

WESTFÄLISCHE WILHELMS UNIVERSITÄT MÜNSTER

INSTITUT FÜR POLITIKWISSENSCHAFT

**Bachelorarbeit im Studiengang „Public
Administration/ European Studies“**

European Security Governance

Analysing a Regime of Practices on the basis of Michel Foucault's Governmentality Theory

Vorgelegt von: Lora Pissareva

Erstgutachter: Dr. Jörg Waldmann

Zweitgutachter: Prof. Dr. Wichard Woyke

Abgabedatum: 12. August 2010

Heisstraße 28

48145 Münster

Tel. (0251) 39 29 540

Email: lora.pissareva@web.de

Matrikelnummer: 348 330

Abstract: This work aims at examining European security governance through Foucauldian notions of governmentality. It places a specific focus on questions of crime control, and within the European framework, on the issue of terrorism. The goal is to demonstrate how the analysis of rationalities, programmes and technologies that inhere in European security governance can provide added value to our current understanding about how a particular political sphere is conceived and regulated.

Table of Contents

- I. Introduction 3

- II. Governmentality - A Theoretical Sketch 5
 - a. Governmentality and Government 5
 - i. Power and Discipline 7
 - ii. Political Rationalities, Programmes, Technologies of Power
And Regimes of Practices 9

 - b. Practical Implications 11
 - i. Governing through Risk 12
 - ii. Transformations in Crime Control and Criminal Justice 14

 - c. European Security, Governmentality and the Normative 17

- III. European Security Governance 19
 - a. The European Union as Governmentality 19

 - b. An Agenda of European Security Governance 20
 - i. An Overview of European Security Discourses 21
 - ii. Political Rationalities within European Counter-Terrorism 24
 - iii. Schengenland and the Securitisation of Immigration 26
 - iv. Policing European Insecurities 28
 - v. The 'Art' of Anti-Money Laundering Policies 31

 - c. Conclusion 32

- IV. Final Remarks and Outlook 34

- V. Bibliography 37

I. Introduction

[T]he beauty of the security discourse in advancing the urgency of a claim is that it appears to travel so well, going effortlessly from issue to issue, from place to place, and from institution to institution. It jets across borders, cultures, ideological divides, levels of economic development, and political regimes with the apparent ease of a veteran cosmopolitan traveler of no particular origin. (Larrinaga & Doucet, 2010, p. 2)

Today, governance and security seem to have become indistinguishable. One might even wonder if it is possible to find an area of governance, from the micro to the global and from the public to the private that is not framed or motivated, at least in some way, by stated concerns for security (Larrinaga & Doucet, 2010).

How, then, are we to understand the rise of this omnipresence of security? Why is it that the concept of security seems so amenable to current political conditions on the European arena? Under what conditions do different manners of European governance become open to the discourse of security? What new conceptions of Europe are at stake and what is their significance when a policy area is subjected to the discourse of security?

This bachelor thesis aims to touch upon the above mentioned questions by examining European security governance through Foucauldian notions of governmentality.

It places a specific focus on questions of crime and crime control, and within the European framework on the issue of terrorism, which is nowadays considered to be one of the key challenges to European security.

Although crime control and criminal justice are certainly areas that have largely remained within the orbit of national policy competences, scholars have increasingly been pointing to the outdated barriers separating criminology from political science and international law. They have sought to accumulate key insights of studies of policing, punishment, and crime prevention into an academic synthesis and directed our attention to new spaces for research and thought inspired by Foucauldian work.

His publications on such concepts as governmentality, biopower, disciplinary power, liberal order, and not to mention security itself, not only offer novel vantage points from which to examine the field of European security governance, but to do so

within the framework of a critical political theory that is especially designed for social science research (Larrinaga & Doucet, 2010).

In this sense, this work aims at contributing to this, admittedly, new path of research.

Therefore, the structure of this thesis is as follows: In a first step, a theoretical sketch of Foucault's governmentality theory is presented, with a specific focus on some analytical instruments that are particularly amenable for an analysis on the European level. The second part of the theoretical chapter then points to a very topical practical implication, namely the phenomenon of governing through risk, and how it affects current practices in crime control and criminal justice.

Although this part largely focuses on practices within nation states, it will be shown throughout this thesis that many of the observed phenomena can indeed be found also on the European level. The rationalities guiding national and European security governance are quite similar, and the EU, likewise, depends on a series of technologies for exercising its authority within this field. Thus, in spite of the fact that the EU's executive competences are still comparatively limited, it has found other creative ways to increase and foster its relevance within the security domain.

The last part of the theoretical chapter seeks to operationalise the established findings and developments so as to prepare them for an analysis on the European level with regard to security issues.

The third chapter, then, turns to some selected aspects of European security governance that involve or are to some extent relevant to the fight against terrorism.

Against the background of an appraisal of present European security discourses, specific rationalities will become apparent. Hence, the analysis of the central importance of information sharing within European counter-terrorism, the realignment of policing practices, as well as seemingly technical measures like the fight against money laundering, and also already well-known systems like Schengen, will prove to be more meaningful in this light.

The final chapter then summarises the overall findings of this thesis and tries to place them within a wider context. It also offers some thoughts on future trends and briefly examines potentials for future research.

II. Governmentality – A Theoretical Sketch

The French philosopher Michel Foucault developed the theoretical concept of governmentality in the later years of his life, roughly between 1977 and his death in 1984. The concept has then been refined and elaborated further in the social sciences, especially by authors like Peter Miller, Nikolas Rose and Mitchell Dean.

Governmentality is the generic term for a very broad theoretical concept. It can roughly be understood as the way governments seek to produce the citizen best suited to fulfil certain governmental policies, as well as the analysis of the organised practices, such as rationalities and techniques, through which the conduct of subjects is to be shaped, thus through which they are ‘governed’ (Mayhew, 2004).

The following chapter seeks to give a brief overview of governmentality theory that will necessarily fall short of the wide range of topics the theory intends to explain and analyse. Therefore, the focus will be on some analytical concepts and instruments that are particularly useful for the analysis of security issues, as they represent the central point of this work.

a. Governmentality and Government

Since 1978, Michel Foucault had been conducting research on the subject matter of governmentality; his lectures on the ‘genealogy of the modern state’ at the Collège de France during the years of 1978 and 1979 are particularly essential with regard to this topic. Here, Foucault raises fundamental questions about governing, government and the concept of power while also altering some of his previous positions concerning these constructs (Foucault & Sennelart, 2009).

The term governmentality reflects a linking of governing (gouverner) and modes of thought (mentalité), suggesting that it is not possible to examine the technologies of power without analysing the political rationality inherent in them. Therefore, the concept is motivated by a concern with political reason that helps to underline the strategic character of government and that, consequently, “pays close attention to the language, mentality, and idiom through which political problems and aspirations come to be expressed.” (Walters & Haahr, 2005, p. 6; Lemke, 2002)

It is perhaps for this reason, that governmentality analysis has tended to focus on the sphere of policy papers, official publications, legal texts and academic publications as its sources, rather than, for instance, media or popular discourse (Walters & Haahr, 2005).

What does it mean 'to govern', then? According to Foucault, the current meaning that we attach to this term is something very specific that derives historically, above all, from the Oriental-Jewish and later from the Christian pastorate. Just like the shepherd leads and takes care of his herd, 'to govern', in this sense, means the guidance and care of an amount of people, as well as of single individuals from this collectivity. Against this historical background, as Foucault emphasises, the concept of governmentality emerges out of societal transformations that roughly took place from the 16th to the 18th century. These transformations ultimately resulted in modern governing practices which were developed in the sense of an 'art' of guiding individuals who were seen as parts of a statistically recordable population (Foucault & Sennelart, 2009; Sarasin, 2005).

As Dean (2010) put it, "to refer to the art of government is to suggest that governing is an activity which requires craft, imagination, shrewd fashioning, the use of tacit skills and practical know-how, the employment of intuition and so on." (p. 18)

Rose and Miller (1992) have emphasised that, within governmentality, government is first and foremost considered a problematising activity.

The ideals of government are intrinsically linked to the problems around which it circulates, the failings it seeks to rectify, the ills it seeks to cure. Indeed, the history of government might well be written as a history of problematizations, in which politicians, intellectuals, philosophers, medics, military men, feminists and philanthropists have measured the real against the ideal and found it wanting. (p. 182)

The focus of a so-called 'analytics of government', which is the overall key tool of governmentality studies, is, then, to investigate specific situations in which the activity of governing is 'problematised'. The goal is to examine all that which is necessary to a particular regime of practices. This includes means of calculation, both qualitative and quantitative, the type of governing authority or agency, the forms of knowledge, techniques and other means that are applied, the entity or sphere to be governed and the way it is conceived and represented, as well as the goals, outcomes and consequences of governmental policies. But in addition, it attempts to understand how all these practices have to be *thought*. This, however, represents a substantially new form of thinking about and exercising power (Dean, 2010).

i. Power and Discipline

As far as the concepts of power and discipline are concerned, Foucault's work *Discipline and Punish* is central: Here, Foucault raises the crucial question of how it was possible that the power of state institutions was continuously expanding, apparently becoming ever more efficient with individuals unresistingly integrating themselves into society and working more productively than ever before in history, in spite of the manifest decline of bloody, and ultimately deterrence-oriented criminal justice practices during the Ancien Régime (Foucault, 2008).

He finds the first part of an answer in so-called disciplines, thus in the practice of norms and petty codes of behaviour within specialised coercive institutions that were encompassing ever bigger parts of the population. However, this did not account for how power established itself beyond institutions such as schools, prisons and barracks. Foucault provides an explanation on the basis of two models, the pest city and the panopticon¹ (Foucault, 2008).

The origins of modern disciplinary societies, he argues, can be traced back to the 17th century where quarantines were deployed as a measure against the spread of the pest. Control arrangements established a system of complete supervision of all borders and crossings, of all movements in town and demanded rigid confinement of citizens in their homes. Here, Foucault (2008) identifies a first model, where discipline, order and management were the answer to chaos and spread of disease.

The panopticon, on the other hand, is based on an elaborate system of visibility but what is more, it is based on a democratic principle of power, not a totalitarian one. The guard in the centre is not a king or a dictator, but merely a person holding a public position that can likewise be monitored and replaced by members of society.

According to Foucault (2008), the functions of the panopticon are twofold: First, it is the concrete architectural model that represents the rise of modern prison. Therefore, it can easily disclaim the use of physical punishment because it has brought to perfection a system of surveillance and disciplinary action.

Second, and most importantly, the panopticon reflects a principle of general and mutual control among isolated individuals in modern society. It is a power mechanism reduced to its ideal form, its functioning can be explained on an

¹ The panopticon is a specific type of prison building designed by the English philosopher and social theorist Jeremy Bentham in 1785. The concept of the design is to allow an observer, or, more precisely a prison guard, to observe all prisoners without the incarcerated being able to tell whether they are being watched or not. This mental uncertainty, Foucault (2008) argued, would ultimately lead to disciplined behaviour and conformity.

architectural level in terms of visibility, but in fact, the panopticon is a form of a political technology that can and has to be detached from its specific use.

As a system of general control through visibility, the panopticon supplements the effect of practicing disciplines within families, schools, clubs, fabrics or sports stadiums at the level of a simple and easily conferrable instrument (Foucault, 2008; Sarasin, 2005).

As a result, disciplinary effects of power, which had originally developed in prison, progressively spread throughout society in all kinds of manifestations, seeking to correct and normalise individuals by extending to daily activities and routines. Necessarily, they shift attention away from disciplining human bodies to disciplining human souls (Foucault, 2008; Ventura, Miller & Deflem, 2005).

However, Foucault did in some respects alter and broaden his understanding of power and discipline in his later work, so as to adapt it to modern practices of rule within advanced liberal democratic societies. His later analysis of power relationships in society - ultimately reflected in the concept of governmentality - first of all sought to break with previous state-centred analyses. It shifts attention away from class relationships and the central importance of the ownership and control of capital, towards a model of power as a set of relationships which order, manage and facilitate, as well as constrain and oppress (Newburn, 2007).

According to Foucault, power relations do not always imply a removal of liberty or options available to individuals, but can also result in an empowerment or responsabilisation of subjects in different fields of action (Foucault & Sennelart, 2009; Lemke, 2002). The modes of doing this are various, including rational argumentation or ideological manipulation, economic explanation or moral advice. However, it does not necessarily mean that power is executed against the interests of the other part of a power relationship, nor does it signify that determining the conduct of others is intrinsically 'bad' (Lemke, 2002).

As a result, power does not derive from local confrontations in the sense of Hobbes' notion of a 'war of all against all', but rather from, for instance, economic or demographic problems rulers are confronted with, thus from problems concerning the governance of whole populations (Foucault & Sennelart, 2009).

In fact, Foucault accounts for a genuine administrative problem here, where power is an expression of the necessity for governing modern and complex societies.

Therefore, the liberal form of governing that comes into existence in the 18th century does not presuppose the disciplinary adaptation and submission of individuals, but to the contrary, their liberty. Correlative to individual liberties, security dispositives evolve. Contrary to the disciplinary dispositive that aims at individuals adapting to norms, the security dispositive assumes a statistical concept of normality that is reflected in notions of availability, occurrence, distribution curves and incidences within a population. The security dispositive does not seek to discipline these cases. Rather, it seeks to understand their ‘nature’ and their movements in order to curb societal risks that emanate out of the individual liberties people increasingly come to enjoy (Foucault & Sennelart, 2009; Sarasin, 2005).

As a result, Rose and Miller (1992) claim that the political vocabulary that is characterised by structured “oppositions between state and civil society, public and private, government and market, coercion and consent, sovereignty and autonomy,” and so on, does not adequately reflect the various ways in which rule is exercised in modern liberal democracies. According to them, political power today is exercised today through a multitude of shifting alliances composed of diverse authorities and private actors that govern numerous aspects of economic activity, social life and individual conduct (p. 172).

ii. Political Rationalities, Programmes, Technologies of Power and Regimes of Practices

As described above, political rationalities are an important analytical tool within governmentality theory, as they constitute the basis for political action.

Rose and Miller (1992) point to three key aspects of political rationalities.

First, political rationalities have a moral character. They are based on the ideals or principles to which governmental activity should be directed - freedom, justice, equality, mutual responsibility, citizenship, common sense, economic efficiency, prosperity, growth, fairness, rationality and the like.

Second, political rationalities have, to some extent, an epistemological character. That is to say, they refer in a way to a conception of the nature of the objects to be governed - society, the nation, the population, the economy.

Third, political rationalities are expressed in a distinctive idiom. Thus, the language that constitutes political discourse is more than rhetoric and should be seen, rather, as

a kind of intellectual machinery for making reality thinkable and opening it to political deliberations. Summed up, “political rationalities (...) are morally coloured, grounded upon knowledge, and made thinkable through language” (p. 177).

It is then through technologies that political rationalities, and the programmes of government that articulate them, become capable of deployment. This is not a question of simple translation, but rather depends on a complex interplay of diverse legal, architectural, professional, administrative, financial and judgmental forces. They enable decisions and actions of individuals, groups, organisations and populations to be understood and regulated in relation to authoritative criteria (Rose & Miller, 1992). In this respect, political rationalities are not pure, neutral knowledge which simply ‘reflect’ the governed reality. They are not exterior incidents, but elements of government themselves that help to create a discursive space in which exercising power is ‘rational’ (Lemke, 2002).

Having established that government can be seen as a problematising activity, it is around these problems that programmes of government have been developed.

Authorities, in order to govern a certain field, first have to be able to represent it, or, more precisely, to depict it in a way that enables it to enter the sphere of political calculation and deliberation. Here, the theories of the social sciences, like economics, sociology, psychology etc. equip governments with some sort of intellectual machinery. They provide procedures and mechanisms that render the world thinkable and subject it to the analysis of critical thought and reasoning (Rose & Miller, 1992). Thus, programmes such as position papers, White Papers, concepts for restructuring governmental institutions or administrative processes, international agreements, proposals and counterproposals, etc., can create realities by problematising ideas at the right time and suggesting appropriate strategies for coping with these problems; or, by raising familiar issues within new contexts and thereby rearranging reality (Schneider & Kerchner, 2006).

The question is how to make these programmes socially acceptable and how to translate them into, for instance, political practices that are able to firmly establish themselves in society.

Governmental technologies, then, consist of a variety of practical mechanisms, procedures, instruments, and calculations that authorities employ so as to direct the conduct and the decisions of others, and to achieve certain goals (Lemke, 2007).

They are the tools to make political rationalities and programmes applicable in practice. These technologies include:

[T]echniques of notation, computation and calculation; procedures of examination and assessment; the invention of devices such as surveys and presentational forms such as tables; the standardisation of systems for training and the inculcation of habits; the inauguration of professional specialisms and vocabularies; building designs and architectural forms - the list is heterogeneous and in principle unlimited. (Rose & Miller, 1992, p. 184)

Ultimately, modern societies are characterised by numerous overlapping regimes of practices as a consequence of the strategic interplay of political programmes with specific technologies of power. As a result, in today's liberal-democratic societies, we find "regimes of practices of punishing, of curing, of relieving poverty, of treating mental illness and maintaining mental health and so on." (Dean, 2010, p. 31) These regimes constitute of and link up particular institutions so that we can speak of a 'criminal justice system', a 'social welfare system' and so on. It should be kept in mind, though, that these regimes never equate to a particular institution or even system. While the regime of practices of punishing may find central institutional representation in the prison, the exercised practices within this setting eventually also affect what happens in other social spheres, like schools, families, barracks, and the like. The existence of such regimes of practices allows for conferment across institutions and innovation within them (Dean, 2010).

b. Practical Implications

This part of the theoretical chapter aims at investigating a specific practical implication of governmentality studies that has become very palpable in advanced liberal-democratic societies, namely the phenomenon of governing through risk. In a second step, its impact on current practices in crime control and criminal justice will be examined which will prove to be useful for the following analysis of European security governance.

i. Governing through Risk

The ‘technology of risk’ is considered to be a crucial instrument for characterising the present within governmentality studies. It ties up to Foucault’s analysis who stated that security dispositives are essential technologies of governmentality. Technologies of security objectify the population body and try to calculate immanent insecurities. However, they do not aim at completely eliminating these insecurities, but to keep them within an optimal range. Therefore, risk can be considered as a very effective scheme of reality and a political technology (Pieper & Rodríguez, 2003).

As will be shown throughout this thesis, it is remarkable how risk and its management have come to outgrow the domain of technical specialists and have increasingly become pervading features, even key strategies, of contemporary societies (Garland, 2003).

"Nothing is a risk in itself; there is no risk in reality. But on the other hand, anything can be risk; it all depends on how one analyses the danger, considers the event." (Ewald, 1991, p. 199)

Put at its simplest, risks are estimates of the likely impact of dangers. ‘Danger’, then, is the potential for harm that is inherent in a thing, a person or a situation. As a result, risks are the product of future-oriented human calculations (Garland, 2003).

In this sense, it becomes possible to interpret and analyse risk as “a way - or rather, a set of different ways - of ordering reality, of rendering it into a calculable form.”

By representing events in a certain manner, they are “made governable in particular ways, with particular techniques and for particular goals.” (Dean, 2010, p. 177)

What is important about risk is not risk itself. Rather it is: the forms of knowledge that make it thinkable, such as statistics, sociology, epidemiology, management and accounting; the techniques that discover it, from the calculus of probabilities to the interview; the technologies that seek to govern it, including risk screening, case management, social insurance and situational crime prevention; and the political rationalities and programmes that deploy it (...). (Dean, 2010, p. 178)

Foucault described modern societies as being characterised by processes of rationalisation and discipline that establish norms of purpose-rational action. These norms are to guide all areas of social activity, from the conduct of everyday life to

elaborate systems like production, commerce and government. Therefore, modern societies are necessarily risk-managing societies (Foucault & Sennelart, 2009; Garland, 2003).

The rise of risk measurement, risk profiling and risk management, then, depicts risk as a flexible, multivalent technique of governance which is first and foremost inspired by the private and financial industry, and through military research.

In this respect, governmentality work on security effectively helps to demonstrate the flexibility and unpredictability of, for example, technologies of surveillance, risk management and crime prevention (Larner & Walters, 2004).

If the state is, for instance, not explicitly in possession of an acknowledged monopoly of law enforcement, there are options for incorporating private and business actors into tasks related to security. This finding creates free space to consider a further determinant, namely the resource question. Security provided as a public good is by trend scarce. Thus, the demand for optimal resource allocation and utilisation is increasing (Pieper & Rodríguez, 2003).

The prevailing character of such findings and its practical implications will become apparent when we turn to the analysis of national crime control and criminal justice practices, and later on, to European security governance.

A central significance of today's rationalities of risk, however, is that they have been attached to a set of political programmes and formulas of rule, that, some would say, represent a major retraction of social rights and welfare state ideals that drove political discourse for many decades (Dean, 2010).

A core problem of today's risk management practices is the attempt to find out where which types of risks lie. As a result, it is not specific persons anymore who are being investigated, but specific types. They are effectively the result of statistical projections, based on a number of unsuspecting criteria, for instance the country of origin or the arrival by plane from a specific country (Schneider & Kerchner, 2006).

The inquiry and processing of such (individual-related) data no longer restricts itself to potential disturbers. Recent measures often take place in the forefront or even completely event-unrelated. They also target contact and accompanying persons, or literally everyone, as in the case with video surveillance and thus, also those persons who are to be protected by these interventions.

Therefore, the national objective of minimising risk is, in a way, detrimental to the notion of freedom that generally tends to increase risk.

As a result, discourses about ‘actual risk’ and its implications for action are a recurrent theme - perhaps even the central theme - of contemporary politics.

The depiction of risk is often subject to political manipulation and biased presentation where different, often conflicting interests are at stake (Garland, 2003).

ii. Transformations in Crime Control and Criminal Justice

Newburn (2007) notes that we have been witnessing some sort of a ‘globalisation of surveillance’ during the past years and that we can now, in fact, speak of a ‘network society’ throughout much of the Western world which is most notably represented in a progressive commodification of surveillance and security.

As a consequence, high crime rates and related issues are increasingly interpreted as problems of control rather than welfare. Put differently, there has been a shift on the public agenda away from economic inequality to the distribution and control of risk.

These developments go hand in hand with the increased use of a statistical or probabilistic language (e.g. used in the insurance industry), a greater emphasis on cost-effectiveness, the identification and classification of risk and the prevention of anticipated offending (Newburn, 2007).

Therefore, rather than focusing our concerns solely on, for example, the activities of the police, this approach to crime control directs our attention to the variety of other forms of overseeing and guiding everyday conduct. They include the increased monitoring of routine activities through means such as computerised surveillance, credit checking, assessment of performance, and the associated growth of enormous databases covering matters as diverse as insurance, credit-worthiness, criminal activity and DNA (Newburn, 2007).

Summing up, in crime control and criminal justice, a pragmatic perspective has established itself that is reflected in technical and spatial forms of control. It is captured in the notion of ‘protection by the state’, instead of previously ‘protection from the state’ (Pieper & Rodríguez, 2003).

In his book *The Culture of Control*, David Garland (2002) presents probably one of the most comprehensive appraisals of current developments and changes within, what he calls, “a reconfigured field of crime control and criminal justice” (p. 72):

Today's practices of policing, prosecution, sentencing, and penal sanctioning, pursue new objectives, embody new social interests and draw upon new forms

of knowledge, all of which seem quite at odds with the orthodoxies that prevailed for most of the last century. (Garland, 2002, p. 3)

As a result, crime control and criminal justice have come to be detached from the superordinate themes of social justice and social reconstruction and have opened up to a newfound desire for security, orderliness, control and the management of risk.

A general transformation of criminological thought, like the emergence of control and situational crime prevention theories, directs today's priorities to the identification and management of unruly groups. The goal is not to eliminate crime but to make it tolerable through systemic coordination. Instead of engaging with the moral attitudes or psychological dispositions of human beings, this approach directs our attention to the component parts of social systems. It considers how different situations, institutions and even social routines might be redesigned, coordinated or integrated so as to give rise to fewer opportunities for crime; and how networked systems (transport, schools, shops, leisure areas, housing etc.) might be made to interact, so as to be less prone to become a security weakness or a criminological 'hot-spot' (Newburn, 2007; Garland, 2002).

Overall, the trend is away from concepts like retribution, deterrence, and reform and increasingly towards an approach that embraces concerns with prevention and harm-reduction. Within this framework, rehabilitation transforms to a means of managing risk, it is not a welfarist end in itself anymore. Treated as an investment rather than a standard entitlement, it is, like all investments, closely monitored and evaluated to ensure that it produces returns (Garland, 2002).

In sum, these frameworks constitute an amoral, technological, sophisticated and self-conscious approach to crime control and criminal justice.

Ultimately, the formal boundaries of the crime control field are no longer delimited by institutions of the criminal justice state. Nowadays, crime control extends beyond the state and allows for the involvement of a whole series of social and economic actors, next to criminal justice specialists. This is captured in the notion of 'government-at-a-distance', involving inter-agency cooperation and the responsabilisation of private individuals and organisations (Garland, 1997).

Practices of enrolment and enlisting that seek to set up chains of action and to instil crime-conscious attitudes, give rise, in turn, to the establishment of new forms of

cognition and expertise. As a consequence, new problems concerning coordinated action, technologies of situational prevention, the costs of crime and ways to reduce them, etc., are revealed (Garland, 1997). The result is a whole series of new knowledge systems that comes into existence, asking for an elaborate machinery of strategies and tools to be devised and implemented so as to foster the development of this power knowledge (Ventura et al., 2005).

Put bluntly, a new rationality for the governance of crime and criminal justice has evolved. Described in very broad terms, it is a governmental style that is based on *economic* forms of reasoning, in contrast to the social and legal forms that were prevalent for most of the 20th century (Garland, 1997).

As Levitt and Miles (2006) emphasise, during the past years we have been witnessing a sharp increase in the application of empirical economic approaches to the study of crime and criminal justice. The result is a focus on the role of incentives, on econometric approaches, on broad public policy implications (for instance, how abortion laws might influence crime rates), and their cost-benefit analysis.

The leading paradigm is that components of the criminal justice system not only have to be effective, but also cost-effective, as the menu of policy alternatives is extensive and a considerable amount of the national budget is expended on this sector (Levitt & Miles, 2006).

Against the background of governmentality analysis, we can observe how old and a series of new actors increasingly and consciously try to structure and direct people's actions within the field of crime control and criminal justice. The overall paradigm is now one of controllability where authorities pragmatically rely on managerial, administrative and technical solutions.

Lead by the assumption that there is no such thing as a 'neutral design', an 'everything matters' pattern of thought is applied to crime and disorder, where also small and apparently insignificant details in architecture, street lightening, routine activities etc. can have major impacts on people's behaviour - and where it is up to the authorities to identify these details and exploit the established knowledge related to them (Thaler and Sunstein, 2009).

However, one should be careful not to overstate the above-mentioned developments. Sketching them out cumulatively is not to assert a fundamentally new logic or set of

institutions and structures. Neither did we witness the creation of new institutions, nor was there a process of abolition and reconstruction. The institutional architecture of modern penal systems remains firmly in place, and so does the state apparatus of criminal justice. It is rather “their deployment, their strategic functioning and their social significance that have been transformed.” (Garland, 2002, p. 168)

What should be kept in mind, though, is that recurring concerns about crime problems and security are capable of being met in a variety of ways. Public attitudes about crime and ways to control it are multifaceted and they do leave room for other resolutions. In this respect, Foucault’s notion of governmentality includes a critical, normative dimension that encourages us to identify the downsides and perils bearing in the present scheme of things, and to reflect about how contemporary societal arrangements might (still) be differently arranged (Garland, 2002).

c. European Security, Governmentality and the Normative

How could governmentality and its analytical contribution with regard to current practices within risk management and crime control, then, be able to provide added value to the analysis of European security governance?

EU studies have been much more oriented to the ‘why’ rather than the ‘how’ of European integration. By asking how Europe is governed within the field of security, we can see new aspects of the EU: How did Europe come to have needs? On what basis did Europe become something that could be said to suffer from, for instance, a deficit of ‘internal security’? (Walters & Haahr, 2005)

The application of governmentality analysis is very useful on the EU level because it is defined in relation to the management of populations and the regulation of social space against the background of a neo-liberal framework. However, it is not just about how institutions behave, but also about the discursive framings that render their practices meaningful (Joseph, 2010).

Thus, it allows for situating the study of European security governance in relation to the much broader conception of rationalities, arts and techniques of government.

As a result, Walters and Haahr (2005) claim, that there is “no generic European government or European integration.” We can only identify particular regimes of thought and practice within which specific ways of governing Europe become possible, like “historically specific ways of rewarding and punishing, befriending and alienating, promoting and suppressing, etc.” (p. 14)

These regimes are based on discursive framing and often they overlap, gain and then loose priority, or even contradict each other.

An analytics of European security governance, therefore, marks out a space to ask questions about authority and power, about the rationalities that underpin political practices and paradigm shifts, about the programmes that are being created and the technologies and mechanisms employed, and ultimately also about the knowledge that is needed, so as translate these rationalities into reality.

It does so, however, without attempting to put forward a set of general principles by which various forms of government could be reformed. Yet, the intention of governmentality analysis is certainly not to practise “a ‘value-neutral’ social science” (Dean, 2010, p. 36). By outlining the forms of rationality and thought that inhere in the European regime of practices of security governance, governmentality analysis can remove the taken-for-granted character of these practices. This is not to make the transformation of these practices appear inevitable or easier, but to extend the space in which it is thought about how things might be done differently, to highlight the points at which resistance and contestation have brought an urgency to their transformation, and also to demonstrate the degree to which transformation may prove difficult in some cases (Dean, 2010).

Thus, for all its intents and purposes, there is a normative aspect in the project of governmentality-inspired analysis, but it is one of “‘exemplary criticism’ (...), rather than foundational critique and prescription.” (Dean, 2010, p. 38)

Summed up, governmentality theory views practices of government in their complex and variable relations to the different ways in which ‘truth’ is produced in a political sphere (Merlingen & Ostrauskaitė, 2010). It can, thus, bring added value to the study of European security governance by broadening our understanding of the complex interplay of ‘regimes of thought’ and ‘regimes of practices’.

III. European Security Governance

The following chapter aims at investigating European security governance as a field of governmentality. This is to raise questions about the different ways in which 'Europe' has been 'problematized' within this sphere, hence an interrogation at the level of the discursive framing of particular policy problems, and the practices that resulted out of this specific framing. It might ultimately also provide the basis for an answer to general questions about the possibilities and conditions for governing regional and international spaces above and across the system of nation states. Here, governmentality theory has, up to now, only played a marginal role.

a. The European Union as Governmentality

Although the EU is not a state by most accepted definitions, it can still be approached as a hybrid or a composite of technologies of power that is susceptible to an analysis within the framework of governmentality theory. In order to function as a setting for European government, the EU relies, draws upon, and adapts technologies from elsewhere. Thus, one can insist that the EU is like a state in at least one important respect: both are dependent upon technologies of power in order to function as a centre of governance. Eventually, the EU itself has been a laboratory for the development of new governmental technologies which find their application in other domestic and international spheres (Walters & Haahr, 2005).

Technologies of European government include various means, such as charts, scoreboards and tabulations; techniques of temporalisation, timetables and deadlines; geo-spatialisations; technologies of training, assessment and surveillance, etc.

Political creation takes place through harmonisation mechanisms. Standardisation can in fact be considered an 'art of European government', as well as 'mutual recognition' or 'the introduction of economy into political practice' (Larner & Walters, 2004).

It can certainly be stated that, over the years, the EU has created an elaborate apparatus for the systematisation of knowledge, and developed comprehensive possibilities for deliberation and negotiation, as well as for the active involvement of whole new groups of civil servants and numerous private actors.

At the same time, technologies of performance are closely monitoring European implementation processes through a specific system of 'governance at a distance'.

They penetrate the knowledge domains and frameworks of Member State bureaucracies with the help of a specific calculative paradigm and promote a “narrative of self-improvement’ via purposeful self-control and conscious self-management.” (Larner & Walters, 2004, p. 128)

b. An Agenda of European Security Governance

European cooperation in matters of security and cross-border crime has a long history that necessarily falls out of the scope of this work. The governance of security issues has certainly gained pace since the establishment of the pillar structure in the Maastricht treaty, including the creation of the field of JHA.

The Amsterdam Treaty, then, conceptualised the ‘Area of Freedom, Security and Justice’ and, thereby, further increased the EU’s relevance within this field.

Yet, as part of the post-9/11 stage that entails a fundamentally changed security environment, a closer look at the European Security Strategy, released by the European Council in 2003, is particularly useful for the present purposes of this thesis.

Within the framework of the European Security Strategy, the EU explicitly identified, for the first time, key threats to its ‘internal’ security and articulated the way in which it intended to respond to these. Therefore, it marked an important shift in its attempt to make strategic use of the Union’s external policies. “

Although primarily a political document, it has potentially important consequences for the mainstreaming of [European] security concerns.” (Craig & de Búrca, 2008, p. 193)

As the understanding of security problems has evolved, the Strategy emphasises the significance of comprehensive approaches to security that comprise multi-faceted instruments and solutions in dealing with the issue of, for example, terrorism.

Thus, the European Security Strategy has reinforced the overall securitisation² of the European agenda (Galli, 2008).

² The term ‘securitisation’ needs to be placed within the wider theoretical context of constructivism studies. In this sense, security is not a given or eternal phenomenon, but something that is accomplished by acts of discursive framing and that can, thus, be analysed as a technology of power. It reveals the aspiration for security to be a particular, rather than a necessary way of governing an issue, for there is always the possibility of governing otherwise (Walters & Haahr, 2005). In this respect, it is, for instance, worth noting that the securitisation of drugs, just like the ‘war on drugs’, are a rather recent phenomenon. For much of the history, drugs were governed as a ‘health problem’-issue, not as a ‘crime’-issue, just as some intellectuals nowadays advocate for legalising (some) drugs, and governing them as a ‘social welfare’ issue (Andreas & Nadelmann, 2008).

i. An Overview of European Security Discourses

Beginning sometime in the 1970s, the issue of crime moved into the centre of political debates in many Western democracies. It evolved from one amongst many problems which was considered susceptible to being ‘fixed’ by the modern welfare state, and became “a highly charged symbolic figure, capable of expressing all manners of social, cultural, and often highly racialized fears” (Walters & Haahr, 2005, p. 99).

As the EU is not in the position to become a new ‘penal state’, it is quite striking, then, that it has not shied away from adopting the rhetoric of crime.

Obviously, [the EU] is not equipped to promise ‘tougher sentencing laws’, ‘more prison’, or to ‘put more police on the beat’. Its initiatives are limited to providing a framework of cooperation within which national policies might become more effective (Walters & Haahr, 2005, p. 99).

Yet, the EU has already stated at the Tampere European Council in 1999 that “[p]eople have a right to expect the Union to address the threat to their freedom and legal rights posed by serious crime”, while also offering its thoughts on crime prevention (European Council, 1999). The EU's engagement with crime seeks to “tackle an area of major public concern and thus bring the Union closer to the people.” (European Commission, 1999)

These positions were reaffirmed in The Hague Programme, which, in addition, introduced mechanisms such as reports and scoreboards on the implementation of different policy measures. The Programme also determined that future European cooperation in criminal matters should be based on the newly established ‘principle of availability’³ (European Commission, 2005).

Thus, the Union has early sought to present itself as a unitary actor who is providing security for its citizens throughout Europe by intensely engaging with the emotive issue of crime. As will be shown in the course of this chapter, this has necessarily created a new conception of Europe that is underpinned by new subjectivities and a new identity framework.

³ The ‘principle of availability’ determines that “a law enforcement officer in one Member State who needs information [in the pre-trial phase] in order to perform his duties can obtain this from another Member State and that the law enforcement agency in the other Member State which holds this information will make it available for the stated purpose.” (European Commission, 2005).

In this sense, the field Justice and Home Affairs (JHA) is by no means just “another policy area that has been brought within the EU's political orbit by the gravitational pull of functionalist spillover.” (Walters & Haahr, 2005, p. 91)

In fact, one can see that the policies of JHA are based on a conception of the European citizen as a threatened and anxious individual. This is quite different from subjects of freedom that underpin the construction of the Single Market project.

Thus, it does not seem far-fetched to assert that recent political developments like 9/11 provided a ‘new’ banner which helped to enhance the legitimacy of the EU so as to cope with the widely perceived ‘democratic deficit’ and to foster output legitimacy (Craig & de Búrca, 2008). The EU is to be a guardian to its citizens who are sited not as they are in discourses of the Single Market, that is, as active, mobile and enterprising subjects, nor are they viewed as participants in democratic governance, as it is the case within the narratives of (un-)democratic Europe.

Instead, a ‘law-abiding’ population is addressed, that needs to be protected from certain criminal minorities (Walters & Haahr, 2005).

In this respect, it is also worth examining how ‘liberty and security’ has been allowed to become one of the decisive political pairings of the day, permitting the problem of European security to shape policy areas that were not previously ‘securitised’.

Instead of allowing the debate to remain one of governmental powers as opposed to liberty, law and rights, the EU has sought to redefine the debate as being about the liberties and rights of the democratic majority, that wants and expects to live in a ‘law-abiding environment’, against the liberties and rights of a tiny minority of suspects (Neal, 2007; European Commission, 1999).

Against this background, it is a remarkable fact, how, in order to achieve a more effective collective repression of criminal action (especially with regard to terrorism), the EU has progressively introduced common criminal procedures, although there is a lack of harmonisation of criminal law at the national level and, consequently, non-uniform constitutional and legal protection of the rights of suspects and defendants (Galli, 2008).

Put bluntly, the principle - or, for that matter, technology - of mutual recognition, a key tool for the implementation of the principles of the Single Market, now finds creative application within the field of European security governance. Here, the most obvious example is certainly the European Arrest Warrant.

Accordingly, the ECJ has held that the principle of indirect effect, which determines that national authorities/ courts have an obligation to interpret national law to be in conformity with a Directive, also applies to Framework Decisions under what was previously the Third Pillar (Craig & de Búrca, 2008).

Within this context, it is also noteworthy that parts of the Prüm Treaty - initially established between a couple of Member States as an international accord – were also integrated into the legal framework of the Union at the JHA Council in February 2007 through different forms of enhanced cooperation and variable geometry mechanisms (Craig & de Búrca, 2008).

Thus, with the creative deployment of already known political technologies, a new European-wide instrument was created that aims at simplifying the exchange of information and intelligence between law enforcement authorities of the Member States. Pivotal parts of the treaty are now conferred into European practice, including regulations that improve the exchange of information; DNA; fingerprints and vehicle registration data; as well as provisions on closer cooperation between police authorities within the framework of joint security operations and cross-border intervention (Council of the European Union, 2005a).

With regard to the issue of terrorism in particular, the current security discourse in Europe is split between foreign-based security threats, such as terrorism originating in North Africa and the wider Arab World, and the so called ‘imported’ threat posed by radicalised indigenous populations with immigrant background (Galli, 2008).⁴

It is for this reason that the EU is, for instance, officially committed to identifying factors of radicalisation and to address the root causes of ‘home-grown’ terrorism.

This led to the adoption of the EU ‘Strategy for Combating Radicalisation and Recruitment to Terrorism’ in December 2005. The Strategy embraces a very broad approach to the problem, encompassing fields like “the broadcast media, the internet, education, youth engagement, employment, social exclusion, non-discrimination and inter-cultural dialogue.” (Spence, 2007, p. 66)

⁴ Against this background, it is worth noting that, according to the latest EU terrorism situation and trend report that is being published annually by Europol, the number of arrests relating to Islamist terrorism has decreased by 41 % compared to 2008, which continues the trend of a steady decrease since 2006. The total number of terrorist attacks and terrorism-related arrests in the EU has likewise continued to decrease. It is left-wing and anarchist terrorism that is increasing in the EU, while separatist terrorism continues to be the type of terrorism which affects the EU most in terms of the number of attacks carried out (Europol, 2010).

The issue of radicalisation will certainly need to be addressed primarily by individual Member States, as the EU does not have the competences to introduce the respective social, educational, and economic policies. Still, it is obvious how the Strategy, that is fundamentally part of the ‘soft’ side of the EU’s counter-terrorism measures, seeks to structure Member State’s policies within this field.

It indicates the need for a new, evidence-based knowledge system that is to inform and guide these policies in this complex field of action, where different phenomena are highly interrelated and ask for sophisticated forms of research.

Finally - and against the background of the argumentative coupling of terrorism and organised crime - we can observe how cross-border crime is used to justify European and international action against serious crime and terrorism. In the light of an increasing intelligence-orientation within criminal justice practices, borders blur between formerly strictly separated policy fields. Therefore, it is nowadays possible to draw, for instance, conclusions concerning European counter-terrorism measures by analysing the broader area of European criminal justice policies, in spite of substantial differences between terrorism and crime (Nitschke, 2008).

As will be shown throughout this chapter, information, its compilation, exchange and analysis are regarded as central in pursuing current European policing and security objectives. A considerable range of initiatives has therefore been devoted to information in the broadest sense (Craig & de Búrca, 2008).

ii. Political Rationalities within European Counter-Terrorism

As already noted, in the European Security Strategy, terrorism is discussed as one of the key threats to European security, which are now “more diverse, less visible and less predictable” (European Council, 2003). It is worth noting, though, that, while terrorism is nowadays considered in the Union to be among the most significant threats to international and regional security, some years ago it was only mentioned along with other serious crimes that were to be addressed within the framework of police and judicial cooperation (Galli, 2008). As a matter of fact, since 9/11, throughout Europe an implicit assumption seems to have evolved, that is considering the recent wave of terrorism as a new phenomenon. These rhetorical assertions of novelty have had significant legal implications because they justified the adoption of

a number of new measures, including the encouragement of data-sharing, the intensification of cross-border police and security cooperation, the increase of security engagement in judicial affairs and the intensified control of freedom of movement through various new institutions (Galli, 2008).

We can observe the harmonisation of basic counter-terrorist legislation, including

“the design of new criminal offences (definitions of terrorism and provisions for conspiracy); the creation of special provisions on sentencing; the use of administrative detention or long periods of pre-trial custody (for investigative or preventive purposes); the use of administrative exclusion and expulsion from the national territory; the enhancement of police powers (and the establishment of special investigative techniques and agencies); the establishment of specialised courts; and the modification of ordinary rules on criminal procedure and evidence (including special regimes to incentivise witnesses). (Galli, 2008, p. 6)

In this respect, the discourse about the complementary elements of terrorism and war is crucial: While the EU strongly rejects the US-American notion of the ‘war on terror’, it has not stepped away from implying that it is insufficient to treat terrorism as just another criminal calculus. Therefore, fighting terrorism implies at least somehow the fighting of a war, however not simply with military means, but - and that constitutes the new aspect - also through a systematic linking of police and military operation logics (Nitschke, 2008).

As a result, the leading paradigm on the EU level is, nowadays, to increase the effectivity of early-detection instruments within the current security architecture. Security governance is said to need a new knowledge base. The production of knowledge about future perpetrators has advanced to the decisive feature of modern (European) counter-terrorism strategies.

The consequence is the establishment of a new knowledge structure among police and intelligence services. The network of terror is to be defeated by a network of information; the bundling of information producers is to create superiority in knowledge and thus, superiority in decision-making.

Within the expanded notion of security, the premise is, therefore, to achieve maximum information exchange with partners and agencies, which necessarily

implies the realignment and linking of formerly strictly separated branches, such as the linking of secret service and police circuits, as well as the exploitation of diplomatic, economic and military information channels. For example, authorities are aiming at establishing security alliances with globally acting enterprises. Constant information exchange with firms operating abroad through public-private partnerships is to deliver additional insights and analyses about, for instance, Islamist structures (Ziercke, 2005).

Hence, the effectivity of the intelligence-cycle is pushed into the centre of reforms concerning European security governance. As a consequence, it is increasingly based on a paradigm of linking domestic and foreign security (Nitschke, 2008).

This ultimately sheds light on an *economic* style of reasoning within intelligence communities that was already identified in the second chapter with regard to (national) crime control and criminal justice practices. Considering the new practical necessities, we can observe a pragmatic extension of the cooperation between police and intelligence services that is to guarantee operative collaboration of all agencies concerned with security-related tasks.

However, there is no doubt that the new prevention paradigm, triggered by today's counter-terrorism policies, is also one of the biggest challenges for democratic states that are committed to the rule of law. In this respect, numerous double and multiple competencies have evolved on the EU level that are anything but transparent or in line with present constitutional requirements.

iii. Schengenland⁵ and the Securitisation of Immigration

The discourse of Schengenland security is, first and foremost, one of 'gaps' or 'deficits' in which new security measures on the European level, such as police cooperation, information exchange and external border control are rationalised as 'compensating measures' (Craig & de Búrca, 2008). However, the goal of these is not to replace national agencies, but to create "a framework which minimizes the risk

⁵ As Walters and Haahr (2005) have noted, the term Schengenland is to point to the discourse that represents the EU as an endangered community in which security is being reconnected to a sense of place or a particular geography. The emphasis is on "Schengen-land" (p. 94) in order to make it comparable to the North American notion of 'homeland'. Although Europe does not acquire the identity of a homeland in the sense of the American idea of 'homeland security', Schengenland, indeed, depicts the EU as a safe space that is troubled by a world of chaos and dangers beyond it. As a result, a fundamentally new kind of security/territory link-up is established.

of incoherence, miscommunication or disjuncture”, so as to structure these agencies into a more smooth space of order (Walters & Haahr, 2005, p. 106).

The securitisation of drugs, migrants, organised crime and terrorism underpinning Schengenland (and transnational crime control in general) has a specific historical and political context. It arises as a result of the political and ideological space opened up by the waning of the paradigm that dominated security debates during the Cold War. Whereas it was the geopolitical and ideological ambitions of other states, blocs and alliances which were the threat to (Western) European security in the past, the danger is now by trend posed by a series of non-state actors and dubious networks (Andreas & Nadelmann, 2008).

In this sense, it is worth noting, then, that it is not only the rhetoric of populist politicians or xenophobic social movements that dramatise the figure of the immigrant, but also more subtle mechanisms inherent in seemingly technical policy documents (Walters & Haahr, 2005).

After “having proudly built a framework to promote the mobility of goods, investment, tourists, workers and students, the EU is now transfixed with other mobilities, the mobilities of the refugee, the undocumented worker, the people trafficker and the terrorist.” Thus, within Schengenland, insecurity is now disclosed in “the figure of vulnerable coastlines, permeable land borders, and poorly managed airports” (Walters & Haahr, 2005, p. 111).

As a consequence, the very character of borders has changed; the external border of the EU is coming to be located also in the interior, and not only at the geographical ‘edges’ of the region. Thus, the fight against illegal immigration leads the EU to engage in the defence of its territory - however, not against invading armies, but against streams of illicit people and materials.

Therefore, good management practice, networked transnational policing and ever-widening and encompassing networks of surveillance and intervention now dictate the need for “new walls, watchtowers, refugee detention centres, human scanners”, and the like (Walters & Haahr, 2005, p. 109).

Within the discourse of Schengenland, the EU finds itself involved in practices of security which depict it as an imperilled property. While economic considerations are

certainly pivotal to this paradigm and the knowledge that regulates it, they do have an additional, new significance.

[T]he social and economic freedoms that were previously the centrepiece of the integration project now double up as its achilles heel. Open borders become unlocked backdoors. If European cooperation was legitimated by the project of ceaseless economic competition and betterment, in Schengenland it is sanctioned in the name of societal defence. (Walters & Haahr, 2005, p. 139)

However, the political space of Schengenland certainly does not seek to implement some scheme of total policing; obviously, complete surveillance at a European level is neither politically nor technically feasible. Instead, Schengenland security employs modern, risk-based control techniques which allow for gradual ‘check intensity’, depending on the criteria fulfilled by certain categories of persons and border areas. To take just one example, the centrality of risk analysis within national and European policing practices does not imply an ambition for perfect visibility, but rather what Larner and Walters (2004) have called the more strategic scheme of ‘targeted governance’⁶.

Therefore, the basic logic is one of exploiting the agency and expertise of existing national systems to allow for European security governance to take shape. Databases like the Schengen Information System and Eurodac which facilitate information exchange across Schengenland, but also the adoption of common practices like visas, and the harmonisation of standards concerning external border management, are just some of the techniques and mechanisms the EU has elaborated over the years (Spence, 2007).

iv. Policing European Insecurities

Most international criminal law enforcement matters are handled by the police.

To refer, for instance, to the term of transnational policing is to point to the remarkable development that started from “a limited and ad hoc assortment of police actions and extradition agreements to a highly intensive and regularised collection of law enforcement mechanisms and institutions” that we are witnessing nowadays,

⁶ The concept of ‘targeted governance’ (e.g. targeting risky spaces, populations and activities) is the result of a general disillusion with more universalistic or totalising strategies (Larner & Walters, 2004). It is tied to the idea of an efficient, apolitical, knowledge-driven, evidence-based policy.

especially on the European level, where policing practices are more institutionalised and regularised than anywhere else in the world (Andreas & Nadelmann, 2008, p. 3).

Within the European Union, Europol is the Union's central criminal intelligence agency with its headquarters in The Hague; it became fully operational on 1 July 1999 (Spence, 2007).

On 1 January 2010, Europol became a full EU agency, acquiring a broader mandate and an enhanced capability to fulfil its mission of supporting its Member States.

Ever since its creation, though, there were a number of practical problems plaguing the agency, most of which had to do with the principle of voluntariness on which data sharing via Europol is based.

As a result, the relevant authorities of many Member States repeatedly failed to provide Europol with operational data, in spite of the fact that the enhancement of European police and law enforcement cooperation through information exchange and intelligence sharing is one of Europol's core functions. Therefore, the counter-terrorism dynamics and discourses prevalent in the aftermath of the 9/11 attacks were indeed apprehended by the EU as both, opportunity and proof of the necessity to further enhance its internal coherence (Bures, 2008).

However, as Bures (2008) has pointed out, Europol does not perform any indispensable counterterrorism functions at the moment. When it comes to information sharing and practical work coordination, Member States still prefer to rely on long-standing bilateral and/ or non-EU multilateral accords.

Hence, the discourse about how Europol may in the future provide added value in the fight against terrorism is not one about the establishment of supranational executive powers and competences, but rather one about how it can help with the improvement of information sharing and knowledge base development.

In this respect, the idea of a 'European FBI' is mostly rejected, due to the very sensitive policy areas this touches upon. Instead, the rhetoric advocates the concept of a common terrorist threat assessment at the strategic level that could be provided, for instance, by Europol and related agencies within the European framework.

The lasting absence of such a fully informed and independent assessment of major threats and risks to the EU is, according to Bures (2008), problematic for a number of reasons. First, without a common assessment of terrorist threats and risks to the EU,

different national security authorities are likely to have different views and perspectives on which problems are most urgent, and will be neither willing nor able to coordinate their policies efficiently. Second, it may be very difficult for a single agency to grasp the amplitude of internationally operating criminals' geographical scope of action, especially given the quantitative and qualitative changes of contemporary terrorist activities. Ultimately, as long as there is no common terrorist threat analysis on the EU level, there is no possibility of monitoring policy effectiveness in detail and it will neither be feasible to direct efforts and set priorities, nor to ascribe success or learn from failure.

As already noted, concerns over transnational law evasion rather than interstate military invasion have increasingly become the priority of the Member State's security agendas. And while these transitions certainly precede the 9/11 terrorist attacks, they have been powerfully reinvented and accelerated in their aftermath. Therefore, the current 'war on terror', just like the previous 'war on drugs', first and foremost asks for policing, not military soldiering (Andreas & Nadelmann, 2008).

As a result, we are witnessing the blurring of the border between internal and external security, a redefinition of old programmes as part of the new counter-terrorism mission, an increased securitisation of European and international trade, travel and financial flows and a further penetration of intelligence agencies into the sphere of law enforcement.

In addition, the private sector has gained relevance. Nowadays, private international bodies and organisations of all kinds are being creatively recruited and appointed by governments to help police European and transnational crime.

Shipping companies and airlines are increasingly being compelled through both negative and positive inducements to more carefully track and screen cargo and passengers. The same is true for banks and other financial institutions in the monitoring and reporting of suspicious monetary transactions. And some communications companies have facilitated efforts by intelligence agencies (...) to eavesdrop on and 'data mine' international phone calls. (Andreas & Nadelmann, 2008, p. 249)

Once more, here with regard to the broad issue of policing, a pragmatic and self-conscious approach to European crime control is revealed. It is manifested, on the

one hand, in the idea of making maximum use of present institutions and improving information sharing - also via public-private partnerships - so as to optimise the internal coherence of Member State policies and thus, informed decision-making.

In this respect, again, risk management is central. In fact, as Larner and Walters (2004) have noted, most police time today is not spent on crime fighting but rather on gathering and communicating risk information. This is a particularly crucial finding with regard to European policing, where (official) executive competences have remained limited.

On the other hand, pragmatism is reflected in a rationality of continuous self-improvement that seeks to monitor and analyse an ever increasing number processes, conduct cost-benefit analyses and improve resource allocation.

v. The 'Art' of Anti-Money Laundering Policies

Today, the fight against money laundering, along with financial sanctions, is considered to be one of the most powerful and effective means against organised crime and terrorism, therefore a number of penal and preventative measures have been introduced into the European and international financial systems.

On the EU level, there is now a considerably broader definition of the notion of money laundering, an expansion of the catalogue of predicate offences, and a harmonised definition of the notion of 'serious crimes'. The definition of money laundering was adapted so as to include offences regarding mixed financing of terrorist and legal purposes (Allam & Gadzinowski, 2009).

The Third Money Laundering Directive, adopted in 2005, for the first time included explicit measures to combat the financing of terrorism. The focus is clearly on the purpose for using the funds; therefore terrorist financing becomes something like reverse money laundering (Directive 2005/60/EC).

Within this approach, money trails are regarded as financial fingerprints, and as such, they are susceptible to the usage of intelligence gathered from financial surveillance.

As Howell (2007) put it, "it is the art of sourcing and combining data and finding meaningful relationships and clues leading to individuals or groups that adds value to CFT (and CT)⁷ measures." (p.39)

⁷ CFT – Combating the Financing of Terrorism; CT – Counter Terrorism

However, money laundering risks are not equally high in all areas. Therefore, a risk-oriented approach demands differentiated diligence duties and the development of new knowledge structures in identifying and screening customers. Central reporting offices, the application of community law, record keeping of statistics and their permanent improvement by Member States are just some of the mechanisms that depict this approach (Hetzer, 2004).

In addition, the Third Money Laundering Directive reinforces previous oversight regimes applicable to transactions and includes an extended version of 'KYC' (Know Your Customer) which results in a series of new obligations for banks (Allam & Gadzinowski, 2009). Every member state is to establish an efficient system for the central registration of bank accounts, so as to contribute to improved prosecution opportunities with regard to the movements of capital.

These sophisticated, often highly-technological measures are nurtured by the notion that prevention and prosecution of money laundering is of much higher practical use than the rather narrow, military concept of the current 'war on terror' (Hetzer, 2004). Successful initiatives therefore obviously require close cooperation, coordination and intelligence sharing.

The introduction of most programmes countering the financing of terrorism are, in large parts, derived from pre-existing anti-money laundering programmes.

Thus, they merely represent a creative expansion of specific technologies and mechanisms to a 'new' area.

However, there is a strong discussion on questions of the accountability and legitimacy of anti-money laundering measures as they empower non-elected officials and private agents, such as banks and airlines, to implement far-reaching surveillance and sanctioning measures, while it is virtually impossible for individuals to defend themselves against these practices (Allam & Gadzinowski, 2009).

c. Conclusion

It seems clear that within the field of security provision, the EU has managed to create a sophisticated system for the development and utilisation of knowledge.

It has managed to offer a considerable range of possibilities for consultation, negotiation, and the active involvement of private institutions, intelligence agencies

and military groups, in spite of the fact that this is still the policy area that is probably most associated with national sovereignty and political sensitivities.

However, this has not impeded the EU from seeking to increase its relevance within this field. If the EU is currently troubled by a lack of popular legitimacy, then with, for instance, Schengenland and the attached security discourse related to terrorism, one can see a possible response in which the EU seeks to adopt the role of a protective Union that is susceptible and responsive to public concerns and fears.

The prevention paradigm that was already identified within national crime control and criminal justice practices seems to have established itself on the European arena as well. As the EU's executive competences are still limited, though, it is first and foremost represented in the idea of the centrality of information sharing and risk management, both of which have become key strategies of contemporary European security governance.

These developments, however, do not imply a true 'Europeanisation' of, for instance, policing practices but merely serve to enhance the action of nationally based forces and authorities. Therefore, the focus of current European security governance is not so much on particular crimes that demand detection and apprehension, but rather on the overall, future-oriented process of ensuring security.

As a result, new rationalities and approaches to European security governance have emerged, such as forward displacement and early detection, including new alliances with military and economic global players. The aim, however, is not so much to create a series of new agencies, but to achieve systematic communication and cooperation, as well as to optimise information sharing and internal coherence (Ziercke, 2005). Summed up, there is a creative blending of liberal governmentality practices that foster self-responsibility, privatised solutions and risk management, with more authoritarian mechanisms of disciplinary power, that are reflected in surveillance and securitisation paradigms.

Hence, we can observe how the EU, within the field of security governance, not only creatively redefines established political rationalities and redeploys well-known technologies of power, but also how it becomes aware of the new spaces that are opened up by these processes. This ultimately leads it to invent new mechanisms and tools in order to be able to govern the complex and expanding field of security and to foster its relevance within it.

IV. Final Remarks and Outlook

The success of the European integration project can certainly be considered unique and the EU of our days is rightly admired for its creative and elaborate means of exercising authority. As a result, numerous theories and academic approaches exist that engage with different aspects of the European Union.

The aim of this work was to examine a specific field, namely European security governance, through a Foucault-inspired governmentality lens. Although there is a remarkable body of research dealing with governmentality, it is a rather recent development that the theory has started to be applied to European (and global) issues. This is surprising, given that governmentality, with its specific focus on the interdependence of regimes of thought and practice within advanced, liberal democratic societies, has, for instance, much analytical power to offer to a sophisticated system that is the field of European security governance.

According to Foucault, the rise of governmentality goes along with the emergence of ‘societies of security’ (Foucault & Sennelart, 2009). In this respect, the security of the state comes to be thought not just in terms of armed bodies that are to defend borders and cities. In modern societies, it is increasingly represented within a discourse of wealth, prosperity and resources that implies the securitisation of an enhanced amount of areas. The extensive spread of bureaucracy coupled with statistics, surveys, social sciences and other calculative practices, has helped the EU to acquire the needed infrastructural power. Thus, it is able to classify, and quantify its subjects, to construct them as ‘populations’ and to sort them into administrable, politicisable categories like ‘unemployed’ or ‘immigrant’, etc., and thereby to conceive of a European ‘society of security’ (Walters & Haahr, 2005).

As a result, European security governance orients itself to the creation, maintenance and regulation of different, overlapping spaces and becomes intimately linked to the security of its processes. For being efficient and successful, it increasingly relies on a sophisticated system of knowledge base development and coordinated action that depends, first and foremost, on optimised information sharing. Based on economic styles of reasoning, technologies of risk, and a strong prevention paradigm, this approach seeks to guide individual and collective behaviour by empowering security-conscious subjectivities and, where possible, promoting privatised solutions.

In this respect, it is worth noting that governmentality studies have frequently focused on the shift from the Keynesian welfare state towards so-called free market policies and the rise of neo-liberalism in Western democracies.

Here, as Lemke (2007) suggests, research inspired by governmentality theory provides “a dynamic analysis that does not limit itself to statements about the ‘retreat of the state’ or the ‘domination of the market’, but deciphers the apparent ‘end of politics’ as a political program” (p. 3). In this sense, the discursive and practical rejection of direct state interventions is a positive technique of government which entails a transfer of governmental operations to non-state actors.

Thus, current political developments, on the national as well as on the European level, are not interpreted as a decline of state sovereignty, but as an expansion of governmental activities that is reflected in a displacement from formal to informal techniques. The arrival of new actors on the scene suggests some fundamental transformations in statehood and a restructured relationship between state and civil society actors. This new relationship promotes and enforces individual responsibility, empowerment strategies, and the play of market forces and entrepreneurial models in a variety of social and political domains (Lemke, 2007; Rose and Miller, 1992).

Yet, while we can state the increasing relevance of private actors within the field (European) security governance, it is possible, on the other hand, to observe an intensification of state practices, for instance through the targeted integration of agencies and intelligence services. Therefore, modernisation and increased efficiency go by no means along with reducing bureaucracy and downsizing the state apparatus. In this sense, the concept of ‘targeted governance’ does not mean governing less either, for there are always more targets and endless ways of instrumenting with existing ‘smart weapons’, ‘smart drugs’, and targeted social programmes (Larner & Walters, 2004).

Thus, within the field of security governance we are witnessing a process of reregulation and state expansion through criminalisation and crime control. The rationality of liberalising European and global finance is being opposed to the rationality underpinning the efforts to curtail money laundering and terrorist financing; trade liberalisation is being confronted with tighter controls on illegal trade, and the falling of economic barriers is accompanied by rising police barriers.

Against this background, Andreas and Nadelmann (2008) have pointed to the possible emergence of a new type of security community that may increasingly be based on policing alliances against non-state actors, rather than traditional security alliances against state-based military threats. In addition, and although still very much in its infancy, we might be witnessing “the makings of a global surveillance and monitoring system that relies more and more on the private sector for tracking, documenting, reporting, and analysing cross-border flows.” (Andreas & Nadelmann, 2008)

Accounting for these potential future developments, scholars like Larner and Walters (2004) have set out to apply the concept of governmentality to the field International Relations and constituted the emergence of a so-called ‘global governmentality’. However, transferring governmentality analysis to the international domain is not unproblematic. Due to the highly uneven and heterogeneous character of the global arena, governmentality theory, Joseph (2010) suggests, can only be meaningfully applied to those areas that might be characterised as having an advanced form of liberalism.

While the EU certainly has the necessary socioeconomic conditions that allow for the sophisticated techniques of governmentality to operate, this is probably not the case in most of the ‘non-Western’ world. As governmentality unfolds within very specific social, historical and geopolitical conditions, in most parts of the world, Joseph (2010) argues, it is disciplinary power that we find, rather than „fully fledged liberal governmentality.“ (p. 224)

In addition, governmentality is primarily a matter of techniques, practices and strategies. It should thus be distinguished from actual regimes, networks, states and the wider question of hegemony in the international system (Joseph, 2010).

As a result, governmentality in the way it is currently conceived, namely within a strong, neo-liberal framework, can probably not explain all there is to know about contemporary international relations. Therefore, its application has to be done carefully and with sensitivity to the limits of its usage.

To be useful on the global scale, governmentality analysis has to be placed within a wider context and in connection with theories from other fields, where it is ultimately also important to pay attention to the conditions of its applicability.

V. Bibliography

- Allam, M. & Gadzinowski, D. (2009). Combating the financing of terrorism: EU policies, polity and politics. *European Institute of Public Administration (Maastricht). EIPASCOPE* (2), 37–43.
- Andreas, P., & Nadelmann, E. (2008). *Policing the globe: Criminalization and crime control in international relations*. New York, NY: Oxford Univ. Press.
- Bures, O. (2008). Europol's fledgling counterterrorism role. *Terrorism and Political Violence*, 20 (4), 498–517.
- Council of the European Union (2005a). *Convention between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration*. Brussels, 7 July 2005.
- Council of the European Union (2005b). *The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism*. Brussels, 24 November 2005.
- Craig, P. P, & de Búrca, G. (2008). *EU law: Text, cases, and materials* (4. ed.). Oxford: Oxford Univ. Press.
- Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the Prevention of the Use of the Financial System for the Purpose of Money Laundering and Terrorist Financing. *Official Journal L 309*, 25 November 2005, 15-36.
- Dean, M. (2010). *Governmentality: Power and rule in modern society* (2. ed.). London: SAGE.
- EIPOC (2005). *Insurance of terrorism and natural catastrophe risks*. Markt/2528/05, December 2005.
- European Commission (1999). Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice - Text adopted by the Justice and Home Affairs Council of 3 December 1998. *Official Journal C 019*, 23 January 1999, 1-15.
- European Commission (2005). Communication from the Commission to the Council and the European Parliament - *The Hague Programme: Ten priorities for the next five years The Partnership for European renewal in the field of Freedom, Security and Justice*. Brussels, 10 May 2005.
- European Council (1999). *Presidency Conclusions - Tampere European Council of 15 and 16 October 1999*.
- European Council (2003). *A Secure Europe in a Better World - European Security Strategy*. Brussels, 12 December 2003.
- Europol (2010): *TE-SAT 2010. EU terrorism situation and trend report*. DOI: 10.2813/12525.
- Ewald, F. (1991). Insurance and risk. In Burchell, G. (Ed.), *The Foucault effect: Studies in governmental rationality*. Hempstead: Harvester Wheatsheaf.

- Foucault, M. (2008). *Überwachen und Strafen: Die Geburt des Gefängnisses* (1. Aufl., [11. Nachdr.], Vol. 2271). *Suhrkamp-Taschenbuch*, 2271. Frankfurt am Main: Suhrkamp.
- Foucault, M., & Sennelart, M. (2009). *Sicherheit, Territorium, Bevölkerung: Vorlesung am Collège de France, 1977 - 1978* ([Nachdr.], Vol. 1808). *Suhrkamp-Taschenbuch Wissenschaft, 1808*. Frankfurt am Main: Suhrkamp.
- Galli, F. (September 2008). *The legal and political implications of the securitisation of counter-terrorism measures across the mediterranean*. Cambridge.
- Garland, D. (1997). 'Governmentality' and the problem of crime: Foucault, criminology, sociology. *Theoretical Criminology*, 1 (2), 173–214.
- Garland, D. (2002). *The culture of control: Crime and social order in contemporary society*. Oxford: Oxford Univ. Press.
- Garland, D. (2003). The rise of risk. In Ericson, R. V., & Doyle, A. (Eds.), *Risk and morality* (pp. 48–86). Toronto: University of Toronto Press.
- Hetzer, W. (2004). Europäische Strategien gegen Geldwäsche und Terror. *Aus Politik und Zeitgeschichte*, (B 44/ 2004), 28–32.
- Howell, J. (2007). *The EU's efforts in the fight against terrorist financing in the context of the financial action task force's nine special recommendations and the EU counter terrorist financing strategy*. Brussels: European Commission, Directorate-General Justice and Security.
- Joseph, J. (2010). The limits of governmentality: Social theory and the international. *European Journal of International Relations*, 16 (2), 223-246.
- Larner, W., & Walters, W. (2004). *Global governmentality: Governing international spaces* (1. ed., Vol. 28). Routledge advances in international relations and global politics, 28. London: Routledge.
- Larrinaga, M. de, & Doucet, M. (2010). *Security and global governmentality: Globalization, governance and the state. PRIO new security studies*. London: Routledge.
- Lemke, T. (2002). Foucault, governmentality, and critique. *Rethinking Marxism*, 14 (3), 49–64.
- Lemke, T. (2007). An indigestible meal? Foucault, governmentality and state theory. *Distinktion: Scandinavian Journal of Social Theory*, (15), 1–24.
- Levitt, S. D. & Miles, T. J. (2006). Economic contributions to the understanding of crime. *Annual Review of Law and Social Science*, 2, 147–164.
- Mayhew, S. (Ed.). (2004). Governmentality. In *A Dictionary of Geography*. Oxford: Oxford University Press.
- Merlingen, M., & Ostrauskaitė, R. (2010). *European Union peacebuilding and policing: Governance and the European security and defence policy* (paperback ed. 2010., Vol. 40). Routledge advances in European politics, 40. London, New York, NY: Routledge Taylor & Francis Group.

- Neal, A. (February 2007). *War on terror or law on terror: Foucault and the politics of exceptionalism*. Paper presented at the annual meeting of the International Studies Association 48th Annual Convention, Hilton Chicago, CHICAGO, IL, USA.
- Newburn, T. (2007). *Criminology*. Uffculme, Cullompton: Willan.
- Nitschke, P. (Ed.). (2008). *Globaler Terrorismus und Europa: Stellungnahmen zur Internationalisierung des Terrors* (1. Aufl., Bd. 11). *Studien zur inneren Sicherheit, Bd. 11*. Wiesbaden: VS Verl. für Sozialwiss.
- Pieper, M. & Rodríguez, E.G. (Eds.). (2003). *Gouvernementalität. Ein sozialwissenschaftliches Konzept in Anschluss an Foucault*. Frankfurt am Main: Campus-Verlag.
- Pitzke, Marc (8 October 2007). Terrorismus-Versicherung. Schachern um den Preis der Angst. *SPIEGEL ONLINE*. Retrieved from: <http://www.spiegel.de/wirtschaft/0,1518,509964,00.html>.
- Rose, N. & Miller, P. (1992). Political power beyond the state: problematics of government. *British Journal of Sociology*, 43(2), 172–205.
- Sarasin, P. (2005). *Michel Foucault zur Einführung* (1. Aufl., Vol. 306). *Zur Einführung, 306*. Hamburg: Junius.
- Schneider, S., & Kerchner, B. (2006). *Foucault: Diskursanalyse der Politik: Eine Einführung*. Wiesbaden: VS Verlag für Sozialwissenschaften/ GWV Fachverlage GmbH Wiesbaden.
- Spence, D. (2007). *The European Union and terrorism*. London: Harper.
- Thaler, R. H., & Sunstein, C. R. (2009). *Nudge: Improving decisions about health, wealth and happiness* (New internat. ed.). London: Penguin.
- Ventura, H. E., Miller, J. M. & Deflem, M. (2005). Governmentality and the war on terror: FBI project Carnivore and the diffusion of disciplinary power. *Critical Criminology*, 13(1), 55–70.
- Walters, W., & Haahr, J. H. (2005). *Governing Europe: Discourse, governmentality and European integration* (Vol. 24). Routledge advances in European politics, 24. London: Routledge.
- Ziercke, J. (2005). Internationale Erscheinungsformen von Kriminalität und Gewalt - internationale Kooperationsformen und die Rolle des BKA. *Kriminalistik*, (12), 700–707.