

# The Discursive Construction of EU Counter-Terrorism Policy: Writing the 'Migrant Other', Securitisation and Control

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## Abstract

This article argues that the EU counter-terrorism policy reflects a deep-rooted mistrust or fear of the 'migrant other'. The first half of the article focuses on the discursive construction of terrorism and the concept of securitisation. Drawing on Foucault and in line with scholars such as Campbell (1992), Milliken (1999) and Hülse and Spencer (2008) the concept of discourse advocated here is one that is above individual discourse participant; the EU is a place where power/knowledge meets and is refracted back into social and political life. An alternative conception of securitisation is offered in order to demonstrate the processes involved in the discursive construction of the 'migrant other' as a security threat. The second half of the article will identify two meta-narratives linked to the construction of the 'migrant other' within the EU counter-terrorism policy. The first of these narratives constructs the 'terrorist other' as a threat to the globalised, 'open' society of the EU. This has the implicit effect of constructing and conflating the 'migrant other' with the threat of terrorism. The second meta-narrative that will provide the focus of analysis is a contingency-based discourse that constructs the 'migrant other' as in need of control in order to prevent the *possibility* of future terrorist attacks. Having identified these two narratives they will then be subject to a first and second level critical discourse analysis in order to analyse how discursive practices work internally within the EU counter-terrorism policy texts; and the broader political and ethical consequences of the discursive representations identified within the texts. The article concludes by arguing that the impact of the discursive construction of EU counter-terrorism policy is the securitisation of migration and asylum policy and the normalisation of the 'migrant other' as a security threat.

## Keywords

Biopower, Critical Discourse Analysis, EU Counter-Terrorism Policy, Governmentality.

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THE TERRORIST ATTACKS OF 11 SEPTEMBER 2001 HAVE BROUGHT THE SPECTRE OF insecurity and uncertainty to the forefront of public anxiety in Western societies. In particular this is a result of the fear of the danger/risk/threat of another such attack: a fear confirmed by further terrorist attacks on European soil in Madrid (March 2004) and London

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(July 2005).<sup>1</sup> This fear however is not a natural or neutral reflection of the reality or statistical probability of being affected by instances of terrorism. For Ulrich Beck (2002) the events of September 11, 2001, stand for the 'complete collapse of language' in that the concepts we use to describe those events are incapable of grasping what happened then. The attack was not an act of war, it was not a crime, or even terrorism as it is familiarly known. What has followed is an "explosion of silence" (Beck 2002: 39). It is in that silence, that collapse of language, that fear of the unknown, that a condition of insecurity and uncertainty has been generated. It is in this silent void left by the 'collapse of language' that the discursive construction of the United States so called 'war on terror' and the European Union's (EU) 'fight against terrorism' has occurred.

In the immediate aftermath of the events of 11 September 2001, the members of the EU called an extraordinary meeting of the European Council in which they stated that 'terrorism is a real challenge to the world and Europe. The European Council has decided that the fight against terrorism will, more than ever, be a priority objective of the European Union (European Council 2001). Claudia Aradau and Rens van Munster (2007) have argued that the world of IR has sought to mould the dramatic events of 11 September 2001, to fit its pre-existing tools such as just war, pre-emptive action, or even clash of civilizations. The range of measures and practices that have developed across and between Western governments, since the events of 11 September 2001, demonstrate however that both the 'war on terror' and 'the fight against terrorism' are much more complex discursive and institutional formations than such theories have been able to account for. The introduction of policies and measures such as the legitimisation of recourse to war in Afghanistan and Iraq, the creation of the status of enemy combatants, extraordinary rendition and Guantanamo Bay, the strengthening of external border controls, the introduction of biometric passports and increased surveillance, are implicitly linked to this condition of insecurity and uncertainty. This article focuses on the way in which the EU's counter-terrorism policy discourse, 'the fight against terrorism', has played a constructive role in "the return to a politics of fear and everyday insecurity that appears to be characteristic of contemporary social life in the era of the global war on terror" (Debrix and Barder 2008: 1). Although the EU discourse on terrorism does not use fear in an instrumental manner in order to legitimise its counter-terrorism policies; the discourse itself is constructed on the basis of a deep-rooted fear of the 'other' as a source of the insecurity and uncertainty that is seen as endemic within Western society in the early 21<sup>st</sup> century.

There have been numerous historical and legal analyses of the main developments in EU counter-terrorism policy (Den Boer and Monar 2002; Den Boer 2003; Monar 2007; Wouters and Naert 2004; Wilkinson 2005) as well as a growing literature on implementation and governance in this policy area (see Bossong 2008; Den Boer, Hillebrand and Nolke 2008; Edwards and Meyer 2008;). However, beyond Richard Jackson's (2007c) intriguing comparison of the similarities and differences in EU and US counter-terrorism discourse, less attention has been paid to the discursive construction of counter-terrorism policy particularly within the EU.

The first half of the article focuses on the discursive construction of terrorism and the concept of securitisation. The article first examines the new research programme of critical terrorism studies and advocates a focus on the terrorism discourse as the subject of analysis. One argument that is put forth therefore is that in the discursive construction of

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<sup>1</sup> Throughout this article I will resist the temptation to refer to the events of 11 September 2001, as 9/11. Nor will I refer to the Madrid or London attacks as 3/11 or 7/7 respectively. As Richard Jackson (2005) has argued shortening the dates of these attacks is neither natural or without consequence. The effect of such a practice is to erase the history and context of the events whilst simultaneously turning their representation into a political-cultural icon where the meaning of the dates becomes assumed and open to manipulation.

EU counter-terrorism policy the socially constructed threat of the 'terrorist other' is being conflated with the threat of the 'migrant other' leading to the securitisation of migration and asylum policies. However, the understanding or conceptualisation of securitisation offered here is very different to that of the traditional conceptualisation of securitisation. This line of argument needs unpacking and will therefore be explored in greater detail.

In the second half of this article a critical discourse analysis of a selection of the EU's main counter-terrorism policy documents will be carried out.<sup>2</sup> It would be impossible here to consider all of the different discourses at work in the EU's counter-terrorism policy documents. I will therefore limit the analysis to just two meta-narratives that supports the claim that the discursive production of the EU's 'fight against terrorism' is based upon (or reflective of) a deep-rooted fear of the 'other', as a source of insecurity and uncertainty, in relation to the production of EU counter-terrorism policy. The first of these meta-narratives constructs terrorism or the terrorist 'other' as a threat to European 'identity', 'civilization' or 'society', which is in itself inextricably linked to the risk represented by 'globalisation' or the 'openness' of European society, and has the implicit effect of constructing the 'migrant other' as an interlinked security threat. The second meta-narrative that will provide the focus of analysis is a contingency-based discourse that constructs the 'migrant other' as in need of control in order to prevent the *possibility* of future terrorist attacks. The EU counter-terrorism policy documents discursively link a series of increasingly sophisticated measures designed to 'control' immigration to preventative counter-terrorism responses.

### **The Discursive Construction of Terrorism: Critical Terrorism Studies**

Recently a group of scholars have advocated the development of a critical terrorism studies research programme designed to provide a challenge to orthodox terrorism studies and offers a conduit through which to challenge dominant discourses on terrorism (Blakely 2007; Breen Smyth 2007; Breen Smyth *et al.* 2008a.; Breen Smyth *et al.* 2008b; Gunning 2007; Jackson 2007b; McDonald 2007; Richard Jackson (2007a) has identified 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 post-11 September 2001. Terrorism studies has been transformed from a minor subfield 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. He 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

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<sup>2</sup> Pre-11 September 2001, the EU's focus was on the 'fight against crime' and the development of the Area of Freedom, Security and Justice which would form the basis of an internal security policy. The key policy document at this point was the Presidency Conclusions from the Tampere European Council (European Council 1999). Post-11 September 2001, a whole raft of policy proposals were put forward by the European Council that would form the basis of the EU's counter-terrorism strategy. These documents include, the Conclusions adopted by the JHA Council in response to terrorism (Council of the European Union 2001a), the first Action Plan on Combating Terrorism put forward at the Extraordinary European Council Meeting (European Council 2001), the Anti-Terrorism Roadmap (Council of the European Union 2001b) and the European Security Strategy (European Council 2003). Post-Madrid, 2004, the EU put forward a Declaration on Combating Terrorism (European Council 2004), The Hague Programme (Council of the European Union 2004), The Strategy for Combating Radicalisation and Recruitment to Terrorism (Council of the European Union 2005a), The European Union Counter-Terrorism Strategy (Council of the European Union 2005b), A Strategy for the External Dimension of JHA (Council of the European Union 2005c), the report on the Implementation of the Strategy and Action Plan to Combat Terrorism (Council of the European Union 2008) and the revised European Security Strategy (European Council 2008).

this is an academic unease about the direction of domestic-counter terrorism policies and the prosecution of the 'war on terror'.<sup>3</sup>

In keeping with a 'critical' approach to an understanding of terrorism Rainer Hülse and Alexander Spencer (2008) have argued for a constructivist approach to the study of terrorism. While still welcoming the number of valuable criticisms of conventional terrorism studies that are offered by the critical terrorism studies group of scholars, Hülse and Spencer feel that critical terrorism studies suffers from a focus on what they consider terrorism research greatest problem: a preoccupation with the terrorist actor. They contend that if terrorism is a social construction then the terrorist actor can no longer be the primary source for analysis.<sup>4</sup> The terrorist is a consequence of discourse not vice-versa. This leads them to advocate a position that "the primary source of terrorism research must be the discourse in which the social construction of terrorism takes place, that is, the discourse that constitutes a particular group of people as 'terrorists'" (Hülse and Spencer 2008: 576). They further argue that it is only critical terrorism scholars that can be in agreement with their constructivist interpretation of terrorism for the reason that they interpret terrorism as a 'social fact' and not a 'brute fact'. For Hülse and Spencer what matters is what we make of the terrorist; not what the terrorists makes of themselves. The understanding of discourse analysis developed here draws on Michel Foucault and is similar to that put forward in international relations (IR) by scholars such as David Campbell (1992) and Jennifer Milliken (1999) and by Rainer Hülse and Alexander Spencer (2008) in their research on the social construction of terrorism. Discourse is conceptualised as being 'above' individual discourse participants; as such the EU is a place where discourses of power and knowledge meet and are reconstructed and refracted back into social and political life.

### Securitisation

The securitisation thesis, developed by the 'Copenhagen School' of security analysts and best represented by the work of Ole Wæver (1995) and Barry Buzan *et al.* (1998), has been acclaimed as one of the most prominent and influential of new approaches to international politics and the field of security studies (Huysmans 1998; Williams 2003).<sup>5</sup> Ken Booth (2007: 163) has described their approach as a "curious theoretical mixture of liberal, poststructural, and neorealist assumptions." 'Security' is not treated as an objective condition which can be achieved; instead analysts view it as the outcome of a specific social process. By examining securitising 'speech acts', the securitisation framework attempts to analyse the process through which threats become recognised, by whom and the consequences of such moves. These 'speech acts' do not simply describe an existing security situation; they constitute that situation as a security situation, they bring it into being, through successful representation as such. For the Copenhagen School 'security' is not simply a discursive act, a speech act. It is a specific type of discursive act, a speech act that constructs an issue as an 'existential' threat. By 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. A successful securitisation attempt does not simply require the discursive act of presenting something as a security issue, this is a securitising move, it requires that the actor has the authority to make such a claim but furthermore that this securitising claim (about an existential threat to a referent

<sup>3</sup> For further reading on this research programme including its epistemological, ontological and methodological commitments see the journal *Critical Studies on Terrorism*.

<sup>4</sup> Following Hülse and Spencer (2008) this article does seek to deny that terrorism exists only that the process by which an individual or group comes to be defined as 'terrorist' is subjective and that the actions of those defined as 'terrorist' is subject to a process of interpretation.

<sup>5</sup> It was Bill McSweeney (1996) who used the title Copenhagen School for the work being done by Buzan, Wæver and others.

object of security) is accepted by the relevant audience.<sup>6</sup> The focus of securitisation studies then 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)” (Buzan *et al.* 1998: 32).

Andrew Neal (2009) has argued that securitising moves in the EU cannot be considered in the same way as securitising moves in national political contexts. Statements in a national political context are more widely reported in the media and thus more extensive public debate can occur. He points out that “although 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” (Neal 2009: 336). Neal expands on this point in several ways. First securitisation focuses on discourse and acceptance of that discourse by an audience. In the national context, statements of political leaders and ministers are widely reported and debated, yet in the EU context, communication and statements are less widely reported. They are less widely debated and normally aimed at a very narrow specialist audience. Although communication and statements play a key role in EU policy making the absence of an accepting public audience is a problem within a securitisation framework. Neal argues that this is for two reasons. One is that identifying the key securitising speakers in the complex institutional field of EU politics is extremely difficult. The other is that the EU polity is fragmented; European political identity is largely interpreted through national perceptions.<sup>7</sup> Again this poses problems in relation to how one might identify the audience of an EU securitising discourse and the role they play in the legitimisation of policy changes. The other question Neal raises is whether the EU institutions have the constitutional, institutional, political or legal capacity to “use extraordinary means” or “violate rules that otherwise would bind” (Neal 2009: 337). Can the EU decide on the exception? Given that the EU creates binding laws for its member states, which are ultimately ruled on by European courts, would this be a positive development anyway? Neal responds to this by arguing that it can only be answered in a plural way. In one way, EU institutions and agencies cannot decide on the exception *per se*; instead they make up for it with an extensive capacity for institutionalisation, normalisation and regulation. In another, some member states seem intent on reasserting their sovereign right to “declare exceptions and construct emergencies” (Neal 2009: 351).

Given the problems with applying a traditional conceptualisation of securitisation to the institutional framework of the EU this article offers a (re)conceptualisation of securitisation based upon Michael Dillon and Julian Reid’s (2004) (re)problematisation of the concept of security. For Dillon and Reid, the history of security is not about the pursuit of an ideal or universal value, by pre-formed subjects (individual or collective); it is about the changing problematisation of what it is to be a political subject and to be politically subject. Although security is ordinarily examined as part of a state-sovereignty perspective; Dillon and Reid (2004) argue that it is as much a biopolitical imperative as it is a geo-political imperative.<sup>8</sup> It can therefore be stated that “changing problematisations of security have

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<sup>6</sup> It should be noted that a successful securitisation attempt does not require the implementation of the accompanying emergency measures for that securitising move to be deemed successful. Copenhagen School security analysts also seek to ‘desecuritize’ threats by bringing them into the sphere of ‘ordinary’ politics; in order to avoid the militarisation of issues through the process of securitisation.

<sup>7</sup> Nevertheless, he points out that there is no methodological prescription that the ‘audience’ must be public. In relation to the EU it might consist of member states, bureaucrats, national or European politicians, or even academics.

<sup>8</sup> Dillon and Reid (2004) refer to biopower or biopolitics, this is a Foucauldian notion that is tied into understanding global liberal governance as a complex regime of power that’s founding principle is the administration and production of life. Foucault calls this power, power/knowledge that seeks to foster and promote life, biopower and its politics biopolitics. Dillon and Reid are concerned like Foucault to draw

always been comprised of complex terrains of practices involving deeply imbedded discourses of danger said to be foundational to individual welfare, social formation and political order" (Dillon and Reid 2004: 51). These problematisations of danger/risk/threat are allied to discourses of fear and are the means by which specific programmes of social formation and political order are introduced, circulated, reproduced and enacted. This then is a complex understanding of the discursive process of securitisation. For Dillon and Reid, it is concerned with making life accessible to different social technologies.<sup>9</sup> These technologies are the processes whereby life is rendered into some kind of determinate material, raw life, in need of being secured from the threats and fears to which discourses of danger say it is prey.

This conceptualisation of securitisation ties into the work of Didier Bigo (2005; 2008) on discourses of global 'in-security'. Bigo (2005) identifies what he calls an emergent 'field' of unease management professionals, security 'experts' or professional who are helping to blur the distinction between defence and internal security. Bigo labels this 'field' a 'governmentality of unease' which is characterised by three criteria; practices of exceptionalism; acts of profiling and containing foreigners; and a normative imperative of mobility. Bigo shows how banal the process of securitisation can be through analysing processes that result in the normalisation of the statistical majority and abnormalisation of migrants. Using the EU as an example of how this field works Bigo demonstrates how the discourse within the EU that is associated with the suspension of controls to 'freedom of movement' has been miscalculated. He emphasises that this supposed freedom of movement for all that reside within the EU is a fallacy. Those controls continue inside, at the external border and even outside the EU itself. Aradau and van Munster (2007) develop the concept of 'precautionary risk' as a *dispositif* to govern social problems. This interpretation of risk builds on Bigo's analysis of how the managers of unease use the authority of statistics to classify, prioritise and determine what constitutes a security threat. It conceives of securitisation as "not only about the exceptional, that which threatens survival and goes beyond normal politics, but about everyday routines and technologies of security professionals" (Aradau and van Munster 2007: 98). They argue that "between exceptional measures and the immediacy of action on the one hand and the ordinary administrative, police or insurance measures on the other, the 'war on terror' spans the whole space between the two definitions of securitization" (Aradau and van Munster 2007: 98). This application of securitisation is more appropriate than the traditional securitisation framework for analysing the discursive construction of the EU's 'fight against terrorism'.

### Critical Discourse Analysis

The focus of critical discourse analysis is on social problems and the role that discourse plays in the reproduction of power, abuse and/or domination. In particular it does so from a perspective consistent with the best interests of dominated groups. Norman Fairclough and Ruth Wodack (1992, 1996) suggest the following definition of discourse as a form of 'social practice'. By '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' (Wodack 1996: 15). This approach offers a technique through which one can analyse specific texts

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attention to the peculiar ways in which biopower deploys force and violence. This is for two reasons. First, biopower hides its violent face and gives power to inflict legal punishment in a context where it appears to be free of all excess and violence. Second, biopolitics operates as a strategic game in which the principles of war are assimilated into socio-economic and cultural networks of biopolitical relations. This means biopolitics is the pursuit of war by other means. The conceptualisation and practice of war change via the process of its assimilation into biopolitics.

<sup>9</sup> Technology in this sense refers to complex techniques and relations of power in conceiving government as administration and ordering of life, rather than the politics of free people.

and speech acts but also form an understanding of the relationship between discourse and social and political phenomena. There are two levels at which critical discourse analysis works. The first level involves a direct engagement with specific texts in order to discover how discursive practices work linguistically within the texts. The second level focuses on a wider interdisciplinary, contextual and social analysis of the texts because independent analysis of each text is not sufficient on its own to shed light on the relationship between discourse and social practice (Jackson 2005).

Critical discourse analysis provides a suitable method for analysing the EU counter-terrorism policy documents because it can help to illuminate the processes involved in the construction of a series of meta-narratives that reconstructs preventative counter-terrorism policy through an implicit fear of the 'migrant other' as a source of insecurity and uncertainty. If one starts from the basis that speaking or writing is never a neutral act then it follows that language can never be used objectively. This approach is concerned with how language and discourse play a role in the maintenance of power; it is 'critical' in that one of its central aims is a normative commitment to social change. As Richard Jackson (2005: 25) argues, critical discourse analysis can play a role in "facilitating the emergence of more effective and long term solutions to the problem of political violence."

This next section will engage in an investigation of what the EU counter-terrorism policy documents actually say. Two meta-narratives will be identified. The first of these narratives constructs the 'terrorist other' as a threat to the globalised, 'open' society of the EU. This has the implicit effect of constructing and conflating the 'migrant other' with the threat of terrorism. The second narrative 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 preventative strategy designed to counter acts of terrorism. The two meta-narratives will then be summarised and a critical discourse analysis conducted. Both meta-narratives will be subject to a first-level and second-level critique in order to analyse (1) how discursive practices work internally within the EU counter-terrorism policy texts; and (2) the broader political and ethical consequences of the discursive representations identified within the text.

### **Narrative 1 – The threat posed by Globalisation, an 'Open' Society**

Before the events of 11 September 2001, the construction of the immigrant 'other', as a *potential* threat to European society and therefore European identity, was a central theme within the EU's internal security policy.<sup>10</sup> The Tampere Conclusions which set out the basis for the creation of the EU's Area of Freedom, Security and Justice (AFSJ) argues 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'" (European Council 1999: paragraph 1). As such 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" (European Council 1999: paragraph 3). The document describes 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

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<sup>10</sup> 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 identity.

relevant human rights instruments, and able to respond to humanitarian needs on the basis of solidarity" (European Council 1999: paragraph 4). However the syntactic ordering of sentences implies that the aim of 'openness', 'openness' being a characteristic of European society itself, also represents a risk to security and therefore a threat to identity.<sup>11</sup> The semantic structure of the entire document continually focuses on the threat posed by 'serious organised and transnational crime' and 'illegal immigration' as interlinked internal and external security threats to the EU: terrorism appears at this point to be an afterthought.

This discursive construction of the 'openness' of European society as a security threat continued to be strengthened in the immediate aftermath of the events of 11 September 2001. The threat of terrorism shifted from an afterthought to a priority. The extraordinary meeting of the European Council 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". 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" (European Council 2001: 1). In this initial phase the attacks were claimed as an attack on all countries with those similar values of openness, democracy, tolerance and respect for all cultures

The European Security Strategy builds on this discursive construction by arguing that the environment of which the EU is part of is "one of increasingly open borders in which the internal and external aspects of security are indissolubly linked" (European Council 2003: 3). Those who engage in acts of terrorism seek "to undermine the openness and tolerance of our societies". Globalisation is 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 there is also a negative side in that "others have perceived globalisation as a cause of injustice" (European Council 2003: 3).

The EU interprets the process of globalisation as having "increased the scope for non-state groups to play a part in international affairs" as the document argues "they have increased European dependence – and so vulnerability – on an interconnected infrastructure in transport, energy, information and other fields" (European Council 2003: 3). The very openness of European society is once again being constructed as a threat to security. There is however a move away from the discursive construction of the terrorist threat as defined by the civilized/barbarian dichotomy to the policy discourse now 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 normalises the whole range of policy responses that the EU has sought to implement as appropriate methods to combat terrorism. In the immediate aftermath of the Madrid train attacks the European Council released its Declaration on Combating Terrorism containing the Strategic Objectives to Combat Terrorism (or the Revised Plan of Action). The shift from terrorism portrayed as a civilisational threat to a societal threat is completed with the document stating 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" (European Council 2004: 1).

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<sup>11</sup> Terrorism is mentioned only once in the presidency conclusions. It is the discursive construction of a 'fight against crime' that provides legitimacy for the measures agreed at Tampere.



The EU Counter-Terrorism Strategy, launched in November 2005, continues to define terrorism in relation to identity, as a threat to “the values of our democratic societies and to the rights and freedoms of our citizens” (Council of the European Union 2005b: 6). It reinforces 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 states that the “European Union is an area of increasing openness, in which the internal and external aspects of security are intimately linked”, this environment is described as “an environment which terrorists abuse to pursue their objectives” (Council of the European Union 2005b: 6). In particular terrorists are described as willing to engage in ‘indiscriminate’ targeting of ‘innocent people’. This needs to be understood in the context of earlier EU pronouncements on terrorists as actors “willing to use unlimited violence to cause massive casualties” (European Council 2003: 3). The EU Strategy for Combating Radicalisation and Recruitment contributes to this narrative by stating that there are several practical steps one must take for an individual to become engaged in terrorism and 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” (Council of the European Union 2005a: 3) The new Security Strategy continues to reinforce these discursive constructions emphasising that “globalisation has also made threats more complex and interconnected” (European Council 2008: 1) It also focuses on European ‘society’ as increasingly ‘vulnerable’ and the need to “protect our societies against terrorism” (European Council 2008: 4).

### **Narrative 2 – A Discourse of ‘Control’**

This ‘openness’ that is characteristic of European society had necessitated the EU, even before the terrorist attacks of 11 September 2001, to (1) “develop common policies on asylum and immigration” and (2) focus on “consistent control of external borders to stop illegal immigration and combat those who organise it and commit related international crimes” (European Council 1999: paragraph 3).

The policy response to the events of 11 September 2001, by the key institutions of the EU, made the first clear discursive links between the danger/risk/threat of terrorism and migration, asylum and border control. On 20 September 2001, the conclusions of the JHA Council were released, they focused on the ‘heinous acts’ and the ‘seriousness of events’ as reasons for the ‘speeding up’ of the ‘process’ of creating the ASFJ (Council of the European Union 2001). 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 argues 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” (Council of the European Union 2001: 8-9, paragraphs 24-30).

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” (Council of the European Union 2001: 7).

The post-Madrid Declaration on Combating Terrorism (European Council 2004) contributes to this construction of a discourse of control through the discursive linkage of the danger/risk/threat of terrorism and security, migration, asylum and border control. There is the assertion that “improved border controls and document security play an

important role in combating terrorism". The syntactic ordering of sentences links 'combating terrorism' to a series of measures designed to ensure tighter border control. These include 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 aviation security", including for "other law enforcement purposes" (European Council 2004: 7-8). Objective Four of the Revised Plan of Action is even more explicit in discursively linking counter-terrorism policy to border control in that its stated aim is: "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)" (European Council 2004: 15-16). The discursive construction of measures of control at borders, as being central to counter-terrorism responses, gains ever more traction in the post-Madrid environment.

The Hague Programme continued 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" (Council of the European Union 2004). The document itself contains three sections; strengthening freedom; strengthening security; strengthening justice. The section on freedom is the longest and seems to be given the most importance. The document states 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" (Council of the European Union 2004: 4). The document interprets 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 are constructed as central to ensuring the security of the Union. Every measure proposed under the 'strengthening freedom' section of the Hague Programme relates to immigration policy, border control and security with the implicit assumption that these measures will provide protection against the possibility of further terrorist attacks.<sup>12</sup>

Migration, in particular border control, is dealt with under the 'Protect' objective of the Counter-Terrorism Strategy. The document contributes to the continuous construction of border controls as one of the most appropriate responses to the terrorist threat. It focuses 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" (Council of the European Union 2005b: 10). Simultaneously, it continues to reinforce 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" (Council of the European Union 2005b: 10). Migration continues to be linked to terrorism and constructed as a security problematic 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" (Council of the European Union 2005b: 10).

This discursive construction has continued and gained ever more complexity throughout the historical development of EU counter-terrorism policy. The latest report, the Implementation of the Strategy and Action Plan to Combat Terrorism continues to focus

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<sup>12</sup> 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.'

on border control (Council of the European Union 2008). It restates the second objective of the Counter-Terrorism Strategy and reinforces this discursive linkage between security and asylum migration policy “to protect citizens and infrastructure and reduce our vulnerability to attack, inter alia through improved security of borders, transport and critical infrastructure” (Council of the European Union 2008: 6, paragraph 1). The document links 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” (Council of the European Union 2008: 6, paragraph 4). Again it discursively links the counter-terrorism strategy to a series of ever increasing complex measures at borders as well as explicitly linking the CT strategy to migration and asylum policy documents: the European Commission communication on “Preparing the next steps in border management in the European Union”, as well as the European Pact on Immigration and Asylum.<sup>13</sup>

### **Summarising the Discursive Construction of the ‘Migrant Other’ in the Counter-Terrorism Policy Documents**

The Tampere Conclusions and subsequent internal and external security documents, including specifically the counter-terrorism policy documents, have discursively constructed the ‘openness’ of European society as part of a security problematic. Constructing the ‘openness’ of European society as an environment which the terrorist(s) abuses to pursue their own objectives, has the implicit effect of conflating the threat of terrorism with the ‘problem’ of migration. This discourse plays a formative role in constructing the ‘migrant other’ as a *possible* threat; in particular and given the nature of the policy area, a *possible* terrorist threat. Allied to this initial discursive formation then is the second discursive formation that one can identify, which is mutually constitutive and is central to what has become a counter-terrorism, security based response, to the ‘migrant other’. This second discourse constructs the ‘migrant other’ as in need of ‘control’ in order to prevent the *possibility* of future terrorist attacks. The EU counter-terrorism policy documents discursively link an ever growing range of increasingly sophisticated control-based policies, practices and measures for the control of immigration to counter-terrorism responses.

Summarising the above one can say that the meta-narrative of the *possible* threat of the ‘migrant other’ within the EU counter-terrorism policy discourse contains several key features:

- (1) European identity is defined through a shared commitment to a number of values including freedom, respect for human rights, democratic institutions, respect for the rule of law, as well as peace, prosperity and tolerance. Terrorism is constructed as a threat to these values and as such a threat to European society.
- (2) Globalisation is constructed as a positive process which has had the unintended consequence of making European society more vulnerable to a series of new and interlinked threats. The ‘other’ is constructed as having ‘mis-perceived’ this process.
- (3) The ‘openness’ of the globalised European society is presented as a possible threat; the ‘open’ environment of European society one which terrorist ‘abuse’ in order to pursue their objectives.

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<sup>13</sup> 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).

- (4) The 'terrorists' are constructed as representing a 'new' threat in that they target the innocent indiscriminately and are committed to 'maximum violence.'
- (5) A number of counter-terrorism measures linked to immigration and asylum policy which explicitly link the 'migrant other' to preventative counter-terrorism policy are constructed as the most appropriate method through which to stop the 'abuse' of the 'open' European society by terrorists.
- (6) The Hague Programme constructs 'Freedom' as a value which can be realised through the introduction of restrictive immigration and asylum policies; this has the implicit effect of constructing the 'migrant other' as in need of 'regulation' or 'control'.
- (7) The link between terrorism and this contingency-based discourse of 'control' of the 'migrant other' is continually reified throughout the discursive production of EU counter-terrorism policy; implicitly constructing the 'migrant other' as a security threat.

### First-Level Analysis

This first-level critique analyses the discourse on its own terms demonstrating that it is predicated on a number of assumptions that are susceptible to a critical analysis.

#### *The threat posed by Globalisation, an 'Open' Society*

The use of the words barbaric and civilisation in the early stages of EU counter-terrorism policy conjured up the image of an ongoing struggle between civilization and barbarism which in terms of European identity is inextricably linked to Europe's Graeco-Roman heritage and in particular is associated with a conflict between Christendom and the Islamic world (Guerrina 2002). The meta-narrative of this struggle also has a long genealogy in international relations (Jackson 2005; Salter 2002). The image of the terrorist as today's barbarian, as a danger/risk/threat to Europe's 'open' society, is a particularly powerful one. Richard Jackson (2005: 48) 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 civilising process of globalisation".

Notice also the way in which the 'other' is constructed as having explicitly mis-'perceived' globalisation as a 'cause of injustice'. 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 as backward, irrational or reactionary in that they seek to challenge or undermine a process (globalisation) that is portrayed as an extremely positive process.

In Richard Jackson's (2005: 53) analysis of the US counter-terrorism discourse he argues that this interpretation of the terrorist other as a threat to globalisation was not inevitable and that a different rendering of globalisation could have explained the terrorist attacks of 11 September 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."

This criticism can also be applied to the discursive construction of globalisation in the EU counter-terrorism policy discourse. In support of this line of argument one should consider Asafa Jalata's (2005) study of state terrorism in Ethiopia and Sudan in which 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. 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.

### *A Discourse of 'Control'*

This discourse of control is constructed on the basis of an assumption that the immigration or asylum regime of the EU is (or could be) taken advantage of by potential terrorists. If one takes the example of The Hague Programme this document demonstrates 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 reveals something in the equilibrium of the titles that does not add up: the second section on strengthening security has in fact infiltrated and contaminated the other sections on freedom and justice. This has led Bigo (2006: 35) 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". Freedom is conceived of as a series of restrictive immigration and asylum policies. 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. 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]" (Bigo 2006: 38). 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.

Andrew Neal (2009: 339) 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 emphasising 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".<sup>14</sup> Certainly, one 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'. However there is little empirical evidence to prove this assumption that the immigration and asylum system within the EU was (or still is) being taken advantage of by actual or potential terrorists. The latest TE-SAT report for the period 2008 (Europol 2009) demonstrates a trend of decreasing incidence of acts of terrorism (down 24 percent from 2007). The document argues that the 'perceived' threat of 'Islamist terrorism' remains the gravest threat to a minority of member states; in particular there is an assertion that "the number of persons associated with 'home-grown' Islamist terrorist groups is rising in the EU" (Europol 2009: 7). Regardless of this perception the empirical

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<sup>14</sup> 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.

evidence demonstrates that actually ethno-nationalist inspired terrorism remains the type of terrorism which affects the EU most (397 attacks and 4 deaths in 2008). With the focus of the TE-SAT report being on the perceived threat of 'home-grown' terrorists and the statistically verifiable threat of ethno-nationalist terrorism by EU citizens, the need for increased border control which is a central element of EU counter-terrorism policy and the discursive linking of migration to terrorism seem dubious assertions at best. Beyond some vague suggestions that countries on the Eastern border of the EU may provide transit for terrorists to reach their targets, no figures are offered relating to migrants or asylum-seekers engaged in acts of terrorism within the EU.

### Second-level Analysis

This second-level critique uses a wider contextual and inter-disciplinary analysis of the processes involved in the discursive production of counter-terrorism policy

#### *The threat posed by Globalisation, an 'Open' Society*

This discursive meshing of globalisation with unlimited violence and extremist or religiously inspired terrorism cannot be considered here in great detail. However, in terms of the EU's discursive construction of the 'openness' of a globalised society interlinked with the threat of terrorism there is a point to be made. Adrian Guelke (2006) 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 perpetrators of terrorism seek to engage in acts of unlimited violence, fails to take into account the relationship between the scale of violence a sub-state group may seek to inflict and its political goals. 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" (Guelke 2006: 15).

Similarly, this narrative of the threat posed by globalisation and an 'open' society within Europe cannot be understood outside of a number of pre-existing discourses associated with the 'resident' or 'migrant other'. Following Peter van Ham's (2001: 194-195) 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." 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 other' or 'immigrant other', is not quite comfortably enough, spatially distant. They can live in close proximity to 'us', confronting 'us' with different ideas and values, and challenging the dominant hegemonic cultural patterns of the host population: "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'" (van Ham 2001: 195). 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" (van Ham 2001: 195). 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. Carl Levy (2005) explains that this reality helps to explain the fraught European Union 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. It also helps to explain why these discourses associated with the construction of the 'migrant other' as a threat have found themselves reproduced in the EU counter-terrorism policy.

### *A Discourse of 'Control'*

The vociferousness with which the policy 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. 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 (transnationally) 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 (Bigo 2005). 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 *possible* terrorist threat.

This interpretation of migration has a real impact. In his research on migration between Sub-Saharan Africa (SSA) and the EU, Robert Dover (2008) 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 in economies. Dover argues 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. The racial profiling that typifies these procedures constitutes a form of unacknowledged and systemic racism throughout the European policy sphere" (Dover 2008: 127).

This discourse of control is continually reinforced through the linking of preventative counter-terrorism measures to ever more sophisticated measures, 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 (2004) 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 the EU generally but 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. 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" (Lodge 2004: 254). With this in mind, 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 (2002) has called the 'biopolitical border', Louise Amoore (2006) has argued that biometric borders now extend into the governance of mobility regulating aspects of everyday life: "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" (ibid: 338). 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 (2001 cited in Amoore 2006: 338) 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". 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" (Bigo 2001 cited in Amoore 2006: 338).

## Conclusion

In this article an attempt to provide a discursive analysis of how the meta-narrative of the 'migrant other' has been central to the construction of EU counter-terrorism policy has been made. It has been argued that a critical discourse analysis of EU counter-terrorism policy helps to draw out the different narratives surrounding the 'migrant other'. Specifically, how the focus of the counter-terrorism policies on the threat of a globalised or 'open society' has the implicit effect of constructing the 'migrant other' as part of a security problem; but also how the focus of the counter-terrorism policies on control of migration at the EU border has the explicit effect of constructing the 'migrant other' as a security threat. Unlike institutional, implementation or governance approaches to EU counter-terrorism policy critical discourse analysis allows one to challenge the assumptions, the beliefs, the knowledge that are central to the constitution and construction of EU counter-terrorism policy; furthermore it also allows one to draw out the ambiguities, misconceptions and fallacies within the discourse itself.

The main thrust of the argument put forth here has been that in the discursive construction of EU counter-terrorism policy the socially constructed threat of terrorism has been conflated with the threat of the 'migrant other' leading to the securitisation of asylum and migration policy. The type of securitisation that it is argued is occurring here is however different from a traditional conceptualisation of securitisation. It is a more banal form of securitisation in that its impact is less the creation of special measures in exceptional circumstances (that threaten the survival of a society) and more the introduction of mundane policies and practices, technologies of security that in this case result in "normalising the statistical majority and abnormalising the migrants" (Bigo 2008: 108). It is not just practices of exceptionalism that drive this process but these everyday routines of technologies of security, as Neal emphasises "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" (Neal 2009: 352). The impact of the discourse is as such a normalisation of the policies and practices, the technologies of security that construct the 'migrant other' as a threat, rather than a legitimisation of the EU counter-terrorism policy response. An interesting avenue for future exploration then is to what extent this discourse has an effect in the bureaucratic processes of the EU. That is what role it plays in the relationship between the political language of EU leaders and the technical language of bureaucratic policy formulation.

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