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The European Union's 'Fight against Terrorism': A Critical Discourse
Analysis

by

Christopher Baker-Beall

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Abstract

Since the events of September 11, 2001, the threat of terrorism has gained ever more political salience, occupying a place at the top of the EU political agenda. In response to the perceived threat, the EU has developed a distinct approach to counter-terrorism, themed around what is called the 'fight against terrorism'. This approach is more than just a set of institutional or public policy responses designed to negate the threat of terrorism; it is also an influential political discourse which plays an important role in the construction of counter-terrorism policy and the legitimisation of counter-terrorism policy responses. This thesis uses critical discourse analysis to study the discursive construction of EU counter-terrorism policy. It uses representative extracts from twenty counter-terrorism documents prepared by/or for the EU institution the European Council, across a ten-year period from November 1999 to December 2009. The analysis identifies several strands of the 'fight against terrorism' discourse, which it is argued are central to its constitution and that remain consistent across the period analysed. In the post-September 11 period, these strands of the counter-terrorism discourse play an important role in constructing an ubiquitous internal/external 'terrorist' threat. These include: terrorism as a 'criminal act'; terrorism as an act perpetrated primarily by 'non-state actors'; terrorism as 'new' and seeking to gain access to and/or use weapons of mass destruction; the threat of terrorism linked to an 'open' or 'globalised' geo-strategic environment, thus requiring measures of 'control' at the EU border; and the threat of terrorism linked to 'violent radicalisation' or 'Islamist terrorism', emanating both internally ('home-grown terrorism') and externally to the EU. When these different strands are taken together they constitute the 'fight against terrorism' discourse. It is argued that this discourse helps to construct the identity of the EU, whilst simultaneously the identity of the EU is central to the formulation of counter-terrorism policies. As such, the representations contained within the counter-terrorism discourse and counter-terrorism policy are considered to be mutually or co-constitutive. The main contention of the thesis therefore is that EU identity is constituted through the 'fight against terrorism' discourse. Critical discourse analysis was chosen as a method through which to investigate EU counter-terrorism policy because it allows us to: map how the 'fight against terrorism' discourse is constructed; to demonstrate how it provides a language for talking about terrorism; to understand how the discourse defines what is accepted knowledge about (who or what is) terrorism; and to reveal how that knowledge structures the counter-terrorism policy response as a 'natural' or 'common-sense' approach to the challenge of terrorism. This approach is novel in the sense that it is attentive to often neglected issues such as identity. In particular, it explores how the 'fight against terrorism' discourse construct a 'European' sense of Self in opposition to a 'terrorist' Other. It investigates the extent to which the 'fight against terrorism' discourse plays a role in the legitimisation of new security practices; as well as reflecting on the extent to which these practices are contributing to the blurring of the distinction between internal and external security policy. It also considers whether the discourse is reflective of a process of 'securitisation' of social and political life within Europe.

Key Words:

Terrorism, Critical Discourse Analysis, European Union, Securitisation, European Political Identity, Policy Documents

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Chapter One

Chapter 1: Introduction

Introduction

In America and Europe the events of September 11, 2001, thrust a new set of 'international' terrorist threats to the top of the political agenda, creating a great deal of public anxiety, whilst simultaneously providing the impetus for action by government in the policy area of counter-terrorism. In America and in the Europe Union (EU) these events have led to the development of two distinct approaches to counter-terrorism policy, the 'war on terror' and the 'fight against terrorism' respectively. These two approaches are more than just a set of institutional or public policy responses designed to negate the threat of terrorism; they are also influential political discourses that play an important role in the construction of counter-terrorism policy and the legitimisation of counter-terrorism policy responses. From this perspective the 'war on terror' or the 'fight against terrorism' can be understood as simultaneously a set of actual practices (new laws, agencies, institutions) as well as a language or discourse (assumptions, beliefs, justifications, knowledge) about terrorism. As such, it is argued throughout that there is a dialectical relationship between the practice of counter-terrorism policy and the language of counter-terrorism policy, an assumption that rests on the belief that discourse is a form of 'social practice'. Discourses contribute both to the shaping of social structures and simultaneously are shaped by them. From this perspective both the EU and the American approaches to counter-terrorism have two interconnected levels which can be analysed, the level at which policy is formed and the discursive level where action is legitimised and consent is manufactured through the application of language. It should be noted that these levels are only analytically separable; in reality they are mutually constitutive and operating simultaneously. Although an analysis of the US counter-terrorism discourse would provide an interesting case against which to contrast the findings from an analysis of the EU counter-terrorism discourse, in terms of the volume and manageability of data this would be an unfeasible task for one thesis. It is for this reason that the scope of this thesis is restricted to an analysis of the discursive level of the EU's 'fight against terrorism'.

Adapting Lene Hansen's argument about the relationship between identity and foreign policy, it is argued that whilst the production of counter-terrorism policies relies upon representations of identity, it is through the formulation of counter-terrorism policy that 'identities are produced and reproduced'.¹ If we start from a perspective whereby we accept that counter-terrorism policy can be understood as a discursive practice, we must also accept that counter-terrorism discourses 'articulate and intertwine material factors and ideas to such an extent that the two cannot be separated from one another'.² As such, the main contention of this thesis is that EU identity is constructed through and influences the formulation of EU counter-terrorism policy, or to put it another way: the 'fight against terrorism' discourse contributes to the constitution of an EU sense of Self. It is this contention that guides the overall direction of this research and specifically the research questions outlined below, which are centred on the significance of representations of identity for formulating and debating counter-terrorism policies.

A word on terminology is also in order at the outset. Throughout this thesis the temptation to refer to the events of 11 September, 2001, as 9/11, will be resisted. Nor shall the events in Madrid on March 11, 2004, or the terrorist attacks in London on July 7, 2005, be referred to as 3/11 or 7/7 respectively. As Richard Jackson has argued, shortening the dates of these attacks is neither natural nor without consequence. The effect of such a practice is to 'erase the history and context of the events and turn their representation into a political-cultural icon where the meaning of the dates becomes both assumed and open to manipulation'.³ For example, Stuart Croft prefers the label 'the second American 9/11', asserting that we should remember 'that there are other 9/11s'.⁴ Following Jackson, this thesis seeks to avoid this mythologising practice by using the full dates of each and every terrorist attack that is referred to.

It has been argued by some commentators, such as Jean-Louis Bruguière, that the UN-backed invasion of Afghanistan and the unilateral US-led invasion of Iraq, in the aftermath of the

¹ Lene Hansen, *Security as Practice: Discourse Analysis and the Bosnian War*, (London and New York: Routledge, 2006), p. 1.

² *Ibid.*, p. 1.

³ Richard Jackson, *Writing the War on Terrorism: Language, Politics and Counter-Terrorism*, (Manchester: Manchester University Press, 2005), p. 7.

⁴ Stuart Croft, *Culture, Crisis and America's War on Terror*, (New York: Cambridge University Press, 2007), p. 16. Like Croft this thesis does not seek to make moral judgements about the claims made of that day (September 11, 2001). Instead it seeks to understand how those events and subsequent events in Madrid (March 11, 2004) and London (July 7, 2005) were given meaning; and how that meaning has shaped EU policies and practices.

September 11 attacks, have played a role in the countries of mainly Western Europe becoming a 'core target' for terrorism, as the terrorist bombings of the public transport systems in Madrid on March 11, 2004 and London on 7 July, 2005 serve to demonstrate.⁵ Terrorism is now widely perceived to be both politically and socially one of the most prescient security threats facing Europe in the post-Cold War era. Speaking in 2005, Javier Solana, the former EU High Representative for the Common Foreign and Security Policy (CFSP), outlined a specific perception of the current terrorist threat, a perception that has been central to the construction of EU counter-terrorism policy.

Why should we continue to be concerned about terrorism? Because it remains a very serious threat to the lives of our citizens and to the functioning of our economies.

From many devastating attacks world-wide we know that terrorists think nothing of inflicting mass casualties. And the scale of destruction would be much worse if terrorists succeeded in laying their hands on weapons of mass destruction.

Perhaps even more insidious than the threat to our lives, is the threat that terrorism poses to the very nature of our societies. Terrorism can strike anywhere, anytime, anyone. It is frightening in its unpredictability and unsettling by its random nature.⁶

Solana's statement is representative of the high level of political attention that has been paid towards the threat of terrorism since the events of September 11, 2001, and is part of a discourse that serves to construct terrorism as a distinct form of violence that poses a massive risk to 'the lives of our citizens'. However, as Geoffrey Edwards and Christoph Meyer point out, high levels of political attention or public anxiety are by no means objective indicators of the *actual* risk posed by the threat of terrorism.⁷ This line of argument is reinforced by the fact that the main focus of terrorist activity in terms of incidents and the number of casualties is, and continues to remain, outside of Europe, most notably in the Middle East.⁸ As Edwards and Meyer argue, just 'how new and grave this strand of terrorism [as articulated by Solana]

⁵ See Jean Louis Bruguière, *Financial Times*, 25 August 2005, cited in Geoffrey Edwards and Christoph O. Meyer, 'Introduction: Charting a Contested Transformation', *Journal of Common Market Studies*, 46:1 (2008), pp. 1-25.

⁶ Javier Solana, 'Protecting People and Infrastructure: Achievements, Failures and future tasks', *The East West-Institute*, Second Annual Worldwide Security Conference, Brussels, 7th February 2005, Available at: http://www.europa-eu-un.org/articles/fr/article_4320_fr.htm

⁷ See Edwards and Meyer, 'Introduction: Charting a Contested Transformation'.

⁸ See Rik Coolsaet, *Jihadi Terrorism and the Radicalisation Challenge in Europe*, (Aldershot: Ashgate, 2008), p. 1. Coolsaet argues that long before the first victims fell in Washington and New York, tens of thousands of Muslim and Arab citizens had been murdered in waves of terrorist attacks across the Middle East.

actually is and what the most appropriate response to it should be remain subject to intense debate'.⁹ It is a central premise of this thesis that an investigation into the language of counter-terrorism policy can reveal that this perception of terrorism, which is outlined above by Solana, is based on knowledge about terrorism which is constituted through a number of different words, terms, phrases, labels and assumptions that are replicated or reproduced throughout the production of EU counter-terrorism policy.

It is quite clear from Solana's statement that he is articulating a particular 'narrative' about terrorism, one that constructs terrorism as more than just a threat to the lives of EU citizens but also as a threat to the values upon which its society is founded. Whilst this 'narrative' shall be analysed in greater detail in Chapter Four, Solana's statement provides an interesting starting point from which to analyse the role of the EU in the production of counter-terrorism policy. To construct terrorism as a threat to the 'very nature of our societies' tells us something about how Solana perceives the threat of terrorism, in particular that it is a threat to the *security* of EU citizens and to the *security* of European society in a more general sense. The articulation of such an 'insidious' threat to 'our lives' implies the need for security policies intended to counter such a threat. As such, analysing the construction of the EU's political discourse on terrorism, the 'fight against terrorism', means drawing attention to an important question that surrounds the concept of security: if terrorism is perceived to be a prescient security threat that requires the production of specific security policies, in the European context, what do we mean when we speak of the EU as a provider of security?

EU Counter-Terrorism Policy and the EU as a Provider of Security

In the study of International Relations (IR) security has traditionally been understood through an emphasis on the physical (or political) dimension of territorial entities, as 'the absence of existential threats to the state emerging from another state'.¹⁰ The state maintains a monopoly over the legitimate use of violence within a given territory, providing security for its citizens from external threats to their security. On the one hand there is the concept of 'external security', which refers to the measures taken by nation-states to ensure their own safety and survival within the international arena. This includes the use of the military and foreign

⁹ Edwards and Meyer, 'Introduction: Charting a Contested Transformation', p. 1.

¹⁰ Harald Muller, 'Security Cooperation', in Walter Carlsnaes, Thomas Risse and Beth Simmons (eds.), *Handbook of International Relations*, (London: Sage, 2002), p. 369.

policy instruments to provide a feeling of safety from external security threats to the state. 'Internal security' on the other hand refers to the keeping of peace within the domestic borders of a nation state. It is provided for through the police, law-enforcement and the judiciary. It can also refer to the state of that society in terms of individuals being able to enjoy within the law their social, cultural, economic and political life free from the threat of persecution or terror. Traditionally IR did not discuss the notion of 'internal security', instead it focused on the sovereign state as the most important 'actor' in world politics, an international environment characterised by anarchy and a sharp distinction between domestic politics and international politics.¹¹ The reason for drawing attention to this is because the construction of security policy at the EU level provides a challenge to the traditional conceptualisation of security in the IR literature. Not only is security policy formulated at the supranational level (above the nation-state) but EU security policy contains elements that traverse the distinction between the domestic and the international.

It is important to highlight at the outset of this thesis that the understanding of the EU developed here is one that emphasises the post-modern nature of this system of governance. It is not a monolithic or unitary form of governance. Instead it is a mix of intergovernmental and supranational governing dynamics; a system of governance that as a result of its institutional, juridical and spatial complexities, has been described by John Gerard Ruggie as constituting 'the first truly postmodern international political form'.¹² As such, the EU should be considered a 'transformational polity' in the sense that it raises questions about the appropriate mechanisms for political organisation beyond the state.¹³ In particular, and of particular relevance to the direction of this thesis, it also raises questions that challenge the pre-eminence of the state as a provider of security for its citizens. This is because we can identify a number of emerging structures and processes that are being developed beyond the state. We can argue therefore that while the EU is not a state, it has a developing role as a provider of security. Specifically, it contributes to the practice of security through the production of common 'internal' and 'external' security policies.

¹¹ Kenneth Waltz, *Theory of International Politics*, (Reading, MA: Addison-Wesley, 1979).

¹² John Gerard Ruggie, 'Territoriality and Beyond: Problematizing Modernity in International Relations', *International Organization*, 47:1 (1993), pp. 139-174, see p. 140.

¹³ Jozef Batora and Brian Hocking, 'Bilateral Diplomacy in the European Union: Towards 'post-modern' patterns', *ECPR/SGIR 6th Pan-European Conference*, Turin 12-15 September 2007.

Since the 1992 Treaty of Maastricht (TEU), the provision of security has been split between the second pillar (external security), the Common Foreign and Security Policy (CFSP), and the third pillar (internal security), Cooperation in the Fields of Justice and Home Affairs (JHA). Covering ‘external security’ issues there is the CFSP. This is the agreed foreign policy of the EU which encapsulates both defence and security issues. The TEU declared quite unambiguously that a ‘common foreign and security policy’ would be established and that it was to be ‘governed under the following provisions’. Subsequently, the Treaty set out a number of different objectives for the CFSP that included: ‘strengthening the security of the Union and its Member States’, ‘preserve peace and international security’, ‘promote international cooperation’ and to ‘develop and consolidate democracy and the rule of law’.¹⁴ The Treaty also envisaged ‘the eventual framing of a common defence policy, which might in time lead to a common defence’.¹⁵ Covering ‘internal security’ issues there is JHA. The TEU set out a number of areas that would henceforth be considered matters of common interest, including asylum policy, immigration policy, judicial cooperation in civil and criminal matters and police cooperation. As with the conduct of policy-making in the CFSP, policy-making in this field has traditionally been conducted in a strictly intergovernmental manner, with the key institution in the policy process being the European Council. This has been one of the most rapidly evolving areas of EU policy. The Amsterdam Treaty, 1999, led to the establishment of an ‘Area of Freedom, Security and Justice’ (AFSJ) in which a number of JHA and JHA related policy areas were transferred to the first pillar (the EC) and the remaining policy issues were reorganised under a new title, ‘Police and Judicial Cooperation in Criminal Matters’.

Although the analysis conducted in this thesis focuses on the production of counter-terrorism in the period before the Lisbon Treaty, December 2009, it is pertinent to make clear that the institutional developments brought about by the Treaty have impacted upon the EU’s capacity as a provider of security. Much of the treaty is concerned with amending and adding to the TEU and the Treaty Establishing the European Community (TEC), which has now been renamed the Treaty on the Functioning of the European Union (TFEU). The third pillar of the TEU, ‘Police and Judicial Cooperation in Criminal Matters’, has been moved from the TEU into the TFEU. This has enabled most of the EU JHA policies to be brought together under Title V of the TFEU, covering the ‘Area of Freedom, Security and Justice’ (AFSJ),

¹⁴ Official Journal of the European Union, OJ C 191 of 29.7.1992, Article J. 1.

¹⁵ Ibid., Article J. 3.

subjecting those (internal security) policies to more supranational governing dynamics. The second pillar of the TEU, the CFSP, remains largely unchanged. It continues to be located in the TEU rather than having been transferred to the TFEU and as such those (external security) policies are still subject to intergovernmental governing dynamics. It should also be noted that the EU now has a High Representative for Foreign Affairs and Security Policy, Baroness Ashton, whose post was created through the merging of the Council post of High Representative for the CFSP with the Commission post of Commissioner for External Relations.¹⁶

These realms of 'internal' and 'external' security have traditionally been treated as distinct or separate; however, since the events of September 11, 2001, the boundaries that exist between these once distinct policy domains have become increasingly blurred. Included as an addition to Chapter One (see bottom of this chapter), is a table highlighting the main developments in EU counter-terrorism policy and security policy more generally. Furthermore, the historical development of EU counter-terrorism policy will be expanded on in greater detail in Chapter Three. In particular, it will demonstrate how this blurring of 'internal security' and 'external security' concerns is a central element of the counter-terrorism response.¹⁷ Although counter-terrorism policy is treated primarily as an 'internal security' issue in the EU, at the level of policy formation it contains a number of measures that traverse the internal/external security divide. However, this process that is leading to the blurring of the boundaries of security becomes much clearer if we consider the implications of the 'fight against terrorism' discourse. Indeed, it is asserted in this thesis that we cannot understand this process unless we consider how the 'fight against terrorism' discourse constructs a condition of perceived insecurity, a condition which make this contingency (the blurring of 'internal' and 'external' security) a reality. The constant (re)articulation of the threat posed by terrorism, alongside other 'interrelated' threats such as organised crime, the proliferation of weapons of mass destruction (WMD) and immigration, through the 'fight against terrorism' discourse, plays a

¹⁶ For a further explanation of the institutional developments brought about by the Lisbon Treaty see Neil Nugent, *The Government and Politics of the European Union*, 7th Edition, (Basingstoke: Palgrave Macmillan, 2010), pp. 78-85.

¹⁷ It will be argued that this process becomes quite apparent when we consider how the EU seeks to increase its competences as a provider of security by frequently articulating a need to expand the security agenda(s), either through a focus on the important internal dimensions that exist in relation to the continued development of the CFSP, or the way in which it emphasises the important external dimension of its internal security policies (developed through the construction of an AFSJ).

key role in the construction of this condition of insecurity. The ‘fight against terrorism’ can therefore be described as a *discourse of insecurity*.¹⁸

In this context of global insecurity (constructed through the articulation of these threats) the borders between ‘internal’ and ‘external’ security are much harder to identify. As Jef Huysmans and Anastassia Tsoukala explain, the defining borders between key concepts such as war, threat or freedom are being reframed.¹⁹ As such, ‘the operational borders of security agencies merge as police and military-related activities exceed their traditional field of action, and intermingle with one another’.²⁰ Furthermore, ‘sectoral borders are discarded as security-related issues are increasingly handed over to private agencies, and security concerns are thought to be of interest even to ostensibly irrelevant sectors, such as business and finance’.²¹ What this means then is that the notion of the state, as conceived in IR theory, is unable to adapt to the tensions created by the transnational bureaucratic links that now exist between the police, intelligence agencies and the military. The role of the private sector in these new types of security practices adds a further layer of complexity to this situation. As Didier Bigo points out, this is especially the case in Europe where new networks and informal groups that transcend national frontiers have ‘localised the space of political decision-making’.²²

Whilst these issues are extremely important, the main focus of this thesis is not specifically to explicate the origin or evolution of these new security practices. Instead, it is to investigate how the language of the ‘fight against terrorism’ contributes to the normalisation of these new security practices as an appropriate response to the threat of terrorism. This thesis seeks to analyse not only how the language of the EU’s ‘fight against terrorism’ discourse constructs the specific characteristics of the terrorist threat, but also the role that this discourse plays in the legitimisation of a number of different security measures that are

¹⁸ Didier Bigo, ‘Globalized-in-security: the Field and the Ban-Opticon’, in John Solomon and Naoki Sakai (eds.), *Translation, Biopolitics and Colonial Difference*, Traces: a multilingual series of cultural theory and translation, 4, (Hong Kong: Hong Kong University Press, 2005), pp. 109-156. Bigo argues that terrorism is but one of a number of threats (alongside war, organised crime or ‘migratory invasion’) contributing to a condition of ‘global in-security’ and reflected in what he call processes of ‘in-securitisation’.

¹⁹ Jef Huysmans and Anastassia Tsoukala, ‘Introduction: The Social Construction and Control of Danger in Counterterrorism’, *Alternatives*, 33 (2008), pp. 133-137.

²⁰ *Ibid.*, p. 133.

²¹ *Ibid.*, p. 133.

²² Didier Bigo, ‘Globalized-in-security: the Field and the Ban-opticon’, in John Solomon and Naoki Sakai (eds.), *Translation, Biopolitics and Colonial Difference*, Traces: a multilingual series of cultural theory and translation, 4, (Hong Kong: Hong Kong University Press, 2005), pp. 112. By the phrase, ‘localised the space of decision-making’, Bigo means that security professionals (e.g. the military, the police, border guards etc.) are able to take decisions on security in lieu of political professionals.

presented as central to the EU counter-terrorism effort. It is argued that the formulation of such policies rests upon certain representations of identity; so for example, the type of actor the EU should be or who and what the 'terrorists' are. As such, the primary focus of the thesis is to investigate how the identity of the EU is shaped by and helps to influence the types of counter-terrorism policies which are advocated as central to the 'fight against terrorism'. In particular, there is a focus on how this *discourse of insecurity*, the 'fight against terrorism', contributes to the 'securitisation' of social and political life in Europe through an investigation of its role in the normalisation of a number of general security processes and changing security practices.²³ The concept (or process or theory) of 'securitisation' will be defined in greater detail in Chapter Two. The next section shall introduce the aims of the thesis, including the four research questions that shall structure the general direction of the thesis.

Thesis Aims and Research Questions

The literature on EU counter-terrorism policy is characterised by a substantial focus on the historical and legal development of policy in this area.²⁴ There is also a growing literature on the implementation and governance of EU counter-terrorism policy.²⁵ This thesis however is about a thus far relatively neglected area of research: the language of the EU's 'fight against

²³ It should be noted that while the focus of the thesis is not on the origin or implementation of these new security practices, through this process of analysing the 'fight against terrorism' discourse the origin and evolution of these new security practices will be revealed.

²⁴ For a historical overview of EU counter-terrorism policy see; Monica Den Boer, '9/11 and the Europeanization of Anti-Terrorism Policy: A Critical Assessment', *Notre Europe Policy Paper*, (2003), No. 6; Paul Wilkinson, 'International Terrorism: The Changing Threat and the EU's Response', *Chaillot Papers*, 84 (2005); Mirjam Dittich, 'Facing the Global Terrorist Threat: A European Response', *European Policy Centre Working Paper*, 14 (2005); Jorg Monar, 'Common Threat and Common Response? The European Union's Counter Terrorism Strategy and its Problems', *Government and Opposition*, 42: 3 (2007), pp. 292-313. For legal analysis of developments in EU counter-terrorism policy see Bill Gilmore, 'The Twin Towers and the Third Pillar: Some Security Agenda Developments', *EUI Law Working Paper*, (2003), 2003/7; Steve Peers, *EU Justice and Home Affairs Law*, (1st edition, Longman, 2000); (2nd edition, OUP, 2006).

²⁵ Oldrich Bures, 'EU Counterterrorism Policy – A Paper Tiger?', *Terrorism and Political Violence*, 18:1 (March 2006), pp. 57-78; Raphael Bossong, 'The Action Plan on Combating Terrorism', *Journal of Common Market Studies*, 46:1 (2008), pp. 27-48; Monica Den Boer, Claudia Hillebrand and Andreas Nölke, 'Legitimacy Under Pressure', *Journal of Common Market Studies*, 46:1 (2008), pp. 101-124; George Joffé, 'The European Union, Democracy and Counter-Terrorism', *Journal of Common Market Studies*, 46:1 (2008), pp. 147-172; Christian Kaunert, 'Towards Supranational Governance in EU Counter-Terrorism? The Role of the Commission and the Council Secretariat', *Central European Journal of International and Security Studies*, Special Issue: Europe at Sixty, 4:1 (May 2010).

terrorism' discourse.²⁶ In particular, it focuses on the counter-terrorism policy documents produced by the EU. These policy documents include a number of texts that deal directly with terrorism, as well as a number of more general texts that cover both 'internal' and 'external' aspects of EU security policy. The thesis analyses how the language of the 'fight against terrorism' discourse plays a role in the legitimisation of the counter-terrorism policy responses contained within those documents. The effect of this, it will be argued, is to normalise those responses as a 'common-sense' approach to counter-terrorism policy; responses which are reflective of what we might identify as an ever increasing trend towards the securitisation of social and political life within Europe.

In order to analyse how the identity of the EU is both shaped by and helps to shape the formulation of counter-terrorism policy, the research is guided by three main aims. First, to investigate how this discourse of a 'fight against terrorism' is constructed: to identify the main words, terms, phrases and assumptions which are central to the discourse and provide a language for speaking about terrorism; to uncover the main themes which constitute the different 'strands' of the discourse; and how that language (or knowledge) about terrorism structures the logic, meaning and response to the representations contained within the texts. The research examines this language of EU counter-terrorism policy in order to demonstrate how the EU perceives the threat of terrorism. The research does not simply focus on how the EU defines this threat but how it actually conceptualises the threat of terrorism through the language of counter-terrorism policy. It also focuses on how language is used not just to construct the 'terrorist' (as enemy or Other) and the kind of danger, risk or threat that they pose but also how the counter-terrorism policy response, the 'fight against terrorism', is presented as a 'common-sense' approach that can negate that threat.

Second, is to draw out how a 'European' sense of Self is constructed in opposition to the 'terrorist' Other, to understand how the EU constructs a particular 'space' from which it can speak as the I/We of the discourse, to reveal how certain interpretations of the 'terrorist' Other are legitimised, how other interpretations are silenced, and how courses of action against them are conditioned by those interpretations.

²⁶ There is only one academic article which focuses explicitly on the EU counter-terrorism discourse. See, Richard Jackson, 'An analysis of EU Counterterrorism Policy Discourse', *Cambridge Review of International Affairs*, 20:2 (2007), pp. 233-247.

Third, is to demonstrate how the language of the 'fight against terrorism' is contributing to a blurring of the distinction between 'internal' and 'external' security. It will be argued that this is occurring at the level of policy production, through the development of a number of measures and policy provisions that are contained within the EU counter-terrorism policy documents; and at the discursive level in terms of a discourse of insecurity, which invokes the threat of terrorism (and other interrelated threats) to justify the very development of those policies that are identified as contributing to the blurring of internal and external security. It is a main contention of this thesis that this blurring of the distinction between 'internal' and 'external' security is now occurring to such an extent that we can speak of a 'hybridised' or 'holistic' EU security policy.²⁷ This idea will be explored in greater detail in the concluding chapter (Chapter Seven).

This thesis seeks to answer four main research questions:

1. With respect to the role of language, how has the production of EU counter-terrorism policy contributed to the construction of 'terrorism' as a specific type of danger, risk or threat to the EU?
2. Having established that the 'fight against terrorism' discourse provides a specific conceptualisation of the danger, risk or threat posed by terrorism, what are the main themes (or strands) of the discourse and how do they contribute to this specific conceptualisation of the 'terrorist threat'?
3. Having identified the main discourse strands, how does the over-arching 'fight against terrorism' discourse construct a 'European' sense of Self, understood here as 'European political identity', in opposition to a 'terrorist' Other?
4. What role does this counter-terrorism discourse, the 'fight against terrorism', play in the legitimisation of new security practices (within the EU), are these practices contributing to the blurring of the distinction between internal and external security

²⁷ In particular, the thesis focuses on the process by which the threat of terrorism is invoked as one of a number of key security threats (alongside organised crime, drug/human trafficking, regional conflicts and immigration) to the EU, which legitimates the development of these new security policies and practices.

policy and are they reflective of a process of ‘securitisation’ of social and political life within Europe?

The remainder of this introductory chapter will do several things. First, in order to provide a rigorous conceptual framework for the study of EU counter-terrorism policy, the next section will investigate how terrorism is defined and conceptualised in law and in academic debates. Having considered these different definitions of terrorism this section then turns to the question of whether the state can be labelled ‘terrorist’. It does this because the EU’s political discourse on terrorism, the ‘fight against terrorism’, articulates (or is reflective of) a state-centric perception of terrorism. Although the EU is not a state the counter-terrorism policy discourse will always be in part a reflection of the interests of the leading or most influential member states. This provides some explanation for the state-centric perception of terrorism that is constructed through the production of EU counter-terrorism policy. Indeed, it will be argued throughout the thesis that the ‘fight against terrorism’ discourse has a tendency to preclude the state from the label ‘terrorist’. Second, given these conceptual questions that surround the term terrorism this chapter will consider how the development of a ‘critical’ approach to the investigation of security issues has influenced the direction of the research conducted in this thesis. In particular, it will focus on the subject area of Critical Security Studies (CSS), locating this research within the broader understanding of what is meant by being ‘critical’. Having done this, it will then turn to an analysis of the recent development of a ‘critical terrorism studies’ (CTS) research agenda within the field of terrorism studies. This is done in order to clarify the context within which current research into terrorism is being conducted. It is also done because CTS is based on a number of theoretical and methodological commitments that are similar to those which provide the framework for this thesis.

Third, having considered these conceptual questions, the chapter will then turn to a brief overview of the development of EU counter-terrorism policy, drawing attention to historical, legal, governance and implementation approaches to the study of terrorism and indicating their contribution to our understanding of EU counter-terrorism policy. Fourth, the chapter will then explain how a discursive analysis of the ‘fight against terrorism’ can offer a nuanced approach that asks a series of different questions about EU counter-terrorism policy. It will be argued that this approach allows for critical reflection on how the social construction of terrorism conditions the type of policy responses that have been developed in

response to the threat of terrorism, structuring certain courses of action against terrorism as appropriate whilst denying others as inappropriate or ignoring other approaches all together. The final section will provide a brief overview of the remaining chapters in the thesis, indicating the general direction of this research and drawing out the main arguments contained within each. It should also be noted that included at the end of Chapter One is Table 1.1 outlining the main developments in EU security policy, with a specific focus on counter-terrorism responses. This table is included to provide a reference point for the research conducted in this thesis.

Defining Terrorism

Given that this thesis is about the language of EU counter-terrorism policy it is most pertinent to consider the conceptual questions that surround the use of the term 'terrorism' before engaging in an analysis of the policy itself. Alex Schmid and Albert Jongman point out that many authors seem fatigued by the need to consider conceptual questions. They argue however that this is a 'dangerous attitude' for it plays into the hands of the 'operational anti-terrorist camp' who have a 'we-know-it when-we see-it' attitude that can easily lead to double-standards, which in turn can produce both bad science and result in bad counter-terrorism policies.²⁸ Bruce Hoffman has argued that while many people have a vague idea of what terrorism is they lack a 'more precise, concrete, and truly explanatory definition of the word'.²⁹ He notes that the most compelling reason for this conceptual problem is that the meaning of the term has changed frequently over the past 200 years. The first time the term terrorism was widely used was during the French Revolution in which it was used to describe an example of state terrorism. The system or *régime de la terreur* (1793-94), from which the English word for terrorism came, was used to restore order during the period of turmoil that followed the establishment of the revolutionary French state. Since then the term terrorism has been used in varying contexts and has had multiple meanings. It has been used to refer to: revolutionary movements and violence directed against governments; to the practice of mass-repression by totalitarian governments against their own citizens; to describe groups who engage in political violence in their struggle for national liberation and self-determination; to

²⁸ Alex P. Schmid and Albert J. Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data-Bases, Theories and Literature*, 2nd Edition, (Amsterdam: Swidok, 1988), p. 1.

²⁹ Bruce Hoffman, *Inside Terrorism*, 2nd Edition, (New York: Columbia University Press, 2006), p. 1.

state-sponsored violence or covert warfare whereby weaker states could confront larger states without the threat of retribution; and to individuals or groups of violent religious radicals.³⁰

Given the changing nature of this term ‘terrorism’, the question of how best to define terrorism is one that continues to divide academics. The only real areas of consensus amongst those engaged in terrorism research are that terrorism is a pejorative term and that ‘the search for an adequate definition... is still on’.³¹ Tony Coady has argued that the definitional question is further complicated because it is irresolvable through ordinary language alone: terrorism as a concept is not ordinary, instead it is highly subjective and finds ‘its natural home is in polemical, ideological and propagandist contexts, or less alarmingly, high political ones’.³² For Charles Townshend, the reason for these difficulties in establishing an adequate definition of terrorism can be summed up in one word: labelling.³³ The description of a group or individual as ‘terrorist’ is almost always applied by others, very few individuals or groups voluntarily adopt that label. Primarily it is a label given by the governments of states, who have not been slow to brand violent opponents or enemies as ‘terrorist’. The word has intrinsically negative connotations; therefore what we term terrorism depends on our point of view. As Jenkins has noted ‘use of the term implies a moral judgement; and if one party can successfully attach the label terrorist to its opponent, then it has indirectly persuaded others to adopt its moral viewpoint’.³⁴ This is not surprising given the implications of cruelty, inhumanity, criminality and lack of real political support inferred by the term terrorist. As such, states have not found it difficult to produce definitions of terrorism.

Legal Definitions

The US has a number of different legal definitions of terrorism. First, for example, under US law:

³⁰ For an extensive historical analysis of the changing meaning of the term terrorism see Hoffman, *Inside Terrorism*, pp. 3-20.

³¹ Alex P. Schmid and Albert J. Jongman, ‘Political Terrorism’, p. 1.

³² C.A.J Coady, ‘Defining Terrorism’, in Igor Primoratz (eds.) *Terrorism: The Philosophical Issues*, (Basingstoke: Palgrave Macmillan, 2004), pp. 3-14, pp. 3.

³³ Charles Townshend, *Terrorism: A Very Short Introduction*, (New York: Oxford University Press, 2002).

³⁴ Michael Jenkins, *The Study of Terrorism: Definitional Problems*, (Santa Monica, California: RAND Corporation, 1980), p. 10.

(1) the term “international terrorism” means terrorism involving citizens or the territory of more than 1 country; (2) the term “terrorism” means premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents; (3) the term “terrorist group” means any group, or which has significant subgroups which practice, international terrorism.³⁵

Second, under the US federal criminal code:

The term “international terrorism” means activities that (a) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; (b) appear to be intended - (i) to intimidate or coerce a civilian population (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (c) occur primarily outside the territorial jurisdiction of the United States...³⁶

The EU, on the other hand, has developed its own common definition of terrorism:

Each Member State shall take the necessary measures to ensure that the intentional acts referred to below in points (a) to (i), as defined as offences under national law, which, given their nature or context, may seriously damage a country or an international organisation where committed with the aim of: seriously intimidating a population, or unduly compelling a Government or international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation, shall be deemed to be terrorist offences:

- (a) attacks upon a person's life which may cause death;
- (b) attacks upon the physical integrity of a person;
- (c) kidnapping or hostage taking;
- (d) causing extensive destruction to a Government or public facility, a transport

³⁵ U.S. Code Title 22, Ch.38, Para. 2656f(d)

³⁶ US Federal Criminal Code, Chapter 113B of Part I of Title 18

system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss;

(e) seizure of aircraft, ships or other means of public or goods transport;

(f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;

(g) release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life;

(h) interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;

(i) threatening to commit any of the acts listed in (a) to (h).³⁷

What these legal definitions demonstrate is that for the state, the only actor with recourse to the use of legitimate violence is the state.³⁸ As was explained earlier the EU is not a state, however the legal definition of terrorism that the EU has agreed upon is a reflection of the interests of its member states and therefore its definition has a state-centric bias. ‘Terrorism’, as defined by the US government and by the EU, is an act or acts perpetrated against the state, against its infrastructure, against its strategic interests and against its citizens. Although each definition is different there are a number of similarities. In particular, terrorism is defined as an act designed to intimidate a population and/or to coerce a government into undesired actions. The one constant feature of each legal definition is that the state is not considered to be a perpetrator of terrorism. Furthermore, many of the acts listed as terrorist offences are themselves already criminal acts under law which ‘makes terrorism appear to be a state of mind rather than an activity’.³⁹ Although each legal definition of terrorism is unique, they are characterised by a specifically state-centric perspective; whereas academics or scholars working in the field of terrorism studies have continued to disagree over how to conceptualise terrorism. The next section will consider definitions of terrorism from scholars working in this field.

³⁷ Council Framework Decision of 13 June 2002 on Combating Terrorism, (2002/475/JHA), Official Journal L164, 22/06/2002, pp. 3-7.

³⁸ See Townshend, ‘Terrorism.’ Townshend argues that one might question whether all use of violence by non-state actors is equally unjustifiable, even if it is illegal, given that certain groups throughout history have believed themselves justified in opposing, through violence, repressive regimes that restrict political and social freedoms. He highlights the case of revolutionary terrorists in Tsarist Russia.

³⁹ Townshend, ‘Terrorism’, p. 3.

Academic Debates

At the philosophical level, this problem of how to define terrorism is one that is central to academic debates. Paul Wilkinson makes the argument that 'the general public in most countries in the world can recognise terrorism when they see campaigns of bombings, suicide bombings, shooting-attacks, hostage-takings, hijackings and threats of such action, especially when so many of these actions are deliberately aimed at civilians'.⁴⁰ But as stated earlier, when one claims that an act of violence is 'terrorism', a more rigorous theoretical framework is needed than one that simply states 'we-know-it-when-we-see-it'.⁴¹ Instead our theoretical framework should be one that states 'we-know-it-when-we-define-it'; as such we should recognise that 'terrorism' is constructed through language and discourse. Wilkinson does however consider the conceptual issues that surround terrorism in some detail, arguing that terrorism is conceptually different and can be distinguished from other modes of violence by the following characteristics: it is premeditated and designed to create a climate of fear; it is directed at a wider target than the immediate victims; it inherently involves attacks on random or symbolic targets, including civilians; it is considered in the society in which it occurs as 'extra-normal', that is in a literal sense, it violates the norms regulating protests, disputes and dissent; and it is used primarily, although not exclusively to influence the behaviour of governments, communities or specific social groups.

Wilkinson accepts that while historically the use of terror by regimes or governments has been infinitely more lethal than that of non-state groups, in a democracy the main threat of terrorism comes from sub-state actors.⁴² This is a distinction rejected by Bruce Hoffman who precludes the state from the label terrorist, arguing that 'while national armed forces have been responsible for far more death and destruction than terrorists might ever aspire to bring about; there nonetheless is a fundamentally qualitative difference between the two types of violence'.⁴³ He contends that terrorism is distinguishable from other forms of crime and irregular warfare for several reasons: it is political in aims and motives; it uses violence or the

⁴⁰ Paul Wilkinson, *Terrorism versus Democracy: The Liberal State Response*, 2nd Edition, (Routledge: London and New York: Routledge, 2005), p. 1.

⁴¹ This is not to argue that 'we' (e.g. civilians, citizens etc.) cannot determine whether an act of violence (or the threat of an act of violence) is terrorism; only that when we analyse terrorism at an academic level it is essential that we deal with the question of conceptualising terrorism.

⁴² *Ibid.*, p. 1.

⁴³ Hoffman, 'Inside Terrorism', p. 26.

threat of violence; it is designed to have a far-reaching psychological impact beyond the immediate targets; it is conducted either by an organisation with an identifiable chain of command or conspiratorial cell structure or by individuals or collections of individuals directly influenced, motivated or inspired by the ideological aims of some existent terrorist movement and/or its leaders; it is perpetrated by a subnational group or non-state entity. For Hoffman, only sub-state actors can be classified as terrorist. His conceptualisation of terrorism reflects this proclivity for exempting the state from the label terrorist that one finds (not unsurprisingly) reflected or reproduced in the many legal definitions of terrorism offered by different states.

Alex Schmid and Albert Jongman, after completing a survey of academics working in the field of terrorism studies, have offered a wide-ranging and substantial definition of terrorism that can provide a starting point for a more nuanced understanding of terrorism that goes beyond state-centric definitions. They argue that:

‘Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group, or state actors, for idiosyncratic, criminal or political reasons, whereby- -in contrast to assassination- -the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperilled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought’.⁴⁴

The length and complexity of their definition demonstrates the inherent difficulty in developing an accepted definition of terrorism amongst academics and serves to illustrate why governments and other international institutions have been unable to reach agreement on an accepted definition of terrorism. Surveying both academic debates on terrorism and legal definitions of terrorism reveals the essentially contested nature of the concept itself. The

⁴⁴ Schmid and Jongman, ‘Political Terrorism’, p. 28.

contested nature of knowledge about terrorism will be drawn out in greater detail in the later chapters; this will be done through an extensive analysis of the main themes (or strands) of the EU's 'fight against terrorism' discourse. Before engaging in this analysis, and given that terrorism is treated primarily as a security concern by the EU, the next section shall analyse the influence of 'critical' approaches to security on the direction of the research conducted in this thesis.

A Critical Approach to World Politics: Critical Security Studies (CSS) and Critical Terrorism Studies (CTS)

This next section introduces the idea of a 'critical' exploration of security, what might be subsumed under the label Critical Security Studies (CSS), in order to emphasise its importance in defining the direction of the research conducted in this thesis. It starts by explaining what is meant by being 'critical', noting the different connotations the term can have, before highlighting a dissatisfaction with the 'traditional' or 'realist-derived' approaches to security which it is argued have dominated the study and practice of security since the onset of the Cold War. Importantly it makes a distinction between uppercase Critical Theory and lowercase 'critical theory', locating the research conducted in this thesis within the broader conceptualisation of 'critical' approaches to security. The section then highlights the difference between 'problem-solving theories' and 'critical theories', drawing out the themes around which 'critical' approaches to security can unite. Having highlighted the impact of CSS on the direction of this research, this section then turns to an investigation of the recent development of a Critical Terrorism Studies (CTS) research agenda and its implications for this analysis of EU counter-terrorism policy.

Columba Peoples and Nick Vaughan-Williams explain the use of the prefix 'critical' should not lead us to assume that this is a single, monolithic or homogenous perspective from which security issues can be interrogated.⁴⁵ Instead any reference to 'critical' work should be recognised and understood primarily as a rhetorical device. There is no singular definition of what it means to be 'critical' in security studies; rather there are an array of different perspectives which have become associated with this term. As such, the aim of this section is

⁴⁵ Columba Peoples and Nick Vaughan-Williams, *Critical Security Studies: An Introduction*, (Routledge: New York, 2010).

not to impose an idea of what critical security studies is or ought to be. Instead it is to outline how the theoretical commitments of a CSS research agenda tie into and have influenced the direction of the research conducted in this thesis. CSS encompasses two central traditions within the literature that are broadly consistent with Chris Brown's distinction between uppercase 'Critical Theory', which refers to the Frankfurt School of social theorising, and lowercase 'critical theory', which refers to 'critical' theorising in a broader sense.⁴⁶ Anthony Burke and Matt McDonald have argued that the first of these two approaches can be defined as a *reconstructive* project aimed at advancing alternative claims of what security is or should mean.⁴⁷ This approach is best represented by the work of Ken Booth who has argued that the focus of security studies should be on the advancement of individual emancipation, which is defined as a process whereby space is created for the voices of marginalised actors to be heard in global politics. For Burke and McDonald, the second approach is best defined as a *deconstructive* approach to security. They argue that this second approach does not 'primarily offer definitive alternative conceptualisations but rather seek to point to the silences, exclusions and blind spots of traditional approaches to security – to expose both their analytical limitations and their normative implications'.⁴⁸

In the academic discipline of international relations (IR), the study of security has always been a central concern. From the aftermath of both World Wars (I and II), through the period of the Cold War and leading into the present focus on the 'war on terror' and the 'fight against terrorism', this issue area has dominated the preoccupation of students and scholars alike. For Ken Booth what is certain is that as the field of security studies developed in its orthodox form during the Cold War, it 'was constructed in the image of political realism'.⁴⁹ As such, he argues that a 'critical' approach to security studies requires a rethinking of 'the common sense of this orthodoxy from the bottom up', whilst 'exposing the extent to which political realism is part of the problem in world politics rather than being the problem solver'.⁵⁰ However, this rethinking of security is in no part a small challenge given the embedded nature of many of the core assumptions about security and insecurity that are central to orthodox security studies. Booth argues that even if the end-point of a 'critical'

⁴⁶ Chris Brown, 'Turtles All the Way Down: Anti-Foundationalism, Critical Theory and International Relations', *Millennium: Journal of International Studies*, 23 (1994), pp. 213-236.

⁴⁷ Anthony Burke and Matt McDonald, *Critical Security in the Asia Pacific*, (Manchester University Press: Manchester, 2007).

⁴⁸ *Ibid.*, p. 5.

⁴⁹ Ken Booth, *Critical Security Studies and World Politics*, (Lynne Rienner: London, 2005), p.2.

⁵⁰ *Ibid.*, p. 3.

exploration of security is uncertain the starting point is not; it must begin with a critical engagement with the political realist orthodoxy in security studies. For Booth political realism has operated as an 'iron-cage' in world politics, in the sense that it has created a 'prison of categories and assumptions' which have created a 'world that does not work for most of its inhabitants'.⁵¹ Booth contends that realist-derived approaches to security studies have attempted to impose just one image of reality on a world that 'not only consists of many sovereign states but also is multicultural, divided by gender and class, and made up of individuals, families, tribes, nations and other collectivities'.⁵² As such, Booth argues that it offers its students just one image of reality, with predefined answers to key global questions: it is an example of 'a problem masquerading as the problem-solver'.⁵³

In his much cited article 'Social Forces, States and World Orders', Robert Cox made the important distinction between what he termed 'problem-solving theory' and 'critical theory'.⁵⁴ For Cox, a 'problem-solving theory' takes the world as it finds it, including the predominant social and power relations and the institutions into which they are organised, and tries to resolve problems within that existing framework. Political realism fits neatly into this category. Cox contrasts such theory with 'critical theory', which he argues is critical because it does not take institutions and social and power relations for granted; instead it attempts to stand apart from the prevailing order of the world and questions the historical and structural context of problems. However Cox views 'critical theory' in the narrow sense of the term, as referring to a specific theoretical approach to world politics most commonly known as the 'Frankfurt School' of social theorising. Frankfurt School Critical Theory (FSCT) has an explicitly normative dimension in that it favours a social and political order which is different from that of the prevailing order. This is reflected in the claim that through the process of critique, FSCT provides potentialities for the provision of ideas that might promote the emancipation of people from oppressive situations and/or structures. However, as noted earlier, the term 'critical theory' can also be used in a much broader sense. From this perspective critical theory can be understood as encompassing all schools of thought that challenge what has often been referred to as the positivist orthodoxy within Western social sciences. These theories are considered to be *anti-foundational* because they argue that any

⁵¹ Ibid., p. 4.

⁵² Ibid., p. 4.

⁵³ Ibid., p. 4.

⁵⁴ Robert W. Cox, 'Social Forces, States and World Orders: Beyond International Relations Theory', *Millennium: Journal of International Studies*, 10:2 (1983).

claim about what is true in human society cannot be measured against any objective or neutral set of criteria. As Ken Booth explains, the defining feature of all critical approaches is that they ‘reject the idea that human social behaviour can be studied with the same scientific method as the study of the behaviour of glaciers’.⁵⁵ This is because ‘the latter is amenable to conclusions that might be described as “true” in a way that is not available to the former’.⁵⁶

This distinction between ‘problem-solving theory’, FSCT and ‘critical’ theory in a more general sense is important when considering the direction of this research. Broadly speaking, this research can be considered a contribution to the expanding agenda of Critical Security Studies (CSS). However the use of the label ‘critical security studies’, is not unproblematic. There are important differences within the sphere of critical approaches to security, which are reflected in the distinction between ‘critical theory’ in a broad sense and FSCT in a more narrow sense. For the purpose of clarity, it should be noted that this research is based upon the broader *deconstructive* conceptualisation of ‘critical theory’ and as such is committed to what might be termed a ‘postmodern’ or ‘poststructural’ research agenda, in the analysis of EU counter-terrorism policy.

Regardless of these differences, there remain themes around which critical perspectives on security can unite. Obviously, these perspectives unite around a dissatisfaction with the impact and influence of ‘problem-solving theories’, such as political realism. This dissatisfaction will be explored in greater detail in Chapter Two, where a case shall be made for the use of discourse analysis as a tool through which to analyse EU counter-terrorism policy. However, critical perspectives can also unite around the idea that ‘security is essentially a derivative concept’. As Booth points out, what this means is that contending theories about world politics will provide different conceptualisations of what security is all about in world politics. Although there is general consensus on a definition of security as being or feeling safe from threats or danger, ‘security in world politics can have no final meaning’.⁵⁷ As such, the meaning of security is derived from the different perspectives which help us to conceive the structures and processes of our societies; it is derived from the theories which help us to explain or understand the events which constitute our social and political realities. By understanding security as a concept whose features vary depending

⁵⁵ Booth, ‘Critical Security Studies and World Politics’, p. 10.

⁵⁶ Ibid., p. 10.

⁵⁷ Ibid., p. 13.

upon the assumptions of different theoretical perspectives, it becomes clear that the ideas which have shaped mainstream security studies since the onset of the Cold War (and which remain powerful today) have been derived from 'a combination of Anglo-American, statist, militarised, masculinised, top-down, methodologically positivist, and philosophically realist thinking, all shaped by the experience and memories of the interwar years and World War II and the perceived necessities of the Cold War'.⁵⁸ As such, the effect of adopting any critical approach to security will be to provide a challenge to the conceptualisation of security derived from such a worldview.

Challenging this worldview has also provided the basis for the development of a 'critical' agenda in relation to the field of terrorism studies. As Richard Jackson, (who is one of the main proponents of this research agenda) explains, there have been two developments within contemporary research into terrorism that have provided the foundations and necessitated the development of an explicitly 'critical' turn within terrorism studies. The first is the proliferation in terrorism-related research and teaching, since September 11, 2001. Terrorism studies has been transformed from a minor sub-field of security studies to a standalone field, and is now one of the fastest expanding areas of research within Western social sciences. Secondly, there has been a growing dissatisfaction with the state of the field and the output by many of the leading scholars. Jackson argues that much of what passes for terrorism research lacks rigorous theories and concepts, is based primarily on secondary information, lacks a historical context and is heavily biased towards Western and state-centric perspectives. Furthermore, related to this is an academic unease about the direction of domestic-counter terrorism policies and the prosecution of the 'war on terror'.⁵⁹ Making the case for CTS therefore requires, firstly, a compelling critique of the current state of orthodox terrorism studies and, secondly, relies on the 'articulation of a relatively coherent and consistent set of epistemological, ontological and ethical normative commitments, as well as a clear research programme and future trajectory'.⁶⁰

⁵⁸ Ibid., p. 13.

⁵⁹ Richard Jackson, 'Introduction: The Case for Critical Terrorism Studies', *European Political Science*, Symposium: The Case for Critical Terrorism Studies, 6:3 (2007), pp. 225-227.

⁶⁰ Ibid., pp. 226.

CTS entail four main criticisms of the traditional terrorism studies field.⁶¹ First is a list of methodological and analytical weaknesses. These include a reliance on poor research methods, an over reliance on secondary information and a general failure to undertake primary research. Added to this is a failure to develop an accepted definition of terrorism, the descriptive and condemnatory character of much of the terrorism research output, the dominance of orthodox IR approaches, a lack of inter-disciplinarity and a tendency to treat terrorism as a 'new' phenomenon that began on September 11, 2001. Secondly, much of the research into terrorism has an inherent state-centric bias that tends to produce a limited set of assumptions and narratives about the nature, causes and responses to terrorism. The main problem here is that much of this 'knowledge' is actually contested and is unsupported by empirical proof. The third criticism relates to the 'embedded' nature of many terrorism experts in that many are directly linked to state institutions and sources of power that makes it difficult to distinguish between the state and academic spheres. The fourth is linked to the dominant type of knowledge in the field; as noted above, what Cox has called 'problem-solving theory' or 'explanatory theory'.⁶² The advocates of CTS argue that traditional terrorism studies, like 'problem-solving theory', 'takes the world as it finds it, with the prevailing social and power relationships and the institutions into which they are organised, as the given framework for action'.⁶³ As Jackson argues, what this means then is that the majority of traditional terrorism studies fail to question the status quo and the extent to which it is implicated in the 'problem' of terrorism and political violence.

Jeroen Gunning has argued that research into terrorism has suffered as a result of 'these core epistemological, methodological and political-normative problems... [they range] from a lack of conceptual clarity and theoretical sterility to political bias and a continuing dearth of primary research data'.⁶⁴ He argues that the dispersed nature of innovative work that is published outside the core journals of 'terrorism studies' is problematic.⁶⁵ In relation to the core journals, much of the research is based on secondary data analysis such as books, journals, and the media and not on primary sources. Research tends to focus on short-term,

⁶¹ See Richard Jackson, 'The Core Commitments of Critical Terrorism Studies', *European Political Science*, Symposium: The Case for Critical Terrorism Studies, 6:3 (2007), pp. 244-251.

⁶² Cox, 'Social Forces, States and World Orders', pp. 126-155..

⁶³ *Ibid.*, pp. 128-29.

⁶⁴ Jeroen Gunning, 'A Case for Critical Terrorism Studies', *Government and Opposition*, 42: 3 (2007), pp. 363-393. Gunning identifies the terms 'terrorism field', 'terrorism studies' and 'terrorism research' as terms that can be used interchangeably. .

⁶⁵ The two core journals for 'terrorism research' are: *Terrorism and Political Violence* and *Studies in Conflict and Terrorism*.

threat assessment as defined by state elites. The local and historical context of conflicts is ignored and terrorism is treated as a one-size fits all term. Furthermore, 'terrorism studies' is theoretically naïve. Writing in 2004, Andrew Silke noted that within the core journals, less than 2% of articles actually deal with concepts.⁶⁶ Traditionally, research into terrorism has accepted uncritically the framing of the conceptual problem by the state. This orientation towards the state has an effect in terms of the questions that remain unasked. Being critical offers an alternative approach in that it prevents any predisposition towards the status quo. For Gunning, orthodox terrorism studies 'makes it difficult to ask questions about the extent to which counter-terrorism policies perpetuate the 'terrorist threat' or whether political transformation may be more effective than mere coercive force aimed at eradication. Researchers may be too embedded socially and culturally in an entity under 'attack' from 'others' to engage these 'others' subjectively or contemplate radically different counter-terrorism tactics. Existing research foci and practices may also prevent researchers from doing so by acting as disciplining agents'.⁶⁷

John Horgan and Michael Boyle have welcomed the advent of CTS for its potential to make terrorism studies more self-aware and reflective in practice. However, they believe that current work on CTS should be challenged.⁶⁸ They argue that CTS overstates the novelty of its case, that many of the shortcomings associated with traditional terrorism studies have already been acknowledged and that scholars have long sought to overcome them. They also believe that the assertion that traditional terrorism studies engage primarily in problem-solving theory, and that it is dependent on instrumental rationality, is overstated. Furthermore, they contend that by creating a 'straw-man' – 'orthodox terrorism studies' – it unfairly portrays 40 years of interdisciplinary research. It demonstrates a suspicion of academics engaged in policy relevant research and implies a 'bad faith' amongst those engaged in this kind of research. They also believe that rather ironically it has created the kind of dualism that critical theory was designed to overcome and overlooks the fact that the same moral concerns underlying CTS are the same moral concerns underlying traditional terrorism studies. They argue that being critical about the subject matter need not lead to an abandonment of empirical approaches to social and political inquiry. However, it should be

⁶⁶ Andrew Silke, *Research on Terrorism: Trends, Achievements and Failures*, (London: Frank Cass, 2004), pp. 207-209.

⁶⁷ Gunning, 'A Case for Critical Terrorism Studies', pp. 368

⁶⁸ John Horgan and Michael J. Boyle, 'A Case Against 'Critical Terrorism Studies'', *Critical Studies on Terrorism*, 1:1 (2008), pp. 51-64.

noted that CTS is not critical of empiricism per se, rather it is critical of the epistemological foundations of empirical knowledge.

The editors of the journal *Critical Studies on Terrorism* recognise some of these criticisms and have argued that one of the key challenges for CTS is not to bifurcate the ‘terrorism studies field into critical and orthodox intellectual ghettos who then refuse to engage with each other’s concerns’.⁶⁹ Indeed, the aim of CTS is not to abandon empirical approaches to social and political inquiry but to incorporate them into a more critical and reflective approach to terrorism studies. Furthermore, CTS does not seek to claim that all work subsumed under the label ‘traditional terrorism studies’ suffer from these conceptual and methodological problems, which are identified above, only that a great deal of the work that might be labelled as traditional terrorism studies suffers from these problems.

Regardless of whether one accepts the distinction between ‘traditional terrorism studies’ and ‘critical terrorism studies’ what is quite clear is that, as Frederick Schulze explains, terrorism studies are caught in an academic catch-22 situation.⁷⁰ Schulze points out that much of the research on terrorism is based on secondary or tertiary accounts, with most of the raw data based on media accounts. He argues that terrorism studies have developed in this way because ‘a triumvirate of the media, government and academia has to a great extent proscribed the course of terrorism studies’.⁷¹ He identifies the event-driven nature of responses to terrorism and the high-profile terrorist incidents of the late 1960s and 1970s as providing simultaneously a reason for liberal democracies to engage in terrorism research and a foundation upon which current terrorism research rests today. This in turn has led to an ‘inevitable collusion of interests emerging designed to control information flow and content leading to an agenda focusing on prophylactic measures to counter the threat of international terrorism’.⁷² This triumvirate of the media, government and academia are representative of an entire ‘counterterrorism industry’ that now exists; they in turn exert considerable influence over the discourse(s) on terrorism.⁷³ When conducting a critical analysis of the EU’s ‘fight

⁶⁹ Marie Breen Smythe et al., ‘Editors’ Introduction: Negotiating Stormy Waters’, *Critical Studies on Terrorism*, 1:2 (2008), pp. 147.

⁷⁰ Frederick Schulze, ‘Breaking the Cycle: Empirical Research and Postgraduate Studies on Terrorism’, in Andrew Silke (ed.) *Research on Terrorism: Trends, Achievements and Failures*, (London: Frank Cass, 2004), pp. 161-185.

⁷¹ *Ibid.*, p. 163.

⁷² *Ibid.*, p. 163.

⁷³ Joseba Zulaika and William A. Douglass, *Terror and Taboo: The Follies, Fables and Faces of Terrorism*, (London: Routledge, 1996).

against terrorism' discourse, it is important to recognise the role of this triumvirate in defining what is accepted knowledge about terrorism. The influence of academia, government and the media will be considered in greater detail in Chapters Four, Five and Six. These chapters explore the foundations of the knowledge on terrorism which it is argued has been central to the formulation of the EU's counter-terrorism policy.

The aim of this thesis is not to explore the methodological and theoretical commitments of CSS or CTS. This thesis is, however, heavily influenced by this research agenda because it is also driven by an interest in interpretive approaches and the 'linguistic turn' in the social sciences.⁷⁴ It is essential to acknowledge the importance of CSS and the recent development of CTS because many of the concerns that are central to these research agendas are concerns that are central to the direction of this thesis. These concerns include: the overtly state-centric nature of much research on terrorism, which is reproduced and reflected in the 'fight against terrorism' discourse; the need for conceptual clarity, which is central to any investigation of language; and the need for a contextual analysis of counter-terrorism responses, which recognises that accepted knowledge on terrorism is constructed on the basis of a limited number of contestable assumptions about what terrorism is and how best to respond to it. Having outlined the difficulties inherent in conceptualising terrorism and drawing attention to the influence of the CSS and CTS research agendas on this thesis, the chapter will now survey the contribution of approaches which focus on the historical and legal development of EU counter-terrorism policy, as well as approaches which focus on the implementation and governance of EU counter-terrorism policy.

The Role of the EU in Counter-Terrorism Policy

The historical development of EU counter-terrorism policy and the construction of a common threat perception, with a specific focus on the role of language, will be covered in greater detail in the third chapter. This section is designed to elucidate the role of the EU in counter-terrorism policy by highlighting the important contribution the approaches, identified above, have made to our understanding of that policy. The events of September 11, 2001, provided a

⁷⁴ According to David Bloome et al. the 'linguistic turn' refers to 'part of a historical and ongoing movement within the social sciences and the humanities to explicate how uses and forms of language create and re-create knowledge, power relations, identities'. See David Bloome et al., *Discourse Analysis and the Study of Classroom Language and Literacy Events*, (New Jersey: Harper Collins, 2005), p. 39.

significant challenge to the EU and in particular to its developing role as an ‘internal’ and ‘external’ provider of security. It was explained earlier that in the EU security policy has traditionally been split between the second pillar, the CFSP (external security), and the third pillar, JHA (internal security).⁷⁵ Since the adoption of the Lisbon Treaty on the Function of the European Union, in 2009, this institutional arrangement has changed (see Table 1.1, located at the bottom of the page). The future impact of this change on the counter-terrorism policy discourse will be considered in the final chapter; however, this analysis will focus solely on the counter-terrorism policy produced in the period before Lisbon. This is simply because the timeframe chosen for the analysis of the EU counter-terrorism policy texts ends before the Lisbon Treaty came into effect. The CFSP can be described as the foreign policy of the Union incorporating a number of important policy areas that include diplomacy, security and defence issues. Since its inception in 1992 (TEU) and ever more so since the adoption of the Amsterdam Treaty, JHA has swiftly developed into one of the largest and most important policy areas encompassing the convergence of criminal law, judicial and police cooperation, asylum and immigration policy, as well as much of the EU counter-terrorism policy. In terms of the EU’s political discourse it has framed its counter-terrorism effort as predominantly an ‘internal’ security concern, a ‘fight against terrorism’, best dealt with through (third pillar) criminal and judicial measures.⁷⁶ This is in contrast to the oft-cited American approach, ‘the war on terror’, an approach that has sought to purvey the threat of terrorism as existential and predominantly an ‘external’ security concern.

The reasons for these differences can be traced back to past experiences with terrorism. European states such as France, Germany, Italy, Spain and the United Kingdom have had to deal with internal or domestic terrorist threats and have as such developed a response based upon the application of criminal law.⁷⁷ America has mainly experienced terrorism as a foreign policy prerogative; as a phenomenon that occurs outside its borders. As such, the US framing of contemporary ‘international terrorism’ as a new and existential threat can be partly explained by this lack of experience in dealing with terrorism domestically, as well as

⁷⁵ The policy area of Justice and Home Affairs is also referred to in the academic literature or by the EU itself as the ‘Area of Freedom Security and Justice’ (AFSJ) or ‘Justice, Liberty and Security’ (JLS).

⁷⁶ This does not mean that external security concerns are unimportant or do not feature within the political discourse, only that the predominant focus of the policy is on internal security.

⁷⁷ The European experience of terrorism differs greatly from country to country. Some members of the EU have never dealt with terrorism whereas others have had to deal with a significant amount of terrorist activity. What remains constant amongst the Europeans with regard to terrorism is that in response to this threat a solution based predominantly upon the enhancement of internal security measures has thus far been favoured.

the dominance of the foreign and defence policy community within the American administration.⁷⁸ Similarly, the EU's crime and justice centred approach can be explained by the dominance of the interior ministries in relation to counter-terrorism policy. This is true both historically and in the present context. Writing in 1986, Christopher Hill noted that the US retained a tendency to regard terrorists as simultaneously inhuman fanatics and rational actors, who will respond to acts of deterrence, whilst European states would tend to eschew the use of force (on the grounds that it would create a cycle of reaction and counter-reaction) in order to focus on the 'root causes of terrorism'.⁷⁹ This type of framing remains remarkably similar in the present context. Edwards and Meyer point out, in the period after the events of September 11, 2001, it was the pre-existing superior expertise, administrative capabilities and strategic interests of the JHA ministers which help to explain why it was they and their related working groups/committees who led the EU counter-terrorism effort, and not the foreign ministers as originally envisaged.⁸⁰ By way of contrast in the US it was the well-resourced and influential Defence Department who out manoeuvred the State department as the leader in the 'war on terror', framing terrorism as an 'external' security threat.

Rhinard, Boin and Ekengren have argued that because of this prominent role played by the interior ministers; JHA is an obvious place to explore EU counter-terrorism capacities.⁸¹ They identify five areas of JHA activity that stand out in relation to the 'fight against terrorism'. The first is police cooperation. The idea that law enforcement agencies across Europe needed to become more interoperable in order to combat transnational criminal problems has been widely accepted in the EU since the 1990s. The Tampere European Council in 1999 played a key role in the advancement of cooperation on these matters with the creation of the 'European Police Chiefs operational Task Force to exchange , in co-operation with Europol , experience, best practices and information on current trends in cross-border crime and contribute to the planning of operative actions'.⁸² The Tampere document envisaged the creation of joint investigative teams to combat such problems as crime, drugs and terrorism. Europol's (the European police office) counter-terrorism remit

⁷⁸ See Edwards and Meyer, 'Introduction: Charting a Contested Transformation'.

⁷⁹ Christopher Hill, 'The Political Dilemmas for Western Governments', *Terrorism and International Order*, (London: Routledge, 1986), p. 85.

⁸⁰ Edwards and Meyer, 'Introduction: Charting a Contested Transformation', p. 15.

⁸¹ Mark Rhinard, Arjen Boin and Magnus Ekengren, 'Managing Terrorism: Institutional Capacities and Counter-Terrorism Policy in the EU', in David Spence (eds.) *The European Union and Terrorism*, (London: John Harper Publishing, 2007), see esp. pp. 93-97.

⁸² European Council, 'Presidency Conclusions', Tampere European Council, 15 and 16 October 1999.

has also been strengthened in the period since, with the development of a special anti-terrorist unit. The second area of JHA activity is judicial cooperation, which relates to the creation of a European ‘legal space’ with regard to crime and terrorism. A key development here has been the establishment of Eurojust, an EU agency designed to enhance the effectiveness of national authorities when investigating and prosecuting those involved in serious forms of criminal activity. The third area relates to information exchange. This area is split between information used for law enforcement purposes and the more sensitive information used for intelligence and strategic analysis. In relation to law enforcement, the main instrument has been the Schengen Information System (SIS) a database originally designed to ensure effective border control which has now evolved into a sophisticated tool in the ‘fight against cross border crime’. In relation to information used for intelligence, the EU member states now cooperate with the Joint Situation Centre of the Council (SitCen) to provide leaders with analysis of threats such as terrorism.⁸³ The fourth area is immigration and border control. Although the process of creating a European Border Agency was already underway, the perceived threat of terrorism gave added impetus to the creation of a European agency designed to deal specifically with that challenge. The establishment of Frontex (operational in 2005) has played a central role in the coordination of European border control operations. The final area of JHA activity identified by Rhinard, Boin and Ekengren that relates to counter-terrorism concerns the financing of terrorism. The EU has developed a ‘strategy’ for combating the funding of terrorism, including a number of instruments that allow for the freezing of assets and the tracing of monetary transfers across borders.

Alongside these developments in the ‘internal’ sphere of counter-terrorism policy (the third pillar), the EU has developed a number of ‘external’ responses to the threat posed by terrorism. Two of the more significant approaches to ‘external’ counter-terrorism policy are: the framing of the counter-terrorism response through interaction with international organisations, such as the UN; and the development of a transatlantic framework with America through which to respond to the threat(s) posed by terrorism.

Kim Eling has noted that in the period immediately after September 11, 2001, the EU went to great lengths to implement and support counter-terrorism policies designed in the framework

⁸³ The role of SitCen is to coordinate both external intelligence services and domestic security services responsible for counter-terrorism actions in member states. Since the ratification of the TFEU SitCen now operates under the supervision of the High Representative for Foreign Affairs and Security Policy.

of the UN.⁸⁴ Eling argues that two specific elements of the EU response must be considered in this context. First, the aim of tackling the financing of terrorism was driven almost entirely by the agenda set in this multilateral forum. Second, the aim of preventing terrorism came to affect the programming of EU development assistance. Eling contends that in both cases the existence of UN standards and policies enabled the EU to go beyond what it may have been able to achieve in terms of creating new policy tools to tackle terrorism. For Eling the key institution in this process has been the Security Council, which has agreed a series of resolutions designed to combat terrorism. In particular, she notes that the EU was (and remains) committed to the implementation of UN Security Council resolution 1373, a wide-ranging anti-terrorism resolution designed to suppress terrorist financing and ensure greater international cooperation. Eling explains that SC1373 is now a 'cornerstone of the EU's external counter-terrorism policy'.⁸⁵ It should also be noted that within the more general setting of the UN system, the main framework providing legal and judicial standards for the prevention and combating of terrorism are the thirteen international conventions on terrorism.⁸⁶ The EU requires that all its Member States should become party to these conventions as soon as possible.⁸⁷ Furthermore, in 2006, the UN released its own 'Global Counter-Terrorism Strategy', which the EU fully supported and which it has stated 'reflects the priorities of the EU's own strategy'.⁸⁸ Another key aspect of this external approach to counter-terrorism policy, alongside the developments in the UN, has been the construction of a transatlantic framework for combating terrorism.

In his analysis of EU-US counter-terrorism cooperation, Wyn Rees has argued that given the contrasting perceptions over the threat posed by terrorism, there have been instances of considerable, if not always totally smooth, progress in relation to cooperation in the 'internal' sphere of security provision.⁸⁹ In terms of 'internal' security, Rees highlights significant achievements in five areas. First, in the area of police and law enforcement cooperation he notes that there has been the establishment of a working relationship between the relevant US

⁸⁴ Kim Eling, 'The EU, Terrorism and Effective Multilateralism', in David Spence (eds.) *The European Union and Terrorism*, (London: John Harper Publishing, 2007), pp. 105-123.

⁸⁵ *Ibid.*, p. 107.

⁸⁶ The thirteen conventions can be accessed at: <http://www.un.org/terrorism/instruments.shtml>

⁸⁷ Official Journal of the European Communities, Council Common Position on Combating Terrorism, 2001/930/CFSP, L344/90, 28.12.2001.

⁸⁸ The Council of the European Union, Implementation of the Strategy and Action Plan to Combat Terrorism, Brussels 15 November 2006, 15266/06, p. 2.

⁸⁹ Wyn Rees, *Transatlantic-Counter Terrorism Cooperation: The New Imperative*, (London and New York: Routledge, 2006).

authorities and Europol. Second, in the area of judicial cooperation Rees notes that European agreement on measures such as the common definition of terrorism, the creation of the EAW and the establishment of Eurojust have pleased the US because they make cooperation between the transatlantic partners more feasible. The signing of a Mutual Legal Assistance Treaty (MLAT) between the EU and the US has also enhanced judicial cooperation. Third, there has been a moderate improvement in transatlantic intelligence sharing. The majority of this takes the form of information or data sharing, an area that has generated friction between both parties. Fourth, cooperation on border control, although beset by tensions over certain issues, has been improved through the development of a bi-annual forum entitled the 'EU-US Policy Dialogue on Border and Transport Security'. The aim of the forum is to build cooperation on immigration and border policy at an early stage through the sharing of ideas. The final area identified by Rees is the targeting of terrorist financing, a policy issue which he argues is now an important part of transatlantic security cooperation. Rees argues that with regard to 'internal' security cooperation, although the inclination of the US has been to deal with European states in a bilateral manner, the widening competences of the EU have made it a more attractive partner in the policy area of counter-terrorism; furthermore, he notes that in the process of creating new ways of working together both sides have 'grown to understand some of the inherent complexities faced by the other side'.⁹⁰

Rees explains that while there has been considerable development in the 'internal' sphere of security cooperation the opposite is true of 'external' security cooperation between the EU and the US. Rees identifies a number of factors that have resulted in the divergent approaches taken by the EU and the US to counter the threat of terrorism externally. These include the belief that the traditional vehicle for transatlantic security cooperation, NATO, is ill-suited to counter-terrorism tasks and the fact that although EU Member States have sought to coordinate their views, they have preferred to pursue their own interests through bilateral relations with the US rather than engage in multilateral negotiation in the relatively under-developed framework of the CFSP. However, the main reason for the divergence in 'external' security cooperation has been the way in which the US has chosen to prosecute its 'war on terror'. Rees notes that during the 1990s this divergence could be seen in the way in which both the EU and the US approached the task of 'confronting state sponsors of terrorism'. This divergence became ever more apparent in the period after September 11, 2001, with the US-

⁹⁰ Ibid., p. 103.

led war in Afghanistan, in 2001, and the US-led invasion of Iraq, in 2003. In the aftermath of the terrorist attacks in New York there was a lot of European goodwill towards the Americans and a general consensus of support for US action in Afghanistan. The subsequent prosecution of that war, the treatment of prisoners and many other policies of the US administration (such as the establishment of a detention centre for 'enemy combatants' at Guantanamo Bay) have led to a dissipation of that goodwill towards the US and conflict between certain EU member states. As Rees explains, the invasion of Iraq exacerbated difference differences between France and Germany who opposed the conflict and Britain who supported US action.⁹¹ As such, the conflict exposed the divisions that exist between certain EU member states on foreign policy; as well as demonstrating the relative weakness of the CFSP in constructing a common European position on such an important issue. Rees concludes that it is this failure by the transatlantic partners to ensure effective external security cooperation that has undermined efforts to combat 'international terrorism'.

Jorg Monar's analysis of the EU counter-terrorism response provides an excellent way of categorising all of the developments outlined above.⁹² He identifies four main elements to the EU's counter-terrorism policy. The first element is the development of a combination of 'internal' and 'external' security measures. Monar identifies two key advances here: there has been a significant advancement in external action in the domain of law enforcement cooperation with third countries, most notably the US (including a number of cooperative initiatives such as the agreement on exchange of Passenger Name Records (PNR) data); and there has been, pre-Lisbon and the ratification of the Treaty on the Functioning of The European Union (TFEU), a considerable extent of cross-pillarisation of counter-terrorism objectives.⁹³ The second element is the development of a combination of legislative and operational measures designed to advance the internal aspects of EU counter-terrorism policy. The purpose of these measures has been to enhance cross-border law enforcement capabilities within the EU. Monar identifies a number of framework decisions that have increased this capacity for enhanced cooperation including specifically the Framework

⁹¹ The dubious assertions that Iraq possessed weapons of mass destruction (WMD) thus making it an 'imminent' threat, that Al-Qaida was in some way linked to Saddam Hussein, and that terrorists may as a result acquire WMD, provided the pre-text for the invasion; all of these assertion were later found to be nothing more than fantasy.

⁹² Jorg Monar, 'Common Threat and Common Response? The European Union's Counter Terrorism Strategy and its Problems', *Government and Opposition*, 42:3 (2007), pp. 292-313.

⁹³ Cross-pillar governing dynamics refer to the blurring of the distinction between the three pillars of the EU. For example, first pillar trade conditionality has been used to foster second and third pillar counter-terrorism objectives with third countries.

Decision on Combating Terrorism and the Framework Decision on the European Arrest Warrant. The third element is the development of a combination of repressive and preventative measures. Monar argues that much of the policy until 2005 was aimed at improving law enforcement so was therefore repressive in nature however since then the EU has ‘moved towards complementing its repressive measures by more action on the prevention side’.⁹⁴ Monar specifically includes *The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism*, 2005, as an example of this development. Finally, he argues that the EU has placed a strong emphasis on developing its institutional capacity to deal with the common threat of terrorism. Monar notes that the roles of Europol and Eurojust have been strengthened, while existing structures such as SitCen and the Police Chiefs Task Force have had their role redefined to allow for a new focus on terrorism, and new institutional structures such as the European Police College (CEPOL) and the EU external border management agency (Frontex) have been immediately assigned counter-terrorism tasks.

However, outside of these notable developments he identifies three main problems with EU counter-terrorism policy. First, the EU response has been based on cooperation and coordination led by a supranational body (the European Council) rather than actual integration. In both the legislative and operational fields competence resides primarily with the member-states. Politically, this is almost certainly because national security is a politically sensitive issue and there is little political will for ‘supranational decision-making, more extensive common legal rules or any European operational command structures’ in this policy area.⁹⁵ Secondly, there has been poor implementation of the agreed measures. This is partly because the Commission has little power to put pressure on the member-states to ensure quick and efficient implementation but primarily it is because when it comes to implementation the EU has to deal with 27 different systems that have their own priorities and procedures. Finally, Monar draws our attention to the question of legitimacy of EU action in this policy area in which he recognises there is the very real negative impact that counter-terrorism measures can have on civil liberties and human rights. He argues that whilst the absence of law-enforcement powers for the EU ‘protects’ the individual against direct infringement, there is a risk that the objectives agreed upon in the Council (the policy

⁹⁴ Ibid., p. 306.

⁹⁵ Ibid., p. 309.

documents or framework legislation) can lead to more controversial restrictive measures at national level.

The argument made by Monar that implementation of EU counter-terrorism policy provisions has been poor is supported by Wyn Rees, Raphael Bossong and many other academics working in this field.⁹⁶ Bossong in particular offers an overview of the development of EU counter-terrorism policy focusing specifically on policy outcomes and highlighting the event-driven and contingent nature of counter-terrorism policy.⁹⁷ He presents a critical assessment of policy outcomes to demonstrate that the EU remains unable to do more to 'prevent terrorism', particularly at the operational level, a defect which he argues is seriously limiting the effectiveness and the output legitimacy of the EU's counter-terrorism efforts. Bossong supports the idea that over the course of its development the EU counter-terrorism policy has become more and more limited to technical and supportive policies, while the authority of the member states as the primary actor responsible for counter-terrorism policy has been underlined.

What we can learn from the above, is that historical and legal analyses of EU counter-terrorism policy do several important things. They identify the main developments in EU counter-terrorism policy, provide the context within which policy action was taken, highlighting areas of success and areas of failure, and offer recommendations for further action in the policy sphere. Likewise, analyses that focus on the governance and implementation of EU counter-terrorism policy offer something distinctive to our understanding of EU counter-terrorism policy. In particular, they draw out the problems that have occurred in terms of the implementation of many of the measures agreed upon in the counter-terrorism policy, demonstrating the difficulty that the EU has had in terms of ratifying and implementing controversial measures from the top down. However, what they do not do is to investigate or analyse the language of EU counter-terrorism policy in any great detail (beyond the presentation of EU 'threat perception'). In particular, these approaches are characterised by inattentiveness to discourse which this thesis shall seek to overcome. The importance of the discourse of EU counter-terrorism policy will be elaborated on in greater

⁹⁶ For example see, Rees, 'Transatlantic-Counter Terrorism Cooperation'; Bossong, 'The Action Plan on Combating Terrorism'.

⁹⁷ Raphael Bossong, *The EU'S Mature Counterterrorism Policy – A Critical Historical and Functional Assessment*, *LSE Challenge Working Paper*, (June 2008), Available at: <http://www2.lse.ac.uk/internationalRelations/centresandunits/EFPU/EFPUpdfs/EFPUchallengewp9.pdf>

detail in Chapters Two and Three. However, at this point there is a need for a brief explanation for this focus on language and discourse.

As such, one of the key reasons for investigating the language of EU counter-terrorism policy is to demonstrate that the practice of counter-terrorism policy is inextricably linked to the language of counter-terrorism policy. As was explained earlier in the chapter, the focus of the thesis is on mapping how the ‘fight against terrorism’ discourse is constructed; to demonstrate how it provides a language for talking about terrorism; and how it defines what is accepted knowledge about (who or what is) terrorism. This idea is central to the direction of the thesis in that it seeks to explore the often overlooked or neglected issue of identity. The aim is to investigate the way in which the discourse conditions the type of policy responses that have been developed, structuring certain courses of action towards terrorism whilst denying others. It will be argued that the different themes (or strands) of this discourse influence or reach beyond the measurement of the success or failure of counter-terrorism policy provisions and can be found across multiple policy areas. Furthermore, this thesis will explore the extent to which this discourse is contributing to (or reflective of) a securitisation of social and political life within Europe: a process which it is suspected is becoming ever more pronounced in the light of the blurring of the distinction between internal and external security; and a process which it is argued can be identified both at the level of policy formation and at the discursive level. As such a discursive analysis of EU counter-terrorism policy can offer something distinctive to our understanding of the production of policy at the EU level.

Structure of the Thesis

Chapter Two, ‘Method and Theory’, begins by outlining the reasons why discourse analysis was chosen as an appropriate method to analyse the EU counter-terrorism policy documents, highlighting the theoretical commitments of discourse analysis and offering a compelling case for why the analysis of the ‘fight against terrorism’ discourse should encompass a specific focus on the role of the language through which it is constituted. The chapter then offers an explanation for why the research focused primarily on the ‘fight against terrorism’ as represented through an analysis of a number of European Council policy documents, instead of other institutions or individuals (sites of discursive production) such as the

European Commission, EU and national politicians or the media. These documents include texts that deal with counter-terrorism policy specifically, as well as a number of more general internal and external security documents that contain counter-terrorism provisions. The justification for their selection is covered in greater detail in the third chapter; although it can be stated here that the principal reason for their selection was that they represent the official source of the discourse. Having established why an analysis of the language of the EU's 'fight against terrorism' discourse is important, as well as why the analysis focused primarily on the European Council policy documents, the chapter then sets out the method which was used to carry out the research: a three-step critical discourse analysis. The fourth section of the chapter offers an explanation of two main theoretical concepts that underpin the arguments put forth in this thesis: the idea of 'European political identity' and the process or theory of 'securitisation'. The chapter ends by setting out the production of these selected policy documents in a table (in chronological order), paving the way for their analysis in the remaining chapters. The main contribution of the thesis to our understanding of EU counter-terrorism policy lies within chapters three through six where the focus of the analysis is on the 'fight against terrorism' discourse as represented through the EU counter-terrorism texts.

Chapter Three, 'Constructing the Threat of Terrorism - Continuities and Change in the 'Fight against Terrorism' Discourse', provides an overview of the historical development of EU counter-terrorism policy with a specific focus on the important role that language has played in the development and construction of that policy. This chapter represents a discursive testing ground for much of the research that follows in later chapters. The chapter does several important things. First, it provides an in-depth justification for the selection of the European Council documents that have been central to the construction of the 'fight against terrorism' discourse. Simultaneously, it draws out how the discursive construction of terrorism has contributed to a common European threat perception of terrorism as a danger, risk or threat to 'European society' and to its 'values' of 'freedom', 'justice', 'liberty' and 'security'. Second, in a more general sense, the purpose of the chapter is to identify all of the main discourse 'strands' that when taken together as a whole constitute the 'fight against terrorism' discourse. The chapter does this by splitting the production of EU counter-terrorism policy into four discernable periods. It highlights a number of continuities and a number of changes throughout the historical development of EU counter-terrorism policy arguing that the nine discourse 'strands' (rising to ten) identified remain remarkably constant

across the period analysed. These main discourse ‘strands’ are then investigated further in chapters four through six.

Chapter Four, ‘An EU Conceptualisation of Terrorism - Discursively Constructing the ‘Terrorist’ Other’, identifies the three main strands of the ‘fight against terrorism’ discourse, which it is argued are central to how the EU conceptualises terrorism and constructs the ‘terrorist’ Other. The chapter analyses each discourse strand in a thematic manner. First, the chapter identifies how terrorism is constructed through a discourse strand that rests on an assumption that terrorism is crime. This section draws out how the narrative of terrorism as crime has led to a blurring of the distinction between terrorism and organised crime as activities that are synonymous with one another; as well as demonstrating how the discourse constructs terrorism as more than crime, through the use of emotive words, terms, phrases and labels. Second, the chapter identifies another discourse strand which constructs terrorism as an act primarily perpetrated by non-state actors against the state and its interests, expanding on its centrality to the ‘fight against terrorism’ discourse. Third, it identifies the discourse strand that constructs terrorism in the post-September 11 period as somehow ‘new’ and different to ‘old’ forms of terrorism and therefore requiring of different policy responses. The chapter maps how each strand of the discourse is constructed. It also thematically analyses how each discourse strand structures the meaning, logic and policy response to terrorism, how the discourse construct a ‘European’ sense of Self against a notional ‘terrorist’ Other and the practices which are normalised and/or legitimised by the discourse

Chapter Five, ‘Constructing the Migrant Other, Globalisation, Securitisation and Control’, analyses two discourse strands that it is argued have been central to the production of the ‘fight against terrorism’ discourse. The first discourse strand constructs the ‘terrorist’ Other as a threat to the ‘globalised’ or ‘open’ society of the EU. The analysis demonstrates how this discourse strand rests: first, on an assumption that actual or potential terrorists are both seeking to and actively able to take advantage of this ‘globalised’ or ‘open’ environment provided by the EU: and second, rests on the conceptualisation of terrorism outlined in the previous chapter (as something ‘new’ and committed to ‘maximum violence’). It is argued that when the two assumptions are taken together they construct a specific type of terrorist threat: a ‘new’ terrorist, committed to ‘maximum violence’, who takes advantage of the EU migratory system to carry out acts of terrorism in an ‘open’ or ‘globalised’ society. The second discourse strand explicitly links migration and asylum policy to counter-terrorism

policy through the construction of a discourse of 'surveillance' and 'control'. It is argued that this discourse of control is reflective of a process that is contributing to the securitisation of the 'migrant' Other and EU migration policy more generally, which it is argued is inextricably linked to the 'fight against terrorism' discourse.

Chapter Six, 'The Construction of the 'Muslim' Other as Potential Threat in the 'Fight against Terrorism', focuses on how Muslims and the religion of Islam are constructed as an implicit threat through the EU counter-terrorism policy discourse. The chapter starts by highlighting the tension that exists at the heart of this policy. It demonstrates that although the EU consistently states that it rejects any equation of terrorism with the Arab and Muslim world, the assumption that the threat posed by Al-Qaida and those inspired by Al-Qaida is the main terrorist threat that the EU faces is problematic. This is because the EU states that the only way to defeat Al-Qaida is through engaging 'moderate' Muslims across Europe and beyond. The focus of the EU counter-terrorism policy on the development of policies to combat 'radicalisation and recruitment' to terrorism is emblematic of this strand of the discourse that seeks to resist the conflation of terrorism and Islam, whilst simultaneously (and implicitly or unknowingly) constructing terrorism in the post-September 11 period as primarily a Muslim or Islamic problem. In particular, this chapter focuses on the discourse concerning 'radicalisation and recruitment' to terrorism because of its inherent tendency to frame terrorism as a problem that is internal to the Muslim community. It is argued that through the construction of a single category of identity, the 'Muslim communities in Europe and beyond', the possibility of processes of 'othering' lies.

Chapter Seven, 'Conclusion - The Fight against Terrorism: a Hybridised Security Policy Discourse', draws together the main conclusions from the empirical analysis of the EU counter-terrorism policy documents. First, it provides a number of reflections on the contribution of this thesis to our understanding of EU counter-terrorism policy, arguing that 'terrorism' is a social construct and as such cannot be understood outside of the discourse through which it is constituted. Second, it explores the role of the EU counter-terrorism discourse in the 'blurring' of internal and external security policies. In particular, it reveals how the terrorist threat is assumed to have important internal and external dimensions. It is argued that as a result of this perception the discourse articulates a need for policies and practices that blur the distinction between internal and external security, which it is argued is reflective of this hybridisation of the policy discourse. Third, the chapter analyses the EU

counter-terrorism discourse and its commitment to developing counter-terrorism policies in accordance with/or respect for ‘human rights’. It explores how this discourse strand constructs a ‘European’ sense of Self in opposition to the ‘terrorist’ Other. It is argued however, that not only was this strand of the discourse late to develop, there is also a question over the extent to which respect for ‘human rights’ or ‘fundamental freedoms’ has been applied in practice. Fourth, the chapter offers a number of recommendations on how to expand this research outwards beyond a focus on the EU and its institutions, identifying future avenues for research. These include: the synergies between EU and US counter-terrorism discourse, with an explicit focus on the ‘common language’ of counter-terrorism and the relationship between the ‘fight against terrorism’ and the ‘war on terror’; as well as the continuities between the discourse of EU ‘security-related research’ and the ‘fight against terrorism’. The chapter concludes by offering some final remarks on this discursive analysis of EU counter-terrorism policy, including a reflection on some of the limitations of this thesis.

Conclusion

This first chapter has sought to clarify several key points that are central to the direction of this thesis. First, to introduce the idea that the EU’s ‘fight against terrorism’ is more than just a set of practices that relate to the governance of EU counter-terrorism policy. The ‘fight against terrorism’ can also be understood as a language or discourse on terrorism that entails a number of assumptions, beliefs, myths and justifications about what terrorism is and how best to respond to it. Therefore it has been argued that this discourse on terrorism is inextricably linked to the practice of counter-terrorism policy. Second, legal and academic definitions of terrorism were considered in order to demonstrate the contested nature of the term terrorism and to give the thesis a conceptual framework from which to begin an analysis of the language of EU counter-terrorism policy. In particular, the question of definition was considered in relation to whether the state can or should be considered terrorist. This was done in order to show how the application of the label terrorist is subjective but also to highlight that this conceptualisation of terrorism is central to the EU’s ‘fight against terrorism’ discourse. This will be considered in greater detail in the fourth chapter which deals specifically with how the EU conceptualises or defines terrorism. Third, the influence of Critical Security Studies (CSS) and the recent development of a critical terrorism studies

(CTS) research agenda were highlighted because they entail a number of methodological and theoretical commitments which are similar to the methodological and theoretical commitments made in this thesis. Again, this analysis was conducted in order to provide the more general framework from within which this research is being undertaken. Fourth, a brief overview of the literature on the main historical and legal developments in EU counter-terrorism policy, as well as research that focuses on the governance and implementation of that policy was presented. This was done in order to demonstrate both the important role that such research has played in explaining the successes and failures of EU counter-terrorism policy but also to show how a discursive analysis of that policy can offer an alternative approach, an approach that asks a series of different questions about the 'fight against terrorism' that can further our understanding of both the construction of EU counter-terrorism policy and its impact on social and political life in Europe. Finally, this introduction provided a brief overview of the remaining chapters in the thesis. The next chapter will introduce the method used to analyse the EU's 'fight against terrorism', expanding on the idea that discourse is a form of 'social practice' and elucidating in greater detail how the language of counter-terrorism policy is linked to the practice of counter-terrorism policy.

Table Providing Timeline of the Main Developments in EU Counter-Terrorism Policy

Outlined in the timeline below are the main political developments that have occurred in the EU since the ratification of the Maastricht Treaty (TEU), with a specific focus on the development of EU counter-terrorism policy and security policies more generally.

Table 1.1

Type	Date	Name	Main Developments
Treaty	Ratified November 1993	Treaty of Maastricht on European Union (TEU)	<p>The creation of the European Union (EU) formed on the basis of a three pillar system: the European Communities (EC); a Common Foreign and Security Policy (CFSP); and Cooperation in the field of Justice and Home Affairs (JHA).</p> <p>The TREVI group was subsumed into the K.4 Coordinating Committee, responsible for the administration of JHA related mechanisms, giving it a treaty base for the first time.</p> <p>The treaty outlined police cooperation for the purposes of preventing and combating 'serious forms of international crime',</p>

			which at this point includes terrorism, as one area of common interest in the field of JHA.
Policy Document	December 1995	Madrid European Council 16 December: Presidency Conclusions	<p>Set out a number of challenges that the EU would face in relation to reaching its goal of 'ever closer union'. These included a number of 'internal and external challenges', such as terrorism, drug trafficking and international crime.</p> <p>Set out the policy goal of 'a Union closer to its citizens' which includes strengthening control of its 'external frontiers' as well as 'ensuring better protection of the Union's citizens against international crime', including terrorism.</p>
Policy Document	December 1998	Vienna European Council 10 and 11 December: Presidency Conclusions	<p>Set out a plan of action to be taken to ensure the successful development of the Area of Freedom, Security and Justice (AFSJ).</p> <p>Established 'judicial cooperation', migration policy, 'police cooperation' and 'the fight against all important forms of organised crime' as important issue areas. Terrorism was not specifically mentioned.</p>
Treaty	<p>Signed October 1997</p> <p>Enters into force May 1999</p>	Treaty of Amsterdam	<p>There is a transfer of a number of JHA policy issues from the third pillar to the first pillar (EC). This leads to JHA being renamed 'Provisions on Police and Judicial Cooperation in Criminal Matters'.</p> <p>Set out the objective of providing 'citizens with a high level of safety within an area of freedom, security and justice' (AFSJ) through cooperation in police, judicial and criminal matters.</p> <p>The treaty stated that preventing and combating crime, organised or otherwise, is essential, including 'terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud'.</p>
Policy Document	October 1999	Tampere European Council 15 and 16 October: Presidency Conclusions	<p>The main aim was the completion of the area of freedom, security and justice (AFSJ) which would provide a common European environment for action in the areas of policing, judicial cooperation, migration and asylum policy.</p> <p>The Council set out a whole range of policy proposals including; a common EU asylum and migration policy; policy instruments for creating a genuine area of justice; a Union wide fight against crime; and recognition of an external dimension to these internal policies. Terrorism was again not specifically mentioned.</p>
Policy Document	September 2001	Conclusions adopted by the Council (Justice and Home Affairs) Brussels, 20 September 2001	<p>The aim of the Council meeting was to develop 'the necessary measures to maintain the highest level of security and any other measures needed to combat terrorism'.</p> <p>The document listed a number of counter-terrorism measures to be taken in order to 'step up' the 'fight against terrorism' in the EU. These measures were grouped under five headings and included 'judicial cooperation', 'cooperation between police and intelligence services', 'financing of terrorism', 'measures at borders' and 'measures designed to improve cooperation with the United States'.</p>
Policy Document	September 2001	Conclusions and plan of action of	<p>The aim of the extraordinary meeting was to outline the initial EU response to the threat of terrorism.</p> <p>This consisted of four key elements: 'solidarity and cooperation with the United States'; 'the European policy to combat terrorism'; 'the Union's involvement in the world'; and 'world economic</p>

		the extraordinary European Council Meeting on 21 September 2001	prospects'. The European policy to combat terrorism was the most important element of this initial EU response. This first EU Action Plan to Combat Terrorism identified five policy priorities: 'enhancing police and judicial cooperation'; 'developing international legal instruments'; 'putting an end to the funding of terrorism'; 'strengthening air security'; and 'coordinating the EU's global action'.
Legislation	Adopted 13 June 2002	Framework Decision on Combating Terrorism	Set out for the first time a common EU legal definition of terrorism. The framework decision lists eight intentional acts that when committed (or threatened to be committed) by a group or individual shall be deemed terrorist offences.
Legislation	Adopted 13 June 2002	European Arrest Warrant	The framework decision was designed to achieve the objective of 'abolishing extradition between Member States and replacing it by a system of surrender between judicial authorities'. The EAW was the 'first concrete measure in the field of criminal law implementing the principle of mutual recognition which the European Council referred to as the "cornerstone" of judicial cooperation'. The warrant listed 32 offences which if punishable in the issuing member state by a custodial sentence or a detention order for a maximum period of at least three years shall lead to the surrender of the pursuant under the terms of the EAW. Terrorism was one of these offences.
Treaty	Ratified February 2003	The Nice Treaty	The treaty dealt with the composition and functioning of the institutions of the European Union. Its primary objective was to take decisions about EU institutions that would provide a basis for the enlargement of the EU in 2004 to incorporate 25 member states.
Policy Document	December 2003	EU Strategy against Proliferation of Weapons of Mass Destruction	The policy document set out a strategy to prevent the proliferation of WMD. The document was split into three sections: first, it identified the threat posed by WMD, including a possible link to terrorism; second, it made a case for 'effective multilateralism' in order to combat the proliferation of WMD; and finally, it highlighted the different policy instruments that could be used to prevent, halt, deter or eliminate the proliferation of programmes that cause most concern at the global level.
Policy Document	December 2003	A Secure Europe in a Better World: European Security	Set out the EU's external security strategy; the vision of a 'Secure Europe in a better world'. The document envisaged a role for Europe in terms of global policing of global threats, pre-emptive 'threat' prevention and intervention in failing states. In particular, the document identified five key 'threats' to the security of the Union: terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime. The document advocated an 'international order based on effective multilateralism'. In terms of policy implications for the EU it states that the EU needs to be more active, more capable and more coherent in its external actions.

		Strategy	The document played a key role in the construction of a specific perception of the threat posed by terrorism, it stated that ‘Terrorism puts lives at risk... it poses a growing strategic threat to the whole of Europe. Increasingly, terrorist movements are well-resourced, connected by electronic networks, and are willing to use unlimited violence to cause massive casualties. The most recent wave of terrorism is global in its scope and is linked to violent religious extremism. It arises out of complex causes. These include the pressures of modernisation, cultural, social and political crises, and the alienation of young people living in foreign societies’.
Policy Document	March 25/26 2004	Declaration on Combating Terrorism	The document aimed to improve policy cohesion and present a clearer unity of purpose in relation to EU counter-terrorism policy. It included three main developments: the development of a ‘solidarity clause’ between states that are victims of a terrorist attack; the introduction of an EU Counter-Terrorism Coordinator (CTC) to overview the development of counter-terrorism measures and monitor the implementation of Council decisions; and finally, the re-organisation of the EU’s Action Plan to Combat Terrorism around seven strategic objectives.
Policy Document	December 2004	The Hague Programme	<p>The Hague Programme was designed to replace the Tampere Programme as the EU’s new multi-annual internal security programme.</p> <p>The document outlined a number of policy priorities for the EU which included: asylum, migration and border policy; biometrics; visa policy; terrorism; police cooperation; crisis management; organised crime and corruption; drugs; judicial cooperation; and external relations.</p> <p>In particular, the document stated that ‘freedom, justice, control at the external borders, internal security and the prevention of terrorism’ should ‘henceforth be considered indivisible within the Union as a whole’.</p>
Policy Document	November 24 2005	The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism	<p>Set out a strategy to combat ‘radicalisation and recruitment’ to terrorism on the basis that although Europe has experienced terrorism in its history, it is the terrorism perpetrated by Al-Qaida and ‘extremists inspired by Al-Qaida’ which is now perceived by the EU to be the main terrorist threat.</p> <p>In particular, the document outlined three main responses: to disrupt the activities of the networks and individuals who draw people into terrorism; ensure that voices of mainstream opinion prevail over those of extremism; promote yet more vigorously security, justice, democracy and opportunity for all.</p>
Policy Document	November 30 2005	A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice	<p>The document outlined the external dimensions of JHA policy identifying a number of internal policy priorities with significant external implications. These included the threat posed by terrorism, as well as organised crime, corruption and drugs and the challenge of managing migration flows.</p> <p>In particular the document advocated ‘effective co-operation with third countries on JHA issues’ in order to address security problems related to weak governance and promote trade.</p>
			<p>The strategic commitment of the new document was ‘to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice’.</p> <p>The new counter-terrorism strategy redefined the strategic objectives of EU counter-terrorism policy under four headings</p>

Policy Document	November 30 2005	The EU Counter-Terrorism Strategy	<p>'Prevent', 'Protect', 'Pursue', and 'Respond'.</p> <p>Prevent – 'To prevent people turning to terrorism by tackling the factors or root causes which can lead to radicalisation and recruitment, in Europe and internationally'. Protect – 'To protect citizens and infrastructure and reduce our vulnerability to attack'. Pursue – 'To pursue and investigate terrorists across our borders and globally'. Respond – 'To prepare ourselves, in the spirit of solidarity, to manage and minimise the consequences of a terrorist attack'.</p>
Policy Document	December 2008	Report on the Implementation of the European Security Strategy - Providing Security in a Changing World	<p>The aim of the document was not to replace the original security strategy but instead to update and to reinforce it.</p> <p>The document identified a number of 'global challenges and key threats' that differ slightly from the original strategy, these include: 'proliferation of weapons of mass destruction'; 'terrorism and organised crime'; 'cyber security'; energy security'; and 'climate change'.</p> <p>The document also advocated an EU role in 'building stability in Europe and beyond'. In order to meet these challenges and objectives the document envisages making the EU more effective and capable through increasing its capacity to act, engaging with its neighbourhood and contributing to a more effective multilateral order.</p>
Policy Document	December 2009	The Stockholm Programme	<p>The purpose of the document was to set out 'a new agenda' for the AFSJ, building on the contribution of the Tampere Programme and the Hague Programme to cooperation in the field of internal security.</p> <p>The document identified six main 'political priorities' for the EU including: 'promoting citizenship and fundamental rights'; 'a Europe of law and justice'; 'a Europe that protects'; 'access to Europe in a globalised world'; 'a Europe of responsibility, solidarity and partnership in migration and asylum matters'; and 'the role of Europe in a globalised world – the external dimension'</p> <p>Terrorism was dealt with primarily under the section on 'a Europe that protects'.</p> <p>The document envisaged the development of an 'internal security strategy', that is similar in concept to the European Security Strategy (dealing with predominantly external threats), which shall play a key role in the enhancement of action at European level.</p>
Treaty	Ratified December 2009	The Lisbon Treaty on the Functioning of the European Union (TFEU)	<p>Treaty amending the TEU. The treaty abolished the pillar structure that had split EU policies between the EC, the CFSP and JHA. The treaty gave the EU a legal personality of its own, succeeding the legal personality of the EC, and meaning it could sign international treaties in its own name.</p> <p>The treaty regrouped all of the JHA competences that were split at Amsterdam under the AFSJ. The AFSJ is now dealt with as an area of shared competence within the EU.</p>

Chapter Two

Chapter 2: Method and Theory

Introduction

This thesis uses discourse analysis to study EU counter-terrorism policy. As was explained at the start of Chapter One, the main contention of the thesis is that the identity of the EU is constituted through the policy discourse. Starting from a position whereby it is assumed that representations of identity and counter-terrorism policy are mutually or co-constitutive, that they cannot be understood in simple cause and effect terms, it is argued that counter-terrorism policies need an account or a story of the issues that they are trying to address. There can be no understanding of counter-terrorism policy without a description of who the terrorists are, how the terrorists differ from the actor responding to them and the ways in which they both reinforce and transform the identity of that actor. As such, both the public policy response to the threat of terrorism and the discourse that constructs terrorism as a threat are understood to be intimately linked. In particular, it can be argued that the EU's counter-terrorism response, the 'fight against terrorism', is more than just a set of institutional practices (new institutions and agencies, policies and practices) that help to provide the basis for a common European response to the threat of terrorism. It is also a discursive formation which is predicated on a number of assumptions, beliefs, justifications or knowledge (which is constituted through numerous discourse strands) about the nature and causes of terrorism. Crucially, it is argued here that the 'fight against terrorism' discourse plays a key role in the construction of 'European political identity', or a 'European' sense of Self, a concept which is explored in the fourth section of this chapter. Whilst it is true that this discourse on terrorism is constantly evolving, we can identify several themes (or strands) within the discourse that have remained relatively constant over time and are central to the actual practice of counter-terrorism policy.

This relationship between discourse and practice is mutually constitutive in the sense that the practice of counter-terrorism policy is assumed to have a constitutive rather than a causal relationship with the language of counter-terrorism policy. At the EU level, counter-terrorism policies are legitimised as in the 'European' interest through reference to identities, yet identities are simultaneously constituted, produced and reproduced through the formulation of counter-terrorism policies. As Lene Hansen explains, 'policies require identities, but

identities do not exist as objective accounts of what people and places 'really are,' but as continuously restated, negotiated, and reshaped subjects and objects'.

¹ The EU counter-terrorism discourse therefore appear to normalise certain counter-terrorism responses as the 'natural' or 'common-sense' approach, whilst simultaneously denying others as nonsensical, through representations of identity. The aim of this chapter is to set out the method that was used to analyse EU counter-terrorism policy, to explain how this method is used to identify the different 'strands' of the 'fight against terrorism' discourse, to show how the method allows us to investigate the way in which this discourse has been and continues to be constructed and to understand how the 'fight against terrorism' discourse shapes (and is shaped by) the identity of the EU. This is done in five sections.

The first section sets out the reasons why discourse analysis was chosen as an appropriate method to analyse the EU counter-terrorism policy documents. The previous chapter focused on other approaches to EU counter-terrorism policy, approaches that analysed the main historical and legal developments in this policy area, as well as the growing literature on governance and implementation of policy. This section highlights the theoretical commitments of discourse analysis. In particular, its aim is to offer a compelling case for why the analysis of EU counter-terrorism policy should encompass a specific focus on the role of the language through which it is constituted. It argues that a focus on the 'fight against terrorism' discourse can provide an alternative approach to the analysis of EU counter-terrorism policy, which is attentive to often neglected issues like identity. The second section explains why it was appropriate for the analysis to focus solely on the counter-terrorism policy documents produced at the level of the European Council. It identifies six key reasons for analysing these documents. In particular, it is argues that the European Council documents represent the primary source of the discourse.

The third section identifies the precise method that was used: a form of critical discourse analysis. This method involved a three step process, which included both individual text analysis and wider contextual analysis of EU counter-terrorism policy. This was because it is assumed that individual text analysis is insufficient on its own in terms of shedding light on the relationship between discourse and social practice. The first step involved the identification and analysis of twenty texts, produced across a ten year period from October

¹ Lene Hansen, *Security as Practice: Discourse Analysis and the Bosnian War*, (London and New York: Routledge, 2006), p. xiv.

1999 to December 2009. The second step involved direct engagement with the text(s) (e.g. the selected counter-terrorism documents) in order to discover how linguistic practices work within them. This was done by: coding the documents for the key words, terms, phrases and labels contained in each text; identifying the main assumptions contained within each of the texts; and explaining how the main themes or strands of the discourse are constructed. The third step involved explaining: how the different strands of the discourse structure the meaning, logic and policy response to the groups and/or the events that they describes; how the discourse construct a 'European' sense of Self against a notional 'terrorist' Other; and highlighting the types of knowledge and/or practices that are normalised and/or legitimised by the discourse.

The fourth section, explores two theoretical concepts which are central to the arguments that are made in this thesis: the concept of 'European political identity' and the process of 'securitisation'. This section starts by explaining what is meant by the terms 'collective identity' and 'European political identity'. First, it explores the idea of 'collective identity' by analysing the work of Alexander Wendt and comparing his interpretation of the process of 'othering' to that of Iver B. Neumann and Lene Hansen's interpretation of the same process. Second, it focuses on the concept of 'European political identity' arguing that the construction or self-representation of a particular political identity cannot be understood in isolation from the discursive construction of an 'Other' against which that identity is reinforced. This is done in order to set out how, for the purpose of this thesis, the process of identity construction is assumed to occur. The fourth section then turns to the process of 'securitisation'. It explains what is meant by this process, explores its applicability to the EU and ultimately argues for its reconceptualisation. In particular, this section seeks to explain how both concepts fit into a discursive analysis of EU counter-terrorism policy. The final section provides a brief overview of the documents that were selected for analysis. This information is presented as a table (Table 2.1); it differs from Table 1.1 included at the end of Chapter One, which focused on the main developments in EU counter-terrorism policy and security policy more generally. Instead, it identifies all of the documents selected for this analysis of the EU's 'fight against terrorism' discourse. The justification for their selection will be expanded on in Chapter Three. The next section will now make a case for using discourse analysis to analyse EU counter-terrorism policy.

1. The Case for Discourse Analysis

Discourse analysis represents a method for analysing EU counter-terrorism policy in a slightly different way from other approaches, which focus on either the historical or legal development of counter-terrorism policy or issues of governance and implementation of counter-terrorism policy. This is because it covers the role of discourse in constructing reality; it focuses on the often neglected issues of identity construction and the ideologies that underpin the social representations within the counter-terrorism texts, which in turn shape the overall direction of EU counter-terrorism policy. This discursive approach is not supposed to be antithetical to these other approaches; instead it is intended to complement them by investigating or illuminating the connection between the ideational and the material. In the discourse approach language always precedes action. This is not to say that there is no reality without language, only that language makes action possible. To study language is not to deny the existence of reality, instead we simply affirm that reality is mediated through (or represented by) language, which is, if not prior to it, at least intrinsic to our accessing of it.²

As Jennifer Milliken explains, whatever divergent claims are made about the group of scholars who engage in what might be labelled postmodern 'discourse theorising', they share certain theoretical commitments about how discourses function in social and political life.³ She argues that this is because postmodern theorising is committed to a contemporary analysis of the power/knowledge nexus and the idea of 'theory *as* practice'. Indeed, Norman Fairclough and Ruth Wodak have suggested that discourse should be defined as a form of 'social practice'.⁴ They contend that 'describing discourse as social practice implies a dialectical relationship between a particular discursive event and the situation, institution and social structure that frame it: the discursive event is shaped by them, but it also shapes them'.⁵ In agreement with Matthew Broad and Oliver Daddow, this thesis understands discourse(s) to be 'performative, meaning-making attempts to make sense of the world

² I owe this insight to Oliver Daddow.

³ Jennifer Milliken, 'The Study of Discourse in International Relations: A Critique of Research and Methods', *European Journal of International Relations*, 5:2 (1999), p. 225-254.

⁴ Norman Fairclough, *Discourse and Social Change* (Polity Press, 1992); Ruth Wodak, *Disorders of Discourse* (New York: Longman, 1996); Norman Fairclough and Ruth Wodak, 'Critical Discourse Analysis: An Overview', in Van Dijk, T. A. (ed.) *Discourse Analysis* (Sage, 1996).

⁵ Wodak, *Disorders of Discourse*, p. 15.

through words and language'.⁶ More generally, what unites those who engage in 'discourse theorising' is a research programme committed to the critical task of illustrating how 'textual and social processes are intrinsically connected and to describe, in specific contexts, the implications of this connection for the way we think and act in the contemporary world'.⁷

Following Norman Fairclough, this thesis uses discourse analysis to take a coherent position on the important question of language and reality in the construction of EU counter-terrorism policy.⁸ As Jutta Weldes explains, this focus on language is because it 'actively produces the issues with which policy makers deal and the specific problems that they confront'.⁹

Fairclough argues that there are three different aspects of political language that can be identified: the way language is used in the process of governing (or 'governance'), the political discourse associated with a particular group (in this case the EU and its political discourse of the 'fight against terrorism'), and the communicative style of political leaders. He argues that these different aspects of political language can be labelled: genres, discourses and styles, respectively.

First, he refers to *genres*, which are to do with how language features as a means of government; language is part of action, part of the activity that goes on in the social practice, so governance of counter-terrorism policy involves a particular use of language. We can say then that a counter-terrorism (or security) policy document constitutes a particular genre, a particular way of using language in the process of governing through security policy. Second, he refers to *discourses*, such as the 'fight against terrorism' discourse, which are to do with political representations. So, the political discourse of a 'fight against terrorism' contained within the European Council policy documents, represents governance (of counter-terrorism policy but also security policy more generally) within the EU in a particular way. Third, he refers to *styles*, which are taken to mean the communicative style of political leaders (and that

⁶ Matthew Broad and Oliver Daddow, 'Half-Remembered Quotations from Mostly Forgotten Speeches: The Limits of Labour's European Policy Discourse', *British Journal of Politics and International Relations*, 12 (2010), pp. 205-222, see p. 208.

⁷ Jim George, *Discourses of Global Politics: A Critical (Re)Introduction to International Relations*, (Colorado: Lynne Rienner, 1994), p. 191.

⁸ Norman Fairclough, *New Labour, New Language?*, (London and New York: Routledge, 2000).

⁹ Jutta Weldes, 'Bureaucratic Politics: A Critical Constructivist Assessment', *Mershon International Studies Review*, 42:2 (1998), pp. 216-225, see p. 217.

focus on political identities and values).¹⁰ Fairclough points out that these are only analytically separable and in practice they are simultaneously all in operation.¹¹

Importantly, Fairclough draws our attention to the concept of 'governance', which he argues should be conceptualised as a form of social practice. By this he means that 'governance' is a particular area of social life which is structured in a distinctive way, involving particular groups of people (this might include politicians, public employees, policy-makers, the public etc.) that are situated in particular relations with each other. He argues that whilst the social practice of 'governance' changes and its relationship with other social practices (e.g. the mass media) changes, 'it roughly sustains over long periods of time its identity as one area of social life in contrast with others'.¹² This thesis is therefore concerned with how the EU 'fight against terrorism' discourse is constructed as a form of 'social practice', constituted through certain policy documents which represent governance of counter-terrorism policy in a particular way. This type of theorising is central to the direction of the thesis.

Whereas much of the traditional literature of International Relations (IR) shares a commitment to what David Campbell has called an *epistemic realism* – whereby the world is comprised of the autonomous realms of the subject(s) and object(s) whose existence is deemed independent of ideas or beliefs about them – and building on the theoretical and methodological commitments of Critical Security Studies (CSS) outlined in Chapter One, this thesis is constructed on the basis of an alternative way of thinking.¹³ *Epistemic realism* makes the assumption that there are material causes to which events and actions can be reduced, which in turn sanctions two other analytical forms: 'a *narrativizing historiography* in which things have a self-evident quality that allows them to speak for themselves; and a *logic of explanation* in which it is the purpose of analysis to identify those self-evident things and material causes so that actors can accommodate themselves to the realm of necessity they engender'.¹⁴ Instead then of the logic of explanation, which is central to much of the scholarship within IR and CSS, this thesis offers a challenge to standard disciplinary

¹⁰ Fairclough elaborates on the distinction between language, politics and government further in the introductory section to his book using the political discourse of 'New Labour' to explain these concepts further. See Fairclough, 'New Labour, New Language?', pp. 1-20.

¹¹ See Fairclough, 'New Labour, New Language?', p. 14.

¹² See Fairclough, 'New Labour, New Language?', pp. 143-144.

¹³ David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (Manchester: Manchester University Press, 1992),

¹⁴ *Ibid.*, p. 4.

approaches (a different ‘mode of thinking’). Demonstrating a commitment to the logic of interpretation and acknowledging ‘the improbability of cataloguing, calculating and specifying the ‘real causes’ [of social phenomena]... [it] concerns itself instead with considering the manifest political consequences of adopting one mode of representation over another’.¹⁵ As such this thesis is reflective of a ‘critical’ approach to security which is achieved through a discursive analysis of EU counter-terrorism policy.

Inspired by Michel Foucault, and following the likes of Campbell, Fairclough, Jackson, Milliken and Wodak, this thesis starts from a position whereby social and political life is understood to be comprised of a set of practices in which things (and their meaning) are constructed in the process of dealing with them. The aim of this dissent is not the constitution of a discrete methodological school that claims to magically shed light on the multiple problems, such as terrorism, that one may associate with global politics. Instead it should be considered:

a form of dissent that celebrates difference; the proliferation of perspectives, dimensions and approaches to the very real dilemmas of global life. It is a form of dissent which celebrates the particularity and context-bound nature of judgements and assessments, not because it favours a (so-called) relativist retreat into the incommensurability of alternatives, but because it recognizes the universalist conceits of all attempts to force difference into the straightjacket of identity.¹⁶

What this alternative approach seeks to do then is to problematise ‘the dominant modernist commitment to a world of given subjects and objects and all other dichotomized givens’.¹⁷ In relation to the EU and counter-terrorism policy the thesis seeks to reformulate basic questions of modernist understanding. Therefore it emphasises not the sovereign subject (e.g., the EU/the ‘terrorist actor’) or the object (e.g., independent world/text) but instead the historical, cultural and linguistic practices (the language contained in the EU counter-terrorism policy discourse) in which subjects and objects (theory and practice/facts and values) are constructed. The argument here then is that the EU or the ‘terrorist actor’ can in reality never be reduced to a complete or entirely coherent object, which is accessible to universalised,

¹⁵ Ibid., p. 4.

¹⁶ Ibid., pp. 4-5.

¹⁷ See George, ‘Discourses of Global Politics’, p. 192.

essentialist or totalised understandings of it. Neither exists independently or outside of the multiple social discourses within which they have been and continue to be (re)constructed. From this position the EU can be understood as but one site of discursive production amongst many; it is a place where discourses meet and are reconstructed and refracted back into social and political life. Therefore, the 'fight against terrorism' can be understood as the predominant practice through which the EU understands, explains and responds to terrorism. However, it is also important to remember that even those discourses that are dominant are unstable grids that constantly require work to 'articulate' and 'rearticulate' their knowledge, their identities. This in turn makes all discourses open-ended, changeable and historically contingent. As Michael Foucault argues, 'we must be ready to receive every moment of discourse in its sudden irruption; in that punctuality in which it reappears, and in that temporal dispersion that enables it to be repeated, known, forgotten, transformed, utterly erased, and hidden far from all view'.¹⁸

Central to this approach then is the role of identity. It seeks to explain how identity is constructed by identifying the institutional and discursive power relations that privilege particular actors and subjects while simultaneously marginalising others; identifying who has the authority to speak and who does not; as well as identifying who the dominant representation (or the competing representations) endows with legitimacy and to whom legitimacy is denied.¹⁹ It also seeks to identify 'which actors are able to speak in each policy arena but also the modes of expression they are able to use, the policy decisions that are conceivable and the resultant practices, as well as the absences and exclusions inherent in these meaning-making structures'.²⁰ Following Stuart Croft, this thesis is in agreement that:

Discourses create and reflect identities, and thus they construct those who are our allies and those who are our enemies. When not in flux, they settle who 'we' are, and who 'they' are; what 'we' stand for, and what 'they' mean to us. They construct the space for 'our' legitimate activity; and the space for the behaviour we will (and will not) tolerate from 'them'.²¹

¹⁸ Michel Foucault, *The Archaeology of Knowledge*, (London: Tavistock, 1972), p. 25.

¹⁹ See Weldes, 'Bureaucratic Politics: A Critical Constructivist Assessment', p. 215.

²⁰ Jamie Gaskarth, 'Discourses and Ethics: The Social Construction of British Foreign Policy', *Foreign Policy Analysis*, 2 (2006), pp. 325–341, see p. 327.

²¹ Stuart Croft, *Culture, Crisis and America's War on Terror*, (New York: Cambridge University Press, 2007), p. 1.

Broad and Daddow emphasise this point by arguing that not only do discourses constitute a ‘space of objects’ by rendering things meaningful in certain ways but ‘discourses constitute the identities of social actors by carving out particular *subject-positions*, that is, sites from which the social actors can speak as the I/we of a discourse’.²² As such, the ‘spaces’ which this thesis focuses on identifying are those which construct a ‘European’ sense of Self against that of a ‘terrorist’ Other, including the techniques used to construct, describe and legitimise that ‘always-artificial distinction’, which is apparent in the texts that were analysed.²³ The specific conceptualisation of identity which is developed here is that of ‘European political identity’, a concept which is outlined in greater detail below in section four of this chapter.

It should also be remembered that although the role of language is crucial to the notion of discourse, social and political life is not reducible to language or linguistic analysis alone. Discourses are constituted through distinct institutional and organisational practices. This makes a discourse much broader than simply the texts or words associated with language - they are what we call *discursive practices*.²⁴ In Foucault’s own words, discursive practices are characterised by a ‘delimitation of a field of objects, the definition of a legitimate perspective for the agent of knowledge, and the fixing of norms for the elaboration of concepts and theories’.²⁵ Roxanne Doty notes that a discursive practice cannot simply be traced to a fixed and stable centre such as individual consciousness or a social collective.²⁶ Instead these discursive practices, that constitute both subjects and modes of subjectivity, are scattered or dispersed through various locales. This then is why the notion of *intertextuality* is so important.²⁷ As Doty explains, ‘texts always refer back to other texts which themselves refer to still other texts. The power that is inherent in language is thus not something that is centralised, emanating from a pre-given subject. Rather, like the discursive practices in which it inheres, power is dispersed and, most important, is *productive* of subjects and their worlds’.²⁸ Jackson agrees with this point, noting that ‘discourses can be considered to be an amalgam of material practices and forms of language and knowledge where each reinforces

²² Broad and Daddow, ‘Half-Remembered Quotations from Mostly Forgotten Speeches’, p. 208.

²³ Ibid., p. 208.

²⁴ Damian E. Hodgson, *Discourse, Discipline and the Subject: A Foucauldian Analysis of the UK Financial Service Industry*, (Aldershot: Ashgate, 2000), p. 66; cited in Jackson, *Writing the War on Terrorism*, p. 19.

²⁵ Michel Foucault, *Language, Counter-Memory, Practice* (Ithaca, New York: Cornell University Press, 1977), p. 199.

²⁶ Roxanne Doty, ‘Foreign Policy as Social Construction: A Post-Positive Analysis of US Counterinsurgency Policy in the Philippines’, *International Studies Quarterly* 37:3 (1993), pp. 297-320.

²⁷ Ibid., p. 302. Doty defines intertextuality as ‘a complex and infinitely expanding web of possible meanings’.

²⁸ Ibid., p. 302.

the other in a continuous cycle'.²⁹ If a discourse is understood to consist of a 'system of statements in which each individual statements makes sense' then it produces interpretative possibilities, it becomes intelligible, because it is 'virtually impossible' to think outside of it.³⁰ As such discursive practices provide a language for talking about something – such as the concepts, categories, metaphors and analogies by which meanings are created – restricting what one can say on a subject. This restriction occurs because when considering certain social phenomena (such as terrorism) one is unable to think outside of a particular 'regime of truth' that has been created through those discursive practices surrounding such phenomena. The power of discursive practices is inherent in the sense that not only are we unable to think outside of such practices; we also extend and sustain such an arrangement.

The EU's 'fight against terrorism' is more than just the sum of the policy proposals contained within the official EU counter-terrorism policy documents. Instead, it should be seen as an over-arching discourse on terrorism. It is a discourse that plays the central role in the construction of what is considered to be terrorism and who is considered to be a terrorist (in or by the EU). It calls terrorism or terrorists to mind, bounding the 'terrorist' Other off into a category against which a 'European' sense of Self is constructed. As such it is a discourse that legitimises certain actions, preventing alternative constructions of the 'terrorist' Other and therefore preventing alternative courses of action against them. It is a discourse which reflects a wider number of social and political narratives that are being reproduced and reconstructed through EU counter-terrorism policy. It is a discourse which, more specifically, is contributing to the construction of a condition of *insecurity*; an environment within which certain non-discursive practices, such as the ever increasing number of 'technical' security measures contained within EU counter-terrorism policy, are themselves legitimised through the invocation of discourse(s) that emphasise the threat of terrorism.³¹ It is a form of practice that provides the language for talking about terrorism in the context of European policy-making; as well as a form of practice which legitimises (or normalises) the policy actions taken under the pre-text of counter-terrorism responses.

²⁹ Jackson, 'Writing the War on Terrorism', p. 19.

³⁰ Doty, 'Foreign Policy as Social Construction', p. 302.

³¹ See Jef Huysmans and Anastassia Tsoukala, 'Introduction: The Social Construction and Control of Danger in Counterterrorism', *Alternatives* 33 (2008), pp. 133-137. Huysmans and Tsoukala argue that the question of identity lies at the heart of the interaction between the discursive articulation of threats; and the non-discursive, administrative and technical security measures which are central to counter-terrorism policies. As such, 'identity is considered both the object of a discursive construction of sameness and otherness in contemporary Western societies, and as the legitimizing basis for the implementation of an increasing control apparatus that covers delinquent, deviant, and even ordinary behaviour'. See, p. 134.

The purpose of this first section was to establish how discourse analysis represents a method for analysing EU counter-terrorism policy in a way which emphasises the importance of political language and discourse, as opposed to other methods that focus on the historical or legal development of policy or governance and implementation of policy. By focusing on the idea that language is central to the construction of reality and that discourse should be understood as a form of social practice, this theoretical framework allows us to investigate both the specific features of the language of EU counter-terrorism policy and the relationship between the production of this discourse and its impact upon social and political life within (and to a certain extent beyond) Europe. The key reasons for using discourse analysis as a method through which to study EU counter-terrorism policy is that it allows us to explore the link between the ideational and the material; and it draws our attention to the role of language in the construction of policy, which is itself (language) intrinsic to our attempts to mediate reality. Importantly, as was highlighted by Daddow and Broad, it draws attention to the relationship between context and the agency of the language user(s), as such discourse(s) constitutes the identities of social actors by carving out particular *subject-positions*, or the sites, from which the social actors can speak as the I/We of a discourse. Finally, discourse analysis allows us to investigate how the EU counter-terrorism discourse conditions or structures certain courses of action towards terrorism whilst denying others. The next section shall now explain how and why certain EU counter-terrorism policy texts were selected for analysis.

2. Selection of Texts: the European Council Policy Documents

The analysis of EU counter-terrorism policy contained within this thesis focuses on a number of policy documents that have played a central role in the production and subsequent evolution of EU counter-terrorism policy. These documents include general policy documents, ‘internal’ and ‘external’ security documents and actual counter-terrorism policy documents. In particular the policy documents examined were those debated and endorsed by a specific institution, the European Council, and only those documents which included a major focus on counter-terrorism policy or referred to the ‘fight against terrorism’ were selected. The documents selected for analysis also included a number of reports on progress in the development and implementation of EU counter-terrorism policy, prepared by the EU

Counter-Terrorism Coordinator for the European Council. The justification for the selection of each specific document will be outlined in greater detail in the next chapter. However, it can be stated that they consist of all the primary documents that constitute the official EU policy discourse on terrorism. The reasons for concentrating on primarily the policy documents produced by the European Council are outlined in greater detail in the section below. This is done in order to establish the significance of that institution in the production of EU counter-terrorism policy.

Reasons for focusing on the European Council

The focus of this discursive analysis of EU counter-terrorism policy on the policy documents produced by the European Council is for several reasons. First, this institution brings together the Heads of State and Government of the Member States. As such, it is the European Council which has played the key role in defining the political direction and the political priorities of the EU. As Neill Nugent explains:

The European Council [is] at the very heart of EU-decision-making – not on a day-to-day basis in the manner of the other four main EU institutions, but rather from a more distanced position where it is centrally involved in setting the overall parameters of the EU system. Final and legally binding EU decisions may be taken by other EU institutions, but major political decisions concerning the institutional and policy developments of the EU are now generally taken by, or at least are channelled through and given clearance by, the European Council.³²

As a result of this, the European Council has played a central role in the initiation of counter-terrorism policy. Historically, in the late 1980s it prompted initiatives (such as TREVI) in the areas of immigration, drugs and terrorism, and in the present context, it has been responsible for every major policy initiative that is relevant to or designed specifically for the EU counter-terrorism policy response. This is not to suggest that the European Commission or other European institutions are irrelevant or have not played an important role in the development of policy, simply that the European Council is responsible for the production of

³² Neil Nugent, *The Government and Politics of the European Union*, 7th Edition, (Basingstoke: Palgrave Macmillan, 2010), pp. 162-163.

each final policy document, which taken together form the basis of EU counter-terrorism policy.

Second, terrorism has traditionally been dealt with by the EU as primarily an ‘internal’ security issue, with counter-terrorism policy being constructed under the rubric of the third pillar: justice and home affairs (JHA). This brings into play certain important institutional factors in relation to the way in which activities have traditionally been conducted under this pillar of the EU. As Balzacq and Carrera point out issues that are included in this area tend to be ‘probably the most dynamic, sensitive and hotly contested.’³³ This is because they form ‘an essential part of the traditional concept of national sovereignty’ and as such ‘are fraught with national fears, rival ideologies and competing political sensitivities.’³⁴ The difficulties that are faced in the development of coherent European policies, on a number of the issues subsumed under JHA, are exacerbated by the fact that decisions in these fields are developed through an intergovernmental framework of cooperation and have been subject to strict unanimity voting at the Council of Ministers. These institutional (or material) factors need to be recognised because they do have an impact on the construction of the EU counter-terrorism policy discourse.

Third, the importance of the European Council in the formulation of counter-terrorism policy can be recognised in that although the original intention was that the European Council would operate at a more general level, it concerns itself with a number of quite specific internal policy issues. As Neill Nugent explains, this is several reasons: certain issues are either so politically sensitive (such as counter-terrorism policy) or so intractable that agreement can only be reached at the level of heads of government; the European Council, because of its non-sectoral nature, is often the best institution to put together broad ranging policies or broker deals that cut across policy sectors³⁵; and given the status of the European Council, there is now a general expectation (even an assumption maybe) that policy matters of significance should be given clearance, if not be determined, at that level.³⁶

³³ Thierry Balzacq and Sergio Carrera, *Security Versus Freedom? A Challenge to Europe's Future*, (Ashgate, 2006).

³⁴ *Ibid.*, p. 1.

³⁵ This is especially the case in terms of counter-terrorism policy in that the EU counter-terrorism policy has contributed to the blurring of the distinction between the three pillars and induced cross-pillar governing dynamics.

³⁶ Nugent, ‘The Government and Politics of the European Union’, (7th ed.), pp. 175-176.

Fourth, it is reasonable to state that counter-terrorism policy responses to non-state terrorist groups or actors are, to a large extent, event-driven. The development of new policies and practices, institutions and agencies, designed to prevent further incidents of terrorism tend to follow the occurrence of terrorist violence. Whilst this may seem a rather vague justification for analysing solely the European Council documents there is actually a valid reason in that it reminds us of 'the crucially important fact that policy development and decision-making processes in the EU are closely related to prevailing political and economic circumstances, to the perception by the key actors – especially national governments – of their needs in the circumstances, and to perceptions of the potential of the EU to act as a problem-solving organisation in regard to the circumstances'.³⁷ It is the event-driven nature of counter-terrorism policy and the perception that the EU can offer 'added value' in the 'fight against terrorism' that drives the production (at the level of the European Council) of this constantly evolving EU counter-terrorism policy discourse.

Fifth, the focus of the research on the production of counter-terrorism policy discourse through the European Council documents is not intended to deflect attention away from the important role other institutions such as the European Commission, or individuals (and his/her support staff) such as the Counter-Terrorism Coordinator, play in the production of that discourse. Indeed, some of the most important policy documents that were analysed, for example the *Counter-Terrorism Strategy*, were drawn up by the Commission and the office of the Counter-Terrorism Coordinator, before being forwarded to the Council for agreement and then transmitted to the European Council for adoption. Furthermore, where appropriate the analysis uses the iterations or utterances of these other sites of discursive production to support or challenge the arguments being made. The focus remains on the European Council documents because in the EU context the European Council documents represent the primary source of the policy discourse.

Before moving forward it is worth illustrating this point, that the European Council is not the only site at which EU counter-terrorism discourse(s) are produced, in greater detail. It is important to be aware that the EU is not a monolithic or unitary actor; it has numerous institutions which are simultaneously working together and in conflict with one another. As such, the European Council is not the only institution which, through the formulation of

³⁷ Neil Nugent, *The Government and Politics of the European Union*, 6th Edition, (Basingstoke: Palgrave Macmillan, 2006), p. 397.

counter-terrorism policy, contributes to the construction of EU counter-terrorism discourse(s). For example, Anastassia Tsoukala has engaged in some interesting research on EU counter-terrorism discourse(s) as produced through the public debates of the European Parliament, on combating terrorism, between September 2001 and March 2003.³⁸ In the pre-September 11 period Tsoukala identified two main positions, articulated by the MEPs, that she notes stand in opposition to one another: a denial that the counter-terrorism measures that the EU is seeking to implement infringe upon civil rights and liberties; and a warning against the breach of human rights.

In the post-September 11 period, Tsoukala's analysis revealed that the debates of the European Parliament, on combating terrorism, contained three competing counter-terrorism discourses which traverse the distinction between these two positions. First, Tsoukala identified what she calls the 'defence of the emergency rules thesis'. This first position is characterised by the establishment of a continuum of threats and the implication of a close connection between terrorism and immigration, necessitating the establishment of exceptional measures related to the control of migrants. She argues that this position also contains an assumption that the terrorist threat would have been less significant if the previous legal framework had been less concerned with the protection of human rights. Second, there is the 'two-fold' concern. Although this second position relies on an assumption that the value of 'security' is opposed to the value of 'human rights', unlike the 'emergency rules thesis' it does not prioritise security over human rights. Instead, this counter-terrorism discourse frequently refers to the term 'balance', thereby establishing a sort of social equilibrium between liberty and security. Third, Tsoukala identified what she calls the 'defence of human rights thesis'. This position is characterised by the argument that in our 'open societies', the fight against all forms of criminal behaviour should not go beyond the limits of the law, nor should it involve the breach of human rights and liberties or the suspension of the rule of law.

Tsoukala concludes that although the events of September 11, 2001, provided the trigger for many discourses legitimising or discrediting the implementation of emergency measures, over time (and as the immediate impact of those events has lessened) the dominant position of the European Parliament lies with the 'defence of human rights thesis'. However, having analysed the iterations of the representatives of the other EU institutions (including the

³⁸ Anastassia Tsoukala, 'Democracy against Security: The Debates about Counter-Terrorism in the European Parliament, September 2001-June 2003', *Alternatives: Global, Local, Political*, 29: 4 (2004), pp. 417-439.

European Council and European Commission) she argues that it is difficult to find such a clear-cut position as that held by the European Parliament. Instead, she contends that the dominant discourse within those other institutions appears to rest with the 'seemingly moderate but actually illiberal' two-fold thesis. As such, she argues that, in most cases, it is possible to affirm that 'the EU institutions seek to present the future adoption of emergency rules as a necessary step to be taken in order to protect the internal security of the EU countries and of the rest of the world'.³⁹ In relation to the arguments made in this thesis, this research is important for two reasons. First, it demonstrates the point made above, that although the European Council can be identified as the key institution in the formulation of counter-terrorism policy, it is not the only source of EU counter-terrorism discourse(s). Second, Tsoukala's research reveals a competition for dominance between numerous counter-terrorism discourses, which confirms the line of argument made above that even though there are certain aspects of the 'fight against terrorism' discourse which remain stable over time, like any discursive formation the 'fight against terrorism' discourse is open-ended or changeable. It is contested both from within (amongst European institutions) and without ('critical' scholarship).

A final reason for why the analysis focused solely on the language contained within the European Council documents was partly practical. To investigate the documents of all the EU institutions, the speeches of all the key EU and national politicians, and media iterations on terrorism that contribute to a more general European discourse on terrorism, would have produced a large and unmanageable volume of data. By restricting the analysis to the documents produced by the European Council, the analysis remains focused on the primary source of the discourse. However, there remains the potential to expand the analysis of the 'fight against terrorism' discourse outward to include other European institutions, such as the European Commission or the European Parliament. In particular, the Commission has produced numerous documents on counter-terrorism policy, as well as security policies in a more general sense. Furthermore, there have been a great number of speeches, interviews and statements by European politicians and policy-makers, including the EU CTC, and in the pre-Lisbon period, the High Representative for Common Foreign and Security Policy and the numerous EU Commissioners for Justice and Home Affairs and External Relations, which have contributed to the construction of the 'fight against terrorism' discourse. As explained

³⁹ Ibid.

above, where appropriate these other sites of discursive production are used to challenge or support the arguments being made during the actual analysis of the selected documents. The next section outlines the precise method that was used.

3. The Method

In conducting a discourse analysis of the topic of EU counter-terrorism policy it is important to stress that the approach to discourse analysis used here is not exclusive to this thesis. It is an amalgam of a number of different methodological commitments consisting of a specific set of methods, or ‘tools of inquiry’, designed to further our understanding of EU counter-terrorism policy. In order not to confuse the concept of ‘method’ with the concept of ‘methodology’ a brief note on the distinction between the two terms is necessary. In line with Jonathon W. Moses and Torbjorn L. Knutsen, this thesis understands ‘methodology’ to be something more basic and comprehensive than ‘methods’.⁴⁰ ‘Methods’ are understood to be problem-specific techniques, a mixture of tools or approaches used for solving the problem(s) one encounters; while a ‘methodology’ on the other hand implies very real and important differences in understanding the world. They state that while the term ‘method’ refers to ‘research techniques, or technical procedures of a discipline’, the term ‘methodology’, in contrast, ‘denotes an investigation of the concepts, theories and basic principles of reasoning on a subject’.⁴¹

It should also be noted at this juncture that the field of discourse analysis is incredibly diverse. There are many different approaches to discourse analysis as a method, none of which can claim to be uniquely ‘right’, including the approach used in this thesis. It has been described as ‘an emerging research programme engaging a community of scholars’ that through a combination of ‘canonical citations and constructive narratives’ is constitutive of a ‘particular approach to International Relations, and to how they can contribute to the explanation and critique of international practices’.⁴² This thesis seeks to build on these approaches and is a contribution to this developing research programme. Like all forms of discourse analysis the method used to investigate this topic borrows a number of these

⁴⁰ Jonathon W. Moses and Torbjorn L. Knutsen, *Ways of Knowing: Competing Methodologies in Social and Political Research*, (Palgrave Macmillan: Basingstoke, 2007).

⁴¹ Ibid., p. 4.

⁴² Milliken, ‘The Study of Discourse in International Relations’, p. 226.

different 'tools of inquiry', which have been developed by other discourse scholars, and reconstructs them in order to analyse the discursive construction of EU counter-terrorism policy. Furthermore, discourse analysis is highly adaptive, as James Paul Gee has pointed out, 'different approaches often fit different issues and questions better or worse than others. And, too, different approaches sometimes reach similar conclusions through using somewhat different tools and terminologies connected to different "micro-communities" of researchers'.⁴³

A word on the terminology used here is important at the outset. The 'fight against terrorism' is considered to be an example of a *discursive practice*. Following Foucault, it incorporates a complex web of understanding, the first characteristic of which is the 'delimitation of a field of objects', or the narrowing of our field of vision and the exclusion of a wide range of phenomenon from being considered worthy of attention.⁴⁴ The second characteristic is 'the definition of a legitimate perspective for the agent of knowledge'; this refers to the construction of a position of authority or legitimacy from which the EU can speak as the I/We of the discourse. The third characteristic being a 'fixing of norms for the elaboration of concepts and theories', or the concepts, categories, metaphors and analogies by which meaning (knowledge about terrorism) is (re)created, restricting what one can and cannot say on the subject. In particular, this thesis focuses on the idea that the discursive practice of the 'fight against terrorism' is constituted through numerous discourse strands, which can be understood as large or small texts fragments that when taken together (across a number of texts) construct certain themes that underpin the discourse. The next section shall outline the specific technique of analysis that was used to analyse the counter-terrorism policy documents.

The Technique of Analysis

Employing this method of critical discourse analysis to analyse the EU counter-terrorism policy documents involved a careful reading of the text of the documents and asking a series of interrelated analytical questions. This was done in three steps.

The first step, involved asking one specific question: what are the key texts?

⁴³ Gee, 'An Introduction to Discourse Analysis', p. 5.

⁴⁴ Foucault, 'Language, Counter-Memory, Practice', (Cornell: Cornell University Press, 1977), p. 199.

The second step involved asking three interrelated questions: what are the key words, terms, phrases and labels (the language), which are central to each of the texts?; what are the main assumptions contained within each of the texts?; taking together the language and the assumptions (contained within each of the texts) which underpin the policy, what are the main ‘strands’ of the discourse?

The third step involved asking another three interrelated question: how do the different strands of the discourse, structure the meaning, logic and policy response to the groups and/or the events that they describes?; how does the discourse construct a ‘European’ sense of Self against a notional ‘terrorist’ Other?; what knowledge or practices are normalised and/or legitimised by the discourse?

Notice how these questions are designed to allow us to investigate both the text(s) itself (the second step), as well as the wider social, cultural and political context within which the EU policy discourse on terrorism is constructed (the third step). By analysing the documents in this way, it is possible to draw out the different representations of identity that help to construct (and are constructed by) the EU counter-terrorism response. As such, theorising counter-terrorism policy as discourse rests on this assumption that identity and policy are mutually constitutive. The next section explains exactly how the technique of analysis was applied in practice.

Analysing the Discourse

As was noted above, the method used involved a three step process in which a series of analytical questions were applied to the EU counter-terrorism texts. This section uses examples from specific counter-terrorism texts, as well as examples drawn from the whole group of texts analysed, in order to demonstrate how the technique of analysis was used to investigate the EU counter-terrorism policy discourse.

The first step involved the identification and analysis of twenty texts, produced by the European Council and the office of the EU Counter-Terrorism Coordinator, across a ten year period from October 1999 to November 2009. The chosen texts consisted of a number of counter-terrorism policy documents and more general security policy documents. The

selection of certain general security documents, which include both 'internal' and 'external' security policy documents, was thought to be justified if they contained either a substantial focus on the conceptualisation of terrorism or a dedicated section on how best to respond to terrorism. The explanation for the selection of each document will be outlined in greater detail in the third chapter, which provides an overview of the development of EU counter-terrorism policy with a specific focus on the role of language.

The second step involved a direct engagement with the chosen texts in order to discover 'how discursive practices operate linguistically within those texts'.⁴⁵ This step shall be referred to as 'mapping the discourse'; it involved coding the documents for the key words, terms phrases and assumptions and sorting them into themes. Unlike quantitative coding whereby the researcher applies preconceived codes to the data (all planned before the researcher has even collected the data); the approach taken in the conduct of this research was qualitative. As such, the codes were created as each text was studied and then at a later stage sorted into themes; the analysis was assumed to be complete when adding new texts created no new thematic categories.⁴⁶

In order to demonstrate briefly how the discourse is constructed and to establish how the approach developed above was applied in practice, this section uses examples from the *European Security Strategy*, 2003. First, each text was coded in order to determine the key words, terms, phrases and labels that are central to the 'fight against terrorism' discourse. For example, the *European Security Strategy* uses words, terms, phrases and labels such as 'new', 'violent' or 'extremism' to describe terrorism or terrorists. Second, the texts were analysed in order to identify the different assumptions (the knowledge) upon which the counter-terrorism policy discourse is based. For example in the *European Security Strategy*, there is an assumption that terrorism 'poses a growing strategic threat to the whole of Europe' or that terrorists are 'willing to use unlimited violence to cause massive casualties'. Third, the different words, terms, phrases, labels and assumptions (the 'discursive practices') were then categorised in a thematic manner. For example, the use of the term 'new' coupled with the assumption that terrorists are seeking to cause 'massive casualties', provides a theme or strand of the discourse which is also articulated in other counter-terrorism documents: the

⁴⁵ Jackson, 'Writing the War on Terrorism', p. 25.

⁴⁶ For a more detailed explanation of qualitative coding see Kathy Charmaz, 'Grounded Theory', in Jonathan Smith et al. 'Rethinking Methods in Psychology', (Sage: London, 1995), pp.27-49.

idea of ‘new terrorism’. This process was repeated in order to reveal how each strand of the discourse has been constructed and was assumed to be complete when the analysis was unable to identify any new themes. At this point it is important to note that many of the words, terms, phrases, labels and assumptions, which construct the numerous themes within the discourse, are interlinked and as such can assume multiple meaning and be applicable in the construction of different discourse strands. For example, ‘violent extremism’ is applicable simultaneously to the strands of the discourse which articulate the idea of ‘new terrorism’ and the strand of the discourse which implicitly constructs Islam as a potential terrorist threat.

The third step was to analyse the different discourse strands from a wider interdisciplinary perspective, which contained textual and social analysis of the EU counter-terrorism policy discourse. This part of the analysis focused not on one specific text but instead explored thematically all of the texts analysed; the aim of which was to understand how the discourse structures the policy responses to the events/and or groups that it describes, how identity is constructed and how certain practices are normalised/legitimised, through each strand of the discourse. This level of analysis complements the first for the reason that individual text analysis ‘is not sufficient on its own to shed light on the relationship between discourse and social processes’.⁴⁷ As Paul Simpson and Geoff Hall explain, this is because ‘discourse analysis should reveal as much about the contexts as about the text’.⁴⁸

Within this third step, the first task was to analyse the documents in order to explain how the different strands of the discourse (of EU counter-terrorism policy) play a central role in structuring the meaning, logic and policy responses to the groups and the events that they describe. For example, if we take the discourse strand, analysed in Chapter Six, which focuses on the discursive construction of the ‘Muslim’ Other. The language contained within the discourse strand speaks of ‘violent radicalisation’ or ‘violent religious extremism’ as the main terrorist threat to the EU in the post-September 11 period. It then argues that in response to this threat the EU must pursue a policy of ‘combating radicalisation and recruitment to terrorism’. This strand of the discourse conflates the ‘Muslim’ Other with the ‘terrorist’ Other; it does this by presenting the engagement of ‘Muslim communities in Europe and beyond’ as an essential element in combating ‘radicalisation and recruitment’ and the

⁴⁷ Ibid., p. 25.

⁴⁸ Paul Simpson and Geoff Hall, ‘Discourse Analysis and Stylistics’, *Annual Review of Applied Linguistics* 22 (2002), pp. 136-149.

prevention of terrorism; a discursive move which it is argued implicitly constructs (or structures) the 'Muslim' Other as a potential terrorist threat. The second task was to investigate how the discourse constructs a 'European' sense of Self against a notional 'terrorist' Other. For example, if we take the 'fight against terrorism' discourse as a whole, there are numerous examples of how the discourse constructs a 'terrorist' Other in opposition to a 'European' sense of Self. The policy documents were analysed in order to identify how the EU constructs its own self-representation (e.g. as a provider of 'freedom', 'security' and 'justice' or a respecter of 'human rights'); in opposition to representations of the 'terrorist' Other (e.g. as 'ruthless', 'horrific', 'violent', 'criminal' and 'unjustifiable', to name but a few of the more prominent descriptions). The third task was to examine the documents in order to reveal what knowledge and/or practices are normalised and/or legitimised by the 'fight against terrorism' discourse. For example, if we take the discourse strand analysed in Chapter Five, the discourse articulates the need to 'control' the EU border to prevent the threat of terrorism; in turn this discourse strand plays a key role in legitimising the construction of numerous security policies and practices as central elements in the counter-terrorism response. The threat of terrorism therefore helps to normalise this securitising process (that is the introduction of extensive security measures of/for 'control' at the EU border).

The aim of this third section has been to demonstrate how the theoretical framework (discourse analysis) established in the first section is operationalised through the method (three step technique of analysis) outlined above. This section provided numerous examples drawn from individual texts and the discourse as a whole. However, precisely how the method was applied will become clearer in the subsequent chapters, which contain the empirical analysis of the counter-terrorism discourse. It has been argued that this method provides a unique way of analysing the EU counter-terrorism policy, allowing us to focus on the instrumental role discourse plays in both the practice of that policy and also our understanding of that policy. The next section will outline two theoretical concepts that underpin the research in this thesis: the idea of 'European political identity'; and the process of 'securitisation'.

4. Theoretical Concepts: ‘European Political Identity’ and the process of ‘Securitisation’

The aim of this fourth section is to explore two theoretical concepts which are central to the arguments that are made in this thesis; and in particular, to explain how they fit into a discursive analysis of EU counter-terrorism policy. This section begins by identifying the concept of ‘collective identity’ and contrasting it against what is meant by ‘European political identity’. This is done in order to establish how the process of identity construction is assumed to occur. Where reference to the concept of ‘European political identity’ is made, in the context of this thesis, it is considered to be synonymous with the identity of the EU.⁴⁹ As such, it is argued that ‘European political identity’ is based on a shared set of political values around which a sense of personal and collective identification with the EU can be made, that it is not derived from a common culture. For example, EU policy documents are replete with reference to/or the identification of certain values around which this identity can be constructed (such as ‘human rights’ etc.) However, it is also argued that the construction of political identity cannot be understood outside of the construction of an ‘Other’ against which that identity can be (re)affirmed. This is certainly the case when we consider the production of counter-terrorism policy and the way in which it constructs the ‘terrorist’ Other; a social construct which is perceived to be a direct threat to those values which underpin ‘European political identity’. It is argued that a discursive analysis of EU counter-terrorism policy can play an important role in identifying the (textual) processes by which this identity is constructed.

The second concept that is explored is the process, concept or theory of ‘securitisation’. This focus on securitisation fits neatly within the framework of a ‘critical’ approach to security outlined in Chapter One. Indeed, the theory of securitisation is one of the most unique and interesting concepts to have been developed within the area of Critical Security Studies (CSS). It is a main contention of this thesis that the ‘fight against terrorism’ discourse is representative of a process of securitisation of social and political life within Europe. Within the field of security studies, the use of the term securitisation refers to a specific theoretical process developed by the ‘Copenhagen School’. However, there have been other attempts at

⁴⁹ This is not to argue that ‘European’ should always be taken to mean ‘the EU’, only that for the purpose of this thesis where reference is made to ‘European political identity’ it is a reference to the political identity of the EU and/or its citizens.

reconceptualising the concept of securitisation, not least by the 'Paris School' who have developed the idea of '(in)securitisation'. Therefore, when using the term securitisation (or (in)securitisation) it is essential that we are explicit in articulating what is meant by it. As such, this section on securitisation does several things: it explores the 'traditional' securitisation framework as outlined by the Copenhagen School; it draws our attention to a number of critiques of securitisation; it explains why (for a number of reasons) a 'traditional' conceptualisation of securitisation is not directly applicable to the EU; it then contrasts the Copenhagen School's approach to securitisation with Didier Bigo's focus on processes of (in)securitisation, arguing that we must reconceptualise this process in line with the Paris School in order to explain whether EU counter-terrorism discourse is reflective of a process of securitisation of social and political life (in Europe). The section ends with a reflection on the extent to which critical discourse analysis can help to illuminate this process. Before exploring this concept in more detail, this section will first engage in an analysis of the concept of identity, contrasting what is meant by the term 'collective identity' with that is meant by the idea of 'European political identity'.

Collective Identity and 'European Political Identity'

One of the key elements of this thesis is to investigate how representations of identity are constructed through and help to mediate our understanding of the formulation of EU counter-terrorism policy. In order to do this it is important to engage in a thorough explanation of how identity and the process of identity formation is conceptualised, for the purpose of this thesis. As such, and in keeping with the discursive approach set out above, the next section identifies the concept of 'collective identity', establishing how a discursive approach to identity, as articulated by Lene Hansen, differs from that of a constructivist approach, best represented by the work of Alexander Wendt. Having done this it then turns to the concept of 'European political identity'. It explains how this concept differs from the concept of 'collective identity', before arguing that all identities are relational and cannot be separated from suppositions about the 'Other'.

The term 'collective identity' can refer to a variety of different concepts; however it is generally used to refer to an individual's sense of belonging to a particular social group. Iver B. Neumann has argued that the text which firmly and unequivocally transposed the study of this concept into the mainstream of the discipline of international relations (IR) was Wendt's

1992 article 'Anarchy Is What States Make of It'.⁵⁰ Wendt argued in that article, and later in his book *Social Theory of International Relations*, that it is possible to identify a pre-social intrinsic state identity, which can form the basis of a 'collective identity'. This position is at odds with the understanding of identity developed here.⁵¹ Instead, this thesis follows Lene Hansen by conceptualising identity as *social*: that is to understand identity as something constituted through a set of collectively articulated codes, not as a private property of the individual or a psychological condition.⁵² Like Hansen, identity is understood as both discursive and relational. States (or systems of governance like the EU) are not assumed to have identities operating underneath discursive articulations; whilst language is seen as a referential system, identities are always constructed through processes of linking and differentiation. This conceptualisation of the process of identity formation is quite different from that of Wendt's, who argues that identity need not be constructed as relational difference.⁵³ This is for two reasons. First, Wendt contends that states have certain essential qualities which concern a specific type of identity. He argues that states have pre-social 'personal' or 'corporate' identities which are 'constitutionally exogenous to Otherness', or to be more succinct, 'there is no particular Other to which the Self is related'.⁵⁴ Second, Wendt argues that because states have intrinsic identities particular to the individual actor, it is possible to distinguish between 'role' identities and 'type' identities, such as 'democracy'. Wendt's interpretation of identity, as an independent variable, is based upon his epistemological commitment to a research programme which seeks to investigate the explanatory power of ideational, rather than material, factors.

For Iver B. Neumann, the great strength of Wendt's argument is the way in which he explicitly links collective identity formation to the question of understanding how certain conceptualisations or representations of identity (in this case of the state) take on a material quality, as they are perpetually reconstructed and taken more and more for granted as factors playing a role in the decision-making of the state. However, where the approach taken in this

⁵⁰ Iver B. Neumann, 'Uses of the Other: The East' in European Identity Formation', (Manchester: Manchester University Press, 1999), p. 31.

⁵¹ Alexander Wendt, 'Anarchy is what States Make of It: The Social Construction of Power Politics', *International Organisation*, 46: 2, (1992), pp. 391-425; Alexander Wendt, *Social Theory of International Relations*, (Cambridge: Cambridge University Press, 1999).

⁵² Hansen, 'Security as Practice', p. 6. Hansen points out that this is not to argue that individuals are incapable of understanding themselves as having identities, instead it is to understand that individual identity is constituted within and through a collective terrain.

⁵³ Wendt, 'Social Theory of International Relations', pp. 224-228.

⁵⁴ *Ibid.*, p. 225.

thesis differs from that of Wendt's is in his argument that 'in periods of relatively stable role identities, ideas and structures may become reified and thus treated as things that exist independently of social action'.⁵⁵ As Neumann explains, this is problematic in that it can lead to the reification of the category of the Self and prevent the 'possibility of studying the multidimensionality of identity formation', a move which he argues leads to the implicit treatment of the Self as a foundation.⁵⁶ Whilst there is little doubt that certain representations (such as democracy) may be reified over time, to assert that they can ever be treated as something independent of the discourses which continually produce and reproduce identities should be considered problematic. As Hansen explains, 'the adoption of a discursive epistemology makes a pre-social, corporate and intrinsic identity an impossibility, and vice versa: if identity is assumed to be ontologically intrinsic, then it cannot be identified through a discursive epistemology but has to be attributed externally by the analyst'.⁵⁷ The point here then is that identity is considered to be a fluidic concept which is constantly changing and always in flux; and that in the process of identity formation, the idea of essentialised or pre-existing social identities are considered to be an impossibility. As such, it is argued that identity can only be understood through analysing the multiple discourses through which it is constructed. Having established how (for the purpose of this thesis) identity is conceptualised in a more general sense, this analysis shall now turn to the concept of 'political identity'.

Following Sonia Lucarelli, the focus of this thesis is on 'political identity' rather than 'collective', 'cultural' or 'religious' identity.⁵⁸ First, 'political identity' is understood as a social construct which is not (and should not be) based on or derived directly from a common culture; instead it is a form of identity that is constructed on the basis of shared political values. Second, political identity is understood to be a sub-set of group identity. This should not be confused with a 'collective identity', as if there were a superior entity (the community) above the individual: in this sense the EU is not a community that possess identity. Instead, each citizen has a 'European political identity' as soon as he/she recognises him/herself around a set of social and political values and principles, in the sharing of which he/she feels a sense of belonging to the EU political group'.⁵⁹ At the level of the individual, the

⁵⁵ Wendt, 'Anarchy is What States Make of It', p. 420

⁵⁶ Neumann, 'Uses of the Other', p. 34.

⁵⁷ Hansen, 'Security as Practice', p. 21.

⁵⁸ Sonia Lucarelli, 'Interpreted Values: A Normative Reading of EU Role Conception and Performance', in Ole Elgström and Michael Smith (eds.) *The European Union's Role in International Politics: Concepts and Analysis*, (London and New York: Routledge, 2006).

⁵⁹ Ibid., p. 48.

construction of 'Self' (that is a 'European political identity') is therefore shaped around these core values and principles. Furthermore, as Lucarelli highlights, for those values to shape the identity of the citizen they need to be interpreted; this is where the culture, history, legal practices, institutions and policies of the EU provide a framework for the interpretation of those values and principles.⁶⁰ So in keeping with a discursive approach, identity is understood not as an essentialised given but instead a process of self-identification in which the roles of culture, history, legal practices, institutions and policies, and specifically in this case counter-terrorism policy are important.

In relation to the EU as an actor, Lucarelli argues that the values of the EU (as a political group) are important for the extent to which they have shaped the self-representation of the EU as a qualitatively different actor in world politics.⁶¹ The identification of certain values around which a 'European political identity' can be constructed is therefore central to the identity building process. However, what is missing from Lucarelli's analysis is a consideration of the role of the 'Other' in the construction of this 'European political identity'. David Campbell agrees that the construction of identity, whether individual or collective, is a process; it is not fixed by nature, given by God or planned by intentional behaviour.⁶² However, he argues that 'identity is constituted in relation to difference'.⁶³ This does not mean that difference is fixed by nature, given by God or planned by intentional behaviour, simply that 'difference is constituted in relation to identity'.⁶⁴ What this means (in contrast to Wendt's argument) then is that the question of identity/difference can contain no foundation that is prior to (or outside of) its operation; identity is thus performatively constituted. Moreover, the constitution of identity can only be achieved through the inscription of boundaries, which in turn serve to differentiate an 'inside' from an 'outside', a 'Self' from an 'Other', a 'domestic' from a 'foreign'.⁶⁵ Furthermore, Campbell asserts that 'if all meaning is constituted through difference (an assumption upon which this analysis is based), then there can be no declaration about the nature of the self which is totally free of suppositions about the other'.⁶⁶ This line of thought holds a certain degree of resonance here. As Hansen explains, this is not to make an argument that there is never any positive identity

⁶⁰ Ibid., pp. 48-49.

⁶¹ Ibid.

⁶² See Campbell, 'Writing Security'.

⁶³ Ibid., p. 8.

⁶⁴ Ibid., p. 8.

⁶⁵ Ibid., p. 8.

⁶⁶ Ibid., p. 77.

construction, what might appear as intrinsic, only that this is constructed through a process of differentiation.⁶⁷ So whilst it is true that contrast between 'Self' and 'Other' need not necessarily lead to the negation or demonisation of the 'Other'; it is true that in the context of counter-terrorism policy the logic of identity makes it more readily available to the politics of negation and difference through the construction of 'otherness'.

In particular, this is because the construction of a notional 'terrorist' Other against which a 'European' sense of 'Self' (understood here as 'European political identity') is reinforced by the language of threat. In the 'fight against terrorism' the 'terrorist' Other is constructed as a specific type of threat; a threat which is inimical to certain values or principles that have shaped the self-representation of the EU's political identity. By definition a threat is a 'person or thing likely to cause damage or danger', so it should be considered unsurprising that the construction of terrorism as threat lends itself to the negation of the 'Other'.⁶⁸ Indeed, the use of numerous adjectives throughout the EU counter-terrorism discourse to describe the 'terrorist' Other (such as 'murderous', 'heinous' or 'violent') helps to reveal how this process of 'othering' is achieved.

As such, this thesis argues that the process of 'othering' is a central element of the EU counter-terrorism discourse; and that through this process the EU constructs a 'terrorist' Other against which its political identity can be reinforced. In particular, Chapter Four demonstrates how the 'terrorist' Other is conceptualised through three interlinked strands of the discourse which construct the terrorist(s) as primarily (and in no particular order) a 'criminal', a 'non-state actor', a 'new' type of terrorist(s) not bound by moral constraint, who is committed to 'unlimited' or 'maximum violence'. Chapter Five demonstrates how the 'terrorist' Other is conflated with the 'migrant' Other, through the identification of two interlinked discourse strands. The first strand constructs the 'globalised' or 'open' society of the EU as an environment which terrorists abuse to pursue their objectives, which it is argued is an implicit construction of the 'migrant' Other as potential terrorist threat. The second strand constructs a series of ever increasingly sophisticated policies, practices and measures aimed at the 'control' of the 'migrant' Other as part of a strategy designed to 'protect' against further acts of terrorism, which is argued represents an explicit construction of the 'migrant' Other as potential terrorist threat. Whilst Chapter Six argues that the 'fight against terrorism'

⁶⁷ Hansen, 'Security as Practice', p. 22.

⁶⁸ See Oxford English Dictionary

discourse implicitly constructs the 'Muslim', 'Islamic' or 'Islamist' Other as a potential terrorist threat through a focus on 'violent radicalisation' as the main cause of terrorism in the post-September 11 period. Beyond an explanation of the concept of political identity and this process of 'othering' there is another theoretical concept that needs to be explored: the process or theory of 'securitisation'.

Securitisation: The Securitisation Framework

The theory of securitisation, developed by the Copenhagen School of security analysts and best represented by the work of Barry Buzan and Ole Waever, has been acclaimed as one of the most prominent and influential of new approaches to international politics and the field of security studies.⁶⁹ Ken Booth has described their approach as a 'curious theoretical mixture of liberal, poststructural, and neorealist assumptions'.⁷⁰ It is a commonly used way of understanding how 'security' is invoked to legitimise the use of special measures, contentious legislation, policies and practices that would otherwise have been deemed illegitimate.⁷¹ At this point it is important to outline some of the key elements of this theory. The main idea is that security is a 'speech act'. 'Security' is not treated as an objective condition which can be achieved; instead analysts view it as the outcome of a specific social process. In other words, there are no security issues in themselves, only issues that have been constructed as security issues by certain actors. As Waever explains, 'with the help of language theory, we can regard "security" as a speech act. In this usage, security is not of interest as a sign that refers to something more real; the utterance itself is the act. By saying it, something is done (as in betting, giving a promise, naming a ship). By uttering "security" a state- representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it'.⁷² So not only is the utterance of security a specific

⁶⁹ See Ole Waever, 'Securitization and Desecuritization', in Ronnie D. Lipschutz (ed.), *On Security* (New York: Columbia University Press, 1995) pp. 46-86; Barry Buzan, Ole Waever and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder CO: Lynne Rienner, 1998). It was Bill McSweeney who used the title Copenhagen School for the work being done by Buzan, Waever and others, for more see Bill McSweeney, 'Identity and Security: Buzan and the Copenhagen School', *Review of International Studies* 22:1 (1996), pp. 81-93. The work of Buzan and Waever has been acclaimed by amongst others Jef Huysmans and Michael Williams, for more see Jef Huysmans, 'Revisiting Copenhagen; or, on the Creative Development of a Security Studies Agenda in Europe', *European Journal of International Relations* 4:4 (1998), pp. 479-505; Michael Williams, 'Words, Images, Enemies: Securitization and International Politics', *International Studies Quarterly* 47:4 (2003), pp. 511-531.

⁷⁰ Ken Booth, *Theory of World Security*, (Cambridge: Cambridge University Press, 2007), p. 163.

⁷¹ Andrew Neal, 'Securitization and Risk at the EU Border: The Origins of Frontex', *Journal of Common Market Studies* 47:2 (2009), pp. 333-356.

⁷² Waever, 'Securitization and Desecuritization', p. 55.

type of 'speech act', it is a discursive act that constructs an issue as an 'existential' threat. In this framework, labelling something as a 'security' issue gives it a certain sense of importance and urgency that legitimises the use of extraordinary measures beyond the norms and practices of everyday politics.

However, for the Copenhagen School a successful securitisation 'move' is dependent upon more than the discursive act of presenting something as an existential threat to a 'referent object' of security. First, the securitising actor must have the authority to make such a claim. Second, the audience that is the target of the securitisation 'move' must accept that there is an existential threat to that referent object of security. Given the role of the audience in legitimising the 'speech act', we can say that the process of securitisation is inherently inter-subjective. This need for representation of an issue as an existential threat to a 'referent object' of security reveals that Buzan and Waever retain a traditional understanding of security as survival. From this perspective, the process of securitisation is defined as the 'staging of existential issues in politics to lift them above politics. In security discourse, an issue is dramatized and presented as an issue of supreme priority; thus, by labelling it as security, an agent claims a need for and a right to treat it by extraordinary means'.⁷³ This then is the 'traditional' view of the theory of securitisation. As such we can say that the focus of securitisation studies is 'to gain an increasingly precise understanding of who securitises, on what issues (threats), for whom (referent objects), why, with what results, and, not least, under what conditions (i.e., what explains where securitisation is successful)'.⁷⁴

An essential aspect of the securitisation framework is this idea of a 'referent object' of security. In International Relations (IR) the debate that surrounds the concept of security has revolved around an argument that 'for too long the field has been dominated by a traditional, state and military-centric understanding of security'.⁷⁵ This has led to the 'broadening' and the 'deepening' of the concept of security to include other 'referent objects', such as individuals, communities and societies, from military as well as non-military threats. As early as 1983 Barry Buzan, in his book *People, States and Fear*, made an argument for the 'broadening' of the security agenda from its traditional focus on the military sector to include

⁷³ Buzan et al., 'Security: A New Framework for Analysis', p. 26.

⁷⁴ Ibid., p. 32.

⁷⁵ Monica Barthwal-Datta, 'Securitisation Threats without the State: A Case Study of Misgovernance as a Security Threat in Bangladesh', *Review of International Studies* 35:2 (2009), pp. 277-300, see p. 279.

four new sectors of analysis: political, economic, societal and ecological.⁷⁶ He also argued that the focus of discussion on security should be at three levels (the sub-state, the state and the international system) with the 'referent object' of security being the state. This was because in his opinion 'it is the state that stands at the interface between security dynamics at the substate level and the security dynamics operating at the level of the international system'.⁷⁷ Buzan's assertion that the individual could not provide the referent object for international security was challenged by Ken Booth and Steve Smith.⁷⁸ Booth in particular has argued that the individual should provide the ultimate referent point for security (and not the state) for several reasons: not all states are in the business of security (internal and external); even those who are in the business represent the means and not the ends; and that states are too diverse in character to provide a basis for a theory of security. Martin Shaw in turn criticised Booth for his focus on the individual; instead arguing that it was society that provided the 'missing dimension' in security studies.⁷⁹ For Shaw, the state and the individual cannot be understood outside of a sociological context.

These changes in conceptualisation of security, as well as the massive changes in the European security environment that occurred at the start of the 1990's, made it very difficult for Buzan to maintain his stance that the state should provide the referent object for security. Together with Waever, Buzan developed the notion of societal security. For the Copenhagen School security must now be viewed in its dual form: state security and societal security. As Steve Smith explains, this development was a very important one because 'whereas state security focuses on sovereignty as the core value, societal security focused instead on identity, as represented in the ability of a society to maintain its traditional patterns of language, culture, religion, national identity and customs'.⁸⁰ For Buzan and Waever, societal security was seen not as a replacement for state security but as a complementary notion that was more in tune with the developments in the contemporary security environment. Societal

⁷⁶ Barry Buzan, *People, States and Fear*, (Boulder: Lynne Rienner, 1983).

⁷⁷ See Steve Smith, 'The Contested Concept of Security', in Ken Booth, (ed.) *Critical Security Studies and World Politics*, (London: Lynne Rienner Publishers, 2005), p. 33.

⁷⁸ Buzan argued that the individual could not provide the referent point for three reasons; it was the state that had to deal with the sub-state-state-international security problematic; the state was the primary agent in alleviating the condition of insecurity; the state was the dominant actor in the international system. Articles in which this is challenged include Ken Booth, 'Security and Emancipation', *Review of International Studies* 17:4 (1991), pp. 313-326; Steve Smith, 'Mature Anarchy, Strong States and Security', *Arms Control*, 12:2 (1991), pp. 325-329.

⁷⁹ Martin Shaw, 'There Is No Such Thing as Society: Beyond Individualism and Statism in International Security Studies', *Review of International Studies* 19:2 (1993), pp. 159-175.

⁸⁰ Smith, 'The Contested Concept of Security', p. 33-34.

security therefore referred to the level of collective identities and action taken to defend such identities; the logic being that a threat to society only becomes a threat when the possibility of a breakdown of society occurs. So in relation to 'state security' the 'referent object' of security is the state; while in relation to 'societal security' the 'referent object' of security is the collective identity upon which the legitimacy of the state is derived.

It has been argued thus far that in the 'traditional' securitisation framework there is no such thing as a security issue in itself; only issues constructed as such by actors with the authority to claim that something is a threat to security, through what is called a securitising 'move'. By claiming that an issue is a security threat the securitising actor also claims the right to use 'extraordinary' measures to deal with that issue. However, for the securitisation process to be successful, the relevant audience must also accept the securitising move. Central to this framework is the idea of a 'referent object' of security, which whilst originally focused on the military sector has been expanded out to include both the idea of 'state' and 'societal security'. This 'traditional' theory of securitisation has been the subject of substantial criticism.

Critiques of Securitisation

Monica Barthwal-Datta has argued that 'despite opening up the security agenda to consider security actors other than the state, the conditionality embedded in the securitisation framework around who can securitise, what constitutes a securitising move, and the need for a sufficient audience to accept the securitisation move for a successful securitisation to occur, all effectively work towards limiting the role of the securitising actor to the state'.⁸¹ Indeed, Ken Booth has emphasised this point that because securitisation is discourse-centric, and because states dominate the discourse of threat construction, it follows that states will remain the referent point for analysis. He argues that the language of the Copenhagen School is a give away with its focus on 'top leaders' and 'threatened elites' but also that 'these issues are not helped by the failure to distinguish between an agent (which is a comment about relative power) and a referent (which is a normative label)'.⁸² For Booth, securitisation studies suffer from being elitist; what matters are those with the power to set agendas, to make decisions, whereas those without discourse-making power are disenfranchised and unable to play a role

⁸¹ Barthwal-Datta, 'Securitisation Threats without the State', p. 278.

⁸² Ken Booth, 'Theory of World Security', p. 166.

in the process of securitisation. Booth argues that this top-down perspective is highlighted by the limited attention given to human rights in the securitisation literature and as a result this perspective, which is supposed to be radical, works in the interests of power because with power goes discourse-making potential. Its fundamental flaw is the separation of politics and security, with its particular focus on security as an area that will become militarised.

Another substantial criticism of the work of the Copenhagen School has come from Bill McSweeney.⁸³ He offers three main criticism of their research project. First their conceptualisation of society and identity is objectivist and positivist; they conceive of identity and society as static independent social realities as opposed to constantly evolving interlinked social constructs that change as a result of social processes. Secondly, as a result of their fixed view of society they see identity as something 'real' that exists for any society (collective identity is taken as a social fact), whereas McSweeney feels that identity is something that must be negotiated not discovered. Third, if society is seen as embodying just the one value of identity then this results in a societies identity being taken as a given. Buzan and Waever responded to this critique, to which McSweeney offered further criticisms.⁸⁴ Steve Smith explains that the core of their disagreements concern the question of whether identity can be understood objectively.⁸⁵ He argues that Buzan and Waever consider their approach to identity to be pragmatic not objective; yet they claim that over time certain societal characteristics remain unchanged and over time become 'socially sedimented' and can be taken as given.⁸⁶ McSweeney fundamentally disagrees with this arguing identity can only ever be understood as a process, it can never be taken as given.

Olav Knudsen offers another criticism of securitisation in that the subjective construction of threats by politicians and decision-makers, that is 'threats are seen as coming mainly from the actors' own fears, or from what happens when the fears of individuals turn into paranoid political action', is inappropriate in the post-Cold War era.⁸⁷ This is because emphasising the subjective results in the discounting of an independent existence of whatever is perceived as a

⁸³ See McSweeney, 'Identity and Security'.

⁸⁴ Barry Buzan and Ole Waever, 'Slippery? Contradictory? Socially Untenable? The Copenhagen School Replies', *Review of International Studies*, 23:2 (1997), pp. 241-250. Bill McSweeney, 'Durkheim and the Copenhagen School: A Response to Buzan and Waever', *Review of International Studies* 24:1 (1998), pp. 137-140.

⁸⁵ Smith, 'The Contested Concept of Security'

⁸⁶ *Ibid.*, p. 36.

⁸⁷ Olav F. Knudsen, 'Post-Copenhagen Security Studies', *Security Dialogue* 32:3 (2001), pp. 355-368, p. 359.

threat. Ken Booth has supported this line of argument by stressing that a discourse-centric approach misses chunks of reality and is based on a fallacy that threats cannot exist outside of discourse.⁸⁸ He points out that the threat of global warming to low-lying island states was a physical process long before the discourse of environmental security was invented by its proponents and listened to by its audiences. Thierry Balzacq has added his voice to this line of reasoning by noting that 'threats are not only institutional; some of them can actually wreck entire political communities regardless of the use of language'.⁸⁹ Alongside these criticisms of the 'traditional' framework of securitisation is the question of its suitability for analysing processes of securitisation in (or by) the EU.

Securitisation in the EU

The 'traditional' securitisation framework is not directly applicable to the EU context for a number of reasons. First, a securitising 'move' by the EU institutions cannot be considered in exactly the same way as in a national context. This is because while the statements and discourses of the EU institutions may be identifiable as securitising 'moves', the 'relationship between that discourse and the reception, discussion, legitimation and actualization of policy proposals and changes is less clear'.⁹⁰ The theory of securitisation focuses heavily on discourse and audience which makes the statements of national political leaders and/or government ministers a focal point for securitisation studies. Furthermore, it is assumed that these statements are widely reported and discussed by the national media, affecting the direction of policy. However, when we consider the statements of the EU (its institutions and its politicians) the way in which it communicates looks rather different. As Neal explains these statements 'are not widely reported and they are often little debated beyond a very narrow specialist audience'.⁹¹

Second, the lack of a clearly identifiable 'European' audience to accept any securitising 'move' by the EU is therefore problematic (from a 'traditional' securitisation perspective). What this means then is that the link between a securitisation 'move' in the EU and the inter-subjectivity of the European public is much more uncertain than a securitisation 'move' in a

⁸⁸ See Booth, 'Theory of World Security'.

⁸⁹ Thierry Balzacq, 'The Three Faces of Securitization', *European Journal of International Relations* 11:2 (2005), pp. 171-202, p. 181.

⁹⁰ Neal, 'Securitization and Risk at the EU Border', p. 336.

⁹¹ *Ibid.*, p. 336.

national context. This is because not only is it difficult to identify the key securitising actors in the complex institutional field of the EU but also the European polity is fragmented. Neal argues therefore that 'Europe is not a single polity and cannot be treated as one'. Following Waeber, he notes that 'any sense of 'European' political identity is still to a large extent interpreted differently through different national contexts'.⁹² For example, in the context of counter-terrorism policy, the Nordic states have not had the same experience of terrorism as Britain, Spain, Germany, Italy or France and therefore this may impact on how the threat of terrorism is interpreted or even the need for such a policy response. How these issues are perceived or represented will vary depending upon the experiences of the different national 'audiences' involved. However, as Neal highlights there is no 'methodological prescription which says the 'audience' of security discourses must be 'public', and in the EU context the 'audience' may well be made up of bureaucrats, experts and political professionals'.⁹³ The key question then, in relation to the traditional conceptualisation of securitisation, is how do we identify the 'audience' of the securitising discourses of the EU institutions, and how do they impact on the legitimisation of policy?

Third, there is a question over the extent to which the EU has the constitutional, institutional, political or legal capacity to evoke or implement the use of 'extraordinary measures', to 'decide on the exception' as it were.⁹⁴ Furthermore, given the nature of the EU as an institution whose role is to bind member states to a common set of laws, upheld by European courts, would it want to operate in this way? As such the complex institutional structure of the EU affects the suitability of securitisation theory for analysing the EU. Indeed, the technocratic nature of political, legal and institutional processes and structures 'means that policy outcomes may not resemble 'securitizations' along the lines assumed by securitization theory'.⁹⁵ This question over the adequacy of securitisation theory for application in this context necessitates a reconceptualisation of securitisation that captures more accurately this idea of securitisation as a process; as well as the 'nuances of real security practices and discourses'.⁹⁶

⁹² Ibid., p. 336.

⁹³ Ibid., p. 337.

⁹⁴ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, (Cambridge, MA: MIT Press, 1985), p. 5.

⁹⁵ Neal, 'Securitization and Risk at the EU Border', p. 337.

⁹⁶ Sarah Leonard, 'The 'Securitization' of Asylum and Migration in the European Union: Beyond the Copenhagen School's Framework', *Paper presented at the SGIR Sixth Pan-European International Relations Conference*, 12-15 September 2007, Turin (Italy), p. 13.

A reconceptualisation of the Securitisation Framework

The securitisation framework, which is tied into the traditional 'military-political' idea of security, is based on a limited understanding of security as survival. The problem here is that extending the logic of the military sector into all other sectors and 'referent objects' (such as the state, society etc.) may not be appropriate; not all sectors are governed by the same security dynamic that characterise the military sector. The first point then is not to follow too closely the conceptualisation of 'security' outlined by the Copenhagen School. The focus on survival is also problematic in that it constructs an artificial dichotomy between everyday 'normal' politics and the emergency situation that requires the use of extraordinary measures. Actually the securitisation framework fails to 'theorise adequately the processes by which an issue can move from one category to another - even though it is precisely these processes that the securitization framework claims to reveal'.⁹⁷ In this sense a more adequate way to conceptualise the process of securitisation is to think of security issues moving across a continuum; where at one end we have the routine and everyday 'normal' politics and on the other we have the idea of 'existential threats' and 'survival'.⁹⁸ It is argued here that the 'fight against terrorism' spans the whole space between the two definitions of securitisation; 'between exceptional measures and the immediacy of action on the one hand and the ordinary administrative, police or insurance measures on the other'.⁹⁹ The second point then is to think of security measures as part of a continuum; this allows us to locate certain issues at lower levels of intensity rather than simply the exceptional, 'extraordinary' level that a traditional conceptualisation of securitisation will allow.

The final point on reconceptualising security relates to the question of non-discursive practices. The Copenhagen School accepts that there are instances where 'security practices are not legitimised in public by security discourse', which mean that if we are to use the term securitisation in a comprehensive fashion the framework must take into account more than just the discursive act but also the impact of non-discursive practices.¹⁰⁰ Whilst the focus of

⁹⁷ Ibid., p. 12.

⁹⁸ On the idea of a security continuum see: Leonard, 'The 'Securitization' of Asylum and Migration in the European Union', p. 13; Rita Abrahamsen, 'Blair's Africa: The Politics of Securitization and Fear', *Alternatives*, 30: 1 (2005), pp. 55-80, p. 59; Jef Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU*, (London: Routledge, 2006), p. 72.

⁹⁹ Claudia Aradau and Rens van Munster, 'Governing Terrorism through Risk: Taking Precautions, (un)Knowing the Future', *European Journal of International Relations* 13:1 (2007), pp. 89-115, see p. 98.

¹⁰⁰ Buzan et al., 'Security: A New Framework for Analysis', p. 28.

this thesis will focus primarily on the discursive level (the security discourse of a ‘fight against terrorism’) and how the production of EU counter-terrorism policy documents is contributing to the securitisation of social and political life in Europe (through the discursive statements made in each document); there is an awareness that discursive practices cannot be wholly separated from non-discursive practices. The point is that there is very little about EU security policy, and specifically EU counter-terrorism policy (which it is argued is contributing to the securitisation of European social and political life) that can be defined as extraordinary or exceptional. As Andrew Neal explains ‘much of what is being done in the name of security is quiet, technical and unspectacular, in the EU intensely so, and just as much again does not declare itself to be in the name of security at all’.¹⁰¹ In fact many of ‘these processes and practices are driven not simply by a logic of crisis, emergency and exception, but through the formation of linkages between diverse policy areas, different technologies and security professionals of different specializations’.¹⁰²

Therefore this thesis is more inclined towards the Paris School’s conceptualisation of securitisation, as outlined by Didier Bigo and Anastasia Tsoukala.¹⁰³ It moves away from the ‘traditional’ idea of how the securitisation process takes places; in particular, it resists the idea that ‘international security has a specific agenda, that this agenda is about survival, and that security can be conceptualised as ‘beyond normal politics’ and as a ‘politics of exception’.¹⁰⁴ In agreement with Bigo and Tsoukala, it is understood that the existential threat and the politics of terror is not so easy to separate from the simple threat and a more general feeling of unease. Instead, as they argue this process of (in)securitisation (as they call it) is not limited to the successful political speech act which transforms the decision-making process through a politics of exception and the use of extraordinary measures. It is also, above all, more about the ‘mundane bureaucratic decisions of everyday politics, with Weberian routines of rationalisation, of management of numbers instead of persons, of use of technologies, especially the ones which allow for communication and surveillance at a distance through databases and the speed of exchange of information’.¹⁰⁵ From this perspective the result of the (in)securitisation process can never be assessed from the will of an actor, even a dominant one (such as the EU). Indeed, the actor ‘never knows the final

¹⁰¹ Neal, ‘Securitization and Risk at the EU Border’, p. 352.

¹⁰² Ibid., p. 352.

¹⁰³ Didier Bigo and Anastasia Tsoukala, *Terror, Insecurity and Liberty: Illiberal Practice of Liberal Regimes after 9/11*, (New York: Routledge, 2008),

¹⁰⁴ Ibid., p. 5.

¹⁰⁵ Ibid., p. 5.

results of the move they are doing' because 'the result depends on the field effect of the many actors engaged in competition for defining whose security is important, and of different audiences liable to accept or not that definition'.¹⁰⁶

It is clear then that in the context of the EU the 'traditional' framework of securitisation is inadequate if we are to understand the complexities of the securitisation process. For this reason it has been argued that the framework needs to be reconceptualised. Likewise, it should be noted that the aim here is not to explore how securitisation is occurring through non-discursive processes; nor is to argue that there is an objectively identifiable link between the discursive and non-discursive processes of securitisation. Instead, the aim is more modest, it is simply to acknowledge that the process of securitisation has multiple dimensions: that it occurs in more than one way. In particular, the thesis focuses on the discursive dimension of the securitisation process, using critical discourse analysis to reveal how (the processes by which) the 'fight against terrorism' discourse securitises certain issues by discursively constructing them as central elements in the counter-terrorism response. So for the purpose of this thesis, an issue was assumed to be discursively securitised when it was reproduced within the EU counter-terrorism policy (or more general security policy) documents, given the nature of those types of policies. The next section includes a brief overview (Table 2) of the documents that were selected for analysis.

5. The Documents that were analysed

For the purpose of this analysis, the development and production of EU counter-terrorism policy was split into four discernable periods: the pre-September 11 period (November 1999 to September 2001); the post-September 11 period (September 12, 2001 to March 11, 2001); the post-Madrid period (March 12, 2004 to December 2005); and the 2006 until December 2009 period (January, 2006 to December, 2009). This was done simply for the purposes of analysis; in reality the boundaries between each period are relatively fluidic. However, it should be noted that the choice of dates for the first three periods coincides with the two main terrorist attacks that, for European politicians and EU policy-makers, necessitated the development of an EU counter-terrorism policy: the events in New York of September 11,

¹⁰⁶ Ibid., p. 5.

2001 and in Madrid of March 11, 2004. By dividing the formulation of EU counter-terrorism policy and the construction of the ‘fight against terrorism’ discourse in this way, it was possible to establish: what the main themes of the discourse were; how the discourse changed over the periods analysed and what themes of the discourse remained constant.

In the pre-September 11 period EU internal and external security policy documents made little or no mention of terrorism; as such only one document (the *Tampere Conclusions*) was selected for analysis. This document was selected because of its importance in defining the reach of the EU’s internal security programme; the document also provided a basis for establishing how the pervasive nature of the ‘fight against terrorism’ discourse helped to construct this internal security programme as a central element in the EU’s counter-terrorism response, despite the fact that terrorism had until that point not been made mention of as reason for that programmes development. In the periods following the events of September 11 2001, a European Council internal security, external security or counter-terrorism policy document was selected for analysis if it contained explicit reference to terrorism, the threat of terrorism or outlined EU responses to terrorism. As such, the documents selected for analysis represent the complete set of European Council policy documents that deal both specifically and indirectly with terrorism and responses to terrorism across the period from November 1999 until December 2009. The only European Council documents excluded from the analysis during this period were the numerous ‘Counter-Terrorism Action Plans’. These documents were excluded for the reason that each Action Plan was simply a way of categorising the policy proposals contained in each of the selected policy documents in the form of a table. The Action Plans were created in order for the European Council to monitor the implementation of each counter-terrorism proposal. Each Action Plan was meant to be read in conjunction with either the policy document or the report that accompanied it and because the purpose of the Action Plans were simply to reformulate the policy proposals contained in the accompanying policy document, in the form of a table, they were not selected for analysis. In total the European Council has released twenty documents that are related to counter-terrorism policy across the period analysed.

The next chapter will investigate the development of this policy across the four periods outlined above, identifying the key European Council documents that have been central to the production of the EU counter-terrorism policy discourse and providing justification for their suitability for selection and analysis. All of the documents selected are representative of the

development of EU counter-terrorism policy across the period identified, and are outlined in the table below.

Table 2.1

Type	Date	Document Selected For Analysis
Pre-September 11th 2001 Period		
Policy Document	October 1999	Tampere European Council 15 and 16 October: Presidency Conclusions ¹⁰⁷
Post-September 11th 2001 Period		
Policy Document	September 2001	Conclusions adopted by the Council (Justice and Home Affairs) Brussels, 20 September 2001 ¹⁰⁸
Policy Document	September 2001	Conclusions and plan of action of the extraordinary European Council Meeting on 21 September 2001 ¹⁰⁹
Policy Document	December 2003	EU Strategy against Proliferation of Weapons of Mass Destruction ¹¹⁰
Policy Document	December 2003	A Secure Europe in a Better World: European Security Strategy ¹¹¹
Post-Madrid 2004 Period		
Policy Document	March 25/26 2004	Declaration on Combating Terrorism ¹¹²

¹⁰⁷ European Council, Presidency Conclusions, Tampere European Council, 15 and 16th October 1999, 2001/99.

¹⁰⁸ Council of the European Union, Conclusions adopted by the Council (Justice and Home Affairs) Brussels, 20 September 2001, SN 3926/6/01 REV 6.

¹⁰⁹ European Council, Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001, SN 140/01.

¹¹⁰ Council of the European Union, EU Strategy against Proliferation of Weapons of Mass Destruction, Brussels 10 December, 2003, 15708/03.

¹¹¹ European Council, A Secure Europe in a Better World - European Security Strategy, Brussels, 12 December 2003.

¹¹² European Council, Declaration on Combating Terrorism, Brussels, 15 March 2004, 7906/04.

Policy Document	December 2004	The Hague Programme ¹¹³
Policy Document	November 24 2005	The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism ¹¹⁴
Policy Document	November 30 2005	A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice ¹¹⁵
Policy Document	November 30 2005	The EU Counter-Terrorism Strategy ¹¹⁶
Report	December 2005	Implementation of the Action Plan to Combat Terrorism ¹¹⁷
EU Counter-Terrorism Policy 2006-2009		
Report	May 2006	Implementation of the Action Plan to Combat Terrorism ¹¹⁸
Report	November 2006	Implementation of the Strategy and Action Plan to Combat Terrorism ¹¹⁹
Report	November 2007	Implementation of the Strategy and Action Plan to Combat Terrorism ¹²⁰
Report	May 2008	Implementation of the Strategy and Action Plan to Combat Terrorism ¹²¹

¹¹³ Council of the European Union, The Hague Programme: Strengthening Freedom, Security and Justice in the European Union, Brussels, 13 December 2004, 16054/04

¹¹⁴ Council of the European Union, The Strategy for Combating Radicalisation and Recruitment to Terrorism, 24 November, 2005, 12781/1/05

¹¹⁵ Council of the European Union, A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice, 30 November, 2005, 14366/3/05

¹¹⁶ Council of the European Union, The European Union Counter-Terrorism Strategy, 30 November, 2005, 14469/4/05.

¹¹⁷ Council of the European Union, Implementation of the Action Plan to Combat Terrorism, Brussels, 12 December 2005, 15704/05.

¹¹⁸ Council of the European Union, Implementation of the Action Plan to Combat Terrorism, Brussels, 19 May 2006, 9589/06.

¹¹⁹ Council of the European Union, Implementation of the Strategy and Action Plan to Combat Terrorism, Brussels, 15 November 2006, 15266/06.

¹²⁰ Council of the European Union, Implementation of the Strategy and Action Plan to Combat Terrorism, Brussels, 28 November 2007, 15411/1/07.

¹²¹ Council of the European Union, Implementation of the Strategy and Action Plan to Combat Terrorism, Brussels, 26 May 2008, 9416/1/08.

Report	November 2008	Implementation of the Strategy and Action Plan to Combat Terrorism ¹²²
Policy Document	December 2008	Report on the Implementation of the European Security Strategy - Providing Security in a Changing World ¹²³
Report	June 2009	Report on the Implementation of the Strategy and Action Plan to Combat Terrorism ¹²⁴
Report	November 2009	EU Action Plan on Combating Terrorism ¹²⁵
Policy Document	December 2009	The Stockholm Programme ¹²⁶

Table 2.1 differs slightly from Table 1.1 (included at the end of Chapter One) in that Table 1.1 provides a more general overview of the main political developments in the EU, with a focus on security policy and counter-terrorism policy specifically. Table 2.1 provides a reference point for the discursive analysis of the selected EU counter-terrorism documents carried out in the following chapters. In particular, Chapter Three will draw out the main continuities and the main changes that have occurred in the discursive construction of the 'fight against terrorism' discourse, across the period analysed and throughout the production of EU counter-terrorism policy. It highlights nine discourse strands (rising to ten in the post-Madrid period) that it is argued when taken together as a whole, constitute the EU's 'fight against terrorism' discourse.

Conclusion

The purpose of this chapter has been to explain why the thesis focuses on the role of discourse in the development and production of EU counter-terrorism policy and to

¹²² Council of the European Union, Implementation of the Strategy and Action Plan to Combat Terrorism, Brussels, 19 November 2008, 15912/08.

¹²³ European Council, Report on the Implementation of the European Security Strategy: Providing Security in a Changing World, Brussels, 11 December 2008, S407/08.

¹²⁴ Council of the European Union, Report on the Implementation of the Strategy and Action Plan to Combat Terrorism, Brussels, 2 June 2009, 9715/1/09.

¹²⁵ Council of the European Union, EU Action Plan on Combating Terrorism, Brussels, 26 November 2009, 15358/09.

¹²⁶ Council of the European Union, 'The Stockholm Programme – An open and secure Europe serving and protecting the citizen', Brussels 2 December 2009, 17024/09.

demonstrate how the policy was analysed. The chapter began by explaining why discourse analysis represents an approach through which to analyse EU counter-terrorism policy which is more attentive to often neglected issues like identity, than other approaches which focus on historical and legal developments or governance and implementation of that policy. The focus of the first section was to elaborate further on the important role of language in the practice of counter-terrorism policy and to develop this idea that discourse should be defined as a form of 'social practice'. The aim of this was to demonstrate that not only are social and textual processes linked but to emphasise that an investigation of the language of EU counter-terrorism policy discourse is intrinsic to our understanding of the practice of counter-terrorism policy. Furthermore, it helped to emphasise this idea that discourse and policy are mutually constitutive.

The chapter then highlighted why it was appropriate for this analysis to focus solely on the policy documents produced by the European Council, as opposed to other sites of discursive production (such as the Commission, other high ranking European politicians/policy-makers, the media) that have contributed to the development of this distinct European discourse on terrorism. Although a number of reasons were explicated, the key reason for the focus on these documents is that in the case of the EU they represent the primary source of the discourse. Where appropriate the roles of these other sites of discursive production were considered in order to analyse the construction of the counter-terrorism policy discourse. The next section set out the method that was used to analyse the EU counter-terrorism policy documents, a method which can be best described as a form of critical discourse analysis. In particular, this section explained how through the use of a three step method of analysis, a discursive analysis of the production of EU counter-terrorism policy can reveal the knowledge that this discourse is built upon and allow us to reflect upon the social and political impact of such a discourse.

The fourth section explored two theoretical concepts which underpin some of the arguments made in this thesis: 'European political identity' and the process of 'securitisation'. In relation to the former, it began by investigating the concept of 'collective identity'. This was done in order to establish how the process of identity construction is assumed to occur, for the purpose of the analysis conducted in this thesis. It highlighted the difference between the approaches to the process of identity formation as taken by the most prominent social constructivist, Alexander Wendt, and that of the post-structuralist approach taken by Lene

Hansen, arguing in favour of the approach adopted by the latter. Having established the position from which the process of identity formation was understood to occur, the analysis turned to the concept of 'European political identity'. It was argued that 'European political identity' should be understood as a form of identity that is constructed on the basis of shared political values. However, it was also argued that identity is constituted in relation to difference and for this reason it is important to analyse the process by which 'otherness' is constructed (in this case through counter-terrorism discourse). In relation to the concept of 'securitisation', it was argued that a reconceptualisation of the process of securitisation is needed in order to show how securitising processes work in the EU. In particular, it was noted that the focus of this analysis shall remain on the discursive processes by which EU counter-terrorism discourse securitises certain issues. The chapter concluded by offering as a reference point for the following chapters, a table of the timeline of the key documents selected for analysis. The next chapter will focus on providing an overview of the main developments in EU counter-terrorism policy; it will do this with specific reference to the important role of discourse in the production of that policy. In particular, it will provide a justification for the selection of the documents that were analysed and it will identify the main discourse strands through which the discourse of the 'fight against terrorism' is constituted.

Chapter Three

Chapter 3: Constructing the Threat of Terrorism – Continuities and Change in the 'Fight against Terrorism' Discourse

Introduction

There can be little doubt that terrorism is now perceived as one of the most pervasive threats to the security of the EU, its member states and its citizens. Speaking in 2008, the EU's very own Counter-Terrorism Coordinator (CTC), Gilles de Kerchove, made this case through his argument that 'terrorism remains the most significant actual threat facing democratic societies'. De Kerchove went on to use a biological 'life' metaphor, explaining that 'terrorism is like a virus... eradicated in some places it is continuing to adapt itself to new conditions and draw strength from ineffective measures to control it'.¹ Yet there is a conundrum at the heart of this perception: the actual statistical risk of being involved in a terrorist incident, for any individual living in a Western democratic country, is extremely low. As Richard Jackson has pointed out, a study of the location and nature of terrorist attacks confirms that the actual threat posed by terrorism to Americans or Europeans is negligible: 'in geographical terms, the vast majority of terrorist attacks occur in a very small number of countries – Israel, Russia, Colombia, Kashmir, Algeria, Afghanistan and since May 2003, Iraq'.² The presumption that terrorism represents a quite significant threat to European society is largely a result of the events of September 11, 2001 but also the terrorist attacks in Madrid, in March 2004 and London, in July 2005. In Europe, these acts have fuelled the perception that terrorism represents the most pressing of security concerns. However, while it may be possible to establish who was responsible for each incident, including the sequence of events that led to each separate attack, their *significance* is something quite different and open to interpretation. It is here, in the space between events and their meaning, that the words and language of politicians and policy-makers have come to construct a discourse on terrorism, a 'reality' that at once both legitimises and normalises a series of counter-terrorism policy responses, irrespective of how 'real' or 'significant' that actual threat is.

¹ Gilles de Kerchove, 'EU Policy in the Fight Against Terrorism – From Formulation to Implementation', *World Summit on Counter-Terrorism: Terrorism's Global Impact*, ICT's 8th International Conference, September 8-11th (2008), Available at:

http://www.consilium.europa.eu/uedocs/cmsUpload/SPEECH_FOR_HERZLIYA_CONFERENCE.pdf

² Richard Jackson, *Writing the War on Terrorism: Language, Politics and Counter-Terrorism*, (Manchester: Manchester University Press, 2005), p. 93.

The language of threat, danger and risk is one of the most prominent features of the 'fight against terrorism' discourse. This is conveyed in several ways throughout the production of EU counter-terrorism policy and in particular through the frequent use of certain words or terms often in conjunction with one another. In the policy documents, which were examined in this thesis, the word 'threat' is used over 100 times, whilst other terms such as 'risk', 'vulnerability' and 'challenge' are used to convey the sense that European society is in 'danger', under 'threat' or at 'risk' from terrorism. The documents speak of the 'fight against terrorism' as a necessary response to the 'threat of terrorism' persistently, often linking it to other highly emotive words, terms or phrases, such as the threat posed by 'terrorists' in control of/ or seeking to use 'WMDs' or 'CBRN materials'. Given that this thesis focuses solely on official policy documents and not the speeches of leaders, prominent officials or policy-makers, the frequent use of such language is surprising. Yet it also suggests that these words, terms and phrases (this language) play an important role in the justification or legitimisation of the policy proposals contained within each document.

The aim of this chapter is to provide an overview of the main developments in EU counter-terrorism policy, with specific reference to examples of change and continuity within the 'fight against terrorism' discourse. Furthermore, the overview will provide justification for the counter-terrorism and more general security policy documents selected for analysis, which it argued are representative of the main developments in the 'fight against terrorism'. First, the chapter focuses on the history of European cooperation on counter-terrorism policy to provide the context within which the 'fight against terrorism' discourse has developed. Second, the chapter seeks to identify the different strands of the 'fight against terrorism' discourse, which will then later be analysed in Chapters Four, Five and Six. This is done through an historical analysis of the production of counter-terrorism policy, specifically focusing on the role of discourse. This task is undertaken in order to demonstrate how the EU has come to construct a common perception of the threat posed by terrorism.

The analysis splits the production of EU counter-terrorism policy into four discernable periods entitled: the pre-September 11 period (the Tampere European Council Conclusions, November 1999 until September 11, 2001); the post-September 11 period (September 12, 2001 until March 11, 2004); the post-Madrid period (March 12, 2004 until December 2005); and EU Counter-Terrorism Policy 2006-2009 (January 2006 until December 2009). As was explained in the previous chapter this split was only made for analytical purposes; whereas in

reality the boundaries of each of the periods identified are in fact fluidic (to a certain extent they overlap). The reason for doing this is, as stated above, to identify the main discourse strands that are central to the EU's 'fight against terrorism' discourse, establishing in particular the continuities and the changes within the discourse. This provides a discursive backdrop for the analysis of the different discourse strands that will be conducted in Chapters Four, Five and Six. These chapters will analyse the different 'strands' of the 'fight against terrorism' discourse in a thematic way. The chapter will now turn to a historical analysis of the production of EU counter-terrorism policy.

The History of European Cooperation on Counter-Terrorism Policy

The founding treaties of the European Communities did not give any competences to the newly established institutions in the fields of justice and home affairs.³ Member states were clearly not prepared at this point to hand over sovereignty in an area of such high political sensitivity. It was instead another newly formed institution, the Council of Europe, which provided the basis for cooperation, more generally, in the field of internal security.⁴ The member states' experience of the Council of Europe, created in 1949, played a key role in the aim of establishing the fundamental elements of a pan-European legal and judicial space, with a strong emphasis on the creation of legal instruments for use in the fight against cross-border crime.⁵ The strictly intergovernmental framework of the Council of Europe provided a framework in which they could work towards the establishment of a number of basic principles and procedures in areas relevant to internal security. There are a range of Council of Europe conventions that the EU considers so important to the development of its internal security sphere that they have been defined as part of the *acquis communautaire*. These include the European Convention on Extradition, 1957, and the European Convention on the Suppression of Terrorism, 1977.⁶ Mitsilegas et al. note that these conventions have 'become points of departure for the more comprehensive measures adopted by the EC member states

³ The European Coal and Steel Community (1951); The European Economic Community (1957).

⁴ The Council of Europe is an international organisation that is distinct from the EU. It seeks to develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals.

⁵ See The Statute of the Council of Europe, London, 5.V.1949: Article 1a sets out the Council's aim to 'achieve greater unity between its members for the purpose of safeguarding and realising the ideal and principles which are their common heritage and facilitating their economic and social progress'.

⁶ See the European Convention on Extradition, Paris, 13.XII.1957; and the European Convention on the Suppression of Terrorism, Strasbourg, 27.I.1977.

or (later) by the EU'.⁷ Regardless of this progress much stronger incentives were needed for the EC member states to move towards a greater level of cooperation.

The incentives arrived during the 1970s in the form of certain transnational challenges, which had traditionally been perceived as purely national security problems. Thus, 'historically it was international terrorism that emerged as the first transnational challenge, leading member states to engage in closer cooperation on internal security issues'.⁸ The murder of 11 Israeli athletes by terrorists at the Olympic Games in Munich in 1972, combined with heightening tensions in the Middle East, drastically increased the perceived threat from transnational terrorist networks in Europe. At the same time several European countries were dealing with internal terrorist threats. The UK faced the threat of a major Irish Republican Army (IRA) bombing campaign between 1972 and 1974; in Germany the Baader-Meinhof group was prominent in its terrorist activities; in Italy and Spain respectively the left-wing group the Red Brigades and the separatist group ETA were problematic; and Breton and Corsican separatists provided a challenge to the French. With terrorism pushing itself to the top of the political agenda the member states of the EC decided that this threat could no longer be dealt with at purely state level.

The development of the TREVI Group, 1970-1990s

The emergence of 'international terrorism' as a transnational challenge for European countries provided the justification for the development of the intergovernmental TREVI group designed to deal with issues in the area of justice and home affairs.⁹ An even weaker institution than the Council of Europe, and remaining outside of the EC institutional structure, it operated on a purely intergovernmental basis. It consisted initially of only two groups: TREVI I, dealing with 'international terrorism'; and TREVI II, dealing with public order and the training of police forces. The TREVI group had its own telex system separate from European Political Cooperation (EPC) and the foreign ministries, for circulation among interior ministries, police forces and the security services.¹⁰ The TREVI group initially met

⁷ Valsamis Mitsilegas, Jorg Monar and Wyn Rees, *The European Union and Internal Security: Guardian of the People?* (Basingstoke: Palgrave Macmillan, 2003), p. 20.

⁸ *Ibid.*, p. 22.

⁹ The TREVI group was formally established by the Justice and Home Affairs ministers of the EC member states following a resolution on Luxembourg on 29 June 1976.

¹⁰ Geoffrey Edwards and Christoph O. Meyer, 'Introduction: Charting a Contested Transformation, *Journal of Common Market Studies*, 46:1 (2008), p. 9.

biannually during each Council Presidency but failed to reach consensus on any of the more fundamental issues. Although initially set up to deal with 'international terrorism' and to help facilitate cooperation amongst European governments and their police forces, other sets of concerns found their way onto the TREVI agenda. In the 1980s a third group was added (TREVI III) and set up to tackle drug trafficking and organised crime. By the end of the 1980s and early 1990s the question of international migration had also found its way onto the TREVI agenda.

Edwards and Meyer argue that despite the widening of the TREVI agenda and an increasing degree of talk on a common European judicial area, there was little advance on basic issues such as a common definition of terrorism, improved extradition processes, refugee or asylum policies.¹¹ They note that differences between member states in threat perception and judicial systems accounted for the slow progress in establishing this common European judicial space. In late 1993 the TREVI group was subsumed into the K4 committee, established under Title VI of the Treaty on European Union (TEU), giving it for the first time an institutional basis.¹² In the TEU, where it makes reference to terrorism, it does so as part of one 'area of common interest', below asylum and immigration policy, control of external borders and judicial cooperation in civil and criminal matters, and as part of 'police cooperation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime'.¹³ Where terrorism was mentioned, it was not considered to be unique or to warrant its own policy provision, it was mentioned instead as but one of a number of problems of common interest in justice and home affairs (JHA).

An analysis of the 1995 Madrid European Council Conclusions helps to strengthen this line of argument. They set out some of the 'challenges' that the EU would face in order to reach its goal of 'ever closer union'.¹⁴ These included a number of 'internal and external challenges' which would 'stem in particular from: changes in the international situation; economic globalization and its consequences for employment, competitiveness and job creation within the Union; terrorism, drug trafficking and international crime; migratory

¹¹ Ibid., p. 9.

¹² John Benyon, 'Policing the European Union: The Changing Basis of Cooperation on Law Enforcement', *International Affairs*, 70:3 (1994), pp. 497-517.

¹³ The Treaty on European Union, 1992, Article K. 1.

¹⁴ European Council, Presidency Conclusions, Madrid European Council, 16 December 1995.

pressure; ecological imbalances'.¹⁵ In the section entitled 'A Union closer to its citizens' the document stated that 'European citizens pay growing attention to Justice and Home Affairs', as such the EU should seek to 'strengthen control' of its 'external frontiers' as well as 'ensuring better protection of the Union's citizens against international crime, in particular, terrorism and drug trafficking'.¹⁶ These developments gave credence to Monica Den Boer's assertions that the work of TREVI had by now become absorbed into the 'executive-driven Third Pillar hierarchy' and that 'terrorism was demoted to a position amidst other internal security concerns, [alongside] illegal immigration and organised crime'.¹⁷ At least in terms of a perception of threat 'within Europe' at this point 'the issue of terrorism had temporarily disappeared from the stage'.¹⁸

Constructing an Area of Freedom, Security and Justice (AFSJ) 1997-onwards

As we have seen above, cooperation in the field of internal security policy was very much a part of the European Council agenda prior to the events of September 11, 2001. The construction of an area of freedom, security and justice to reinforce progress in the third pillar, justice and home affairs, had already begun. As was also highlighted above, in the initial development of this policy area, counter-terrorism policy was not included, nor was the perceived threat of terrorism used to justify the developments that had occurred in this policy area prior to the events of September 11, 2001. The Amsterdam Treaty set out the objective of providing 'citizens with a high level of safety within an area of freedom, security and justice' through cooperation in police, judicial and criminal matters.¹⁹ The Treaty also stated that in order to meet this objective preventing and combating crime, organised or otherwise, was essential, including such misdemeanours as 'terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud'.²⁰ Terrorism was also mentioned once more in relation to efforts to increase judicial cooperation but again was identified as one of a number of problems that include 'organised crime' and 'drug trafficking'.²¹

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Monica Den Boer, '9/11 and the Europeanisation of Anti-Terrorism Policy: A Critical Assessment', *Notre Europe Policy Paper*, No. 6 (2003), p. 1.

¹⁸ Ibid., p. 1.

¹⁹ Treaty of Amsterdam Amending the Treaty on the European Union, the Treaties Establishing the European Communities and Certain Related Acts, 1997, p. 16.

²⁰ Ibid., Article K. 1, p. 16.

²¹ Ibid., Article K.3 (e), p. 18.

It is therefore clear that the driving factor behind these developments in JHA was not terrorism. Instead, the policy documents released before September 11, 2001, continually emphasised the need to combat 'organised crime' and better coordinate policy relating to 'criminal matters' as the reason for the construction of an AFSJ. Terrorism was almost completely excluded from the narrative; whereas this discursive focus on 'organised crime' remained central to the EU's internal security policy agenda. Analysing the December 1998 *Presidency Conclusion* from the Vienna Council, adds further credence to this line of argument in that whilst they set out the plan of action to be taken to ensure the successful development of the ASFJ, they did not mention terrorism as a key issue in the development of this policy area.²² The document established 'judicial cooperation', migration policy, 'police cooperation' and 'the fight against all important forms of organised crime' as important issue areas but terrorism was not considered a central concern to the overall direction of policy. It did however highlight the importance of the European Council summit at Tampere in terms of evaluating progress and giving guidance for further developments in JHA.

The Pre-September 11 Period: The Tampere European Council Conclusions, November 1999 to September 11, 2001

The Tampere Conclusions, October 1999

The *Tampere Presidency Conclusions*, from October 1999, was the first document selected for analysis because it provided a conceptual basis for the EU's internal security programme, with many of the measures later being adapted to form a central part of the EU's counter-terrorism policy.²³ The main aim of the Council was the creation of an 'Area of Freedom, Security and Justice' (AFSJ) which would provide a common European environment for action in the areas of policing, judicial cooperation, migration and asylum policy. The opening articles of the document argued that 'from its very beginning European integration has been firmly rooted in a shared commitment to freedom based on human rights, democratic institutions and the rule of law...the challenge...is now to ensure that freedom,

²² European Council, Presidency Conclusions, Vienna European Council, December 10-11th 1998, 00300/1/98 REV.

²³ European Council, Presidency Conclusions, Tampere European Council, 15 and 16th October 1999, 200/1/99. From here on in the Tampere Conclusions will be referred to as the Tampere Programme.

which includes the right to move freely throughout the Union, can be enjoyed in conditions of security and justice accessible to all'.²⁴ The document set out a whole range of policy proposals including: a common EU asylum and migration policy; policy instruments for creating a genuine area of justice; a Union wide fight against crime; and recognition of an external dimension to these internal policies. These proposals were discursively constructed as essential to ensuring the aim of creating an environment of security and justice for all. It is interesting to note that terrorism was not mentioned in this document until article 43 and was highlighted only in relation to the Union's fight against crime; with a specific focus on the creation of joint investigative teams to combat human trafficking, drug trafficking and terrorism. Indeed, this is the only time terrorism is mentioned in the whole document. Terrorism at this point was little more than an afterthought for the EU both at the level of policy formation and at the discursive level.

The *Presidency Conclusions* from the December 1999 Helsinki European Council help to confirm this line of argument.²⁵ At this point the Council agenda focused on a number of internal policy provisions that would have a 'direct impact on citizens'. These included 'the fight against organised crime and drugs' and, following on from the *Tampere Programme*, the document advocated the development of a strategy for 'preventing and combating organised crime', as well as encouraging the relevant institutions to report on the implementation of the 'European Union Drugs Strategy'. Once again terrorism, or the perceived threat of terrorism, was most conspicuous by its absence. The document did not indicate counter-terrorism policy to be a central concern in the development of the AFSJ nor did it use the perceived threat of terrorism to justify the proposed developments in JHA. This was characteristic of the development of policy in the period before September 11, 2001. In this period, the EU discursively constructed 'illegal immigration' and 'organised crime' as the key policy priorities necessitating the development of an internal security programme. The events of September 11, 2001, had a transformative effect both on the production of security policy (both internal and external) necessitating (a perceived need for) the development of an EU counter-terrorism policy but also at the discursive level where the language of a 'fight against terrorism' played a role in the justification or legitimisation of both counter-terrorism policy and security policies more generally. As Monica Den Boer

²⁴ Ibid., Article 1 and Article 2.

²⁵ European Council, *Presidency Conclusions*, Helsinki European Council, December 10-11th 1999, 00300/1/99.

highlights 'terrorism was resurrected with all its political salience after this date, especially after a meeting of the Extraordinary Council'.²⁶

In this pre-September 11 period developments in EU internal security policy, including the creation of an AFSJ, were justified through a discourse which invoked the 'threat' or 'challenge' of 'organised crime' or 'illegal immigration' respectively, providing legitimacy for cooperation in the field of internal security. Terrorism was at this point not perceived to be a major problem and the phrase 'fight against terrorism' had yet to enter the EU vocabulary. However, it is clear that during this period cooperation on internal security matters had been progressing at the level of policy formation; and that accompanying this was a discursive assertion that combating 'organised crime' or responding to the challenge of 'illegal immigration' made these developments essential. The next section identifies the key counter-terrorism policy documents released in the post-September 11 period, explaining how the 'fight against terrorism' discourse was constructed in this period.

The Post-September 11 Period: September 12, 2001 until March 11, 2004

The Extraordinary Council Meeting and Action Plan to Combat Terrorism, September 2001

In the immediate aftermath of the attacks in New York on September 11, 2001, the EU met in the form an extraordinary session of the European Council.²⁷ It was at this point that the phrase the 'fight against terrorism' first entered the EU vocabulary. The conclusions of the meeting, on 21 September 2001, would form the basis of the EU's *Action Plan to Combat Terrorism*. As such the next document selected for analysis was *The Extraordinary Council Meeting*, September 2001. The policy document identified terrorism as 'a real challenge to the world and Europe' and used the political momentum for cooperation that had built up in the wake of the attacks to advance the EU's new found counter-terrorism agenda.²⁸ Terrorism had shot to the top of the EU political agenda and was now a clear policy priority. The Council identified four elements that would constitute the EU's initial response to combating terrorism. First, was to encourage solidarity and cooperation with the US. Second, a

²⁶ See Den Boer, '9/11 and the Europeanisation of Anti-Terrorism Policy', p. 1.

²⁷ European Council, Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001, SN 140/01

²⁸ Ibid., p. 1.

European policy to combat terrorism would need to be formulated. Third, the Council highlighted the importance of defining the EU's role in the world. Finally, an evaluation of world economic prospects would be needed. In relation to the development of a perception of the threat posed by terrorism, the 'fight against terrorism' discourse at this point made two key moves. First, it established the threat as primarily an external one, stating that any counter-terrorism response by the US to the New York attacks would be justified, with the EU supporting action 'directed against States abetting, supporting or harbouring terrorists'.²⁹ Second, terrorism remained ill-defined beyond its presentation as a threat to the Union's 'common values' and its 'open, democratic, tolerant and multicultural societies'.³⁰

Of the four policy priorities outlined above, the development of an initial European *Action Plan to Combat Terrorism* was undoubtedly the most important. The plan identified seven broad measures to be adopted under five key objectives: enhancing police and judicial cooperation, developing international legal instruments, putting an end to the funding of terrorism, strengthening air security, and coordinating the European Union's global action. The headline goals were the completion of a European arrest warrant (EAW) and the adoption of a common definition of terrorism. In addition to this the European Council called upon the Justice and Home Affairs Council to 'implement as quickly as possible the entire package of measures decided on at the European Council meeting in Tampere' that had been scheduled to be reviewed at the end of 2001.³¹ Given that terrorism had barely featured in either the policy documents central to the construction of AFSJ or the accompanying narrative of a 'fight against organised crime', this assertion that the measures contained within the Tampere policy document would need to be implemented 'as quickly as possible', in response to just one terrorist attack, reflected an EU predilection towards 'matching pre-existing policy proposals to new problems'.³²

The JHA Council Conclusions, September 2001

As Raphael Bossong has highlighted, the focus of the specialised policy-making actors in late 2001 appeared not to be so much about the strategic dimension of combating terrorism as a

²⁹ Ibid., p. 1.

³⁰ Ibid., p. 1.

³¹ Ibid., p. 2.

³² Raphael Bossong, 'The Action Plan on Combating Terrorism', *Journal of Common Market Studies*, 46:1 (2008), pp. 27-48, see p. 36.

focus on agenda-expansion of EU counter-terrorism policy.³³ The key step in this process was the extraordinary JHA Council that was held on 20 September 2001, the day before the extraordinary European Council met, which made significant progress on many of the measures that have since come to form the basis of EU counter-terrorism policy.³⁴ The aim of the Council was to develop 'the necessary measures to maintain the highest level of security and any other measures needed to combat terrorism'.³⁵ The language was quite clear; this was about more than just the prevention of terrorism but instead maintaining 'the highest level of security'. It was at this meeting that significant progress was made on the implementation of the EU's Framework Decision on Terrorism and the creation of the EAW. A whole range of other measures were also agreed upon, including the use of Europol and pro-Eurojust, the setting up of the EU Police Chiefs Task Force, improvements in intelligence cooperation, the development of an annual report on terrorism within the EU area the Terrorism Situations and Trends Report (TE-SAT), and proposals intended to disrupt terrorist funding, to name but a few. Beyond this there was also agreement reached on measures to be taken at EU borders. For example, the document constructed the strengthening of border control, through surveillance measures (which were provided for in the Schengen agreement) and the tightening of procedures for the issue of travel documents into the EU (such as visas), as necessary elements in the counter-terrorism response.

One of the defining characteristics of the 'fight against terrorism' discourse at this early stage in the policy process was the deployment of the language of emergency. The conclusions from the extraordinary meeting stated that as well as needing to 'implement as quickly as possible' the entire Tampere programme; a specialist anti-terrorism team within Europol should be 'set up as soon as possible'; a need for 'all existing conventions on the fight against terrorism (UN, OECD etc) to be implemented as quickly as possible'; and a call for 'all member states to ratify as a matter of urgency the United Nations Convention for the Suppression of the Financing of Terrorism'.³⁶ This language was also reflected in the *Conclusions adopted by the Council (JHA)* which stated that the 'seriousness of recent events has led the Union to speed up the process of creating an area of freedom, security and justice'. In particular the document emphasised the need for member states to 'take all the

³³ Ibid., pp. 35-40.

³⁴ Council of the European Union, Conclusions adopted by the Council (Justice and Home Affairs) Brussels, 20 September 2001, SN 3926/6/01 REV 6.

³⁵ Ibid...Paragraph 1.

³⁶ European Council, Conclusions and Plan of Action of the Extraordinary European Council Meeting, p. 2.

necessary steps' to ensure the Framework Decisions on both the EAW and terrorism would enter into force by January 1st 2002.

Throughout the *Conclusions adopted by the Council* (JHA) we can identify examples where measures that had tenuous links to the counter-terrorism response were continually constructed as essential. For instance, it stated that 'all measures be taken to ensure that the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union is ratified as soon as possible'; or that the 'Council has decided to speed up the linking of the European Judicial Network's contact points to the secure electronic network'.³⁷ Throughout the construction of EU counter-terrorism policy during this early period, phrases such as 'at the earliest opportunity', 'speed up', 'as soon as possible', 'implement as quickly as possible', are commonplace and contributed to this sense of emergency, a perception that required the development of a coordinated response to the threat of terrorism including the immediate adoption and implementation of those measures deemed central to the counter-terrorism response.

As was noted above, beyond the need to respond to the threat of terrorism exactly what this threat consisted of was (at this point) less well defined. Progress on the question of defining terrorism in the 'fight against terrorism' discourse was established first through the EU Framework Decision on Combating Terrorism, 2002, which established a common EU legal definition of terrorism for the first time.³⁸ Second, having established a common legal definition of terrorism the first policy document to offer a more comprehensive assessment of terrorism, identifying it as an explicit security threat, was the European Security Strategy (ESS), 2003.³⁹ The ESS identified terrorism as one of five key threats to the security of the EU, the others being proliferation of weapons of mass destruction, regional conflict, state failure and organised crime.

³⁷ Council of the European Union, *Conclusions adopted by the Council*, articles 2 and 7, pp. 2-3.

³⁸ Council Framework Decision of 13 June 2002 on Combating Terrorism, (2002/475/JHA), Official Journal L164, 22/06/2002

³⁹ Council of the European Union, *A Secure Europe in a Better World: European Security Strategy*, Brussels, 12 December 2003.

The European Security Strategy, December 2003

This document contributed to the 'fight against terrorism' discourse in several important ways. First, it defined these threats as 'new threats, which are more diverse, less visible and less predictable'.⁴⁰ In relation to terrorism, the document argued that it 'puts lives at risk', 'it imposes large costs', it impacts upon 'the openness and tolerance of our societies' and that it 'poses a growing strategic threat to the whole of Europe'.⁴¹ Although this strand of the discourse, which defines terrorism as a 'new' and 'growing' threat, will be analysed in greater detail in Chapter Four, there is an important point to be made here in relation to the development of policy. In conjunction with the narrative of emergency, which at this point stated that all new and pre-existing counter-terrorism measures needed to be implemented 'as soon as possible', this strand of the discourse which constructed terrorism as a 'new' and more dangerous threat, invoked through the 'fight against terrorism' discourse, only served to exacerbate the perception that European society was under attack and so further provide justification for the construction of EU counter-terrorism policy. The document also introduced for the first time another discourse strand that was (and still is) linked to this perception of terrorism as a 'new' and dangerous threat; that actual or potential terrorists are seeking to acquire and use weapons of mass destruction (WMD). As will be demonstrated in Chapter Four, this assertion plays a key role in the 'othering' process.

The second important contribution to the 'fight against terrorism' discourse was in the focus of the document on the 'root causes' of terrorism. It stated that the 'current wave' of terrorism was 'global in scope' and related to 'violent religious extremism', importantly it stated that this type of terrorism 'arises out of complex causes' which include 'the pressures of modernisation, cultural, social and political crises, and the alienation of young people living in foreign societies', this type of terrorism is recognised as being 'part of our own society'.⁴² This recognition that terrorism could be 'home-grown' not only pre-empted the attacks that were to follow in London, in 2005, which were considered to be an example of home-grown terrorism, but also provided significant policy relevance. This is because when we define something as 'home-grown' terrorism a number of problems arise. In particular, it is almost impossible to estimate how many individuals or groups there are or how imminent

⁴⁰ Ibid., p. 3.

⁴¹ Ibid., p. 3.

⁴² Ibid., p. 3.

the threat posed by these groups or individuals is, but also because it is difficult to both politically and socially, differentiate potential terrorists from people with a range of radical views and sympathies. Crucially, it also collapses the distinction between the internal and the external dimensions of counter-terrorism policy, reinforcing the perception that joined up policy-making (policies that traverse the distinction between internal and external security) is both necessary and urgent.

EU Strategy against Proliferation of Weapons of Mass Destruction, December 2003

Two days before the ESS was released, the European Council had released another document: the *EU Strategy against Proliferation of Weapons of Mass Destruction*, 2003.⁴³ The document expanded on the assumptions (made later in the ESS) that actual or potential terrorists were seeking to acquire and use WMD (including CBRN materials). It stated that 'weapons of mass destruction... are a growing threat to international peace and security', whilst 'the risk that terrorists will acquire chemical, biological, radiological or fissile materials and their means of delivery adds a new critical dimension to this threat'.⁴⁴ The document articulated a fear that the proliferation of WMD might lead to 'their acquisition by terrorist groups who could conduct actions aimed at causing large-scale death and destruction'.⁴⁵ It also more specifically drew attention to the threat of terrorists with biological weapons, stating that biological weapons 'are particularly difficult to defend against' and as such 'they may have particular attractions for terrorists'. Furthermore, the document stated that 'the possibility of WMD being used by terrorists present a direct and growing threat to our societies in this respect'.⁴⁶ It is clear that in the post September 11 period, the counter-terrorism discourse made a number of clear references to the threat of terrorism as potentially an existential threat to European society. The next section will argue that this assumption, that actual or potential terrorists were (and still are) seeking to acquire and use WMD, is one of nine discourse strands that remain constant throughout the production of EU counter-terrorism policy, across the period analysed.

⁴³ Council of the European Union, *EU Strategy against Proliferation of Weapons of Mass Destruction*, Brussels 10 December, 2003, 15708/03.

⁴⁴ *Ibid.*, p. 2.

⁴⁵ *Ibid.*, p. 3.

⁴⁶ *Ibid.*, p. 4.

A Common Threat Perception: Continuity and Change in the 'Fight against Terrorism', post-September 11

It is pertinent to clarify how the EU counter-terrorism discourse, the 'fight against terrorism', constructed a common European perception of the threat of terrorism in this first stage of the production of EU counter-terrorism policy (September 12, 2001 until March 11, 2004). At this point the discourse consisted of a number of themes or strands, which constituted a common EU perception of the threat of terrorism and how best to respond to it. The discourse strands identified below remain constant throughout the production of EU counter-terrorism policy, across the entire period analysed (agreement on Amsterdam, October 1997 until Stockholm, December 2009).

- (1) Terrorism is defined as a threat not just to the citizens of the EU but also to its 'values'. In particular to the 'democratic, tolerant and multicultural' nature of EU society.
- (2) Terrorism is considered to be a criminal act.
- (3) Terrorism is an act perpetrated primarily by non-state actors.
- (4) The discourse identifies 'the current wave of terrorism' as 'new', it constructs it as 'global in scope', posing 'a growing strategic threat', 'willing to use unlimited violence to cause massive casualties' and having links to 'violent religious extremism'.
- (5) The threat of terrorism is considered to have both an 'internal security' and 'external security' dimension; this in turn necessitates the creation of security policies that traverse the internal/external divide.
- (6) The 'openness' of EU society is an environment that actual or potential terrorists seek to take advantage of, which in turn precipitates the need for security technologies of 'surveillance' and 'control' of EU borders.
- (7) Although there is a religious dimension to the threat posed by terrorism, the EU rejects any assertion that this represents a clash between the 'West' and the 'Muslim world'.
- (8) Actual or potential terrorists are seeking to acquire and use WMD (including CBRN materials) and as such measures designed to improve 'civil protection' and 'protection of critical infrastructure' are considered to be central objectives of EU counter-terrorism policy.

- (9) In responding to this threat the EU must engage in or expand 'judicial' and 'police cooperation', facilitate 'intelligence cooperation' and seek to combat 'the funding of terrorism'.

The one real change that occurred in this first period was a move away from the language of emergency, a discursive trait that was a central characteristic of the first few documents adopted by the European Council. The documents began to adopt a more technocratic language that emphasised the importance of the measures contained within the counter-terrorism policy as a common-sense response to the threat of terrorism. Although these strands of the 'fight against terrorism' discourse remained constant, there have been instances of slight change or evolution throughout the production of EU counter-terrorism policy. Indeed, certain 'strands' of the discourse became more complex throughout this initial period. For example, in the pre-September 11 period, where terrorism was mentioned it was done so as part of a more general 'fight against organised crime'. In the post-September 11 period, the 'fight against terrorism' entered the EU's political discourse for the first time and at this point in the construction of the policy discourse both the 'fight against organised crime' and 'the fight against terrorism' were separated out as individual policy priorities. It will be argued in the next section (as well as in greater detail in Chapter four) that throughout the evolution of the counter-terrorism policy these two approaches have become discursively fused with one another.

Another important change during this period was that the EU perception of terrorism evolved from one that viewed terrorism, in the immediate aftermath of the events of September 11, 2001, as primarily an external security threat, to a perception that the 'current wave' of terrorism was now 'part of our own society', and therefore had important implications for internal security. Finally, although both discourse strands are identified as continuities, the assumptions that actual or potential terrorists were (and still are) seeking to acquire and use WMD or CBRN materials, and that actual or potential terrorists are taking advantage of the EU migratory system and thus abusing the 'openness' of European society to pursue their own objectives, were introduced as central to the EU perception of the terrorist threat. These discourse strands, in particular, have become ever more complex throughout the production of EU counter-terrorism policy and have played a key role in the legitimisation of a number of measures aimed at the objectives of providing enhanced 'border security' and 'civil protection'.

The Post-Madrid Period: March 12, 2004 until December, 2005

The Declaration on Combating Terrorism, 25 March 2004

In the wake of the March 2004 terrorist attacks in Madrid, the production of counter-terrorism policy continued apace. However, by this point there were a number of concerns developing amongst policy-makers over the direction in which that policy was heading. Only three days before the bombings in Madrid, the EU's foreign and security policy chief, Javier Solana, had finished an internal report on the EU's counter-terrorism efforts. The report identified three principle areas of concern in relation to counter-terrorism policy: member states were failing to implement EU agreements such as the arrest warrant; the EU was lacking the resources to play an effective role in combating terrorism; and coordination between EU officials working in the fields of law enforcement, foreign and defence policies was poor.⁴⁷ Although the Madrid attacks did not directly lead to greater or quicker implementation of policy, they did have an effect in terms of refining the shared perception of threat that has provided the framework for the development of EU counter-terrorism policy. As such, the first document released in the aftermath of the attack, the *Declaration on Combating Terrorism*, aimed to improve policy cohesion and present a clearer unity of purpose. The document did this by developing the EU counter-terrorism policy in three key ways.

As a direct result of the bombings in Madrid, the first development set out in order to tackle these problems was the creation of a solidarity declaration. This was intended to achieve the aim of enhancing the political legitimacy and cohesiveness of the EU's counter-terrorism efforts. The solidarity clause constituted a commitment by the member states to mobilise all the instruments at their disposal, including military resources, in order to 'prevent the terrorist threat in the territory of one of them; protect democratic institutions and the civilian population from any terrorist attack; and assist a member state or acceding state in its territory at the request of its political authorities in the event of a terrorist attack'.⁴⁸ The next development, in response to the Madrid attacks, was in the form of the establishment of the position of a Counter-Terrorism Coordinator (CTC). The role of the Counter-Terrorism

⁴⁷ Daniel Keohane, 'The EU and Counter-Terrorism', *CER Working Paper* (May 2005), p. 18.

⁴⁸ Council of the European Union, *Declaration on Combating Terrorism, Appendix, Declaration on Solidarity Against Terrorism*, 25 March 2004, p. 18.

Coordinator was (and remains), in conjunction with the Council Secretariat, to co-ordinate the work of the Council in combating terrorism, paying due regard to the responsibilities of the Commission, and maintaining an overview of the instruments at the disposal of the EU, offering regular reporting to the Council on the implementation of Council decisions. The CTC had no coordination role with the Commission or other EU bodies. Since its inception, the role of CTC has been assumed by two men Gijs de Vries (2004 to 2007) and Gilles de Kerchove (2007 to present). Importantly, the CTC has contributed to the evolution of the 'fight against terrorism' discourse with the release of eight reports on progress in the development and implementation of EU counter-terrorism policies.⁴⁹ These documents (the CTC reports) have also been selected for analysis and the reason for this explained below. The third development was to extend and revise the anti-terrorism Action Plan that provided the cornerstone of the EU's counter-terrorism policy.⁵⁰ This consisted of the reorganisation of the EU's Action Plan to Combat Terrorism around seven new strategic objectives: to deepen the international consensus and enhance international efforts to combat terrorism; to reduce the access of terrorists to financial and economic resources; to maximise the capacity within EU bodies and member States to detect, investigate and prosecute terrorists and to prevent terrorist attacks; to protect the security of international transport and ensure effective systems of border control; to enhance the capability of the European Union and of member States to deal with the consequences of a terrorist attack; to address the factors which contribute to support for, and recruitment into, terrorism; and to target actions under EU external relations towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needed to be enhanced.⁵¹

These developments also contributed to the construction of a common EU perception of the terrorist threat. Importantly, the document began to reinforce a number of the dominant discourse strands that have been central to the development of the 'fight against terrorism' discourse. In particular, the section on 'strengthening border controls and document security' helped to construct the increasingly popular idea that: actual or potential terrorists are seeking to abuse the 'open' environment of the EU and take advantage of the EU asylum and migration regime in order to pursue their objectives. Furthermore, there was a renewed focus on the 'consequences of any terrorist attacks' involving CBRN materials, which contributed

⁴⁹ These reports were released from December 2005 to November 2009.

⁵⁰ Council of the European Union, EU Action Plan on Combating Terrorism, June 2004, 10010/04

⁵¹ *Ibid.*, p. 5.

to the construction of another discourse strand, one which assumes that terrorists are actively seeking to obtain and use weapons of mass destruction. Again there was reference to the synergies that exist between internal and external security policies, with the document stating that the EU must 'target actions under EU external relations towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced'.⁵²

The Hague Programme, December 2004

At the end of 2004 the European Council adopted the *Hague Programme* as its new internal security programme designed to replace the *Tampere Programme*. Since the Tampere Council in 1999 significant progress had been made in relation to the development of the EU's policy in the area of Justice and Home Affairs. The Tampere conclusions provided the foundations for a common asylum and immigration policy, the harmonization of border controls, improved police cooperation, and laid the groundwork for judicial cooperation on the basis of mutual recognition of judicial decisions and judgements. However, the real driving force, the motor behind increased cooperation in this field, had, since the events of September 11, 2001, undoubtedly been the spectre of further terrorist attacks. The opening preamble of the document stated that:

The security of the European Union and its Member States has acquired a new urgency, especially in the light of the terrorist attacks in the United States on 11 September 2001 and in Madrid on 11 March 2004. The citizens of Europe rightly expect the European Union, while guaranteeing respect for fundamental freedoms and rights, to take a more effective, joint approach to cross-border problems such as illegal migration, trafficking in and smuggling of human beings, terrorism and organised crime, as well as the prevention thereof.⁵³

The focus on terrorism as a key justification for the need for the *Hague Programme* was in marked contrast to the arguments put forth in support of the *Tampere Programme*. Discursively the focus had shifted from problems such as 'organised crime' or 'illegal

⁵² Council of the European Union, Declaration on Combating Terrorism, p. 17.

⁵³ Council of the European Union, The Hague Programme: Strengthening Freedom, Security and Justice in the European Union, Brussels, 13 December 2004, 16054/04, p. 3, paragraph 4.

immigration', which although still important had been downgraded, to a focus on the threat of terrorism. Terrorism was elevated to a central concern within the internal security programme, with the document stating that 'a key element in the near future will be the prevention and suppression of terrorism', indeed developing a cross-border approach to 'repress', 'prevent' or 'suppress' the threat of terrorism was mentioned several times in the introduction to the document.⁵⁴ There were also a number of measures put forward under the section on 'strengthening security' that dealt specifically with terrorism, a change that was in contrast to the *Tampere Programme*, which as noted previously made only passing reference to terrorism. The document advocated the use of 'all the instruments available' to the EU in its 'fight against terrorism', explicitly stating that with respect to the roles of the General Affairs and External Relations councils, 'the JHA Ministers within the Council should have the leading role'.⁵⁵

The *Hague Programme* marked several important changes in relation to the evolution of the 'fight against terrorism' discourse. It began to expand on and reinforce this discourse strand that the internal and external aspects of security policy should be considered as mutually constitutive. It stated that in 'the field of security, the coordination and coherence between the internal and the external dimension has been growing in importance and needs to continue to be vigorously pursued'.⁵⁶ The document went on to make the argument that the EU considered 'freedom, justice, control at the external borders, internal security and the prevention of terrorism' to 'henceforth be considered indivisible within the Union as a whole'.⁵⁷ It also stated that it would continue to 'further strengthen its efforts being directed, in the external dimension of the area of freedom, security and justice, towards the fight against terrorism'.⁵⁸ Beyond the claim that the security of the Union has 'acquired a new urgency' there was a move away from the language of emergency, to a more all-encompassing approach which recommended 'a clear need for adequate and timely implementation and evaluation of all types of measures in the area of freedom, security and justice'.⁵⁹

⁵⁴ Ibid., pp. 2-4.

⁵⁵ Ibid., p. 21.

⁵⁶ Ibid., p. 3.

⁵⁷ Ibid., p. 4.

⁵⁸ Ibid., p. 21.

⁵⁹ Ibid., p. 5.

The document also contributed significantly to the discursive meshing of the perceived threat of terrorism with the need for more substantial migration and border control policies. The entire first section on 'strengthening freedom' was dedicated to measures designed to improve border security and control the flow of migration into the EU, and although terrorism was not mentioned explicitly in that section, it was clear from the structure of the document that the perceived threat of terrorism provided an ancillary justification for further progress in the policy area. The second section on 'strengthening security' provided the discursive link between border control and terrorism. In the context of this discourse strand, which constructs a threat from actual or potential terrorists that are seeking to take advantage of the 'open' or 'globalised' EU environment, the document recommended setting up 'in conjunction with Europol and the European Border Agency a network of national experts on preventing and combating terrorism and on border control'.⁶⁰

Another change brought about by the *Hague Programme* was that it was the first time a more general security policy document placed an emphasis on developing security policies that would be developed with 'respect for the basic values of the European Union and fundamental human rights'.⁶¹ In late 2005 the EU released three more documents within the space of six days including: *The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism*, *A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice* and *The EU Counter-Terrorism Strategy*, all of which have played a significant role in the development of a common perception of the 'threat of terrorism'.⁶² These documents were selected for analysis because they marked a clear maturation point, post-Madrid, in the production of counter-terrorism policy and the evolution of the 'fight against terrorism' discourse.

The Strategy for Combating Radicalisation and Recruitment to Terrorism, November 2005

First, *The Strategy for Combating Radicalisation and Recruitment to Terrorism*, 2005 provided us with a clear understanding of what the EU assumed to be the predominant type of terrorist threat facing the EU in the post-September 11 period and the post-Madrid period, as

⁶⁰ Ibid., p. 21.

⁶¹ Ibid., p. 11.

⁶² Council of the European Union, 'The Strategy for Combating Radicalisation and Recruitment to Terrorism', 24 November, 2005, 12781/1/05; Council of the European Union, 'A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice', 30 November, 2005, 14366/3/05; Council of the European Union, 'The European Union Counter-Terrorism Strategy', 30 November, 2005, 14469/4/05

well as the best way to respond to that threat through preventative measures.⁶³ As part of the restructured *Action Plan to Combat Terrorism*, contained in the Annex to the *Declaration on Combating Terrorism*, 2004, the EU had already highlighted the need to identify and address 'the factors which contribute to recruitment to terrorism'. Indeed, the first time a policy document mentioned the phrase 'radicalisation and recruitment' was in December 2004 in which *The Hague Programme*, 2004, stated that 'the Council should, by the end of 2005, develop a long-term strategy to address the factors which contribute to radicalisation and recruitment for terrorist activities'.⁶⁴ However, the new *Strategy for Combating Radicalisation and Recruitment*, 2005, was the first time the Council documents made reference to combating 'radicalisation and recruitment to terrorism' in any great detail. Importantly, the policy document reiterated a discourse 'strand' that had been (and remains) central to the development of the EU's 'fight against terrorism' discourse: the EU should resolve to refrain from defining the threat of terrorism as primarily a problem inherent to 'Islam' or the 'Arab and Muslim world' (or 'Muslim communities' within Europe). In the present context however there is a contradiction at the heart of this narrative, one that shall be explored and analysed further in Chapter Six. However, to briefly summarise, this contradiction exists in the form of two main assumptions. First, that 'terrorism perpetrated by Al-Qa'ida and extremists inspired by Al-Qa'ida has become the main terrorist threat to the Union'.⁶⁵ Second, that the most prescient way to tackle this form of terrorism is through the engagement of the 'Muslim community' either through 'empowering moderate voices' or correcting 'unfair or inaccurate perceptions of Islam and Muslims' within Europe. The 'fight against terrorism' discourse quite clearly frames the problem of terrorism in the post-September 11 period as predominantly a problem for (or with) the 'Muslim community' regardless of statements to the contrary.

A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice, November 2005

Second, the *Strategy for the External Dimension of JHA*, 2005, played an important role in the evolution of the 'fight against terrorism' discourse, and in particular, it played a central role in the construction of the threat of terrorism as a phenomenon which made necessary the

⁶³ Council of the European Union, 'The Strategy for Combating Radicalisation'.

⁶⁴ Council of the European Union, 'The Hague Programme', p. 21.

⁶⁵ Council of the European Union, 'The Strategy for Combating Radicalisation', p. 2.

development of security policies which traverse the internal/external divide. It is argued throughout that the blurring of the distinction between internal and external security is characteristic of the EU response to terrorism. The document stated, for example, that in order to meet the security 'threats of terrorism, organised crime, corruption and drugs and the challenge of managing migration flows' the EU must 'make JHA a central priority in its external relations'.⁶⁶ The document argued that the development of the AFSJ can only truly be successful 'if it is underpinned by a partnership with third countries on these issues which includes strengthening the rule of law, and promoting the respect for human rights and international obligations'.⁶⁷ With specific reference to terrorism the document stated that 'recent terrorist atrocities in Bali, Madrid, London, and Amman underline the fact that it is no longer useful to distinguish between the security of citizens inside the European Union and those outside, and that terrorism is increasingly international in nature'.⁶⁸ This perception of the threat posed by terrorism led the EU to conclude that it should pursue all elements of its counter-terrorism policy both 'inside and outside its borders'. As such, the threat of terrorism is invoked in order to legitimise the extension of JHA measures into EU external relations on the basis that 'engaging with third countries on JHA issues' is essential if the EU is 'to respond to the needs of its citizens'.⁶⁹ Indeed, the document made quite clear, that 'countries should be aware that the nature of their relationship with the EU will be positively affected by their level of co-operation, given the central importance of these issues for the EU and its Member States'.⁷⁰

The EU Counter-Terrorism Strategy, November 2005

Third, the EU *Counter-Terrorism Strategy*, 2005, redefined the strategic objectives of EU counter-terrorism policy, incorporating elements of both the *Action Plan to Combat Terrorism* and the *Strategy for Combating Radicalisation and Recruitment to Terrorism*, including many of the measures developed thus far, under four headings 'Prevent', 'Protect', 'Pursue', and 'Respond'.⁷¹ Within the document we can identify a number of the continuities outlined above, and which are central to the 'fight against terrorism' discourse. The introduction reiterated the strand of the discourse that not only did terrorism pose 'a serious

⁶⁶ Council of the European Union, 'A Strategy for the External Dimension of JHA', p. 2.

⁶⁷ Ibid., p. 2.

⁶⁸ Ibid., p. 2.

⁶⁹ Ibid., p. 5.

⁷⁰ Ibid., p. 5.

⁷¹ Council of the European Union, 'The European Union Counter-Terrorism Strategy'.

threat to our security' but also that it represented a threat to 'the values of our democratic societies and to the rights and freedoms of our citizens'.⁷² There was also a reference to the threat coming from the 'openness' of European society, with the statement that the EU was (and still is) 'an area of increasing interdependence, allowing for free movement of people, ideas, technology and resources', the document constructed this 'environment' as one 'which terrorists abuse to pursue their objectives'.⁷³ As such, the document argued that 'the internal and external aspects of security are intimately linked'.⁷⁴ The introduction also rearticulated an external dimension to the 'threat of terrorism' stating that 'the current international terrorist threat affects and has roots in many parts of the world beyond the EU'.⁷⁵

Each of the strategic objectives contained within the strategy was based upon a number of these discourse strands, which are intrinsic to the constitution of the 'fight against terrorism' discourse. The 'Prevent' dimension of the *Counter-Terrorism Strategy* essentially reproduced the main arguments set out in the *Strategy for Combating Radicalisation and Recruitment to Terrorism*, reinforcing the framing of the threat posed by terrorism as implicitly a problem for (or with) the 'Muslim community' within Europe. The language of preventing and 'combating radicalisation and recruitment' to terrorism from this point on (post-Madrid period) becomes a central feature of the 'fight against terrorism' discourse and is mentioned a number of times throughout the *Counter-Terrorism Strategy*; within this narrative 'prevention' of terrorism is only deemed to be achievable if we tackle the factors that lead to 'radicalisation and recruitment'. The 'Protect' dimension of the strategy referred to the objective of protecting both citizens and infrastructure from terrorist attack, yet its main achievement was to reinforce two of the main discourse strands that have remained constant throughout the construction of the 'fight against terrorism' discourse. First, the document stated that the EU must seek 'to enhance protection of our external borders to make it harder for known or suspected terrorists to enter or operate within the EU', rearticulating an assumption that actual or potential terrorists are taking advantage of the EU migration and asylum system.⁷⁶ Second, the assumption that terrorists were (and still are) seeking to acquire and use CBRN materials was strengthened, with the document stating that the EU must continue to enhance measures related to civil protection, the protection of 'critical

⁷² Ibid., p. 6.

⁷³ Ibid., p. 6.

⁷⁴ Ibid., p. 6.

⁷⁵ Ibid., p. 7.

⁷⁶ Ibid., p. 10.

infrastructure' and the protection of 'crowded places and other soft targets' from attack, through measures which include 'the non-proliferation of CBRN materials and small arms/light weapons'.⁷⁷ The concept of 'protection' is therefore constructed as primarily achievable through border security, with a specific focus on the security of critical infrastructure.

The 'Pursue' dimension of the strategy emphasised the need for cooperation and coordination of policy alongside the effective implementation of policy proposals and legislative measures. In particular, the 'pursue' objective focused on developing 'cooperation in law enforcement', 'exchange of information and intelligence', 'mutual recognition of judicial decisions', surveillance through the 'development of new IT systems' and the 'retention of telecommunications data' and 'tackling terrorist financing'.⁷⁸ What was interesting was that although many of these policy proposals could be found in the more general internal security programmes, the *Tampere Programme* and *Hague Programme*, they were now being reproduced as central elements of the EU *Counter-Terrorism Strategy*, with the 'fight against terrorism' providing the discursive justification for their inclusion as counter-terrorism measures. Furthermore, the 'Respond' dimension of the strategy focused on EU measures to respond to a successful terrorist attack. Interestingly, the document stated that 'the response to an incident will often be similar whether that event is natural, technological or man-made, hence the response systems in place to manage the consequences of natural disasters may also be used to alleviate the effects on citizens in the aftermath of a terrorist attack'.⁷⁹ Again the document reinforced the need for 'information sharing' and 'coordination' between any member states that may have been affected by such an incident.

The one main change in the counter-terrorism discourse, which could be identified from an analysis of the EU *Counter-Terrorism Strategy*, was at this point in its evolution the renewed focus on the production of counter-terrorism policies with respect for 'human rights'. Indeed, the document stated that the strategic objective of EU counter-terrorism policy would henceforth be 'to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice'.⁸⁰

⁷⁷ Ibid., p. 11.

⁷⁸ Ibid., pp. 12-14.

⁷⁹ Ibid., p. 15.

⁸⁰ Ibid., p. 6.

A Common Threat Perception: Change and Continuity in the 'Fight against Terrorism', post-Madrid

During the post-Madrid period the production of EU counter-terrorism policy reached a clear maturation point; whilst the accompanying political discourse, the 'fight against terrorism', continued to evolve. In particular, the nine discourse strands identified above as central to the 'fight against terrorism' discourse remained stable across the production of counter-terrorism policy in the post-Madrid period. However, some of the discourse strands began to evolve with differing degrees of complexity. Most notably, the perception that terrorism was in the post-September 11/post-Madrid period somehow 'new', that it was (and still is) committed to causing maximum casualties and is as such more 'violent' than other forms of terrorism was again reified; this was achieved during this period through the constant re-articulation of an assumption that terrorists were (and still are) seeking to acquire and use WMD or CBRN materials. This discourse strand emphasised a specific perception of the terrorist threat ('new', extreme or existential) which has played a central role in legitimising and normalising the measures contained within the counter-terrorism policy documents as a common-sense approach to counter-terrorism.

There were three main changes that occurred in the evolution of the 'fight against terrorism' discourse during this period. First, whilst the EU defined terrorism as a 'criminal act', the over-arching discourse(s) of a 'fight against terrorism' and a 'fight against organised crime' began to be treated as mutually constitutive policy goals. The counter-terrorism policy documents began to refer to 'terrorism and organised crime' as problems that were synonymous with one another. This reflected the way in which the issues of 'terrorism' and 'organised crime' were treated by the EU (as just two of a number of internal security issues of common interest) in the pre-September 11 period. The discursive meshing of these two distinct areas of internal security, presented a number of problems that shall be analysed further in Chapter Four. The second change related to this strand of the discourse which emphasised that although there is a religious dimension to the threat posed by terrorism, the EU rejects any assertion that this represents a clash between the 'West' and the 'Muslim world'. Although this assertion was repeated, the discourse began to focus primarily on 'violent radicalisation' and the threat posed by 'Al-Qaida and those inspired by Al-Qaida' as the main terrorist threat to the EU. In particular, the language of 'radicalisation and recruitment' to terrorism and the ways in which countering this problem are articulated (e.g.

'engaging' the 'Muslim community' to 'combat terrorism') appeared to be in contrast to this stated aim of not equating Islam with terrorism. This strand of the discourse will be analysed in greater detail in chapter five. The third change was the introduction of a new strand of the 'fight against terrorism' discourse; the focus on 'respect' for 'human rights' and 'fundamental freedoms' in the production of EU counter-terrorism policies. This strand of the discourse will be analysed in greater detail in the concluding chapter (Chapter Seven). The next section focuses on the main developments in EU counter-terrorism policy between January 2006 and December 2009.

EU Counter-Terrorism Policy 2006-2009

The Reports of the EU Counter-Terrorism Coordinator, December 2005- November 2009

Since the end of 2005 there have been eight reports by the CTC on the implementation of the EU Counter-Terrorism Strategy and Action Plan to Combat Terrorism; three under the first CTC Gijs de Vries and five under the current CTC Gilles de Kerchove. These documents were selected for analysis in that although they are designed to clarify the progress of the implementation of the counter-terrorism measures set out in the European Council policy documents, they also help to chart and contribute significantly to the continued evolution of the different strands of the 'fight against terrorism' discourse. As such, they have played a key role in the construction of an EU perception of the threat posed by terrorism and contributed significantly to the construction of the EU counter-terrorism discourse. Each report contained four main sections, all corresponding to the strategic objectives set out in the Counter-Terrorism Strategy: 'Protect', 'Prevent', 'Pursue' and 'Respond', with the most recent report including a fifth section on 'International Cooperation'. The aim of each document was to provide the Council with regular reports on the ongoing activities in the field of combating terrorism in the EU. The documents focused on many of the activities carried out by each of the EU institutions (in particular the Council and the Commission) and the member states.

The Report on the Implementation of the European Security Strategy, December 2008

The aim of the *Report on the Implementation of the European Security Strategy*, 2008, was to set out how the EU could be 'more capable', 'more coherent' and 'more active', as an external provider of security, in a global environment characterised by 'increasingly complex threats and challenges'. Whilst the focus of the document was primarily on progression of the implementation of the original ESS, it contributed to the discourse of a 'fight against terrorism' in two significant ways. First, the claim that terrorists were (and still are) seeking to acquire and use WMD or CBRN materials was strengthened considerably. Of the five threats identified in the original *European Security Strategy*, 2003, as of most concern to the EU, proliferation of WMD was now considered the most pressing. In particular, the *Report on the Implementation of the European Security Strategy*, 2008, stated that in the past 5 years the potential threat from terrorists acquiring WMD 'has increased'. The document explicitly reiterated the fear that Europe may be targeted by terrorists in possession of 'CBRN materials' and in response stated that coordination mechanisms for handling such an incident, such as 'the Crisis Coordination Arrangements and the Civil Protection Mechanism', should be tightened. By this point in the construction of the 'fight against terrorism', the EU counter-terrorism policy 2006-2009 period, this strand of the discourse which assumed a 'new' terrorist threat and was itself intertwined with the fear of the potential devastation that could be caused by terrorists in possession of WMD or CBRN materials, had assumed a prominent place in the EU counter-terrorism policy discourse.

Second, whilst terrorism was constructed throughout the evolution of the 'fight against terrorism' discourse as a criminal act, it was in the post-September 11 period treated as a separate concern from the 'fight against organised crime' (yet many of the measures promoted to combat both challenges were either strikingly similar or the same). Indeed, as noted earlier, the problems discursively invoked (as most prescient) by the EU to justify the creation of the *Tampere Programme*, 1999, and the *Hague Programme*, 2004, were 'organised crime' and 'terrorism' respectively. In the process of constructing the *Tampere Programme* terrorism was perceived to be a secondary concern to organised crime, yet both were treated as similar policy goals. Since the post-Madrid period, what has occurred is a sort of discursive meshing of the EU's 'fight against terrorism' and its 'fight against organised crime' such that each is now considered synonymous with the other. This is similar to how the EU perceived both 'threats' in the pre-September, 11 period. The *Report on the*

Implementation of the Security Strategy, 2008, represented a completion of this process in that the discourse now treated 'terrorism and organised crime' as but one of a number of 'new' threats. This is hardly surprising given that many of the measures (and the accompanying arguments used to legitimise those measures) contained within the counter-terrorism policy were already being advocated as part of the internal security programme before the events of September 11, 2001, simply finding themselves reproduced as counter-terrorism measures thereafter. The implications of this meshing of terrorism and organised crime will be considered in greater detail in the next chapter (Chapter Four).

The Stockholm Programme, December 2009

The *Stockholm Programme* was the final document selected for analysis and was adopted by the European Council in December 2009.⁸¹ The purpose of the document was to set out 'a new agenda' for the AFSJ, building on the contribution of the *Tampere Programme* and the *Hague Programme* to cooperation in the field of internal security, which would enable 'the Union and its member states to build on the achievements and to meet future challenges'.⁸² Although the overall aim of the policy document was to set out how the EU would continue to contribute to the provision of security for its citizens, in a number of policy areas related to internal security, it also contributed to the continued evolution of the 'fight against terrorism' discourse. The document identified six main 'political priorities' that the EU would face in the 'years to come'. These priorities included: 'promoting citizenship and fundamental rights'; 'a Europe of law and justice'; 'a Europe that protects'; 'access to Europe in a globalised world'; 'a Europe of responsibility, solidarity and partnership in migration and asylum matters'; and 'the role of Europe in a globalised world – the external dimension'.⁸³ The first thing that we notice about these 'political priorities' is that they are also a set of interrelated discourses that we find reiterated and reflected throughout the production of counter-terrorism policy and security policy more generally.

Terrorism was dealt with primarily under the section on 'a Europe that protects'. The headline policy goal of this 'political priority' was the creation of 'an internal security strategy [that] should be developed in order to further improve security in the Union and thus

⁸¹ Council of the European Union, *The Stockholm Programme: An Open and Secure Europe Protecting the Citizen*, Brussels 2nd December 2009, 17024/09.

⁸² *Ibid.*, p. 2.

⁸³ *Ibid.*, pp. 3-5.

protect the lives and safety of European citizens and tackle organised crime, terrorism and other threats'.⁸⁴ The document envisaged the development of this 'internal security strategy', that was similar in concept to the *European Security Strategy* (dealing with predominantly external threats), which would play a key role in the enhancement of action at European level. The document stated that the new internal strategy would be essential in protecting against transnational threats (which are perceived as having predominant internal dimensions) such as 'terrorism and organised crime, drug trafficking, corruption, trafficking in human beings, smuggling of persons and trafficking in arms'.⁸⁵

One of the more noticeable discursive traits within the document was that it frequently referred to the threat posed by 'terrorism and organised crime', as well as reiterating the importance of the 'fight against organised crime and terrorism'. The syntactic structure of the document continuously placed these two problems either directly next to each other or treated them as problems that were synonymous with one another. As such, the perceived threat of 'terrorism and organised crime' became a powerful discursive tool in the justification or normalisation of the policy proposals contained within the document. The *Stockholm Programme* marked a maturation point in this discursive meshing of the two distinct phenomena. Importantly, the document also outlined, for the very first time, a number of proposals that expanded on how the EU would promote the 'fundamental rights' of its citizens in relation to the measures that have been (and measures that are still to be) adopted (in the periods identified and) since the events of September 11, 2001 (in the field of internal security). This strand of the discourse, which has articulated respect for the 'human rights' or 'fundamental rights' of citizens and non-citizens alike, has been constantly reiterated throughout the production of EU counter-terrorism policy (and security policy more generally); yet the policy documents released to this point offered little evidence of how these aims would be met. As noted above, this development will be analysed in greater detail in the concluding chapter (Chapter Seven).

⁸⁴ Ibid., p. 4.

⁸⁵ Ibid., p. 35.

A Common Threat Perception: Change and Continuity in the 'Fight against Terrorism', EU Counter-Terrorism Policy January 2006- December 2009

During this period the European Council did not release any specific EU counter-terrorism documents, however the reports of the EU CTC played a key role in the continued evolution of the 'fight against terrorism' discourse. Importantly, the EU released two new more general security documents, one focused on external security, the *Report on the Implementation of the Security Strategy* (or the 'new' External Security Strategy), 2008, and one focused on internal security, the *Stockholm Programme*, 2009, each with specific sections dedicated to terrorism and counter-terrorism responses. There were no changes to the main discourse strands during this period; although the policy documents released during this period continued to reinforce the ten discourse strands already identified. At this point in the evolution of EU counter-terrorism policy the main assumptions that underpin the 'fight against terrorism' discourse had already been set. These different strands of the 'fight against terrorism' discourse will be analysed thematically in Chapters Four, Five and Six.

Conclusion

The aim of this chapter was two-fold. First, it was to trace the production of EU counter-terrorism policy and the evolution of the 'fight against terrorism' discourse, in order to identify the main counter-terrorism policy documents that have provided the basis for the discourse analysis conducted in this thesis. Second, it was to identify the different themes or discourse strands contained within the policy documents that when taken together constitute the 'fight against terrorism' discourse. These different discourse strands are the focus of the empirical analysis that will be conducted in greater detail in Chapters Four, Five and Six. In particular, an argument was made that the 'fight against terrorism' discourse consists of nine main discourse stands (rising to ten in the post-Madrid period); all of which contribute to a common EU perception of the threat posed by terrorism, including how best to respond to that threat.

Through a historical analysis of the production of EU counter-terrorism policy, which focuses specifically on the role of discourse, it becomes clear that the EU has constructed the threat of terrorism as predominantly an internal security issue; albeit with important external

dimensions. As such, although the threat of terrorism in the aftermath of the events of September 11, 2001, was initially perceived to be an external security threat, the response to terrorism in the EU has focused primarily on the internal dimension of security responses to terrorism. One reason for this can be traced back to the historical experiences of European governments such as France, Spain, Italy, Germany and the UK (the leading member states) which have all dealt with a number of different internal terrorist threats. As a result it was the interior ministers from the member states who have played a leading role in shaping both the production of counter-terrorism measures and the 'fight against terrorism' discourse at the European level. It is worth reiterating that the *Hague Programme*, 2004, enshrined this leading role by stating clearly that 'the JHA Ministers within the Council should have the leading role', in counter-terrorism matters.⁸⁶

However, discourses cannot be traced back to any fixed or stable source, so while the JHA ministers have played a key role in the construction of EU counter-terrorism policy, many of the strands of the 'fight against terrorism' discourse are simply a reflection of a number of pre-existing words, terms, phrases, labels and assumptions that constitute accepted knowledge about who is terrorist or what is terrorism. The remaining chapters shall now turn to an analysis of these discourse strands in order to map how this common perception of the threat posed by terrorism is constructed (through the different discourse strands); and to analyse how they make sense of the world for world for policy-makers, politicians, academics and others influenced by anti-terrorist or counter-terrorism discourses, as well as the novel interpretations they provide for understanding and explaining EU counter-terrorism policy. Furthermore, it will also be argued that through this process of charting and analysing the evolution of this discourse of insecurity, the 'fight against terrorism', the ways in which the identity of the EU is constructed through its opposition to a notional 'terrorist' Other, as well as the ways in which the counter-terrorism discourse discursively 'securitises' certain issues, will be revealed. The next chapter will focus on three of these discourse strands. It will demonstrate how they contribute to a specific EU conceptualisation of terrorism and in particular the construction of the 'terrorist' Other.

⁸⁶ European Council, 'The Hague Programme', p. 21.

Chapter Four

Chapter 4: An EU Conceptualisation of Terrorism - Discursively Constructing the 'Terrorist' Other

Introduction

The previous chapter identified nine discourse strands, within the over-arching discourse of a 'fight against terrorism', which contribute to, and are simultaneously reflective of, a particular understanding of the nature and causes of terrorism (or knowledge about terrorism). The chapter focused on how these nine discourse strands have remained stable across the three periods analysed since the inception of EU counter-terrorism policy (the post-September 11 period; the post-Madrid period; and EU counter-terrorism policy 2006-2009). Although, it was also argued that throughout the development of EU counter-terrorism policy, certain strands of the discourse have become more complex. This chapter takes the overview conducted in the previous chapter further by analysing three of these discourse strands in a thematic manner. This is done in order to demonstrate: how these three discourse strands contribute to a specific EU conceptualisation of terrorism; and how they play a central role in the discursive construction of the 'terrorist' Other. It should be noted that although the three discourse strands analysed in this chapter are analytically separable, in reality the boundaries between each overlap. As such, although this chapter analyses the three discourse strands in a thematic manner, it should also be noted that they incorporate elements from the other discourse strands identified in Chapter Three. It is argued that when taken (or invoked) together they form a specific conceptualisation of terrorism. This conceptualisation of terrorism makes the discourse of a 'fight against terrorism' performative in the sense that it shapes the type of policy that the EU conducts in response to the perceived threat of terrorism.

The first discourse strand is possibly the most prevalent feature of the 'fight against terrorism' discourse. This strand constructs terrorism as primarily a 'criminal act'. It is argued that although the EU defines *terrorism as crime*, there are certain aspects of this discourse strand that go beyond the mere definition of *terrorism as crime*. One aspect of this is that since the post-Madrid period, the 'fight against terrorism' has become blurred with another policy priority (and interrelated discursive formation) the 'fight against serious and organised crime', a move which it is argued is problematic for a number of reasons. Another

aspect is that the EU counter-terrorism documents use emotive words, terms, phrases and labels to describe the 'terrorist' Other, thus constructing terrorism as more than just a criminal act. As such this discourse strand indicates the underlying identity constructions at work in the evolving 'fight against terrorism' discourse. The second discourse strand is one which constructs terrorism as an act that is perpetrated by non-state actors against the state and/or its interests. It is argued that although the EU is not a state, the EU perception of terrorism is state-centric. The 'fight against terrorism' discourse therefore has a tendency to preclude the state from the label of 'terrorist'. Again, these discursive constructions are central to the 'othering' process through which 'European political identity' or an EU sense of Self is reinforced. The third discourse strand analysed in this chapter constructs the 'most recent wave of terrorism' as somehow 'new' and therefore different to 'old' or 'traditional' forms of terrorism. Linked to this is an assumption that 'new' terrorists are seeking to acquire and/or use weapons of mass destruction (WMD). This discourse strand is based on an assumption that the 'new' terrorism requires a very different type of policy response. This idea that terrorism is 'new', in the context of EU counter-terrorism policy, refers specifically to acts of terrorism perpetrated by groups such as Al-Qaida, including groups that are inspired by Al-Qaida, and is identified (within the discourse) as the main threat to the EU. It is argued that not only is the perception that terrorism is 'new' debateable, it rests on an assumption that Al-Qaida is representative of the 'new' terrorism (and as such, is the main terrorist threat to the EU).

A word on the structure of the chapter is in order at the outset. Each of the three discourse strands identified for analysis here are introduced in a thematic manner: terrorism as crime; terrorism as an act committed by non state-actors; and the 'new' terrorism and weapons of mass destruction (WMD). With respect to the technique of analysis introduced in chapter two, the chapter proceeds by first mapping out how each discourse strand is constructed by identifying the key words, terms, phrases and labels (language), as well as the main assumptions contained within each of the texts. Second, it then thematically analyses how the different strands of the discourse structure the meaning, logic and policy response to terrorism, how the discourse construct a 'European' sense of Self against a notional 'terrorist' Other and the practices which are normalised and/or legitimised by the discourse.

Terrorism as Crime

In the previous chapter it was argued that the EU counter-terrorism policy discourse has constructed the response to terrorism as a 'fight against terrorism', a phrase which is used to signify a crime and justice-based approach to counter-terrorism policy. Given that the 'fight against terrorism' is the label given to the EU counter-terrorism response, it is rather unsurprising that the phrase 'fight against terrorism' appears consistently throughout the counter-terrorism policy documents identified and across the entire period analysed. It is quite different from the 'war on terror' label used by the US to describe its response to terrorism, which is focused primarily on an external, war-based, approach to counter-terrorism policy. The first strand of the EU counter-terrorism discourse analysed here, which it is argued contributes to a specific EU conceptualisation of terrorism and the construction of the 'terrorist' Other, is also one of the most prevalent features of the 'fight against terrorism' discourse. It is that which constructs an act of terrorism as primarily a criminal act. Terrorism in the EU is constructed both legally and politically as a criminal offence. This discourse strand remains constant throughout the development of EU counter-terrorism policy.

However, it is also argued that this strand of the discourse goes beyond simply constructing *terrorism as crime*. First, there is the use of emotive words, terms and phrases to describe the terrorist(s), and the acts of violence they commit. It is argued that this use of emotive words plays a role in the discursive construction of terrorism as more than just a criminal act; it plays a key role in the 'othering' process by constructing terrorism as a threat to the 'values' of the EU. Second, we can identify a blurring of the distinction between organised crime and terrorism that has occurred with ever more frequency throughout the production of EU counter-terrorism policy. The next section will demonstrate how this strand of the discourse is constructed drawing out the main words, terms, labels and phrases from the key counter-terrorism documents, as well as identifying the assumptions that underpin this narrative.

The Discursive Construction of Terrorism as Crime through the EU Counter-Terrorism Policy Documents

If we analyse the counter-terrorism policy texts produced by the EU we can identify numerous examples of the way in which the documents construct terrorism as a criminal act. In the post-September 11 period the *Conclusions adopted by the Council (Justice and Home Affairs)*, 2001, focused on using member states 'criminal laws' to establish a 'common

definition of a terrorist act'.¹ The document elucidated a series of measures linked to 'judicial cooperation' that constructed the 'fight against terrorism' as primarily a criminal matter. The document also made reference to certain measures that would need to be taken in the 'fight against organised crime'. However, at this point these two 'challenges' were invoked as distinct problems, which (although interrelated) would require specific policies to combat each threat. Similarly the *Conclusions and Plan of Action of the Extraordinary European Council Meeting*, 2001, also focused on 'enhancing police and judicial cooperation' to combat and respond to acts of terrorism, notably through the 'introduction of a European arrest warrant' and 'the adoption of a common definition of terrorism'.² The social construction of terrorism as a criminal act within EU policy was reinforced by the legal institutionalisation of this discourse strand in the EU *Framework Decision on Combating Terrorism*, 2002.³ For example, paragraph 5 of the framework decision identified efforts taken by the EU to 'deal with crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property'.⁴ The decision also identified a list of intentional acts that would be 'defined as offences under national law' thereby criminalising those offences deemed to be acts of terrorism. The *European Security Strategy*, 2003, further reinforced this discourse strand by identifying 'terrorism' and 'organised crime' as two of five interrelated 'global challenges', or 'key threats', that Europe faces in the 21st century.⁵ Another clear example of the discursive construction of terrorism as an act of criminality could be found in the introduction to the EU *Counter-Terrorism Strategy*, 2005, which stated that 'terrorism is criminal and unjustifiable under any circumstances'.⁶ In particular, notice the way in which the policy documents continually refer to terrorism through terms such as 'crime' or 'criminal', including the assumption that terrorism is primarily a 'criminal act'.

The *European Security Strategy*, 2003, released in the post-September 11 period, constructed the challenges of 'terrorism' and 'organised crime' as interrelated, although at this point they

¹ Council of the European Union, Conclusions Adopted by the Council (Justice and Home Affairs) Brussels 20 September 2001, SN3926/6/01 Rev6.

² European Council, Conclusions and Plan of Action of the Extraordinary Meeting on 21 September 2001, SN140/01.

³ Council Framework Decision of 13 June 2002 on Combating Terrorism, 2002/475/JHA, L 164/3

⁴ Ibid., p. 1, paragraph 5.

⁵ European Council, A Secure Europe in a Better World – European Security Strategy, Brussels 12 December 2003.

⁶ Council of the European Union, The European Union Counter-Terrorism Strategy, 30 November 2005, 14469/4/05, p. 6.

remained to a certain extent separate both as policy goals and as distinct discursive formations. The one main change that occurred over time is that from 2004 onwards, from the post-Madrid period until present, the discourse of a 'fight against terrorism' became ever more discursively fused with the discourse of a 'fight against serious and organised crime'. This discursive fusing of the two approaches can be identified in a number of subsequent EU counter-terrorism policy texts. *The Hague Programme*, 2004, for example identified a need for a more effective, cross-border, EU approach to 'terrorism and organised crime', as well as guaranteeing 'fundamental rights' and 'access to justice' in order to 'fight organised cross-border crime and repress the threat of terrorism'.⁷ Analysing *The Hague Programme* we notice the way in which the syntactic structure of the sentences within the document constructed terrorism and organised crime as problems that were (and still are) synonymous with one another. The *Report on the Implementation of the European Security Strategy*, 2008, demonstrated clearly this discursive fusing of terrorism and organised crime that has occurred over time.⁸ It identified 'terrorism and organised crime' as the second most pervasive 'global challenge' or 'key threat' that was currently facing the EU. The two problems were by this point treated as one, with the document stating that 'terrorism within Europe and worldwide, remains a threat to our livelihoods... Organised crime continues to menace our societies, with trafficking in drugs, human beings, and weapons, alongside international fraud and money-laundering'.⁹ Again, this discursive fusing of 'terrorism' and 'organised crime' can be found in the *Stockholm Programme*, 2009, which made reference to 'the fight against organised crime and terrorism' or the 'fight against terrorism and transnational crime'.¹⁰ This fusing of terrorism with organised crime is representative of an EU assumption that the policies needed to combat one are also adequate for combating the other.

Alongside this strand of the discourse that constructs terrorism as primarily a criminal act and the subsequent discursive fusing of the 'fight against terrorism' with the 'fight against serious and organised crime', we can detect another layer of complexity within the counter-terrorism policy discourse. This relates to the use of emotive language to describe acts of terrorism or

⁷ Council of the European Union, *The Hague Programme: Strengthening Freedom, Security and Justice in the European Union*, 13 December 2004, 16054/04, p. 3.

⁸ European Council, *Report on the Implementation of the European Security Strategy - Providing Security in a Changing World*, Brussels, 11 December 2008, S407/08.

⁹ *Ibid.*, p. 4.

¹⁰ Council of the European Union, *The Stockholm Programme – An open and secure Europe serving and protecting the citizen*, Brussels 2 December 2009, 17024/09.

the terrorist(s) themselves. The use of this language plays a key role in constructing terrorism as something more than just a criminal act; it constructs terrorism as inimical to the values of European societies. Therefore it becomes an exercise in identity formation and central to the construction of a 'European political identity' (Self) defined in opposition to the 'terrorist' (Other). It is argued that throughout the production of the policy discourse 'terrorism' and those who commit acts of terrorism are subject to a process of 'othering'. This is achieved through the application of language that emphasises the negative, the illegitimate and the inhuman nature of their actions. This is in contrast to the use of a more positive range of words, terms and phrases that linguistically construct a 'European' sense of Self which stands in stark contrast to the 'terrorist' Other.

It is this use of language which gives credence to the argument that the discursive construction of 'terrorism' goes beyond simply constructing *terrorism as crime*. In particular, this exercise in identity reinforcement or formation is achieved through the application of a number of emotive words, terms or phrases, which are used to describe acts of 'terrorism' or the 'terrorist(s)' themselves. In the post-September 11 period, the initial set of counter-terrorism policy documents produced by the EU, such as the *Conclusions and plan of action of the extraordinary European Council Meeting* and the *European Security Strategy*, described the 'terrorist(s)' as 'fanatical', 'perpetrators', 'sponsors', 'accomplices', 'criminal', a 'threat', a 'risk', 'willing to use unlimited violence to cause massive casualties' and 'ever more dangerous', to name but a few of the more prominent descriptions. Acts of terrorism, with specific reference to the attacks in New York but also to acts of terrorism in a more general sense, were described in these documents as 'deadly', 'an assault', 'a challenge to the conscience of each human being', 'barbaric', a 'scourge', 'heinous', 'new', and representative of 'a growing strategic threat'. Other words, terms and phrases that have appeared in the periods since include 'deadly', 'can never be justified', 'murderous', 'dangerous', 'devastating', 'lethal', 'ruthless', 'horrific', 'violent', 'criminal', 'unjustifiable', 'abuse', 'distort', 'incitement', 'indiscriminate', 'menace' and 'extremist'.

It should be highlighted that the use of this emotive language has a tendency to occur and is more prevalent, in the policy discourse in the immediate aftermath of an attack. For example, in the aftermath of the Madrid bombings, the *Declaration on Combating Terrorism* described the acts of terrorism as 'outrages', using the phrase 'callous and cowardly' to describe the

terrorists themselves.¹¹ It should also be noted that in the EU Counter-Terrorism Policy 2006-2009 period, the use of emotive words, terms and phrases to describe terrorism appear in the counter-terrorism policy texts with less frequency. However, this does not mean that such language has completely disappeared from the discourse, only that the EU has become more restrained in the use of such language in the official policy documents. For example, the Stockholm Programme, released in 2009, referred to terrorists as 'heinous criminals'. The use of this type of emotive language remains more prevalent in the speeches of EU politicians and policy-makers; however, as it has been shown, this language has filtered into the policy documents produced by the EU. What this demonstrates then is that the meaning, logic and policy response to terrorism is partly dictated by events (or terrorist acts) themselves, as well as the temporal distance between a terrorist act(s) and the production of policy documents. Another explanation for why this language is more prevalent in the immediate aftermath of an attack relates back to the 'othering' process. As Stuart Croft explains, when violence occurs and 'lives are lost... both "we" and "they" may blame the other, and engage in absolution of responsibility'.¹² As such, the 'creation and expansion of such constructions [Self and Other] is mostly played out in and through a crisis, and it is crises that are the engines of radical discursive change'.¹³

Therefore, one of the main continuities throughout the production of EU counter-terrorism policy has been that the EU and its allies are constructed in binary opposition to the terrorist(s). This is achieved through the use of a number of different words, terms and phrases that carry positive connotations; and which construct the EU as a particular type of community, with a number of qualities, which the 'terrorist' Other threatens. The *Conclusions and plan of action of the extraordinary European Council Meeting* described the events of September 11, 2001, as an attack on 'our open, democratic, tolerant and multicultural societies'.¹⁴ The document assumed a need for the creation of a 'global coalition against terrorism', consisting of any country ready to 'defend our common values'. Similarly, *the European Security Strategy*, 2003, described Europe today as a place that 'has never been so prosperous, so secure nor so free'; terrorism is presented as a dialectical threat to that

¹¹ European Council, Declaration on Combating Terrorism, Brussels, 15 March 2004, 7906/04, p. 1.

¹² Stuart Croft, *Culture, Crisis and America's War on Terror*, (New York: Cambridge University Press, 2007), p. 1.

¹³ Ibid., p. 1.

¹⁴ European Council, 'Conclusions and Plan of Action of the Extraordinary Meeting', p. 1.

prosperity, that security and that freedom.¹⁵ Terrorism is constructed as a phenomenon that seeks to undermine 'the openness and tolerance of our societies' and one that 'poses a growing strategic threat to the whole of Europe'¹⁶. This discursive construction of a 'European' sense of Self that stands in contrast to the ideals of the terrorist(s) continued in the post-Madrid period. The EU *Counter-Terrorism Strategy*, 2005, presented terrorism as a threat to the 'values of our democratic societies and to the rights and freedoms of our citizens'.¹⁷ The text emphasised the perception that because of these values the EU has a particular 'vulnerability to attack'. The term 'vulnerability' has appeared with frequency throughout the production of EU counter-terrorism policy and is used to express an assumption that terrorism represents both a material and an ideational threat to the EU. The strategic commitment outlined in the document stated that the EU shall aim 'to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice'.¹⁸

We notice how the policy documents describe the EU as a provider of 'freedom', 'security' and 'justice'. The documents use terms such as 'supportive', 'open', 'democratic', 'free' 'multicultural', 'tolerant', 'energetic', 'peaceful', 'vigilant', 'prosperous' and 'secure', to convey this sense of identity that is challenged by the threat of terrorism. As such, they provide one half (the 'good') of a binary distinction, leaving the other half (the 'bad') implied and ascribed to the terrorist(s) and 'others' who do not share the values of the in-group. Indeed, the discursive construction of Europe as being 'vulnerable' to, at 'risk' of, or a 'target' for further acts of terrorism was highlighted because it draws attention to the important ideational role of this discourse. The material reality is that terrorism is a risk or a threat to Europe. However, to argue or to state that it threatens certain values such as 'freedom' or 'tolerance' is to over-emphasise the actual threat posed by terrorism. The appeal to 'values' such as 'democracy' or 'justice', values that are central to the 'fight against terrorism' discourse, plays an important role in legitimising or justifying the development of many of the measures that are presented as essential aspects of counter-terrorism policy. This strand of the discourse takes the discursive construction of terrorism beyond a focus on terrorism as crime. It is blurred with responses to organised crime and constructs terrorism as not just a material threat but an ideational one too, a threat that challenges the identity of the

¹⁵ European Council, 'European Security Strategy', p. 2.

¹⁶ Ibid., p. 5.

¹⁷ Council of the European Union, 'The EU Counter-Terrorism Strategy', p. 2.

¹⁸ Ibid., p. 6.

EU and Europe in general. The next section will analyse this strand of the discourse, focusing on certain assumptions about the causes and nature of terrorism which it rests upon, offering a critical analysis.

Analysing the Discursive Construction of Terrorism as Crime

By discursively constructing *terrorism as crime* the EU structures the meaning of terrorism, whilst simultaneously establishing the logic and policy response to terrorism by placing it (and responses to it) within the criminal justice framework. The EU discourse on terrorism creates a 'reality' in which terrorists are treated as 'criminals' and 'justice' can be sought for the victims of terrorism by holding those responsible for acts of terrorism to account in a court of law. In contrast, the US 'war on terror' discourse normalises a war-based narrative that has allowed for the legitimisation of policies that include pre-emptive military strikes, coercive interrogation and extraordinary rendition (supported by some EU member states, e.g. Britain).¹⁹ The discursive practice of the 'war on terror' has enabled an environment in which labels, such as 'enemy combatant', have been created and used to circumnavigate established legal practices. Discursive practices that legitimise or justify responses to terrorism such as these threaten to undermine the legal practices which are the cornerstone of any democracy. They also provide a challenge to the protection of human rights and respect for international law. By constructing terrorism as primarily a criminal act, the EU's 'fight against terrorism' discourse brings responses to terrorism into an established legal domain and seeks to avoid the worst excesses of those counter-terrorism responses made possible by the 'war on terror' discourse. This is not to argue that the boundaries between the discourses do not overlap in the respective 'war on terror' or 'fight against terrorism', instead it is simply to highlight what makes each approach distinct.

Whilst constructing terrorism as primarily a criminal act helps to avoid the worst excesses of a war-based narrative, it should be remembered that there is something unique about acts of terrorism that distinguish it from other criminal acts. Even at the most basic level of analysis, that characteristic which distinguishes terrorism from other types of crime (murder, rape, drug trafficking etc.) is the political dimension to the terrorist's behaviour. As John Horgan

¹⁹ See Claudia Aradau and Rens van Munster, 'Governing Terrorism Through Risk: Taking Precautions, (un)Knowing the Future', *European Journal of International Relations*, 13:1 (2007), pp. 89-115, see p. 91 and p. 104.

argues 'generally speaking, what we think of terrorism involves the use or threat of use of violence as a means of attempting to achieve some sort of effect within a political context'.²⁰ This assertion is one that is supported by Bruce Hoffman.²¹ He argues that the difference between a 'criminal' and a 'terrorist' is quite substantial: a criminal is not concerned with influencing public opinion, he/she just wants to accomplish his/her mercenary task in the quickly and easiest fashion in order to 'enjoy the fruits of his [or her] labour'; a terrorist by contrast aims to 'change the system', a goal which the ordinary criminal could not care less about.²² As such, the application of the term terrorist should always be understood within the political context within which it is being used.

For example, Charles Townshend points out that the difficulty in finding an appropriate definition of terrorism revolves around the problem of labelling, in that 'terrorist' is a description that has almost never been voluntarily adopted by an individual or group.²³ It is a label that is applied to them by others, first and foremost by the governments of the states they attack. For Townshend, this explains why 'states have not been slow to brand violent opponents with this title, with its clear implications of inhumanity, criminality, and – perhaps most crucially – lack of real political support'.²⁴ This is an assertion supported by Michael Stohl who has argued that the narrative that constructs terrorism as 'the activity of criminals' can also be interpreted as a myth related to the psychological explanations of terrorism, which is subscribed to and promoted by virtually all governments.²⁵ For Stohl, the purpose of this myth is to deny insurgents 'legitimacy' by placing their actions outside of the political process and arguing that they are actually for personal rather than political gain. This is not to argue that terrorism should never be defined as a criminal act; only that when governments define who and what is terrorist, the application of the label criminal can serve to delegitimise the actions of groups or individuals who are engaged in what may be acceptable or legitimate dissent. The application of the label 'criminal' or 'terrorist' (or both in conjunction) plays an important role in the 'othering' process. Furthermore, we only need consider the use of terms such as 'barbaric', 'murderous', 'callous', 'cowardly' or 'horrific' in relation to the terrorist

²⁰ John Horgan, *The Psychology of Terrorism*, (London and New York: Routledge, 2005), p. 1.

²¹ Bruce Hoffman, *Inside Terrorism*, 2nd Edition, (New York: Columbia University Press, 2005).

²² *Ibid.*, p. 36.

²³ Charles Townshend, *Terrorism: A Very Short Introduction*, (New York: Oxford University Press, 2002).

²⁴ *Ibid.*, p. 3.

²⁵ Michael Stohl, *The Politics of Terrorism*, (New York: Marcel Dekker, 1988), pp. 11-13; Michael Stohl, 'Old Myths, New Fantasies and the Enduring Realities of Terrorism', *Critical Studies on Terrorism*, 1:1 (2008), pp. 5-16.

themselves, that can be found throughout the EU counter-terrorism policy discourse, to realise that the production of counter-terrorism policy is neither an objective or neutral activity. Deconstructing this language then, it becomes apparent that the EU counter-terrorism policy discourse is also an exercise in identity formation.

Hence the description of the EU as a place of 'freedom', 'security' and 'justice' in opposition to the 'odious' or 'heinous' terrorist who provides a challenge to those ideal or values. The effect of such language then is to give moral legitimacy to the counter-terrorism policy responses of the EU, while simultaneously delegitimising the actions of the terrorist(s). The construction of a 'terrorist' Other which stands in direct opposition to a 'European' sense of Self occurs is a central aspect of each of the discourse strands identified in chapter three, and which run throughout the production of EU counter-terrorism policy. For example, the idea of terrorism as a criminal act is conflated and discursively meshed with the other discourse strands that when taken together constitute the 'fight against terrorism' discourse. This narrative of *terrorism as crime* is thus transformed by the use of emotive words, terms and phrases to describe the terrorist(s) and the acts of terrorism they commit. It is also transformed through a blurring of the responses to terrorism with the responses to other threats such as 'organised crime', a discursive practice that shall be considered briefly in the next section.

The Blurring of Terrorism with Organised Crime

As was explained above, one of the features of the strand of the discourse which constructs *terrorism as crime* is that throughout the development of EU counter-terrorism policy, there has been a sort of discursive meshing together of the 'fight against terrorism' with the 'fight against organised crime'. Importantly, this practice (the discursive blurring of terrorism and organised crime) structures the meaning of terrorism and organised crime (the 'terrorist' and the 'organised criminal' are considered the same), whilst simultaneously structuring the logic and policy response to each challenge (both will need a similar response), as well as legitimising or normalising certain practices. This blurring of terrorism with organised crime reflects a quite substantial academic literature in support of a convergence thesis between organised crime and terrorism, mirrored by the idea of what is referred to in the literature as

the 'crime-terror nexus'.²⁶ However, this assumption that terrorism and organised crime are the same, which has come to form (and still forms) a central part of the 'fight against terrorism' discourse in the post-Madrid period is contested and open to other forms of interpretation.

Alex P. Schmid, who has written extensively on the relationship between organised crime and terrorism, accepts that there is some evidence of a 'degree of cooperation' between certain organised crime groups and certain terrorist groups, and furthermore, that there is also evidence that some terrorist groups and some criminal groups have shown signs of metamorphosis, 'degenerating into predominantly criminal-groups towards the end of their life-cycles'.²⁷ However, he argues that it is imprudent to lump these two distinct phenomena together, pointing out that 'there are links... but there are also important motivational and operational differences between terrorist groups and organised crime groups'.²⁸ Bovenkerk and Chakra support this assertion by arguing that the examples used to support this idea (of convergence) in the literature are often repeatedly 'the same example, such as the Revolutionary Armed Forces of Colombia (FARC), the Sendero Luminoso (Shining Path) in Peru, guerrilla fighters in Chechnya, the Abu Sayyaf group in the Philippines and the Islamic Movement of Uzbekistan'.²⁹ Furthermore they contend that 'it is striking that most of them fail to provide a thorough empirical analysis of any of these cases and the evidence cited never goes much deeper than a good media account'.³⁰ John Rollins and Liana Sun Wyler concede that the links between organised crime and terrorism are difficult to identify or

²⁶ Louise I. Shelley and John T. Picarelli, 'Methods Not Motives: Implications of the Convergence of International Organized Crime and Terrorism', *Police Practice and Research*, 3: 4 (2002), pp. 305-318; Tamara Makarenko, 'A Model for Terrorist-Criminal Relations', *Jane's Intelligence Review*, August 2003, p. 6-10; Tamara Makarenko, 'The Crime-Terror Continuum: Tracing the Interplay between Transnational Organised Crime and Terrorism', *Global Crime*, 6:1 (February 2004), pp. 129-145; John T. Picarelli, 'The Turbulent Nexus Of Transnational Organised Crime And Terrorism: A Theory of Malevolent International Relations', *Global Crime*, 7:1 (2006), pp. 1-24; Steven Hutchinson and Pat O'Malley, 'A Crime-Terror Nexus? Thinking on Some of the Links between Terrorism and Criminality', *Studies in Conflict & Terrorism*, 30:12 (2007), pp. 1095-1107; Chester G. Oehme III, 'Terrorists, Insurgents, and Criminals-Growing Nexus?', *Studies in Conflict and Terrorism*, 31:1 (2008), pp. 80-93.

²⁷ Alex P. Schmid, 'Links between Terrorism and Drug Trafficking: A Case of "Narco-terrorism"?', *International Summit on Democracy, Terrorism and Security*, Madrid 8-11 March (2005), Available at: <http://english.safe-democracy.org/causes/links-between-terrorism-and-drug-trafficking-a-case-of-narcoterrorism.html>

²⁸ Ibid.

²⁹ Frank Bovenkerk and Bahir Abou Chakra, 'Terrorism and Organised Crime', *United Nations Office on Drugs and Crime: Forum on Crime and Society*, 4:1-2 (December 2004), p. 3.

³⁰ Ibid., p. 5.

confirm; such evidence as does exist is 'limited anecdotal evidence [which] largely serves as the basis for the current understanding of criminal-terrorist connections'.³¹

The point of drawing attention to this area is not to dispute the assertion that terrorism or organised crime poses a threat to European states in their own right. The reason is to critically analyse the discursive fusing of the 'fight against terrorism' with the 'fight against serious and organised crime', which has become a feature of the EU counter-terrorism policy discourse. It is also to draw our attention to the types of policies and practices that are normalised or legitimised by such a discourse. As Wyn Rees explains, it is quite possible that governments (including the EU which is a system of governance) will use counter-measures designed for one area and apply them in another; policies designed to tackle one issue may be introduced and justified according to quite unrelated criteria.³² Rees notes, as an example, that 'there may be a significant impact upon civil liberties if new criminal measures are brought into effect on the grounds of fighting terrorism'.³³ In such a situation he contends that it will be 'more difficult to maintain accountability over security policies if a mutually self-sustaining discourse of domestic and international threats becomes deeply entrenched'.³⁴

Summarising the Discursive Construction of Terrorism as Crime

With the meshing together of all these different discourse strands, something else happens. The discourse becomes performative in the sense that it creates a 'reality', which is both legitimised and normalised by the discourse, that provides the basis for new and ever more intrusive counter-terrorism policy responses, which are being developed as a direct response to the 'new' threat posed by these 'heinous criminals' (who engage in acts of terrorism). Whilst an approach that assumes *terrorism is crime* may avoid the worst excesses of a war-based narrative, this does not mean that it is without consequence. First, it has the implicit effect of reifying the discourse strand, analysed in greater detail below, that terrorism is an act perpetrated solely by non-state actors. This strand is underpinned by an assumption that a state cannot be guilty of an act of criminality, as defined by the EU counter-terrorism policy discourse. Defining terrorism as a criminal act, both socially and legally, institutionalises this

³¹ John Rollins and Liana Sun Wyler, 'International Terrorism and Transnational Crime: Security Threats, U.S. Policy, and Considerations for Congress', *Congressional Research Service*, R41004 (2009), p. 13.

³² Wyn Rees, 'Linking Organised Crime and Terrorism', ECPR Standing Group on Organised Crime, E-Newsletter, 5:2 (May 2006).

³³ Ibid., p. 9.

³⁴ Ibid., p. 9.

discourse strand and reinforces the assumption that the state cannot be guilty of an act of terrorism. However, this discourse strand is but one of many alternative interpretations that are possible.

Second, by constructing terrorism as more than crime, by using emotive words, terms and phrases to describe the terrorist(s), the discourse delegitimises the aims and the actions of the terrorist(s) by invoking morality. The construction of the 'terrorist' Other as a threat to the 'values' of the state (or in this case the EU) is a direct appeal to the identity of those perceived to be threatened and reflects a claim to the moral high ground. This discourse strand can be considered somewhat dubious however when we consider certain governments have 'engaged in terrorist activities' and been caught not only 'consorting with organised crime operatives but also perpetrating "political" acts that surely appear "criminal" to their populations'.³⁵ The third point relating to the performative nature of this discourse strand is the impact that defining *terrorism as crime* has when it is conflated with an assumption either that actual or potential terrorists are taking advantage of the EU migratory system (the threat of the 'migrant' or 'immigrant' Other), or that the current 'wave' of terrorism is primarily a problem for (or with) the 'Muslim community' (the threat of the 'Muslim' Other). These ideas will be explored in greater detail in Chapters Five and Six. However, it should be highlighted here that when these two strands (the threat of the 'migrant' Other/the threat of the 'Muslim' Other) are invoked as part of the 'fight against terrorism' discourse, the effect is to securitise issues regarding Islam or migration/immigration through their treatment as possible counter-terrorism issues. The final point to be made is that from the analysis carried out above (of this narrative that *terrorism is crime*) it becomes clear that the discourse of a 'fight against terrorism' has a state-centric bias. This provides a starting point from which to analyse the second of these interlinked discourse stands: *terrorism as an act committed solely by non-state actors*.

³⁵ Stohl, 'The Politics of Terrorism', p. 12.

Terrorism as an Act Committed Solely by Non-State Actors

The second strand of the discourse which it is argued contributes to a specific EU conceptualisation of terrorism is one which constructs terrorism as primarily an act committed by non-state actors. As such, the EU counter-terrorism policy discourse contains a state-centric bias. This is because in the process of constructing terrorism as an act committed primarily by individuals or groups, it simultaneously denies the possibility that terrorism can also be an act that is committed by the state. It is one of the more obvious discourse strands that can be identified within the EU counter-terrorism policy discourse. This state-centric bias should be considered unsurprising given that much of EU counter-terrorism policy is agreed upon at the level of the European Council; thus it reflects the interests of the leading member states. It is argued in this section that this discourse strand is constructed: first, through a continual reference to sub-state actors as the main terrorist threat to the EU; and second, by denying space within the discourse for defining and analysing acts of state terrorism. The discourse also places an emphasis on the threat posed by state-sponsored terrorism. However, it only defines this form of terrorism with reference to the threat posed by those state-sponsors who support acts of terrorism directed against the EU and its allies. Furthermore, the discourse also constructs those state-sponsors as 'failed states', thus helping to 'Other' them as illegitimate in the first place. There are several illustrations of how this strand of the discourse is constructed throughout the production of EU counter-terrorism policy, which shall be drawn out in the next section.

The Discursive Construction of Terrorism as Non-State through the EU Counter-Terrorism Policy Documents

In the post-September 11 period, the policy document outlining the *Conclusions adopted by the Council (Justice and Home Affairs)*, from September 2001, referred to the importance of national state intelligence agencies in relation to the 'fight against terrorism', particularly with regard to 'disclosing possible terrorist threats and intentions of terrorists and terrorist groups at an early stage'.³⁶ The document referred to the development of 'national anti-terrorist arrangements', identifying lists of 'terrorist organisations' as well as working with the United States to assess 'the terrorist threat' and 'in particular the identification of terrorist

³⁶ Council of the European Union, 'Conclusions Adopted by the Council', p. 6.

organisations'. The *Conclusions and Plan of Action of the Extraordinary European Council Meeting*, 2001, also contributed to the construction of this discourse 'strand' through a number of similar statements. The document identified cooperation with America as a priority in order to identify 'presumed terrorists in Europe' as well as the 'organisations supporting them' so that a list of 'terrorist organisations' could be drawn up.³⁷ We can however identify an added layer of complexity within the policy discourse in that the discourse also articulated a potential threat from state-sponsored terrorism. For example, the document stated that 'punishing the perpetrators, sponsors and accomplices' of the September 11 terrorist attacks through taking action that 'must be targeted and may also be directed against States abetting, supporting or harbouring terrorists'.³⁸ There is also reference to a re-evaluation of EU relations 'with third countries in the light of the support which those countries might give to terrorism'; as well as the need to develop 'an in-depth political dialogue with those countries and regions of the world in which terrorism comes into being'.³⁹ The language of the policy document quite clearly constructed state-sponsored terrorism as a threat to the EU and its allies, in much the same way that it individualised the terrorist threat and constructed it as an act that is committed by sub-state actors against the state.

What is quite clear from analysing the EU counter-terrorism policy documents released in the post September 11 period is that it is the EU and its allies, most notably the US, that have defined the terms of the debate in relation to who or what is defined as terrorist or terrorism. This state-centric narrative has in turn found itself reproduced in EU law. Article 1 of the EU *Framework Decision on Combating Terrorism*, 2002, identified a number of intentional acts, defined as terrorist, that may 'seriously damage a country or an international organisation' when committed with the aim of 'seriously intimidating a population', or 'unduly compelling a Government or international organisation to perform or abstain from performing any act', or 'seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation'.⁴⁰ Given that the acts defined within European law by the framework decision (as 'terrorist') are only considered to be 'terrorist' acts when they are targeted against a population, a government or an international organisation by an individual or group suggests that the state cannot be seen as 'terrorist'.

³⁷ European Council, 'Conclusions and Plan of Action of the Extraordinary Meeting'.

³⁸ *Ibid.*, p.1.

³⁹ *Ibid.*, p. 3.

⁴⁰ Council Framework Decision on Combating Terrorism, Article 1.

The legislation constructs what constitutes a 'terrorist group', yet what remains silent and is never dealt with is the concept of state terrorism. As such, it is the 'terrorist' Other who is constructed as the only actor that has the potential to commit acts of terrorism; by way of contrast the state (or in this case the EU) is precluded from such a label.

The *European Security Strategy*, 2003, continued to reinforce this strand of the 'fight against terrorism' discourse.⁴¹ The document stated that as a result of the geopolitical environment that Europe faces in the post Cold War era, whereby 'open borders' are increasingly more common and globalisation is occurring apace, 'these developments have also increased the scope for non-state groups to play a part in international affairs'.⁴² The document emphasised the notion that the 'most recent wave of terrorism' was characterised by 'terrorist movements' that have been 'well-resourced' and are 'connected by electronic networks'; it also focused specifically on a particular terrorist group, Al-Qaeda, noting that 'logistical bases for Al Qaeda have been uncovered in the UK, Italy, Germany, Spain and Belgium'.⁴³ Therefore the EU advocated that 'concerted European action is indispensable' if the threat posed by such sub-state actors is to be tackled effectively. The document also contended that if sub-state terrorist groups were able to ascertain WMD then 'in this event, a small group would be able to inflict damage on a scale previously possible only for States and armies'.⁴⁴ The language contained within the policy discourse effectively constructed the threat posed by sub-state terrorist actors as the main threat to the EU and its member states but denied space within the discourse or refused to engage with the question of state terrorism or support for acts of state terrorism by EU member states.

Again the *Declaration on Combating Terrorism*, 2004, revealed this discourse strand once more wherein it stated that 'the threat of terrorism affects us all... a terrorist act against one country concerns the international community as a whole... no country in the world can consider itself immune', the effect of such language is to once more construct terrorism as an act that is committed against a country or state.⁴⁵ Throughout the entire production of EU counter-terrorism policy, during all the periods analysed, the language of the discourse changed little over time. Each policy document reinforced the previous in respect of this

⁴¹ European Council, 'European Security Strategy'.

⁴² Ibid., p. 2.

⁴³ Ibid., p. 3.

⁴⁴ Ibid., p. 4.

⁴⁵ European Council, 'Declaration on Combating Terrorism', p. 1.

discourse strand that terrorism is an act committed solely by non-state actors. The *Strategy for Combating Radicalisation and Recruitment to Terrorism*, 2005 for example stated clearly in its opening sentence that 'terrorism is a threat to all States and to all peoples' focusing on the threat posed by 'terrorist networks' and sub-state terrorist actors such as Al Qaeda.⁴⁶ The *EU Counter-Terrorism Strategy*, 2005, repeated the very same sentence, that 'terrorism is a threat to all States and to all peoples', in the introduction to the policy document.⁴⁷

However, one significant change in the discourse was identified across the periods analysed. In the initial policy documents, the EU was quite clear in its statements that not only were certain states sponsoring acts of terrorism against the EU's allies but state sponsors of terrorism would be brought to 'justice' and 'punished'. Over time the policy discourse moves away from such inflammatory rhetoric, toning down the language. For example, the *EU Counter-Terrorism Strategy* stated that because 'the current international terrorist threat affects and has roots in many parts of the world beyond the EU, co-operation with and the provision of assistance to priority third countries – including in North Africa, the Middle East and South East Asia – will be vital'.⁴⁸ The 'Pursue' objective of the strategy contributed to this change by stating that 'much of the terrorist threat to Europe originates outside the EU... assistance will be provided to priority countries to help them introduce and implement the necessary mechanisms to disrupt terrorism'.⁴⁹ The effect of this change in the discourse was to move away from accusing third countries of supporting or abetting terrorist groups or movements and instead to support them through cooperation and coordination of policy in tackling terrorism. It is possible to understand this change as a reflection on how the EU perceives itself as an actor. For example, as a 'provider' of 'assistance' and an actor committed to 'cooperation' and 'help' (not to 'punish') in attempts by the other third countries to combat terrorism. Again, this analysis of language helps to reveal the processes by which 'European political identity' is constructed. What remains constant is the implication that terrorism remains an act of violence primarily perpetrated by non-state groups or actors; as such, the 'terrorist' Other is constructed as a non-state actor. Within this strand of the discourse, when acts of state sponsored terrorism do occur, they are assumed to

⁴⁶ Council of the European Union, 'The Strategy for Combating Radicalisation and Recruitment to Terrorism', 24 November, 2005, 12781/1/05.

⁴⁷ Council of the European Union, 'The European Union Counter-Terrorism Strategy'.

⁴⁸ *Ibid.*, p. 7.

⁴⁹ *Ibid.*, p. 14.

be supported by state actors working either directly or indirectly against the interests of the EU and its allies.

Constructing the State as Victim

What is clear from analysing the EU counter-terrorism policy discourse is that it constructs terrorism as an act of political violence primarily carried out by sub-state actors (individuals or groups) against the state. Where the official policy documents engage with the question of state-sponsored terrorism they do so only to convey the threat that state-sponsored terrorism poses to the EU and its allies. As Jackson has highlighted, the notion that states may employ terror as an instrument of foreign or domestic policy – state terror – is absent not just from the US but the EU counter-terrorism policy discourse as well.⁵⁰ Within the counter-terrorism policy discourse terrorism is 'understood very narrowly as referring primarily to forms of illegitimate violence committed by individuals and small groups, and not as a repressive form of governance or counterinsurgency by state actors'.⁵¹ Furthermore, the counter-terrorism policy discourse constructs the threat posed by sub-state terrorist actors as, if not an existential threat then at the very least, an extreme threat to European society and in particular EU citizens.

Both of these assumptions are based upon a rather narrow understanding of the nature, characteristics and causes of terrorism. As Jackson has argued, in the first instance the policy discourse ignores or fails to acknowledge the problem of state terrorism. Indeed, Jackson contends that if we understand terrorism as 'violence directed towards or threatened against civilians designed to instil terror or intimidate a population for political reasons, then it can be argued that state terrorism is arguably a much greater security issue than dissident or nonstate terrorism'.⁵² Without seeking to pass judgement on the policy discourse, it is possible to acknowledge that this narrow conceptualisation of terrorism plays a key role in constructing or conditioning the type of policy responses advocated for combating terrorism. Michael Stohl supports this proposition by arguing that while the primary purpose of terrorism, as practiced by those who seek to challenge governmental authority, is the production of chaos to accelerate social disintegration and demonstrate the inability of government to govern. He

⁵⁰ Richard Jackson, 'An analysis of EU Counterterrorism Policy Discourse', *Cambridge Review of International Affairs*, 20:2 (2007), pp. 233-247.

⁵¹ Ibid., p. 236.

⁵² Ibid., p. 242.

states that 'it remains the case that the most persistent and successful use of terror both in the past and the modern era has been demonstrated by governments for the purpose of creating, maintaining, and imposing order'.⁵³

Morality and the De-legitimisation of the 'Terrorist' Other

The construction of the state as the primary victim of terrorism, within the policy discourse, also serves to de-legitimise the actions of the 'terrorist' Other. This can be partly explained by the fact that to accept under any circumstances the use of terrorism as a tactic for furthering political goals would challenge the state's monopoly on the use of violence. It would also challenge the sovereignty of the state through a demonstration that it can no longer guarantee the basic security of its citizens. This is not however the end of the matter, the further point being that EU counter-terrorism policy discourse places the EU and its member states on the moral high ground. The discourse constructs terrorism as a challenge to the fundamentals of the political and social order, to certain morals and principles that the EU is seeking to defend. As Primoratz has noted in his discussion of the ills of terrorism, it is true that it 'challenges some of our fundamental moral beliefs and rides roughshod over some highly important moral distinctions. Therefore, opposition to terrorism can and indeed should be motivated, above all, by moral concern'.⁵⁴ However this is not the only condition required for holding the moral high ground; the other is moral standing. As Primoratz points out, a murderer would not have the moral standing to condemn murder or opine on the sanctity of life. Therefore 'by the same token, a state which has made use of terrorism, or sponsored it, or condoned it, or supported governments that have done any of the above – in a word, a state which has itself been involved in or with terrorism to any significant degree – lacks the moral standing required for bona fide moral criticism of terrorism'.⁵⁵ Indeed, one reason for the absence of state terrorism from the EU counter-terrorism policy discourse can be explained by Alexander George's assertion that 'the term 'terrorism' has been virtually appropriated by mainstream political discussion to signify atrocities targeting the West'.⁵⁶ 'Terrorism' is a term which is never used to describe the action of Western governments or their proxies.

⁵³ Stohl, 'Old Myths, New Fantasies', see p. 6.

⁵⁴ Igor Primoratz, *Terrorism: The Philosophical Issues*, (Basingstoke: Palgrave Macmillan, 2004).

⁵⁵ Ibid., p. 122.

⁵⁶ Alexander George, *Western State Terrorism*, (London: Polity Press, 1991), p. 1.

However, as Ruth Blakely has demonstrated, northern democracies have a long history of complicity in repression, including state terrorism, through the provision of military or financial support to highly repressive governments or terrorist groups. She offers numerous examples of instances where this has occurred. First, the US, Britain and Australia all backed the Indonesian government as it engaged in the widespread repression of the people of East Timor. Likewise, the British government allowed for British forces to make use of tactics that included repression and torture, in Northern Ireland, as well as providing tacit support for acts of Loyalist violence. Indeed, 'for a long period, official British policy was to intern, without charge or trial, the suspected members of paramilitary groups'.⁵⁷ Thirdly, the French have also made extensive use of torture against large numbers of the Algerian population both in Algeria itself (by political forces) and in France. Blakely claims that the French justified the use of torture not only because the circumstances demanded it but military necessity dictated it. She also argues that in the context of the counter insurgency campaign, French troops would employ 'torture not simply as a means to secure intelligence about imminent threats to French forces... but as an attempt to undermine the morale of the leaders and supports of the Algerian insurgency'.⁵⁸

From the analysis above there can be little doubt that the 'fight against terrorism' discourse contains a state-centric bias. The discourse constructs terrorism as primarily an act committed by sub-state actors (individuals or groups) against the state and its interests. Although the EU counter-terrorism policy contains many references to what terrorism is considered to be, there is no attempt to engage with or define the concept of state-terrorism. The failure to engage with this issue is problematic in a sense that the EU can be left open to accusations surrounding its use of the term 'terrorism'. It is also possible that this continual process of 'othering' provides an insight into the fact that member states know that the knowledge upon which their response is built is contested and open to multiple interpretation. In this sense discourse analysis tells us as much about the speaker as it does the spoken about. As Duvall and Stohl explain, states in general (and because the policy discourse is reflective of the interests of the leading member states, the EU is included in this) only enact the term 'terrorism' to label the repugnant and/or violent actions of designated "bad actors", simultaneously they collapse conceptual boundaries by failing to refer to the term when

⁵⁷ Ruth Blakely, 'Bringing the State Back into Terrorism Studies', *European Political Science*, Symposium: The Case for Critical Terrorism Studies, 6:3 (2007), pp. 228-235, p. 231.

⁵⁸ *Ibid.*, p. 231.

actions satisfy denotative criteria but the actors or the context of the actions do not engender the appropriate emotional response.⁵⁹ Tied into this state-centric conceptualisation of terrorism is a third strand of the 'fight against terrorism discourse, which constructs terrorism as 'new' and therefore different to other 'old' forms of terrorism. This strand is also central to the counter-terrorism discourse; as such, its importance in the construction of an EU conceptualisation of terrorism will now be considered.

The 'New' Terrorism and Weapons of Mass Destruction (WMD)

The third strand of the 'fight against terrorism' discourse, which contributes to a specific EU conceptualisation of terrorism and the construction of the 'terrorist' Other, is that which assumes the 'current wave' of terrorism to be somehow 'new' and different to 'old' forms of terrorism. The EU's 'fight against terrorism' discourse is replete with words, terms, phrases and labels such as 'new', 'violent radicalisation', 'weapons of mass destruction' (WMD), or 'chemical, biological, radiological, or nuclear materials' (CBRN). This strand of the discourse is also underpinned by another assumption which conflates these different ideas: the 'new' terrorist(s) are seeking to acquire and/or use WMD or CBRN materials. Furthermore, the idea of a 'new' terrorism in the post-September 11 period is also tied into other strands of the discourse; in particular, it is assumed to have a religious dimension. The next section will demonstrate how this strand of the discourse has been constructed throughout the development of EU counter-terrorism policy, drawing out the key words, terms, phrases, labels and assumptions (knowledge about terrorism) that it is built upon.

The Discursive Construction of Terrorism as 'New' through the EU Counter-Terrorism Policy Documents

Although the first two counter-terrorism policy documents released in the aftermath of the attacks on September 11, 2001, the *Conclusion adopted by the Council (Justice and Home Affairs)* and the *Conclusions and Plan of Action of the Extraordinary European Council Meeting*, identified the possibility of further major terrorist incidents they did not discursively construct terrorism as something that was fundamentally 'new'. The first instance in which

⁵⁹ Raymond Duvall and Michael Stohl, 'Governance by Terror', in Stohl, M (eds.) *The Politics of Terrorism*, (New York: Marcel Dekker, 1988), p. 232.

the EU explicitly revealed that its response to terrorism was influenced by the 'new' terrorism thesis, a thesis which is prevalent within the academic literature of terrorism studies, was in the *European Security Strategy*, 2003.⁶⁰ The document constructed 'the most recent wave' of terrorism as a fundamentally 'new' phenomenon through a series of statements on the nature of the threat that is posed by the 'new' terrorists. Whilst traditional forms of military conflict, defined as 'large-scale aggression' against any of the member states, was seen as 'improbable', it was argued that 'Europe faces new threats which are more diverse, less-visible and less predictable'.⁶¹ The document identified terrorism, weapons of mass-destruction, regional conflict, state failure and organised crime as the most prevalent of these 'new' threats, of which terrorism was interpreted as the most pervasive.

It stated that 'increasingly, terrorist movements are well resourced, connected by electronic networks, and are willing to use unlimited violence to cause massive casualties'.⁶² The threat of this 'new' terrorism was portrayed as 'global in scope', posing 'a growing strategic threat' and having links to 'violent religious extremism'. The 'new' terrorism was described as 'dynamic'; it was argued that 'left alone, terrorist networks will become ever more dangerous'.⁶³ The document also linked this 'new' form of terrorism to the threat posed by WMD. It stated that 'we are now, however, entering a new and dangerous period' in which a proliferation of these weapons may occur', and furthermore 'the most frightening scenario is one in which terrorist groups acquire weapons of mass destruction'.⁶⁴ Indeed, the document linked all of the five aforementioned threats together through a specific statement that revealed the assumption, an assumption of 'newness', which drives the development of EU counter-terrorism policy. It stated that 'taking these different elements together – terrorism committed to maximum violence, the availability of weapons of mass destruction, organised crime, the weakening of the state system and the privatisation of force – we could be confronted with a very radical threat indeed'.⁶⁵

Central to the 'new' terrorism thesis is the assumption, articulated within the *European Security Strategy* itself, that the 'new' terrorists are predominantly inspired by 'violent religious extremism'. *The Hague Programme*, 2004, identified for the first time the need for a

⁶⁰ European Council, 'European Security Strategy'.

⁶¹ *Ibid.*, p. 3.

⁶² *Ibid.*, p. 3.

⁶³ *Ibid.*, p. 7.

⁶⁴ *Ibid.*, p. 4.

⁶⁵ *Ibid.*, p. 5.

policy response to this 'new' form of terrorism in the guise of a 'long-term strategy to address the factors which contribute to radicalisation and recruitment for terrorist activities'.⁶⁶ Whilst the question of religion and terrorism within the EU counter-terrorism documents will be dealt with in greater detail in Chapter Six, there is a need to highlight the way in which the interpretation of the threat posed by 'violent religious extremism' was used to support the assumption that the threat of terrorism in the present context was somehow 'new' and more 'dangerous'. The assumption here then was that the religious extremism of the 'terrorist' Other freed them from any valid motivational constraints. The religiosity of the 'new' terrorism means that the 'new' terrorist(s) see their struggle as one of 'good' against 'evil', thus allowing for a process whereby the 'new' terrorist is able to dehumanise their victim, making indiscriminate violence not only morally acceptable but a necessary and righteous obligation. They are seen as being driven by millenarian aims. The EU focus on the specific threat represented by terrorist groups influenced by religious doctrine is reflected in the statement contained within the EU *Strategy for Combating Radicalisation and Recruitment to Terrorism* that although 'Europe has experienced different types of terrorism in its history... the terrorism perpetrated by Al-Qaida and extremists inspired by Al-Qaida has become the main terrorist threat to the Union'.⁶⁷ The 'new' terrorism, the threat of Al-Qaida and 'violent religious extremism' are within the EU counter-terrorism policy discourse mutually constitutive.

Similarly to the use of the prefix 'new' to describe the 'most recent wave' of terrorism, the use of terminology surrounding weapons of mass destruction (WMD), such as the perceived threat posed by chemical, biological, radiological or nuclear materials (CBRN), did not enter the EU counter-terrorism policy discourse immediately. It should be noted that in the post-September 11 period, the EU *Framework Decision on Combating Terrorism*, 2002, specifically identified the 'manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons' as a terrorist act. However, it was not until the end of 2003 when the first *European Security Strategy* (12 December) and the *EU Strategy against Proliferation of Weapons of Mass Destruction* (10 December) were released,

⁶⁶ Council of the European Union, 'The Hague Programme', p. 4.

⁶⁷ Council of the European Union, 'The Strategy for Combating Radicalisation and Recruitment to Terrorism', p. 2.

that the conflation of the threat of terrorism with the threat of WMD occurred.⁶⁸ For example, the *EU Strategy against Proliferation of Weapons of Mass Destruction* stated quite clearly that in relation to the proliferation of WMD, 'the risk that terrorists will acquire chemical, biological, radiological or fissile materials and their means of delivery adds a new critical dimension to this threat'.⁶⁹ Subsequent policy documents released in the post-Madrid period have only served to reify this link between the 'new' terrorism and WMD, reinforcing the assumption of a possible threat posed by terrorists in control of/or seeking to acquire WMD.

In the post-Madrid period, the EU counter-terrorism policy discourse began to focus more closely on the possibility of terrorist attacks involving CBRN materials. Article 11 of the *Declaration on Combating Terrorism* which outlined 'measures to protect transport and population', focused on the need for 'further action... to strengthen capacity within Member States to alleviate the consequences of attacks on the civilian population, including in the areas of health security and civil protection, building on existing EU Health and Security and CBRN programmes'.⁷⁰ Objective 5 of the Revised Plan of Action for combating terrorism stated that the EU must work to 'ensure the full implementation of the EU Health Security and CBRN programmes'.⁷¹ This assumption that potential or actual terrorists were (and still are) seeking to gain access to and would be willing to use CBRN weapons against the 'civilian population' of the EU gained ever more traction throughout the development of EU counter-terrorism policy. The *EU Counter-Terrorism Strategy* reinforced this assumption through a number of statements on the threat posed by WMD.⁷² The 'Protect' objective of the strategy identified the need for an international commitment to working 'with partners and international organisations on transport security, and non-proliferation of CBRN materials and small arms/light weapons' in order to protect against the perceived likelihood of use of such materials in future terrorist attacks.⁷³ The 'Pursue' objective of the strategy highlighted one of the key priorities of counter-terrorism policy as being the need to 'tackle terrorist access to weapons and explosives, ranging from components for home-made explosives to CBRN material'.⁷⁴

⁶⁸ European Council, 'European Security Strategy'; European Council, *EU Strategy against Proliferation of Weapons of Mass Destruction*, Brussels 10 December, 2003, 15708/03.

⁶⁹ *Ibid.*, p. 2.

⁷⁰ European Council, 'Declaration on Combating Terrorism', p. 11.

⁷¹ *Ibid.*, p. 16.

⁷² Council of the European Union, 'The European Union Counter-Terrorism Strategy'.

⁷³ *Ibid.*, p. 11.

⁷⁴ *Ibid.*, p. 14.

The *Report on the Implementation of the European Security Strategy*, 2008, continued to emphasise the perceived threat posed by the 'new' terrorism and the proliferation of WMD.⁷⁵ It stated that 'terrorism and organised crime have evolved with new menace, including within our own societies'.⁷⁶ Whereas in the original *European Security Strategy* terrorism was identified as the main threat to the EU and proliferation of WMD was identified as the second most prevalent threat, the positions were reversed in the new strategy, demonstrating how central WMD and control of WMD had become not only to counter-terrorism policy but security policy in general. The document stated that in relation to WMD 'proliferation by both states and terrorists was identified in the ESS as "potentially the greatest threat to EU security"'. That risk has increased in the last five years, bringing the multilateral framework under pressure'.⁷⁷ The language contained within the document not only reinforced the assumption of a link between terrorism and WMD but constructed the threat posed by these interlinked 'global challenges' as ever increasing. Whilst non-proliferation of nuclear weapons was identified within the document as the most important objective, the assumption that potential or actual terrorist were (and still are) seeking to acquire and use WMD remains as a key discursive construct identifiable within the text of the document. It stated that whilst the EU has done much to 'protect our societies against terrorism', this should not stop the EU from tightening 'co-ordination arrangements for handling a major terrorist incident, in particular using chemical, radiological, nuclear and bioterrorism material, on the basis of such existing provisions as the Crisis Coordination Arrangements and the Civil Protection Mechanism'.⁷⁸

It was explained in the previous chapter that the reports of the EU Counter-Terrorism Coordinator (CTC) have played an important role in the evolution of the 'fight against terrorism' discourse. All eight of the reports released by the CTC have contributed to the reinforcement of this perceived link between terrorism and WMD, in terms of an assumption that terrorists are seeking to acquire and use WMD. To take but one example, the report from November 2008, on the *Implementation of the Strategy and Action Plan to Combat Terrorism* speaks of adopting proposals that address 'chemical, biological, radiological and nuclear risks', 'bio-preparedness' and the prevention of and response to 'CBRN threats and risks

⁷⁵ European Council, 'Report on the Implementation of the European Security Strategy'.

⁷⁶ *Ibid.*, p. 1.

⁷⁷ *Ibid.*, p. 3.

⁷⁸ *Ibid.*, p. 4.

under an all-hazards approach, while giving priority to the terrorist threat'.⁷⁹ The document continually referred to 'Chemical, Biological, Radiological and Nuclear risks' as well as a need to address the 'prevention, detection and response to, biological, radio-nuclear and chemical threats' through the development of a 'CBRN Task Force', which could help the Commission to 'develop a policy on CBRN' and work towards the 'identification of good practices and recommendations on response to CBRN incidents and security of CBRN substances'.⁸⁰ Indeed, the much vaunted EU phrase to describe the EU response to terrorism, 'the fight against terrorism', was appropriated and modified within the document wherein it focused on a 'fight against radiological and nuclear terrorism at the European level'.⁸¹

Finally, the causes of the 'new' terrorism were related to a number of factors both internal and external to European society that it was argued could lead to individuals becoming involved (the phrase used is 'easily radicalised') in terrorism. The *EU Counter-Terrorism Strategy*, 2005, identified a number of factors that it suggested are not generally present but may exist within certain segments of the population, including 'poor or autocratic governance; rapid but unmanaged modernisation; lack of political or economic prospects and of educational opportunities'. The document stated that in order to counter this, 'outside the Union we must promote even more vigorously good governance, human rights, democracy as well as education and economic prosperity, and engage in conflict resolution'.⁸² The implication of this narrative is quite clear: internally, certain segments of the population facing discrimination and poor economic prospects are more susceptible to the allure of terrorist activity; and externally, that weak and failing states represent a possible terrorist threat to the EU through the hospitable environment that they provide for terrorist organisations.

Challenging the 'New' Terrorism

This narrative that the world is confronted with a 'new' form of terrorism, a form of terrorism without historical antecedent and representing a complete break from terrorism of the past, has been produced and reproduced by a triumvirate comprised of politicians and policy-

⁷⁹ Council of the European Union, 'Implementation of the Strategy and Action Plan to Combat Terrorism', Brussels, 19 November, 2008, 15912/08, p. 20.

⁸⁰ Ibid., p. 20.

⁸¹ Ibid., p. 21.

⁸² Council of the European Union, 'The European Union Counter-Terrorism Strategy', p. 9.

makers, academics and the media.⁸³ This narrative has not only found itself articulated within the EU counter-terrorism policy, it is the main driving force behind the subsequent development of a number of the EU counter-terrorism policy responses. Indeed one of the key assumptions contained within the EU counter-terrorism policy discourse is that 'the current wave of terrorism' is 'new', it is 'global in scope', it poses 'a growing strategic threat', it is 'willing to use unlimited violence to cause massive casualties' and has links to 'violent religious extremism', therefore making it fundamentally different to other forms of terrorism that have occurred throughout history.⁸⁴

The formulation of this 'new' terrorism thesis presupposes that much of the pre-existing research into the 'old' forms of terrorism should be considered irrelevant, obsolete, anachronistic, and even harmful to the aim of preventing terrorism, that 'the old paradigms should be discarded and replaced with a new reframed understanding'.⁸⁵ For example Ian O. Lesser suggests that the 'new' terrorism, with its potential for destruction, its commitment to the acquisition and use of CBRN materials, its increased lethality, 'renders much previous analysis of terrorism based on established groups obsolete, and complicates the task of intelligence-gathering and counter-terrorism'.⁸⁶ Martha Crenshaw argues, on the contrary, that the claims made by the 'new' terrorism thesis needs to be systematically examined rather than taken as self-evident. Crenshaw contends that the departure from the past is not quite as pronounced as many accounts make it out to be and that today's terrorism is not a fundamentally or qualitatively 'new' phenomenon but is instead grounded in an evolving historical context.⁸⁷ Instead it can be argued that contemporary terrorism shares many of the characteristics of the terrorism of the past, dating back to the nineteenth century, and as such the 'new' terrorism thesis is based on an 'insufficient knowledge of history and [a]

⁸³ Examples of academic texts that articulate the 'new' terrorism thesis include Bruce Hoffman, *Inside Terrorism* 2nd Edition (New York: Columbia University Press, 2006); Dan Benjamin and Steven Simon, *The Age of Sacred Terror: Radical Islam's War Against America* (New York: Random House, 2003); Walter Laqueur, *The New Terrorism: Fanaticism and the Arms of Mass Destruction* (New York: Oxford University Press, 1999); Ian O. Lesser et al., *Countering the New Terrorism* (Santa Monica, CA: Rand Corporation, 1999).

⁸⁴ See European Council, 'European Security Strategy', p. 3.

⁸⁵ Martha Crenshaw, 'New' vs. 'Old' Terrorism: A Critical Appraisal', in Coolsaet, R. (eds.) *Jihadi Terrorism and the Radicalisation Challenge in Europe* (Aldershot: Ashgate, 2008), p. 25.

⁸⁶ Ian O. Lesser, 'Countering the New Terrorism', p. 2.

⁸⁷ For other critical views see David Tucker, 'What is New about the New Terrorism and How Dangerous is It?', *Terrorism and Political Violence*, 14:3 (2001), pp. 1–14; Jonny Burnett and Dave Whyte, 'Embedded Expertise and the New Terrorism', *Journal for Crime, Conflict and the Media*, 1:4 (2005), pp. 1–18; Doron Zimmerman, *The Transformation of Terrorism* (Zurich: Andreas Wenger, 2003); Alexander Spencer, 'Questioning the Concept of 'New Terrorism'', *Peace Conflict and Development*, 8 (2008); Michael Stohl, 'Old Myths, New Fantasies'.

misinterpretation of contemporary terrorism'.⁸⁸ Crenshaw argues not that there has been no change to terrorism but that these changes need to be precisely identified and that they are not necessarily attributable to religious motivations. As such, the articulation of a 'new' threat environment is as much about competing readings of contemporary history as it is about the need to provide security.

Crenshaw speculates that one reason for the development of the 'new' terrorism thesis is that it supports the case for major policy change: it represents 'a justification for a war on terrorism [or in the case of the EU a 'fight against terrorism'], a strategy of military preemption, and homeland security measures that restrict civil liberties. It is a way of defining the threat so as to mobilise both public and elite support for costly responses with long-term and uncertain pay-offs'.⁸⁹ The articulation within the 'fight against terrorism' discourse of the possible threat posed by terrorists in possession of CBRN materials, contributes to a perception that the threat posed by the 'current wave of terrorism' is at the very least an extreme, if not existential, threat to the EU. Again by constantly reproducing and reinforcing this discourse strand the EU provides legitimacy for many of the other measures contained in the EU counter-terrorism policy. The constant reproduction of this narrative also contributes to a normalisation or acceptance of the gravity of this threat amongst policy-makers and politicians even though there is little evidence to support such a perception.

As such a consequence of the 'new' terrorism thesis is that it helps to structure the meaning, logic and policy response to the threat of terrorism in the post-September 11 period. Not only has it helped to legitimise many of the new counter-terrorism measures that have been developed in the EU since September 11, 2001; in effect it also works to prevent the emergence of alternative counter-terrorism responses, such as policy reform and dialogue with terrorist groups. This is because the 'new' terrorism narrative constructs the 'new' terrorists as groups or individuals who are: irrational 'violent religious extremists'; seeking to commit massive and indiscriminate violence; seeking to acquire and use WMD or CBRN materials; or whose ideology prevents the possibility of engaging in such dialogue. As Jackson points out one potential outcome of discursively constructing terrorist(s) as religious fanatics who cannot be reasoned with, is to automatically rule out entering into dialogue with

⁸⁸ Martha Crenshaw, 'New' vs. 'Old' Terrorism', p. 25.

⁸⁹ Crenshaw, 'New' vs. 'Old' Terrorism', p. 35.

such groups about the source of their grievances. While it is true that the EU counter-terrorism policy advances a number of measures designed to prevent terrorism, at no point does it advocate engagement or dialogue with terrorist groups, leaving one to conclude, as does Jackson, that 'such options appear nonsensical and unreasonable within the discursive confines of the moral absolutism of the discourse'.⁹⁰ Furthermore, it can also be understood in terms of identity construction; with the EU representing the 'rational' Self, in opposition to the 'irrational terrorist' Other.

This assumption that the 'new' terrorists are seeking to acquire and use WMD or CBRN materials seems misplaced. The fear that terrorists might seek to use CBRN materials gained momentum with the 1995 Aum Shinrikyo sarin gas attack on the Tokyo subway as well as a result of the Oklahoma City bombing and these examples are often cited as demonstrative of the link between the 'new' terrorism and WMDs.⁹¹ Spencer argues that 'the possible use of WMDs as a characteristic of new terrorism is debateable' noting for example the limited use of chemical weapons by groups representative of the 'old' more traditional forms of terrorism.⁹² Crenshaw supports this line of argument highlighting that the Aum Shinrikyo attack on the Tokyo subway remains the only example of the deliberate use of chemical weapons against a civilian population. She also points out that 'terrorists have not used nuclear or radiological weapons despite official concern over the prospect since at least 1976'.⁹³ This assumption that terrorists are seeking to acquire and use WMD or CBRN materials is based not only on a lack of evidence but also a limited amount of empirical studies; like the discourse strand that is based on an assumption that organised crime and terrorism are intertwined, this discourse strand is based on a limited number of examples that are constantly cited as evidence of its truth.

Indeed, the focus of the EU counter-terrorism policy on the possible terrorist threat represented by weak and failing states is also contestable for the same reasons. Stewart Patrick has argued that policy-makers and experts have presumed a blanket connection between weak governance and transnational threats such as terrorism, leading to the

⁹⁰ Richard Jackson, 'An analysis of EU Counterterrorism Policy Discourse', p. 244.

⁹¹ See Crenshaw, 'New' vs. 'Old' Terrorism', p. 27; and Spencer, 'Questioning the Concept of 'New Terrorism'', p. 18.

⁹² Spencer, 'Questioning the Concept of 'New Terrorism'', p. 19. Spencer identifies the use of chemical weapons by the PKK, who poisoned water tanks of the Turkish Air Force with a lethal dose of cyanide in 1992, as well as by the Tamil Tigers, who attacked a Sri Lankan military camp in 1990 with chlorine gas.

⁹³ Crenshaw, 'New' vs. 'Old' Terrorism', p. 31.

development of new initiatives designed to combat that threat.⁹⁴ He notes that it is 'striking, however, how little empirical evidence underpins these sweeping assertions and policy developments... they have rarely distinguished among categories of weak and failing states or asked whether (and how) certain types of developing countries are associated with particular threats.'⁹⁵ For Patrick it appears that too often anecdotal evidence or individual examples, such as the success of Al-Qaida in Afghanistan, influence an entire range of Western policies. It may be true that weak states do nurture such threats but the connection is far from universal. There is also an inherent 'othering' process at work here, the assumption that other states are 'weak' or 'failing' and that they are as such more amenable to terrorist groups (or individuals) helps to construct an Other against which a 'European' sense of Self is reinforced. Furthermore, the self-representation of the EU as a 'promoter' of 'good governance' and/or 'human-rights' plays a powerful role in legitimising EU intervention and development assistance in third countries.

Conclusion

The aim of this chapter has been to demonstrate how the EU's 'fight against terrorism' discourse conceptualises terrorism and construct the 'terrorist' Other. It has been argued that this is achieved through three interlinked discourse strands that run throughout the historical production of EU counter-terrorism policy. These discourse strands can be understood as continuities within the 'fight against terrorism' discourse; although they all evolve with varying degrees of complexity. It is a main contention of this thesis that the conceptualisation of terrorism revealed here shapes or influences the EU counter-terrorism response. These three strands of the discourse construct terrorism: first, as a criminal act; second, as an act committed primarily by non-state actors (the state is the primary victim, never the perpetrator); and third, in the post-September 11 period, as 'new' and different to 'old' forms of terrorism. It has been argued that they also tie into other discourse strands, including: terrorism as a threat to the 'values' (identity) of the EU; and the fear that actual or potential terrorists are seeking to acquire and/or use WMDs. With respect to the technique of analysis

⁹⁴ Stewart Patrick, 'Weak States and Global Threats: Fact or Fiction?', *The Washington Quarterly*, 29:2 (2006), pp. 27-53.

⁹⁵ *Ibid.*, p. 28.

identified in Chapter Two, this method of analysis allows us to map how these different discourse strands have been constructed.

First, it was argued that not only does the discourse construct terrorism as crime; the 'fight against terrorism' discourse constructs terrorism as something more than crime. The discourse does this in two ways: it blurs the distinction between terrorism and organised crime; and it contains emotive language, including a number of different words, terms, phrases and labels which are used to describe the 'terrorist' Other and the acts of terrorism they commit. As such, the discourse shapes or influences the meaning, logic and policy responses to terrorism. In the first instance the blurring of organised crime and terrorism (and responses to both these problems) means that measures designed for one area may be applied in another; this in turn may have significant impact upon civil liberties. In the second instance, while the use of emotive language plays a powerful role in delegitimising the aims or the actions of the terrorist(s), it may also obscure what is in some instances legitimate political protest. This ties into the second argument made in this chapter, which is that the EU counter-terrorism policy discourse has a state-centric bias. The analysis revealed that this discourse strand is constructed through a continual reference to sub-state actors as the main terrorist threat to the EU and by denying space within the discourse for defining and analysing acts of state terrorism. As such, 'the terrorist' Other is always constructed as a non-state actor. As well as this, the discourse also places an emphasis on the threat posed by state-sponsored terrorism. However, it only defines this form of terrorism with reference to the threat posed by those state-sponsors who support acts of terrorism directed against the EU and its allies. Furthermore, the discourse also constructs those state-sponsors as 'failed states', which also plays a role in the 'othering' process by drawing attention to their legitimacy.

Third, it was argued that discourse is based on an assumption that the 'current wave' of terrorism is somehow 'new' and different to 'old' forms of terrorism. The method used here allowed us to identify the different words, terms, phrases and labels, such as 'new', 'violent radicalisation', 'weapons of mass destruction' (WMD), or 'chemical, biological, radiological, or nuclear materials' (CBRN), that are central to this discourse strand. It was also argued that this strand of the discourse is underpinned by another assumption which conflates these different ideas: the 'new' terrorist(s) are seeking to acquire and/or use WMD or CBRN materials against the EU, its member states and/or its citizens. In particular, the focus on

terrorism as 'new' helps to structure the meaning of terrorism in the post-September 11 period, as well as the logic and appropriate policy response required to combat that type of terrorism. Finally, the analysis also hinted at an argument that will be made in the Chapters Five and Six. When responses to terrorism become discursively meshed with other issues, such as immigration and Islam in Europe, a number of problems arise. It will be argued that the 'fight against terrorism' discourse has contributed to the construction of a condition of perceived insecurity within Europe. This is in part an effect of the construction of immigrant or Muslim communities (the threat of the 'immigrant'/'Muslim' Other) as a potential or actual source of the terrorist threat, through the 'fight against terrorism' discourse. This in turn has led to the securitisation of issues that surround immigration and/or Islam through their treatment as part of the counter-terrorism response.

Chapter Five

Chapter 5: Constructing the 'Migrant' Other, Globalisation, Securitisation and Control

Introduction

This chapter will engage in an investigation of how the 'fight against terrorism' discourse constructs issues regarding migration and border control as central to the EU counter-terrorism response. In particular, it will focus on how the discourse constructs the 'migrant other'; a social construct which is then conflated with the perceived terrorist threat. The chapter does this through the identification and analysis of two strands that are prevalent within the counter-terrorism policy discourse: terrorism and the threat posed by a 'globalised' or 'open' society; and a discourse of 'surveillance' and 'control'.

The first of these strands constructs the 'migrant' Other as a threat to the 'globalised' or 'open' society of the EU by conflating migration with terrorism. The chapter proceeds by mapping how this discourse strand is constructed; it draws out the key words, terms, phrases and labels (knowledge) that it is based upon. Through this process of analysis the chapter then reveals the assumptions that underpin this discourse strand. In particular, it is argued that there are two main assumptions that are central to this strand of the discourse. The first is that potential or actual terrorists are able to take advantage of the environment provided by a 'globalised' or 'open' society, such as that of the EU, in order to achieve their objectives. The second is based on the conceptualisation of terrorism outlined in the previous chapter. As was explained in Chapters Three and Four, in the post-September 11 period, terrorism is assumed to be somehow 'new' or different to 'old' terrorism'. This has led to the construction of the 'terrorist' Other as an individual (or group) committed to 'maximum violence'. In turn the acts of terrorism they commit are constructed as 'new' forms of terrorism which are 'indiscriminate' and target 'innocent' individuals with the aim of causing 'massive casualties'. These two assumptions taken together construct a specific type of terrorist threat: a 'new' terrorist, committed to 'maximum violence', who takes advantage of the EU migratory system to carry out acts of terrorism in an 'open' or 'globalised' society. This strand of the discourse provide the rationality for the subsequent development of a number of EU counter-terrorism policies that focus on the control of EU borders, though restriction or

denial of entry to the EU area, and the exclusion of those deemed a threat to the EU and its citizens.

The chapter seeks to demonstrate how the policy documents make sense of the social reality of terrorism. It is argued that this discourse strand has the implicit effect of constructing the 'migrant' Other as a potential or actual terrorist threat, whilst simultaneously conflating issues regarding migration and border control with issues that surround the response to the perceived threat of terrorism. The chapter also highlights how the notion that terrorism represents an extreme or existential threat to European society is constructed, analysing the language contained within the policy documents. It also argues that there is a relationship between the language contained within the discourse and the construction of 'European political identity', explaining that at a deeper ontological level, the conflation of the perceived threat of terrorism with the 'migrant' Other leads inexorably to the negation of the 'migrant' Other and his/her construction as a security threat.

The second strand explicitly links migration and asylum policy to counter-terrorism policy through the construction of a discourse of control. The EU counter-terrorism policy documents continually advocate the use of ever increasingly sophisticated policies, practices and measures aimed at the control of the 'migrant' Other as part of a strategy designed to 'protect' against further acts of terrorism. Whilst it is true that the question of migration had before pre-September 11 period, occupied a central place on the agenda of EU member states in the development of a common internal security policy; the events of September 11, 2001, reinforced a perception that migration control should form a central part of EU security policy and had a far reaching impact on the framing of the debate over migration (and immigration) in the EU.

This section begins by mapping how this strand of the 'fight against terrorism' discourse, which emphasises 'control' of the 'migrant other', is constructed throughout the production of EU counter-terrorism policy, before engaging in a contextual analysis of the discourse strand. The analysis seeks to demonstrate how this assumption, that the EU migratory system is being abused by potential or actual terrorists, is constructed. It then explains how this discourse of control is changing how the EU conceptualises 'freedom'. The chapter then turns to the question of whether the EU migratory system is being securitised through the discursive construction of EU counter-terrorism policy. This analysis supports the wide-

spread perception of many commentators on EU policy in this area that the discursive linking of terrorism to migration, which occurred in the wake of those events, is representative of a trend that was already underway: the securitisation of EU migration policy.¹ In particular it is argued that this has been achieved in two interlinked ways. First, through the articulation of a security discourse that emphasises the migrant 'other' as a potential terrorist threat; second, through non-discursive practices such as the extensive application of instruments of migration control, instruments which have been constructed as essential tools in the 'fight against terrorism'.² The chapter concludes by arguing that this discourse of control is continually evolving and that there is a biopolitical dimension to the securitisation of migration within the EU. The next section shall focus on how the 'fight against terrorism' discourse conflates the threat of terrorism with the threat posed by an 'open' or 'globalised' society.

Terrorism and the Threat Posed by a 'Globalised' or 'Open' Society

At the outset of the analysis of this particular strand of the discourse, it is important to explain that the EU counter-terrorism policy discourse does not construct the 'migrant' Other as a potential terrorist threat in explicit way; for example, through the direct linkage of the concept of 'terrorism' with the terms 'migrant', 'migration', 'immigrant', 'immigration', 'asylum-seeker' or 'refugee'. Instead, the perceived threat of the 'migrant other' is articulated in a more subtle way: it is expressed first through a number of implicit references to the problems associated with a 'globalised' or 'open society'; and second, it is achieved through a focus on the need for 'border control' and the 'surveillance' of border crossers. This first section will focus on the way in which the 'migrant' Other has been implicitly constructed as a potential terrorist threat. Having analysed the security documents produced by the European Council (across the period 1997-2009) it is striking how many references there are that

¹ Jef Huysmans, 'Migrants as a Security Problem: Dangers of "Securitizing" Societal Issues' in Miles, R. and D., Thränhardt (eds.) *Migration and European Integration: The Dynamics of Inclusion and Exclusion*, (London: Pinter, 1995), pp. 53-72; Jef Huysmans, 'The European Union and the Securitization of Migration', *Journal of Common Market Studies*, 38:5 (2000), pp. 751-777; Jef Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU*, (London: Routledge, 2006); Georgios Karyotis, 'European Migration Policy in the Aftermath of September 11 :The security-migration nexus', *Innovation: The European Journal of Social Science Research*, 20:1 (March 2007), pp. 1-17; Ayse Ceyhan and Anastassia Tsoukala, 'The Securitisation of Migration in Western Societies', *Alternatives*, 27 (2002), pp. 21-39.

² Migration control consists of numerous policies that are designed to exclude irregular migrants and other unwanted foreign nationals through restrictions on entry, border controls, detention and deportation.

explicitly link the threat posed by 'terrorism' to the problems associated with a 'globalised' or 'open' society. However, in the pre-September 11 period, other security problems were initially discursively constructed as central to this strand of the discourse.

Before the events of September 11, 2001, the construction of the 'migrant' Other, as a *potential* threat to European society and therefore European identity, was a central theme of the EU's internal security policy.³ The *Tampere Conclusions*, 1999, which set out the policy priorities that would be central to the completion of the EU's Area of Freedom, Security and Justice (AFSJ), argued that 'European integration... [is] rooted in... a shared commitment to freedom based on human rights, democratic institutions and the rule of law', as well as 'common values', 'securing peace' and 'developing prosperity'.⁴ With specific reference to migration, the document stated that the very existence of the EU 'acts as a draw to many others world-wide who cannot enjoy the freedom union citizens take for granted' and it would therefore go against European traditions 'to deny such freedoms to those whose circumstances lead them justifiably to seek access to our territory'.⁵ The document described the main aim of the *Tampere Conclusions* as 'an open and secure European Union, fully committed to the obligations of the Geneva Refugee Convention and other relevant human rights instruments, and able to respond to humanitarian needs on the basis of solidarity'.⁶ However the syntactic ordering of sentences implied that this aim of 'openness', 'openness' being a characteristic of European society itself, also represented a significant risk to the security of the EU and its citizens. As was explained in Chapter Three, the semantic structure of the European Council policy documents produced in the pre-September 11 period, focused primarily on the threat posed by 'serious organised and transnational crime' and the challenge represented by 'illegal immigration', as interlinked 'internal' and 'external' security problems for the EU. In this period it was the perceived threat of 'transnational crime' and the challenge posed by 'illegal immigration' (and not terrorism) that played a significant role in the reinforcement of this strand of the discourse, which constructed the 'openness' of

³ It should be noted here that the concept of European identity is extremely ambiguous and that assuming European identity equals European society is not unproblematic. The point here then is that in the discursive construction of EU counter-terrorism policy, the construction of a terrorist threat to society that is interlinked with the constructed threat of the 'migrant' Other plays a role in the constant reconstruction of 'European political identity'.

⁴ European Council, Presidency Conclusions, Tampere European Council, 15th and 16th October 1999, 200/1/99, paragraph 1.

⁵ Ibid., paragraph 3.

⁶ Ibid., paragraph 4.

European society as representing a significant challenge to the EU and its developing role in the provision of security for its citizens.

The discursive construction of the 'openness' of European society as a potential security threat was strengthened in the period following the events of September 11, 2001. However, it was no longer the threat of crime or the problem of immigration that was invoked to support this idea that the 'openness' of the EU area was problematic; instead it was the threat of terrorism. *The Extraordinary Council Meeting* of the European Council, on September 21, 2001, defined the attacks as 'an assault on our open, democratic, tolerant and multicultural societies' and as such a 'challenge to the conscience of every human being'.⁷ The EU promised to 'cooperate with the United States in bringing to justice and punishing the perpetrators, sponsors and accomplices of such barbaric acts' whilst simultaneously respecting 'the fundamental freedoms which form the basis of our civilization'.⁸ The introduction and use of terms such as 'civilization' and 'barbaric' (to describe the EU and the terrorists respectively) are particularly interesting given their socio-cultural origins. In this initial phase the attacks were construed as an attack on all countries with those similar values of openness, democracy, tolerance and respect for all cultures. The initial European Council documents released in September 2001 also succeeded in constructing the threat from 'the scourge of terrorism' as an external one. They did this by focusing on the need to engage in 'in-depth political dialogue with those countries and regions of the world in which terrorism comes into being'; as well as re-evaluating the EU's relationship with third countries 'in light of the support which those countries might give to terrorism'.⁹ The implicit assumption contained in such phrases had the effect of constructing terrorism at this early stage as a phenomenon whose origins were (and to a certain extent remain) external to the EU. It is also clear that by constructing the threat of terrorism, in this early stage of counter-terrorism policy, as an external one, the 'fight against terrorism' discourse strengthened the perception that a 'globalised' or 'open' society represented an inviting target for further acts of terrorism.

The *European Security Strategy*, 2003, built on this strand of the discourse by stating that the environment of which the EU is part of is 'one of increasingly open borders in which the

⁷ European Council, Conclusions and Plan of Action of the Extraordinary Meeting on 21 September 2001, SN140/01.

⁸ Ibid., p. 1.

⁹ Ibid., p. 3.

internal and external aspects of security are indissolubly linked'.¹⁰ It stated that those who engage in acts of terrorism seek 'to undermine the openness and tolerance of our societies'. Globalisation was presented as both an opportunity and a threat to Europe, in that 'flows of trade and investment, the development of technology and the spread of democracy have brought freedom and prosperity to many people'. However, the discourse also identified a negative side in that 'others have perceived globalisation as a cause of injustice'.¹¹ The EU interpreted the process of globalisation as having 'increased the scope for non-state groups to play a part in international affairs' as the document argued 'they have increased European dependence – and so vulnerability – on an interconnected infrastructure in transport, energy, information and other fields'.¹² This again contributed to the construction of the 'openness' of European society as a threat to security. There was however a move away from the discursive construction of the terrorist threat as one that was defined by the civilized/barbarian dichotomy, to a policy discourse focusing on terrorism as a threat to society. This subtle shift from civilisation to society is important in that by portraying the threat of terrorism as an extreme threat to European society, and thus European identity, the discourse played a key role in both justifying and normalising the whole range of policy responses that the EU sought to implement as appropriate methods of combating terrorism.

In the immediate aftermath of the Madrid train attacks, the European Council released the *Declaration on Combating Terrorism*, 2004, containing the Strategic Objectives to Combat Terrorism (or the Revised Plan of Action). In this period, there was a shift from an EU perception of terrorism as something that was primarily constructed as an existential threat to civilisation, to an EU perception of terrorism as something more akin to an extreme threat to society and its values. For example, the document stated that the 'callous and cowardly attacks served as a terrible reminder of the threat posed by terrorism to our society' and that acts of terrorism 'are attacks against the values on which the Union is founded'.¹³ The document also strengthened the notion that the threat of terrorism has important external dimensions. It focused on targeting external relations priorities at 'Third Countries where counter terrorist capacity or commitment to combating terrorism needs to be enhanced' as well as 'addressing counter-terrorism concerns into all relevant external assistance

¹⁰ European Council, A Secure Europe in a Better World – European Security Strategy, Brussels 12 December 2003.

¹¹ Ibid., p. 3.

¹² Ibid., p. 3.

¹³ European Council, Declaration on Combating Terrorism, Brussels, 15 March, 2004, 7906/04, p. 1.

programmes to promote good governance and the rule of law'.¹⁴ The perception that there was an external threat posed by terrorism was thus used to promote forms of intervention and development assistance in Third Countries. It should also be noted that the construction of an external dimension to the terrorist threat remained central to the legitimisation of this discourse strand that the 'openness' of EU society was also a counter terrorism issue.

The *EU Counter-Terrorism Strategy*, November 2005, maintained this process of defining terrorism through the prism of identity; as a threat to 'the values of our democratic societies and to the rights and freedoms of our citizens'.¹⁵ It reinforced the discursive construction of the 'openness' of the EU area as problematic; as an environment which terrorists use advantageously in order to pursue their objectives. The document stated that: the 'European Union is an area of increasing openness, in which the internal and external aspects of security are intimately linked'; furthermore 'it is an area of increasing interdependence, allowing for free movement of people, ideas, technology and resources'; this environment was described as 'an environment which terrorists abuse to pursue their objectives'.¹⁶ The document also reinforced this idea of 'new' terrorism by describing terrorists in the present context as willing to engage in 'indiscriminate' targeting of 'innocent people'. This needs to be understood in the context of earlier EU pronouncements on the 'terrorist' Other as an actor 'willing to use unlimited violence to cause massive casualties'.¹⁷ The assumption of the 'terrorist' as an individual or group willing to engage in 'indiscriminate' acts of violence against 'innocent people', in order to cause 'massive casualties', has been a major driving force behind the development of EU counter-terrorism policy. As such, it is argued that when the inherent dangerousness of the 'new' terrorism is combined with this assumption that actual or potential terrorist are seeking to take advantage of the 'openness' of the EU area, the 'fight against terrorism' discourse becomes performative. It plays a powerful role in the legitimisation and normalisation of policies designed to restrict that 'openness' because it is based on a perception that they are needed to ensure the safety of EU citizens.

Whilst the EU had by November, 2005, begun to focus on terrorism as primarily an internal threat to European society, through a focus on so called 'home-grown' terrorist groups (the

¹⁴ Ibid., p. 9-12.

¹⁵ Council of the European Union, *The European Union Counter-Terrorism Strategy*, 30 November, 2005, 14469/4/05, p. 6.

¹⁶ Ibid., p. 6.

¹⁷ European Council, 'European Security Strategy', p. 3.

majority of which it is argued are inspired by an extremist Islamist ideology), the EU had also continued to construct the threat of terrorism as part of a wider external threat to European society. Indeed, the EU *Counter-Terrorism Strategy*, 2005, stated quite clearly that not only does 'much of the terrorist threat to Europe originate outside the EU' but 'the current international terrorist threat affects and has its roots in many parts of the world beyond the EU'; the strategy went on to argue that this threat can only be responded to through 'co-operation with and the provision of assistance to priority third countries – including in North Africa, the Middle East and South East Asia'.¹⁸ The effect of this discursive construction is to reinforce the perception of the 'terrorist' Other, as an individual or group, abusing a 'globalised' and interdependent society; a society in which people, including potential or actual terrorists, can migrate from all regions of the world into the EU area.

The EU *Strategy for Combating Radicalisation and Recruitment*, 2005, also contributed to this strand of the discourse by arguing that there are several practical steps one must take for an individual to become engaged in terrorism. The document stated that 'the ability to put ideas into action has been greatly enhanced by globalisation: ease of travel and communication and easy transfer of money means easier access to radical ideas and training'.¹⁹ More recently, the *Report on the Implementation of the European Security Strategy*, 2008, helped to reinforce the discursive construction of globalisation as both an opportunity and a threat to Europe, emphasising that 'globalisation has brought new opportunities' but simultaneously 'globalisation has also made threats more complex and interconnected'.²⁰ Using a biological 'life' metaphor, the document stated that the 'arteries of our society' within Europe are increasingly 'vulnerable' and that the threat of terrorism continued to provide the basis for increased cooperation in order to 'protect our societies against terrorism'.²¹ Globalisation in particular was constructed as impacting upon identity in that it was 'accelerating shifts in power and is exposing differences in values'.²² Although the *Stockholm Programme*, 2009, does not make any explicit links between the 'openness' of European society and terrorism, the debate over 'access to Europe in a globalised world'

¹⁸ Council of the European Union, 'The European Union Counter-Terrorism Strategy', see p. 14 and p. 7.

¹⁹ Council of the European Union, *The Strategy for Combating Radicalisation and Recruitment to Terrorism*, 24 November 2005, 12781/1/05, p. 3.

²⁰ European Council, *Report on the Implementation of the European Security Strategy: Providing Security in a Changing World*, Brussels 11 December, 2008, S407/08, p. 1.

²¹ *Ibid.*, p. 4.

²² *Ibid.*, p. 1.

remain a central concern.²³ The document acknowledged that while access to EU territory for those with a legitimate interest should be made more effective and efficient, the EU must also 'guarantee security for its citizens'; an objective it is argued should be achieved through 'integrated border management and visa policies'.²⁴ The construction of an external dimension to the threat of terrorism remained central to the discourse, with the document continuing to advocate cooperation with third countries in order to more effectively combat terrorism.

From the analysis carried out above, it is possible to argue that this strand of the discourse which focuses on the threat posed by a globalised or 'open' society is one of the central elements upon which the construction and development of EU counter-terrorism policy has been formulated. It is tied into other assumptions, outlined in the previous chapter, about the nature and causes of terrorism. This discourse strand rests upon an acceptance that terrorism represents a major external threat to the EU. This in turn is linked to the belief that effective border controls should form a key part of the counter terrorism response. Before explaining how this discourse of 'surveillance and control' is constructed, this chapter shall focus on analysing the assumptions and deconstructing the language of this strand of the discourse that proclaims the 'openness' of EU society to represent a possible terrorist threat. It will do this in three sections: first, it will analyse the notion that terrorism is an extreme threat to an 'open' or 'globalised' society; second, it will deconstruct the language of threat that is reproduced throughout the 'fight against terrorism' discourse; and third, it will analyse the relationship between migration, 'European political identity' and the discursive construction of EU counter-terrorism policy.

Analysing the Notion that Terrorism represents an Extreme Threat to an 'Open' or 'Globalised' Society

The construction of an external dimension to the perceived (current) terrorist threat is understandable given the identity of those who committed the acts of terrorism in New York in 2001. Those initial attacks on September 11, that inspired the creation of an EU counter-terrorism policy, were committed by foreigners who had entered the US legally on regular

²³ Council of the European Union, The Stockholm Programme – An open and secure Europe serving and protecting the citizen, Brussels 2 December 2009, 17024/09.

²⁴ Ibid., p. 4.

visas and had typically overstayed their visa permits. They had also arrived from Muslim countries. As Mario Zucconi highlights, these facts about the people behind the attacks of September 11, has resulted in it becoming more 'commonplace to establish a relationship between that new sort of international terrorism and globalisation, and especially the greatly intensified movement of people across borders'.²⁵ The perceived threat of this 'new' terrorism, a form of terrorism committed to 'maximum violence', combined with a perception that the current environment (a 'globalised' or 'open' society) is one which terrorists can abuse, has led to an interpretation that the 'new' terrorism represents an extreme threat (if not an existential threat) to (Western) civilisation or society. For example, in the early stages of the development of EU counter-terrorism policy (the post-September 11 period) there was a shift from the interpretation of the terrorist threat through the use of the civilised/barbarian dichotomy, to the focus on the terrorist threat as a threat to society as a whole (the post-Madrid period). The interpretation of the terrorist threat in this manner is not without consequence.

First, the construction of terrorism as a threat to (Western) civilization or, less alarmingly, simply a threat to (Western) society is extremely problematic. John Mueller has argued that in purely statistical terms terrorism has limited direct effects.²⁶ The hyperbole that accompanies the discursive construction of terrorism, as a threat to civilization, society or 'our way of life', is challenged by the rather limited number of people who die as a result of international or domestic terrorism every year (generally several hundred) and is tiny compared to the number of people who die in civil wars or even automobile accidents. Second, in agreement with Jackson, what distinguished the terrorist attacks of September 11, 2001 from other acts of political violence is not the suffering that it caused, in reality the number of deaths that day was far from exceptional, but the way in which those attacks were interpreted.²⁷ Regardless, the EU counter-terrorism policy discourse, the 'fight against terrorism', is still based on an assumption that terrorism poses a very real threat to the fabric of European civilization/society; an assumption which is but one of a number of alternative

²⁵ Mario Zucconi, 'Migration and Security as an Issue in US – European Relations', in John Tirman (ed.) *The Maze of Fear: Security and Migration After 9/11*, (New York: The New Press, 2004), p. 143.

²⁶ John Mueller, Six Rather Unusual Propositions about Terrorism, *Terrorism and Political Violence*, 17 (2005), pp. 487-505.

²⁷ See Richard Jackson, *Writing the War on Terrorism*, (Manchester: Manchester University Press, 2005), p. 37. Jackson identifies the conflicts in Rwanda, 1994, that left 800,000 dead; the 3 million estimated to have died in the conflict in the Democratic Republic of Congo since 1998; or the tens of thousands of civilians killed by terrorists in the last few years in Algeria, Chechnya, Israel and Sri Lanka; as examples of political violence much greater in scale than that which occurred on September 11, 2001.

interpretations as to the threat posed by terrorism. This is not to argue that terrorism does not pose some kind of threat, it is real and it takes lives; only that the interpretation offered by the EU is based on an assumption as to the gravity of that threat. In turn, this assumption influences the meaning, logic and policy responses to terrorism made possible by the counter-terrorism discourse.

Deconstructing the Language of 'Threat' in EU Counter-Terrorism Policy

Building on this analysis of the notion that (in the post-September 11 period) terrorism represents an extreme or existential threat to civilisation or society; it is important to highlight the impact of certain words, terms and phrases in the construction of the 'fight against terrorism' discourse. The use of the words 'barbaric' and 'civilisation' conjure up the image of an ongoing struggle between civilisation and barbarism which in terms of 'European political identity' is inextricably linked to Europe's Graeco-Roman heritage and in particular is associated with a conflict between Christendom and the Islamic world.²⁸ The meta-narrative of this struggle also has a long genealogy in international relations.²⁹ The image of the terrorist as today's barbarian, as a danger, risk or threat to Europe's 'open' society, is a particularly powerful one. Richard Jackson argues that in another sense globalisation has come to be seen as the late-modern, sociological term for the 'civilising process' and in that respect 'terrorism, as a form of barbarism, can be seen as a challenge to international order and the civilizing process of globalisation'.³⁰ As such, the irrational 'terrorist' Other can be understood as a challenge to the norms and values that underpin the rational EU representation of Self. Although the terms 'barbaric' and 'civilisation' are used only sparingly in the counter-terrorism documents produced by the EU (they are only used in the *Conclusions and plan of action of the extraordinary European Council Meeting* from September 2001) this language does not disappear from the EU discourse on terrorism completely. For example, in a speech to the *Israeli International Institute for Counter-Terrorism* (ICT), in September 2008, Gilles de Kerchove, the EU CTC, invoked this type of language once more.³¹ He spoke of the 'terrorist' threats facing Israel, arguing that in

²⁸ Roberta Guerrina, *Europe: History, Ideas, Ideologies*, (London: Arnold, 2002).

²⁹ See Jackson, 'Writing the War on Terrorism'; Mark Salter, *Barbarians and Civilization in International Relations*, (London: Pluto Press, 2002).

³⁰ Richard Jackson, 'Writing the War on Terrorism', p. 48.

³¹ Gilles de Kerchove, 'EU Policy in the Fight against Terrorism - From Formulation to Implementation', World Summit on Counter-Terrorism: Terrorism's Global Impact, September 8-11, *ICT's 8th Annual International Conference*, Herzliya, Israel (2008).

response the Israelis had chosen the path of 'democracy', 'respect for individual rights' and 'the freedom of conscience and belief'.³² He went on to state that 'these are the liberties which have permitted the great flowering of our civilisation'.³³ He also argued that when using military force, to combat these threats, it is vital that Israel or the EU 'must ensure that this is done in accordance with the standards which the civilised world has set itself following the bitter experiences of our history'.³⁴ The use of this type of language reveals something explicit about the EU's perception of itself; and likewise, something implicit about its perception of the 'terrorist' Other.

Notice also the way in which the 'Other' is constructed as having explicitly mis-'perceived' globalisation as a 'cause of injustice'.³⁵ This narrative implies that globalisation has essentially positive effects with the way in which it claims 'development', 'democracy', 'freedom' and 'prosperity' as central to processes of globalisation. It also serves another function in that it simultaneously denies space within the narrative for the negative effects of globalisation, such as underdevelopment and an increasing gap between rich and poor societies, through the assertion that the other has inaccurately 'perceived' globalisation as a cause of 'injustice'. The narrative that constructs the threat of the terrorist 'other' as a threat to the 'open' and globalised societies of the West is thus strengthened. It also plays a role in constructing the 'terrorist' Other as backward, irrational or reactionary; they seek to challenge or undermine a process (globalisation) which is portrayed as a positive process.

In Richard Jackson's analysis of US counter-terrorism discourse in *Writing the War on Terrorism*, he argues that this interpretation of the 'terrorist' Other as a threat to globalisation was not inevitable. He contends that a different rendering of globalisation could have explained the terrorist attacks of September 11, 2001, as 'a manifestation of globalisation's dark side: the attackers, representing a constituency blighted by the global economic system, attacking the symbols of that system by turning the vulnerabilities of a globalised society against itself'.³⁶ Indeed, Stuart Croft has argued that the 'decisive intervention' that followed the events of what he calls the 'second American 9/11' could have been interpreted through a

³² Ibid., p. 5.

³³ Ibid., p. 5.

³⁴ Ibid., p. 6.

³⁵ European Council, 'European Security Strategy', p. 3.

³⁶ Jackson, 'Writing the War on Terrorism', p. 53.

multitude of different narratives (not necessarily the 'war on terror').³⁷ This critique can also be applied to the discursive construction of globalisation in the EU counter-terrorism policy discourse. This strand of the discourse, in which the uncivilised terrorists launched attacks against and continue to pose a threat to 'civilisation' itself, can be reinterpreted. Sakamoto remarks that pondering the 'roots of terrorism', as distinct from 'terror' itself, raises the question as to whether Western civilisation, which claims to represent liberty, security and justice, 'is not anti-civilisational' insofar as it remains indifferent to the global structure of appalling inequity and oppression. It is in this sense that terror is a 'challenge to civilization' and the 'justice' of democracies of the north is coming under question.³⁸ The question Sakamoto raises then is one of Western hypocrisy when it comes to interpreting terrorism. What this tells us then is that the EU response to these events, the 'fight against terrorism', was based on a particular interpretation of the meaning of those events (e.g. a challenge to the values of 'European civilisation'; a challenge to the values of 'European society').

In support of this line of argument we should consider Asafa Jalata's study of state terrorism in Ethiopia and Sudan. He reveals how Western governments have demonstrated a degree of hypocrisy in terms of support for an Ethiopian regime that has engaged in acts of state terrorism and massive human-rights violations, while simultaneously supporting the struggle for self determination by non-state actors in southern and western Sudan.³⁹ These acts of violence are not only tolerated through the political support of Western governments but through the continued financial support of the Ethiopian government by international organisations such as the World Bank and the International Monetary Fund which embody the principles of globalisation that the EU argues are central to its conception of freedom, peace and prosperity.

The discursive meshing of globalisation with indiscriminate violence and extremist or religiously inspired terrorism will be considered in greater detail in Chapter Six, where it will be argued that terrorism in the post-September 11 period is constructed as primarily a

³⁷ Stuart Croft, *Culture, Crisis and America's War on Terror*, (New York: Cambridge University Press, 2007). Croft identifies five alternative narratives that could have been conjured from the 'facts' of the 'second American 9/11', see pp. 113-115.

³⁸ Yoshikazu Sakamoto, 'The Politics of Terrorism and "Civilization": How to Respond as a Human Being', in Gokay, B. and Walker, R.B.J. (eds.) *11 September 2001: War, Terror and Judgement*, (London: Frank Cass, 2003), p. 40.

³⁹ Asafa Jalata, 'State-Terrorism and Globalisation: The Cases of Ethiopia and Sudan', *International Journal of Comparative Sociology*, 46 (2005), pp. 79-102.

phenomenon linked to 'violent radicalisation'. However, in terms of the EU's discursive construction of the 'openness' of a 'globalised' society as a social formation that is inherently susceptible to the threat of terrorism, there is another point to be made. Adrian Guelke highlights the argument that is sometimes made by policy-makers, officials or political leaders, which one can detect in the EU counter-terrorism policy documents, that the perpetrators of terrorism seek to engage in acts of unlimited violence. Guelke argues that this argument fails to take into account the relationship between the scale of violence a sub-state group may seek to inflict and its political goals.⁴⁰ For Guelke, the process of globalisation and its influence has been greatly over-exaggerated, noting that human beings continue to live in societies that are relatively independent of one another, consequently most sub-state political actors, including sub-state actors engaged in terrorism or political violence, seek primarily to influence events at that level. The construction of terrorism as an external threat to a political community is not new. As Guelke points out 'the attribution of responsibility for acts of violence to outsiders is to be found throughout the history of violence'.⁴¹ Similarly, this strand of the discourse which emphasises the potential threat posed by globalisation or an 'open' society cannot be understood outside of a number of pre-existing discourses associated with the 'resident' or 'migrant' Other, discourses which shall be analysed in greater detail in the next section.

The Relationship between Migration, 'European Political Identity' and the Discursive Construction of EU Counter-Terrorism Policy

Following Peter van Ham's assertion, one can argue that 'Europe's narrative identity is not authored by "Europe" alone, but is written and continuously rewritten and reread by ordinary people and political elites both "inside" and "outside" Europe's fuzzy boundaries'.⁴² European identity is constructed and reconstructed through contact and interaction with the 'other'. Ham argues that the millions of (illegal) immigrants and denizens within Europe, that constitute a great number of the many minority groups within its borders, have been perceived as injuring the cultural and social cohesion of Europe itself. The 'resident', the 'migrant' or the 'immigrant' Other is never quite comfortably enough, spatially distant from 'us'. They can live in close proximity to 'us', confronting 'us' with different ideas and values,

⁴⁰ Adrian Guelke, *Terrorism and Global Disorder*, (I.B. Tauris, 2006).

⁴¹ Ibid., p. 15.

⁴² Peter van Ham, *European Integration and the Postmodern Condition: Governance, Democracy, Identity*, (Routledge: London), 2001, p. 194-195.

and challenging the dominant hegemonic cultural patterns of the host population. As van Ham argues, 'immigrants, refugees, and asylum seekers are the new "peripheral peoples" of Europe; they can be ex-colonials, usually second-class citizens, who are adding to the cultural hybridness of western nation-states'.⁴³ These immigrants have continued to settle in 'post-imperial Europe', often assuming dual-citizenship as permanent residents or naturalised citizens, whose 'experience of citizenship remains ambiguous and who have mixed the liberal democratic narrative of political and civil society with their own often confused and confusing experiences and cultural backgrounds'.⁴⁴ For some their presence raises serious questions about pluralism and representation within Europe and helps to instil doubts about already established frameworks of civil society.

These questions surrounding the position of the 'migrant' Other in a 'globalised' or 'open' European society, an 'open' society which lest we forget the terrorist(s) abuse for their own purposes, give rise to concerns over 'migration control'. As such the issues of migration and/or immigration have proved susceptible to rival attempts at framing. Christina Boswell argues that this is for two reasons.⁴⁵ First, the problem of observing migratory patterns makes irregular entry, stay and employment difficult phenomena to measure, meaning assessments of the scale of the 'problem' are difficult to verify and open to competing claims. Second, the policy area is open to populist forms of framing because although governments are keen to demonstrate their level of control in this policy area, the kind of control demanded by populist sentiment is impossible in western liberal-democratic states. As such, she asserts that 'irregular migration' is thus utilised by different actors, for different goals and purposes.

Boswell argues that at the risk of simplification, this framing of migration control in Europe takes three forms. The first focuses on uncontrolled entry, the notion of hordes of illegal migrants entering the European territory from the early 1980's onwards. The second concerns the economic and social impact of irregular migration, abuse of the welfare system and undercutting of the domestic labour force. The third of these patterns of framing concerns the trafficking of people by international criminal networks engaged in forced labour, drugs and armament smuggling. This pattern of framing in particular has been central to the development of European security policy. Identifying these pre-existing discourses associated

⁴³ Ibid., 195.

⁴⁴ Ibid., 195.

⁴⁵ Christina Boswell, 'Migration Control in Europe after 9/11: Explaining the Absence of Securitization', *Journal of Common Market Studies*, 45:3 (2007), pp. 589-610.

with control of the 'migrant other' helps to explain the context within which the assumption, that actual or potential terrorists are abusing the EU migratory system to pursue their objectives, has developed. Carl Levy explains that this reality helps to explain the fraught EU policy of promoting the freedom of movement whilst simultaneously seeking to create a harmonized system of asylum and refugee policy based on 'restrictionist' first principles.⁴⁶ It also helps to explain why these deep-rooted discourses associated with fear or suspicion of the 'migrant' Other, as a possible security threat, have been reproduced in EU counter-terrorism discourse.

To these different images of the 'migrant' Other, be it the hordes of immigrants or the welfare scrounger, is added the label of 'criminal', due to the necessary illegality of the irregular migrant's travel, and since the terrorist attacks in New York, Madrid and London, the counter-terrorism discourse supplements the label of 'criminal' with the label of 'potential terrorist' in the discursive construction of the 'migrant' Other. There is no recognition within this discourse strand of the role Western governments have played in the creation of the 'migrant' Other as a 'problem' in reality. Frances Webber highlights the lack of responsibility taken by Western governments for the refugees created by the wars in the Middle-East, the resources wars in Africa, the fall-out wars from the 'perverse' boundaries of colonialism or the proxy wars against communism.⁴⁷ There is also a lack of responsibility taken for those migrants seeking better economic working conditions as a result of the negative impacts of free-market global economic policies. It is the 'migrant other' and 'not the western policies and actions creating or contributing to their displacement' that 'are seen by western European politicians and popular media as the problem'. Through this process of construction (as first an economic or social threat) and then reconstruction (as a security threat) the migrant becomes Europe's 'Other', against which the fluidic concept of European political identity is continually (re)defined.

This strand of the discourse which assumes that there is a threat posed by potential or actual terrorists, who take advantage of the migratory system of a 'globalised' or 'open' society such as that of the EU, is inextricably linked to another discourse strand which is also central to the EU counter-terrorism policy discourse: the potential threat posed by terrorism requires

⁴⁶ Carl Levy, 'The European Union after 9/11: The Demise of a Liberal Democratic Asylum Regime?', *Government and Opposition*, 40:1 (2005), pp 26-59.

⁴⁷ Frances Webber, *Border Wars and Asylum Crimes*, *Statewatch*, (2006), Available at: <http://www.statewatch.org/analyses/border-wars-and-asylum-crimes.pdf>

the strengthening of border controls and the increased surveillance of border crossers. The next section will seek map how this strand of the discourse is constructed and to demonstrate how the representations contained within the texts help to shape the meaning, logic and policy responses to the threat of terrorism.

A Discourse of 'Surveillance' and 'Control'

This 'openness' that is characteristic of European society had led the EU, even before the terrorist attacks of September 11, 2001, to first, 'develop common policies on asylum and immigration' and second, to focus on 'consistent control of external borders to stop illegal immigration and combat those who organise it and commit related international crimes'.⁴⁸ The EU had consistently framed the debate on irregular migration as part of a wider problem related to sophisticated international criminal networks engaged in the smuggling and trafficking of persons operating within the EU area. The *Tampere Conclusions*, 1999, focused on the need for 'protection' for the 'immigrant', the 'asylum-seeker', the 'refugee', as well as being 'fair and efficient' when examining applications to remain within the EU area. The EU policy focused on 'protection' for the migrant necessitates 'combating those who engage in trafficking in human beings'.⁴⁹ What defined this approach to the problem of illegal immigration was a focus on the exclusion of irregular migrants through 'effective control of the Union's future borders', the promotion of 'voluntary return', as well as 'assistance to countries of origin' needed to help them meet their 'readmission obligations'.⁵⁰ Although the *Tampere Programme* advocated migration control as a way in which to protect the rights of the irregular migrant, what characterised the approach to the question of migration, immigration and asylum within the EU (and across national governments within Europe in a more general sense) was the 'emphasis on exclusion as the preferred solution'.⁵¹ This then is the discursive environment within which EU policy had been (and continues to be) formulated. It can be argued therefore that in the pre-September 11 period, EU policy towards irregular migration was defined by a need to protect migrants from criminal networks engaged in human trafficking through increased control of migration flows and restriction of entry. In the post-September 11 period, a new imperative has been added to the

⁴⁸ European Council, 'Presidency Conclusions', Paragraph 3.

⁴⁹ Ibid., paragraph 23.

⁵⁰ Ibid., paragraphs 25-27.

⁵¹ See Boswell, 'Migration Control in Europe after 9/11', p. 595.

policy agenda. The framing of the issue of irregular migration in the EU now concerns not only the problem of human trafficking but also the possible abuse of the immigration and asylum regime by potential or actual terrorists.

The policy response to the events of September 11, 2001, by the key institutions of the EU, made the first clear discursive links between the threat of terrorism and policy issues surrounding migration, asylum and border control. The *Conclusions adopted by the Council* (JHA), which were released on 20 September, 2001, focused on the 'heinous acts' and the 'seriousness of events' as reasons for the 'speeding up' of the 'process' of creating the AFSJ.⁵² The document itself focused on seven key 'measures at borders'. The language of these measures has played an important role in the discursive construction of the immigration, asylum and human rights regime, as well as the immigrant (him or herself), as a security threat. In response to the terrorist threat, the document argued for measures to 'strengthen controls at external borders', 'strengthen immediately the surveillance measures' provided for in the Schengen agreement, 'exercise the utmost vigilance when issuing identity documents', as well as 'examine urgently the relationship between safeguarding internal security and complying with international protection obligations and instruments'.⁵³ The conclusion of the JHA policy document focused on the exchange of information between member states in order to 'combat terrorism' including 'controls at airports, cross-border controls, controls at express roads, controls at the external borders of the European Union'.⁵⁴

The post-Madrid *Declaration on Combating Terrorism*, 2004, strengthened this discourse of control through the discursive linkage of the threat of terrorism with security, migration, asylum and border control.⁵⁵ There was an assertion within the policy document that 'improved border controls and document security play an important role in combating terrorism'. The syntactic ordering of sentences linked 'combating terrorism' to a series of measures designed to ensure tighter 'border control'. These included the establishment of 'a European Borders Agency', 'incorporation of biometric features into passports and visas', as well as developing a common EU approach to 'the use of passenger data for border and

⁵² Council of the European Union, *Conclusions Adopted by the Council (Justice and Home Affairs)* Brussels, 20 September 2001, SN3926/6/01 Rev6.

⁵³ *Ibid.*, see pp 8-9, articles 24-30.

⁵⁴ *Ibid.*, p. 7, article 16.

⁵⁵ European Council, 'Declaration on Combating Terrorism'.

aviation security', including for 'other law enforcement purposes'.⁵⁶ Objective Four of the Revised Plan of Action was even more explicit in discursively linking counter-terrorism policy to border control in that its stated aim was: 'To protect the security of international transport and ensure effective systems of border control'. Indeed it seeks to 'ensure the integration of counter-terrorist consideration into the work of relevant EU bodies (transport, border controls, identity documentation etc)'.⁵⁷ The discursive construction of measures of control at borders, as being central to counter-terrorism responses, gained ever more traction in the post-Madrid environment

The *Hague Programme*, 2004, helped to reify the discursive link between the regulation of 'migration flows', the aim to 'control the external borders' and the need to 'repress the threat of terrorism'.⁵⁸ The document itself contained three sections: 'strengthening freedom'; 'strengthening security'; 'strengthening justice'. The section on freedom was the longest and seemed to be given the most importance. The document stated that 'freedom, justice, control at the external borders, internal security and the prevention of terrorism should henceforth be considered indivisible within the Union as a whole'.⁵⁹ The document interpreted the concept of 'freedom', a concept defined in previous counter-terrorism documents as an intrinsic value of the EU, as best served through restrictive immigration practices that were constructed as central to ensuring the security of the Union. Every measure proposed under the 'strengthening freedom' section of the *Hague Programme* related to immigration policy, border control and security with the implicit assumption that these measures would provide protection against the possibility of further terrorist attacks.⁶⁰ It is also interesting to note that the potential security implications represented by advances in biotechnology were introduced for the first time. The document linked the 'fight against illegal immigration' with the 'fight against terrorism' by advocating the development of 'a continuum of security measures that effectively links visa application procedures and entry and exit procedures at external border crossings', which were also viewed as essential measures 'for the prevention and control of

⁵⁶ Ibid., pp. 7-8.

⁵⁷ Ibid., pp. 15-16.

⁵⁸ Council of the European Union, *The Hague Programme: Strengthening Freedom, Security and Justice in the European Union*, 13 December, 2004, 16054/04.

⁵⁹ Ibid., p. 4, paragraph 2.

⁶⁰ These include Article 1.1 which refers to 'Citizenship of the Union', Article 1.2 which refers to 'Asylum, migration and border policy', Article 1.3 which focuses on the development of 'A Common European Asylum System', Article 1.5 which advocates the 'Integration of third-country nationals', and Article 1.7, the 'Management of Migration Flows, which includes Article 1.7.1, 'Border Checks and the fight against illegal immigration and Article 1.7.2, 'Biometrics and information systems.'

crime, in particular terrorism'.⁶¹ In order to achieve this objective, the document also called on the Council, the Commission and the Member States to 'integrate biometric identifiers in travel documents, visa, residence permits, EU citizens' passports and information systems without delay and to prepare for the development of minimum standards for national identity cards'.⁶² The discourse of a 'fight against terrorism' has thus played a central role in legitimising the development and implementation of biometric technology for the 'surveillance' and 'control' of the EU border.

Migration, in particular border control, was also dealt with under the 'Protect' objective of the EU *Counter-Terrorism Strategy*, 2005. The document contributed to the continuous construction of 'border control' as one of the most appropriate responses to the terrorist threat. It stated that 'while member states have the primary responsibility for improving the protection of key targets, the interdependency of border security, transport and other cross-border infrastructures require effective EU collective action'. It focused on a 'need to enhance protection of our borders to make it harder for known or suspected terrorists to enter or operate within the EU'.⁶³ Simultaneously, it reinforced the link between a series of measures designed to enforce migration and asylum control with the desired policy response to terrorism. The use of new technologies already advocated in earlier policy documents are constructed as indispensable in the 'fight against terrorism'. For example, 'the capture and exchange of passenger data' and the 'inclusion of biometric information in identity and travel documents' it is argued, will play a role in improving 'the effectiveness of our border controls and provide greater assurance to our citizens'.⁶⁴ Migration continued to be linked to terrorism and constructed as a security problem, with the assertion that 'the European Borders Agency (Frontex) will have a role in providing risk assessment as part of the effort to strengthen controls and surveillance at the EU's external border'.⁶⁵

This discourse strand has gained ever more complexity throughout the historical development of EU counter-terrorism policy. The reports of the EU Counter-Terrorism Coordinator (CTC) highlighted the advancements made under the 'protect' objective of the EU *Counter-Terrorism Strategy* in relation to border control. For example, the report from November

⁶¹ Ibid., p. 16.

⁶² Ibid., p. 17.

⁶³ Council of the European Union, 'The European Union Counter-Terrorism Strategy', p. 10.

⁶⁴ Ibid.

⁶⁵ Ibid.

2008, entitled *Implementation of the Strategy and Action Plan to Combat Terrorism*, has a specific section on 'border security'.⁶⁶ It reinforced this discursive linkage between security and asylum and migration policy by rearticulating the second objective of the *Counter-Terrorism Strategy*. It stated that the EU shall seek 'to protect citizens and infrastructure and reduce our vulnerability to attack, inter alia through improved security of borders, transport and critical infrastructure'.⁶⁷ The document also linked the Schengen Information System (SIS II) to terrorism through a proposal to establish 'a system for early detection of persons suspected of activities related to terrorism or organised crime, with the help of SIS alerts'.⁶⁸ The report explicitly linked EU counter-terrorism policy to migration and asylum policy through the identification of two documents central to the future border management of the EU: the European Commission "Communication on preparing the next steps in border management in the European Union"; and the *European Pact on Immigration and Asylum*, adopted by the European Council.⁶⁹ The discursive construction of policies that were designed to ensure border control, as policies that would also serve EU counter-terrorism priorities, continued in the most recent report from the CTC (released November 2009).⁷⁰ Again it discursively linked EU counter-terrorism policy to a series of ever increasing complex measures at borders. For example, it identified the introduction of legislation related to the Visa Information System (VIS) as a key part of the 'protect' objective of the *Counter-Terrorism Strategy*. The VIS is a database that stores biometric information (digital facial images and digital fingerprints) on individuals over the age of twelve. The CTC report emphasised the importance of this database as a counter-terrorism tool, through the assertion that access to the VIS was to be granted to 'the designated authorities of the Member States and to Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences'.⁷¹

⁶⁶ Council of the European Union, 'Implementation of the Strategy and Action Plan to Combat Terrorism', Brussels, 19 November 2008, 15912/08.

⁶⁷ Ibid., p. 6.

⁶⁸ Ibid., p. 6.

⁶⁹ The Communication includes proposals for: the introduction of an entry/exit system, allowing the electronic recording of the dates of entry and exit of third country nationals into and out of the Schengen area; proposals to facilitate border crossing for bona fide travellers, through the introduction of automated border crossing facilities for EU citizens and certain categories of third country nationals; and parameters for the possible introduction of an Electronic System for Travel Authorisation (ESTA). The Council pact on Immigration and Asylum included: the strengthening of Frontex's operational capacity; and the creation of a European border guard system.

⁷⁰ Council of the European Union, EU Action Plan on Combating Terrorism, Brussels, 26 November 2009, 15358/09.

⁷¹ Ibid., p. 7.

Although *The Stockholm Programme*, 2009, does not explicitly link terrorism to border control policy, it did continue to articulate this discourse strand of 'surveillance' and 'control' through an assumption that 'technology can play a key role in improving and reinforcing the system of external border controls'.⁷² The document explained that 'the entry into operation of the SIS II and the roll-out of the VIS system therefore remains a key objective' in ensuring effective and efficient border control. Within the document itself, the threat of terrorism remained in the background as an ancillary reason for the development of these policies. However, as the reports of the EU CTC reveal, these instruments were also discursively constructed as central to the EU counter-terrorism response. The threat of terrorism therefore played a powerful role in legitimising the measures that are being introduced within the EU; measures which it is argued have contributed to increased surveillance and control of EU citizens and non-citizens alike.

It is argued therefore that this discourse of 'surveillance and control' has three main characteristics. First, there is the focus placed on the 'control' of EU borders to protect against the perceived threat of actual or potential terrorists who may take advantage of the 'open' EU migratory system in order to carry out acts of violence. Second, the 'migrant' or 'immigrant' is constructed as a potential terrorist threat through the discursive fusing of migration policies with counter-terrorism policies and the reconstruction of instruments designed for migration control (e.g. EU databases such as SIS, SIS II, Eurodac, VIS) as instruments that can serve a counter-terrorism purpose. Finally, the discourse strand plays a central role in the construction of a whole range of new surveillance technologies and biometric measures, used primarily at EU borders, as key elements in the EU response to terrorism. Again, the assumptions upon which this narrative of 'surveillance and control' are built, and the relevance to counter-terrorism of the specific measures advocated as a result of this narrative, are open to multiple interpretations. The next section seeks to demonstrate how the construction of this discourse strand in this way, can illuminate our understanding of what is done through this particular account of the threat of terrorism. It does this in three sections: first, it analyses the assumption that the EU migratory system is being abused by actual or potential terrorists; second, it explores the securitisation of the 'migrant' Other and migration policy through the 'fight against terrorism' discourse; and third, it draws out a biopolitical dimension to the evolution of the discourse of 'control'.

⁷² Council of the European Union, *The Stockholm Programme – An open and secure Europe serving and protecting the citizen*, Brussels 2 December 2009, 17024/09, p. 57.

Analysing the Assumption that the EU Migratory System is being abused by Actual or Potential Terrorists

In much the same way that the discourse strand of the threat posed by a globalised or 'open' society is predicated on a series of assumptions, which conflate the 'migrant' Other with the 'terrorist' Other and exaggerate the gravity of the threat posed by terrorism; the discourse strand of 'control' of migration as a counter-terrorism policy response is also based on an assumption that to 'control' the EU border is to 'protect' against terrorism. Andrew Neal has argued that the language used by the EU in the early stages of the production of counter-terrorism policy was representative of a traditional 'securitising' move. He emphasised that it demonstrated 'an assumption that the human rights and asylum regime is being abused or taken advantage of by actual or potential terrorists, and is an immediate externalisation of threat which is by implication foreign'.⁷³ Certainly, in the initial post-September 11 period, we can detect the first instances of the discursive construction of 'control' emerging as a central element in terms of EU responses to terrorism and the threat represented by the 'migrant' Other.

This assumption has contributed to a change in how the EU conceptualises the idea of 'freedom'. For example, an analysis of *The Hague Programme*, 2004 helps to illustrate this point.⁷⁴ The document demonstrated the pervasiveness of this discourse of control and its impact on the concept of freedom. As Didier Bigo has acknowledged, a closer look at the document revealed something in the equilibrium of the titles that did not add up: the second section on 'strengthening security' had in fact infiltrated and contaminated the other sections on 'strengthening freedom' and 'strengthening justice'. This has led Bigo to argue that 'we need to adapt the titles to their actual content by renaming the three parts: 1. strengthening security, 2. strengthening security, 3. strengthening security'.⁷⁵ In *The Hague Programme* 'freedom' is conceived of as a series of restrictive immigration and asylum policies.

⁷³ Andrew Neal, 'Securitization and Risk at the EU Border: The Origins of Frontex', *Journal of Common Market Studies*, 47:2 (2009), pp. 333-356, p. 339. Neal demonstrates that the creation of FRONTEX represents a failure of traditional securitising moves. Instead he argues that it is representative of a 'governmentality of unease' that traverses the two definitions of securitisation.

⁷⁴ Council of the European Union, 'The Hague Programme'.

⁷⁵ Didier Bigo, 'Liberty, Who's Liberty? The Hague Programme and the Conception of Freedom', in Thierry Balzacq and Sergio Carrera (eds.) *Security versus Freedom? A Challenge for Europe's Future* (Aldershot: Ashgate, 2006), p. 35.

'Freedom' in this programme is understood not as the right to act but instead 'freedom' is understood as the right to be protected. It is not without irony that this conception of freedom means that in order to be free one must also be secure. This has led Bigo to conclude that the perceived threat of terrorism has provided the catalyst for the development of a 'concept of freedom that has become more dangerous for the fundamental rights of individuals than even traditional security measures [could be]'.⁷⁶ This tendency towards securitising other policy areas, through their discursive construction as important elements in the EU's wide ranging counter-terrorism policy responses, is reflective of the direction of EU counter-terrorism policy in general.

Even where the EU policy documents have sought to provide a positive rationale for the securitisation of migration, that is the protection of the 'migrant' Other from those engaged in organised crime and the trafficking of humans, the policy of control and its intended effects can be questioned from the perspective of critical discourse analysis. Zucconi identifies a 'vicious circle of the strengthening of control over unauthorized border crossings by smugglers and traffickers and the more limited access being established by Western European governments for asylum seekers'.⁷⁷ The result of this has been asylum seekers seeking to reach those countries finding it increasingly difficult to gain entry; as such exacerbating the problem as those migrants turn to traffickers for access. These problems were already apparent in the pre-September 11 period, with the EU focusing on migration policies as part of its developing internal security programme. The effect of the events of September 11, 2001, was to encourage the discursive meshing of counter-terrorism issues with migration control issues, resulting in the overloading of domestic systems and interstate relations already fraught with tensions regarding the question of migration. Zucconi argues that what unquestionably changed as a result of the terrorist attacks of September 11, 2001, was 'the atmosphere of the debate on migratory movements and immigration in Western Europe'.⁷⁸ This environment has led to the development of restrictive practices and the normalisation of a deep-rooted suspicion of foreigners (as a security threat) in migration control policy. The *UN International Migration Report, 2006*, offered support to this line of argument through an acceptance that 'concern about clandestine entry of foreigners has grown in the aftermath of the terrorist attacks of 11 September 2001 and the bombings in Bali, Casablanca, Madrid and

⁷⁶ Ibid., p. 38.

⁷⁷ Mario Zucconi, 'Migration and Security as an Issue in US – European Relations', in Tirman, J. (eds.) *The Maze of Fear: Security and Migration After 9/11*, (New York: The New Press, 2004), pp. 145-146.

⁷⁸ Ibid., p. 147.

London', leading Western governments to introduce more 'stringent requirements for granting visas' or to 'impose visa requirements for nationals of countries that consistently produce unauthorized migrants'.⁷⁹

The Securitisation of the EU Migratory System through EU Counter-Terrorism Discourse

Boswell contends that migration policy and in particular migration control, has not been securitised; and if one takes a traditional understanding of the securitisation framework then her point holds some water. The EU has not explicitly evoked the threat of terrorism in order to force through special measures on migration control. She contends that the linkage between terrorism and migration has proved hard to sustain by arguing that from 2001 'references to terrorism are almost wholly absent from debates on irregular migration and migration control in Europe'.⁸⁰ Boswell offers a possible answer for this in that with the focus on Al-Qaida, the profile or image of international terrorists did not fit with the established patterns of framing irregular migration in Europe (as explained above). While it may be true that terrorism has not been referenced in debates on irregular migration in Europe, a brief survey of the security policy documents produced by the EU, which constitute the EU counter-terrorism policy response, demonstrate very clear discursive links between migration control and counter-terrorism goals. Much of the EU counter-terrorism policy, including more general security policy, is based on an assumption that actual or potential terrorists may take advantage of the European migratory system. There is also a clear conflation of unrestricted immigration with other security concerns such as organised crime, drug and people trafficking as well as terrorism, which one can identify in both the *European Security Strategy*, 2003, and its predecessor, the *Report on the Implementation of the Security Strategy*, 2008.⁸¹ What is occurring is a much more subtle form of securitisation that traverses the distinction between the two types of securitisation, exceptional measures on the one hand and more mundane, every-day practices of security, defined by Bigo as a 'governmentality of unease', on the other,

⁷⁹ United Nations, International Migration Report 2006: A Global Assessment, *United Nations Department of Economic and Social Affairs/Population Division*, Available at: http://www.un.org/esa/population/publications/2006_MigrationRep/part_one.pdf

⁸⁰ Christina Boswell, 'Migration Control in Europe', p. 596.

⁸¹ See European Council, 'European Security Strategy'; European Council, 'Report on the Implementation of the European Security Strategy'.

The vociferousness with which the discourse continually links the control of the 'migrant other' to counter-terrorism policy is matched only by the silence of the 'in-security' professionals and politicians on how those activities linked to the control of the flows of people have not only extended their reach but been strengthened by the adding of extra imperatives to the security agenda. Bigo argues that this has been achieved by extending 'internal security' into a wide range of disparate phenomena (terrorism, drugs, organised crime, immigration) that are constructed as mutually constitutive; extending the control of the movement of people (trans-nationally) be they migrant, refugee, asylum-seeker or other border crosser; or even more generally extending control to any citizen who does not correspond to the social image that one holds of his national identity.⁸² The effect is control goes beyond the parameters of conventional control measures and policing of foreigners to include persons deemed at 'risk', who are put under surveillance because they correspond to an identity or behaviour more likely to make them predisposed to that risk: the 'migrant other' then as a *possible* terrorist threat. In the discursive construction of EU counter-terrorism policy the 'migrant' Other is implicitly constructed as a security threat, whilst the concept of 'freedom' is afflicted by an EU preoccupation with the need for 'security' above all else.

This interpretation of migration has a real impact on migrants themselves. In his research on migration between Sub-Saharan Africa (SSA) and the EU, Robert Dover suggests that fewer controls on the flow of people would have a positive impact on the individual migrants themselves as well as economic benefits for both the African and European economies.⁸³ Dover argues that, in spite of the fact there is 'very little evidence that migrants from SSA present a terrorist threat to the EU... the changes to how migrants enter the EU have been informed by these beliefs and the counter-terror agenda' and furthermore that 'the racial profiling that typifies these procedures constitutes a form of unacknowledged and systemic racism throughout the European policy sphere'.⁸⁴ For Dover, the securitisation of migration policy has been counter-productive for the EU and those Africans affected by it.⁸⁵ The tension one can observe between the economic, social, political and security spheres has led

⁸² Didier Bigo, 'Globalized-in-Security: The Field and the Ban-Opticon', in Sakai, N. and Solomon, J. (eds.) *Translation, Biopolitics, Colonial Difference* (Hong Kong: Hong Kong University Press, 2005).

⁸³ Robert Dover, 'Towards a Common EU Immigration Policy: a Securitization Too Far', *Journal of European Integration*, 30:1 (2008), pp. 113-130.

⁸⁴ *Ibid.*, p. 127.

⁸⁵ He acknowledges that some benefits have been accrued in relation to certain unspecified wealth creation models.

to a need amongst EU members for greater numbers of migrant workers to sustain economic growth. At the same time, it has simultaneously resulted in a failure to manage the political and social expectations and consequences of such an influx of migrants. Dover argues that in order to mitigate the worst effects of these tensions the EU and its member states need to develop effective coordination of member-state policies through a common policy framework. He emphasises however that when securitisation of migration policy is tied into EU efforts to develop an agenda for justice, freedom and security, the effects is that migrants (in this case African migrants) are placed in real physical danger and economic servitude, which may result in breeding resentment leading to a self-fulfilling prophecy of the migrant as a security threat.

The Evolution of Control: a Biopolitical Dimension

The final point to be made on the influence of this discourse of control is that throughout the production of EU counter-terrorism policy it has become more complex. This has occurred through the discursive linking of preventative counter-terrorism measures, to ever more sophisticated policies and practices designed to control the movement of the 'migrant' Other. Central to this has been the development of biometric measures of control. Juliet Lodge has drawn attention to this by arguing that the creation of an EU 'homeland security agenda' and its associated biometric instruments signal not only an increasing securitisation of social and political life within the EU more generally, it also challenges the EU's commitment to the principles of freedom, security and justice as well as compromising the privacy of citizens and non-citizens alike.⁸⁶ As such, the result of the application of biometry to service immigration and 'internal security' concerns (such as the 'fight against terrorism'), may instead 'compromise rather than strengthen EU legitimacy'.⁸⁷ With this in mind Didier Bigo's assertion that there exists a 'governmentality of unease', which has the implicit effect of profiling and containing foreigners, seems apt.

As a manifestation of what Walters has called the 'biopolitical border', Louise Amoore has argued that biometric borders now extend into the governance of mobility regulating aspects

⁸⁶ Juliet Lodge, 'EU Homeland Security: Citizens or Suspects?', *European Integration*, 26:3 (2004), pp. 253-279.

⁸⁷ *Ibid.*, p. 254.

of everyday life.⁸⁸ She states that 'subject to biopower, the crossing of a physical territorial border is only one border crossing in a limitless series of journeys that traverse and inscribe the boundaries of safe/dangerous, civil/uncivil, legitimate traveller/illegal migrant'.⁸⁹ It is not the emergence of these borders which is necessarily the problem but the performance of the idea of the biometric border that tells us something about the EU's 'fight against terrorism'. As Bigo argues immigration and the terrorist threat become combined as a problem 'not because there is a threat to the survival of society' but because 'scenes from everyday life are politicized, because day-to-day living is securitised'.⁹⁰ The introduction of measures at borders is not so much about the 'new' threats at the borders, as it is identifying and separating out the 'safe from the dangerous at multiple borders of daily life'.⁹¹

The work of Ben Hayes offers support for this line of argument. He has argued that EU border controls are now expanding inwards through the construction of large scale IT systems, which include measures that have been developed in order to detect illegal immigrants, to exchange information on persons to be refused entry to the EU area and to facilitate security checks on travellers. In particular, this is being achieved through 'the introduction of biometric ID systems, the recording of entry, exit and transit through European countries, and the development of automated targeting and risk-profiling systems'.⁹² Hayes explains that EU agreement on the introduction of biometric identifiers (in this case fingerprints and digitised photos) into all passports, residence permits and visas issued by member states, marks a fundamental shift in the European approach to privacy and civil liberties.⁹³

Furthermore, Hayes points out that, while technology can undoubtedly assist in police investigations, there is no evidence to suggest that it can prevent 'terrorism or crime because technology can do nothing to address the multifaceted "root causes" of these social

⁸⁸ Louise Amoore, 'Biometric Borders: Governing Mobilities in the War on Terror', *Political Geography*, 25 (2006), pp 336-351. See also William Walters, 'Mapping Schengenland: Denaturalizing the border', *Environment and Planning D: Society and Space*, 20 (2002), pp. 561-580.

⁸⁹ Louise Amoore, 'Biometric Borders', p. 338.

⁹⁰ Cited in Louise Amoore, 'Biometric Borders', see Didier Bigo, 'The Mobius Ribbon of Internal and External Security(ies)', in M. Albert, D. Jacobson, & Y. Lapid (Eds.), *Identities, Borders, Orders: Rethinking International Relations Theory*, (Minneapolis: University of Minnesota Press, 2001).

⁹¹ Louise Amoore, 'Biometric Borders', p. 338.

⁹² Ben Hayes, 'NeoConOpticon: The EU Security-Industrial Complex', *Statewatch and the Transnational Institute*, (2009), p. 34, Available at: <http://www.statewatch.org/analyses/neoconopticon-report.pdf>

⁹³ Ben Hayes, 'Arming Big Brother: The EU's Security Research Programme', *Statewatch and the Transnational Institute*, (2006), p. 30, Available at: <http://www.statewatch.org/analyses/bigbrother.pdf>

problems'.⁹⁴ It is difficult not to agree with Hayes when he argues that these technologies can have a role to play if adequately regulated. However as he explains, certain technologies such as CCTV or DNA profiling have 'generally been made available to the police with inadequate controls or regard for individual human rights' and EU legislation on the introduction of biometric measures into passports and travel documents 'has also come at the expense of democratic debate'.⁹⁵ The discursive construction of this technology as a central new element in the 'fight against terrorism' has occurred with ever more frequency in the post-Madrid period, whilst 'serious privacy concerns have been ignored and serious questions remain about the usefulness, reliability and accuracy of the underlying technology'.⁹⁶ These developments in EU security policy have led the *European Civil Liberties Network* (ECLN) to conclude that EU justice and home affairs and internal security policy has taken 'a dangerously authoritarian turn'; and that the EU has effectively put in place 'militarised borders, mandatory proactive surveillance regimes and an increasingly aggressive external security and defence policy'.⁹⁷ The EU is therefore at the centre of a paradigm shift, with the 'fight against terrorism' providing a discursive legitimacy for this shift, in 'the way that Europe and the world beyond will be policed'.⁹⁸ The ECLN concludes that in effect these developments represent the 'militarisation of security, the securitisation of everything', the result of which is 'an increasingly security-militarist approach to protracted social and economic problems'.⁹⁹

Conclusion

This chapter has sought to demonstrate how the 'fight against terrorism' discourse constructs the 'migrant' Other as a potential security threat, throughout the production of EU counter-terrorism policy. It has been argued that this is achieved through the articulation of two interlinked strands of the 'fight against terrorism' discourse: one that implicitly constructs the 'migrant' Other as a potential terrorist threat, through an assumption that actual or potential terrorists are seeking to take advantage of the 'open' or 'globalised' environment provided by

⁹⁴ Ibid., p. 39.

⁹⁵ Ibid., p. 39.

⁹⁶ Ibid., p. 39.

⁹⁷ European Civil Liberties Network, 'Statement on the Stockholm Programme', (April 2009), p. 1., Available at: <http://www.ecln.org/ECLN-statement-on-Stockholm-Programme-April-2009-eng.pdf>

⁹⁸ Ibid., p. 3.

⁹⁹ Ibid., p. 3.

the EU migratory system; and one that explicitly constructs the 'migrant other' as a potential terrorist threat, through an assertion that the 'openness' of European society requires adequate 'border controls' and 'surveillance' of border-crossers in order to 'protect' against any further terrorist attacks. These strands of the discourse are inextricably linked to other assumptions about the nature and causes of terrorism that are outlined in the previous chapter. As such, the 'fight against terrorism' discourse constructs a specific type of 'external' terrorist threat: the 'new' terrorist, 'committed to maximum violence', who takes advantage of the 'open' or 'globalised' environment, provided by the EU migratory system, to carry out acts of terrorism. This is a particularly powerful image. It is also one which plays a key role in the legitimisation of the new policies and practices of security at the EU border; as such these strands of the discourse helps to normalise the use of new measures (biometrics) and instruments of 'control' (IT Systems and databases), which are advocated by the EU as central to the counter-terrorism response. The result of such a discourse is the securitisation of migration and asylum policy; moreover, it is part of a more general trend of securitisation of social and political life within Europe.

It has been argued that the discursive construction of terrorism as an existential or extreme threat to the 'open' or 'globalised' civilisation/society of the EU and the assumption that the EU migratory system is being abused by actual or potential terrorists, is but one of a number of possible interpretations of the threat of terrorism. It has been argued that the migrant or immigrant is, within European societies, increasingly cast as the Other against which a European (or national) sense of Self is defined. As such, the discursive meshing of migration policy with the threat of terrorism and the reconstruction of the 'migrant' Other as a security threat should be considered unsurprising, given the susceptibility of the issue of migration to different types of framing. It has also been argued that the threat of terrorism has led to a fundamental change in how the EU perceives the concept of 'freedom'. In the 'fight against terrorism', freedom is conflated with security and redefined as protection from certain threats that discourses of insecurity tell 'us' we are prey. Within this discursive environment biometrics, information systems and border controls represent a first step towards a much broader form of social control, which is concerned not just with migrants but citizens as well. Therefore, the discourse of a 'fight against terrorism' plays a central role in the legitimisation of these policies; contributing to the securitisation of social and political life within Europe. The next chapter will now turn to an analysis of how the EU counter-terrorism discourse constructs the 'Muslim' Other as potential terrorist threat.

Chapter Six

Chapter 6: The Construction of the 'Muslim' Other as Potential Threat in the 'Fight against Terrorism'

Introduction

The aim of this chapter is to demonstrate how the 'fight against terrorism' discourse constructs issues concerning Islam and the 'Muslim community' as central to the EU counter-terrorism response. In particular, it focuses on how this strand of the discourse implicitly constructs the 'Muslim' Other as a potential terrorist threat through a focus on 'violent radicalisation' and how the discourse surrounding 'radicalisation and recruitment' to terrorism is in effect contributing to the securitisation of issues regarding Islam and the role of 'Muslim communities' in Europe societies. The first section analyses the main EU counter-terrorism policy documents in order to map how this strand of the discourse is constructed. This section identifies the key words, terms, phrases and labels that are central to the construction of this strand of the discourse. It is argued that this strand of the 'fight against terrorism' discourse is characterised by an explicit and conscious effort on the part of the EU to avoid discursively linking the religion of Islam to terrorism. However, it is also argued that although the EU seeks to develop a 'non-emotive lexicon' for the discussion of issues surrounding 'violent religious extremism', the discourse constructs the current terrorist threat as a problem which is implicitly linked to Muslims or Islam.

The chapter argues that this implicit linkage between Islam and terrorism is achieved through a number of assumptions that are central to the 'fight against terrorism' discourse. First, the discourse constructs the 'terrorism perpetrated by Al-Qa'ida and extremists inspired by Al Qa'ida' as 'the main terrorist threat to the Union'; second, in order to combat this type of terrorism the policy focuses on the promotion of 'cross-cultural', 'inter-religious' or 'inter-cultural' dialogue between European and Muslim communities, as well as the 'engagement' of 'Muslims, in Europe and beyond', as a central element in the prevention of terrorism; third, 'violent radicalisation' is constructed as a major problem in Europe, which leads inexorably to terrorism. Whilst the EU argues that it is important not to link Islam to terrorism, the policy proposals to tackle 'radicalisation and recruitment' call for the direct involvement of 'Muslim organisations and faith groups', 'governments which have faced this problem' and 'Muslim communities in Europe and beyond' to help prevent terrorism. The

first section concludes by arguing that there is a tension at the heart of this strand of the discourse. This is reflected in the contradictory nature of stating that terrorism is not linked to Islam; yet also stating that in order to prevent terrorism there is a need to engage 'Muslims, in Europe and beyond'.

The second section of this chapter explores how this discourse strand structures the meaning, logic and policy response to the groups that it describes, how the discourse construct a 'European' sense of Self against a notional 'terrorist' Other (including how it implicitly constructs the 'Muslim' Other as potential threat), as well as the knowledge and/or practices that are normalised and/or legitimised by the discourse. First, the use of terms or labels such as the 'Muslim community', the 'Muslim world', the 'Islamic world' or the 'Arab and Muslim world' are highlighted in order to demonstrate how the 'othering' of Muslims or Islam is achieved through the counter-terrorism discourse. It is argued that this discourse strand is constructed on the basis of an assumption that there is a transcendental or over-arching Muslim identity that overrides all other forms of identity; instead, this section demonstrates that given the variety of difference that exists between Muslims or within the religion of Islam itself, other interpretations are possible. Second, the discourse surrounding 'radicalisation and recruitment' is investigated in order to demonstrate how it constructs the 'Muslim community' as a potential security threat, reconstructing issues surrounding social cohesion and the wider role of Muslims in European societies as part of the EU counter-terrorism response. Third, a wider contextual analysis of the threat of the 'Muslim' Other is offered in order to demonstrate how this threat has not been constructed in isolation; the construction of the Muslim 'Other' as a potential security threat has a long genealogy in Western societies. The chapter concludes by focusing on the process of securitisation, seeking to show how this type of terrorism ('Islamist'/'Islamic'/'violent religious extremism') is perceived to have an internal and external dimension; the responses to which it is argued play a key role in the securitisation of the 'Muslim' Other.

The Discursive Construction of the 'Muslim' Other and the Threat of Terrorism

The aim of this section is to map how this discourse strand is constructed, which it is argued implicitly conflates the 'Muslim' Other with the 'terrorist' Other. As such, one aspect of the 'fight against terrorism' discourse which represents a source of continuity throughout the

production of EU counter-terrorism policy has been the ongoing endeavour by the EU to explicitly resist the conflation of terrorism with Islam. This is achieved in two main ways: first, the policy documents produced by the EU make a number of clear statements on not directly and discursively linking terrorism to Islam; second, the EU advocates a policy of 'engagement' with the 'Arab', 'Muslim' or 'Islamic' world that promotes 'cross-cultural', 'inter-religious' or 'inter-cultural' understanding as a key element in the prevention of terrorism. There is however a certain amount of tension in this line of thought: terrorism is constructed as something that should not be considered synonymous with Islam or the 'Muslim world'; yet in order to prevent terrorism the EU advocates a policy of engagement towards the 'Islamic' or the 'Muslim world'.

Resisting the conflation of Islam and Terrorism

In the immediate aftermath of the terrorist attacks in New York, the *Conclusions and Action Plan of the Extraordinary Council Meeting*, released in September 2001, quite clearly stated that 'the European Union categorically rejects any equation of groups of fanatical terrorists with the Arab and Muslim world' and furthermore, that the European Council 'rejects any equation of terrorism with the Arab and Muslim world'.¹ The action plan referred to 'solidarity and cooperation' with the US as a central objective of EU counter-terrorism policy, as well as establishing 'the broadest possible global coalition against terrorism' designed to defend 'our common values' and including 'our Arab and Muslim partners' or 'any other country ready to defend our common values'.² The document also stated that the 'fight against terrorism' would require the EU to play 'a greater part in the efforts of the international community to prevent and stabilise regional conflicts'. In particular, the document accepted that in order to meet this objective the EU would have to work with the US, Russia and its 'partners in the Arab and Muslim world', claiming that it would 'make every endeavour to bring the parties to the Middle East conflict to a lasting understanding on the basis of the relevant United Nations resolutions'.³ At this early stage there was a tacit acceptance that, while it was important not to link terrorism to Islam or the 'Arab and Muslim world', the context within which the terrorist attacks occurred, on September 11, 2001, would

¹ European Council, *Conclusions and Plan of Action of the Extraordinary European Council Meeting* on 21 September 2001, SN 140/01, p. 1, paragraph 3 and p. 4, paragraph 1.

² *Ibid.*, p. 1, paragraph 5.

³ *Ibid.*, p. 3, paragraph 5.

require some sort of resolution to the Arab/Israeli conflict if the EU was to be successful in its 'fight against terrorism'.

The *European Security Strategy*, 2003, deployed a reconciliatory language towards the 'Muslim world' in that although it did not explicitly link this policy goal to prevention of terrorism in Europe, the strategy once again emphasised a need for 'resolution of the Arab/Israeli conflict'. Under the headline goal of 'building security in our neighbourhood', the resolution of this conflict was defined as 'a strategic priority for Europe' and without which it was argued 'there will be little chance of dealing with other problems in the Middle East'.⁴ The document also continued to reinforce the need for cooperation and engagement with Muslim countries, stating that 'broader engagement with the Arab world should also be considered'.⁵ The *Declaration on Combating Terrorism*, March 2004, containing the new action plan to combat terrorism, released in the aftermath of the Madrid attacks, helped to strengthen this line of reasoning with a focus on the development and implementation of a 'strategy to promote cross-cultural and inter-religious understanding between Europe and the Islamic world'.⁶ The clearest example of this EU effort not to link the religion of Islam or Muslims themselves to terrorism can be found in the *EU Strategy for Combating Radicalisation and Recruitment to Terrorism*, 2005. The document stated that the EU should work to 'correct unfair or inaccurate perceptions of Islam and Muslims' as well as seek to 'develop a non-emotive lexicon for discussing the issues in order to avoid linking Islam to terrorism'.⁷ The *EU Counter-Terrorism Strategy*, 2005, reinforced the main points of the *EU Strategy for Combating Radicalisation and Recruitment to Terrorism* by rearticulating many of the articles contained within the strategy (for combating 'radicalisation and recruitment') under the 'prevent' section of the *Counter-Terrorism Strategy*. Again the document made every effort not to link Islam and terrorism by restating that 'we must also ensure that our own policies do not exacerbate division' and that 'developing a non-emotive lexicon for discussing these issues will support this'.⁸ It also stated that the focus of the EU should be to

⁴ European Council, A Secure Europe in a Better World - European Security Strategy, Brussels, 12 December 2003, p. 8, paragraph 4.

⁵ Ibid., p. 8, paragraph 5.

⁶ European Council, Declaration on Combating Terrorism, Brussels, 15 March 2004, 7906/04.

⁷ Council of the European Union, The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism, 24 November, 2005, 12781/1/05, p. 4, article 11.

⁸ Council of the European Union, The European Union Counter-Terrorism Strategy, 30 November, 2005, 14469/4/05, p. 8, article 10.

'target inequalities and discrimination where they exist and promote inter-cultural dialogue and long-term integration where appropriate'.⁹

From the post-Madrid period until present, the 'fight against terrorism' discourse has constructed this idea of 'inter-cultural dialogue' as an essential aspect of the EU response to terrorism. Indeed, the promotion of 'cross-cultural understanding' between 'Europe and the Islamic world' had now become a central part of the EU counter-terrorism response. The EU CTC report on the *Implementation of the Strategy and Action Plan to Combat Terrorism*, from November 2008, continued this line of reasoning, introducing for the first time a 'light' framework of cooperation with the United Nations Alliance of Civilisations (UNAOC) as part of the EU response to terrorism. The framework identified five areas for 'focus' and 'cooperation' including the; 'promotion of human rights and political reform'; 'media and access to information'; 'intercultural dialogue and cultural diversity, including exchanges and promotion of people-to-people contacts'; 'immigration and integration'; and the 'role of civil society in the prevention of polarisation and radicalisation'.¹⁰ The UNAOC is an initiative of the UN Secretary-General, established in 2005, the aim of which is to 'improve understanding and cooperative relations among nations and peoples across cultures and religions, and to help counter the forces that fuel polarization and extremism'.¹¹ In particular, one of the main capacities of the UNAOC is as a 'bridge builder and convener, connecting people and organizations devoted to promoting trust and understanding between diverse communities, particularly – but not exclusively – between Muslim and Western societies'.¹²

The *Report on the Implementation of the European Security Strategy*, 2008, further promoted this line of thought that 'inter-cultural dialogue, through such fora as the Alliance of Civilizations, has an important role' to play in addressing 'extremist ideology' and 'tackling discrimination'.¹³ This is an assertion repeated under section 4.5 (on terrorism) of *The Stockholm Programme*, 2009, the EU stated that in relation to its overall counter-terrorism work it must ensure 'all the parties concerned should avoid stigmatising any particular group

⁹ Ibid., p. 9, article 11.

¹⁰ Council of the European Union, *Implementation of the Strategy and Action Plan to Combat Terrorism*, 19 November, 2008, 15912/08, p. 5, paragraph 2.

¹¹ United Nations, Alliance of Civilizations: Mission Statement, Available at: <http://www.unaoc.org/content/view/39/187/lang,english/>

¹² Ibid.

¹³ European Council, *Report on the Implementation of the European Security Strategy: Providing Security in a Changing World*, Brussels 11 December, 2008, S407/08, p. 4, paragraph 4.

of people, and should develop intercultural dialogue in order to promote mutual awareness and understanding'.¹⁴ In the latest report issued by the EU CTC, entitled the *EU Action Plan on Combating Terrorism*, 2009, an argument was made that because 'religion can very easily be hijacked for political or violent purposes', initiatives such as the UNAOC are an essential forum 'in the field of prevention of extremism and radicalisation leading to violence'.¹⁵ There was also an assumption that 'from the perspective of [the] counter-extremism dialogue' such a forum can be 'of great value as it constitutes a clear rebuttal of the propaganda of extremists'.¹⁶ Indeed, this idea that there exists an extremist 'narrative' or 'worldview', which is central to the propagation of acts of terrorism or political violence within Europe, has come to form a central part of the 'fight against terrorism' discourse, whilst responding to this 'narrative' is seen as essential.

The first time the EU explicitly identified this 'extremist worldview' was in the *EU Strategy for Combating Radicalisation and Recruitment to Terrorism*, November 2005. The document revealed that for the EU the connection between Islam and terrorism was perceived to be the fault of an external 'narrative' and not the policies of the EU or Western governments; in the 'fight against terrorism' the discursive construction of terrorism as something synonymous with Islam is attributable instead to 'the propagation of a particular extremist worldview which brings individuals to consider and justify violence'.¹⁷ Within this context 'the core of the issue is propaganda which distorts conflicts around the world as a supposed proof of a clash between the West and Islam and which claims to give individuals both an explanation for grievances and an outlet for their anger'.¹⁸ The effect of this 'extremist worldview' is to simultaneously distort both the religion of Islam and to alter 'perceptions of Western policies and increases suspicions of hidden agendas and double standards'.¹⁹ Yet the document also demonstrated that the EU recognised that there is a relationship between the EU's own counter-terrorism policy and the potential for instances of terrorism, by stating that 'we must ensure that by our own policies we do not exacerbate division'.²⁰

¹⁴ Council of the European Union, *The Stockholm Programme – An Open and Secure Europe Serving and Protecting the Citizens*, Brussels 2 December 2009, 17024/29, p. 50.

¹⁵ European Council, *EU Action Plan on Combating Terrorism*, Brussels 26 November, 2009, 15358/09, p. 5.

¹⁶ *Ibid.*, p. 5.

¹⁷ Council of the European Union, 'The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism', p. 4, article 10.

¹⁸ *Ibid.*, p. 4, article 10.

¹⁹ *Ibid.*, p. 4, article 10.

²⁰ *Ibid.*, p. 4., article 11.

The EU has demonstrated quite a sophisticated understanding of the role of language in counter-terrorism policy in that from 2006 onward, the 'fight against terrorism' discourse began to speak of the importance of countering the 'narrative' of this 'extremist worldview'. For example, the term 'narrative' was used for the first time in a report from the EU CTC entitled *Implementation of the Strategy and Action Plan to Combat Terrorism*, November 2006, in which it stated that the Commission had proposed a number of studies into the factors that trigger 'radicalisation among youths, narratives used by extremists, and the methods through which terrorists find new recruits'.²¹ A more recent report from the CTC, from November 2008, built on this line of argument identifying work done by the lead member states, including that of the UK, in relation to the communication of a strategy 'on countering the "narrative" which is used by those promoting terrorism to justify their actions'.²² In addition, the EU now advocated a policy of promoting 'solidarity with the victims of terrorism' as well as 'the dissemination of testimonies of victims of terrorism' as actions intended to 'sensitise EU citizens and disseminate a powerful message of democratic values countering violent narratives and radicalisation'.²³

While it is clear that the EU recognises the importance of the language it uses, as well as the type of policy it promotes, to ensure that it does not conflate Islam (or Muslims) with terrorism, the discourse is still constructing terrorism (implicitly and/or unknowingly) in the present context as primarily a 'Muslim' or 'Islamic' problem. This is because of the emphasis the 'fight against terrorism' discourse places on counter-terrorism policies that are designed to tackle 'extremism', 'radicalisation and recruitment' or 'violent religious extremism', concepts which are all implicitly linked to Islam. Although there are many different terrorist groups in Europe the 'fight against terrorism' focuses on one particular type of terrorist threat, which is represented by the 'Islamist militant movement in Europe'. In particular, there is a tension in the line of argument the EU has taken, it seeks to delineate terrorism from Islam whilst simultaneously arguing that the present terrorist threat can only be tackled through 'cross-cultural' or 'inter-religious' dialogue with the 'Muslim world'. This is because the EU has made the assumption that the type of terrorism that represents the gravest threat,

²¹ Council of the European Union, *Implementation of the Strategy and Action Plan to Combat Terrorism*, November 2006, Brussels 15 November, 2006, 15266, p. 5, article 14.

²² Council of the European Union, *Implementation of the Strategy and Action Plan to Combat Terrorism*, November 2008, p. 3, paragraph 2.

²³ European Council, *EU Action Plan on Combating Terrorism*, p. 17.

in the post-September 11 period, is that which is linked to 'violent radicalisation' or 'religious extremism'.

For example, the *European Security Strategy*, 2003, played a key role in establishing both an internal and external dimension to the threat posed by 'violent religious extremism'. It stated that 'the most recent wave of terrorism is global in scope and is linked to violent religious extremism. It arises out of complex causes. These include the pressures of modernisation, cultural, social and political crisis, and the alienation of young people living in foreign societies. This phenomenon is also a part of our own society'.²⁴ Europe was described as both a target and a base for this recent wave of terrorism. In particular it focused on the discovery of 'logistical bases for Al Qaeda... in the UK, Italy, Germany, Spain and Belgium'. This perception of an internal ('home-grown') terrorist threat, driven by 'religious extremism', was also tied into other strands of the 'fight against terrorism' discourse concerning the idea of a 'new terrorism' linked to 'unlimited violence' and weapons of mass destruction (WMD). For example, the document described the period the EU was now entering as 'a new and dangerous period that raises the possibility of a WMD arms race, especially in the Middle East'.²⁵ The emphasis placed on the religious dimension to this perceived terrorist threat is one which helped to explain the EU focus on possible worst-case situations, in which 'the most frightening scenario is one in which terrorist groups acquire weapons of mass destruction'.²⁶ The articulation of this strand of the 'fight against terrorism' discourse, which emphasised an almost existential threat to European society, is central to the legitimisation of many of the measures contained within the EU counter-terrorism policy. Furthermore, it is this perception of a religious dimension to the current terrorist threat that has caused the EU to highlight the need for a separation of terrorism from Islam; but is simultaneously the reason why the threat of terrorism in the present context is still being constructed as predominantly an Islamic or Muslim one.

Although it is possible to identify the EU's commitment to resisting the conflation of Islam with the threat of terrorism, throughout the discursive construction of its counter-terrorism policy, there remains this tension at the heart of the policy discourse. This is because while on the one hand the EU states that terrorism should not be equated with Islam; on the other hand

²⁴ European Council, 'European Security Strategy', p. 3, paragraph 5.

²⁵ Ibid., p. 3, paragraph 7.

²⁶ Ibid., p. 4, paragraph 2.

it continues to discursively construct the threat posed by Al-Qaida and those inspired by Al-Qaida as the main terrorist threat that the EU faces. Indeed, the EU states that Al-Qaida 'will only be defeated with the engagement of the public, and especially Muslims, in Europe and beyond'.²⁷ It is surely contradictory to state at once that terrorism and Islam are not interlinked; yet to defeat terrorism it is essential to engage with the 'Muslim community'. This is not to argue that issues surrounding Al-Qaida, those inspired by Al-Qaida and the radicalisation of certain individuals from the 'Muslim community' are unimportant, or that this type of terrorism does not pose some kind of threat to Europe. Instead, it is to simply point out that the focus of the 'fight against terrorism' discourse on one specific type of terrorism has (and will continue to have) negative implication for the community that has been identified as problematic. Central to the tension at the heart of this strand of the discourse is the language associated with combating 'radicalisation and recruitment' into terrorism, which is constructed as the single most important preventative aspect of the EU's counter-terrorism response.

Combating 'Radicalisation and Recruitment'

The first occasion on which the EU spoke of tackling or combating 'recruitment' into terrorism was in the renewed Action Plan contained in the *Declaration on Combating Terrorism*, March 2004, which was released in the wake of the Madrid attacks. Objective six of the Action Plan was to 'address the factors which contribute to support for, and recruitment into, terrorism' part of which included a focus on 'the links between extreme religious or political beliefs, as well as socio-economic and other factors, and support for terrorism'.²⁸ This was followed by a statement in *The Hague Programme*, December 2004, calling on the European Council to 'by the end of 2005, develop a long-term strategy to address the factors which contribute to radicalisation and recruitment for terrorist activities'.²⁹

This aim was achieved with the release of the *EU Strategy for Combating Radicalisation and Recruitment to Terrorism*, in November 2005. The document was based on The European Commission Communication on *Terrorist recruitment: addressing the factors contributing to*

²⁷ Council of the European Union, 'The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism', p. 2, article 5.

²⁸ European Council, 'Declaration on Combating Terrorism', p. 16.

²⁹ Council of the European Union, *The Hague Programme: Strengthening Freedom, Security and Justice in the European Union*, 13 December, 2004, 16054/04, p. 21.

violent radicalisation (from September 2005), which introduced the concept of 'violent radicalisation' for the first time.³⁰ 'Violent radicalisation' was defined in the communication as 'the phenomenon of people embracing opinions, views and ideas which could lead to acts of terrorism'.³¹ The focus of the *EU Strategy for Combating Radicalisation and Recruitment to Terrorism* was therefore to 'address the factors' that would lead people towards 'violent radicalisation'. The document developed the idea of combating 'radicalisation and recruitment' and has been constructed as the central most important preventative element of EU counter-terrorism policy. Although the document accepted that 'radicalisation and recruitment' to terrorism are 'not confined to one belief system or political persuasion' and that Europe has experienced other forms of terrorism throughout its history, 'the terrorism perpetrated by Al-Qaida and extremists inspired by Al-Qa'ida has become the main terrorist threat to the Union'.³² The main focus of the strategy has therefore been to provide a framework in which the EU member states could counter 'radicalisation and recruitment' to terrorism, through the identification of terrorist propaganda and targeting the conditions which draws people to consider terrorism a 'legitimate course of action'. It stated that the only way to defeat 'Al-Qaida and those inspired by them' is through 'engagement of the public, and especially Muslims, in Europe and beyond.' It also stated that it 'welcomes the strong stance that the people of Europe and beyond, including Muslims, have taken to reject terrorism and urges them not to relent in their condemnation'.³³

The *EU Strategy for Combating Radicalisation and Recruitment to Terrorism*, 2005, emphasised the considered nature of the EU response to terrorism through phrases that claimed the EU would: 'engage in dialogue'; 'not undermine respect for fundamental rights'; and develop 'the right legal framework' to combat terrorism. However, the problem of terrorism in Europe was again constructed as primarily a problem linked to the 'Muslim community'. This is because the central element of the policy was the need to 'empower moderate voices by engaging with Muslim organisations and faith groups', 'reject the distorted version of Islam put forward by Al-Qa'ida and others', 'encourage the emergence of European imams and enhance language and other training for foreign imams in Europe' and 'enhance our efforts to change the perceptions of European and Western policies particularly

³⁰ European Commission, Communication concerning Terrorist recruitment: addressing the factors contributing to violent radicalisation, Brussels 21 September, 2005, COM(2005) 313 final.

³¹ Ibid., p. 2.

³² Council of the European Union, 'The European Union Strategy for Combating Radicalisation and Recruitment', p. 2, article 3.

³³ Ibid., p. 2, article 5.

among Muslim communities'.³⁴ What this reveals then is the tension within the EU counter-terrorism policy documents, in that although there are a number of statements on not discursively linking terrorism to Islam, they do so anyway.

This raises questions over whether such a policy could not be used to develop broader engagement with 'Muslim communities' across Europe, foster community integration, cohesion and participation without the discursive linking of such a policy to counter-terrorism. The *EU Strategy for Combating Radicalisation and Recruitment to Terrorism* stated that within the EU 'we must target inequalities and discrimination where they exist and promote inter-cultural dialogue, debate and where appropriate, long-term integration' as well as promoting outside the EU 'good governance, human rights, democracy, as well as education and economic prosperity'.³⁵ Again this has little to do with directly combating terrorism; we are left to ponder whether they should not be EU goals anyway and were they not before September 11, 2001? The very next article reveals the tension once more by stating that, 'radicalisation of certain Muslim individuals in Europe is a relatively recent phenomenon', 'even those areas of Europe where radicalisation is not a major issue at present, or where large Muslim communities do not exist, could become targets for extremists'.³⁶

The 'prevent' section of the *Counter-Terrorism Strategy*, 2005, reproduced many of the words, terms, phrases and assumptions highlighted thus far. It emphasised the perceived need to counter 'radicalisation and recruitment' to terrorism, stating that 'terrorist groups such as Al Qaeda and the groups it inspires' currently 'represents the main threat to the Union as a whole'.³⁷ It highlighted a number of 'conditions in society that may create an environment in which individuals can become more easily radicalised', these included 'poor or autocratic governance; rapid but unmanaged modernisation; lack of political or economic prospects and of educational opportunities'.³⁸ It claimed that 'within the Union these factors are not generally present but in individual segments of the population they may be'.³⁹ Although the document did not use the phrase 'violent radicalisation' it did rearticulate this

³⁴ Ibid., p. 4, article 11.

³⁵ Ibid., p. 5, article 13.

³⁶ Ibid., p.5, article 14.

³⁷ Council of the European Union, 'The European Union Counter-Terrorism Strategy', p. 7, article 6.

³⁸ Ibid., p. 9, article 11.

³⁹ Ibid., p. 9, article 11.

idea of an 'extremist worldview' which was leading 'individuals to consider and justify violence'.⁴⁰

This strand of the discourse has come to provide the logic for the central most 'preventative' dimension of EU counter-terrorism policy and has been heavily influenced by the European Commission, which in turn has been heavily influenced by a number of academic studies into 'violent radicalisation'. In September 2005, the European Commission put forward proposals for the creation of a 'network of experts' on 'violent radicalisation'.⁴¹ These proposals led to the creation of 'The Expert Group on Violent Radicalisation' in April 2006.⁴² One of the tasks of the expert group was to produce a report on the 'state of play of research in the field of violent radicalisation'; a task which was duly met with the production of a final report submitted to the European Commission on 15 May 2008 entitled 'Radicalisation Processes Leading to Acts of Terrorism'.⁴³ As well as this there have been three other major studies into processes leading to 'violent radicalisation' authored by the Change Institute and Kings College London. Since 2008, this expert group has been known as the 'European Network of Experts on Radicalisation' (ENER).⁴⁴

The reason for drawing attention to the role of the Commission and the ENER in the production of this discourse on 'radicalisation and recruitment' to terrorism is two-fold. First, the involvement of an 'expert group' to offer advice on policy demonstrates one way in which the EU discourse on terrorism has evolved and possibly how institutions can 'learn' over time. Second, the research conducted in the 'expert group' report actually challenges many of the preconceptions and assumptions that underpin the EU counter-terrorism discourse (and specifically the strand of the discourse on 'radicalisation and recruitment' to terrorism). For example, the report reveals the problematic nature of the term 'violent radicalisation'. It notes that whilst the term is often used to refer to 'jihadi terrorism' or

⁴⁰ Ibid., p. 8, article 8.

⁴¹ European Commission, 'Communication concerning Terrorist recruitment', p. 8.

⁴² Official Journal of the European Union, L 111/9 of 25.04.2006

⁴³ European Commission, 'Radicalisation Processes Leading to Acts of Terrorism', 15 May 2008, Available at: http://www.clingendael.nl/publications/2008/20080500_cscp_report_vries.pdf

⁴⁴ The EU CTC report from June 2009 described the group as 'a network of leading experts on radicalisation from different academic disciplines who are renowned specialists in their field', their role being to focus on the processes of 'violent radicalisation and extremism that leads to acts of terrorism' through the production of studies and organisation of seminars, with the aim of 'deepening understanding of the violent radicalisation phenomenon in order to enhance counter-terrorism and preventive approaches being pursued at EU and Member State levels'. See Council of the European Union, 'Implementation of the Strategy and Action Plan to Combat Terrorism', Brussels, 2 June 2009, 9715/1/09, p. 2.

'jihadi violence', there are 'remarkable parallels between radicalisation to current jihadist terrorism and radicalisation to left-wing, right-wing or nationalist separatist terrorism'.⁴⁵ The report also explains that the limitation of terrorism to acts solely perpetrated by non-state actors is erroneous. Although the views of the 'expert group' do not represent those of the EU, the fact that the EU has commissioned such studies demonstrates this willingness to 'learn' and the possibility that the EU discourse on terrorism may eventually achieve the stated policy goal of developing such policies without linking Islam to terrorism.

This section has sought to demonstrate that there are three main aspects to this strand of the 'fight against terrorism' discourse, which has constructed terrorism, in the post-September 11 period, as a phenomenon primarily represented by 'violent religious extremism'. First, even though the current terrorist threat is perceived to have a religious dimension the EU rejects any equation of terrorism with the 'Arab', 'Islamic' or 'Muslim world'. Second, although the EU resists conflating the threat of terrorism with Islam and aims to develop a 'non-emotive lexicon' for talking about these issues, there is a tension at the heart of the policy in that it constructs the threat of terrorism as something that is implicitly linked to Islam or the 'Muslim community'. Third, this tension is revealed in two interlinked ways: the EU constructs the promotion of 'cross-cultural', 'inter-religious' or 'inter-cultural' understanding between the EU and the 'Arab', 'Islamic' or 'Muslim world' as an essential element of counter-terrorism policy; and the EU promotes a strategy of combating 'radicalisation and recruitment' to terrorism as the most essential preventative element of counter-terrorism policy. In particular, it is this focus on 'radicalisation and recruitment' which is central to the construction of the 'Muslim' Other as a potential terrorist threat. This is because the discourse concerning 'radicalisation and recruitment' constructs wider issues relating to the promotion of social cohesion and integration of 'Muslim communities' within Europe, as key policy priorities in the 'fight against terrorism'. Having established how this strand of the 'fight against terrorism' discourse has been constructed, the next section shall seek to demonstrate how the language contained within this strand of the discourse structures the meaning, logic and policy response to Islam and the 'Muslim Other'; how the discourse construct a 'European' sense of Self in relation to a 'Muslim Other', which is conflated with the perceived threat of terrorism; as well as the knowledge and practices which are normalised and/or legitimised by the discourse.

⁴⁵ European Commission, 'Radicalisation Processes Leading to Acts of Terrorism', p. 6.

Analysing the Discursive Construction of the 'Muslim' Other as Potential Terrorist Threat

The aim of this section is to analyse the processes by which the 'Muslim' Other is constructed as a potential terrorist threat. It does this in three stages. First, it considers the construction of the 'Muslim' Other through EU counter-terrorism policy, in order to demonstrate how the different words, terms, phrases and labels identified above help to construct a homogenous or transcendental 'Muslim' or 'Islamic' identity (which it is assumed is more susceptible to processes of 'radicalisation' to terrorism). Second, it shows how the discourse which is associated with the prevention of 'radicalisation and recruitment' to terrorism has played a key role in structuring the meaning, logic and policy response to terrorism in the post-September 11 period. Third, it aims to contextualise the threat of the 'Muslim' Other as a potential security threat and explain how through the creation of a single category of identity (the 'Muslim community') the process of 'othering' can occur; as well as exploring the process by which this strand of the discourse securitises wider social issues related to that community by constructing them as part of counter-terrorism discourse.

Constructing the 'Muslim' Other through EU Counter-Terrorism Policy

It is important to understand that the EU demonstrates a considerable degree of restraint in its use of language with regard to the question of Islam and terrorism. The focus of the policy on developing a 'non-emotive lexicon' for discussing such issues is supported by the fact that the official policy documents do not at any point use phrases such as 'Islamic terrorism', 'Islamic fundamentalism', 'jihadists', 'Islamofascism', or any of the other pejorative terms that have found their way into social discourse through usage in the media or by politicians in the public sphere.⁴⁶ The closest the EU policy documents come to making an explicit linkage between Islam and terrorism is in the use of statements or phrases such as: 'the terrorism perpetrated by Al-Qaida and extremists inspired by Al-Qaida has become the main terrorist threat to the Union'; that this type of terrorism is based on a 'distorted version of Islam'; or the EU must seek to combat 'recruitment and mobilisation for the Islamist militant movement

⁴⁶ To provide but one example of the way in which this language is produced and reproduced in the (British) media, consider the musings of Melanie Phillips from the Daily Mail. Her columns regularly make reference to the threat posed by the 'Islamisation of British public life', 'Islamic radicals' or 'Islamic terrorism'. See Melanie Phillips, 'This Country is so Pro-Muslim it is Giving Succour to the Extremists who would Destroy Us', *The Daily Mail*, 8 July 2008, Available at: <http://www.dailymail.co.uk/news/article-1033189/This-country-pro-Muslim-giving-succour-extremists-destroy-us.html>

in Europe'.⁴⁷ However, the documents make an implicit link between Islam and terrorism by constructing 'engagement' or 'dialogue' with the 'Islamic' or 'Muslim world' as an essential aspect of counter-terrorism policy. It should also be noted that although the terms 'Islamic terrorism' or 'Islamist terrorism' have not been used directly in the EU counter-terrorism policy documents, they are used in the Europol Terrorism Situations and Trends Report (TE-SAT). There have been seven TE-SAT reports (from 2002-2010) and each contains a section devoted to 'Islamic' or 'Islamist terrorism'. Given that Europol is the law enforcement agency of the EU it becomes clear that when the EU counter-terrorism documents speak of countering the threat from 'violent religious extremism' or the 'Islamist militant movement in Europe', in that context what they really mean is countering the threat from a specific 'type' of terrorism: 'Islamist terrorism'.

It should be noted, however, that the use of these terms (or concepts), to describe the type of terrorism perpetrated by 'Al-Qaida and those inspired by Al-Qaida', differs depending on which institution or agency is analysed. The European Commission Communication on *Terrorist recruitment: addressing the factors contributing to violent radicalisation*, from September 2005, which would provide the basis for the *EU Strategy for Combating Radicalisation and Recruitment to Terrorism*, is quite clear in stating that 'there is no such thing as "Islamic terrorism" [and that] the fact that some individuals unscrupulously attempt to justify their crimes in the name of a religion or an ideology cannot be allowed in any way and to any extent whatsoever to cast a shadow upon such a religion or ideology'.⁴⁸ However, this assertion has not prevented the European Commission from referring to the 'constantly evolving' threat that comes from 'Islamist terrorism', as recently as July 2010.⁴⁹ What does not change throughout the development of EU counter-terrorism policy are the assumptions which structure the meaning, logic and policy response of how best to respond to this type of terrorism; assumptions which it is argued implicitly construct the 'Muslim' Other as a potential threat. For example, the Commission document from September 2005 concluded that to prevent this 'type' of terrorism (whatever we choose to label it) the EU must seek to: 'better promote cross-cultural and inter-religious understanding between Europe and third countries, particularly those in which Islam is the predominant religion'; and that 'since

⁴⁷ Council of the European Union, 'The European Union Strategy for Combating Radicalisation and Recruitment', p. 2, article 3; and of the European Union, 'Implementation of the Strategy and Action Plan to Combat Terrorism', Brussels 19 November, 2008, p. 3.

⁴⁸ European Commission, 'Communication concerning Terrorist recruitment', p. 11.

⁴⁹ European Commission, *The EU Counter-Terrorism Policy: Main Achievements and Future Challenges*, Brussels, 20 July 2010, COM(2010) 386 final.

terrorists often target also moderate Islam, it is important to reach out to moderate Islamic regimes and organisations in cooperating on anti-terrorism policies'.⁵⁰

It can be argued that when the EU policy speaks of, or uses terms such as the 'Islamic world', the 'Arab and Muslim world', 'Muslim community', or any of the other catch-all phrases that are used as guiding categories in the discursive construction of EU counter-terrorism policy, it is constructing an 'Other', in this case the 'Muslim' Other, against which a 'European' sense of Self is reinforced. However, this construction of a 'Muslim' Other rests on an assumption that there is some kind of transcendental 'Islamic' or 'Muslim' identity that provides the glue with which the 'Muslim community' is held together. However, within 'Islam' or the 'Muslim world' there is a kaleidoscope of different variations that make meaningful generalisations a near impossibility. This is not least because Islam has over one billion adherents across the globe, with Muslim majorities in some 56 countries ranging from Africa to South-East Asia.⁵¹ Making sweeping generalisations is not a simple task given the diversity within Islam in terms of language and culture, the five major doctrinal groupings and numerous smaller sects as well as differing theological traditions. In Europe alone, Fred Halliday has argued that 'Muslim communities' are distinguished not just by religious differences but also by differences of a national, linguistic and political character.⁵² The 'Muslims' of Western Europe may appear homogenous to the 'non-Islamic world', or the usually self-appointed representatives of Islam, but this perception masks a stunning degree of heterogeneity within 'Muslim communities' themselves. There is a variety of national backgrounds: 'in Britain, Pakistanis, Bengalis and Indians, but also Turkish Cypriots and a variety of Arabs; in Germany, Turks and Bosnians; in France, Algerians, Moroccans, Tunisians, Senegalese, Mauritians and Turks' to name but a few.⁵³ There is also a great deal of linguistic variations, which are concealed by these 'national' labels, between: 'Pathans, Punjabis and Gujeratis, between Kurds and Turks, between Algerian Arabs and Kabyles, and of course between the different Arab people'.⁵⁴ What these differences demonstrate is that it is highly problematic when the EU speaks of engaging the 'Muslim community' in order to combat terrorism, given the heterogeneity that exists within that community. Whilst other phrases which serve to implicitly construct the 'Muslim community' as a potential terrorist

⁵⁰ Ibid., p. 9.

⁵¹ John L. Esposito, *The Islamic Threat: Myth or Reality?* (New York: Oxford University Press, 1999), p. 2.

⁵² Fred Halliday, *Islam and the Myth of Confrontation* (London: I.B. Tauris, 2003).

⁵³ Ibid., p. 122.

⁵⁴ Ibid., p. 122.

threat, such as 'violent religious extremism' or 'extremist ideology', need to be used with careful consideration to the context within which they are applied.

Guilain Denoeux emphasises this line of argument by pointing out that although the terms 'Muslim' or 'Islamic' are often used interchangeably there are very subtle differences in the usage of these two words as adjectives.⁵⁵ He offers the example that a leading student of political Islam may use the term 'Muslim' to refer to a fact, a cultural reality, whilst using 'Islamic' to convey political intent. The difference is subtle but significant. In this instance a 'Muslim country' is a country in which the majority of the population are Muslims. An 'Islamic state' on the other hand is one in which the legitimacy of the state is derived from Islam and wherein that religion plays a central role in public life and the legitimisation of the socio-political order. Richard Jackson offers a further observation in that there are great variations between 'Islamic fundamentalist' and 'Islamist' movements, which express themselves in the difference between 'Sunni and Shia, violent and non-violent, political and quietist, utopian and accommodationist, nationalist and internationalist and those that fall between and cross over such crude divisions'.⁵⁶ So where non-Muslims identify or speak of the 'Muslim community', to denominate the communities that originate from Muslim countries, in reality there is no such thing as the 'Muslim community'. Instead, what is perceived to be a community is instead 'a complex body full of contradictions and divergences along ethnic, ideological and generational lines and not keen on presenting themselves as one single entity or, being secular, do not see themselves as members of a religious community'.⁵⁷

This line of analysis is also relevant when thinking of terms and phrases such as 'extremist worldview', 'violent religious extremism', 'Islamic' or 'Islamist terrorism' or the 'Islamist militant movement in Europe'. As Jackson points out not only is the dividing line between 'extremists' and 'moderates' context specific, it is highly porous and therefore a difficult distinction to make.⁵⁸ Terms like 'extremist' obscure the fact that many 'Islamist' groups,

⁵⁵ Guilain Denoeux, 'The Forgotten Swamp: Navigating Political Islam', *Middle East Policy*, 9:2 (2002), pp. 56-81.

⁵⁶ Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse, *Government and Opposition*, 42:3 (2007), pp. 394-426, see p. 413.

⁵⁷ Oliver Roy, *La laïcité face à l'islam* (Paris: Stock, 2005), cited in Rik Coolsaet and Tanguy Struye de Swielande, 'Zeitgeist and (De)-Radicalisation' in Coolsaet, R. (eds.) *Jihadi Terrorism and the Radicalisation Challenge in Europe*, (Aldershot: Ashgate, 2008), p. 155.

⁵⁸ Jackson, 'Constructing Enemies', p. 413.

some which have been defined by the EU as terrorist, 'engage in an array of political, social and cultural activities, few of which could be described as radical'.⁵⁹ Furthermore, labels such as those outlined above have a homogenising quality which 'in itself is highly misleading because it lumps together an extremely diverse set of groups, cells, movements and individuals, and conceals the importance of local contingencies in their form and development'.⁶⁰ The more interesting point here is that political discourses (in this case, the 'fight against terrorism') necessarily group everything together in the name of fixing them for policy-making purposes. The discourse does this by creating a socially constructed (or artificial) identity, 'the Muslim community', which is assumed to represent a potential source of terrorist threat. Central to this 'othering' process has been the language associated with 'radicalisation and recruitment' to terrorism, the importance of which shall be considered in the next section.

'Preventing Terrorism': The problem with the language of 'Radicalisation and Recruitment'

It is argued here that this discourse which is associated with the prevention of 'radicalisation and recruitment' to terrorism plays a key role in structuring the meaning, logic and policy response to terrorism in the post-September 11 period. Furthermore, it is also a contention of this thesis that this strand of the discourse constructs the practice of 'Islam' or the 'Muslim community' itself as suspect; and it constructs these issues as part of a security dynamic. Indeed, one of the more revealing statements in the EU counter-terrorism policy can be found in the *EU Strategy for Combating Radicalisation and Recruitment to Terrorism*; it defines the threat as one predominantly represented by Al-Qaida and those inspired by Al-Qaida making the assertion that, 'even those areas of Europe where radicalisation is not a major issue at present, or where large Muslim communities do not exist, could become targets for extremists'.⁶¹ There are a number of assumptions at work here, in the post-September 11 period: Al-Qaida or the 'Islamist militant movement in Europe' is a major terrorist threat in Europe; in the areas in Europe where large 'Muslim communities' exist, radicalisation is a major problem; and radicalisation can lead inexorably to terrorism. Jackson has offered an alternative perspective through which to interpret the threat of terrorism in the post-September 11 period. He cites a number of studies on suicide terrorism, the individual

⁵⁹ Ibid., p. 413.

⁶⁰ Ibid., p. 413.

⁶¹ Ibid., p. 5, article 14.

orientation of 'Islamic extremists' and the statements of terrorist groups themselves as suggesting that religion is instead a secondary factor behind nationalism and political grievance. He contends that not only is 'the religious language of terrorists... instrumental and culturally idiomatic rather than causative' but that 'terrorism is primarily a politically driven phenomenon [which] emerges as a fringe activity within broader political movements and struggles'.⁶²

Even though the EU recognises the complex nature of the reasons why individuals or groups engage in acts of terrorism; the discursive construction of EU counter-terrorism policy is based on a specific interpretation of what those 'complex causes' mean. In the 'fight against terrorism' discourse, responding to the 'complex causes' of terrorism is synonymous with tackling 'radicalisation and recruitment' to terrorism. The use of this language and discourse regarding the term 'radicalisation' can however be interpreted in other ways. A recent seminar report, from 2005, prepared by the *Centre for the Study of 'Radicalisation' and Contemporary Political Violence* argued that the use of the term 'radicalisation': first, assumes simplistic or mono-causal explanations of political violence based on notions of extremist 'infection' or radicalisation 'pathways'; second, constructs everyday Muslim practices, Islamically-inspired political activism and the broader Muslim community as 'suspect'; third, restricts the scope of legitimate debate about foreign policy and divisive political domestic issues; and fourth, is counter-productive, inconsistent and highly negative in terms of government goals of preventing further terrorist violence.⁶³ The report specifically argued that the use of terms like 'radicalisation' needs to be opposed or resisted by leaders, scholars, activists and concerned individuals. In particular, it stated that there is a need to challenge the inaccuracies and unreflective use of language by terrorism 'experts' and the media alike, as well as critiquing the use of words such as 'terrorism', 'radicalisation' and 'extremism.'

Another element of this discourse strand is that Muslims must not only oppose terrorism but that they should *speak* their opposition to terrorism, and furthermore that moderates should take a lead in fighting 'extremism' within their communities. This idea is a central element of

⁶² Richard Jackson, 'An analysis of EU Counterterrorism Policy Discourse', *Cambridge Review of International Affairs*, 20:2 (2007), pp. 233-247, p. 243.

⁶³ Centre for the Study of 'Radicalisation' and Contemporary Political Violence, 'The Politics of Radicalisation: Reframing the Debate and Reclaiming the Language', *London Muslim Centre*, Whitechapel, 2005. Available at: <http://www.bisa.ac.uk/groups/7/Radicalisation%20Report%20Final.pdf>

the *EU Strategy for Combating Radicalisation and Recruitment to Terrorism*, 2005 and the *EU Counter-Terrorism Strategy*, 2005.⁶⁴ A key aspect of this strand of the discourse is the aim of empowering moderate voices by engaging with Muslim organisations and faith groups in order to reject the distorted version of Islam that is put forward by Al-Qaida. The implication here is that not only can one find an identifiable line between the 'extremists' and the 'moderates' but it is a problem internal to the 'Muslim community' and therefore their duty to fix it.⁶⁵

Shamit Saggar has argued that there is a need to distinguish policy responses between those that target people who engage in terror plots and those who 'look the other way'.⁶⁶ He indicates that the kind of policy needed to disrupt the moral oxygen for (what he calls) 'Islamist-inspired terrorism' provided by those who offer the tacit support for acts of violence (sometimes without even knowing), provocatively dubbed 'fence-sitters' by some commentators, is quite different from the policy needed to prevent those who engage in acts of terrorism themselves.⁶⁷ He notes that 'the kinds of intervention needed to tackle terror plots will be distinctive and differ from those needed to address fence-sitters, if they can be dubbed as such. Both targets, in turn, need to be distanced from measures aimed at the peaceful majority'.⁶⁸ The problem being that not all interventions are able to differentiate with such precision and that all Muslims, to some effect, will feel the impact of one kind of policy. The EU counter-terrorism policy response is not only constructed as a response predominantly to 'Islamist-inspired terrorism'. It is constructed through a meshing of these different objectives that Saggar has identified, which fail to distinguish between the different types of policy needed to combat 'Islamist terrorism' itself. Furthermore, the question of Muslim engagement in European societies involves broader issues that should be dealt with separately from counter-terrorism policy objectives. The 'fight against terrorism' discourse has the implicit effect of reconstructing many of these issues, regarding Muslim engagement in mainstream society, as part of its counter-terrorism response.

⁶⁴ Council of the European Union, 'The European Union Strategy for Combating Radicalisation and Recruitment'; Council of the European Union, 'The European Union Counter-Terrorism Strategy'.

⁶⁵ See Jackson, 'Constructing Enemies', p. 411.

⁶⁶ Shamit Saggar, 'Boomerangs and Slingshots: Radical Islamism and Counter-Terrorism Strategy', *Journal of Ethnic and Migration Studies*, 35:3 (2009), pp. 381-402.

⁶⁷ Saggar focuses on the by-product of three inter-related and partly overlapping groups: those who are peaceful and non-violent, those who equivocate on political violence, and those who are closely involved in violence and violent conspiracies. He argues that the interplay between them sets the context of policies and initiatives to combat this type of 'Islamist terrorism' which is aimed at Western liberal democracies.

⁶⁸ *Ibid.*, p. 382.

This idea that the 'Muslim community' should speak their opposition to terrorism is constructed as an important move in efforts to combat 'radicalisation and recruitment', alongside another strand of the discourse which advocates countering the 'extremist worldview' of the terrorists. In particular, the 'narratives used by extremists' and 'the methods through which terrorists find new recruits', are constructed as responsible for the perception amongst the 'Muslim community' of a supposed 'clash between the West and Islam'. It is this 'extremist worldview' which is seen as responsible for 'radicalisation among youths', distorting the religion of Islam, altering 'perceptions of Western policies' and 'increasing suspicions of hidden agendas and double standards'.⁶⁹

Saggar is in agreement with the EU proposition that there exists a 'narrative' within 'Muslim communities', which is most pressing, in terms of issues of perceived group humiliation, hopelessness and despair. However, in contrast to the line of argument taken in the discursive construction of EU counter-terrorism policy, he does not argue that this perception is a driver of modern 'Islamist-inspired terrorism' in Western countries. For Saggar, that would be characteristic of a reductionist simplicity that is not supported by persuasive evidence. Instead, he argues that the drivers of political grievance are important enough to merit an examination of 'what they suggest about generalisations concerning political violence'.⁷⁰ The main thrust of his argument being that while such 'narratives' help to prop up considerable levels of 'fence-sitting' about terrorism, and have played an effective role in generating the 'moral oxygen' for violence, counter-terrorism policies that target a whole community are not a good thing. For Saggar, counter-terrorism policies have further damaged the effectiveness of wider goals of integration and community cohesion because they are seen as symptomatic of oppression of Muslims in general. Counter-narratives to Muslim oppression have been less visible and effective, leading to a strengthening of this 'narrative' of oppression.

Whilst the focus of the EU counter-terrorism discourse is on tackling this 'narrative' which is used by members of the 'Muslim community' both to promote 'radicalisation and recruitment' in to terrorism and to justify acts of terrorism; research suggest that in fact this problem may have been over-emphasised. A report authored by the Change Institute for the

⁶⁹ See Council of the European Union, 'Implementation of the Strategy and Action Plan to Combat Terrorism', Nov 2006, Brussels 15 November, 2006, 15266, p. 5, article 14; and Council of the European Union, 'The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism', p. 4, article 10.

⁷⁰ Saggar, 'Boomerangs and Slingshots', p. 399.

European Commission investigated the views of '145 stakeholders' from within the Muslim community across four member states, the UK, Germany, France and Denmark.⁷¹ The report was aimed at exploring the beliefs, narratives and ideologies that lead to violent radicalism, underpinned by an 'abusive interpretation of Islam', and found that the prevalence, articulation and adoption of specifically violent radical narratives was not the predominant trend they identified within the study. Instead the key narratives they identified were: 'living in a 'hostile' society, disenfranchisement and heightened political consciousness, anti-imperialism and social justice, revivalism, emancipation and the personal search to be a good Muslim and the headscarf as liberation, bringing together a constellation of narratives'.⁷² The emphasis placed on combating or challenging this 'extremist worldview' (this 'narrative') that underpins 'violent radicalisation' processes, is tied into persistent social and cultural perceptions of Islam as threat.

Contextualising the Threat of the 'Muslim' Other; Securitising the Muslim 'Other'

It has been argued thus far that the EU counter-terrorism policy discourse helps to reconstruct 'European political identity' through a conception of the 'Muslim' Other as a potential terrorist threat, against which a 'European' sense of Self is reinforced. It is important to remember that the 'othering' of 'Islam' or 'Muslims', as a potential security threat, has a long genealogy. If we think of the terrorist attacks at the Munich Olympics in 1972, the 1973 Oil Crisis, the Iranian Revolution of 1979, the Rushdie affair of the early 1990s and of course September 11, 2001 and the subsequent 'war on terror', all of these events have been constructed as representative of a significant 'Islamic' threat. Jocelyne Cesari has argued that the 'European discourse on Islam is a microcosm of the debate on Islam's compatibility with the West'.⁷³ In particular, she contends that simplistic depictions of Islam have led to 'a paradoxical policy of European governments both fearing and fostering radicalisation' as part of a process that she calls the 'securitisation of Islam'.⁷⁴ She argues that the conditions for this development have already occurred: European states have identified Islam as a threat and

⁷¹ Change Institute, *Studies Into Violent Radicalisation; Lot 2: The Beliefs Ideologies and Narratives*, February 2008, Available at: http://ec.europa.eu/justice_home/fsj/terrorism/prevention/docs/ec_radicalisation_study_on_ideology_and_narrative_en.pdf

⁷² Ibid., p. 4.

⁷³ Jocelyne Cesari, 'The Securitisation of Islam in Europe', *Challenge: Liberty and Security*, Research Paper No. 15, April 2009, Available at: http://www.euro-islam.info/ei/wp-content/uploads/pdfs/the_securitisation_of_islam_in_europe.pdf

⁷⁴ Ibid., p. 1.

have taken measures to prevent the incubation of terrorism; this politicisation of religion however threatens its survival, leading devout Muslims to feel resentful of non-religious actors. Thus, 'the measures intended to prevent radicalisation actually engender discontent and prompt a transformation of religious conservatism to fundamentalism'.⁷⁵ What is novel about the EU approach to counter-terrorism policy is the way in which it contributes to this securitising process. In particular, that it constructs a single category of identity: the 'Muslim communities in Europe and beyond'; which in the creation of this single monolithic identity, the possibility of processes of othering lie.⁷⁶ The need to 'engage' this 'community' to 'prevent' terrorism is thus representative of this process of securitising the 'Muslim Other'. This is because the use of the term 'engage' helps to construct the 'Muslim community' as a group that operates in a parallel space to that of the rest of European society.

It should also be noted that whilst the language of EU counter-terrorism policy may be able to distinguish between Islam as a peaceful religion and those who have used an abusive interpretation of Islam to justify acts of terrorism; a wider contextual analysis of the elaboration of an internal/external threat such as 'Islamist' or 'jihadi' terrorism reveals a failure to make such a distinction. Jackson argues that to a certain extent 'Western identity is dependent on the appropriation of a backward, illiberal violent "Islamic" other against which the West can organise a collective liberal, civilised "self" and consolidate its cultural and political norms'.⁷⁷ In support of this line of argument Peter van Ham has argued that for a number of historical and cultural reasons 'Islam performs the role of Europe's ultimate Other'.⁷⁸ Van Ham argues that for centuries Islam has been the mirror of Western culture and Christendom; a social representation which has reinforced a perception that the boundaries of the West have needed to be protected against infiltration and perversion. A central part of any collective European consciousness has therefore been determined by the interpretation of a long and violent struggle between Christendom and the Muslim world which stretches from the defeat of the Arabs at Tours and Poitiers in 732, via the Crusades, to 'what is now

⁷⁵ Ibid., p. 1.

⁷⁶ See Stuart Croft, 'Securitising Islam: Constructions of Otherness and Enmity in the United Kingdom', *Paper presented at the annual meeting of the Theory vs. Policy? Connecting Scholars and Practitioners*, New Orleans Hilton Riverside Hotel, The Loews New Orleans Hotel, New Orleans, LA, Feb 17 2010, see pp. 14-15, Available at: http://www.allacademic.com/meta/p416903_index.html

⁷⁷ See Jackson, 'Constructing Enemies', p. 420.

⁷⁸ Peter van Ham, *European Integration and the Postmodern Condition: Governance, Democracy, Identity*, (London: Routledge, 2001), p. 209-210.

perceived as the somewhat primitive, pre-industrial Islamic rebellion against Western modernity and globalisation'.⁷⁹

This historical and cultural understanding of Islam as a threat to Europe helps to provide context for this perception that the 'Islamist militant movement in Europe' represents the main terrorist threat to Europe; or that there is a single identifiable monolithic Muslim or Islamic identity that is represented by the 'Muslim community in Europe', which must also be 'engaged' to counter this threat. It also helps to explain the silences in the 'fight against terrorism' discourse. Indeed, the discourse is underpinned by an assumption that the 'terrorists are primarily after "us", and that Western civilisation is the main target of "Islamic/Islamist/Muslim" terrorism'.⁸⁰ Rik Coolsaet has noted that in fact 'framing today's main terrorist threat in these terms shows a lack of empathy with the many victims of terrorism in Muslim countries' and that 'long before the first victims fell in New York and Washington tens of thousands of Muslims and Arab citizens had been murdered in a wave of terrorist attacks in Arab countries'.⁸¹ He argues that the use of terms like 'Islamic' or 'Islamist terrorism' must be avoided in order to emphasise 'that we are not confronted with a clash between the West and Islam, but with a common threat and challenge for Western and Muslim countries alike'.⁸²

Furthermore, the 'fight against terrorism' discourse constructs both an internal and an external dimension to the threat from this type of terrorism, which is implicitly linked to Islam and the 'Muslim' Other. Internally, the focus on 'engaging' the 'Muslim community' to combat 'Al-Qaida and extremists inspired by Al-Qaida', as the main element of the preventative dimension of EU counter-terrorism policy is having a securitising effect (on that community). Not only does it create a single category of identity (the 'Muslim community') in which the process of othering can occur; it is also reconstructing wider social issues related to that community as part of a security discourse. For example, the construction of policy goals that 'target inequalities and discrimination where they exist and promote inter-cultural dialogue, debate, and, where appropriate, long term integration', are securitised through their construction as elements in the counter-terrorism response. In particular, it is this language associated with 'radicalisation and recruitment' which is having a securitising effect (for the

⁷⁹ Ibid.

⁸⁰ Rik Coolsaet, *Jihadi Terrorism and the Radicalisation Challenge in Europe* (Aldershot: Ashgate, 2008), p. 1.

⁸¹ Ibid., p. 1.

⁸² Ibid., p. 2.

reasons outlined above). This strand of the discourse relies on an assumption that 'radicalisation' leads inexorably to terrorism; and that 'radicalisation' is a problem inherent to the 'Muslim community'. Didier Bigo has argued that the EU's focus on clandestine terrorist organisations (such as Al-Qaida), as the main terrorist threat to the EU, has helped 'to develop suspicion towards foreigners or citizens of Muslim origin'.⁸³ It is this suspicion of the other, as a potential terrorist threat, that is central to this securitisation process.

The threat from this type of terrorism is also perceived to have an important external dimension. The focus of the discourse is not just on the 'engagement' of 'Muslim communities' in Europe but also 'Muslim communities in Europe and beyond'. Indeed, the *EU Counter-Terrorism Strategy* stated that 'radicalisation and recruitment is an international phenomenon'.⁸⁴ The *EU Strategy for Combating Radicalisation and Recruitment to Terrorism* identified 'disrupting the activities of the networks and individuals who draw people into terrorism' as an important preventative measure, an essential aspect of which would be to 'pursue political dialogue and target technical assistance to help others outside the EU to do the same'.⁸⁵ As was noted earlier, the 'fight against terrorism' discourse constructs the promotion of 'good governance, human rights, democracy, as well as education and economic prosperity, through our political dialogue and assistance programmes', as essential to the counter-terrorism response.⁸⁶ Furthermore, the *EU Counter-Terrorism Strategy* expressed an aim to engage 'with our partners overseas to assist them in combating radicalisation, including through co-operation and assistance programmes with third countries and work through international organisations'.⁸⁷ Whilst the use of words such as 'engage', 'help' and 'assist' reflects an EU perception of its own political identity and self-image, they also serve to deflect attention away from what is essentially a move towards the securitisation of its relations with third countries.

⁸³ Didier Bigo, 'At the limits of the liberal state: The answers to the terrorist threat', Re-Public: Re-imagining Democracy, (2006), Available at: <http://www.re-public.gr/en/?p=76>

⁸⁴ Council of the European Union, 'The European Union Counter-Terrorism Strategy', p. 9.

⁸⁵ Council of the European Union, 'The European Union Strategy for Combating Radicalisation and Recruitment', p. 3.

⁸⁶ Ibid., p. 5.

⁸⁷ Council of the European Union, 'The European Union Counter-Terrorism Strategy', p. 9.

Conclusion

The aim of this chapter has been to show how the 'fight against terrorism' discourse constructs the 'Muslim' Other as a potential terrorist threat. It has been argued that although the EU has sought to develop a 'non-emotive lexicon' for discussing issues surrounding 'violent radicalisation', the EU discourse on terrorism implicitly constructs the current threat from terrorism as something that is linked to Muslims or Islam. This is because the strand of the discourse which focuses on 'radicalisation and recruitment' to terrorism continually emphasises the need for 'engagement' of 'Muslim communities in Europe and beyond', as an essential preventative dimension of the EU counter-terrorism response. It is also quite clear that when the EU speaks of the 'terrorism perpetrated by Al-Qa'ida and extremists inspired by Al Qa'ida' as 'the main terrorist threat to the Union', combating 'violent religious extremism', countering the 'extremist worldview' of the 'current wave' of terrorists or tackling processes leading to 'violent radicalisation': the type of terrorism the EU is most preoccupied with is 'Islamist' or 'jihadi terrorism'.

With respect to the technique of analysis outlined in Chapter Two, this method allows us to identify the words, terms, phrases and labels, such as the 'Islamic world', the 'Arab and Muslim world', 'Muslim community', or any of the other catch-all phrases that are used in the production of EU counter-terrorism policy, which are central to the construction of the 'Muslim' Other. It has been argued that although the EU makes every effort to avoid failing to distinguish between the illegitimate use of religion for violence (by individuals), and the faith and practice of a religion by a majority of Muslims who believe in a religion of peace: the EU counter-terrorism discourse constructs the 'Muslim' Other as a potential security challenge. Thus, 'European political identity' is reconstructed through a conception of the 'Muslim' Other as a *potential* terrorist threat, against which the 'European' sense of Self is reinforced. The discourse is underpinned by a belief that this 'Muslim' or 'Islamic' identity overrides all other forms of identity; an identity which in turn makes the 'Muslim community' more receptive to 'radicalisation and recruitment' to terrorism. The assumption that there is a single monolithic or transcendental 'Islamic' or 'Muslim' identity, which operates in a parallel space to the rest of European society, allows for the construction of a single category of identity: the 'Muslim community'. A social construct which it is argued susceptible to processes of othering. The 'Muslim community' is therefore securitised through its reconstruction as a central referent point in the 'fight against terrorism'. This

process of securitisation is therefore revealed through the construction of 'cross-cultural', 'inter-religious' or 'inter-cultural' dialogue between that 'community' and mainstream European society as essential aspects in the 'prevention' of terrorism. The next chapter will draw together the conclusions of this thesis.

Chapter Seven

Chapter 7: Conclusion - The ‘Fight against Terrorism’: A Hybridised Security Policy Discourse

Introduction

The aim of this thesis has not been to dispute the fact that at present, sub-state terrorism represents a considerable threat to Europe, to the EU, to its member states and to its citizens. In recent years, the terrorist attacks in Europe in Madrid, in March 2004, and in London, in July 2005, as well as numerous failed ‘plots’, highlight the very real challenge that sub-state terrorism has and will continue to pose to Europe. In addition, the aim of this thesis has not been to dispute the need for an EU counter-terrorism policy; the EU has played (and will continue to play) a significant role in the facilitation of cooperation between member states in this policy area. Nor does this thesis reject Geoffrey Edwards and Christoph Meyer’s assertion that in certain instances ‘the EU’s responses to the challenge have been appropriate and in a positive way innovative’.¹ Instead, the aim of the thesis has been to demonstrate how the identity of the EU is both shaped by and helps to shape the direction of EU counter-terrorism policy. Starting from a position whereby the relationship between identity and counter-terrorism policy, like the relationship between discourse and policy, is assumed to be mutually or co-constitutive; the thesis has sought to show how the ‘fight against terrorism’ is influenced by the EU’s sense of Self, whilst simultaneously contributing to the construction or shaping of that sense of Self.

It has done this by drawing attention to the often neglected role of language in the construction of reality; and in particular, by identifying and analysing the different narratives (or themes) which constitute the numerous strands of the ‘fight against terrorism’ discourse. It has sought to identify the main words, terms, phrases, labels and underlying assumptions which make up the ‘fight against terrorism’ discourse, and which provide a language for talking about terrorism; and to understand the way in which the discursive practice of the ‘fight against terrorism’ helps to structure what is accepted knowledge about the threat of terrorism and how best to respond to that threat. This analysis has attempted to demonstrate

¹ Geoffrey Edwards and Christoph O. Meyer, ‘Introduction: Charting a Contested Transformation’, *Journal of Common Market Studies*, 46:1 (2008), p. 20.

the contested nature of this knowledge about terrorism and, specifically, to challenge the perception that terrorism represents either an existential or extreme threat to European society. Furthermore, the thesis has sought to explain how the discourse constructs the identity of the social actor (in this case the EU) by discerning the particular subject-position from which the social actor can speak as the I/We of the discourse; or in this particular case, how 'European political identity' (or a 'European' sense of Self) is being constructed, through counter-terrorism policy, in opposition to a notional 'terrorist' Other. Finally, the thesis has aimed to investigate how certain practices are normalised or legitimised by the discourse through their discursive construction as central elements in the EU counter-terrorism response. It also focuses our attention on the tendency within the EU's 'fight against terrorism' discourse to conflate the threat of terrorism with other issues, which might involve migration or the place of Islam (and Muslims) in European societies, leading to the securitisation of those issues through their reconstruction as central elements in the EU counter-terrorism response.

Through this focus on the discourse of the 'fight against terrorism', the thesis is intended to compliment other approaches to EU counter-terrorism policy, which have explored the main historical and legal developments of EU counter-terrorism policy; or the growing literature on governance and implementation of EU counter-terrorism policy, rather than be antithetical to them. At this point it is pertinent to restate the research questions as they will be referred to throughout this concluding chapter.

1. With respect to the role of language, how has the production of EU counter-terrorism policy contributed to the construction of 'terrorism' as a specific type of danger, risk or threat to the EU?
2. Having established that the 'fight against terrorism' discourse provides a specific conceptualisation of the danger, risk or threat posed by terrorism, what are the main themes (or strands) of the discourse and how do they contribute to this specific conceptualisation of the 'terrorist threat'?

3. Having identified the main discourse strands, how does the over-arching ‘fight against terrorism’ discourse construct a ‘European’ sense of Self, understood here as ‘European political identity’, in opposition to a ‘terrorist’ Other?
4. What role does this counter-terrorism discourse, the ‘fight against terrorism’, play in the legitimisation of new security practices (within the EU), are these practices contributing to the blurring of the distinction between internal and external security policy and are they reflective of a process of ‘securitisation’ of social and political life within Europe?

The remaining sections of this chapter aim to do several things. First, it provides a number of reflections on the contribution of this thesis to our understanding of EU counter-terrorism policy, arguing that ‘terrorism’ is a social construct and as such cannot be understood outside of the discourse through which it is constituted: the ‘terrorist’ Other is a product or consequence of discourse. This section seeks to show how a discursive analysis of EU counter-terrorism policy can provide answers to the research questions outlined above. Second, with respect to the technique of analysis outlined in Chapter Two, this section explores the role of the EU counter-terrorism discourse in the ‘blurring’ of internal and external security policies. It starts by using examples from the EU’s counter-terrorism policy documents, as well as referring back to the analysis conducted in Chapters Four, Five and Six, to show how this ubiquitous terrorist threat is constructed. In particular, it reveals how the terrorist threat is assumed to have important internal and external dimensions. It is argued that as a result of this perception, the discourse articulates a need for policies and practices which blur the distinction between internal and external security. This second section then turns to an analysis of how these policies and practices are legitimised through their construction as central elements in the EU counter-terrorism response. Third, the chapter analyses the EU counter-terrorism discourse and its commitment to developing counter-terrorism policies in accordance with/or respect for ‘human rights’. With respect to the third research question, it explores how this discourse strand constructs a ‘European’ sense of Self in opposition to the ‘terrorist’ Other. It is argued however, that not only was this strand of the discourse late to develop, there is also a question over the extent to which respect for ‘human rights’ or ‘fundamental freedoms’ has been applied in practice. Fourth, the chapter offers a number of recommendations on how to expand this research outwards beyond a focus on the EU and its institutions, identifying future avenues for research. These include: the synergies

between EU and US counter-terrorism discourse, with an explicit focus on both an analysis of the US as the 'other' against which EU counter-terrorism policy is formulated and the 'common language' of counter-terrorism, including the relationship between the 'fight against terrorism' and the 'war on terror'; as well as another novel idea, the continuities between the discourse of EU 'security-related research' and the 'fight against terrorism'. The chapter concludes by offering some final remarks on this discursive analysis of EU counter-terrorism policy, including a reflection on some of the limitations of this thesis.

Reflection on the Contribution of this Thesis to our understanding of EU Counter-Terrorism Policy

The method used was a form of critical discourse analysis. This method is underpinned by a theoretical commitment to Norman Fairclough and Ruth Wodak's idea that discourse should be understood as a form of 'social practice'; that there is a 'dialectical relationship between a particular discursive event and the situation, institution and social structure that frame it'.² Or to rephrase this idea in the context of this analysis, the counter-terrorism discourse is shaped by the EU, but the counter-terrorism discourse is also shaping the EU (its policies, its practices, its identity). This thesis has demonstrated that the EU's 'fight against terrorism' is more than just a set of institutional or public policy responses designed to negate the threat of terrorism; but that it is also an influential political discourse which has played (and will continue to play) an important role in the construction of counter-terrorism policy and the legitimisation of counter-terrorism policy responses. It has been argued that critical discourse analysis provides a novel approach which allow us: to map how the 'fight against terrorism' discourse is constructed; to demonstrate how it provides a language for talking about terrorism; to understand how the discourse defines what is accepted knowledge about (who or what is) terrorism; to explain how the discourse constructs the identity of the social actor; and to reveal how that knowledge structures the counter-terrorism policy response as a 'natural' or 'common-sense' approach to the challenge of terrorism. It has done this in several ways.

² Norman Fairclough and Ruth Wodak, 'Critical Discourse Analysis: An Overview', in Van Dijk, T. A. (ed.) *Discourse Analysis* (Sage, 1996); see also Ruth Wodak, *Disorders of Discourse* (New York: Longman, 1996), p. 15.

First, it has been argued that this approach allows us to draw out the knowledge (words, terms, phrases, labels and assumptions) upon which the EU counter-terrorism policy is built, and to understand how this knowledge contributed to a specific conceptualisation by the EU (or representation) of the terrorist threat in the post-September 11 period. This analysis has sought to examine the constituent parts of the discourse that when taken together make up the whole; as such, it has been argued that the EU’s ‘fight against terrorism’ consists of numerous themes or discourse strands. For example, Chapter Three provided an overview of the development of EU counter-terrorism policy, with a specific focus on the role of discourse. In particular, it sought to answer the first research question and explain exactly how the EU counter-terrorism discourse had contributed to the construction of terrorism as a particular type of threat to the EU. It did this by analysing the EU counter-terrorism documents and drawing out the different strands of the discourse. This provided the discursive context for the analysis of the different strands of the EU counter-terrorism policy discourse that was conducted in Chapters Four, Five and Six. Therefore, what this method (critical discourse analysis) allows us to do is to explain how those strands are constructed and to show how, when those strands are taken together as a whole, the EU counter-terrorism discourse is constituted. As such, the analysis of the different discourse strands carried out in those chapters helped to provide an answer to the second research question.

Second, it has been argued that this approach plays a key role in illuminating the connection between the ideational and the material, and is attentive to often neglected issue of identity. As such, this method focuses our attention on how counter-terrorism discourse constitutes the identity of the EU by creating a subject-position whereby it can speak as the I/We of the discourse. In particular, it allows us to explore how the EU counter-terrorism discourse constructs a specific self-representation of the EU, understood here as a unique form of ‘European political identity’, which is defined in opposition to the ‘terrorist’ Other. A main contention of the thesis therefore is that this method helps to reveal the techniques used to construct, describe and legitimise that ‘always-artificial distinction’ between Self and Other, which is apparent in the texts that were analysed.³ In each of Chapters Four, Five and Six, the analysis focused on how the ‘terrorist’ Other is constructed through the different discourse strands. For example, Chapter Four analysed how the discourse constructs terrorism as

³ Matthew Broad and Oliver Daddow, ‘Half-Remembered Quotations from Mostly Forgotten Speeches: The Limits of Labour’s European Policy Discourse’, *British Journal of Politics and International Relations*, 12 (2010), p. 208.

primarily a 'criminal act', but also how it constructs terrorism as something more than crime. The 'terrorist' Other is thus defined as not just 'criminal' but also 'ruthless', 'horrific', 'violent' or 'heinous', to name but a few of the more prominent words, terms or labels. The Chapter also demonstrated how the terrorist 'Other' is constructed as a 'non-state actor', a 'new' type of terrorist committed to 'maximum violence' and seeking to/or willing to use 'weapons of mass destruction' (WMD). This type of analysis therefore allows us to draw attention to this continuous 'othering' process that is achieved through discourse; a process which plays a key role in constructing the political identity of the EU (in opposition to the 'terrorist' Other) as well as conditioning the type of policy response needed to counter the threat of terrorism. In particular, it is all about the creation of in-groups and out-groups: the EU is constructed as the in-group, a particular type of actor, with certain 'values' which are assumed to be intrinsic to its conceptualisation of Self; likewise the 'terrorist' Other is constructed as the out-group, as a threat to those 'values', against which 'European political identity' is reinforced

This research therefore rests on an acceptance that terrorism is a social construction; a discursive as well as a material fact. This is the line of argument taken by Rainer Hülse and Alexander Spencer, who assert that 'terrorism is a social construction, hence a social fact produced in discourse'.⁴ Following this lead, the research focused on the discourse through which the 'terrorist' Other is constituted, on the basis that what 'terrorism' is (or who the 'terrorists' are) can only be 'known' through that discourse. For these reasons, the source of this research has therefore been the discourse in which the social construction of terrorism takes place: EU counter-terrorism policy. Furthermore, it has been argued that this focus on discourse allow us to do other things, such as: highlight the types of security practices that have been constructed as central elements in the EU counter-terrorism response; as well as to explore the relationship between these practices and the securitisation of social and political life within Europe. This novel method is important for how it makes sense of the world for policy-makers, politicians, academics and others influenced by anti-terrorist or counter-terrorism discourses, as well as the novel interpretations it provides (the added value, if you like) for understanding and explaining the social world. The next section shall explore how the EU counter-terrorism discourse is contributing to the blurring of internal and external security through the discursive construction of this process as an essential element in the EU

⁴ Rainer Hülse and Alexander Spencer, 'The Metaphor of Terror: Terrorism Studies and the Constructivist Turn', *Security Dialogue*, 39 (2008), pp. 571-592, see p. 572.

counter-terrorism response.

The Blurring of Internal and External Security Policy

This section of the concluding chapter explores the role of the ‘fight against terrorism’ discourse in the ‘blurring’ of internal and external policy, investigating its connection to the development of new security practices. In fact, it has been argued throughout the thesis that the EU counter-terrorism discourse has constructed the threat of terrorism, or the threat of the ‘terrorist’ Other, as having important internal and external dimensions. Indeed, one of the main aims of the research was to understand what role the ‘fight against terrorism’ discourse has played in the legitimisation of new security practices (within the EU), and whether these practices were contributing to a ‘blurring’ of the distinction between internal and external security policy, since the events of September 11, 2001 (across all the periods analysed). The first sub-section below draws out how this internal/external threat was constructed; it does so with specific reference to a number of the policy documents that were discursively analysed in this thesis, as well as to the analysis of the different discourse strands carried out in Chapters Four, Five and Six. The second sub-section identifies the ways in which the ‘fight against terrorism’ discourse constructs this blurring of internal and external security policy as a necessary and legitimate process. In particular, it argues that the ‘fight against terrorism’ discourse plays a key role in the legitimisation of a ‘hybridised’ or ‘holistic’ security policy that traverses the internal/external distinction, which is itself reflective of a ‘securitising’ process.

Constructing the Threat of Terrorism: An internal and external dimension

The construction of an external dimension to this threat was apparent from the outset of EU counter-terrorism policy. One of the first EU counter-terrorism documents, the *Conclusions and Plan of Action of the Extraordinary European Council Meeting*, released in September 2001, stated clearly that ‘the fight against the scourge of terrorism’ would target specifically ‘those countries and regions of the world in which terrorism comes into being’.⁵ Conversely, it was the articulation of this perceived external terrorist threat, which would provide the

⁵ European Council, Conclusions and Plan of Action of the Extraordinary Meeting on 21 September 2001, SN140/01, p. 3.

justification for the numerous internal security measures that were proposed to combat that threat. The focus on an internal dimension to the perceived terrorist threat came slightly later, at the end of 2003. Indeed, the *European Security Strategy*, from December 2003, was the first time that the EU began to articulate a presumption that the 'current wave' of terrorism had both an internal and an external dimension. Whilst constructing the threat of terrorism as something that was 'global in scope', the document was quick to recognise that 'this phenomenon is also a part of our own society'.⁶ Europe was seen as 'both a target and a base for such terrorism'.⁷ This ubiquitous internal/external threat, which is represented by the 'current wave' of terrorism, has also been constructed through other strands of the 'fight against terrorism' discourse.

The current period that the EU had entered was constructed as 'new and dangerous', with the perception of an 'increasing risk' that terrorist groups might 'acquire weapons of mass destruction', in the event of which it was argued 'a small group would be able to inflict damage on a scale previously possible only for States and armies'.⁸ This idea of a 'new' terrorism containing both an internal and an external dimension was investigated in Chapter Four. The conflation of the threat posed by terrorism with that posed by the proliferation of WMD, as an internal and external threat, was best demonstrated in the *EU strategy against proliferation of Weapons of Mass Destruction*, also released in December 2003.⁹ Not only did the document focus on preventing the external proliferation of WMD by states of concern, in order to prevent 'the risk of non state actors gaining access to weapons of mass destruction'; it also identified an internal dimension to this threat, reflected in the perception that the possibility of 'WMD being used by terrorists present a direct and growing threat to our societies in this respect'.¹⁰ Indeed, the articulation (or fear) of some type of apocalyptic scenario in which the 'new' terrorist could cause previously unimaginable devastation remained (and still remains) latent in the background, providing further legitimacy for the policies advocated as part of the EU counter-terrorism response.

⁶ European Council, A Secure Europe in a Better World – European Security Strategy, Brussels 12 December, 2003, p. 4.

⁷ Ibid., p. 4.

⁸ Ibid., p. 5.

⁹ Council of the European Union, EU Strategy against Proliferation of Weapons of Mass Destruction, Brussels 10 December, 2003.

¹⁰ Ibid., pp. 1-4.

The need to ‘protect’ the EU border and deny ease of access for potential or actual terrorists, discussed at length in Chapter Five, has played a key role in the construction of the ‘migrant’ Other as a potential security threat. It also represents a clear securitisation of issues surrounding migration (through their reconstruction as central aspects of EU counter-terrorism policy) and a conflation of the threat posed by the ‘terrorist’ Other with that of the ‘migrant’ Other. Again, it is an assumption which rests upon the need to combat the internal and external dimensions of the terrorist threat.

As was discussed in Chapter Six, the ‘fight against terrorism’ discourse constructed another aspect of this internal/external terrorist threat as that represented by ‘violent religious extremism’ or ‘violent radicalisation’. It was argued that this type of terrorism has been constructed as having (or is characterised by) an ‘extremist worldview’ or ‘extremist ideology’ that is ‘willing to use unlimited violence to cause massive casualties’. Indeed, whilst the main elements of the *EU Strategy for Combating Radicalisation and Recruitment to Terrorism*, 2005, focused primarily on responding to the internal dimension of this ‘type’ of terrorism, the *EU Counter-Terrorism Strategy*, 2005, argued that there was also an external dimension to this threat, stating that ‘radicalisation and recruitment is an international phenomenon’.¹¹ As such, the threat from this ‘type’ of terrorism was also assumed to have important internal and external dimensions.

More recently, the *Report on the Implementation of the European Security Strategy*, 2008, argued that ‘terrorism, within Europe and worldwide, remains a major threat... [whilst] home-grown groups play an increasing role within our own continent’.¹² Furthermore, a Commission Communication from May 2010 entitled ‘The EU Counter-Terrorism Policy: main achievements and future challenges’, contended that the threat of terrorism is continually ‘evolving’.¹³ It argued that ‘threats now come both from organised terrorists and from so-called "lone wolves", who may have developed their radical beliefs on the basis of extremist propaganda and have found training materials and recipes for bombs on the

¹¹ Council of the European Union, *The Strategy for Combating Radicalisation and Recruitment to Terrorism*, 24 November, 2005, 12781/1/05; Council of the European Union, *The European Union Counter-Terrorism Strategy*, 30 November, 2005, 14469/4/05, see p. 9.

¹² European Council, *Report on the Implementation of the European Security Strategy: Providing Security in a Changing World*, Brussels 11 December, 2008, S407/08, p. 4.

¹³ European Commission, ‘The EU Counter-Terrorism Policy: main achievements and future challenges’, Brussels, 20 July 2010, COM (2010) 386 final.

internet'.¹⁴ Indeed, the ubiquitous nature of this internal/external threat is something that has continued to be emphasised throughout the production of EU counter-terrorism policy.

As such, it has been argued that the 'fight against terrorism' discourse is constituted through a series of interlinked strands, which when taken together construct the threat of terrorism as an all encompassing internal/external threat to the EU. The threat of terrorism or the 'terrorist' Other is simultaneously constructed as 'criminal', involving 'non-state actors', 'new', seeking to gain access to and/or use WMD, linked to an 'open' or 'globalised' geo-strategic environment, requiring measures of 'control' at the EU border, and linked to 'violent religious extremism' or 'Islamist terrorism' emanating both internally ('home-grown') and externally to the EU. However, it is the discursive practice of this internal/external terrorist threat which has played a key role in the legitimisation of policies and practices that blur the once traditional distinction between internal and external security. The construction of terrorism in this way also has practical implications in that it normalises processes which treat internal and external security as inextricably interlinked policy domains. The next section shall draw out how this need for security measures that traverse the internal/external divide was justified, through the 'fight against terrorism' discourse, and whether it was (and still is) representative or reflective of a process of the 'securitisation' of social and political life within Europe.

Normalising the Blurring of Internal and External Security Policy

There are numerous examples within the EU 'fight against terrorism' discourse where the EU policy documents make reference to this idea that internal and external security are interlinked, and that [as such] the EU needs to develop security measures that traverse the internal/external divide, in order to combat the perceived threat of terrorism. Not only is this 'blurring' of internal and external security presented as an essential process in relation to the prevention of terrorism, it is also presented as a positive development (because it makes the EU more 'secure') the legitimacy of which is never questioned.

The *European Security Strategy*, 2003, made the claim that 'the post Cold War environment is one of increasingly open borders in which the internal and external aspects of security are

¹⁴ Ibid., p. 2.

indissolubly linked’.¹⁵ As well as the extensive range of internal counter-terrorism measures developed by the EU, it has continually advocated the development of external counter-terrorism measures. For example, the *Declaration on Combating Terrorism*, 2004, begun to focus on the need for an external dimension to the EU’s counter-terrorism capacities; in particular, through the development of relationships with third countries ‘where commitment to combating terrorism needs to be enhanced’.¹⁶ A key element of this had been the need to address counter-terrorism concerns into ‘all relevant external assistance programmes’.¹⁷

The EU’s multi-annual internal security programme, *The Hague Programme*, released in December 2004, was revelatory in the sense that it demonstrated how the EU viewed the relationship between internal and external security policy. It made the statement that the need to tackle cross-border problems, such as terrorism, had meant that ‘in the field of security, the coordination and coherence between the internal and the external dimension has been growing in importance and needs to continue to be vigorously pursued’.¹⁸ Furthermore, the document advocated the development of measures that blur this distinction on the basis that ‘freedom, justice, control at the external borders, internal security and the prevention of terrorism should henceforth be considered indivisible within the Union as a whole’.¹⁹ Again, the EU Counter-Terrorism Strategy, 2005, rearticulated this idea that ‘the internal and external aspects of security are intimately linked’.²⁰

The threat of terrorism also played a central role in the development of the EU’s *Strategy for the External Dimension of JHA*, released in November 2005. The document argued that the ‘recent terrorist atrocities in Bali, Madrid, London, and Amman underline the fact that it is no longer useful to distinguish between the security of citizens inside the European Union and those outside, and that terrorism is increasingly international in nature’.²¹ The ‘changing nature’ of the threat posed by the terrorism had necessitated that ‘the Union should pursue all the objectives of its counter-terrorism strategy - from preventing radicalisation to improving

¹⁵ European Council, ‘European Security Strategy’, p. 3.

¹⁶ European Council, *Declaration on Combating Terrorism*, Brussels, 15 March, 2004, 7906/04, p. 9.

¹⁷ *Ibid.*, p. 12.

¹⁸ Council of the European Union, *The Hague Programme: Strengthening Freedom, Security and Justice in the European Union*, 13 December, 2004, 16054/04, p. 3.

¹⁹ *Ibid.*, p. 4.

²⁰ Council of the European Union, ‘The European Union Counter-Terrorism Strategy’, p. 6.

²¹ Council of the European Union, *A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice*, 30 November, 2005, 14366/3/05, p. 2.

our response to attacks - both inside and outside its borders'.²² Whilst, the *Report on the Implementation of the European Security Strategy*, 2008, stated that in relation to combating the threat from 'terrorism and organised crime', the EU must 'improve the way in which we bring together' the 'internal and external dimensions' of EU security policy.²³

The *Stockholm Programme*, from December 2009, offered the clearest example of how this strand of the discourse, which emphasised the need for policies that traverse the distinction between internal and external security, had evolved. As well as advocating a number of internal counter-terrorism measures the document reasserted that counter-terrorism 'cooperation with third countries in general and within international organisations needs to be strengthened'.²⁴ Section 7 of the programme was entitled 'Europe in a globalised world – the external dimension of freedom, security and justice'.²⁵ In particular, it stated that 'the European Council emphasises the importance of the external dimension of the EU's policy in the area of freedom, security and justice and underlines the need for the increased integration of these policies into the general policies of the European Union'.²⁶ The document constructed the external dimension of EU internal security policy as 'crucial to the successful implementation of the objectives of this programme' and explains that the policy should 'be fully coherent with all other aspects of EU foreign policy'.²⁷ Furthermore, it stated quite clearly that 'internal and external security' policy were now seen as 'inseparable' and that 'addressing threats, even far away from our continent, is essential to protecting Europe and its citizens'.²⁸

In May 2010, the EU CTC released a discussion paper on the EU Counter-Terrorism Strategy in which it was argued that the current priority for all EU institutions would be on how to get 'maximum advantage' from the opportunities provided by the Treaty of Lisbon.²⁹ In particular, the CTC noted that the treaty would provide a framework for the EU to 'take a major step forward in the coherence of its policy making, especially combining internal and

²² Ibid., p. 2.

²³ European Council, 'Report on the Implementation of the European Security Strategy', p. 4.

²⁴ Council of the European Union, 'The Stockholm Programme – An open and secure Europe serving and protecting the citizen', Brussels 2 December 2009, 17024/09, p. 52.

²⁵ Ibid., p. 73.

²⁶ Ibid., p. 73.

²⁷ Ibid., p. 73.

²⁸ Ibid., p. 73.

²⁹ Council of the European Union, EU Counter-Terrorism Strategy - Discussion Paper, Brussels 10 May, 2010, 9685/10.

external aspects of policy’.³⁰ Specifically, the document identified a number of challenges for the future of EU counter-terrorism policy, one of which was the need for ‘connecting internal and external security’.³¹ The document asserted that because ‘almost every major terrorist plot has an international dimension’ there is a necessity to ‘develop and focus the external dimension of EU CT policy’. The document explained that as recently as 2008 ‘the Union had a limited range of external political dialogues on counter-terrorism, but no direct programmes of assistance and capacity building’.³² Since then ‘the Commission and successive Presidencies’ have ‘developed political dialogues with key countries supporting the implementation of the Union's first ever international assistance programmes in the CT field’. The EU now has ‘an €15 Million programme underway in Pakistan, a similar €15 Million programme about to start in Yemen and a €10 Million programme in the Sahel’.³³ The document went on to list a number of other policy priorities for the future that would help to further ‘connect’ the internal and external dimensions of EU counter-terrorism policy and security policy more generally.

With respect to the techniques of analysis outlined in Chapter Two, it is clear from this exploration of the EU counter-terrorism documents that the perceived threat of terrorism has played a central role in facilitating the emergence of new security policies and practices that are challenging the traditional distinction between what is considered internal security and what is considered external security. The ‘fight against terrorism’ discourse makes continuous reference to the idea that ‘internal’ and ‘external’ security policies are ‘intimately’ or ‘indissolubly’ linked. As such, the ‘fight against terrorism’ discourse plays a key role in the construction of these new security practices, which traverse the boundaries between the two policy areas, as essential elements in the EU counter-terrorism response. The need for these policies is in turn based on this conceptualisation of a ‘new’ threat environment, articulated succinctly throughout the production of counter-terrorism policy. Indeed, numerous policies, including management, surveillance and control at the European border, the implementation of biometric technology, the targeting of ‘Muslim communities’ as a potential threat, even trade and development assistance, are all presented as having important internal/external security implications and all are linked to the articulation of this ubiquitous terrorist threat.

³⁰ Ibid., p. 2.

³¹ Ibid., p. 2.

³² Ibid., p. 6.

³³ Ibid., p. 6.

The merging of internal and external security is a process which Didier Bigo has referred to as the 'de-differentiation' of the question of internal and external security; that this process was already underway before the events of September 11, 2001, is not in question.³⁴ Nor is there a question over Bigo's assertion that the 'trans-nationalisation' of security concerns has meant that the distinction between internal and external security has become increasingly difficult to maintain.³⁵ Instead, what should cause concern are the types of policies and practices which are legitimised and/or normalised by this discourse; a discourse which proclaims that this process should be vigorously pursued. As Derek Lutterbeck has explained (in the context of Western Europe and with a specific focus on the EU), this convergence of internal and external 'security agendas' is having a real impact in practice.³⁶ He notes for example, that 'while police forces are taking on military characteristics, and are extending their activities beyond the borders of the state, military forces are turning to internal security missions, and are adopting certain police features'.³⁷ Indeed, 'the growing involvement of military forces in domestic security, the convergence between foreign intelligence and law enforcement, or the increasingly prominent role being played by 'intermediary', i.e. neither purely internal nor purely external security forces', are all important issues that have been neglected at present.³⁸

It is important to understand that the reach of this 'holistic' or 'hybridised' form of security goes beyond the traditional boundaries of 'internal security' (understood now as security at the European level). As Bigo argues 'on the one hand, reach is geographic, with the dimension of European (and trans-Atlantic?) cooperation; on the other, the reach derives from the role and duties of the various agencies affected to security'.³⁹ Bigo explains how this EU internal security framework now includes 'a range of measures concerning information exchange, police and judicial cooperation, the security of travel documents, money laundering, the freezing of assets, specific instruments such as the European Arrest Warrant and the EU evidence warrant... the setting or reinforcement of specific institutions such as

³⁴ Didier Bigo, 'Globalised-in-security: the Field and the Ban-opticon', in John Solomon and Naoki Sakai (eds.), *Translation, Biopolitics and Colonial Difference*, Traces: a multilingual series of cultural theory and translation, 4, (Hong Kong: Hong Kong University Press, 2005), pp. 109-156.

³⁵ Didier Bigo, 'When Two become One: Internal and External Securitisations in Europe', in Morten Kelstrup and Michael C. Williams (eds.), *International Relations Theory and the Politics of European Integration, Power, Security and Community*, (London: Routledge, 2000), pp. 171- 205.

³⁶ Derek Lutterbeck, 'Blurring the Dividing Line: The Convergence of Internal and External Security in Western Europe', *European Security*, 14:2 (June 2005), pp. 231- 253.

³⁷ *Ibid.*, p. 231.

³⁸ *Ibid.*, p. 232.

³⁹ Didier Bigo, 'Globalized-in-security', p. 118.

Eurojust, the new powers given to Europol, the automation and acceleration of procedures, reinforced control over the Internet, enhanced surveillance of mass demonstrations and the launch of routinised discussions between the intelligence services’, all internal policies or practices that have been linked to the prevention of terrorism and which have (or are constructed as having) important external dimensions.⁴⁰ However, the reach of these new policies and practices go beyond or exceed ‘the actual borders of the European Union when [they] create demands on EU candidate countries, such as those placed on the ten new member countries to be added to the EU in 2004, or when it extends to the EU’s “circle of friends,” by conditioning economic aid to the permission to have police and immigration activities inside each of these countries’.⁴¹

These new security practices, which are blurring the once clear distinction between internal and external security policy, are the result of more than just the discursive practice of security discourse(s). Yet, the development of these new security practices can only be understood within the context of the discursive construction of a ‘new’ threat environment and the constant articulation of this all-encompassing terrorist threat. As such, this thesis has sought to identify the ways in which the ‘fight against terrorism’ discursively securitises issues by reconstructing them as essential elements in the counter-terrorism response. It has been argued that, given the nature of EU counter-terrorism policy, when an issue area is constructed as a central element in the ‘fight against terrorism’ it is immediately securitised. However, it is also important to recognise or be aware that the ‘securitisation’ process can occur in a multitude of ways and just as often through non-discursive practices. If we return to the conceptualisation of the process of ‘securitisation’ outlined in Chapter Two, then ‘securitisation’ should be understood as a complex process that incorporates both discursive and non-discursive practices. Indeed, securitisation processes in the EU occur just as often through the quiet, technical and unspectacular procedures and practices of security, much of which Andrew Neal has argued ‘does not declare itself to be in the name of security at all’, as it does through discursive statements of threat and danger (articulated in the policy documents).⁴² The next section shall consider EU counter-terrorism policy, the discourse strand of ‘respect for human rights’ and the construction of European political identity.

⁴⁰ Didier Bigo, ‘At the limits of the liberal state: The answers to the terrorist threat’, Re-Public: Re-imagining Democracy, (2006), Available at: <http://www.re-public.gr/en/?p=76>

⁴¹ Didier Bigo, ‘Globalized-in-security’, p. 118.

⁴² Andrew Neal, ‘Securitization and Risk at the EU Border: The Origins of Frontex’, *Journal of Common Market Studies*, 47:2 (2009), p. 352.

EU Counter-Terrorism Policy and 'Respect for Human Rights'

Alongside the development of these new policies and practices of security, which are constructed as central to the 'fight against terrorism', rests a question as to the implications that such practices will have on the 'fundamental rights', 'privacy rights' and/or 'human rights' of the individual citizen and non-citizen alike. Throughout the production of EU counter-terrorism policy (and security policy more generally) we can detect a number of discursive statements as to the importance of these rights. The articulation of a set of social and political values, such as 'democracy', 'fundamental freedoms' or 'human rights', provide the basis for the construction of 'European political identity' (and reflect a certain 'European' sense of Self), through the 'fight against terrorism' discourse. It also plays a key role in the construction of an in-group (the EU) which is defined in opposition to the out-group (the 'terrorist' Other), who is constructed by implication (and in certain instance by explicit statements) as a challenge or a threat to the in-group (to their values and their identity). However, as the next section will demonstrate, not only was this strand of the discourse (which emphasises respect for 'human rights') late to develop (there is only passing reference to 'human rights' in the Tampere Programme, 1999); there is also a question over the discursive assertion (or self-perception) that the EU is committed to developing security measures that respect 'human rights', as well as to what extent respect for 'human rights' or 'fundamental freedoms' have been applied in practice.⁴³

The *Conclusions and Plan of Action of the Extraordinary European Council Meeting*, from September 2001, promised that the EU would 'step up its action against terrorism through a coordinated and inter-disciplinary approach embracing all Union policies', whilst simultaneously ensuring that this approach would be 'reconciled with respect for the fundamental freedoms which form the basis of our civilisation'.⁴⁴ Interestingly, whilst the policy document which outlined the *Conclusions adopted by the Council (Justice and Home Affairs)*, also from September 2001, referred to a series of measures needed to 'maintain the highest level of security' including measures to combat terrorism, there was no mention of developing these policies in accordance with/or respect for human rights. In relation to 'measures at borders' the JHA Council invited the Commission to investigate the relationship

⁴³ It was not explicitly referenced in the more general security policy documents (The Hague Programme, 2004) and the counter-terrorism policy documents (EU Counter-Terrorism Strategy, 2005), until the post-Madrid period.

⁴⁴ European Council, 'Conclusions and Plan of Action of the Extraordinary Meeting', p. 1.

between ‘safeguarding internal security’ and compliance with ‘international protection obligations and instruments’.⁴⁵ However, the need to ensure ‘fundamental’ or ‘human rights’ was at this point missing from the discourse.

The *European Security Strategy*, 2003, also made only passing reference to the issue of ‘human rights’. It argued that the best way to ensure European security (externally) would be through the promotion of a ‘world of well-governed democratic states’, which could only be achieved through the ‘spreading’ of ‘good governance’, support for ‘social and political reform’, dealing with ‘corruption and abuse of power’, ‘establishing the rule of law’ and importantly ‘protecting human rights’.⁴⁶ The *Declaration on Combating Terrorism*, March 2004, whilst speaking of ‘respecting the rule of law’ and ‘respecting due process’, again made absolutely no mention of the need to consider the role of/or to ensure respect for ‘human rights’ in the production of EU counter-terrorism policies.⁴⁷

The first time the more general internal security policy documents explicitly made reference to the need to ensure respect for/or accordance with ‘human rights’ was in *The Hague Programme*, from December 2004. The document argued that the citizens of Europe ‘expect’ the EU to effectively combat cross-border problems such as terrorism ‘while guaranteeing respect for fundamental freedoms and rights’.⁴⁸ Specifically, the document advocated for the first time the incorporation of the Charter of Fundamental Rights into the EU treaty base to ensure that the EU, and its institutions, would be ‘under a legal obligation to ensure that in all its areas of activity, fundamental rights are not only respected but also actively promoted’.⁴⁹ With particular reference to terrorism, the document stated that ‘effective prevention and combating of terrorism in full compliance with fundamental rights requires Member States not to confine their activities to maintaining their own security, but to focus also on the security of the Union as a whole’.⁵⁰ The document made a number of similar statements that policies or measures agreed upon under *The Hague Programme* must ‘strike the right balance between law enforcement purposes and safeguarding the fundamental rights of individuals’.⁵¹

⁴⁵ Council of the European Union, Conclusions adopted by the Council (Justice and Home Affairs), Brussels, 20 September 2001, SN 3926/6/01 REV 6, p. 9.

⁴⁶ European Council, ‘European Security Strategy’, p. 11.

⁴⁷ European Council, ‘Declaration on Combating Terrorism’, p. 3.

⁴⁸ Council of the European Union, ‘The Hague Programme’, p. 5.

⁴⁹ *Ibid.*, p. 5.

⁵⁰ *Ibid.*, p. 19.

⁵¹ *Ibid.*, p. 16.

The document spoke of incorporating the Charter of Fundamental Rights into the EU treaty base; as well as extending 'the mandate of the European Monitoring Centre on Racism and Xenophobia towards a Human Rights Agency'.⁵² However beyond these basic proposals, and the discursive assertion that human rights must be incorporated into the security policies of the EU, there was little explanation of how this would be achieved.

The EU *Counter-Terrorism Strategy*, November 2005, was the first counter-terrorism document, released by the European Council, to discursively construct the issue of respect for 'human rights' as a strategic element of the EU counter-terrorism response. Indeed, the headline goal was a 'strategic commitment' to 'combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice'.⁵³ The document asserted that terrorism continued to pose a 'serious threat' to 'the values of our democratic societies' and 'the rights and freedoms of our citizens'. In responding to this problem, the strategy was also clear to state that in the pursuit of the terrorist(s), any effort to bring them to 'justice' must be conducted 'while continuing to respect human rights and international law'.⁵⁴

The Stockholm Programme, released in December 2009, was the first security policy document to place a substantial focus on the protection of/or respect for 'fundamental' or 'human rights'. The first section of the document outlined the 'political priorities' currently facing the EU, stating at the outset that 'it is of paramount importance that law enforcement measures and measures to safeguard individual rights, the rule of law [and] international protection rules go hand in hand'.⁵⁵ The document listed five key 'political priorities', the first of which was 'promoting citizenship and fundamental rights'. In particular, it stated that 'the area of freedom, security and justice must above all be a single area in which fundamental rights are protected'.⁵⁶ Indeed, the second section of the document was entitled 'Promoting citizens' rights: a Europe of rights', and outlines in great detail an EU commitment to ensuring respect for human rights in all 'legal initiatives', 'legislative processes' and the development of all 'policies and legislation'.⁵⁷

⁵² Ibid., p. 5.

⁵³ Council of the European Union, 'The European Union Counter-Terrorism Strategy', p. 6.

⁵⁴ Ibid., p. 12.

⁵⁵ Council of the European Union, 'The Stockholm Programme', p. 3.

⁵⁶ Ibid., p. 4.

⁵⁷ Ibid., pp. 11-12.

The Stockholm Programme is important in that it was also the first time that a security policy document explained how the discursive commitment to the protection of/ or respect for ‘human rights’ (in the ‘fight against terrorism’ but also security policy more generally) would be achieved in practice. In particular, the European Council ‘invited’ (not required), the European Commission to ‘submit a proposal on the accession of the EU to the European Convention on Human Rights as a matter of urgency’; the EU institutions ‘to ensure that legal initiatives are and remain consistent with fundamental rights throughout the legislative process [through the] rigorous monitoring of compliance with the Convention and the rights set out in the Charter of Fundamental Rights’; and for the EU institutions to make ‘full use of the expertise of the European Union Agency for Fundamental Rights and to consult, where appropriate, with the Agency, in line with its mandate, on the development of policies and legislation with implications for fundamental rights’.⁵⁸

With specific reference to terrorism, *The Stockholm Programme* stated that ‘measures in the fight against terrorism must be undertaken within the framework of full respect for fundamental rights so that they do not give rise to challenge’ and furthermore, that ‘the Union must ensure that all tools are deployed in the fight against terrorism while fully respecting fundamental rights’.⁵⁹ Section seven of the document draws out the ‘external dimension of freedom, security and justice’ (that is the external dimension of EU internal security policy) in which it also dedicates an entire section to ‘human rights’. The document explained that ‘the Lisbon Treaty offers the Union new instruments as regards the protection of fundamental rights both internally and externally’ and as such it calls for the ‘establishment of a Human Rights Action Plan to promote its values in the external dimension of JLS policies’.⁶⁰

This section has sought to draw out how respect for ‘human rights’ or developing counter-terrorism policies in accordance with ‘human rights’ has been constructed as a central element in the ‘fight against terrorism’ discourse. With respect to the third research question (outlined in Chapter One and above), it has been argued that this strand of the discourse plays a key role in the construction of ‘European political identity’ (an EU sense of Self/ or self-representation) through a commitment to certain ‘values’ (e.g. human rights), in opposition to the ‘terrorist’ Other, who is constructed as antithetical or inimical to those ‘values’. However,

⁵⁸ Ibid., p. 12.

⁵⁹ Ibid., p. 52.

⁶⁰ Ibid., p. 75.

it has also been argued that whilst respect for 'human rights' is constructed within the discourse as a central aspect of this sense of 'Self', quite how this commitment would be carried out in practice is not articulated. The next section will focus on future avenues for the expansion and development of this research.

Future Avenues for Expanding this Research

This section aims to draw out two separate lines of inquiry that can provide the basis for the development of this research. The first line of inquiry relates to the relationship between US counter-terrorism discourse, the 'war on terror', and EU counter-terrorism discourse, the 'fight against terrorism'. The second line of inquiry relates to the relationship between the discourse of EU security-related research and the 'fight against terrorism'. This section is split into four sub-sections. The first offers a brief explanation of the difference between the EU and US approaches. The second sub-section considers the potential for analysing these differences between the EU and US approach to counter-terrorism through the prism of identity formation; in particular, highlighting the possibility of interpreting the US as the 'other' against which EU counter-terrorism policy is formulated. The third offers an analysis of a number of joint EU and US declarations on terrorism in order to demonstrate the similarities in the discursive formations, demonstrating the existence of what Richard Jackson has called a 'common language of counter-terrorism'.⁶¹ It then offers a number of recommendations for how to carry out this research, as well as why a comparison of the two discursive formations would be insightful. The fourth sub-section contends that there are a number of similarities between the ideas contained within the different EU counter-terrorism policy documents and those contained in the security-related research documents commissioned by the European Commission to provide advice on EU security policy. It argues that this is an interesting avenue for research given the type of relationship that exists between the providers and end-users of this research; and its role in the formulation of security policy more generally.

⁶¹ Richard Jackson, 'An analysis of EU Counterterrorism Policy Discourse', *Cambridge Review of International Affairs*, 20:2 (2007), pp. 233-247

US influence, the ‘war on terror’ and the EU ‘fight against terrorism’ discourse

Fraser Cameron has argued that the terminology used to describe the response to the terrorist threat by the US (the ‘war on terror’) and by the EU (the ‘fight against terrorism’) is representative of the difference in approaches.⁶² The US has focused primarily on the external dimension of the threat posed by ‘international terrorism’, emphasising an approach based on military means; whilst the EU has focused primarily on the internal response to the threat of terrorism, emphasising an approach based on police, judicial and intelligence cooperation. For Cameron, in response to the events of September 11, 2001, most European governments tried to distance themselves from ‘other Bush rhetoric like the “axis of evil” speech, his calls for pre-emptive strikes and his demand that allies follow the US’.⁶³ As such, Cameron has argued that ‘Europeans... do not believe that terrorism can be fought primarily with military means’.⁶⁴ Indeed, this focus on the military dimension of counter-terrorism responses is what has differentiated the US approach from the European. It is this military dimension which Jackson has called the most visible and controversial practice of the ‘war on terror’, reflected through ‘the construction of a global military campaign involving two major wars, covert assassinations, foreign military assistance programmes and the expansion of America’s military presence into new regions’.⁶⁵ The next sub-section will briefly explore this point of departure between the two discursive formations, arguing that it is possible to understand this difference in approach to counter-terrorism as something related to the self-perception of the EU as a qualitatively different type of actor in world politics

The difference between the ‘war on terror’ and the ‘fight against terrorism’: The US as the EU’s ‘Other’ against which policy is formulated

Whilst there are quite obviously a many number of similarities in relation to both the types of counter-terrorism policies that have been pursued and the type of language central to the construction of each discursive formation; it is important to consider the potential for understanding the difference in US and EU counter-terrorism responses as being shaped by the EU’s own self-perception as a different type of actor in world politics. From this

⁶² Fraser Cameron, ‘Transatlantic Relations and Terrorism’, in David Spence, (ed.) *The European Union and Terrorism*, (London: John Harper), 2007.

⁶³ Ibid., p. 125.

⁶⁴ Ibid., p. 125.

⁶⁵ Richard Jackson, *Writing the War on Terrorism: Language, Politics and Counter-Terrorism*, (Manchester: Manchester University Press, 2005), p. 9.

perspective, the EU counter-terrorism response can be viewed as a policy shaped by the EU's relationship with the US as the 'other' against which its own sense of self is defined. This is not to argue that the 'war on terror' and the 'fight against terrorism' are not intimately linked; the similarities discussed below highlight the many ways in which they are linked, particularly with respect to what Jackson has called a 'common language of counter-terrorism'. However, it will be argued briefly that the differences in the approach to counter-terrorism adopted by the EU and the US after the events of September 11, 2001, can also be interpreted through the prism of identity formation.

The role of the EU as an actor in world affairs was described by François Duchêne in the 1970s as one of a 'civilian power'; his argument was later developed further by Ian Manners who argued that this role could be interpreted as one of a 'normative power'.⁶⁶ Without engaging in a detailed analysis of these concepts (including their similarities, differences and problems), the main argument put forth by supporters of these concepts is that traditional forms of military power ('hard power') have given way to more progressive forms of power such as 'civilian' or 'normative' power ('soft power') as means through which actors can exert influence in world affairs. Indeed, the EU has embraced the idea of itself as a 'normative power' and this can be identified in the numerous declarations contained within its internal, external and counter-terrorism security policy documents. For example, a European Commission document from 2007, outlining EU commitments in its foreign policy, spoke of using its 'soft power' to seek a 'close relationship with its neighbours' as well as to 'work with others to spread the advantages of open markets. Economic growth and a political system based on social responsibility and democracy'.⁶⁷ These types of commitments can be detected throughout the documents that were analysed for the purpose of the research conducted in this thesis. For example, the European Security Strategy, 2003, advanced the idea of an 'international order based on effective multilateralism' as an essential aspect of any attempt to combat threats such as terrorism.⁶⁸ The document argued that these 'new threats' could not be dealt with solely by military means, noting that each would require 'a mixture of

⁶⁶François Duchêne, 'Europe's Role in World Peace', in Richard Mayne, (ed.) *Europe Tomorrow: Sixteen Europeans Look Ahead*, (London: Fontana, 1972); François Duchêne, 'The European Community and the Uncertainties of Interdependence', in Max Kohnstamm and Wolfgang Hager (eds.) *A Nation Writ Large? Foreign-Policy Problems before the European Community*, pp. 1–21. London: Macmillan, 1973); Ian Manners, 'Normative Power Europe: A Contradiction in Terms?', *Journal of Common Market Studies*, 40 (2002), pp. 235–58.

⁶⁷ European Commission, 'The EU in the world: The foreign policy of the European Union', *Office for Official Publications of the European Communities*, 2007, p. 4.

⁶⁸ European Council, 'European Security Strategy', p. 10.

instruments’. Terrorism it was noted would have to be tackled through a mixture of intelligence, police, judicial, military and other means’.⁶⁹ Although the document identified a military dimension to the counter-terrorism response, the main thrust of the document highlighted the diffusion of EU norms, such as ‘integration’, ‘cooperation’, ‘consolidation’ and ‘effective multilateralism’, into the international system, as the most effective way through which to combat threats such as terrorism.

At present, although there are questions arising over the impact the increasing militarisation of the EU is having on its role as a ‘normative power’, the basic proposition here holds. The EU development of a ‘fight against terrorism’, with its commitment to the ‘rule of law’, ‘dialogue’, ‘negotiation’, ‘solidarity’ and ‘cooperation’ between states, can also be interpreted as a way in which the EU has sought to distinguish itself as a qualitatively different actor in world politics.⁷⁰ With respect to the issue of ‘terrorism’, the normative commitments of the EU response can also be interpreted as a way in which the EU has sought to distinguish itself from the counter-terrorism policies of the US, which as noted above has focused primarily on the military dimension of its counter-terrorism response. For example, if we examine briefly the US ‘National Strategy for Combating Terrorism’, 2006, the differences become quite apparent.⁷¹ The opening prologue to the document makes a number of ideational claims about the US being ‘at war with a transnational terrorist movement fuelled by a radical ideology of hatred’ and that ‘the “War on Terror” is a different kind of war’.⁷² This is accompanied by a number of policy proposals that promote intervention in third states in order to prevent terrorism, including for example proposals aimed at denying ‘terrorists’ the ‘support and sanctuary of rogue states’ and denying ‘terrorists control of any nation they would use as a base and launching pad for terror’. The difference in approach can certainly be traced back to a difference in institutional capacity between the two actors; however, it is argued here that the difference can also be attributed to identity and the self-perception of each actor. Indeed, much has been made of the idea of American exceptionalism in relation to the conduct of its foreign policy and its self-perception as a ‘world policeman’, and particular with regard to the pursuit of terrorists or in dealing with

⁶⁹ Ibid., p. 8.

⁷⁰ See European Council, ‘Conclusions and Plan of Action of the Extraordinary Meeting’, pp. 1-4.

⁷¹ The US National Strategy for Combating Terrorism, September 2006.

⁷² Ibid., p. 6.

rogue states.⁷³ However, any EU claim to a 'civilising' or 'normative power', which it can be claimed is reflected through the type of counter-terrorism policies it pursues, can also be interpreted as a claim to exceptionalism and as a way of defining the EU sense of self in opposition to the American 'other'.

The Common Language of EU-US Counter-Terrorism Discourse

Having noted the differences in the approaches taken to counter-terrorism policy by the EU and the US, it is important to remember that regardless of those differences both the formulation of policy and the construction of the different discourses remain intimately linked.⁷⁴ As Wyn Rees explains, whilst transatlantic security cooperation on counter-terrorism has been undermined as a result of difference over the external dimension of the counter-terrorism response, this contrast in threat perception has not prevented the development of significant cooperation in internal security matters between the US and EU.⁷⁵ The analysis in this next section will now investigate the similarities in the counter-terrorism discourse(s), drawing attention to numerous 'joint declarations' between the EU and US on counter-terrorism matters. It is argued that the different strands of the 'fight against terrorism' discourse, that can be identified in these declarations, are representative of what Jackson has called a 'common language of counter-terrorism', which are central to the discursive construction of both EU and US counter-terrorism discourse. Finally, this section offers ideas for ways to take this research forward in the future.

There have been a number of EU-US 'joint declarations' on combating terrorism. The declaration from June 2004, entitled the 'EU-US Declaration on Combating Terrorism' is particularly revealing.⁷⁶ Principally, the document advocated enhanced cooperation between both parties under the seven objectives of the EU Action Plan to Combat Terrorism,

⁷³ For further discussion on the concept of American exceptionalism in relation to Europe and the 'war on terror' see: Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order*, (Random House: New York, 2004); Andrew Kohut and Bruce Stokes, *America against the World: How we are Different and Why we are Disliked*, (Times Books: New York, 2006); Donald E. Pease, *The New American Exceptionalism*, (University of Minnesota Press: Minneapolis, 2009). For an analysis of the US role as a 'world policeman' see: Barbra Conry, 'US Global Leadership: A Euphemism for World Policeman', *Cato Policy Analysis*, No. 267, February 1997, Available at: <https://store.cato.org/pubs/pas/pa-267.html>

⁷⁴ It is worth reaffirming that the formulation of policy and the construction of discourse are assumed to be mutually constitutive.

⁷⁵ Wyn Rees, *Transatlantic-Counter Terrorism Cooperation: The New Imperative*, (London and New York: Routledge, 2006).

⁷⁶ Council of the European Union, EU-US Declaration on Combating Terrorism, Dromoland Castle, 26 June 2004, 10760/04 (Press Release).

contained in the EU Declaration on Combating Terrorism, which was released three months prior in March 2004. With respect to the method of analysis outlined in Chapter Two, a brief exploration of these documents reveals several interesting points.

The declaration stated that the EU and the US would seek to improve ‘dialogue and action at all levels’, whilst ‘sharing a commitment to protect and respect human rights, fundamental freedoms and the rule of law on which our societies are founded’. The declaration also rearticulated certain strands of the ‘fight against terrorism’ discourse, which have helped to form a common threat perception of terrorism and how best to respond to that threat. In particular, the declaration constructed terrorism as a threat to EU and US identity by stating that the common values of both actors, that is ‘human rights’, ‘fundamental freedoms’ and the ‘rule of law’, are ideals ‘which terrorism seeks to destroy’. It can also be argued that the proposals to improve legal coordination and cooperation on law-enforcement reveal an embedded perception of terrorism as a ‘criminal act’. The declaration also focused on a need for ‘effective systems of border control’ to help prevent terrorism; again conflating issues surrounding migration with terrorism. The strand of the discourse which constructs terrorism as an existential or extreme threat to society can also be detected in relation to articulation of a need to coordinate responses to terrorist attacks, ‘including attacks using CBRN contaminants’. There is also an externalisation of the terrorist threat (outside of the EU and the US) with the document advocating developing ‘counter-terrorist objectives into the work of external assistance programmes’.

More recently, in January 2010 there was the Toledo ‘joint statement’ on aviation security and in June 2010 another EU-US ‘declaration on combating terrorism’. The Toledo Statement was released after a meeting between Ministers of the Member States of the EU and the US Secretary of the Department of Homeland Security to discuss ‘current terrorist threats’ and in particular, the attempted attack in Detroit on 25 December 2009. Again, the different strands of the discourse are articulated in order to legitimise counter-terrorism cooperation. The document stated that ‘the rights threatened by terrorism, such as life, liberty and security of person, are among the most cherished human rights’ and as such, in responding to that threat ‘the preservation of those rights is a fundamental task and a shared responsibility’. In the Toledo Statement ‘international air transportation’ is constructed as ‘a global resource on which we all rely’; a resource which it is argued is threatened by terrorism. As such, it is the ‘responsibility’ of the EU and the US to ‘prevent terrorists and

serious criminals from conducting, planning, and supporting operations with the intention to cause harm to our populations including by exploiting civil aviation'. Again, it is stated that this must be done with 'respect for international law, including international human rights law'. There is also a reassertion (or an externalisation) of the 'the international nature of this threat', which in turn 'demands an international response'.

Likewise, the 2010 EU-US Joint Declaration on Combating Terrorism also rearticulated numerous strands of the 'fight against terrorism' discourse in the process of constructing a framework for counter-terrorism cooperation. The document reaffirmed a commitment to 'respect for the rule of law, including human rights law' as fundamental elements of 'international efforts in the fight against terrorism' and as 'the basis of our shared action', outlining a framework for cooperation under three main sections. The first section focused on combating terrorism 'in accord with our fundamental values', in particular constructing terrorism as a 'criminal act' which is inimical to those values. The second section focused on a number of policy priorities that would need to be 'brought' to combat terrorism, 'including law enforcement, judicial cooperation, intelligence, diplomatic, financial, and security'. The final section outlined the need for 'an effective and comprehensive approach to diminish the long term threat of violent extremism', which specifically focused on integrating the policy to combat 'radicalisation and recruitment' into the EU-US counter-terrorism cooperation framework. These 'joint declarations' on combating terrorism are important because they embody the common ground (or the common threat perception) upon which cooperation and coordination of counter-terrorism policy between the EU and the US has taken (and will continue to take) place. Furthermore, from the perspective of a discursive analysis of counter-terrorism discourse(s) they are revelatory because they also represent what Jackson has called the 'common language of counter-terrorism'.⁷⁷

Indeed, this analysis therefore gives credence to Jackson's assertion that many of the words, terms, phrases, labels and assumptions that are central to the EU and the US counter-terrorism texts (that he has also discursively analysed) are representative of a 'common language of counter-terrorism'. Jackson identifies four key similarities between the EU and the US counter-terrorism discourse. First, both actors treat terrorism as a form of nonstate political violence carried out by individuals and groups, often working in networks. He

⁷⁷ Richard Jackson, 'An analysis of EU Counterterrorism Policy Discourse'.

argues that this conceptualisation limits our understanding of terrorism to a form of illegitimate violence which is carried out by individuals and groups against the state; whilst other conceptualisations of terrorism, for example as a repressive form of governance or counter-insurgency carried out by state actors, remain silent or are never articulated. Second, there is an assumption that ‘small group terrorism’ poses a clear, unprecedented and existential or extreme threat to modern societies. Terrorism does not just represent a threat to the lives of EU or US citizens, it is also a challenge to their ‘values’ or to their ‘way of life’. Furthermore, at present the primary type of terrorist threat to both the EU and the US is assumed to be the Al-Qaida ‘organisation’ or ‘network’, which is itself considered to be part of a wider ‘Islamic’ or ‘Islamist’ terrorist threat to Western democracies. Third, this ‘common language’ of the EU and US counter-terrorism discourse(s) constructs the present terrorist threat as something that is a ‘new’ phenomenon, which is religiously motivated rather than politically, willing to use Weapons of Mass Destruction (WMD) and committed to indiscriminate mass casualties. Fourth, Jackson contends that another similarity in both EU and US counter-terrorism discourse is the assumption that ‘coercive forms of counterterrorism are a legitimate and effective response and, in any case, given the nature of the ‘new’ terrorism facing the world, are the only realistic alternatives’.⁷⁸

Although there are a number of similarities between the US and the EU counter-terrorism discourse(s), there are also a number of significant differences. Jackson identifies the main difference being the tendency within US counter-terrorism texts to refer to terrorism as an ‘act of war’; whereas in the EU texts the documents refer to terrorism primarily as a ‘criminal act’ (there are no references within EU texts which conflate terrorism with an act of war). Certainly, the research conducted in this thesis provides support for many of these propositions about the language of counter-terrorism discourse. With respect to Jackson’s first three assertions, Chapter Four demonstrated how the EU conceptualises terrorism as primarily: an act of violence (or the threat of violence) by non-state actors (individuals or groups) against the state and its interests; an ideational threat to the ‘values’ or the ‘way of life’ of the EU and its member states, as much as it is a material threat to the lives of EU citizens; and in the post-September 11 period a ‘new’ type of threat committed to ‘maximum’ or ‘indiscriminate violence’, including the acquisition and use of WMD’s. EU counter-terrorism discourse is replete with reference to this type of language. Furthermore, the ‘fight

⁷⁸ Ibid., p. 238.

against terrorism' discourse is based on a number of assumptions about the need to develop (and implement) new security practices in order to combat or protect against that threat. As such, the EU discourse constructs numerous repressive or coercive measures as central elements in the counter-terrorism response.

In order to take this analysis forward, an interesting avenue for further research would be to investigate in much greater detail the relationship between the US counter-terrorism discourse and the EU counter-terrorism discourse. In order to do this, a discursive analysis of US security documents, including the numerous US Counter-Terrorism Strategies that have been released since September 11, 2001, (in 2002, 2006 and 2010), or the US National Strategies for Combating Terrorism (in 2003 and 2006), alongside a much broader analysis of the numerous EU-US 'joint statements' or 'joint declarations' is recommended to identify the main strands of the US counter-terrorism discourse. Once this has been conducted a comparison between the two discursive formations would be illuminating, especially with regard to the question as to the extent to which the US represents the 'other' against which EU counter-terrorism policy has been formulated. Importantly, as Jackson highlights, the point that core elements of the 'common language' of the present counter-terrorism discourse are not unique to the EU and the US is also another interesting avenue for research. He argues that they also form 'the basis of counterterrorism discourse in most states, especially those allied to the 'war on terrorism', and in all major international organizations such as the United Nations (UN), North Atlantic Treaty Organisation (NATO), Organization for Security and Co-operation in Europe (OSCE) and the like'.⁷⁹ They are also reproduced in the media, in a great number of academic texts and at many other sites of discursive production. As such, another way of taking this research forward would be to investigate in greater detail the relationship between the EU counter-terrorism discourse and the UN discourse on terrorism, through an analysis of the numerous UN Security Council Resolutions on terrorism and the recent UN Global Counter-Terrorism Strategy, 2006. Alongside the influence of the US on the EU counter-terrorism discourse, there is another interesting area of influence which shall be analysed in greater detail in the next section: the impact of security-related research.

⁷⁹ Ibid., p. 238.

Security Research

As part of the ‘Protect’ dimension of the EU Counter-Terrorism Strategy, 2005, the document stated that ‘to support work’ in the fields of ‘border security’, ‘transport security’ and ‘critical infrastructure protection’, ‘EU research and development policy including the European Commission’s R&D programmes should continue to include security related research in the context of terrorism’.⁸⁰ Indeed, there are numerous references to the importance of security-related research throughout the reports of the EU CTC. For example, the report from May 2006 constructed ‘security-related research and development’ as ‘indispensable to address the threat of conventional and non-conventional terrorist attacks’.⁸¹ The most recent CTC reports, from June and November 2009, contained specific sections on ‘security-related research’ for counter-terrorism purposes.⁸² Indeed, the report from November 2009 highlighted research being conducted under the EU’s 7th Framework Programme for Research and Technological Development (FP7) of which a full theme is dedicated to ‘security research’. This area has a budget of €1.4 billion and includes research projects on violent radicalisation, border control, detection of CBRN materials and the ethical dimension of security technology. Interestingly, although the research is supposed to address ‘exclusively civil security’, it also ‘recognises’ that ‘there are areas of dual use technology relevant to both civilian and military applications’ (or the blurring of internal and external security), and as such ‘coordination is taking place with the European Defence Agency’.⁸³

Security-related research falls under the remit of the European Commission and is part of the DG for Enterprise and Industry; it should also be noted that it is rather interestingly not part of the DG for Research. The decision to create an EU Security Research Programme (ESRP) was taken by the Commission in 2003 and became fully operational in 2007.⁸⁴ The development of the ESRP was heavily tied into a number of reports commissioned by the European Commission to review EU security policy and make recommendations for the future. Without going into any great detail, these reports include: the European Advisory

⁸⁰ Council of the European Union, ‘The European Union Counter-Terrorism Strategy’, p. 11.

⁸¹ Council of the European Union, Implementation of the Action Plan to Combat Terrorism, Brussels 19 May, 2006, 9589/06, p. 8.

⁸² See Council of the European Union, Report on the Implementation of the Strategy and Action Plan to Combat Terrorism, Brussels 2 June, 2009, 9715/1/09, pp. 10-11; Council of the European Union, The EU Action Plan on Combating Terrorism, Brussels 26 November, 2009, 15358/09, pp. 10-11.

⁸³ Ibid., p. 10.

⁸⁴ See Ben Hayes, ‘NeoConOpticon: The EU Security-Industrial Complex’, Statewatch and the Transnational Institute, 2009, Available at: <http://www.statewatch.org/analyses/neoconopticon-report.pdf>

Group on Aerospace (EAGA) report, entitled the Strategic Aerospace Review for the 21st Century (Star21) released in July 2002; the Group of Personalities report (GoP), entitled Research for a Secure Europe, released in March 2004; the European Security Research Advisory Board (ESRAB) report, entitled Meeting the Challenge: The European Security Research Agenda, released in September 2006; and the European Security Research and Innovation Forum (ESRIF) report, entitled European Security Research and Innovation in Support of European Security Policies, released in December 2009.⁸⁵

Ben Hayes has argued that much of the research conducted within these reports is corporate-led, and advocates the public procurement of new security technologies, including the development of new EU security policies that mandate their implementation.⁸⁶ A brief survey of the membership of the different groups advising on EU security related research and therefore EU security policy reveals a great deal of vested interest. The make-up of these groups includes primarily the suppliers and end-users of security technologies: arms manufacturers, companies that deal in information, electrical and engineering technologies and foreign and interior ministries.⁸⁷ Likewise, individuals or groups from civil society, including lawyers (human rights) or academia are under-represented. This has led Hayes to explain that European security research and in particular, the 'ESRP has been outsourced to the very corporations that have the most to gain from its implementation'.⁸⁸ Hayes asserts that 'this largely hidden influence is now exerting a tremendous influence on the EU policy agenda in an expanding cycle of largely unaccountable and highly technocratic decision-making'.⁸⁹ Without engaging in a critique of this policy-making process, it is still possible to highlight some interesting points that require further investigation in relation to the EU 'fight against terrorism' discourse and the invocation of discourse(s) of threat and danger that can be identified even from a cursory exploration of the different security-related research reports. For example, if we take the ESRAB report from September 2006, it made numerous

⁸⁵ European Commission, 'Strategic Aerospace Review for the 21st Century: Creating a coherent market and policy framework for a vital European industry', *The European Advisory Group on Aerospace*, July 2002; European Commission 'Research for a Secure Europe', *The Group of Personalities*, March 2004; European Commission, 'Meeting the Challenge: The European Security Research Agenda', *The European Security Research Advisory Board*, September 2006; European Commission, 'European Security Research and Innovation in Support of European Security Policies', *The European Security Research Innovation Forum*, December 2009.

⁸⁶ *Ibid.*, p. 5.

⁸⁷ For example, each of the groups responsible for the different reports contained at least one representative from three of the four largest arms manufacturing companies in Europe (BAE Systems, EADS, Finmeccanica and Thales), as well as representatives from other vested interests.

⁸⁸ Ben Hayes, 'NeoConOpticon', p. 5.

⁸⁹ *Ibid.*, p. 5.

references to the threat posed by ‘terrorism and organised crime’ as a key reason for the development of new security technologies (designed for procurement by European governments). In particular, it focused on the development of ‘dual use’ technologies that can be used in both civilian and military settings. It also directly paraphrased (without direct reference) the European Security Strategy, 2003, stating that ‘the new threats underline the fact that internal and external security is increasingly inseparable, with the first line of defence often being abroad’; the original ESS stated ‘with the new threats, the first line of defence will often be abroad’.⁹⁰ What this reveals is that there is a direct relationship between the language of the EU counter-terrorism policy documents and that of the reports produced by groups commissioned to advise on EU security policy. As was noted above, this provides another potential avenue for further research on the ‘fight against terrorism’ discourse.

Limitations of the Thesis

This discursive analysis of EU counter-terrorism policy focused mainly on the policy documents produced by the European Council, arguing that they represented the primary source of the ‘fight against terrorism’ discourse. However, it is important to recognise that EU counter-terrorism discourse has also been (and still is) constituted at other sites of discursive production, including the documents produced by other institutions such as the European Commission and the speeches of EU politicians and policy-makers. Whilst the thesis used these other sites of discursive production to critically analyse (where appropriate) the ‘fight against terrorism’ discourse; in order to take this analysis forward and develop a more complete understanding of EU counter-terrorism discourse, a further avenue of research would be to expand the analysis to include a focus on the documents of the European Commission and the speeches of EU politicians and policy-makers. To bring extra clarity to this analysis, another possibility would be to incorporate interviews with EU policy-makers as a new source of information that would offer the potential to test some of the propositions arrived at in this thesis. For example, subjecting the transcripts from a set of semi-structured interviews (with EU counter-terrorism policy-makers) to a critical discourse analysis might provide novel insight into the processes through which the discourse is constructed.

⁹⁰ ESRAB, ‘Meeting the Challenge’, p. 16; European Council, European Security Strategy, p. 8.

Furthermore, as Jackson argues, whilst 'language is crucial to the notion of discourse, society (and politics) is not reducible to language and linguistic analysis alone'.⁹¹ As such, discourses are broader than just language; they are not constituted through text and/or words alone. As was explained in Chapter Two, they should be understood as *discursive practices* constituted through inter-subjective webs of meaning. Therefore, they are produced and reproduced at various sites of discursive production. As Stuart Croft explains dominant interpretations of a particular event(s), articulated through discourse, can be co-produced and reproduced in many different aspects of social and cultural life. As such, 'discourse... is wider than those words written and spoken by a political elite', it should also be understood to include 'those relevant words spoken and written in popular culture, authored by this wider elite', as well as incorporating 'images' which 'can produce and reproduce discursive understandings'.⁹² Again, this research has been limited to a textual analysis (that is an analysis of the EU counter-terrorism policy documents) of the discursive level of the 'fight against terrorism' discourse'. A more in-depth analysis of European counter-terrorism discourse(s) might include a focus on how understanding or meaning of terrorism (or the 'terrorist' Other) has been shaped by the media, radio, television and community leaders, as it has by politicians and policy-makers or the policy itself.

Finally, it was noted in Chapter Two that (in the EU) the provision of security is as much about discursive practices as it is non-discursive practices; this includes the ever increasing number of 'technical' security measures contained within EU counter-terrorism policy, which are themselves legitimised through the invocation of discourse(s) that emphasise the threat of terrorism. Again, the focus of the thesis has been primarily on the processes by which counter-terrorism policy discursively securitises certain issues; however, securitisation processes are as much about non-discursive practices (e.g. policy instruments, such as databases) and the mundane bureaucratic decision-making of everyday politics, as it is about the implications of discourse(s). As such, there remains considerable scope to explore the relationship between the discursive practice of the 'fight against terrorism' and non-discursive practices of security.

⁹¹ Richard Jackson, 'Writing the War on Terrorism', p. 19.

⁹² Stuart Croft, *Culture, Crisis and America's War on Terror*, (New York: Cambridge University Press, 2007), pp. 44-45.

Final Remarks

This thesis has sought to demonstrate that the perceived threat of terrorism is but one of a number of security concerns that has led the EU to increase its role in the governance of European security, including the development of evolving practices of internal and external security cooperation; practices which it has been argued here are structured by discourse. As such, the ‘fight against terrorism’ should be understood as more than just a set of institutional or public policy responses designed to combat the threat of terrorism; it should also be understood as an influential political discourse, which is constituted through a series of different discourse strands that when taken together form accepted knowledge about who is terrorist or what is terrorism. In turn, it was argued that this knowledge plays a key role in shaping or influencing the types of counter-terrorism responses that are perceived to be acceptable or unacceptable, appropriate or inappropriate.

It is important to remember that the ‘fight against terrorism’ discourse was not created in isolation; the different strands of the discourse identified in this thesis are not unique. Instead, the discourse should be understood as an amalgamation of a number of pre-existing social, cultural and political narratives reproduced or refracted back through EU counter-terrorism policy. Whilst the focus of the thesis was primarily on mapping how the discourse has been constructed, to understand how it structures the meaning, logic and policy responses to terrorism, to explore how it constructs a notional ‘terrorist’ Other in opposition to a ‘European’ sense of Self and how it legitimises or normalises certain practices of security, there remains considerable scope for investigating the production and reproduction of counter-terrorism discourse(s) in a more general sense. The point here is not that the EU takes these different narratives and uses them in an instrumental manner in order to justify the development of counter-terrorism policy; instead these narratives are revealed in the process of constructing a counter-terrorism response. The discursive analysis carried out in this thesis allows us to access that process, it allows us to understand how discourse(s) creates meaning and to understand how constructing language in particular ways leads to particular outcomes. As such, this thesis has sought to illuminate our understanding of EU counter-terrorism policy by providing insight into the discursive construction of the ‘fight against terrorism’ discourse.

References

Books / Journal Articles / Conference Papers

Amoore, L. (2006) 'Biometric Borders: Governing Mobilities in the War on Terror', *Political Geography*, 25 : 336-351.

Bakker, E. (2008) 'Jihadi Terrorists in Europe and Global Salafi Jihadis', in Coolsaet, R. (ed.) *Jihadi Terrorism and the Radicalisation Challenge in Europe*, Aldershot: Ashgate.

Balzacq T. and Carrera, S. (2006) *Security Versus Freedom? A Challenge to Europe's Future*, Aldershot: Ashgate.

Batora J. and Hocking, B. (2007) 'Bilateral Diplomacy in the European Union: Towards 'post-modern' patterns', *ECPR/SGIR 6th Pan-European Conference*, Turin.

Benjamin, D. and Simon, S. (2003) *The Age of Sacred Terror: Radical Islam's War against America*, New York: Random House.

Benyon, J. (1994) 'Policing the European Union: The Changing Basis of Cooperation on Law Enforcement', *International Affairs*, 70 (3) : 497-517.

Bigo, D. (2000) 'When Two become One: Internal and External Securitisations in Europe', in Kelstrup, M. and Williams, M.C. (eds.), *International Relations Theory and the Politics of European Integration, Power, Security and Community*, London: Routledge.

Bigo, D. (2001) 'The Mobius Ribbon of Internal and External Security(ies), in Albert, M., Jacobson, D., & Lapid, Y. (eds.), *Identities, Borders, Orders: Rethinking International Relations Theory*, Minneapolis: University of Minnesota Press.

Bigo, D. (2005) 'Globalized-in-security: the Field and the Ban-opticon', in Solomon, J. and Sakai, N. (eds.), *Translation, Biopolitics and Colonial Difference*, Traces: a multilingual series of cultural theory and translation, 4, Hong Kong: Hong Kong University Press.

Bigo, D. (2006) 'Liberty, Who's Liberty? The Hague Programme and the Conception of Freedom', in Balzacq, T. and Carrera, S. (eds.) *Security versus Freedom? A Challenge for Europe's Future*, Aldershot: Ashgate.

Blakely, R. (2007) 'Bringing the State Back into Terrorism Studies', *European Political Science*, Symposium: The Case for Critical Terrorism Studies, 6 (3) : 228-235.

Bloome et al. (2005) *Discourse Analysis and the Study of Classroom Language and Literacy Events*, New Jersey: Harper Collins.

Bossong, R. (2008) 'The Action Plan on Combating Terrorism', *Journal of Common Market Studies*, 46 (1) : 27-48.

Bossong, R. (2008) 'The EU'S Mature Counterterrorism Policy – A Critical Historical and Functional Assessment', *LSE Challenge Working Paper*, June.

Boswell, C. (2007) 'Migration Control in Europe after 9/11: Explaining the Absence of Securitization', *Journal of Common Market Studies*, 45 (3) : 589-610.

Bovenkerk, F. and Chakra, B.A. (2004) 'Terrorism and Organised Crime', *United Nations Office on Drugs and Crime: Forum on Crime and Society*, 4 (1/2).

Bruguière, J.L. (2005) *Financial Times*, 25 August.

Bures, O. (2006) 'EU Counterterrorism Policy – A Paper Tiger?', *Terrorism and Political Violence*, 18 (1), March : 57 – 78.

Burnett, J. and Whyte, D. (2005) 'Embedded Expertise and the New Terrorism', *Journal for Crime, Conflict and the Media*, 1 (4) : 1–18.

Campbell, D. (1992) *Writing Security: United States Foreign Policy and the Politics of Identity*, Manchester: Manchester University Press.

Ceyhan, A. and Tsoukala, A. (2002) 'The Securitisation of Migration in Western Societies', *Alternatives*, 27 : 21-39.

Coady, C.A.J. (2004) 'Defining Terrorism', in Primoratz, I. (ed.) *Terrorism: The Philosophical Issues*, Basingstoke: Palgrave Macmillan : 3-14.

Coolsaet, R. (2008) *Jihadi Terrorism and the Radicalisation Challenge in Europe*, Aldershot: Ashgate.

Coolsaet, R. and Swielande, T. S. (2008) 'Zeitgeist and (De)-Radicalisation' in Coolsaet, R. (ed.) *Jihadi Terrorism and the Radicalisation Challenge in Europe*, Aldershot: Ashgate.

Cox, R. (1981) 'Social Forces, States and World Orders: Beyond International Relations Theory', *Millennium Journal of International Studies*, 10 (2) : 126-155.

Crenshaw, M. (2008) '“New” vs. “Old” Terrorism: A Critical Appraisal', in Coolsaet, R. (ed.) *Jihadi Terrorism and the Radicalisation Challenge in Europe*, Aldershot: Ashgate.

Croft, S. (2007) *Culture, Crisis and America's War on Terror*, New York: Cambridge University Press

Den Boer, M. (2003) '9/11 and the Europeanisation of Anti-Terrorism Policy: A Critical Assessment', *Notre Europe Policy Paper*, No. 6.

Den Boer, M., Hillebrand, C., and Nölke, A. (2008) 'Legitimacy Under Pressure', *Journal of Common Market Studies*, 46 (1) : 101-124.

Denoeux, G. (2002) 'The Forgotten Swamp: Navigating Political Islam', *Middle East Policy*, 9 (2) : 56-81.

Dittrich, M. (2005) 'Facing the Global Terrorist Threat: A European Response', *European Policy Centre Working Paper*.

Doty, R. (1993) 'Foreign Policy as Social Construction: A Post-Positive Analysis of US Counterinsurgency Policy in the Philippines', *International Studies Quarterly*, 37 (3) : 297-320.

Dover, R. (2008) 'Towards a Common EU Immigration Policy: a Securitization Too Far', *Journal of European Integration*, 30 (1) : 113-130.

Duvall, R. and Stohl, M (1983) 'Governance by Terror', in Stohl, M (ed.) *The Politics of Terrorism*, New York: Marcel Dekker.

Edwards, G. and Meyer, C.O. (2008) 'Introduction: Charting a Contested Transformation', *Journal of Common Market Studies*, 46 (1) : 1-25.

Eling, K. (2007) 'The EU, Terrorism and Effective Multilateralism', in Spence, D. (Eds.) *The European Union and Terrorism*.

- Esposito, J. L. (1999) *The Islamic Threat: Myth or Reality?*, New York: Oxford University Press.
- Fairclough, N. (1992) *Discourse and Social Change*, Cambridge: Polity Press.
- Fairclough, N. (2000) *New Labour, New Language?*, London and New York: Routledge.
- Fairclough, N. and Wodak, R. (1996) 'Critical Discourse Analysis: An Overview', in van Dijk, T.A. (ed.) *Discourse Analysis* (Sage).
- Foucault, M. (1977) *Language, Counter-Memory, Practice*, New York: Cornell University Press.
- George, A. (1991) *Western State Terrorism*, London: Polity Press.
- George, J. (1994) *Discourses of Global Politics: A Critical (Re)Introduction to International Relations*, Colorado: Lynne Rienner.
- Gilmore, B. (2003) 'The Twin Towers and the Third Pillar: Some Security Agenda Developments', *EUI Law Working Paper*, No. 7.
- Guerrina, R. (2002) *Europe: History, Ideas, Ideologies*, London: Arnold.
- Gunning, J. (2007) 'A Case for Critical Terrorism Studies', *Government and Opposition*, 42 (3) : 363-393.
- Halliday, F. (2003) *Islam and the Myth of Confrontation*, London: L.B. Tauris.
- Ham, P. (2001) *European Integration and the Postmodern Condition: Governance, Democracy, Identity*, London: Routledge.
- Held, D. (1980) *Introduction to Critical Theory: Horkheimer to Habermas*, Berkley: University of California Press.
- Hill, C. (1986) 'The Political Dilemmas for Western Governments', *Terrorism and International Order*, London: Routledge.

Hodgson, D. E. (2000) *Discourse, Discipline and the Subject: A Foucauldian Analysis of the UK Financial Service Industry*, Aldershot: Ashgate.

Hoffman, B. (2006) *Inside Terrorism*, 2nd Edition, New York: Columbia University Press.

Horgan, J. (2005) *The Psychology of Terrorism*, London and New York: Routledge.

Horgan, J. and Boyle, M. J. (2008) 'A Case Against 'Critical Terrorism Studies'', *Critical Studies on Terrorism*, 1 (1) : 51-64.

Hutchinson, S. and Malley, P.O. (2007) 'A Crime-Terror Nexus? Thinking on Some of the Links between Terrorism and Criminality', *Studies in Conflict & Terrorism*, 30 (12) : 1095-1107.

Huysmans, J. (1995) 'Migrants as a Security Problem: Dangers of "Securitizing" Societal Issues' in Miles, R. and D., Thränhardt (eds.) *Migration and European Integration: The Dynamics of Inclusion and Exclusion*, London: Pinter.

Huysmans, J. (2000) 'The European Union and the Securitization of Migration', *Journal of Common Market Studies*, 38 (5) : 751-777.

Huysmans, J. (2006) *The Politics of Insecurity: Fear, Migration and Asylum in the EU*, London: Routledge.

Huysmans J. and Tsoukala, A. (2008) 'Introduction: The Social Construction and Control of Danger in Counterterrorism', *Alternatives*, 33 : 133-137.

Salter, M. (2002) *Barbarians and Civilization in International Relations*, London: Pluto Press.

Jackson, R. (2005) *Writing the War on Terrorism: Language, Politics and Counter-Terrorism*, Manchester: Manchester University Press.

Jackson, R. (2007) 'An analysis of EU Counterterrorism Policy Discourse', *Cambridge Review of International Affairs*, 20 (2) : 233-247.

Jackson, R. (2007) 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse, *Government and Opposition*, 42 (3) 394-426.

Jackson, R. (2007) 'Introduction: The Case for Critical Terrorism Studies', *European Political Science*, 6, 3, Symposium: The Case for Critical Terrorism Studies : 225-227.

Jackson, R. (2007) 'The Core Commitments of Critical Terrorism Studies', *European Political Science*, 6, 3, Symposium: The Case for Critical Terrorism Studies : 244-251.

Jalata, A. (2005) 'State-Terrorism and Globalisation: The Cases of Ethiopia and Sudan', *International Journal of Comparative Sociology*, 46 : 79-102.

Jenkins, M. (1980) *The Study of Terrorism: Definitional Problems*, RAND Corporation, California: Santa Monica.

Joffé, G. (2008) 'The European Union, Democracy and Counter-Terrorism', *Journal of Common Market Studies*, 46 (1) : 147-172

Jorg Monar (2007), Common Threat and Common Response? The European Union's Counter Terrorism Strategy and its Problems, *Government and Opposition*, 42 (3) : 292-313.

Karyotis, G. (2007) 'European Migration Policy in the Aftermath of September 11 : The security-migration nexus', *Innovation: The European Journal of Social Science Research*, 20 (1) : 1-17.

Kaunert, C. (2010) 'Towards Supranational Governance in EU Counter-Terrorism? The Role of the Commission and the Council Secretariat', *Central European Journal of International and Security Studies*, Special Issue: Europe at Sixty, 4 (1)

Keohane, D. (2005) 'The EU and Counter-Terrorism', *CER Working Paper*, May.

Laqueur, W. (1999) *The New Terrorism: Fanaticism and the Arms of Mass Destruction*, New York: Oxford University Press.

Lesser et al. (1999), *Countering the New Terrorism*, Santa Monica, CA: Rand Corporation.

Levy, C. (2005) 'The European Union after 9/11: The Demise of a Liberal Democratic Asylum Regime?', *Government and Opposition*, 40 (1) : 26-59.

Lodge, J. (2004) 'EU Homeland Security: Citizens or Suspects?', *European Integration*, 26 (3) : 253-279.

Lutterbeck, D. (2005) 'Blurring the Dividing Line: The Convergence of Internal and External Security in Western Europe', *European Security*, 14 (2) : 231- 253.

Makarenko, T. (2003) 'A Model for Terrorist-Criminal Relations', *Jane's Intelligence Review*, 15 (8) : 129-145.

Makarenko, T. (2004) 'The Crime–Terror Continuum: Tracing the Interplay between Transnational Organised Crime and Terrorism', *Global Crime*, 6 (1) : 129-145.

Milliken, J. (1999) 'The Study of Discourse in International Relations: A Critique of Research and Methods', *European Journal of International Relations*, 5 (2) : 225-254.

Mitsilegas, V., Monar, J. and Rees, W. (2003) *The European Union and Internal Security: Guardian of the People?* Basingstoke : Palgrave Macmillan.

Monar, J. (2007) Common Threat and Common Response? The European Union's Counter Terrorism Strategy and its Problems, *Government and Opposition*, 42 (3) : 292-313.

Mueller, J. (2005) Six Rather Unusual Propositions about Terrorism, *Terrorism and Political Violence*, 17 : 487-505.

Muller, H. (2002) 'Security Cooperation', in Carlsnaes, W., Risse, T. and Simmons, B. (Eds.), *Handbook of International Relations*, London: Sage.

Neal, A. (2009) 'Securitization and Risk at the EU Border: The Origins of Frontex', *Journal of Common Market Studies*, 47 (2) : 333-356.

Neufeld, M. (1995) *The Restructuring of International Relations Theory*, Cambridge: Cambridge University Press.

Nugent, N. (2006) *The Government and Politics of the European Union*, 6th Edition, Basingstoke: Palgrave Macmillan.

Oehme III, C.G. (2008) 'Terrorists, Insurgents, and Criminals-Growing Nexus?', *Studies in Conflict and Terrorism*, 31 (1) : 80-93.

Patrick, S. (2006) 'Weak States and Global Threats: Fact or Fiction?', *The Washington Quarterly*, 29 (2) : 27-53.

Peers, S. (2000) *EU Justice and Home Affairs Law*, (1st edition, Longman), (2nd edition, OUP, 2006).

Picarelli, J.T. (2006) 'The Turbulent Nexus Of Transnational Organised Crime And Terrorism: A Theory of Malevolent International Relations', *Global Crime*, 7 (1) : 1-24.

Rees, W. (2006) 'Linking Organised Crime and Terrorism', *ECPR Standing Group on Organised Crime*, E-Newsletter, 5 (2) : 1-17.

Rees, W. (2006) *Transatlantic-Counter Terrorism Cooperation: The New Imperative*, London and New York: Routledge.

Rhinard, M., Boin, A. and Ekengren, M. (2007) 'Managing Terrorism: Institutional Capacities and Counter-Terrorism Policy in the EU', in Spence, D. (ed.) *The European Union and Terrorism*, London: John Harper.

Rollins J. and Wyler, L.S. (2009) 'International Terrorism and Transnational Crime: Security Threats, U.S. Policy, and Considerations for Congress', *Congressional Research Service*, R41004.

Roy, O. (2005) *La laïcité face à l'islam*, Paris: Stock.

Ruggie, J. G. (1993) 'Territoriality and Beyond: Problematizing Modernity in International Relations', *International Organization*, 47 (1) : 139-174.

Saggar, S. (2009) 'Boomerangs and Slingshots: Radical Islamism and Counter-Terrorism Strategy', *Journal of Ethnic and Migration Studies*, 35 (3) : 381-402.

Sakamoto, Y. (2003) 'The Politics of Terrorism and 'Civilization': How to Respond as a Human Being', in Gokay, B. and Walker, R.B.J. (eds.) *11 September 2001: War, Terror and Judgement*, London: Frank Cass.

Schmid A. P. and Jongman, A. J. (1988) *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data-Bases, Theories and Literature*, 2nd Edition, Amsterdam: Swidok.

Schmid, A.P. (2005) 'Drug Trafficking, Transnational Crime and International Terrorist Groups', in Shanty, F.G. and Mishra, P.P (Eds.), *Organized Crime: An International Encyclopaedia*, California : ABC-CLIO: Santa Barbra.

Schulze, F. (2004) 'Breaking the Cycle: Empirical Research and Postgraduate Studies on Terrorism', in Silke, A. (ed.) *Research on Terrorism: Trends, Achievements and Failures*, London: Frank Class : 161-185.

Shelley, L.I. and Picarelli, J.T. (2002) 'Methods Not Motives: Implications of the Convergence of International Organized Crime and Terrorism', *Police Practice and Research*, 3 (4) : 305-318.

Silke, A. (2004) *Research on Terrorism: Trends, Achievements and Failures*, London: Frank Class.

Smythe et al. (2008) 'Editors' Introduction: Negotiating Stormy Waters', *Critical Studies on Terrorism*, 1 (2) : 147.

Spencer, A. (2008) 'Questioning the Concept of 'New Terrorism'', *Peace Conflict and Development*, 8 : 1-33.

Stohl, M. (1988) *The Politics of Terrorism*, New York: Marcel Dekker

Stohl, M. (2008) 'Old Myths, New Fantasies and the Enduring Realities of Terrorism', *Critical Studies on Terrorism*, 1 (1) : 5-16.

Townshend, C. (2002) *Terrorism: A Very Short Introduction*, New York: Oxford University Press.

Tucker, D. (2001) 'What is New about the New Terrorism and How Dangerous is It?', *Terrorism and Political Violence*, 14 (3) : 1-14.

Walters, W. (2002) 'Mapping Schengenland: Denaturalizing the border', *Environment and Planning D: Society and Space*, 20 : 561-580.

Wilkinson, P. (2005) *Terrorism versus Democracy: The Liberal State Response*, 2nd Edition, London and New York: Routledge.

Wilkinson, P. (2005) 'International Terrorism: The Changing Threat and the EU's Response', Chaillot Papers, No. 84.

Wodak, R. (1996) *Disorders of Discourse*, New York: Longman.

Zimmerman, D. (2003) *The Transformation of Terrorism*, Zurich: Andreas Wenger.

Zuconi, M. (2004) 'Migration and Security as an Issue in US – European Relations', in Tirman, J. (ed.) *The Maze of Fear: Security and Migration After 9/11*, New York: The New Press.

Zulaika, J. and Douglass, W. A. (1996) *Terror and Taboo: The Follies, Fables and Faces of Terrorism*, London: Routledge.

Policy Documents / Speeches / Websites

Bigo, D. (2006) 'At the limits of the liberal state: The answers to the terrorist threat', Re-Public: Re-imagining Democracy, Available at: <http://www.re-public.gr/en/?p=76>

Centre for the Study of 'Radicalisation' and Contemporary Political Violence (2005) 'The Politics of Radicalisation: Reframing the Debate and Reclaiming the Language', London Muslim Centre, Whitechapel, Available at: <http://www.bisa.ac.uk/groups/7/Radicalisation%20Report%20Final.pdf>

Cesari, J. (2009) 'The Securitisation of Islam in Europe', Challenge: Liberty and Security, Research Paper No. 15, April, Available at: http://www.euro-islam.info/ei/wp-content/uploads/pdfs/the_securitisation_of_islam_in_europe.pdf

Change Institute (2008) Studies Into Violent Radicalisation; Lot 2: The Beliefs Ideologies and Narratives, February, Available at: http://ec.europa.eu/justice_home/fsj/terrorism/prevention/docs/ec_radicalisation_study_on_ideology_and_narrative_en.pdf

Council of the European Union (2001) 'Conclusions Adopted by the Council (Justice and Home Affairs) Brussels, 20 September, SN3926/6/01.

Council of the European Union (2003) 'EU Strategy against Proliferation of Weapons of Mass Destruction', Brussels 10 December, 15708/03.

Council of the European Union (2004) 'EU-US Declaration on Combating Terrorism', Dromoland Castle, 26 June, 10760/04 (Press Release).

Council of the European Union (2004) 'The Hague Programme: Strengthening Freedom, Security and Justice in the European Union', 13 December, 16054/04.

Council of the European Union (2005) 'A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice', 30 November, 14366/3/05.

Council of the European Union (2005) 'The European Union Counter-Terrorism Strategy', 30 November, 14469/4/05.

Council of the European Union (2005) 'The Strategy for Combating Radicalisation and Recruitment to Terrorism', 24 November, 12781/1/05.

Council of the European Union (2005) 'Implementation of the Action Plan to Combat Terrorism', Brussels 12 December, 15704/05.

Council of the European Union (2006) 'Implementation of the Action Plan to Combat Terrorism', Brussels 19 May, 9589/06.

Council of the European Union (2006) 'Implementation of the Strategy and Action Plan to Combat Terrorism', Brussels 15 November, 15266/06.

Council of the European Union (2007) 'Implementation of the Strategy and Action Plan to Combat Terrorism', Brussels 28 November, 15411/1/07.

Council of the European Union (2008) 'Implementation of the Strategy and Action Plan to Combat Terrorism', Brussels 26 May, 9416/1/08.

Council of the European Union (2008) 'Implementation of the Strategy and Action Plan to Combat Terrorism', Brussels 19 November, 15912/08.

Council of the European Union (2009) 'Report on the Implementation of the Strategy and Action Plan to Combat Terrorism', Brussels 2 June, 9715/1/09.

Council of the European Union (2009) 'EU Action Plan on Combating Terrorism', Brussels 26 November, 15358/09.

Council of the European Union (2009) 'The Stockholm Programme – An Open and Secure Europe Serving and Protecting the Citizen', Brussels 2 December, 17024/09.

Council of the European Union (2010) 'EU Counter-Terrorism Strategy - Discussion paper', Brussels 10 May, 9685/10.

Council of the European Union (2010) 'The EU Counter-Terrorism Policy: main achievements and future challenges', Brussels, 20 July, COM: 386 final.

Croft, S. (2010) 'Securitising Islam: Constructions of Otherness and Enmity in the United Kingdom', Paper presented at the annual meeting of the Theory vs. Policy?

Connecting Scholars and Practitioners, New Orleans Hilton Riverside Hotel, The Loews New Orleans Hotel, New Orleans, LA, Feb 17 2010, see pp. 14-15, Available at: http://www.allacademic.com/meta/p416903_index.html

Dittrich, M. (2005) 'Facing the Global Terrorist Threat: A European Response', European Policy Centre Working Paper.

European Civil Liberties Network (2009) 'Statement on the Stockholm Programme', April, Available at: <http://www.ecln.org/ECLN-statement-on-Stockholm-Programme-April-2009-eng.pdf>

European Commission, (2002) 'Strategic Aerospace Review for the 21st Century: Creating a coherent market and policy framework for a vital European industry', *The European Advisory Group on Aerospace*, July.

European Commission, (2004) 'Research for a Secure Europe', *The Group of Personalities*, March.

European Commission, (2005) 'Communication concerning Terrorist recruitment: addressing the factors contributing to violent radicalisation', Brussels 21 September, COM, 313 final.

European Commission, (2006) 'Meeting the Challenge: The European Security Research Agenda', *The European Security Research Advisory Board*, September.

European Commission, (2008) 'Radicalisation Processes Leading to Acts of Terrorism', 15 May, Available at: http://www.clingendael.nl/publications/2008/20080500_cscp_report_vries.pdf

European Commission, (2009) 'European Security Research and Innovation in Support of European Security Policies', *The European Security Research Innovation Forum*, December.

European Council, (1995) 'Presidency Conclusions', Madrid European Council, 16 December.

European Council (1998) 'Presidency Conclusions', Vienna European Council, December 10-11th, 00300/1/98 REV.

European Council, (1999) 'Presidency Conclusions', Tampere European Council, 15 and 16 October.

European Council (1999) 'Presidency Conclusions', Helsinki European Council, December 10-11th, 00300/1/99.

European Council (2001) Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September, SN 140/01.

European Council (2003) 'A Secure Europe in a Better World - European Security Strategy', Brussels, 12 December.

European Council (2004) 'Declaration on Combating Terrorism', Brussels 25 March, 7906/04.

European Council (2008) 'Report on the Implementation of the European Security Strategy: Providing Security in a Changing World', Brussels 11 December, S407/08.

Europol, (2009) 'TE-SAT 2009: EU Terrorism Situation and Trends Report', Available at:
http://www.europol.europa.eu/publications/EU_Terrorism_Situation_and_Trend_Report_TE-SAT/TESAT2009.pdf

Europol, 'TE-SAT 2009: EU Terrorism Situation and Trends Report', p. 17. Available at:
http://www.europol.europa.eu/publications/EU_Terrorism_Situation_and_Trend_Report_TE-SAT/TESAT2009.pdf

Europol, 'TE-SAT 2010: EU Terrorism Situation and Trends Report', Available at:
<http://www.consilium.europa.eu/uedocs/cmsUpload/TE-SAT%202010.pdf>

Hayes, B. (2006) 'Arming Big Brother: The EU's Security Research Programme', *Statewatch and the Transnational Institute*, Available at:
<http://www.statewatch.org/analyses/bigbrother.pdf>

Hayes, B. (2009) 'NeoConOpticon: The EU Security-Industrial Complex', *Statewatch and the Transnational Institute*, Available at:
<http://www.statewatch.org/analyses/neoconopticon-report.pdf>

Kerchove, G. (2008) 'EU Policy in the Fight Against Terrorism – From Formulation to Implementation', World Summit on Counter-Terrorism: Terrorism's Global Impact, ICT's 8th International Conference, September 8-11th, Available at: http://www.consilium.europa.eu/uedocs/cmsUpload/SPEECH_FOR_HERZLIYA_CONFERENCE.pdf

Kerchove, G. (2008) 'EU Policy in the Fight Against Terrorism - From Formulation to Implementation', World Summit on Counter-Terrorism: Terrorism's Global Impact, September 8-11, *ICT's 8th Annual International Conference*, Herzliya, Israel.

Schmid, A.P. (2005) 'Links between Terrorism and Drug Trafficking: A Case of "Narcoterrorism"?'', *International Summit on Democracy, Terrorism and Security*, Madrid, 8-11 March, Available at: <http://english.safe-democracy.org/causes/links-between-terrorism-and-drug-trafficking-a-case-of-narcoterrorism.html>

Solana, J. (7th February 2005) 'Protecting People and Infrastructure: Achievements, Failures and future tasks', The East West-Institute, Second Annual Worldwide Security Conference, Brussels, , Available at: http://www.europa-eu-un.org/articles/fr/article_4320_fr.htm

United Nations Department of Economic and Social Affairs/Population Division, International Migration Report (2006) 'A Global Assessment', Available at: http://www.un.org/esa/population/publications/2006_MigrationRep/part_one.pdf

Webber, F. (2006) 'Border Wars and Asylum Crimes', Statewatch, Available at: <http://www.statewatch.org/analyses/border-wars-and-asylum-crimes.pdf>