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Flattening the international: producing financial intelligence through a platform

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ABSTRACT

This paper engages in ‘flat’ International Relations (IR). Inspired by Actor-Network Theory (ANT), it studies how geographically dispersed security actors produce shared understandings of financial intelligence on the EU-FIU Platform, a European Commission expert group. Studying the Platform enables empirical observation of how ‘the international’ is not a natural given nor a static analytical framework, but instead is actively made to exist in everyday practice, entailing numerous human and non-human actors. Engaging the Platform with a flat ontology allows the significance of materiality to be drawn out and key IR concerns such as power and governance to be readdressed. The paper examines the publicly accessible minutes of the EU-FIU Platform meetings and traces the development of the phrase ‘for intelligence purposes’, demonstrating both its *interpretive flexibility*, allowing actors to cooperate across heterogeneous understandings, and its *flexible scalability*, allowing actors to assign and navigate several scales concurrently.

KEYWORDS

Flat International Relations;
EU-FIU Platform;
Actor-Network Theory;
flexible scalability

1. Introduction

Financial data is increasingly being deployed for intelligence purposes. All European Union (EU) member states have their own Financial Intelligence Unit (FIU), which collects and analyses large amounts of financial information from private actors such as banks and money transmitters in order to detect illicit financial activities. As financial transactions cross state borders, the FIUs have to operate beyond their national jurisdictions and cooperate with foreign counterparts. This raises several challenges. In a pragmatic sense the FIUs are struggling to align their different data sharing models; some deploy highly advanced software systems, filtering and sending suspicious financial information automatically, while others filter, select and send each transaction manually. More challenging, however, is the question of how the data is to be utilised once it is in the possession of another FIU. May foreign financial information be forwarded to other domestic partners? Can it be sent to law authorities or secret services? May foreign information be used as court evidence?

This paper studies how geographically dispersed financial security actors produce and navigate shared understandings of data sharing through a joint platform. Drawing on openly accessible minutes, it analyses ongoing discussions on cross-border financial data sharing on the European Union Financial Intelligence Unit Platform (EU-FIU Platform). The EU-FIU Platform meets periodically in Brussels and comprises representatives from 31 national FIUs,¹ Europol, and the European Commission (DG JUST and DG HOME). In the words of the Commission, the Platform aims to ‘facilitate cooperation among national FIUs and exchange views on co-operation related issues [...] relevant to assessing money laundering and terrorist financing risks both on the national

and supranational level'.² The EU-FIU Platform does not set out to track illicit finance such as money laundering or terrorism finance, but serves as the central site in the EU to discuss *how* cross-border tracking practices should be organised.

The paper utilises a 'flat ontology', demonstrating how the production of shared security understandings, including its power relations and means of governing, can be observed through empirical observation of practices (see on practices Adler and Pouliot 2011; De Goede 2017, 37–38; Law 2017). A flat ontology allows to observe how a networked assemblage of actors, both human and non-human, produce and co-constitute persuasive constructs (Latour 2007, p. 165–172). A flat ontology draws on empirical induction to unpack how these constructs are maintained and brought into being in everyday practice. Following Latour's provocative claim: the split in the social sciences between local interaction and global context could be presumed 'terribly wrong,' because it proposes an already existing "framework" inside of which interactions are supposed to be nested' (Latour 2007, p. 167). Instead, he suggests, the inquiry should focus on 'the very production of place, size and scale,' and how in practice these 'dimensions are generated and maintained' (Latour 2007, p. 171–172).

If we ask, following Bueger and Gadinger (2014, p. 65), how we might study 'formations of scope – often of "transnational" or "global" reach – through a study of something that appears to be as small as practice', then platforms such as the EU-FIU offer an interesting example. This paper suggests that 'formations of scope' such as the transnational and global – and the more general 'international' – can be studied by observing how these constructs are brought into being and navigated in practice. The EU-FIU Platform includes security actors from across Europe and their FIUs have bilateral relations across the globe with their counterparts and via other 'platformed' institutions. The EU-FIU Platform does not only entail physical meetings in Brussels, but it is produced through project teams of groups of FIUs working on specific topics, through detailed minutes of their meetings – and the circulation of these minutes –, and through mundane practices such as meeting schedules, time management, and the availability of meeting rooms. The EU-FIU Platform offers a window through which to study how formations of scope are being 'done' (Mol 2002).

In order to do so, the paper traces the development of one particular EU-FIU project aiming to develop a 'common understanding' concerning the three-word phrase 'for intelligence purposes' (European Commission 2015b, p. 5). EU FIUs commonly include this phrase as a clause when they share financial data to indicate how the data may be used by the foreign FIU counterpart. Financial information contains sensitive information not only including the financial transaction, but also personal information of the sender and receiver, the bank account information, and depending on the FIU it may also include information such as IP addresses. This topic therefore deserved the Platform's scrutiny. The particular meaning of the phrase raised important concerns such as privacy and encountering diverse legal jurisdictions (who owns the information and how may it be legally utilised). Whereas some FIUs have to comply with strict national regulations, others operate in more flexible legal contexts, causing the (particular) ways of financial data sharing to collide. As we will observe: the three-word phrase 'for intelligence purposes' operates as a 'boundary object', being both flexible enough to incorporate different interpretations on these issues, while simultaneously enabling the formation of a common, shared understanding (on boundary object, see Star and Griesemer 1989; Fox, 2011; Star 2010).

After discussing 'flat IR' in the next section, the subsequent section will discuss the paper's data and understanding of the notion of platform. The empirical section, divided in two, will first track the phrase 'for intelligence purposes' over a period of a year to observe how it was endowed with *interpretive flexibility*, to pursue it further in the second section beyond the Platform and observe its *flexible scalability*. The conclusion recapitulates and explores the advantages of a flat ontology.

2. Engaging in 'Flat IR'

Within International Relations (IR) the notion of 'the international' has been thoroughly interrogated. It has for example been proposed that 'international relations as an intellectual project

already assumes that the international is an important – if not paramount – “pre-established grid of analysis” (Salter 2015, p. xvi); the term has been scrutinised for its usefulness and its relation to other concepts such as the ‘imperial’ (Walker 2006); and even recognising its problematic raises questions of ‘what it means to identify the international as a problem, for whom it is a problem, and how it relates to other problems’ (Bigo and Walker 2007, p. 728). This paper builds on a growing field of IR scholars adopting Actor-Network Theory (ANT) approaches (Aradau 2010; Bellanova 2017; Best and Walters 2013; Bosma 2020; de Goede 2017; Salter and Walters 2016). It is part of a special issue advancing the conversation between Science and Technology Studies (STS) and IR (see Bellanova, Lindskov Jacobsen, and Monsees 2020), examining how STS may contribute to IR on such topics as studying media controversies (Monsees 2020) or the challenges of producing critique (de Goede 2020). Drawing on both ANT and STS scholarship, this paper aims to conceptually contribute to the question of how to study the international, and how to accommodate the study of scale when researching formations of scope in situated practice.

A flat ontology allows an understanding of abstract things such as scales not as reified (academic) jargon, but as actively produced constructs having to be continuously stabilised in practice. Scales, for example, are neither a natural given nor offer a static analytical framework (see for instance Marston, Jones, and Woodward 2005). Other abstract notions and grand claims such as ‘capitalism’, ‘neoliberalism’ and in our case ‘financial intelligence’, too, are neither natural givens nor offer clear and static analytical frameworks. A flat ontology implies studying how things are actively made to exist in material practice by numerous actors, both human and non-human, and how these actors associate and (re)assemble persuasive constructs (Latour 2007, p. 165–172).

Bringing a flat ontology to IR offers two advantages. Firstly, it attributes the rightful weight to the materiality in which things occur, featuring not only humans but also technologies, documents, standardisation protocols and mundane yet vital (inter)mediators such as meeting rooms, minutes and time schedules. There is an increasing interest in IR in the role of materiality – the so-called ‘material turn’ – and exciting research is being done on for example the material-discursive practices producing critical infrastructures (Aradau 2010), the agency and ethics of technologies (see a collection edited by Hoijtink and Leese 2019), and how ‘things’ such as bicycles, boats, drones and even garbage and clocks demonstrate particular ways in which ‘the international is evoked, enrolled, assembled, and deployed in the material world’ (see the collection edited by Salter 2015, p. XIX). What these examples all demonstrate is the rich level of detail that surfaces when including the material, and the plethora of (non-human) actors that are important to take into consideration. When repositioning the international to where it is made to exist, in everyday practice, we cannot ignore the significance of the things that not only enable, but also produce, manage and shape the wide-scope topics IR studies.

Secondly, a flat ontology allows an observation of how common IR concerns such as power and governance are not (only) theoretical contemplations, but can be studied by turning to tiny – yet vital – empirical fragments such as the clause ‘for intelligence purposes’. Doing so does not bring into question the existence of unequal power relations, stratified scales, hierarchies, or top-down or bottom-up relations, but acknowledges that these are constructs inherently (re)produced in, and having effects through, situated practices. Of course, the material world is not flat but roughly round and bumped with mountains, lakes and skyscrapers. Flat is a metaphorical reference and speaks against the tendency to capture the world in generalising theoretical explanations that often assume static stratified layers (e.g. local/global, or micro/macro). The emphasis, in ANT and STS, turns to how constructs, such as scales, are ‘co-produced’ (Jasanoff 2004), ‘composed’ (Latour 2010) or ‘enacted’ (Mol 2002). This paper does not concur with Friedman’s interpretation of a flat world offering an equal, level economic playing field (2005). In contrast, a flat ontology, due to its inevitable focus on empirical induction, allows a comprehensive address of how unequal relations and stratified hierarchies are made to persistently exist in observable (only materially bumped) practices.

Within the relatively new field of financial security (see for example Amicelle 2017; Amicelle and Chaudieu 2018; Boy, Morris, and Santos 2017; de Goede 2010, 2017; Wesseling 2013), ANT and STS approaches have inspired scholars to turn to practice and focus on how seemingly mundane and often routinised dimensions are key to understanding the production of financial security. For instance, by following a single financial transaction through the ‘chain of security’ (bank → FIU → court), de Goede has shown how financial security actors at different parts of this chain ascribe and translate the meaning of such a transaction (2017). For transactions to be transportable amongst security actors, de Goede observes, they ‘need to be inscribed in dossiers, analysed, debated and modelled, in order to be rendered intelligible and valid as security facts’ (de Goede 2018, p. 32). Amicelle studied a part of this chain, from the bank to the FIU, and observed how a shared (but diversely understood) lexicon enables financial security actors to escape the confines of their own institutional embedment and to cooperate across them (Amicelle 2017). And Bosma, conducting ethnographic research within a major Dutch bank, focused on what she calls ‘sites of experimentation’, where new digital security technologies raise ethical and practical dilemmas challenging security practitioners (Bosma 2020, p. 194).

These novel ways of engagement allow new epistemologies and methodologies within IR to be explored, yet they pose new challenges as well (see for example Aradau and Huysmans 2014; Salter and Mutlu 2013), and the question of scale remains enduring and imperative (Bueger and Gadinger 2014, p. 59–75). Regarding EU financial security, 31 FIUs monitor the financial risks of approximately 500 million EU citizens spread across 10 million km². How can we flatten the ontology and study these kinds of geographically dispersed yet intertwined security phenomena without thinking in terms of national, international and global, and by focusing on only tiny empirical fragments?

This paper appropriates the concept of the ‘boundary object’ to study how different understandings of financial data sharing find common ground through the EU-FIU Platform (Star and Griesemer 1989; see also Orsini, Louafi, and Morin 2017). As we will observe, the three-word clause ‘for intelligence purposes’ is interpretive flexible: it is ‘both plastic enough to adapt to local needs [...], yet robust enough to maintain a common identity across sites’ (Star and Griesemer 1989, p. 393). As Star and Griesemer (1989) showed in their study of a zoology museum, shared understandings in this museum needed to align the social worlds of the academic, the patron, the collector, the trapper and the museum administration. Even ‘basic’ practices such as collecting, labelling, and describing things (or ‘facts’) are far from univocal and require objects with interpretive flexibility to generate shared understandings. As we will observe below, the heterogeneous understandings of financial data sharing, similarly, successfully tie together via objects with interpretive flexibility such as the clause ‘for intelligence purposes’.

A frequently posed critique of the concept of boundary object, however, concerns its flexibility regarding scale, since if the scale is flexible, potentially anything could be a boundary object (for a discussion of this topic, see Star 2010). I argue that this seemingly elusive analytical ability might actually prove invaluable when deploying the concept to IR. The clause allows for ‘scalability’, I propose, a term deriving from the computer sciences and referring, broadly formulated, to the practice of rescaling applications to (growing or shrinking) sizes and volumes. I do not understand scalability purely as (problems with the) geographical spatial expansion or contraction of certain practices - see Tsing 2015 for this argument -, but deploy the term first of all as a part of a practice, as a reference to something that is scalable or being scaled. The actors do not bridge or ‘jump’ scales, but actively (re)produce and stabilise particular constructs of multiple scales with both their feet on the ground. The concept flexible scalability allows to acknowledge the multifarious nature of situated scale-making processes, enabling actors to assign and navigate several scales concurrently without being mutually exclusive. It assists in studying formations of scope in empirical practice.

3. Studying the EU-FIU Platform

FIUs are designed to collect, analyse and disseminate suspicious financial transaction data within state boundaries. As they operate primarily within a bordered institutional arrangement, the differences between FIUs are vast: they can be embedded in a ministry or law enforcement agency, be a ‘hybrid’ of these two, or, in exceptional cases – such as FIU Luxembourg – can be a part of the judiciary (EU FIU Platform 2016, p. 7; IMF and WB 2004). EU FIUs differ in human resources (between 13 to 300 employees), financial capacity (ranging from €600,000 to €14 million) and working languages (English is not the continental working language) (EU FIU Platform 2016, III–IV). The EU-FIU Platform comprises a heterogeneous group of security practitioners that, similar to the plurality of understandings in the zoology museum (Star and Griesemer 1989), each have their own particular way of engaging and understanding financial security.

To study this heterogeneous Platform the paper draws on two sources of information. Most important, it draws on the minutes of the EU-FIU Platform meetings from 2014 to 2018. These minutes are publicly available online and have been published since the EU-FIU Platform gained its official status as a Commission expert group in 2014.³ The minutes constitute a particularly interesting source of data in light of the secrecy that is commonly part and parcel of security research (see for instance de Goede, Bosma, and Pallister-Wilkins 2020). The minutes do not aim to develop policy, but instead describe the actors themselves discussing and reflecting on the construction of policy. Second, in order to contextualise the minutes and comprehend the frequently technical operational debates, the paper draws on qualitative fieldwork coupled with semi-structured interviews with practitioners involved with the EU-FIU Platform.⁴ By engaging with a wide array of financial security practitioners for over two years – in particular with the FIUs – I became acquainted with the (inter)relations within the field, the sector-specific jargon, and the topics deemed to be most important by the practitioners themselves (see Boltanski 2011 for this type of engagement).

The EU-FIU Platform is a relatively new player operating at the intersection of national and international regulatory frameworks. Beyond the EU, individual FIUs have their own web of bilateral and multilateral agreements with foreign FIUs. They can be part of international governing bodies such as the Financial Action Task Force (FATF), which sets global financial intelligence standards, or the Egmont Group, which facilitates global operational cooperation. Notably, both of these organisations are governed in a similar fashion to the EU-FIU Platform; in their own words, the FATF is an ‘intergovernmental body’,⁵ and the Egmont Group is a ‘united body’ serving as a ‘platform’ as well.⁶

Informed by (media) platform studies with a focus on digital platforms (Bogost and Montfort 2009; Gillespie 2010; Plantin et al. 2018), this paper flags the importance of these novel types of (security) platforms of geographically scattered yet intertwined (inter)governmental (political) actors, who periodically meet physically in person. Following Tarleton Gillespie, a platform ‘suggests a progressive and egalitarian arrangement, promising to support those who stand upon [are part of] it’ (2010, p. 350). Platforms are conceived as an open space for cooperation, in which the organiser, while granted a significant moderating position, is represented as a ‘mere facilitator, supporter, host’ (Gillespie 2010, p. 353). In our case, the Commission gains influence by hosting and curating the meetings, thereby holding sway over the amount of deliberation certain topics should or should not receive. Indeed, following Plantin et al., platforms such as the EU-FIU Platform can be considered increasingly important within economic and political infrastructures, following the simultaneous movements of a “platformization” of infrastructures and an “infrastructuralization” of platforms’ (Plantin et al. 2018, p. 298).

The EU-FIU Platform serves as the central location for discussing *how* financial intelligence within the EU should be organised. The representatives of the FIUs and the Commission gather once every 2 to 4 months in a meeting room in Brussels. In addition to these physical meetings the practitioners collaborate on a number of shared projects (around eight at a time) that are

discussed in circulating reports and presented at the physical meetings. The general aim of the EU-FIU Platform to ‘exchange views on co-operation related issues’⁷ therefore resonates closely with what Barry has referred to as a ‘technological zone’: ‘a space within which differences between technological practices, procedures and forms have been reduced, or common standards have been established’ (Barry 2006). In our case, however, the Platform rather resembles a zone in the making as common standards regarding for instance the sharing of data, are still actively being composed.

In the following sections we will ‘visit’ the EU-FIU Platform meetings and observe how the phrase ‘for intelligence purposes’ developed over a period of a year, and circulates beyond.

4. Interpretive flexibility

The funny thing about ‘for intelligence purposes only’ is, erm, what is intelligence?

- FIU employee, 26 February 2019

On 1 June 2015, the EU-FIU Platform met in Brussels to discuss the ‘obstacles to sharing/dissemination of information’ (European Commission 2015a, p. 7). According to the minutes, the meaning of the phrase ‘for intelligence purposes’ was unclear, causing misunderstandings between the FIUs when sharing financial data. Due to the different national frameworks, FIUs are faced with varying financial sector regulations, legal jurisdictions, privacy codes and law enforcement institutions. Some FIUs share financial data and allow the receiving FIU to use the information as they see fit, while others are bound by strict national privacy laws. Once the data is shared, however, it might be deployed in ways not foreseen nor desired by the FIU that shared it. The receiving FIU might forward the information to domestic partners such as law enforcement, tax authorities, secret services, or the public prosecution service. As a result, an FIU on one side of the European Union could find its financial data – on a national subject – being used as evidence in a courtroom on the other side of the EU, without having been aware of this. As one practitioner tellingly remarked, you don’t want to ‘provide information and then the day after you see on the newspaper that this information had been leaked to the press’ (FIU employee, 6 February 2020). This not only raises practical challenges around sharing the data, but raises ethical, judicial and privacy-related concerns.

Responding to a ‘Discussion Paper’ introduced by the Hungarian FIU, the first meeting on the topic commenced with the Commission posing several questions: ‘Does the clause “information can only be used for intelligence purposes” constitute the only obstacle [to share financial data]?’ and ‘Is use of the clause imposed by national law (which provision) or by national fundamental principles? Or is it just used out of habit?’ (European Commission 2015a, p. 7). The clause was considered, at least by the Commission, as an ‘obstacle’ to financial data sharing, and it was not clear for the Commission why it plays such an important role in sharing practice. Based on these reflections, the meeting agreed to initiate a ‘project team’ called the ‘Project on obstacles for further dissemination through the “use for intelligence purposes”’ (European Commission 2015b, p. 3).⁸ The 26th meeting of the EU-FIU Platform in October 2015 classified the project as one of the eight core Platform goals.

The new project team conducted an investigation prior to the meeting and had again circulated another Discussion Paper for the FIUs to reflect on. The team found no international regulations prohibiting the exchange of information, but observed that some FIUs used the clause because they, in contrast to those FIUs ‘authorised to provide information for evidentiary purposes’, have ‘less room for flexibility’ and ‘can exclusively exchange information that will not be used as evidence in the course of criminal proceedings or any other sorts of formal procedure’ (European Commission 2015b, p. 5). For an FIU that is not allowed to share financial information to be used as foreign court evidence, it can be problematic to share intelligence with a foreign counterpart who is legally permitted to use this information. The sensitive financial information of a citizen – as mentioned,

not only including transaction data – might have certain privacy safeguards in one country, yet when the information is shared with another country that does not adhere to the same standards, the different frameworks might collide in the practice of sharing and using the data. The project team suggested that:

Clarity needs to be created on its [the clause's] correct meaning so to avoid undue limitation of the effectiveness of the information exchange between EU FIUs. The aim of this project is to agree on a common understanding.

- European Commission (2015b, p. 5)

With this statement, the project team seems to reproduce the academic conceptualisation of a boundary object by quite explicitly arguing for the development of a 'correct meaning' with a 'common understanding' (European Commission 2015b, p. 5).

Following the presentation of the Hungarian FIU, the ensuing debate revolved around two interpretations of the findings. The first expressed the opinion of the FIUs, arguing that a standard clause would have to be developed according to which 'information can be used for investigative purposes – thus excluding the use for evidentiary purposes' (European Commission 2015b, 6). However, the Commission 'questioned the opportunity for referring to such standard clause', because it 'is not legally required in most jurisdictions and leads to ambiguous interpretations' (European Commission 2015b, p. 6). The Commission argued that 'at a time where FIU cooperation is high on the political agenda, it seems contradictory that FIUs restrict themselves information exchange by self-imposed limitations' (European Commission 2015b, p. 6) – a quote which should be interpreted in the context of terrorist financing and the Charlie Hebdo and Bataclan attacks in 2015. It appears that the Commission sees the clause as a 'self-imposed limitation'. In response, an FIU representative 'noted that the clause allows FIU's to exchange a lot of information quickly' – implying, I induce, that a standard clause *excluding* the 'evidentiary purposes' is valuable as it reduces legal constraints and therefore facilitates rapid information sharing in an operational setting, such as during a terrorist attack (European Commission 2015b, p. 6). Apparently, the Commission – setting the agenda – preferred not to use a clause and wanted FIUs to share data quickly nonetheless, whereas the FIUs argued a clause would reduce legal frictions and facilitate rapid cooperation. The debate was postponed to the next meeting, and the project team was asked to 'come up with further proposals' (European Commission 2015b, p. 6).

The 27th meeting of the EU-FIU Platform, in January 2016, did not focus on cross-border data exchange, as before, but instead pursued the topic of disseminating foreign financial data within the new domestic context. Generally, FIUs do not have executive powers, so that when information coming from abroad may prove valuable, they will disseminate this to those national agencies endowed with executive powers such as the law enforcement. In reverse, the national law enforcement agencies might use their national FIU to request for foreign financial information, a process often referred to in practice as 'diagonal cooperation' (see for example Amicelle and Chaudieu 2018, p. 651–652; EU-FIU Platform, 2016, p. 201–216). These sharing practices imply that the data of a person living in country A, for instance Belgium, might travel via the national FIU to another FIU in country B, for instance Italy, which then sends it to agencies such as law enforcement, public prosecution, or secret services – and vice versa. In this (current) situation, it is impossible for country A to keep track of how its financial data travels and translates within the EU and within other national contexts. The discussion on the Platform therefore revolved around which other foreign domestic agencies in country B are allowed to receive the information from country A, and how these agencies may use this financial data.

The practitioners of the EU-FIU Platform observed that this debate's significance reached beyond the European context, being likewise relevant to the sharing of information with other FIUs across the globe. According to the minutes, it was 'noted that the outcomes of the Project could be valid in [the] global/Egmont dimension and that it also could feed into other mapping projects' (European Commission 2016a, p. 6). The significance of this remark, and of the Egmont

Group itself, will be made explicit in the next section when discussing the notion of flexible scalability. The meeting concluded that the Hungarian FIU would prepare and present the final outcomes at the next meeting.

Yet unexpectedly, the project was not discussed at the next meeting as it had to be postponed 'due to time constraints' (European Commission 2016b, p. 8). In the minutes of the EU-FIU Platform, attention is paid to these kind of practicalities that, though seeming of minor importance, are crucial for the EU-FIU Platform to function. The minutes discuss practicalities such as the availability of rooms,⁹ the timely circulation of the draft agenda and other discussion documents,¹⁰ and the (non)availability of practitioners.¹¹ Planning the EU-FIU Platform meetings requires finding a suitable date,¹² which should not be subject to change at short notice,¹³ or coincide with a national holiday (which is a challenge with 31 national delegations).¹⁴ The EU-FIU Platform is grounded in and mediated by the emails sent by the Commission and participants, the laptops on which they send them, the software systems allowing this, and the circulations and discussions of documents such as the minutes. Governing, in everyday practice, is a materially grounded affair, having a substantially pragmatic and an important everyday dimension. In this particular case, the project had to be postponed because a previous topic, the standardisation of reporting formats, took too much time. Quite literally, the production of financial intelligence had to be governed and managed in material practice, and after failing to do so on this occasion 'it was decided that this point [our project] will be presented at the next meeting of the FIU Platform' (European Commission 2016b, p. 8).

In June 2016, one year after the project commenced, the Hungarian FIU presented the final conclusions to the participants of the 29th meeting. Taking stock of the debates, the project report concluded by suggesting a minimum information threshold for disseminating foreign information to domestic agencies, leaving considerable space for the FIUs to decide to which domestic agencies they disseminate foreign information. However, considering that 17 FIUs were not inclined to give prior consent to use their financial information as evidence in a foreign courtroom, the Project Team recommended implementing two phrases, replacing 'use for intelligence purposes'. When sharing information, an EU FIU can now choose:

A) I give you my prior consent to disseminate the information. The information can be used as evidence in judicial proceedings.

B) I give you my prior consent to disseminate the information. The information can be used for investigative purposes, but cannot be used as evidence in judicial proceedings.

- European Commission (2016c, p. 8)

The various ways of financial data sharing are now captured in the two standardised phrases of the clause, allowing for a common understanding as well as accommodating an FIU's own, unique sharing practices. What this new clause enables is the rapid (and often massive) dissemination of financial security data across EU state borders, as countries who face legal restrictions may now choose option B and are therefore not unexpectedly faced with seeing their data used in a courtroom in country B. The different frameworks and subsequent privacy and legal concerns remain prevalent, yet as the information remains undisclosed and classified as intelligence, a public response (or controversy) is avoided.

That this new shared understanding was not very stable yet, appeared when the 'FIU members were asked to endorse the report', and 'one delegation expressed a concern regarding the wording of the standard clause B' (European Commission 2016c, p. 8). This delegation argued that it was unclear what authorities can be considered part of 'investigative purposes' (European Commission 2016c, p. 8). It challenged the generic formulation and asked for more details as to which foreign domestic organisations are permitted to receive their shared information. The Hungarian FIU, leading the project, stressed that 'this is a non-binding recommendation, whereas some FIUs have [a] very elaborated clause that can still be used' (European Commission 2016c, p. 9). Yet the

Commission seemed not to agree with the Hungarian representative and ‘stressed that if there is such recommendation, those FIUs using this type of clause should have a [other] common understanding and standard wording’ (European Commission 2016c, p. 9).

By asking for a clarification to be included, the clause seemed to fail to stabilise a shared understanding and lose its interpretive flexibility: it needed to be actively governed. Other FIU delegations did not agree with the objections made by the critical delegate. According to the minutes they ‘expressed discomfort’ at the idea of the clause being revised, and indicated ‘that this proposal is coming too late in the process after intensive discussions that were concluded’ (European Commission 2016c, p. 8). The minutes are surprisingly unambiguous in stating that ‘this proposal was not supported by other FIUs’ (European Commission 2016c, p. 8). Power in practice, observably, manifests in these kinds of ‘knowledge controversies’ (for more on controversies, see Barry 2012). When the critical note was struck, it became abundantly clear how the previous year of discussions had generated a general consensus successfully integrating the various interpretations and sharing practices into the new clause. Except for one delegation, no further objections were made. According to the minutes:

The Commission concluded that the project report is mature for adoption without further changes. FIU Platform adopted the report and the recommendation to replace the notion “use for intelligence purposes”. No further reservation was made. The Commission congratulated FIU HU [Hungary] for the endorsement of the project report.

- European Commission (2016c, p. 9)

5. Flexible scalability

Scale is the actor’s own achievement.

- Latour (2007, p. 185)

The ability to work across different understandings and develop common ground is one of two key analytical features of a boundary object. This paper proposes and develops the notion of flexible scalability to acknowledge the multifarious nature of scale-making processes, to denote how actors, themselves, actively construct and navigate intertwining scales within and between geographically scattered contexts. Although a boundary object’s flexibility regarding scale was originally raised as a point of critique – for if an object can hold several scales it might fail to provide sufficient granularity, i.e. level of detail, to deliver analytical clarity (Star 2010) – this ability might prove invaluable for studying formations of scope by repositioning the making of scale as an empirical inquiry.

Similar to the governing practices of the EU-FIU Platform, the Egmont Group offers a ‘platform for the secure exchange of expertise and financial intelligence to combat money laundering and terrorist financing’.¹⁵ The Egmont Group includes FIUs from across the globe, 164 at the time of writing, and facilitates the exchange of financial data as well as the sharing of expertise.¹⁶ It is organised into eight regional bodies of FIU clusters. The EU-FIU Platform participants are all part of the ‘European I’ region, and frequently this regional body meets in Brussels either before or after an EU-FIU Platform meeting. These meetings involve comparable types of participants, and the most important difference is their host: the Commission hosts the EU-FIU Platform, with a regional focus, and the Egmont hosts the European I region, with a global focus.

In practice, however, they both operate in a similar context: in a meeting room somewhere in Brussels.

In 2012, the FATF – the ‘intergovernmental body’ – wrote in a report that ‘in most countries, STR [suspicious transaction report] information is used *for intelligence purposes* and is not used as evidence in court proceedings’ (FATF 2012, p. 23, emphasis added). The phrase ‘for intelligence purposes’, it appears, predates the discussions at the EU-FIU Platform and has

circulated outside of the EU. European FIUs are sharing financial data with and are part of a wider, geographically scattered community of FIUs, using and diffusing similar kinds of terminologies in different contexts. In a similar vein to how de Goede observed that the meaning of a transaction changes when travelling through the chain of financial security actors (de Goede 2018), (im)material objects such as the phrase circulate, translate, and change meaning from one financial intelligence context to another, within and between diffuse, geographically scattered places.

A practitioner of the EU-FIU Platform, for instance, remarked on the EU-FIU ‘use for intelligence purposes’ project that:

It has a different origin. It is not initiated solely in the [EU] FIU Platform, this is a project that comes from Egmont Group of Financial Intelligence Units and it became an FIU Platform project, or a joint project, because the team members [of the EU-FIU Platform] are very active members of Egmont and felt that what we discuss in Europe is very relevant for the global community, and vice versa.

- EU-FIU Platform practitioner, 16 May 2019

The project traced in the previous section, was officially part of the EU-FIU Platform, yet this practitioner indicates that it cannot be demarcated or clearly separated from processes of wider scope. He continued by addressing the relevance of the international community and standardisation:

I mean we don’t own, we not only disseminate [suspicious transactions] within Europe, we share it with the international community as well. And there it would be good if we tried to find a little bit of a global standards as well, when we send information to somebody to have a clear marking on how you can use the information you receive.

- EU-FIU Platform practitioner, 16 May 2019

By getting this topic across to the wider FIU community via the Egmont, the representatives of the EU-FIU Platform could be said to be ‘scaling up’. For instance, the lead of the EU project, the Hungarian FIU, was simultaneously the head of the regional Egmont Group and it pursued an active policy to address the clause within the Egmont context.¹⁷ However, the information moves from one space to another, in this case via the Hungarian FIU from one security platform to another. As the practitioner mentions, the (discussions about the) clause as well as the practitioners themselves are not confined to one space but move around. The clause does not travel and translate vertically – from the local to the global – but instead is produced in connected (platformed) practices, crossing and moving through several scales and sites; its movement grounded without being confined to a single scaled strata.

Tracing our phrase further, we can observe its increasing prominence in Egmont documents, including the influential and widely used ‘Principles for Information Exchange between Financial Intelligence Units’ (Egmont Group 2017). First published in 2013, these principles entailed an attempt to generate a shared governance framework for global financial data sharing. It aimed to formulate shared principles by outlining the ‘generally shared concepts, while allowing necessary flexibility’ (Egmont Group 2013, p. 3). Again, we witness a seemingly literal academic description of the intent to produce interpretive flexibility via a boundary object. Noticeably, the first version of this document did not include any reference to the clause ‘for intelligence purposes’. In the updated version, published 5 years later in 2017, one page is devoted specifically to the phrase and its implications (see Figure 1) (Egmont Group 2017). The phrase has become an important consideration in the Egmont context, receiving a prominent position in the operational document, which in turn circulates to numerous geographically dispersed FIUs across the globe, not only in the West but also across Asia, Africa and South America.

Yet a closer look at the explanation of the phrase in Figure 1 reveals several notable differences. Firstly, the verb preceding the phrase *use* in the EU context becomes *sharing* (specifically the lack thereof) in the Egmont context – the intentions seem reversed. Secondly, the phrase is related

OVERCOMING BARRIERS TO SHARING FOR INTELLIGENCE PURPOSES

The FIUs involved in the ISIL Project found that several participating FIUs were unable to share information – either bilaterally or multilaterally – when there were:

- ongoing investigations,
- or
- mutual legal assistance request in-progress.

Such national laws placed undue restrictions on FIU's ability to share information for intelligence purposes. These limitations restrict information exchange when it could be most useful: when there is an ongoing law enforcement or prosecutorial focus on a particular subject.

The FATF Standards are clear on international cooperation and unduly restrictive measures, for example as indicated in the Interpretive Note to Recommendation 40, paragraph 2. FIUs should continue to work with national partners to ensure domestic and multilateral measures do not impede information sharing for intelligence purposes.

Interpretive Note to FATF Recommendation 40, Paragraph 2

Countries should not prohibit or place unreasonable or unduly restrictive conditions on the provision of exchange of information or assistance. In particular competent authorities should not refuse a request for assistance on the grounds that:

- (a) the request is also considered to involve fiscal matters; and/or*
- (b) laws require financial institutions or DNFBPs (except where the relevant information that is sought is held in circumstances where legal privilege or legal professional secrecy applies) to maintain secrecy or confidentiality; and/or*
- (c) there is an inquiry, investigation or proceeding underway in the requested country, unless the assistance would impede that inquiry, investigation or proceeding; and/or*
- (d) the nature or status (civil, administrative, law enforcement, etc.) of the requesting counterpart authority is different from that of its foreign counterpart.¹⁵*

Figure 1. 'for intelligence purposes' in Egmont context.

exclusively to the fight against terrorism financing. It now refers to the (financial) fight against ISIL, and suggests that legal questions are barriers which have to be overcome. Thirdly, half of the page refers to a recommendation by the FATF, not having received particular consideration in the European context. The same three words, 'for intelligence purposes', are being used in a different fashion compared to the discussions on the EU-FIU Platform – even though several similar actors, similar words and similar meeting rooms are involved.

These variances illustrate that the phrase does not travel uniquely from one space to another (e.g. from EU → Egmont → other national FIUs), nor that it translates into a new, disconnected object. When applying a flat ontology, a level of detail surfaces that obviates the pursuit of causality. Instead, the object and its possibility of including multiple scales seem in this case to allow for (multiple) stable meanings across different contexts, enabling the actors to work across them. Both the EU-FIU Platform and Egmont meetings occur somewhere in a room in Brussels, occasionally even in the same room.¹⁸ One room, however, is presumed to discuss the global, while the other discusses the regional, and most likely both intertwine and incorporate the local, national and international into a constantly changing unique mix of shifting scales in both meeting rooms. Amicelle observed different actors using a similar though differently understood lexicon (2017); in this case the actors seem to navigate various interpretations and compositions involving several scales, depending on which side of the hall they assemble. The phrase 'for intelligence purposes' allows for flexible scalability: it can refer to and incorporate various scales concurrently, enabling the actors to produce and navigate scales in grounded practice and engage with topics wide in scope, across situated contexts, and without being mutually exclusive.

As the practitioner noted on the Platform, the debates on how financial data might travel, to which domestic institutions, and how this data may eventually be utilised, is of equal relevance within the Egmont context. In this case, country A, for instance Germany, might share domestic (financial) information with a (non-EU) country B, for instance Argentina, who in turn might transfer this information to domestic agencies such as Argentinian law enforcement, public prosecution or the secret service. These financial intelligence data sharing co-operations – bilateral as well as multilateral – entail a multitude of scattered 'sites of experimentations' (Bosma 2020), in

which the new digital security technologies pose significant ethical and practical challenges for both the practitioners as well as the intertwined political infrastructures of which they are part. In the (current) situation, even more than within the EU, it seems impossible for an FIU from country A to keep track of how their financial data on a person travels and will be utilised by counterparts on different continents. The phrase ‘for intelligence purpose’, though differently navigated, plays similar to within the EU context an important role in a global context of financial data sharing. By finding common ground while being ‘plastic’ enough to incorporate a plurality of financial security approaches, it facilitates and makes possible the wide circulation of suspicious financial data.

6. Conclusion

To study the ‘grand’ question of how geographically scattered financial security actors produce and navigate shared understandings of data sharing, we have turned to the EU-FIU Platform and observed how a ‘tiny’ – yet key – phrase informed technical and operational discussions, how it became institutionalised, how it travelled and translated within and between institutions, how it circulated in (authoritative) documents, and how it will possibly continue to travel and translate – inevitably stopping in the middle of things. What this tiny empirical fragment reveals is not how the ‘large’ international or global constitutes a general framework encompassing these types of ‘little’ practices, but rather how (abstract) formations of scope, such as scales as the international, are actively made to exist in these kinds of often everyday material practices, involving not only humans, but rooms, documents, time schedules, and minutes.

By focussing on the context of the platform where formations of scope are brought into being in situated practice, we observed how financial information sharing across the globe is made possible. The sharing of financial data is being accommodated even if challenges regarding for example colliding legal frameworks are still prevalent. What the phrase ‘for intelligence purposes’ secures is that financial data of a person from country A, does not unexpectedly becomes public or appears as legal evidence in a courtroom in country B. The phrase is a boundary object incorporating a plurality of approaches, allowing to work across these, yet not functioning as a legal or operational safeguard for exchanging financial information across borders. The clause enables the FIUs to circulate financial data increasingly easily and, given that the data remains undisclosed, to disseminate it unrestricted to various domestic partners. Within the EU this poses significant challenges, yet beyond the EU these challenges amplify even more as 164 FIUs scattered across the continents share financial information via the Egmont Group. This asks for further research not only from the social sciences, but the disciplines of law, and ethics, as well.

Notes

1. Though not a member of the European Union, the FIUs of Iceland, Liechtenstein and Norway are also members of the EU-FIU Platform. This paper therefore refers to 31 EU participants.
2. <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3251> (accessed 20-11-2019).
3. The minutes are available at: <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3251> (accessed 20-11-2019). Due to increased calls for EU transparency all expert groups have to publish their minutes online.
4. I interviewed six practitioners directly involved with the Platform (some more directly than others).
5. See <https://www.fatf-gafi.org/about/> (accessed 20-11-2019).
6. See <https://egmontgroup.org/en/content/about> (accessed 20-11-2019).
7. see <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3251> (accessed 20-11-2019).
8. This project team was led by the Hungarian FIU and joined by the FIUs from Austria, Belgium, Cyprus, France, Luxembourg and Italy (European Commission 2017c, 8).

9. See European Commission (2015b, 2018).
10. See European Commission (2015a, 2015b).
11. See European Commission, (2017b).
12. See European Commission (2017a).
13. See European Commission, 2016a.
14. See European Commission (2015a).
15. See <https://egmontgroup.org/en/content/about> (accessed 20-11-2019).
16. See <https://egmontgroup.org/en/content/about> (accessed 20-11-2019). The number of participants changes often as the Egmont is growing rapidly.
17. See for example the Egmont Group report ‘Vision and Focus’, where the Europe I region refers to three main priorities, of which the second reads ‘Obstacles for sharing information, dissemination, and further use of information, in particular definition of ‘use for intelligence purposes’ (Egmont Group 2015, 32).
18. See European Commission (2019, p. 2.)

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