THE INVENTION OF THE PASSPORT

This book presents the first detailed history of the modern passport and why it became so important for controlling movement in the modern world. It explores the history of passport laws, the parliamentary debates about those laws, and the social responses to their implementation. The author argues that modern nation-states and the international state system have "monopolized the 'legitimate means of movement,'" rendering persons dependent on states' authority to move about – especially, though not exclusively, across international boundaries. This new edition reviews other scholarship, much of which was stimulated by the first edition, addressing the place of identification documents in contemporary life. It also updates the story of passport regulations from the publication of the first edition, which appeared just before the terrorist attacks of 9/11, to the present day.

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THE INVENTION OF THE PASSPORT

Surveillance, Citizenship and the State

Second Edition

John C. Torpey

Graduate Center, City University of New York

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For Zoe and Zora

in the hope that they get wherever they want to go

The vagabond is by definition a suspect.

Daniel Nordman

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PREFACE TO THE SECOND EDITION

The idea of examining the history of passports originally suggested itself, in the early 1990s, as a way to think about changes then taking place on the international scene as a result of the collapse of the Soviet Union and of Yugoslavia. In that context, the question arose once again of the "nationality" of people whose state had dissolved around them or who were set adrift as a consequence of war and conflict. There were echoes of the processes that followed World War I, about which Hannah Arendt wrote in an effort to make sense of the status of those abandoned by history after the collapse of the European land empires. "What" were these people, nationally speaking? To what state were they connected, what did they owe that state, and what did that state have to do for them? It occurred to me as I thought about these issues that they reflected an older, epochal change in human affairs. This shift I called the "monopolization of the legitimate 'means of movement'" by states and their imposition of mechanisms aiming to tie persons to political orders and to constrain or facilitate movement, as they saw fit at various times and places.

The passport – that little paper booklet with the power to open international doors – seemed the perfect vehicle through which to explore some of the most important features of modern nation-states. Although I had little knowledge of the literature on migration when I started out, I became willy-nilly a contributor to the discussions about migration that were gathering pace at that time. Ultimately, I was a lapsed Marxist and now dyed-in-the-wool Weberian trying to make sense of the meaning of modern states and their preoccupation with nationality in both the objective and subjective senses. The inclusion of the term "surveillance" in the subtitle was somewhat offhanded, a paean to the often puzzling ascendancy of Foucault in the American academy during and after my years in graduate school (1985–1992).

Yet the book proved to be part of a burgeoning literature on identification practices and their spread during the modern (and postmodern) period. This outcome was a product in part of my collaboration with Jane Caplan on a companion volume, *Documenting Individual Identity: The Development of State Practices in the Modern World* (2001), that appeared a year after *The Invention of the Passport*. The volume with Jane Caplan examined identification practices, documentary controls on movement, and the like across a range of settings around the world and across historical time. Approximately

a decade later, a follow-on to *Documenting Individual Identity* sought to further expand the reach of these studies in historical and geographic terms as well as to survey the research that had been conducted in this area during the intervening period (About, Brown, and Lonergan 2013).

The study of passports and of personal identification more generally has developed significantly since the original publication of *The Invention of the Passport* in 2000. The book's emphasis on documents as the means with which states seek to "monopolize the legitimate 'means of movement'" has been found fruitful by a number of other scholars, such as political scientist Mark B. Salter and media historian Craig Robertson. Salter found it a valuable way of approaching the state's role in regulating international movement (2003, 2008), whereas Robertson was more interested in the ways in which passports were used to verify and certify identity (2010). Salter flatteringly described the book as a "landmark survey on the passport in Europe," but noted that "the colonial scene complicates" the distinction I made between "national" and "international space" (Salter 2003: 55–56). Having learned more about empires in the meantime, I am inclined to agree that I failed to take colonialism properly into account in thinking about the ways in which states have regulated movement in the modern world (Barkey 2008; Burbank and Cooper 2010). This is not the place to try to rectify that lacuna. But a major contribution to doing so has recently appeared from the pen of Jaeeun Kim, who has written brilliantly about the role of passports and other documents in "trans-border membership politics in twentieth-century Korea." Kim's book explores in tremendous depth the ways in which documents were used to regulate the movements of and impute nationality to the Koreans of China, Japan, and the peninsula itself in the shifting contexts of Japanese imperialism, Chinese revolution, and the building of nation-states in the divided Koreas after World War II (Kim 2016). Examination of the passport seems to have proven a productive way to think about how states have extended their capacity to govern movements that had previously been ungoverned.

At the same time, the insights of the book have been expanded upon by those who focus on other aspects of passports and other kinds of identification. First, some, such as Breckinridge and Szreter (2012) and Caplan and Higgs (2013), have stressed the extent to which identification documents such as passports may be *useful* to their bearers, not simply a technique through which states may impose control. These scholars note that access to public services and social benefits may depend crucially on people's ability to verify their identity to the relevant authorities. Obviously, if a person wants to travel abroad, a passport is typically a valuable thing to have even if it is not necessarily required in all cases. Internally, ID cards may be necessary for gaining access to public goods; the paradigm case at present is the Indian Aadhaar card, which is intended to provide verified identification to millions

of Indians so that they can receive welfare benefits from the state (Government of India 2016).

Next, scholars of identification practices have stressed the ways in which identification is increasingly a commercial matter, not just one for states. David Lyon, probably the most distinguished analyst of modern surveillance techniques, has made this point in a number of his writings (Lyon 1994). Although it may be true that states could not function without the ability to identify citizens and to distinguish them from noncitizens, businesses similarly would not be able to operate if they could not identify customers for purposes of the payment and delivery of goods and services. The fact that such identification is increasingly conducted via computer makes it that much more inescapable; anything and everything we do online can now be used against us, so to speak. The need for cash, which is something like the monetary equivalent of a passport, declines accordingly – unless, of course, one has reasons to operate in the shadows. It is difficult to escape the bright light of identification online.

A third aspect of recent scholarship on passports and other identification documents involves the stress on how these documents distinguish among identities in a difference-generating manner. That is, possession of the "right" passport may help speed movement for properly preapproved passengers, whereas those who have not undergone the prescreening of their identification documents must wend their way through long, slow lines awaiting processing at airports and other restricted zones. As David Lyon has stressed, the exigencies of contemporary life are such that mobility must both be *smoothed* in the interest of the circulation of goods and persons and *filtered* to constrain the movement of unwanted elements (2008). Similarly, Ayelet Shachar (2009: 810) has observed that "we increasingly witness a border that is . . . at once more open and more closed than in the past."[1] And, as we shall see, the "border" is a variable quantity not always found at the line one sees on a map. In addition, there are many who as a practical matter never have a chance to cross the border in any case, as their passports are inadequate to get them across without a visa that, in turn, may be prohibitively expensive in money, time, or other costs. As outlined in the newly drafted Chapter 6, the post-9/11 period has been marked by heightened security concerns that have put the filtering process under extraordinary scrutiny; no one wants to be responsible for having let the next would-be shoe bomber onto an airliner. Yet programs to speed the movements of those previously approved for expedited movement have expanded noticeably, as indicated by the emergence in the United States of such programs as Global Entry, NEXUS, and TSA Pre-Check. While the

[1] Shachar's nuanced view of changes in border control is a valuable alternative to the "static" versus "disappearing" views of borders that she criticizes. Yet she seems to regard as recent many phenomena associated with what Aristide Zolberg long ago called "remote control" when describing efforts to keep potential intruders at bay before they ever embarked on a journey to the destination country.

passport certainly is still used to constrain the movements of those whose data are reviewed at a point of entry, more and more people are taking advantage of opportunities to circumvent the long lines and whisk through checkpoints on the basis of prior official acceptance that they are who they say they are and have been found to be unobjectionable.

It was entirely fortuitous that *The Invention of the Passport* first appeared not long before September 11, 2001. Needless to say, however, that date marks a watershed in governments' efforts to secure their borders and forestall further terrorist attacks. This new edition includes a completely new chapter examining developments in documentary controls of international movement since those attacks. I have also taken the opportunity to make a number of relatively minor corrections and emendations to the original text. I hope this new edition brings up to date the fascinating story of how passports have been used to govern the modern world of international mobility.

I would like to take this opportunity to comment on one reviewer's reactions to the book. Although he was generally enthusiastic about it, distinguished scholar James C. Scott argued in a review in the *Journal of Modern History* that I overstated the efficacy of documentary controls on movement: "While it is true . . . that there is now a hegemonic regime of passports indicative of a 'hard-shelled' state," Scott wrote, "surely what is at least as remarkable is how porous and ineffective it is. . . . Every border, every jurisdiction with different laws, tariffs, price structures, and opportunities is not so much a barrier as an opportunity." These objections reflect Scott's long and illuminating preoccupation with the "weapons of the weak" and their "arts of resistance." But they seem at odds with the scorching diatribe against the emergence of states that can be found in his more recent *Against the Grain: A Deep History of the Earliest States* (2017). There, Scott decries the development of states that depended on economies based on the cultivation of grains and, in the process, chained individuals to their tasks and to service to the state. Like Scott in *Against the Grain*, it did seem to me that the period since about 1600 – the same one he identifies as marking a new epoch in which states and their tax collectors covered the earth – bore witness to a new departure in the regulation of human mobility. Of course the "monopolization of the legitimate 'means of movement'" has never been completely effective and, as I noted in the book, it is especially difficult to constrain pedestrians. But with the invention of all sorts of conveyances, such as railroad cars, airplanes, and, indeed, automobiles, it has become much easier to subject travelers to regulation. Those who cross international borders now typically do so in such mobile containers, and are thus more easily subjected to constraints than the traveler on foot. Accordingly, the effectiveness of the passport system is much enhanced for the millions of those who traverse borders in conveyances, but even those who move on foot widely confront more developed infrastructures of mobility regulation. Differences across states are a result of their varying bureaucratic

capacities, just as their effective sovereignty varies (Krasner 1999). In sum, while I disagree with Scott's general criticism from fifteen years ago (and it seems that he might not agree with it himself at this point), there is unquestionably a gap between written regulations and facts on the ground and it is an empirical question how large that gap may be in particular instances. Still, to see nothing but loopholes in these laws is to see only trees rather than the forest they comprise.

In conclusion, I must thank Marianne Madoré and Kamran Moshref, PhD students at the CUNY Graduate Center, for their research assistance in preparing this revised edition. I simply couldn't have done it without them. Marianne, in particular, made a number of suggestions for improving the text, some of which I took and some of which I declined; in all events, no one is responsible for the final text but me.

I must also thank the Graduate Center itself, which has provided a most congenial and stimulating academic home for me over the past decade and more. I am more grateful to the Graduate Center and to my colleagues there than I can adequately say. The opportunity to direct the Ralph Bunche Institute for International Studies since 2014 has been particularly gratifying, and I am especially indebted to several of my colleagues there: director emeritus Thomas G. Weiss, long-time administrative director Nancy Okada, incoming administrative director Eli Karetny, and the associate director of the European Union Studies Center, Patrizia Nobbe. They make coming in to the office every day a genuine pleasure.

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While I was confident from the outset that a book about "the history of the passport" was a clever idea, I was less convinced at first that this was a subject of any real significance. I therefore owe a great debt to several historians who helped persuade me very early on that this would indeed prove a worthwhile undertaking: Paul Avrich, Eric Hobsbawm, Stephen Kern, Eugen Weber, and Robert Wohl. While I had the good fortune to enjoy an extended colloquy with Robert Wohl in the context of a National Endowment for the Humanities–sponsored seminar on intellectuals and politics during the summer of 1994 when the idea for this study was first formulated, the others simply responded to an unsolicited query from a young scholar unknown to them. This generosity only increased the admiration I had for them, which was of course what had led me to write to them in the first place. Todd Gitlin also reacted with enthusiasm to the idea of the book. Todd's endorsement of the project as well as his steadfast support for me and my work have been a source of great satisfaction over the past decade and more; I feel honored to have his friendship and encouragement. Without the generosity of these people, this project would never have become more than an idle curiosity.

Once I had seriously embarked on the project, two other people, Gerard Noiriel and Jane Caplan, lent their enthusiasm and provided shining examples of the kind of scholarship I wanted to produce. Noiriel's writings on the history of immigration, citizenship, and identification documents in France have been a major inspiration for me; the citations of his work in the text point only to the visible peak of an iceberg of scholarly debt. Jane Caplan's support for this project quickly led to a collaborative undertaking on related issues concerning the practices that states have developed to identify individuals in the modern period, to be published elsewhere. Working with her has been both a real pleasure and an extended private tutorial (entirely unrecompensed) in scholarly professionalism. I feel profoundly fortunate and grateful that David Abraham put us in touch, somehow

intuiting – as a result of my work on passports and Jane's on tattooing – that "you're working on the same kind of stuff."

Next, I am particularly indebted to Aristide Zolberg, whose work on the dynamics of international migration in the modern world has deeply influenced my own thinking about these matters. Although we had earlier met on a couple of occasions and I was familiar with a number of his writings on this subject, it was as a result of my participation in the German American Academic Council-SSRC Summer Institute on Immigration, Integration, and Citizenship, organized by Ari and the impressive Austrian migration scholar Rainer Münz during the summers of 1996 and 1997, that I came to a fuller grasp of Ari's approach to understanding migration processes. His ideas pervade this book, which I can only hope will provide a useful complement to his work on the role of states in shaping migration processes.

Although the list of others I wish to thank is long, I hope this will not be regarded as merely a surreptitious effort at self-congratulation. The fact that these people and institutions are to be found in several countries on three continents is both a measure of the good fortune I have had in carrying out this project and testimony to the reality of an international community of scholars, of which I am thrilled to be a part.

Much of the research for this book was carried out while I held a Jean Monnet Fellowship at the European University Institute in Florence, Italy during 1995–1996. Upon my arrival in the world's most beautiful city, a young legal historian, Stefano Mannoni, insisted that the place for me to conduct the research I wanted to do was the Library of the Chamber of Deputies, situated happily in the shadow of the Pantheon in Rome. Stefano called his friend, *bibliotecario straordinario* Mario di Napoli, on my behalf, and the rest was smooth sailing. I am greatly indebted to Mario's colleague Silvano Ferrari, who tracked down many an obscure source for me and, if he couldn't find it, invited me to join him in the otherwise closed stacks for the search. At the EUI, Raffaelle Romanelli's enthusiasm for the project helped sustain me through some uncertain times; my friend Christian Joppke pushed me forward, and provided plenty of good company.

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In the course of writing this book, I have benefited greatly from the largesse of several other institutions that have provided funding for research or time away from regular academic duties, as well as congenial surroundings in which to carry out the project. At a time in which public support for scholarship is under sharp attack in the United States, I wish to make special mention of a fellowship from the National Endowment for the Humanities, the award of which I regarded as a particular honor. I was also delighted that the German Marshall Fund found my work worthy of its support. In Paris, I enjoyed the assistance of Professor Catherine Duprat at the Institut de l'Histoire de la Revolution Française and the hospitality afforded by the Maison Suger/Maison des Sciences de l'Homme, whose director, Maurice Aymard, has been most helpful. The University of California at Irvine has been supportive of me and of this project, for which I am grateful.

I have talked about aspects of this project in venues too numerous to indicate here, but I would nonetheless like to take this opportunity to thank Charles Maier, director of the Center for European Studies at Harvard, and Nancy Green, a distinguished historian of migration at the Ecole des Hautes Etudes en Sciences Sociales, for invitations to speak about this project at their respective institutions and for the helpful comments I received on those occasions.

An earlier version of Chapter 1, together with the Conclusion, appeared previously as "Coming and Going: On the State Monopolization of the Legitimate 'Means of Movement,'" *Sociological Theory* 16(3) (November 1998): 239–259. That article has also appeared in French as "Aller et venir: le monopole ètatique des 'moyens légitimes de circulation," *Cultures et Conflits* 31–32 (Autumn-Winter 1998): 63–100. A French translation of parts of Chapter 3 was published as "Le contrôle des passe-ports et la liberté de circulation: Le cas de l'Allemagne au XIXe siècle," *Genèses: Sciences sociales et histoire* (March 1998): 53–76.

I must also thank my research assistants, Derek Martin and Sharon McConnell, who helped me get under the trapdoor just before it came

down. Alas, unlike when Harrison Ford is involved, the door did not remain open until there was time for one last act of heroism. I am grateful to Phillipa McGuinness and Sharon Mullins at Cambridge University Press for their enthusiasm about the project, and for holding the door open just a little longer than they might have liked. Apparently the result justified their patience.