

Full Movement beyond Control and the Law - Research Project - 2016 - 2021

Prof. Jean-Sylvestre Bergé, of Lyon, is the leading researcher of the long-term, multidisciplinary and comparative (and certainly challenging!) project giving title to this post. A summary of the project, which is funded by the Institut Universitaire de France, is provided below. More information can be found here; for an ssrn publication explaining the project click here.

Summary of the Research Project

The purpose of the research is to bring into the law a new legal concept in order to deal with the phenomenon called « full movement beyond control ».

Movement : persons (individuals or legal entities), goods (tangible or intangible, and more widely, services and capital) move within territories and between different territories. This movement has reached unprecedented dimension in recent times (notably for migrant, data, waste, capital) : the speed, diversity and often significant volume of flow have reached levels as yet unparalleled. *Full* : the movement of persons, goods, services and capital has a « full » dimension in that it engages the attention and action of all the public and private operators (States, companies, citizens) at local, national or international level, who contribute to the phenomenon in whole or in part, voluntarily or involuntarily. *Beyond control* : movement has an « uncontrollable » dimension in the sense that in specific or short-term situations, like those of crisis, operators, and particularly those with responsibility for such movement, do not have full control over it.

This movement beyond control results in the creation of positive and negative, legal and illegal channels within a particular sphere, making it almost possible for the operators to work together to contain it. Full movement beyond control is experiencing a paradoxical surge. More often than not, its existence is denied by those who claim to have the power to control it. However, it is putting existing frontiers at risk while simultaneously creating new ones. It is often backed up by a public whose collective conscience is shaped by a hope that regaining control is still a possibility.

By employing a multidisciplinary (Social sciences - Sciences) and comparative (Europe, Brazil, Canada) approach, this research project seeks to identify a new legal concept capable of specific legal treatment and competent to take in hand the particular issues raised by the phenomenon and the legitimate expectations it may create.