

CHARLES UNIVERSITY IN PRAGUE
FACULTY OF SOCIAL SCIENCE
Institute of Politological Studies

**Genealogical study of the development of the passport and its use on
the territory of the Slovak Republic**

Master thesis

Prague 2018

Janka Lanková

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Academic Year: 2017/2018

Declaration of Authorship

1. The author hereby declares that he compiled this thesis independently, using only the listed resources and literature.
2. The author hereby declares that all the sources and literature used have been properly cited.
3. The author hereby declares that the thesis has not been used to obtain a different or the same degree.

Prague 11.05.2018

Janka Lanková

Lanková: Genealogical study of the development of the passport and its use on the territory of the Slovak Republic

Genealogická štúdia vývoja pasu a jeho používanie na území Slovenskej republiky

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Abstrakt

Táto diplomová práca sa zameriava na funkcie cestovného dokladu, jeho využitie v praxi, čo symbolizuje a jeho prepojenie so zaisťovaním bezpečnosti. Hlavná téma diplomovej práce sa bude odvíjať od diela francúzskeho filozofa Michela Foucaulta, *Dozerať a trestať - Zrod väzenia*. Teória Michela Foucaulta bude v tejto práci považovaná za jednu z hlavných myšlienok, ktorá viedla k udržiavaniu poriadku pomocou pocitu neustáleho sledovania.

Hlavným cieľom je zmapovať vývoj pasu na území Slovenskej republiky a následne objasniť význam pasov nie len v spoločnosti, ale aj v právnom systéme. Michel Foucault sa ako jeden z najvýznamnejších filozofov 20. storočia zameriaval na použitie ľudskej prirodzenosti ako nástroj sebareflexie, ktorá by mala podľa jeho názoru viesť k prirodzenému konaniu, ktoré nebude v rozpore so stanovenými pravidlami spoločnosti. Inak povedané, zameriaval sa na vynucovanie poriadku prostredníctvom psychiky človeka. Práve preto bude, v tejto práci, teória panopticismu považovaná za nástroj, k dosiahnutiu cieľa.

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Základom práce bude vysvetlenie príčin vedúcich k potrebe doplnenia základných prvkov cestovného dokladu. Okrem definovania príčin a postupov spojených s vývojom cestovného dokladu, práca dopodrobna vysvetľuje teóriu panopticismu a jej vplyv v súčasnej bezpečnostnej politike.

Použitou metodológiou bude genealógia. Pomocou tejto metodológie sa budem zameriavať na vývoj a vplyvy súvisiace s vývojom cestovných dokladov v rámci celistvého geografického celku.

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Abstract

The thesis analyzes fundamental functions of passport and its development. Specifically, it elaborates on how passports are used in practice, their symbolism, and mainly what is the link between passport and security. Theory of a significant French philosopher, Michel Foucault, serves as lens the issue is looked through. In other words, the research considers Foucault's theory portrayed in "*Discipline and Punish: The Birth of the Prison*" as one of the main ideas that has led to the maintenance of order by the sense of constant surveillance.

Therefore, primary objective of this thesis is to investigate how passport as the document has developed in the territory of the current Slovak Republic, which of its qualities have changed over time, and why the passport is highly relevant and significant for society as well as a legal system. Michel Foucault claims human nature is conditioned to a better self-reflection when it is under the surveillance, then a

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person's behaviour complies with the rules set in a society. In other words, Foucault speaks about enforcement through human psyche.

The thesis also analyse underlines why there is a need to amend personal data displayed into travel documents, in this case passport. In order to fully understand previously stated issue, a concept of *panopticism* and its impact on contemporary security policy is analysed.

A method of genealogy was chosen for doing this research since investigating the effects associated with a development of travel documents within a coherent geographical unit, a territory of the Slovak Republic.

Acknowledgments

I would like to thank my supervisor PhDr. Sarah Komarová for all her advice, valuable comments and key materials I received during writing this thesis. I am also grateful for her willingness to help me to write this thesis, for her deep knowledge on security studies and insightful discussions at all stages of the study.

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Introduction

The pace of amending the current technology is constantly growing. In addition to changes in the overall appearance of information documents, over the last 150 years, laws have also changed significantly. Besides changes in legislation, we are dealing with the introduction of new types of technologies. The common aim of these changes is to facilitate citizens' life. The time when people couldn't imagine the free movement beyond the borders are already behind us and new technologies opened doors to new possibilities.

One of the most distinctive safety features that countries use are travel documents that needed to be significantly changed by the influence of social conditions and modernisation. We went from a paper document with the description of the holder to passports with a machine-legible zone and the RFID chip.

The original travel documents used on the territory of the Slovak republic were issued in paper form with a detailed description of the holder. These documents were used during the Austro-Hungarian empire and in the period after the collapse of the empire it was no longer possible to continue to use this format of the document. This led to the creation of a passport with a photography and signature. Both World Wars resulted in a situation when citizens tried to falsify passports to be able to illegally leave the country and that is why it was necessary to introduce uniform standards that may limit falsification of documents in the Europe. In addition, in the interwar and the postwar period it was necessary to limit the freedom of movement as far as possible. Up to 80's it was not necessary to significantly change the look of passports, only the legislation processes.

After the release of the post-war tension, a new era in the travel policy states arose. Almost all countries eased its borders and thus creates the pressure for the creation of new types of travel documents, which will be equal to the new security demands. Then we went into the electronic era. During the last 30 years we have come from a machine-readable zone to the electronic document with an RFID chip. All types of electronic documents are one of new technologies with a huge potential in the future.

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Institutions of the European union currently defines the standard of basic requirements for the electronic passports issued in all European member countries. The speed with which the electronic passports came into everyday use may indicate that maintaining security and order has become significantly important to the most of countries.

The reason for choosing this topic is its relevance in the current world and in the field of international security studies. The current world is connected with greater opportunity to travel, but also with the need to provide greater sense of security. Travel documents - Passports are one of the elements of security systems. This work will be focus on passports mainly because of their expansion into everyday life.

The thesis analyses fundamental functions of passport and its development. Specifically, it elaborates on how passports are used in practice, their symbolism, and mainly what is the link between passport and security. Theory of panopticism of a significant French philosopher, Michel Foucault, serves as lens the issue is looked through. In other words, the research considers Foucault's theory portrayed in *"Discipline and Punish: The Birth of the Prison"* as one of the main ideas that has led to the maintenance of order by the sense of constant surveillance. Therefore, primary objective of this paper is to investigate how passport as the document has developed in the territory of the current Slovak Republic, which of its qualities have changed over time, and why a passport is highly relevant and significant for society as well as a legal system.

In the first chapter I will deal with the impact of postpositivist thoughts on the development of security studies. An example of postpositivist thoughts will be Foucault's theory of panopticism which will serves as lens to the issue of travel documents. This chapter explains the concept of panopticism and its use at the present time. In the second chapter I will explain the importance of passports as a tool of the panopticon. Third and fourth chapters will be about the development of passports in the territory of the Slovak Republic. In the third chapter I will explain the development of passports before the emergence of the present Slovak Republic. In the fourth chapter I will focus on the changes in the last 25 years since the establishment of the independent Slovakia. The final chapter will be a summary of the findings.

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Mark B. Salter, Didier Bigo, David Lyon, Nigel Morgan, Annette Pritchard, and K. A. Taipale belong among authors whose academic work was focused on the issue of traveling, passports and surveillance. (Salter, 2004; Bigo, 2008; Lyon, September 2007; Morgan & Pritchard, 2005; Taipale, June 2005)

Mark B. Salter understand passports as material agency which plays an important role in the question of global mobility. Salter sees passports as an „*primary document of national identification (...) according to which government agents classify travellers as safe or dangerous*“. (Salter, 2004) His work *Passports, Mobility, and Security: How smart can the border be?* examines the development of the passport and the regulation of safety movement on the example of the current American border security.

Didier Bigo discussed about the way in which Michel Foucault analyzed security through the police surveillance, discipline and punishment. Bigo sees a new sphere of the politics in regard to 9/11 attacks which is based on the mechanisms of security which „*suspended the rule of law gave authority to the widening of police powers of surveillance*“. (Bigo, 2008) Bigo claims that Foucault's panopticon is useful because panopticon allows us to understand the prison and society as large. (Bigo, 2006)

David Lyon linked the quality of social existence with the automated identification and monitoring. After 9/11 attacks, Lyon raised security requirements to the level of national security. He proposed the new security measures based on the surveillance (panopticon) on the airports based on the globalised ID. (Lyon, September 2007) Nigel Morgan and Annette Pritchard had the same opinion which expanded from airports to the all types of inter-modal facilities. They proposed the new type of the panoptic sort surveillance. (Morgan & Pritchard, 2005) K. A. Taipal analysed impact of the globalisation, privatisation of intelligence, and surveillance on the power of state and social control connected with an individual freedom. He wants to find out whether new trends are advantageous or disadvantageous for overall safety in a "panoptic global security state". (Taipale, June 2005)

All of these authors consider passports as a tool for maintaining order through surveillance over citizens. They see the surveillance over citizens' behaviour and their

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movement as an essential part of maintaining order. The same practice is the basis for this thesis. Passports are described as a basic tool to maintain the order through the constant surveillance over citizens.

Chapter 1: Security studies and post-positivism

International relations and security studies are rational field of study that, due to the dominance of realism, started to take impulses from other theories. Michel Foucault was one of the most important source of inspiration for the sphere of the national security.

Michel Foucault is one of the most prominent French philosophers, sociologists and psychologists of the twentieth century. In addition, he has been deeply involved in the political sphere in the country. Foucault was one of the most famous representatives of French intellectual avant-garde and postmodern philosophy.

Although Foucault did not consider himself as a philosopher, his significant contribution and influence to the Department of Philosophy is undeniable. At the beginning of his academic career, his thinking was strongly influenced by Marxism, which led him to enter the French Communist Party. (Brown, 1999) However, this period did not last long time. One of the most important contributions to the study of philosophy and political science is his understanding of power. In Foucault's theory, power was considered to be a ubiquitous relationship phenomenon, which can be applied not only in the citizen's relation to the governing bodies but also within the whole society. (Buraj, 2000)

Power is according to Foucault „*the way of behaviour that affects others*“ (Buraj, 2000), which is in a direct correlation with the governance and dominance. Governance is understood as a form of influencing and controlling the behaviour of individuals and groups. Dominance is the relationship between subordinate and superior part of the society, where the subordinate individual finds himself in a situation where its rights are limited and influenced by the dominant person. Foucault's theory of power is related to the theory of panopticism, released in 1975. Foucault was predominantly focus to the analysis of the social and theoretical mechanisms that have an impact on changes in the criminal system in modern era.

Foucault's' theory of the constant surveillance is one of the most widely used theories of national security. David Lyon, Nigel Morgan, Annette Pritchard, and K. A.

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Taipale are one of authors who connected the national security at state borders with the theory of panopticism. All of these authors consider passports as a tool for maintaining order through the constant surveillance. (Salter, 2004; Bigo, 2008; Lyon, September 2007; Morgan & Pritchard, 2005; Taipale, June 2005)

1.1 Michel Foucault's theory - panopticism

Society is divided into two parts, superiors and subordinates. Power is understood as privilege of the ruling class. (Brown, 1999) In this type of society, it was necessary to create rules and ensure their subsequent compliance by citizens. Foucault claims that if we create the right environment, we can achieve the desired results in the behaviour of citizens.

Panopticism is a social theory which was developed by French philosopher Michel Foucault in his book *Discipline and Punish: The Birth of the Prison*. Panopticism is named after the institutional building called Panopticon designed by Jeremy Bentham. It is an experimental place where the power can modify behaviour of individuals which should lead to a disciplined society. (Buraj, 2000)

Foucault's work is predominantly focus on the function of disciplinary mechanisms which were presented in such prison. Panopticon consists of ruling class and prisoners, who are always understood as "the object of information, never a subject in communication". (Foucault, 1995)

Foucault compared the emergence of panopticism to measures from the time of the plague epidemics. In this metaphor, individual behaviour is plague and panopticon is measure that eliminate the plague. In order to eliminate the threat, it was necessary to ensure that rules would be respected by all prisoners. This lead to the ceaseless inspections and ubiquitous monitoring which is „*based on a system of permanent registration*“. (Foucault, 1995) The plague is the basis of the order which leads to the „*enclosed, segmented space, observed at every point, in which the individuals are inserted in a fixed place, in which the slightest movements are supervised, in which all events are recorded,*“. (Foucault, 1995)

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Foucault claims that Bentham's Panopticon is an architectural equivalent of measures which were used during the time of the plague. It is a place where state can ensure order by the individualisation of objects and placing them into the situation of the ubiquitous monitoring. The feeling of the ubiquitous monitoring should lead to the ability to penetrate behaviour of individuals and automatically to maximisation of efficiency of state organisations. (Foucault, 1995)

1.1.1 Panopticon

Panopticon is an architectural figure designed by the English philosopher Jeremy Bentham. The idea of panopticon was created in the second half of the 18th century as a practical demonstration of how it is possible to maintain order through norms and sanctions in an institution such as prison is.

The panopticon is the special architectural place which allows all prisoners to be observed by a single "watchman". The main task of the panopticon was to ensure that prisoners will not be able to identify whether they are being watched or not. Even if it is not possible to ensure that one person will be able to look at every prisoner in the same time, prisoners cannot know when they are being watched. This feeling should motivate them to constantly regulate their own behaviour as they are being watched all the time. If the panopticon works correctly, it should „*induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power.*“ (Foucault, 1995)

Design of the panopticon consists of a circular structure with the tower in the centre of the circle. Tower is intended for "watchman" who will be able to see every single prisoner located in the circular structure, however, prisoners are not able to see into the tower. Bentham describes panopticon as „*a new mode of obtaining power of mind over mind*“. (Bentham, 1843) According to his theory, the principle of panopticon can be used not only in the prison, but also in every single sphere of the humans life.

Panopticon has been incorporate into the normal processes of functioning of the current society and leads to the formation of the society according to needs of the

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ruling class. However, the practice of power is not through the direct order but by the discipline. Foucault believes the disciplined society is more stable and more sustainable.

Interestingly, most authors who worked with the surveillance connected with the free movement based their theories on Foucault's panopticism. Among the most famous authors are David Lyon and Didier Bigo. (Bigo, 2008; Lyon, September 2007) However, the theory of panopticism has been used also in other security spheres. Hille Koskela connected panopticon with contemporary cities. Koskela sees all types of visual representations¹ as a tool of panopticon. She claims that we are facing „*the cam era*’ – *an era of endless representations*“ (Koskela, 2003), as era of visibility, constant control, and absence of force and control. Russell Spears and Martin Lea claimed that computer-mediated communication (CMC) is a basic tool of the panopticon. Their theory was based on the idea that CMC affects the power relations. (Lea & Spears, August 1994) They see panopticon as an optimistic tool that forms the basis for the social and psychological structure.

1.2 Panopticism as a basis for maintaining order in digital age

The panoptic scheme was created so that the panopticon can be adapted to the specific environment and expand throughout the society without losing any of its own properties. According to Foucault, panopticon's „*vocation was to become a generalised function*“ (Foucault, 1995) which can be used in any type of society.

Bentham's model of panopticon is a demonstration of the division of power in the society, or in the special sphere of society, and also the demonstration of the relationship between superiors and subordinates. Foucault called this type of society as a disciplined society. It is clear that the discipline and morals that are the basis of today's society were originally created as an instrument whose task was to modify the behaviour of all citizens.

At present time it is assumed that morality and discipline are so rooted in citizens behaviour that it will be much easier to get obedience. This is the reason why

¹ surveillance systems - CCTVs and webcams

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power over citizens is currently secured nationwide what creates less sense of coercion. As Foucault said: „*power should be visible and unverifiable*“. (Foucault, 1995) It means that the main task of the current government is to ensure that they will have a perfect overview over all citizens but also, citizens must never know whether they are being watched at the time. However, citizens need to know that they may always be watched.

1.3 The current use of panopticism

On the example of passports, we can recognise borders to be the circular structure and the tower for watchmen is considered to be the travel document itself. Citizens have the opportunity to own them, and when they use them, state get accurate information about the citizen's movement. Information about movement and personal data of citizens creates a constant sense that they are being watched during the whole day, whole life. As Foucault, about the prisoner in panopticon, said: „*[h]e is seen, but he does not see; he is the object of information, never a subject in communication.*“ (Foucault, 1995) This definition is perfect description of the current digital age and also the definition of what is the role of all personal documents in current period.

Passports are in academic works often presented as a panoptic tool. Mark B. Salter, Didier Bigo, David Lyon, Nigel Morgan, and Annette Pritchard are authors whose academic work was focused on the issue of traveling, passports, and surveillance based on the principle of the panoptic scheme. (Salter, 2004; Bigo, 2008; Lyon, September 2007; Morgan & Pritchard, 2005) These authors focus on the need to improve passport control after 9/11 attacks. Their work is therefore focused on the need for significant change in a short period. My thesis is based on gradual changes that have arisen due to social pressure.

Chapter 2: Passport as a tool of panopticism

Passport is a public document, by which citizens prove their identity and citizenship. (Veľvyslanectvo Slovenskej republiky v Kodani, 2015) This document is issued to citizens by the state, on the basis of the submitted application. The first official travel documents arose during the Austro-Hungarian empire. The first travel documents have been developed for the purpose of traveling within the monarchy and their origins date back to 1857 when the emperor issued the regulation number 31/1857 of the Imperial code, in which the monarchy introduced the first passport system. (Skanzen.cz) Passport is most frequently used as the basic document that every citizen needs to own, if he/she wants to exceed the state borders.

The main purpose of the passport is to proof the identity and integrity of citizens at states border. Another important purpose of the passport is to ensure the security of citizens beyond the borders of the home state. The first text of the regulation on the protection of the citizen of the Slovak republic appeared in the passports used from 1994. The first version of this supplement in the passports of newly formed republic was used from April 1, 1994 up to April 1, 2008: „*The holder of the Slovak passport is under protection of the Slovak Republic. All whom it may concern are hereby requested to afford the holder of this passport all necessary aid and protection according to international law.*“ (Ministerstvo vnútra Slovenskej republiky) Due to the membership of the Slovak republic in the European union the full text of supplement was partially changed: „*Every citizen of the Union has, in the territory of a third country, where there is no diplomatic representation of a Member State, of which he is a citizen, the right to be protected by diplomatic or consular authorities of any other Member*

Chapter 3: Passport policy before the establishment of the Slovak Republic

3.1 Beginning of passport control within Austria-Hungary empire

The origin of travel documents dates back to the 19th century. During this period, citizens traveling from place to place, had to own the document and permission. For traveling within the Austro-Hungarian empire, citizens had to own so-called legitimation card and if they wanted to travel outside the country borders they had to own the passport. The passport was a document that legitimised the identity of the holder, integrity and the reason for the journey. (Rychlík, 2007) The right to freedom of movement has subsequently appeared in March Constitution of Austria of 1849, in which §25, established unrestricted movement of the population within the empire. (Rychlík, 2007)

The Revolution of 1848-1849 in the Austrian Empire, which was directed against the feudal system and absolutism, was the first step toward the March Constitution. The absolutism of the state was against the liberal development of society. The liberalisation of the economy has resulted in the rise of the bourgeois class. The rise of the bourgeoisie was one of the reasons for the revolution. The final outcome of the revolution was an effort to equalise whole population to establish the right of free movement. Due to the abolition of the March Constitution of Austria, citizens were still forced to use passports when they wanted to go to foreign city.

At that time, two kinds of passports were issued. The first type of passports were so-called “Vrchnostenský pas”³. This type was issued only for subjects from villages and towns. These passports were intended for movement within the empire. These passports contained basic information about the holder and the approval clause from the regional office. (Rychlík, 2007) The second type of passports were so-called Gubernial passports that were intended for traveling to countries outside the empire.

³ Travel permit issued to a subject.

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These passports were intended only for blameless citizens who have sufficiently demonstrated the purpose of the journey and at the same time they were not in the age of the military duty. Issuing passports to citizens in the age of the military duty has been denied mainly because of the security of the state and military policy of the state.

The reason for the existence of two kinds of travel documents was mainly the need to have correct information about the movement of the population. The aim of the March constitution was to liberate all citizens, everyone should be able to move freely within and beyond the borders of the empire. New regulations partially restricted the right of free movement. Free movement could be regulated with two kinds of travel documents and also with the law which determined who cannot get the travel document. Only blameless citizen could get the Gubernial passport. The state had the choice to decide whether citizen's journey beyond the borders of the country is safe or not. In this way, the state could assess whether there is a possibility that the citizen would not return back to the country, or whether his/her behaviour could damage the reputation of the country. This principle was used in the travel policy until the second half of the 20th century.

Issuing of travel documents and free movement of the population was allowed by the Emperor in Regulation No. 31/1857 of the Reich Code from 1857. Due to the pressure of the society and need to create a safer environment the Emperor commenced with the passport control at the borders of the empire. In the case that the citizen wanted to travel within the monarchy, he/she did not have to own the travel document. (Skanzen.cz) It was thus possible to create a safer environment within the monarchy, because the focus was mainly on controlling people who have tried to cross the borders of the monarchy and national security forces could focus on other security features.

In 1859, Austria joined the Dresden Convention of the German States which allowed the inhabitants free movement in their own country and moderate movement within Austria and Germany. In order to cross the border with Germany, it was necessary to have only so-called passport sheet which contained basic information about the holder. In this way, the Austro-Hungarian empire tried to liberalise the

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movement of its citizens. The abolition of passport control and the complete liberalisation of population movements came into force in Decree no. 116/1865 of the Reich Code from 1865. (Rychlík, 2007) By these regulations the Emperor sought to prevent further revolts within the empire. All decrees about the movement of the population was unified in an International Decree no. 80/1867. Under the new Decree, citizens of the empire did not need passports within the country or when they wanted to travel to Germany.



Picture 2 - One of the first travel documents used in Austro-Hungarian empire, travel document of Emperor Franz Joseph I.

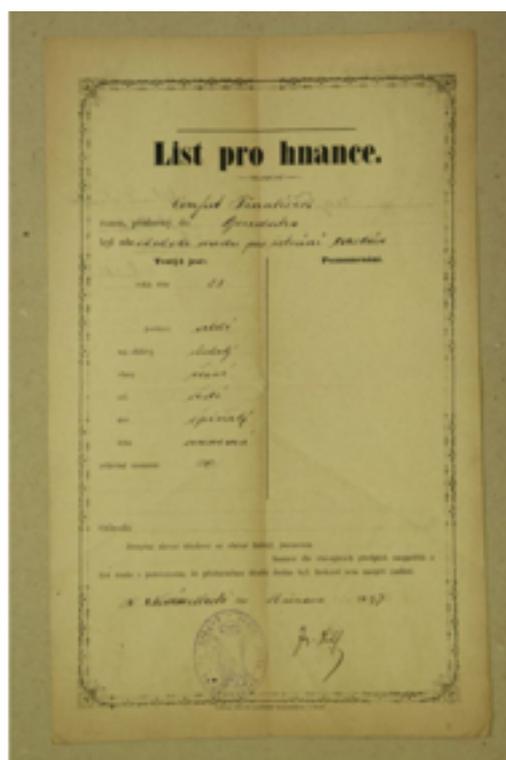
Travel documents at the beginning of the 19th century differed diametrically from current passports. So-called Reisepass or Border Sheet were displayed in sheet form which did not contain a photography of the holder. The basic information that was included in the list were name, place of birth, reason for leaving, and recognition characters of the holder. Recognition characters of the holder were age, type of figure, description of face, nose and mouth. Next, the colour of hair and eyes, and special signs to help identify the holder. Listing of these recognition characters was based on the previous practice, when testimonies were used as a tool for identification.

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After the rise of documents as identification tools, it was necessary to specify the main features in order that the controller could safely confirm the identity of the holder. It was assumed that the combination of all these specific identifiers is so unique that it is not possible to confuse the identity of the applicant of the document with its final owner. On the bottom of the document was the passport publisher's statements, place and date of issue, stamp and signature.



Picture 3 - Reisepass used as the travel document in Austria-Hungary



Picture 4 - The Border Sheet used as the travel document for the Czech and Slovak-speaking citizens

3.2 Passport policy from 1918 to 1945

The situation with travel documents was complicated because of the emergence of a separate Czechoslovakia and thus the creation of new borders. The new state has had to deal with several problems in the context of free movement of the population. On the one hand, the government was aware of the need to leave citizens the right to free movement, as it was allowed before the war. On the other hand, the high state officials were aware that the situation that

arose after the end of the World War I was not conducive to the re-introduction of free movement. Considering the tense international and economic policies among European countries, it was necessary to partially prevent the free movement of citizens, mainly because of the stabilisation of the national economy. (Rychlík, 2007)

The tense situation in Europe eventually led the newly established Czechoslovak government to keep laws which were used during the time of Austria-Hungary. Citizens could freely travel beyond the borders of the country, the only restriction was the increase of difficulty in obtaining the passport. This solution may appear to be impractical, but on the other hand it can be considered as interestingly formulated. Citizens were pleased with the reintroduction of the right to free movement, and the government was aware that by increasing of the difficulty in obtaining travel documents, the number of people leaving the country will naturally decrease.

While in Austria-Hungary it was necessary to prove only the identity, integrity and to explain the reason for crossing the border, from December 22, 1918 it was necessary to prove also the payment of all taxes and subsequently to pay the future tax. (Sbírka zákonů a nařízení státu československého č. 87/1918 Sb.) These measures were in force until the post-war era, but the mandatory passport controls at the state borders were unchanged.

The first regulation about travel documents and visas was issued in 1918 under the no. 87/1918 in the Collection of Laws. For the first time, it is officially ordered to own the valid travel document when the citizen wanted to cross borders of the Czechoslovak Republic. The regulation no. 87/1918 also restricts which persons may be issued the travel document. (Krejša, 2015) These restrictions have been applied to the people whose integrity has been questioned, or they did not paid all fees associated with the issuance of the travel document. The need for integrity of the citizen was mainly due to the preservation of the good name of the Czechoslovak Republic.

Free movement to foreign countries was introduced in 1921 in Regulation

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no. 215/1921 of the Collection of Laws. Free movement was restricted to militarily active individuals. The request for the passport was denied to citizens who had not fulfilled compulsory military duty, had debts, or if they were prosecuted. (Rychlík, 2007) From the perspective of the country it was not wise to allow free movement for citizens who had unfulfilled obligations towards the country.

The new law has been the subject of many debates in the parliament. One of the most important criteria of this law concerned with §7, section 1, number d. This paragraph allowed the rejection of the application of the travel document for persons who, in the opinion of the authority, could endanger the state and economic interests of the country, but also for those citizens who want to travel without a serious reason. (55/1928 Zb, 1928) This paragraph was used predominantly against citizens who did not support the Socialist Party, or those who wanted to travel to the USSR. In this way, the country has sought to protect its integrity.

The beginning of the crisis has tightened the border crossings and obtaining travel documents was even more complicated. In 1938, new regulation came into force. This regulation prohibited traveling to the abroad to all citizens in the age of the military duty. Restrictions on traveling to all citizens in the age of the military duty was justified by the strained situation and the maintenance of safety standards. Enable traveling to citizens in the age of the military duty was against the interests of state security. In this case, the state as a personification of the panopticon acts as an observer, whose aim is to ensure the order and fulfilment of all kinds of state interests that will result in a safe environment in the country. Under the 1938 regulation, citizens could travel only with a special exit clause. (Rychlík, 2007)

3.2.1 Passport policy in the first Slovak Republic

After the establishment of the first Slovak Republic, it was needed to change the law. The government has introduced new Slovak passports.

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However, until the beginning of the war it was possible to use Czechoslovak passports. After the war began, the Slovak law needed to be changed. In the case of travel documents, citizens were required to own a new Slovak passport and visa. The emergence of the new country led to the introduction of the new type of passports, but political tensions have led to tightening of the travel laws. The first step toward the limitation of the free movement was the regulation that abolished the recognition of Czechoslovak passports as an identification document of Slovak citizens. This has forced citizens to ask for the new passport and the issuance of the new passport was largely limited.

Travel documents of this period are similar to the current passport. They are in the format of the passport booklet with the cover. Current passports were issued in the national language and at least in one foreign language. The basic information contained in this passport was the country that issued the passport, the applicant's name, nationality and residency.

The interesting part of this passport was the place marked as “accompanied by his wife and children“. The possibility to enrol family members into the travel document of the man was established by Act no. 55/1928 Collection of Laws in §3, section 2. (55/1928 Sb., 1928)



Picture 5 - Passport of the Masarik family from 1939.

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Unlike the passport from the 19th century, in this period, each passport already contained photography, signature, and the personal description of the holder. The personal description of the holder required information such as employment, place and date of birth, residence, face type, eye and hair colour, special signs and space for the name, age and gender of the child. In addition to the space for the personal photography and signature of the passport holder, there was also a place for the wife and her signature.

This change should help to simplify identification of the citizen. Information about the holder's employment was one of the features checked in connection with the reason for the journey. Crossing the state borders was generally allowed for students whose fields of study were taught only beyond the borders of the country; for working people, the purpose of the journey should be based on the type of their work.

Act no. 55/1928 Collection of Laws in §3, section 2 imposed an obligation on every citizen to apply for the travel document individually. (55/1928 Sb., 1928) However, the law also allowed new type of travel documents in which the nearest family members could be enrolled. Enrol family members into one passport simplified the issuing of travel documents. The request for a collective travel document was treated as a whole thus the verification of the one collective request took less time than several individual requests. If a woman was not in a marriage or applied for the issue of her own travel document, her application was assessed individually, just like any other. Enrol woman and children into the travel document of man and not vice versa was a question of social relations between sexes, which at that time was not totally equal.

3.3 Passport policy from 1945 to 1948

With the re-establishment of the Czechoslovak Republic, the government decided to adopt Act no. 55/1928. (Rychlík, 2007) However, problems with the free movement of citizens have remained. State borders were not opened and the issuing of travel documents was stopped. Passports were issued only if it was

necessary. The applicant had to prove the purpose of the journey and it had to be approved by the ministry or by the Interest association. (Rychlík, 2007) Only the Directorate of National Security in Prague and authorised Department of the Interior in Bratislava had the right to issue travel documents.⁴ This restriction should complicate the issue of travel documents in order to limit the unwanted free movement of citizens. Due to the fact that the travel documents were issued by two authorised offices, the waiting period was extended and it also created space for rejection of applications. The authorised office could reject the application as irrelevant, or they could argue that the meaning of the journey has already lost its importance.

The most significant change of passports was made by the regulation, which regulated the standard appearance of a travel document. After establishment of so-called Chicago Convention⁵ which established the ICAO⁶ on December 7, 1944, it was necessary to amend certain laws. (Rychlík, 2007) Chicago Convention came into the force on April 4, 1947. Due to the participation of the Czechoslovak Republic in the Chicago Convention it was necessary to adjust the standard appearance of the travel document to match the internationally recognised standards.

The situation in the Czechoslovak Republic was complicated in this period. Despite the persisting law that has restricted free movement, the country has sought to move closer to internationally recognised standards in the passport policy. In this respect, it might be argued, why decisions in travel and passport policy were so diametrically different. Why, on the one hand, the country wanted to maintain the old standards that have been abolished in western countries, while, on the other hand, the country wished to get as close as possible to standards of western countries. It could be said that the introduction of the new type of travel documents could complicate the issuing of passports

⁴ Department of the Interior in Bratislava was authorised by the Ministry of the Interior in Prague

⁵ Chicago Convention on International Civil Aviation

⁶ the International Civil Aviation Organisation

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and thus complicate the possibility of the free movement. It is more likely that the overall format of passports had to meet international standards, while the national policy was based on the government's decision.

Unlike the period after the World War 1, when the government has restored the right to free movement, in the Czechoslovak Republic, even after the end of the World War 2, the war status of the country has not changed. Citizens of Czechoslovakia had limited opportunities in question of the free movement. The government of the Czechoslovak Republic, at the beginning of 1946, decided that issuing of passports for ordinary purposes will be limited. The limitation was explained by the potential risk of endangering important state interests. This approach was used until the fall of the communist regime in 1989. The basis for this argument is a broad reinterpretation of the definition of threats of the state's interest. It could be said that everything could be considered as the threat of the state interest. On the one hand, free movement of citizens was not directly limited, but laws were so laxly formulated, that they provided a wide range of options to reject all applications.



Picture 6 - Passport of the Czechoslovak Republic in the format that was recognized by the Chicago Convention

In 1948, the Act no. 53/1948 Collection of Laws issued by the National Assembly of the Czechoslovak Republic came into the force. (Krejša, 2015) The new Act repealed Act no. 55/1928 Collection of Laws. Applicants for the travel document were divided into three groups according to their employment. The

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first group consisted of citizens whose travel document was issued for a limited time and place. This time was limited by the length of the journey, which meant the way to the foreign country, time to fulfil the purpose and the way back to the Czechoslovak Republic. (Rychlík, 2007) In the second and third groups passports were issued for five years for all states of the world, or for two years for countries in Europe. This category included people whose jobs required regular traveling⁷. (Rychlík, 2007)

3.4 Passport policy from 1948 to 1953

During this period the free movement of the population was limited the most. At the beginning of the communist regime, an immediate closure of all state borders has been established. On February 22, 1948, the Ministry of the Interior issued a decree which ordered to close all borders for citizens who wanted to travel abroad. (Rychlík, 2007) The possibility of crossing borders was only for citizens who obtained special travel authorisation to their travel documents. This permission could only be obtained at two places in the country, namely at the Ministry of Interior in Prague and in the authorised office of the Ministry of Interior in Bratislava. (Rychlík, 2007)

The new laws also prolonged the waiting period. All applications were handled only at two places in the country and this restriction created more space for rejection of requests. One of the reasons for the rejection of the request was possible threatening of the state interests and in connection with the extension of the waiting period it was possible to argue that the reason of the journey is already out of date.

Once the issue of travel documents and visas for Czechoslovak citizens has been tightened, the Ministry of Foreign Affairs banned all foreign embassies from issuing visas for entry into the Czechoslovak Republic. (Rychlík, 2007) This ban was applied only to visas, which were not approved by the Ministry of the Interior of the Czechoslovak Republic. This period could be understood as a

⁷ professors, docents, members of the Ministries, members of the parliament

return to the serfdom of the 18th century. In this way, the government of the Czechoslovak Republic sought to limit the free movement of Czechoslovak citizens and to prevent foreigners from entering into the country. This should prevent leakage of information about the situation inside the country.

The period between 1948 and 1956 is characterised by the greatest efforts to completely hinder free movement of citizens. The Ministry of the Interior tried to enforce the law, according to which the effort to gain or extend the validity of the Czechoslovak passport is not permitted in any law. Under this law, the Ministry of the Interior should have the possibility to withdraw travel documents or to reduce its validity. (Rychlík, 2007) The new law of January 18, 1949 was the culmination of restrictions that the country has achieved. In addition to the isolation of the Czechoslovak Republic from the rest of Europe, the government has managed to isolate its own citizens from the rest of the world. In this way the absolute sovereignty of the Czechoslovak government should be maintained and as it was argued, the country could easily achieve the objectives of economic and economic autonomy.

The issue of travel documents, travel visas and all documents required for traveling was possible only in three Czechoslovak cities, Prague, Brno and Bratislava. If the citizen wanted to obtain the travel document, it was necessary to submit documents which explained the importance and purpose of the journey. All passports were issued for a period that was necessary for the journey into the foreign country and for the return to the Czechoslovak Republic. (Rychlík, 2007) Passports and visas for individual travel, or for private purposes, such as hiking, recreation and family meetings, were automatically rejected. Such passports were issued only for mass tours. All mass tours were organised by a single, state-licensed travel agency⁸ that was responsible for the overall trip and for the safe return of all citizens back to the Czechoslovak Republic. This was one of the ways in which the government tried to create an illusion of the possibility of free movement beyond the borders of the country.

⁸ ČEDOK

Another effort to restrict the traveling into foreign countries was proposed by the Ministry of the Interior. This proposal supplemented the existing travel law and it consists of three main parts. In the first part, it was proposed to prevent the issuing of travel documents in Brno and Bratislava. (Rychlík, 2007) This proposal was an effort of much higher level of control over citizens. Not only that citizens felt they are constantly being watched, they knew that any manifestation of disagreement with the regime could have led to problems for them and their families. The state wanted to create a space in which the absolute power is in the hands of the government, and citizens' behaviour will be highly disciplined. The system in the Czechoslovak Republic was a perfect example of Foucault's panopticism. Czechoslovak citizens had a permanent feeling of being watched from the side of the government and state police and the fear generated by the state has forced them to the conformable behaviour.

At the second point, it was proposed to issue only service passports. The service passport was issued not only for citizens who had to travel for business reasons, but also to athletes representing the Czechoslovak Republic, artistic choirs, and students whose fields of study were taught only beyond the borders of the country. (Rychlík, 2007)

The third point was to create a special commission whose task was to assess all disputed applications for travel documents and also to introduce a type of travel documents. Creating a new type of travel documents should automatically invalidate old passports. This law also contained a supplement that said: „*This “exchange“ of travel documents will take place so that the old passports will be removed and the new ones will not be released.*“⁹ (Rychlík, 2007)

The creation of the special commission could be called the literal creation of the panopticon in the territory of the Czechoslovak Republic. Foucault created the panopticon as the place in which there is one entity whose task is to oversee the behaviour of all residents of the complex. Panopticon is defined as the building constructed in such shape which allows the constant surveillance of

⁹ [Translated by JL, original source (Rychlík, 2007)] - „*Táto „výmena“ bude samozrejme prebiehať tak, že staré pasy budú odobrané a nové nebudú vydané.*“

the people who are in the building. Panopticon is understood as the place where the relationship between power and behaviour of individuals. Power was understood as a tool that could modify the behaviour of people located in panopticon. The exact same scheme is used when the government of the Czechoslovak Republic created the special passport commission whose task is to assess all disputed applications. The Commission has become a state tool of power, which has unlimited possibilities to decide who can own the passport document and who cannot. After the formation of the special commission, the Czechoslovak Republic has become the literal embodying of the Foucault's panopticon.

3.5 Passport policy form 1953 to 1963

The tensions in passport and visa policy have diminished in 1953 after the death of Josiph Vissarionovich Stalin¹⁰ and Klement Gottwald¹¹. In addition to simplifying conditions for leaving the country for citizens of the Czechoslovak Republic, conditions for aliens who wanted to cross the Czechoslovak border were also simplified. In the coming years, the number of citizens who have been allowed to cross state-guided borders increased.

The first major step towards the right of the free movement of the population was the so-called "Czechoslovak-Polish agreement" signed in 1955. This agreement concerned border tourism in the High Tatras region. (Rychlík, 2007) This agreement allowed free movement of citizens in the defined area in the High Tatras. This free movement was allowed not only to Czechoslovak but also to Polish citizens. The entrance into the territory of the other country had to be documented by a special tourist pass, it was not necessary to own any type of

¹⁰ Born on December 18, 1878, died on March 5, 1953. He was a Soviet politician, the first Secretary General of the Central Committee of the Communist Party of the Soviet Union and leader of the USSR from 1924 until his death in 1953.

¹¹ Born on November 23, 1896, died on March 14, 1953. He was a Czechoslovak politician, General Secretary of the Communist Party of Czechoslovakia and the first Communist president of the Czechoslovak Republic.

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passport or visa. (Rychlík, 2007) All blameless citizens of the Czechoslovak Republic have the right to get the tourist pass. Creation of the tourist pass was one of the first steps, which should create a feeling of incoming changes. However, it could also be argued whether the tourist passes were not just a psychological trick that was supposed to create an impression of the progress that did not happen.

Despite doubts about the progress in free movement of citizens, tourist passes have brought several benefits to their holders. Among the most visible benefits of the tourist passes was shortening of the waiting time, since the issuance of tourist passes was not so bureaucratically demanding.

Another major step toward the facilitation of the free movement of citizens was the reform proposed by the new minister of the interior, Rudolf Barák. The reform sought to decentralise the passport and visa agenda. They asked for the possibility of issuing travel documents on all Public Security Administrations - such as police offices in all Czechoslovak district towns. They also called for the simplification of issuing of the passport and visa documents into People's Democratic Republics.

The new reform was supported by the minister of the International Trade - Richard Dvořák and minister of the Foreign Affairs - Václav David. The supported reform was sent to the first secretary of the Central Committee of the Czecho-Slovak Communist Party. The reform was approved and entered into the force in July 1956. (114/1956 Zb., 1956)

The sudden increase of applications for passports and visa documents, and insufficient readiness of the official staff, caused many mistakes and shortcomings in the travel agenda. These mistakes and shortcomings were mainly in the process of assessing the credibility of the citizen. To enable the state to ensure the smooth issuing of travel documents, the political bureau of the Central Committee of the Communist Party decided, that the assessment of all citizens' requests for travel documents will be the responsibility of central and regional authorities. (Rychlík, 2007)

Despite the fact that the process of issuing of the travel documents and visas was simplified, some regulations that limited the free movement of citizens were still in force. Such a limiting regulation was, for example, the possibility of traveling for married couples. Traveling of the married couple to the Western Europe was generally forbidden, partners cannot travel to the Western Europe at the same time. If it was a family journey, the request were automatically rejected for all citizens, and also for individuals. The state wanted to make sure, that all citizens of the Czechoslovak Socialist Republic will return back from their journey, and they will not stay with their partner, or with their family abroad. The idea behind the refusal of the issuing of travel documents and visas for the purpose of traveling of married couples, or families, is based on the principle of family and social cohesion associated with the psychological pressure on the individual. This practice is the perfect example of the Foucault's panopticon, whose main task was to develop the psychological pressure on individuals, which should consequently lead to the obedience and compliance with the socialistic law.

Control of applications for travel documents was the responsibility of the StB¹². We could say, that despite the simplification of issuing requirements for passport and visa documents in the Czechoslovak Socialist Republic, the free movement of citizens to the Western Europe was still limited. In addition, also traveling within the Comecon countries¹³ was not without complications.

In 1962, the passport and visa policy of the Czechoslovak Socialist Republic was changed. The main change was the creation of the new commission which consisted of the minister of the Interior, minister of the Foreign Affairs, the head of the Department of International Relations of the Central Committee of the Czech-Slovak Communist Party¹⁴, and the head of the

¹² State Security [ŠtB - Štátna bezpečnosť]

¹³ Council for Mutual Economic Assistance [RVHP - Rada vzájomnej hospodárskej pomoci]

¹⁴ ÚV KSČ - Ústredný výbor Komunistickej strany Česko-Slovenska

security and defence department. (Rychlík, 2007) The new commission should deal only with the conceptual issues of the passport agenda¹⁵. (Rychlík, 2007)

At the beginning of 1963, the commission decided that the free movement of citizens should be even more simplified. The commission has tried to fully liberate the borders within all socialist countries. In addition to the liberation of state borders with socialist countries, the commission has decided that it will be also possible to travel for private reasons but the citizen had to obtain the special permission for this type of journey. (Rychlík, 2007)



Picture 7 - Official passports issued the Czechoslovak Socialist Republic between 1950-1955.

3.6 Passport policy from 1963 to 1969

One of the biggest changes in the country's travel policy was in 1963, when the Department of International Relations of the Central Committee of the Czech-Slovak Communist Party decided that the free movement of citizens would no longer be understood as an exception, but as a common practice. (Rychlík, 2007) On the basis of the Government Resolution no. 1076/1963, the free movement within socialist countries should be allowed to all blameless citizens of the Czechoslovak Socialist Republic.

¹⁵ the format of travel documents and the conceptual definition of travel laws

Traveling beyond the borders of Communist countries and issuing travel documents and visas to these countries was still limited. These restrictions were based on the different political and ideological thoughts that have been the basis of the ideology of these countries. Despite efforts to improve the international policy, it was not easy to overcome the differences between the communist and socialist regimes.

Traveling to the socialist countries was much easier at that time, but the number of travel documents and visas issued for the journey into capitalist countries has also increased. While in 1963 it was issued only something over 29 thousand applications for travel documents to capitalist countries and visas, in 1964 the number of approved applications for travel documents to capitalist countries was close to the 43 thousand. In the following year, numbers grew even more, at the end of 1965, nearly 80,000 applications for travel documents to capitalist countries were approved. The biggest change was in 1966 when, according to statistics published in the middle of the year, more than 173 applications for the passport to the capitalist countries were approved.

In addition to the increase in the total number of travel documents to the capitalist countries, in 1965 the commission decided that the private purpose can be accepted as an adequate reason of the journey. While in 1964, nearly 22% of the total number of allowed tours was with the status “the private reason of individual“, and over 78% of the total number of allowed tours was within the travel agency¹⁶, in 1965 these percentages have changed rapidly. In 1965, up to 69% of the total number of allowed tours was with the status “the private reason of individual“ and the remaining 31% was within the travel agency. Similar percentages were also in the following year. (Rychlík, 2007)

¹⁶ ČEDOK was the only state-licensed travel agency

Table 1 - Number of state-approved applications from 1963 to mid-1966

	The total number of applications for travel documents issued by the state	The number of application issued for the individual with the status “private reason“	The number of application issued for tours within the travel agency (ČEDOK)
1963	29 051	4 705	2 346
1964	42 639	9 344	33 295
1965	79 381	54 921	23 460
1966 (first half of the year)	173 223	117 267	55 956

Under the new Law no. 63/1965 on the Collection of Laws, every citizen had a legal entitlement to own the passport and visa. Exceptions were in § 4, in which it was exactly explained who is not entitled to own the Czechoslovak passport. (Krejša, 2015)

- A. citizens whose journey beyond the borders of the country is in conflict with the interests of the state,
- B. citizens who are subject to criminal prosecution,
- C. citizens who have been convicted of a criminal offence,
- D. citizens who during their last stay beyond the borders of the country acted in a way that the state understood as the threatening of the good name of the Czechoslovak Socialist Republic.¹⁷

Despite the apparent changes in the freedom of movement of citizens, it was questionable whether the free movement of the population is really the same as it was claimed by the government of the Czechoslovak Socialist Republic. The

¹⁷ [Translated by JL, original source (63/1965 Zb., 1965)] - A.) ktorých cesta za hranice krajiny bola v rozpore zo štátnymi záujmami, B.) proti ktorým je vedené trestné stíhanie, C.) ktorí boli odsúdený za trestný čin, D.) ktorí počas ich minulého pobytu za hranicami krajiny jednali tak, že to štát chápal ako poškodzovanie dobrého mena Československej socialistickej republiky.

new law contained one of the most disputed regulation of that time, § 4, section 1, letter A, which contained the decision to prevent the free movement to citizens whose journey beyond the borders of the country could threaten the good name of the Czechoslovak Socialist Republic. (63/1965 Zb., 1965) The major problem of this section is its wide possibility of the reinterpretation. In common use it could be said that every single journey of the citizen outside the borders of the Czechoslovak Socialist Republic could be understood as the act of threatening of the state interests.

Despite the fact, that the right of the free movement beyond the borders of the country was complicated by the need to own a special Exit clause, the number of issued travel documents has continued to increase. In 1966, the total number of travel documents issued for the journey to capitalist countries was something over 249 thousand. In 1967, this number increased by almost 100 thousand travel documents. Journeys to the socialist countries were much more frequent, in 1966, over 1,726,000 travel documents were issued. Unlike the increase in travel documents issued for the journey to capitalist countries, in 1967, the number of all tours to the socialist countries declined. The number of travel documents issued for the journey to capitalist countries was something over 1,705,000. All information about the number of issued travel documents are from the work *Traveling Abroad in the Habsburg Empire and in Czechoslovakia* by Jan Rychlík.

Table 2 - Number of passports issued to capitalist countries in 1966 and 1967.

Number of passports issued for the journey to capitalist countries	1966	1967
Private journey	182 121	261 081
Business journey	67 062	73 173

Table 3 - Number of passports issued to socialist countries in 1966 and 1967.

Number of passports issued for the journey to socialist countries	1966	1967
Private journey	1 687 111	1 672 254
Business journey	38 923	33 715

In addition of the issuing of travel documents for the temporary journeys beyond borders of the country, citizens who wanted to live in the different country could apply for a special permission, which enabled them to leave the country. In 1966, this permission was issued to 6,286 citizens, in 1967 there were 9,204 citizens who was allowed to leave the country. (Rychlík, 2007)

In total, 1,979,503 travel documents were issued in 1966 (passports for the communist and socialist countries and passports with special permission which enabled citizens to leave the country). In 1967, the number of the issued passport was 2,501,427 (passports for the communist and socialist countries and passports with special permission which enabled citizens to leave the country).

In 1968, passport and visa policy became part of the state reforms. Part of reforms was also the effort to precisely specify what does the "state interest" means because this term has been reinterpreted according to the needs of the state. On April 5, 1968, the Communist Party of Czechoslovakia has expressed its legal support of the free movement for all citizens of the Czechoslovak Socialist Republic. (Rychlík, 2007) By enabling the free movement of citizens, the country has sought to move closer to international standards and also reduce the number of citizens who want to escape from the country. An illegal escapes of citizens did not have a good impact on the political position of the country in the international sphere.

The re-tightening of the travel policy began with the start of the Soviet occupation.

Passports issued from 1963 until the first half eighties did not differ from travel documents used in the 1920s. On the front page of the passport there was

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a state emblem and the name of the country, the Czechoslovak Socialist Republic. On the first page inside the passport there was the declaration on the protection of the citizen of the Czechoslovak Socialist Republic, name of the country, and type of the travel document together with the state emblem. All information was in Czech or Slovak language, and in at least one foreign language, the most commonly used language was the Russian language. (63/1965 Zb., 1965) On the third page of the passport there was the place for the photography of the holder, and for the additional clarification of the identification features of the citizen. It was necessary to add information about the eye color and the height of the holder. The required information was: name and surname of the citizen, place of birth, residence, validity of the passport, the name of the office that issued the passport, date and signature of the official who issued the passport.

The details of the office which issued the travel document were necessary to simplify the additional control of information provided in the travel document. This re-creates the practical embodiment of Foucault's panopticon in the Czechoslovak Socialist Republic. The entity whose task is to oversee the behaviour of all citizens of the state has become offices and officials who have access to all information about Czechoslovak citizens.



Picture 8 - The format of the travel document before the introduction of the machine-readable zone.

3.7 Passport policy in the 80s - machine-readable passports

The passport policy did not change until the 1980s. The first major change in the travel document was the addition of the photography of the holder in 1928. The second major change in the travel document was the change of formatting based on the Chicago Convention in 1947. The last significant change before the establishment of the independent Slovak Republic was the introduction of a machine-readable zone in the first half of the eighties.

The reason for this change was the increasing number of people who applied for travel documents, which led to a prolongation of the waiting period at borders. Passport control at the borders lasted a long time, because each passport had to be thoroughly checked to prevent possible falsification. Efforts to prevent illegal crossing of state borders resulted in the decision to adopt the latest technologies. Prevention of falsification of travel documents and other types of illegal crossing of state borders was important for the country and its

international status. One of the reasons was the effort to move closer to the standard of western countries.

As a result of the effort to modernise security controls at the country's borders, the government has decided to introduce a new type of travel documents. New passports had to meet ISO standards 1073-2:1976. Based on this standard, the font and size of the font were adjusted. Once the new standards have been put into effect, the font size was changed to Sixel (14pt) and font was changed to OCR-B. This type and size of the font is machine-readable. (Rašek, 2006)

By introducing of the new machine-readable travel documents, the society has entered a modern era in which population surveillance has reached a completely new level. In this period, the panopticon, in which citizens felt a sense of state and official surveillance becomes practice in completely different dimensions. Not only that all information about citizens was searched in the digital archive, every single information was available at the moment when citizens legitimised themselves. The state had unrestricted access to all necessary information. Personal life and information about the citizen became a state property and the state provided political protection for citizens as an exchange for shared information. Gradually, society entered into the era of the complete digitisation of personal data, in which citizens feel constant surveillance which is guaranteed and publicly known.

The machine-readable passport had to contain so-called Data Zone that contained personal information about the holder and document itself. Information about the holder were reported in two rows in a specially designed form. All information was written in two rows, each row with exactly 44 characters. Gaps were not used in this format, they were be replaced with a special character, <. (Rašek, 2006)

Chapter 4 - Passport policy in the Slovak Republic

4.1 Passport policy form April 1, 1994 to March 31, 2005

The first significant law that confirmed the free travel of a citizen was the Act no. 216/1991 Collection of laws issued on May 15, 1991. This law was valid up to 1994, when it was replaced by the Act no. 64/1994. In the § 1 of the Act no. 216/1991, citizen of the Slovak Republic has the right to freely travel abroad and return back to the Slovak republic. (216/1991 Zb., 1991) The law also instituted the issue of Slovak travel documents for stateless persons with permanent residence in the Slovak Republic. The issuance of passports to citizens without citizenship was one of the efforts to come closer to the European standard and at the same time, to create the possibility of continuous surveillance of a particular group of people. Passports were seen as documents that enabled citizens to fulfil their civil rights and provided information needed for continuous surveillance to the state.

Right to travel for underage citizens was one of the most significant part of the Act no. 64/1994. In § 12, section 1, the state determines, that all children under fifteen years must be entered into the passport of one of the parent. This act was reflected from the well-established practice which was used in passports issued in their twenties of the twentieth century. This right had its shortcomings, especially in the question of the constant surveillance of the movement of children who were enrolled in the passport of the parent.

For issuing a passport it was necessary to complete the application and attach a photo in the specified format. The photo together with the handwritten signature was laminated into the passport booklet. Machine-readable zone of the passport was designed to simplify the identification of the citizen. Lamination of the information side of the passport was one of the first way how to prevent the destruction of the passport.

After the establishment of the independent Slovak Republic it was necessary to implemented several changes. One of them was related with the appearance of the

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travel documents. The new Act no. 67/1994 Collection of laws was approved on January 27, 1994 and entry into force on March 31, 1994.

The new law mainly focused on the purpose of travel documents, not on their format. The format of passports has not changed since the second half of the eighties. The most significant change was to allow the issuance of passports to citizens to whom the state denied the issuance of passport. This regulation was added to § 18 by the addition of section 5 in which it is written that if there is already no reason for denying the issuance of the passport, the passport will be issued to the citizen. (67/1994 Z. z., 1994) This change is connected with the new, democratic constitution of the Slovak Republic, in which is the free movement of citizens appointed as one of the fundamental rights of citizens.

Act no. 67/1994 was with smaller changes in the force until December 15, 2005. The most significant change of this law was on December 17, 1997, when Act No. 381/1997 was approved. The amended act specifies all types of travel documents, conditions for the issue and removal of travel documents, as well as rights and obligations of citizens of the Slovak Republic and persons living in the Slovak Republic without a valid citizenship. (381/1997 Z. z., 1997) All citizens who wanted to exceed the boundaries of the country had to own passports. In § 5, section 1, letter A-G were all types of travel documents issued by Slovak Republic.

- A. Passport,
- B. Diplomatic passport,
- C. Service passport (Služobný pas),
- D. Travel document,
- E. Travel document of the foreigner,
- F. European Union's travel document,
- G. another document.

Further changes were made in 2002 when passports began to be issued by district and regional authorities instead of the Police Office. (660/2002 Z.z., 2002) The reason for this change was to make issuing and assessing passport applications

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more efficient. The most significant theoretical change was the new wording of the definition of the travel document: „*A passport is a public document by which a citizen demonstrates his or her identity, citizenship and other facts contained in the data provided in the travel document. Passport is a property of the Slovak Republic.*“¹⁸ Passports could be used as an identification document already in the past, but identification with the passport was not a common practice due to the low frequency of their issuance. Passports were at that time a common part of everyday life, and this has led to the possibility of extending their use in practice. This use is like many changes motivated by the practice of the advanced European countries. It could be said that the Slovak Republic tried to make the European standard as close as possible.

One of the most significant changes was the change in the age limit for issuing a travel document. Until 1997, the issue of the passport was intended only for citizens older than fifteen. According to Act no. 381/1997, all citizens older than five years are entitled to own the passport. In the case of a children in foster care, they can own a separate travel document even if they are under a minimum age limit. (381/1997 Z. z., 1997) This change was a response to the free travel of children without parental surveillance. Children who are in foster care could not be entered into the travel document of the foster-parent. The ability to own a travel document was the simplest option how to fulfil their rights. An opportunity to add children into passport of the foster-parent could be complicated in the case of foster families with a large number of children or orphanages.

Another major change was the possibility to travel without a valid passport. One-off travel cards were issued for a certain period of time, mostly determined by the length of the trip. One of the arguments for the introduction of a temporary travel cards, was the safe return of the citizens back to the Slovak Republic. (381/1997 Z. z., 1997) Traveling cards issued abroad were restricted only by the national law of countries that recognised them as valid travel documents. The advantage of travel

¹⁸ [Translated by JL, original source (381/1997 Z. z., 1997)] - „Cestovný doklad je verejná listina, ktorou občan preukazuje svoju totožnosť, štátne občianstvo a ďalšie skutočnosti obsiahnuté v údajoch uvedených v cestovnom doklade. Cestovný doklad je majetkom Slovenskej republiky.“

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cards was much easier and faster to get them. Travel cards have made traveling even easier.

Another novelty was the possibility of traveling with so called "other documents" that are considered as travel documents under international treaties. Examples are ID cards which are considered as travel documents under the Schengen Agreement. (381/1997 Z. z., 1997) However, traveling with "other documents" was possible only to countries that recognised them as proper travel documents. This includes all countries belonging to the Schengen area and also by countries that are a frequent destination for tourists, for example, Croatia.

Travel documents issued from April 1, 1994 until March 31, 2005 were in green colour. On the first page was the honourable declaration of the Slovak Republic on the protection of the citizen beyond the borders of the country. The full text of the Citizens' Protection Amendment was: *„The holder of the Slovak passport is under protection of the Slovak Republic. All whom it may concern are hereby requested to afford the holder of this passport all necessary aid and protection according to international law.“* (Ministerstvo vnútra Slovenskej republiky) The basis of this amendment was to fulfil the obligations of the country, which was understood as an exchange for enabling the constant surveillance of citizens. It could be said that constant surveillance of citizens was the price for the provided security.

These travel documents were valid for all countries of the world. Personal information and information about the passport were located on the last page of the document. Basic details about the passport includes, the type of the passport, identification number and code. The holder's information and the validity of the passport were posted into ten labeled rows. All data were reported in two languages, Slovak and English.

1. Surname
2. Given name
3. Nationality
4. Date of birth
5. Personal number

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6. Sex
7. Place of birth
8. Date of issue
9. Date of expiry
10. Issued by

One of the most significant differences between current passports and passports issued between 1994 and 2005 is the appearance of the citizen. While, in the current time it is necessary to have a digitally captured portrait of the citizen that focuses on special facial features, in the past, passports contained only an officially approved photo of the citizen.



Picture 9 – Machine-readable passport issued in the Slovak Republic until 2005.

First significant changes in capturing portraits of citizens took place in 1998 when the government of the Slovak Republic began to use devices that digitally captured the photography of the citizen. (381/1997 Z. z., 1997) This was the first step towards greater prevent of falsification and easier identification.

4.2 Passport policy form April 1, 2005 to January 14, 2008

There have been many changes after the Slovak Republic entry into the European Union. One of the most significant changes in travel documents was their overall appearance. Passports in format of the European Union started to be issue on April 1, 2005. These passports were used until January 14, 2008 when they were replaced by a new type of travel document known as biometric passports or e-passport.

The use of biometric passports is currently a routine. The benefits of biometric passports are described by Patrick Mutabazi in work *Biometric Passports/ePassports and their Benefits*. Biometric information is described as „*unique and measurable physical characteristics of an individual*“. (Mutabazi, 2017) According to Mutabazi, various countries who have automated gates at border control they had no choice but to start using biometric passports because automated gates work based in the biometric identification. Other countries decided to use the biometric passports because of their benefits which allows smooth flow of travelers thanks to automatic device identification, provides higher level of security and privacy protection. Biometric passports are equipped with a large number of security features to verify the identity. He also see vulnerabilities in the RFID biometric technology, however, argues with increased safety standards in encryption of the data. The main idea of his work is to explain the benefits of biometric passports even though this technology can be decrypted. Mutabazi claims that possibility to break the encryption of biometric passports is the same as the ability to break the encryption of any other security system. In his view, the benefits of biometric passports outweigh vulnerabilities, that is reason why countries chose to use them.

Biometric passport issues in terms of national security have been devoted also by Henning Richter, Wojciech Mostowski, and Erik Poll in their work *Fingerprinting Passports*. Their critique of biometric passports was about an embedded RFID chip that carries digitally signed biometric information. (Richter, Mostowski, & Poll) They criticised that overall access into the RFID chip is wireless which can be risky in the question of national security because attacker could gain the access to personal

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information without the owner knowing even while there are measures which should prevent to an unauthorised access. Steve Boggan has a similar opinion on biometric passports.

After joining the European Union¹⁹, the government of the Slovak Republic adopted several regulations. One of them was Council Regulation (EC) No 2252/2004 of December 13, 2004 on standards for security features and biometrics in passports issued by Member States. The introduction of biometrics into passports came into force four years after the adoption of the Council Regulation.

Passports in the European Union format were in burgundy colour. All passports had to contain the basic details of the document and its holder, the digital photography and the signature of the holder. Signature was considered as an agreement with the data contained in the document and as indication of the handwriting of the holder, since each signature has basic points that are unique to the handwriting of each individual citizen.

In the new format, information about the country and passport is written in all national languages of the European countries. As it was in original travel documents, all information about the holder was typed into the marked lines. In the new format, there were thirteen labeled rows. All data were reported in three languages - Slovak, English and French.

1. Surname
2. Given name
3. Nationality
4. Date of birth
5. Personal number
6. Sex
7. Place of birth
8. Date of issue
9. Issued by
10. Date of expiry

¹⁹ May 1, 2004

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11. Holder's signature
12. Official notes
13. Children

On the last page of the passport was the honourable declaration of the Slovak Republic on the protection of every single citizen and the statement that the travel document is the property of the Slovak Republic. Like all information, this was also written in all the official languages of the European Union.



Picture 10 - European Union format passports issued from April 1, 2005 to January 14, 2008.

Under the new law, the age limit for the passport was adjusted. Every citizen older than five years had to own a travel document if he/she wanted to cross the state border. Changing the age limit was an attempt to extend surveillance over underage citizens. In terms of panopticism, this is a step towards expanding the panopticon on a larger group of people.

The laws issued during this period were based on European Union regulations. In Act no. 647/2007, the state is focusing on the background of issuing travel documents according to the Regulation of the European Parliament and of the Council (EC) No. 562/2006 of March 15, 2006. (Ministerstvo zahraničných vecí a európskych záležitostí Slovenskej republiky, 2007) New law regulates movement of citizens across certain European borders known as Schengen Borders Code. (647/2007 Z.z.,

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2007) The Act no. 647/2007 introduces for the first time the need for biometric data in passports which have begun to be used in the 2008

4.3 Passport policy in January 15, 2008 & Jun 22, 2009

The biggest change in passports was the introduction of biometric features. The first biometric feature was the facial appearance of the holder. This biometric feature was put into practice on January 15, 2008. The second biometric feature was the fingerprints of the holder. Fingerprints were put into practice as part of biometric passports of the Slovak Republic on June 22, 2009. The main argument of the Council of the European Union for the introduction of biometric identification was primarily the protection of travel documents against falsification. (Úradný vestník Európskej únie, 2004)

Following the introduction of biometrics, the government of the Slovak Republic had to introduce new laws, whose purpose was to protect the integrity of personal data. Under new established rules, biometric data may only be used to verify the identity of the citizen and the authenticity of the travel document. (647/2007 Z.z., 2007)

Newly introduced biometrics is used in combination with specific standards of the International Civil Aviation Organisation (ICAO). New type of passports had to fulfil minimum safety standards and in order to protect personal data, it was decided that each country need to choose only one office that would be in charge of issuing passports. (Úradný vestník Európskej únie, 2004) In order to create uniform forms of passports, all countries of the European Union agree that passports issued by member states must meet the same security features. Furthermore, they need to meet the same technical specifications for a storage medium in which biometric data is stored, and the specified quality of biometric data. (Úradný vestník Európskej únie, 2004)

Biometric passports consist of the machine-readable zone and RFID chip. The RFID chip is inserted into the passport cover or into a specially modified data page. All biometric information is digitally signed to ensure its integrity and veracity, these information cannot be changed. (Pasy.sk, 2018)

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Face mapping does not focus on the look of the holder. The information that the RFID chip contains is much more detailed. This information is detailed shape of „*chin, nose, eye distance, bones of the superciliary arches, and more*“. (Pasy.sk, 2018) The scanner does not focus on the face as a whole, but on facial features that are unique to each individual. This method of face mapping should prevent possible attempts to misuse the passport by another person.

In the Slovak Republic, biometrics passports are issued in four different colours. Colours of passports vary according to the classification of the holder of the passport.

- Burgundy colour - the classic passport of citizens of the Slovak Republic, service passports and diplomatic passports
- Blue colour - passports of foreigners who live in the territory of the Slovak Republic without the permanent residence, these passports are called refugee passports
- Dark green colour - passports of foreigners without nationality who have permanent residence in the territory of the Slovak Republic
- Black colour - Alien's passport

In the past, the colour of the travel documents varies according to the type of document, the political passport was in burgundy colour, personal passport was green. At present, all citizens of the country are equal, which is why all citizens have passport of the same colour. Using different colour of passports created a space for the specific classification of citizens. At present, this is a classification based on nationality. On the one hand, it was possible to issue passports to citizens without citizenship in the Slovak Republic, on the other side this lead to the new way of classifying citizens.

All passports issued by the Slovak Republic have a relief of Europe on the back side of the passport cover with the exact outlines of the Slovak Republic. (Pasy.sk, 2018) On the inside of the passport cover is a picture of Kriváň, panoramic

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view of the Danube River in Bratislava, together with Bratislava Castle and the National Council of the Slovak Republic.



Picture 11 - Biometric passport used in the Slovak Republic since January 15, 2008.

4.4 Passport policy form January 1, 2013

Since the beginning of 2013, passports have started to be issued according to the amendment of the Act no. 336/2012 Collection of Laws. According to this amendment, every single citizen, regardless of age, must own a passport if he/she wants to cross the borders of the country. The law was passed on June 26, 2012, and from that date the addendum about child was gradually lifted. The amendment to the Act came into force on January 1, 2013.

The new regulation of European Parliament and the Council (EC) No. 444/2009 introduces a new security element in travel documents. This regulation completely abolished the possibility of enrolling children into the parent's passports. This regulation was intended to provide greater insight over the movement of the population, and increase the overall safety of all citizens during traveling. The reason for this change was the need for information about the movement of all children and also to prevent trafficking of children.

Passports for children contain the same features as passports for adults. The disadvantage of enrolling children into the parents' passport was that only the name

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and date of birth were enrolled in the row for the child, information did not include the photography of the child.

The necessity to own the passport is established for citizens of all ages. As a result of the amendment, the state has gained a better overview of the movement of the population. Due to the panopticon theory this step is an effort to further control citizens in all ages but also the way in which state can protect underaged citizens. Apart from changing the age limit, the validity of passports has also changed. The validity period of passports changed according to the age category of the citizen. For children under six years of age, the passport was issued for a period of two years due to the out-of-date photograph of the child. The same reason was used in case of citizens under the age of sixteen whose passport is issued for five years. Passports of citizen over the age of sixteen is valid for ten years. (336/2012 Z.z., 2012)



Picture 12 - Current format of passports issued from January 1, 2013.

Conclusion

I decided to focus on this topic because of its timeliness and the great importance in the field of security. The aim of this master thesis provide genealogical account on the development of travel documents and its impact of these changes on citizens within the territory of the Slovak republic from the Austro-Hungarian empire up to the present time and their use in the field of maintenance of order through the principle of panopticism.

In this work, I understood passports as a tool, whose task is, on the one hand, allow citizens to exceed the borders of the country, but on the other hand, provide state access to all information about the citizen and his movement. In this thesis, passports are understood as the basic tool for the maintenance of order. The tool to create a feeling of constant monitoring. We can say that in the current age are passports the basic tool, which replaced the "watchman" in panopticon and panopticon is defined by the borders of the state.

In the case of all milestones over the last 150 years I was focused not only to changes in the physical appearance of the passport, but also to legislative changes. Significant space was devoted mainly to explaining reasons for changes and the impact of changes on security policy and citizens' rights. Due to the accession of the Slovak republic to the European union, it was necessary to devote greater emphasis to the development of travel documents in the past fourteen years.

The travel document has changed dramatically in the last 150 years. From the paper document with the description of the holder to passports with the machine-legible zone and the RFID chip, whose role is to greatly simplify the identification of the citizen and thus to provide the state more control over the movement of citizens. Passports contribute to the creation of the environment in which the principle of panopticism worked flawlessly.

During my genealogical inquiry I have uncovered the changing importance of the passport ownership. The denial of the issuance of the passport, or its withdrawal seems to be highly insignificant when these citizens can travel within the European

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Union with their identity card. This does not affect the detection of the movement of citizens and their overall monitoring, this has an impact on the maintenance of order.

The conclusion of this thesis is that passports as the tool of constant surveillance helped create a safer environment. Using travel documents as identification documents improves people's recognition through personal information about the holder, photography, machine-readable zone, biometric data, RFID chip. The introduction of new laws even specifies the number of people who can use the passport. At the beginning, only citizens over fifteen years old could own the passport, then the age limit shifted to five years in order to clarify the identification of citizens crossing borders and thereby increase border security. Currently there is no minimum age limit and every citizen becomes an object of information.

The most significant contribution of travel documents as tools of panoptic constant surveillance is to increase the overall monitoring of citizens and penetrate behaviour of individuals to maximise the efficiency of state organisations. On the other side, the emergence of new technologies allowing free travel to citizens around the world even though there is still a group of people whose rights are partially limited. These groups consist, for example, of criminal prosecuted people, criminals, refugees or people without statehood. In these cases, special types of passports are issued. These passports, on the one hand, classify people into a particular group, but on the other they allow them to travel.

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