, the basic idea of using computer based systems to separate pre-cleared 'primary' travelers from more suspect 'secondary' travelers remained the starting point for the new 'smart border' management technologies. Such systems, it was effectively argued, could provide a solution to the competing geopolitical and geoeconomic concerns: delivering economic liberty and homeland security with a high tech fix. Moreover, unlike 1996 when there were no federal monies made available for implementing the automated entry-exit data tracking system envisioned in Section 110 of IIRIRA, now there was almost no limit to the amount of funding the federal government was prepared to invest. Thus when the Canadian and Mexican governments and the US border business communities began their inevitable complaints about the restrictionist border control regime put in place after 9/11, both the funding for a high-tech border

management solution and the rationale for a free trade facilitative approach were already in place.

*Homeland security and economic security*

In addition to an open public purse, the main reason why significant new investments in high tech border management were quickly proposed was that the massive scale of the NAFTA-based economic interdependencies made the economic costs of slowing cross-border traffic both huge and obvious. These costs forced even conservative 'homeland security' minded politicians and commentators to turn from geopolitical angst about border insecurity to geoeconomic worries about damage to the networks beyond the borders. Flynn, for example, described the likely economic impact with typical geoeconomic metaphors about the vulnerability of commercial networks. "[H]owever compelling the homeland security imperative may be," he said,

"it should not mean a derailment of the continental engine of free trade and travel. U.S. prosperity - and much of its power - relies on its ready access to North American and global networks of transport, energy, information, finance, and labor. It is self-defeating for the United States to embrace security measures that isolate it from those networks." (Flynn, 2003: 111).

In statements like this a geoeconomic argument about America's economic interdependencies effectively came to trump geopolitical imaginations of homeland fortification. An isolationist border-hardening approach to security was thus made to seem like a backward, pre-network-world strategy. Not surprisingly, therefore, border region politicians, both Democrats and Republicans alike, turned repeatedly to similar geoeconomic scripts as they sought to address the perils of border-hardening. They did do so cautiously, being careful not to offend the geopolitical sensibilities of those with more fortification fancies about homeland security. But at the same time they nevertheless demanded geoeconomic security too.

In the subsequent period, the dualistic call for a combination of homeland security and economic liberty multiplied across US political speech, quickly metamorphosing into a new governmental discourse on the so-called Smart Border of the Future. By December 12<sup>th</sup> the Canadian government had also found common cause in the same combinatory rhetoric, developing the 'Smart Border Declaration' in concert with the offices of the new US Homeland Security chief, Tom Ridge. In the declaration the two governments

committed themselves to: "collaborate in identifying and addressing security risks while efficiently and effectively expediting the legitimate flow of people and goods across the Canada-U.S. border" (Smart Border Declaration, 2001). John Manley, the Canadian Minister of Foreign Affairs, made clear that from his perspective security and efficiency would thereby somehow become one. "We have agreed to an aggressive action plan that will allow the safest, most efficient passage of people and goods between our two countries, as part of our ongoing commitment to the creation of a Smart Border." Emphasizing the technological sophistication of the new plans, Manley went on, "[t]his action plan will enhance the technology, coordination and information sharing that are essential to safeguard our mutual security and strengthen cross-border commerce for the world's largest binational trading relationship" (Smart Border Declaration, 2001: 1). Tom Ridge echoed the exact same mantra of combining efficiency and security with his own supporting comments on the declaration. "On behalf of President Bush," he said, "I was pleased to visit Canada to meet with Minister Manley and senior Canadian officials to discuss how to build a smart and secure border that allows the free flow of people and goods between our two countries. We look forward to working together to achieve real time real solutions as quickly as possible" (Smart Border Declaration, 2001: 1). Soon thereafter the White House made a press release on January 25<sup>th</sup> 2002 that further explained what the resulting "Smart Border of the Future" was actually supposed to look like from the perspective of the administration. It would be, said the press release, "a border management system that keeps pace with expanding trade while protecting the United States and its territories from the threats of terrorist attack, illegal migration, illegal drugs, and other contraband" (Office of the President, 2002). It was precisely this high-tech smart border fix to the contradictions of economy and security that Congress proceeded to turn into funded legislation in the form of the Enhanced Border Security and Visa Entry Reform Act of 2002 (EBSVRA). When President Bush signed this act into law he therefore again not surprisingly emphasized its double purpose with the by now familiar dualistic discourse. "I'm honored today," he said, "to sign a bill that is an important step in an effort to secure our border, while promoting trade and commerce" (Bush, 2002).

The idea of bolstering both the economy and security at the same time was clearly becoming more than just a predictable political script. It certainly was and remains a script that we can examine in terms of the intersection of geopolitics and geoeconomics. But, more than this, with the implementation of EBSVRA and the establishment later in 2002 of the new Department of Homeland Security (DHS) it also became a complex suite of governmental practices. NEXUS is just one of these smart border practices, and there are many others including FAST (Free and Secure Trade) for cross-border freight traffic, as well as the ambitious overarching entry and exit program known as US-VISIT (United States Visitor and Immigrant Status Indicator). Before we turn to the specifics of NEXUS itself, it is worth noting that in addition to signaling the neoliberal recoding of citizenship at the border the development of all of these programs has itself been fundamentally organized by a neoliberal embrace of private sector initiatives and services. The annual homeland security conference, for example, has become a huge corporate lobbying effort in which companies compete to win profitable government contracts. Private firms have been invited to offer bids on developing much of the technology to be used in the programs (see also *Equity International*, 2005; Lyon 2003: 84). Most notably Accenture won and retained a \$10billion DHS contract to set up US-VISIT's biometric system despite congressional complaints that a transnational corporation which is headquartered in Bermuda for tax purposes should not be a recipient of US national tax revenues (see Accenture, 2004; Bowe, 2004; and Wired, 2004). Equally symptomatic of this transnationalized and marketized approach to government, the various smart border programs have in turn been assessed *vis-a-vis* their 'delivery' of economy and security by the General Accounting Office (GAO, the central auditing agency for all US governmental practice). The GAO has thus in its own accountancy approach turned 'economy' and 'security' into measurable objects of governmental function. In June 2003 Richard Stana, the GAO's director of Homeland Security and Justice Issues reported in this way to Congress that he was "pleased to be here today to discuss the longstanding challenge of balancing our nation's security and commercial needs" (GAO, 2003). And by January 2005 another GAO report to Congress was noting that the "primary responsibility for ensuring the balance between security and commercial needs falls on DHS's CBP" (GAO, 2005). Listing the many challenges faced

by the Customs and Border Patrol division of the Department of Homeland Security, this 2005 GAO report went on to raise a number of budgetary concerns about the core US-VISIT program at the heart of the Smart Border initiatives. It therefore concluded that "several factors related to the program's management increase the risk of not delivering mission value commensurate with costs or not delivering defined program capabilities on time and within budget." (GAO, 2005).

The GAO's accountancy prose with its dry reference to "the risk of not delivering mission value commensurate with costs" would seem to be a fitting neoliberal comment on the difficulties of actually delivering the 'economy and security' of the 'Smart Border of the Future' in the present. Similarly in this respect, *The Economist* magazine has raised concerns for its business class readers about the tremendous bureaucratic hurdles (and possible delays for business class travelers) attending the introduction of the US-VISIT program plans for biometric and RFID-based passports (*The Economist*, 2005). However, in this context, the simplicity of the NEXUS expedited crossing program has been seen as a much more promising development in Smart Border technology. Visiting the NEXUS enrollment center on July 1, Representative Larsen explained thus that "NEXUS is going to help us insure a more secure border while insuring trade and tourism can continue" (Olson, 2002). And likewise, standing in front of the world's busiest commercial crossing, the Ambassador Bridge between Windsor and Detroit, President Bush declared that NEXUS - combined with a parallel pre-clearance program for goods called FAST (Free And Secure Trade), - offered a way to enhance business and security at the same time. "With these two initiatives," he said, we'll ensure faster movement of legal, low-risk goods, and faster travel for people crossing our borders, and we'll be able to better enhance security. Our inspectors will spend less time inspecting law-abiding citizens and more time inspecting those who intend to harm us" (quoted in Flynn, 2003: 122). These grand promises obviously raise in turn the question of how NEXUS actually works now it has been implemented.

#### *Belonging in the NEXUS lane*

Like the PACE and CANPASS systems, and yet joined together as a bureaucratic bridge between Canadian and United States governmental functions, NEXUS basically

allows for the former fast track border-crossing experience with little of the normal customs and immigration questioning. It is also based on pre-clearance, but unlike the prior systems it operates on the basis of photo-ID and biometric "proximity cards". NEXUS members crossing into the United States on the dedicated lane carry the card in their car and as they approach the border it relays all their enrollment data - including finger prints, photo ID, name, date of birth and so on - to an antenna and from there to a border guard's computer screen. As President Bush's comments suggested, NEXUS therefore also illustrates the ways in which the dual track, 'primary' and 'secondary' partitioning of cross-border traffic lives on after the PACE lane. As such, it persists not just in terms of the dualistic Smart Border discourse, but also very practically in the new hardware of border checkpoint policing. Pre-cleared NEXUS participants are thus able to access a fast lane across the border for a fee (a relatively small-fee at the time of writing of US\$50).

There is also a NEXUS AIR lane being implemented now in Canadian airports with flights into the US. This program similarly allows pre-screened, low-risk travelers to be processed with little or no delay but adds a further biometric technology by using iris scans. Thus, according to the government agency running the program:

"Approved applicants have a photograph of their iris captured and receive a photo-identification membership card. Participants will enter the United States and Canada by utilizing automated kiosks located in the U.S. Preclearance area and Canadian Inspection Services area at Vancouver International Airport. At this location, travelers present their membership card, submit their iris for biometric verification, and make a declaration. (US Customs, 2005a)."

As Vancouver International Airport explains on its own website the goal of the program is just like the road border NEXUS lane, namely to expedite the border-crossing experience for the fee-paying, pre-cleared clients. "Members of the NEXUS program," it underlines,

"bypass border line-ups by simply inserting a membership card in designated automated kiosks with touch screens to answer questions similar to those an inspection officer would ask. A camera on the kiosk takes a harmless snapshot of the user's iris (coloured part of the eye) to verify identity. Members also have access to the priority lane at YVR's pre-board screening checkpoints, giving them expedited access to the security screening process for domestic or international departures" (YVR, 2005).

Such commercial-sounding advertisements for the fast track crossings point in turn to the imagined audience of the NEXUS lane hype. Just as with the "Make it simple, use NEXUS" appeal, the working assumption of the program's promoters would seem to be that the most likely enrollees in NEXUS are business-class travelers that cross the border frequently and who want as much expedited access and fast track screening as possible. Certainly business oriented writers tend to applaud the program (*e.g.* Condon and Sinha, 2003), and an article on NEXUS published in the Canadian *Vancouver Sun* (and reprinted significantly on the website of the Vancouver Board of Trade) provides further confirmation of the business clientele. "A regular commuter like Jim Pettinger, a Richmond man with a business in Bellingham, is looking forward to getting his NEXUS card," noted the reporter. He quotes Pettinger as saying: "Right now I have to allow an hour to get from my door to my office. When I had a PACE card, my commute time was 40 minutes (Ward, 2002). Later in the same article we hear from another apparently typical NEXUS citizen Rick Turner, president of International Aviation Terminals, who told the reporter that he looked forward to quick implementation of the Nexus system. "The lack of a fast-lane system has made travel between the Lower Mainland and Washington state quite inconvenient, time consuming and costly,' he said" (Ward, 2002). These examples of NEXUS lane applicants are telling enough, but a still more illustrative popular culture example of what life in the expedited crossing lane might be like comes from the online journal *Mobile Enterprise Magazine*. Entitled "Life in the Fast Lane," the article hymns the potential of the mobile RFID devices used in the NEXUS lane all the while fleshing out an image of the sort of entrepreneurial subject that might enroll. "Next time you're sitting in your car waiting in line to cross the U.S.-Canadian border, take a look around you. While you're fiddling with your radio dials, leafing through a magazine or playing with your PDA, cars in the NEXUS lane next to you likely are proceeding rapidly across the border and on to their business. Become a member of the Nexus program, and you too could find yourself in the fast lane. ... "We have thousands of low-risk travelers who cross the border frequently," says Tom Campbell, NEXUS program manager for the new U.S. Department of Homeland Security. 'We know them. They know us.' ... The result is a system that is of benefit to both border inspectors and NEXUS participants. Because the fast lane is where you want to be." (Moss, 2005)

This exuberant account captures some of the more ambient cultural assumptions about NEXUS enrollees. The DHS knows them, and they apparently know the DHS. They are

people who proceed rapidly across the border and on to their business. They are not a security threat. And they are in the fast lane because, as the author avers, the fast lane is where you want to be.

The banality of the assertion about life in the fast lane is hardly surprising given that Moss's account is presented on a commercial webpage designed to appeal to entrepreneurs invested in mobile wireless technology. But nonetheless it provides a picture of NEXUS lane participants as desirous and self-motivated embodiments of business mobility. Here I think we come face to face with Foucault's entrepreneurial neoliberal subject: the *homo economicus*, who is "not just an enterprise, but the entrepreneur of himself or herself." Whether it is the car-driver with a RFID device reporting personal biometric data to a border agent, or whether it is the airline passenger submitting to an iris scan, there is clearly an element of self-policing and self-coding involved in winning access to the fast lane. As self-managing subjects of the systems, enrollees would seem in this sense to turn themselves into what Emily Martin (1994) calls "flexible bodies" in order to win the flexible citizenship, a form of citizenship, then, that could also be theorized after Martin as a form of economically engineered immunity from delay at the border. What is additionally notable about the way the NEXUS enrollees make entrepreneurs of their selves is that they do so in order to secure the specific flexibility of expedited *transnational* mobility, to share, in other words, the same fast border-crossing mobility as the commodities their businesses produce. In gaining this fast transnational mobility they become something a little distinct from the traditional liberal subjects who self-discipline simply as citizens of territorialized nation-states. They may still carry national passports, but what enables them to transcend territory quickly is their pre-clearance as NEXUS subjects: citizens of nation-states, yes, but with an all important new kind of transnational para-citizenship in a fast lane designed for business class frequent travelers.

It would be mistaken to exaggerate the transnationalism of NEXUS lane enrollees. Theirs would not appear to be a particularly challenging or worldly cosmopolitanism, but rather what Craig Calhoun calls a 'soft cosmopolitanism' undisturbed by having to leave a country behind, let alone by intercultural negotiations with communities of difference. "Aided by the frequent flyer lounges (and their

extensions in 'international standard hotels)," Calhoun argues that such soft cosmopolitans "meet others of different backgrounds in spaces that retain familiarity" (Calhoun, 2003: 106 - 107). The familiarity of the NEXUS lane space for its enrollees seems especially convenient and economical. They do not have even have to meet others and can simply stay in their cars or move unmolested through the airport. Moreover, while the lane reinstates the fast border crossing movements once afforded by the PACE lane, it is also obviously more deeply integrated with the many other familiar features associated with the fast track lifeworlds of what Peter Adey usefully describes as today's "kinetic elites" (Adey, 2004; forthcoming). Expedited airport screening for upper class frequent fliers, shorter check-in lines, valet parking, pay as you go highway express lanes, and the multiple privileges and protections for owners of premier-status credit cards would all appear to share a deep affinity with the sort of fast lane transnational civil citizenship rights provided by NEXUS. At the very same time, though, it needs noting that all the border biometric developments can also be reconsidered from a more skeptical position as part and parcel of a more restrictionist regime. Alongside the NEXUS lane, after all, the U.S. government has been simultaneously preparing to send military drones, so-called unmanned UAVs, to patrol the borders, and in the Pacific Northwest, where the business boosters once called for border bull-dozing, the Pentagon has already deployed a sensor-laden aircraft, a Blackhawk helicopter and boats that will operate out of a new command center in Bellingham, Washington (Biesecker, 2004; and UPI, 2004). Moreover, it might also be noted that NEXUS is itself basically modeled on an older biometrics-based pre-clearance system called SENTRI that was first developed on the US-Mexico border as part of the geopolitical border hardening regime made famous in the restrictionist terms of "Operation Blockade" and "Operation Hold the Line" (Ackleson, 2005). The acronym SENTRI supposedly stands for 'Secure Electronic Network for Travelers Rapid Inspection' and the program operates - in the words of the US Customs agency - "to swiftly accelerate the inspections of certain low risk, pre-enrolled crossers at ports of entry" (U.S. Customs, 2005). However, by simultaneously signaling a sentry-like defense of the border, SENTRI also sends a message of militarized border control which the same Customs agency describes in the following defensive details: "A combination of electric gates, tire shredders, traffic control lights, fixed iron

bollards, and pop-up pneumatic bollards ensure physical control of the border crosser and their vehicles. Using computer generated random compliance checks, and the Inspector's own initiative, the Federal Inspection agencies have detected only minor violations of customs and immigration laws" (U.S. Customs, 2005). It is this display of border control through SENTRI that has now been extended north to NEXUS. Before, the northern border, the so-called longest undefended border in the world, was merely bridged by a PACE lane advertising the benefits of speedy crossing. But now NEXUS, following the model of SENTRI, promises to bring the demands of economic facilitation together with a much more restrictionist regime for those deemed unwanted and undeserving of expedited service. In other words, just like SENTRI, NEXUS now also seems to perform the double talk of 'economy' and 'security', thereby sending the message that it is working to increase rather than undermine homeland securitization. Commentators in American anti-immigration groups in turn apparently get this message of control and like it. Jessica Vaughan of the Center for Immigration Studies, for example, has thus recently lauded both SENTRI and NEXUS as the modernized direction in which U.S. border control should be developed more generally. "Programs like NEXUS, SENTRI," she says approvingly, "have been shown to help minimize the impact of new security measures on lines at the ports of entry" (Vaughan, 2005). And meanwhile, even the Canadian authorities who have been most keen to push the economic facilitation side of the Smart Border developments remain keen to underline the security side on the NEXUS webpage. Thus after the invitation to "Cross Often? Make it simple, use NEXUS," the CBSA site goes on to stress: "The NEXUS programs enable Canadian and United States customs and immigration authorities to concentrate their efforts on potentially high-risk travelers and goods, thereby upholding security and protection standards at the border."

Given the all encompassing imagined geographies of a borderless world that often underlie the geoeconomic scripts deployed by neoliberal commentators, such ongoing emphases on border control would hardly seem to betoken the wholesale neoliberalization of citizenship. Surely, critics, might suggest, we are seeing a much more contradictory set of phenomena? In part the developments I have charted thus far in this paper lead me to concur that we are indeed seeing contradictory imperatives worked out at the border. I agree in this sense with Coleman's careful argument that "the border

as security/economy nexus is literally a strategic terrain where countervailing projects of statecraft come to bear on one another" (2005: 200). Likewise, it seems that the fraught stop and go development of expedited crossing lanes further illustrates Coleman's point that, "U.S. statecraft in the borderlands can be read as a fraught bundle of geopolitical and geoeconomic 'storylines' rather than as a coherent sovereign 'script'" (2005: 201). However, to this I would also add the further point that not all of the contradictions are about neoliberal dynamics clashing with others that are fully external to neoliberal power relations. In other words, while the geopolitical story line of border securitization certainly clashes with the geoeconomic storyline of cross-border economic facilitation, the resulting conflicts and convulsions in policy development need also to be interpreted in terms of contradictions that are also in part actually internal to neoliberal power relations themselves. This does not mean that neoliberalism provides an underlining sovereign 'script' after all. More complicatedly what I think we are seeing are some of the contradictions of a neoliberalization dynamic that, while creating transnationalizing liberal state practices on the one side, simultaneously creates all sorts of new exclusions on the other. In this respect, an important question asked by passport scholar Mark Salter takes on an added urgency: "who pays the cost of freedom for the mobility of others?" (Salter, 2004: 86).

#### *The underside of expedited border crossing*

One obvious underside to the transnational citizenship of expedited crossing lanes is the slowed down border crossing experience imposed on ordinary travelers who cannot afford to purchase or do not have the organizational capacity or the desire to acquire membership in the fast lane. In his analysis of the code-spaces of contemporary airports, Adey suggests in this way that there are also emerging kinetic underclasses moving alongside – but much more slowly - the fast lane kinetic elites (Adey, 2004, 1376). Such an argument in turn begs questions about the different speeds allotted to different kinetic underclasses. Coach class delays and secondary processing may be frustrating for many ordinary travelers today, including many academics, but they are largely just minor annoyances for the travelling middle-classes. Unless such travelers are vulnerable to racial coding as supposed 'security risks', these club-class passengers still move with

significant speed in the comfy cosmopolitan circuits created by international conference trips, international tourism and international family get-togethers. For the world's working classes and for those subject to 'security risk' codification, by contrast, being in the kinetic underclasses has altogether more oppressive and more unpredictable outcomes - including, not least of all, much more volatile mixes of movement and immobility. The experience of immobility in these cases means something entirely different to the petty class resentments that come with seeing business suits and Lexus cars speed by in NEXUS lanes. Immobility for the really subaltern underclasses means incarceration and, as Joe Nevins underlines in his important work on the experiences of working class Mexican migrants crossing into America, sometimes death too (Nevins, 2002). It should also be noted that as well as representing ever more appalling exclusions from the privileges of citizenship and civil rights, those surviving on this bleak underside of NEXUS lane privilege also sometimes ironically experience very rapid movement too: rapid movement into detention centers, rapid movement between detention centers, and, ultimately, rapid transnational movement out of America, sometimes into incarceration elsewhere. The result is a kind of *carceral cosmopolitanism* that underlines the value of arguments by scholars such as Pheng Cheah, James Clifford and Bruce Robbins that we must distinguish between different forms - 'discrepant' forms, as Clifford calls them - of cosmopolitanism (Cheah, 1998; Clifford, 1998; and Robbins, 1998). Two North American examples of such carceral cosmopolitanism stand out as especially disturbing parallels-*cum*-contrasts with the soft cosmopolitanism of expedited crossing lanes. The first called 'expedited removal' began in the mid 1990s as an another outcome - like Section 110 - of the new immigration controls of IIRIRA; and the second called 'extraordinary rendition' has developed most explicitly in the context of the 'War on Terror' as a way of off-shoring US terror suspects for what one critic has called the "outsourcing of torture" (Mayer, 2005). By considering both of these radical forms of expulsion from citizenship and civil rights, I want to end this paper by asking how the harsh kinds of oppressed and brutalized cosmopolitanism they represent actually might relate to the soft cosmopolitanism of the NEXUS lane.

In 1996 the very same year that Hays was asking politicians and business leaders to potentiate the image of a credit card passport to expedited border crossing, the IIRIRA

simultaneously put in place draconian new rules mandating the INS to expedite the removal of so-called aliens petitioning the US for asylum. This was the same IIRIRA that had created with Section 110 such a crisis for PACE lane advocates. However, while the problems of Section 110 were quickly overcome by a mixture of business class lobbying and ultimately the introduction of a funded technological fix through NEXUS, the restrictionism of the new expedited removal rules has only grown in the years that have followed. Before President Clinton signed IIRIRA into law, US INS agents could not compel foreigners with improper documents to depart the United States immediately. They could be asked to withdraw their applications for admission, but if they refused to do so, INS agents were obliged to refer such foreigners to an immigration judge for asylum hearings. Detention during the wait for a hearing was always possible, but not common because of a shortage of bed space in detention centers. All this changed with the implementation of IIRIRA. Immigration inspectors were given new powers to summarily remove aliens without appropriate documents. As a consequence, low-level INS agents were freshly empowered as sovereign subjects - indeed, as quasi-sovereigns - able to make final decisions about admission, decisions that could not be contested by asylum seekers who possessed invalid or inadequate travel documents.

Reviewing the curtailment of human rights by the new expedited removal laws, legal scholar Erin O'Callaghan argued that:

"In addition to possible violations of international law, IIRIRA gives too much power to immigration officials.... The expedited removal system allows both INS officials individually and the INS as a whole to grant or withhold asylum on a discriminatory basis with no real checks on this power" (O'Callaghan, 2004: 1748)

As Lisa Laplante, another legal scholar, complained in an earlier article, expedited removal thereby also created another world underneath that of unchecked INS control, "a world without a constitution" (Laplante, 1999). This world without a constitution has created in turn a new hybrid political geography of incarceration and expulsion for migrants seeking asylum. As such, it would seem to represent yet another one of the "spaces of exception" described by Derek Gregory (2004) in his powerful critique of the colonial present. But while Gregory theorises such spaces through the analytical vocabulary of Italian philosopher Giorgio Agamben (1998), and while Agamben's account of 'sovereign power' and 'bare life' certainly seems to map on to the totalitarian

sovereignty exercised over asylum seekers by US border agents, we do not have to turn to his abstract account of *homer sacer* in order to come to biopolitical terms with the denial of civil rights to those expedited into the removal system under IIRIRA. Instead, we need only turn to the recent empirical findings of a report by the United States Commission on International Religious Freedom (USCIRF, 2005), findings that were also made public before the US Congress in a House judiciary subcommittee meeting on March 10<sup>th</sup> 2005 (Haney, 2005). Two aspects of the political geography of expedited removal become especially clear in this reporting.

First there is the way in which the application of IIRIRA's expedited removal laws have been increasingly extended geographically away from just ports of entry to become a much more panoptic system for apprehending, incarcerating and expeditiously expelling undocumented aliens from anywhere in America. "Expedited Removal is mandatory for aliens arriving at ports of entry," the USCIRF report notes, but continues: Congress, however, also authorized the Attorney General to exercise discretion in applying Expedited Removal in the interior of the United States to undocumented aliens apprehended within two years after entry (USCIRF, 2005).

This extension was then implemented practically when:

On November 13, 2002, Expedited Removal was expanded by the INS to apply to undocumented non-Cubans who entered the United States by sea within the prior two years (USCIRF, 2005).

And subsequently further extensions have ensued when:

On August 11, 2004, the Department of Homeland Security announced that, effective immediately, it was exercising its discretion to further expand Expedited Removal authority to the Border Patrol for undocumented aliens apprehended within 14 days after entry and within 100 miles of the border, in the Tucson and Laredo Border Patrol sectors (USCIRF, 2005).

These expansions of expedited removal into the American interior can no doubt be largely explained in terms of the exclusionary nationalism that has turned 'homeland security' into a synonym for homeland *insecurity* for immigrants. As Amy Kaplan argues:

"The notion of the homeland contributes to making the life of immigrants terribly insecure. It plays a role in policing and shoring up the boundaries between the domestic and the foreign. Yet it does this not simply by stopping foreigners at the borders, but by

continually redrawing those boundaries everywhere throughout the nation, between Americans who can somehow claim the United States as their native land, their birthright, and immigrants and those who look to homelands elsewhere, who can be rendered inexorably foreign." (Kaplan, 2003: 87).

As well as exemplifying the ability of an ethnically-coded nationalism to exclude certain subjects from transnational civil rights, the expansion of expedited removal is at the same time notably neoliberal because of the way the law's application has had both transnational and market-mediated features. The managerial transnationalism of these (and their emplacement within NAFTA's own neoliberal political-economic geography) became clear, for example, in April 2005 when Michael Chertoff the Secretary of DHS was testifying before the Homeland Security Subcommittee of the Senate Appropriations Committee. Describing the need for a comprehensive approach to what he termed "managing illegal migration," Chertoff emphasized that:

We have to be able to have more people at the border, better technology at the border, all of which we are now pushing forward; better investigative capabilities, better and more available use of detention beds. And we're doing some additional things as well to free up beds. For example, we are working with the Mexicans to begin the internal repatriation program in the next couple weeks, whereby we transport Mexicans who come in back to interior locations so that they don't simply go back across the border, connect up with the same trafficking organizations and then come back a couple of days later. We're using other kinds of techniques in terms of expediting removal to try to expedite the process of getting people that we do apprehend, moving them, again, across the border back to Mexico (Chertoff, 2005).

Amidst all this expedited effort, the specific connection drawn by Chertoff between expediting removal through transnational risk management and the need to free-up bed space is related into turn to a second political geography of exception highlighted in the USCIRF report: namely, the actual spaces of detention used by the Department of Homeland Security (DHS) to incarcerate asylum seekers while they await expulsion.

Craig Haney, a prison specialist involved in preparing the USCIRF report, informed Congress that because of the increased need for detention space created by the expansion of expedited removal, the DHS actually had to *rent* space in order to accommodate the new numbers of detainees. "[O]ne third of asylum seekers," he explained,

are detained not merely in jail-like facilities, but are in actual jails and prisons, in which DHS rents "beds." Even though it is a violation of DHS's own detention standards, asylum seekers in such facilities are often intermingled with criminal aliens, and even with inmates who are still serving criminal sentences (Haney, 2005).

As Haney proceeded to underline in his account of the "inappropriate, [and] unnecessarily severe" treatment of asylum seekers in such rented facilities, a significant result of subcontracting their detention to the sprawling public-private partnership of the American prison system is that DHS detainees have been made subject to the same unpredictable mix of curtailed rights and harsh treatment suffered by criminal prisoners detained in for-profit prisons. This suffering is in turn further fleshed out in sobering detail in the online USCIRF report. The following list of complaints about the mental and physical abuse undergone by asylum seekers is just a sample:

"You had to put on a uniform, were taken to a dormitory to live, had no privacy— and even had to shower in the presence of a guard (who could be a male or female—it didn't matter). You must conform to all the arbitrary regulations—eat what you are given, when you are given it, and get used to being searched each time you leave your dormitory. They can touch you anywhere."

"You have to endure many cultural violations in the detention center. In my country, we are not supposed to see our elders naked. But we had to there. And you are afraid, you don't know the law here."

"I felt really isolated and humiliated. I felt like a person who had no value. At any time, the security guards made us do whatever they wanted. I felt traumatized by my treatment. My blood pressure went higher and my medical problems worsened there."

"The whole detention system is there to break you down further. The time you spend there prolongs your trauma. And you are not even allowed to cry. If you do, they take you to isolation."

"I fled my country because of this. I broke down and cried when it happened here."

As well as powerfully testifying to the ill-treatment of asylum seekers, these comments - and especially the last one about trying to escape abuse overseas only to suffer it in America - point up the terrible irony of the carceral cosmopolitanism created by expedited removal: namely, that the so-called 'land of the free' so fetishized in neoliberal nostrums about America embodying free market freedoms, has managed now to combine expedited exceptions to human rights for asylum seekers with the expedited

border-crossing rights for business elites. This awful innovation and combination has been carried yet one step further in the development of 'extraordinary rendition': another penal development using subcontracting, but one that deliberately outsources overseas so that, in the words of an unnamed US intelligence official: "We don't kick the shit out of them. We send them to other countries so they can kick the shit out of them" (quoted in Pred, 2005). Here then the carceral cosmopolitanism of expedited removal has been more radically transnationalized, and, in using privately-rented corporate jets to speed the outcasts out of the US, extraordinary rendition has created spaces of exception that are still more clearly coeval with the development of the transnationalized citizenship of neoliberal business elites. I suggested above that perhaps the apogee of such transnational elite citizenship might be called, following Don Mitchell's argument about SUV citizenship, *Gulfstream citizenship*. Adverts for Gulfstream jets and fractional jet shares are replete with appeals to the transnational freedoms and enhanced visions of the earth afforded to owners of these elite business class status symbols. They are without doubt the ultimate badge of belonging and citizenship in the borderless world of neoliberal fantasy-reality. For the same reason, therefore, it seems especially important to reflect on the ways in which they have also featured in recent exposés of the abduction of individuals through extraordinary rendition.

"Detainee's Suit Gains Support From Jet's Log," ran the *New York Times* headline in an article detailing the American government's extraordinary rendition of Maher Arar (Shane *et al*, 2005). Apprehended by DHS officials at Kennedy International Airport, this Syrian born Canadian citizen was flown on a Gulfstream III jet first to an airport near Washington D.C., then to Maine, then to Rome and then to Amman, Jordan from where he was then driven across the border to Syria and thrown into a windowless underground cell, incarcerated for 10 months and brutally beaten with two-inch thick electrical cables. During the flight on the Gulfstream, the American guards from the 'Special Removal Unit' watched movies on the corporate AV system all the while Mr. Arar sat chained to the jet's luxury leather seats. The same jet, it has subsequently transpired, was previously rented by the US government in December 2003 for a trip to Guantánamo Bay, and reporters tracking these and other extraordinary renditions have so far identified three other Gulfstreams used in this way, including one "also used by the Boston Red Sox

manager between missions ferrying detainees and their guards to Guantánamo, with the Red Sox logo attached to the fuselage or removed depending on who was aboard" (Shane, 2005: A9). In all these cases the gap between the carceral cosmopolitanism of the subaltern and the soft cosmopolitanism of the global elite seems at once incredibly narrowed and unimaginably vast. Mr. Arar's jet was rented from a Florida company called Presidential Aviation whose manager is reported as saying: "It's a very select group of people that we fly, from entertainers to foreign heads of state, a whole gamut of customers that we fly" (Shane, 2005: A9). A "whole gamut of customers" would seem to be a nicely neoliberal euphemism for the sorts of very select people introduced into Gulfstream sub-citizenship by extraordinary rendition.

For Mr. Arar the identification of the Gulfstream III that was used to transport him to Jordan turned out to be useful in his lawsuit against the US government. "Finding this plane is really going to help me," he said. "It does remind me of this trip, which is painful, but it should make people understand that this is for real and everything happened the way I said. I hope people will now stop for a moment and think about the morality of this" (Shane, 2005: A9). By the same token, it also seems clear that the double standards of Gulfstream citizenship - videos and leather seats for the elite, chains and beatings for the subaltern - just like the double standards of expedited border-processing - NEXUS lanes for the elite and subcontracted prisons for the subaltern - also signal a deeply authoritarian underside accompanying contemporary neoliberalism. The obvious question I want to turn to in conclusion concerns whether or not this authoritarian underside is a *necessary* corollary, a wholly *contingent* corollary, or some more complexly interrelated counterpart to the emergence of elite transnational citizenship under neoliberalism.

### ***Conclusion***

The main argument made in this article about NEXUS concerns the ways in which this little known expedited border-crossing program and its development are symptomatic of the neoliberalization of citizenship in today's North American context. This is a context, as I have explained, shaped at once by the transnational entrenchment of free market rights and the increasingly oppressive impact of securitized nationalism.

NEXUS lane participants - the people who 'cross often' and want to 'make it simple', the people who are prepared to buy flexible citizenship because 'the fastlane is where you want to be' - would seem to represent the paradigmatic neoliberal citizen-players on the transnational level playing field of free trade, neoliberal citizens for whom transnational mobility rights are part of the more general transnational business class privilege that continues to be expanded and entrenched globally through the 'new constitutionalism' of free trade and related laws. As such, the kinetic elites of the NEXUS lane appear to be able to buy for themselves at least a little of the borderless world fantasy-life whose most transcendently transnational subjects can rise above it all as Gulfstream citizens of the world, the world of transnational property rights and mobility rights seen best through the Enhanced Vision System® of a Gulfstream jet. But then we have the kinetic underclasses of expedited removal and extraordinary rendition whose borderless world is, by contrast, a world without a constitution, a world which may well extend transnationally via Gulfstream jets across borders, but only so as to better cast out its dehumanized and rights-deprived subjects into the spaces of exception that now increasingly seem to form a transnational gulag of incarceration and outsourced torture. The violence of extraordinary rendition may seem especially context contingent, in this regard, not a neoliberal or otherwise economically induced outcome, but a result of an exceptional American ability to combine free market fundamentalism with an inhuman disregard for foreigners deemed unfit (often because of orientalist codes) for business. Consider in this regard what happened when Edward Markey, a democratic congressman from Massachusetts, introduced legislation to ban extraordinary rendition in 2005. Republican House speaker Dennis Hastert said the legislation was going nowhere, and, when Bob Herbert, a columnist from the *New York Times* asked why, he was told: "The speaker does not support the Markey proposal. He believes that suspected terrorists should be sent to their home countries" (Herbert, 2005: A 25). Then, when Herbert asked why they should not be held and prosecuted in the US, Pete Jeffries from the speaker's office replied: "Because U.S. taxpayers should not necessarily be on the hook for their judicial and incarceration costs" (Herbert, 2005: A25). This response seems a telling illustration of the white-Americans-first exceptionalism that has led many in US government to think that creating spaces of exception to human rights laws is just fine.

But it is also, I think, an extraordinarily telling indictment of the neoliberal logic through which extraordinary rendition has been thought out and justified by its perpetrators. American taxpayers, Jeffries seemed to be saying, should not have to pay for government services (whether they be torture or its prevention) when they are being 'consumed' by those who do not pay taxes in America. Also overdetermined by economic codes, expedited removal seems to reflect a similarly consumerist neoliberal re-visioning of citizenship and security, being imagined by the 1996 legislative promoters of IIRIRA as part of the same individualized-contractualism that turned welfare into workfare and recoded American citizenship more generally in the terms of the payments and debts of private commercial contracts. In other words, while both extraordinary rendition and expedited removal both clearly need to be understood in terms of the extra-capitalistic imperatives associated with virulently nationalistic (and thus racist and masculinist) imperatives, they also appear to reflect some of the same economic hall-marks of a neoliberalism that, as Foucault once argued, turns citizens into entrepreneurs of their selves. Thus, while asylum seekers thrown into subcontracted prison space by DHS and carceral cosmopolitans such as Maher Arar are completely deprived of agency and choice, their plight needs nonetheless to be understood in relation to the ways in which the normative citizen of North America has meanwhile been "re-specified as an active agent both able and obliged to exercise autonomous choices." (Larner, 2000: 13).

The implication of the argument that neoliberal ideas and imperatives overdetermine extraordinary rendition and expedited removal is not that these appallingly inhuman state practices are an inevitable outcome of the same neoliberalism that has extended the freedom and choice of economic elites across transnational space (far more intrinsically interconnected, it seems, are the unfree flows of undocumented Mexican workers into the US economy). But nor are the spaces of exception created by rendition and removal entirely disconnected from neoliberalism either. They are not just a contingent outcome of the exceptional American context with its history of free market capitalism rooted in that most profitable as well as paradigmatic space of exception: the slave plantation. There is instead a more complexly interrelated relationship between the neoliberal dynamics and the violence of expedited removal and rendition, a relationship where neoliberalism provides both the capitalistic context and some of the structuring

order too. Private sector promoters of programs such as NEXUS and US-VISIT sometimes note that the systems offer an alternative to racist border agents and a way of introducing a neutral kind of third party technical administration that keeps the agents themselves as much as the travelers accountable to the formal protocols of the law. Yet, as we have seen, expedited removal rules like expedited crossing lanes have also been implemented through the mediation of privately procured services. Extraordinary rendition relies in its own turn on the very vehicles used to transport business elites around their borderless world. But more than this private sector context and mediation, both practices would seem to be structured by a neoliberal double-standard: a double-standard that is like liberalism's own inaugural double-standards - with rights for whites in Europe and often utter inhumanity in the colonies (Mehta, 2000) - but which is also significantly reterritorialized and reorganized by contemporary transnational business class power. The result is a recodification of the normative citizen-subject as a *transnationally* mobile soft cosmopolitan with heightened human capital vis-à-vis all the kinetic underclasses: some of the latter being merely marooned in national-state spaces with weakened political and social citizenship rights; others being expedited into the 'world without a constitution' of carceral cosmopolitanism. Examples of such reterritorialized and reorganized neoliberal double standards are by no means exceptional to America (see Rajaram, 2003; Hyndman, 2005). For example, the neoliberalization of EU citizenship has not happened without the creation of its own spaces of exception. This is what William Walters argues in his account of the partial transnationalization of EU citizenship, a transnationalization which he notes is a "neoliberal project which focuses on enhancing mobility and freedom across an extended European space." Tracking this extension of mobilities and freedoms - in which business has also enjoyed the major benefits - Walter's also notes that "from the perspective of those now named and shunned as 'asylum-seekers', European governance might invoke the renewal of a much older art of government - that of police - but now on a transnational basis" (Walters, 2004: 170). EU Schengen policing may not yet have created the same record of abuse recorded by the critics of expedited removal and extraordinary rendition, but it does suggest that the neoliberal advance of transnational citizenship rights is repeatedly related to the redrawing of lines that shut out and imprison diverse others - sometimes

using biometrics to do so (Van der Ploeg, 1999). For such transnationals who are expedited into otherness, the invitation to cross often and make it simple seems at once barbed and barred forever.

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