Book Review

Basaran, Tugba. 2010. *Security, Law and Borders: At the Limits of Liberties*. London: Routledge.
160pp. Hardback, £75 (UK). ISBN: 978-0-415-57025-1.

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Questions of security, law and borders are at the core of Tugba Basaran's recently published volume, but the starting point of her discussion is in fact liberties. These are the liberties and rights that are limited through the politics of borders of liberal regimes, for persons who find themselves categorised as migrants or refugees, "asylum-seekers", "enemy combatants" or "offshore entry persons". Starting from liberties enables Basaran to make an original contribution, well served by a crisp and concise writing style that avoids the trappings of conceptual jargon and builds on a strong empirical investigation.

The core argument pursued throughout the volume is that the rule of law is a key technique for limiting liberties in liberal regimes. In this regard, Basaran confronts a number of studies that build on interpretations of Giorgio Agamben's work and analyse contemporary politics of security and surveillance through the prism of exception and exceptionalisation. Basaran compellingly demonstrates that measures derogating entirely from the rule of law are but a narrow component of the legal techniques available to liberal regimes for the purpose of limiting liberties. Her point is twofold. Firstly, liberal regimes predominantly limit liberties by means of routine, daily legal practices that circulate through established legislative and judicial channels, rather than outside of them. Secondly, the use of exception as the main analytical tool for understanding these practices is problematic in that it gives the practices of liberal regimes too good a press. Discourses of exception are deeply embedded within liberal discourses that seek to legitimise the rule of law. They oppose the exception and the rule of law, emphasising the latter as the sole guarantor of liberties. By the same token, however, they conceal the violence of law, and enforce the idea that liberal and illiberal rules are mutually exclusive. As such, Basaran writes, discourses of exception have "a stabilizing function, an ordering function, and, of course, a hegemonic function" (p. 19).

Basaran's contribution draws from and expands on the findings of critical approaches to security. Her position on the question of exception, however, steers the book's argument away from predominantly discursive interpretation of "securitization" theory. Security is analysed not so much as a linguistic performance that removes a securitized issue from the realm of normal politics than as a set of practices that operate across the discursive/non-discursive divide. In Basaran's case, these are legal practices, related to three configurations: the limitation of liberties in territorial border zones such as the French concept of "waiting zone" (Chapter 3); on the seas in the case of maritime interdiction operations conducted by the U.S. and European states (Chapter 4); and in third countries with the case of offshore border zones (Chapter 5). The book pulls out a twofold *tour de force*. On the one hand, it looks at black-letter law and how it effectively frames limitations to liberties. As such, it contributes a socio-legal perspective to the literature on security and surveillance practices that has until now focused chiefly on security professionals, policing, military, surveillance and intelligence techniques. It therefore takes

Jeandesboz, Julien. 2012. Review of Basaran's *Security, Law and Borders: At the Limits of Liberties*. *Surveillance & Society* 9(3): 333-335.

<http://www.surveillance-and-society.org> | ISSN: 1477-7487

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seriously the notion that security and surveillance are techniques of governing that need to be analysed not for their own sake, but in relation to a broader setting. The question, here, is the relation to liberties, the rule of law and liberal democracy. Each of the cases surveyed in the volume are of particular relevance to this discussion, insofar as it stresses the heterogeneity of the practices underpinning the limitation of liberties. The discussion on the French waiting zone thus opens up a broader reflection on how specific spaces located on the state's territory are nonetheless legally removed from it. U.S. practices of interdiction on the high seas in the Caribbean are contrasted with interception and interdiction practices of European states in the territorial waters of third countries. Australia's practices of excision are matched with offshoring practices on leased lands as illustrated by Guantanamo.

The combined emphasis on legal practices and heterogeneity enables the book, secondly, to make a singular contribution to the recent renewal of interest in questions of borders. It builds upon the shift towards an understanding of borders as bordering processes correlated to processes of ordering and identifying that have gained currency during the past decade. Basaran's originality, here, lies in the articulation between bordering processes and the rule of law. By looking at borders as bordering practices, she introduces the notions of legal borders and legal geographies, which emphasise the constitutive effects of law on space and populations. "Legal geographies, suggests Basaran, are as much about legal spaces, the writing of law into space, as legal identities, the writing of law into populations" (p. 42). Bordering is hence related to governing. Legal geographies then allow the author to examine the limitations of liberties by liberal regimes as the "mismatch" between legal borders of rights and legal borders of policing, both of which are articulated through the rule of law. While traditional international relations and security literature considers the state as a self-contained unit where the scope of rule matches the legal delineation of territory, Basaran shows through the notion of "legal geographies" how legal practices themselves conspire against this representation, by shifting the focus from the state itself to practices and techniques of rule. The formal conception of a homogeneous territory with fixed, linear borders then appears constantly challenged through legal practice. In the case of the waiting zone, discontinuities are introduced within the territory of the state and border zones are established between points of embarkation/debarkation and points of control. By establishing border zones in third countries, offshoring practices disrupt territorial homogeneity and extend one state's jurisdiction into another's territory. The full strength of Basaran's argument unfolds here. She takes on fundamental questions of political theory through the very arguments that constitute the strength of classical perspectives: black-letter law on the definition of state territory, jurisdiction and authority. The book demonstrates how legal practice trumps the principle of the state as a self-bounded, homogeneously delineated entity. As such, Basaran highlights the fundamentally political character of legal practices and techniques and the ways in which they ascribe, without stepping out of the rule of law, specific identities and liberties to different population groups.

Basaran's contribution provides a number of elements of discussion for readers interested in questions of surveillance. She engages, firstly, in a topical examination of maritime surveillance practices, through the case of the Spanish maritime monitoring system SIVE (Chapter 4). Here the key issue is the relation between surveillance and exception. Her survey shows, in this respect, how law contributes to the "liquidity" of borders, by enabling practices of interdiction, interception and return by means of "patchworks of agreements" (p. 73). In the European context, the most notorious of these agreements have been concluded bilaterally in 2007 between Spain on the one hand, and Mauritania and Senegal on the other, enabling the conduct of maritime surveillance operations in the territorial waters of the latter. "Law," writes Basaran, "carves out the border zone and provides it with durability and legitimacy" (Ibid). The geographies (technological, one would argue) articulated by surveillance practices do not unfold in a vacuum, therefore, but are intimately correlated to the aforementioned legal geographies. Surveillance practices do not run against the rule of law, but are authorised by law. More broadly then, *Security, Law and Borders* also contributes to the discussion of the relation between surveillance and democracy. The volume shows the ambivalence of policing practices through which persons are intercepted and removed beyond the legal borders of rights, but which are simultaneously justified through humanitarian arguments

of protection. Maritime surveillance, following now a well-established trend, is framed as a way to save lives at sea, but limits the possibilities offered to the “protected” to act as subjects of rights. It also highlights how the mismatch between the legal borders of rights and of policing is underpinned by struggles between police services, magistrates and civil rights groups among others. In this sense, security and surveillance practices do not unfold according to a unified logic reflecting the persistence of an authoritarian streak in liberal societies, but are constantly challenged, including by competitions among the “watchers” themselves. It is probably here that Basaran leaves a few discussions open. One issue is whether such struggles can ever result in reducing this mismatch, and if so under what conditions. This is not so much a question about resistance than an interrogation about liberal rule. The critique of the uses of exception developed in the contribution offers a way out of Agamben’s “despair” with democracy. In the meantime, the current situation in the Mediterranean, among other developments, begs for a renewed examination of the means available under liberal regimes to limit the “illiberalities” generated through law.