The Evolution of the European Union's 'Fight against Terrorism' Discourse: Constructing the Terrorist 'Other'

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and terrorism as a 'new' and 'evolving' threat. The article proceeds in three steps. First, it outlines the theoretical considerations that underpin this research, including its empirical application. Second, it demonstrates how each strand of the discourse is constructed. Third, it discusses the functioning of the discourse, including the contested nature of the 'terrorism knowledge' that underpins the EU's counter-terrorism approach. The article concludes by reflecting on what this case study contributes to our understanding of EU counter-terrorism policy.

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what this case study contributes to our understanding of EU counter-terrorism policy, as well
as explaining how the notion of the terrorist 'other' could provide the basis for a future
research agenda that deepens our understanding of how the identity of the EU is constituted.

Introduction

It is widely assumed that the events of September 11, 2001, marked the dawning of a new
historical period and led to a fundamental change in the nature of international security. The
most striking element of this change was that Western states now faced a 'new' type of
terrorist threat, at once more insidious and destructive than entire armies or other traditional
threats to the state. This conventional thinking was articulated by policy-makers such as
Javier Solana, the then EU High Representative for foreign affairs, who argued that the
terrorist threat could be characterised by the willingness of 'new' terrorist movements to 'use
unlimited violence and cause massive casualties', therefore representing 'an existential
threat' to the EU and its member states (Solana 2003; 2004).This perception of terrorism was
also expressed by academics such as Francis Fukuyama (2002: 28) who, writing in the
aftermath of the September 11 attacks, proclaimed that groups like Al-Qaeda now had 'the
power to wreak immense damage on the modern world, [and] even if it represents only a
small number of people, raises real questions about the viability of our civilization'. The
hyperbole of some commentators notwithstanding and as the assertions of Solana
demonstrate, in some policy circles these types of beliefs existed. Furthermore, these
interpretations of those events led to a profound change in the ways in which security was
and would be discussed. This is reflected in the proposition that September 11 changed
something; or as James Der Derian (2002) explains 'before 9/11 and after 9/11... as if the
history and future of international relations were disappeared by this temporal rift'. The
conventional wisdom in response to this crisis was ontologically self-evident: with these
events the world had changed.

However, as Stuart Croft and Cerwyn Moore (2010: 821) explain 'it is wrong—for
policy now, as well as for academic debate—to consider the events of 9/11 simply in this

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way'. For Croft and Moore, the decision to engage in a 'war on terror' was a 'deliberate political choice taken by Western leaders', when instead they argue that 'they could have fashioned other responses'. Conversely, in the European Union (EU) another approach to counter-terrorism, in certain ways distinct from that of the US, was fashioned: the 'fight against terrorism'.[1] Whereas the US 'war on terror' articulated a single threat narrative that constructed terrorism as an external security threat, to be dealt with primarily through military means; the EU's 'fight against terrorism' articulated a multi-faceted threat narrative that constructed terrorism as primarily an internal security threat (with certain external dimensions) best dealt with through a criminal justice-based approach.[2] Yet regardless of these differences Croft and Moore's point remains valid, the EU's counter-terrorism discourse has still tapped into (or has been constructed through) a similar set of narratives, or an 'accepted knowledge of terrorism' (Jackson, 2007: 238), as that of the 'war on terror'. It will be argued that this 'accepted knowledge' has shaped the EU's counter-terrorism response.

In line with works by David Campbell (1992) and Roxanne Doty (1993) this article emphasises the importance of the concept of identity; arguing that the concept of identity occupies a key role in the formulation of the EU's counter-terrorism discourse. As such, this article seeks to adapt Lene Hansen's (2006: p. 1) argument about foreign policy to the analysis of counter-terrorism policy, contending that counter-terrorism policies rely upon representations of identity but it is also through the formulation of counter-terrorism policies that identities are produced and reproduced. Therefore, the central premise of the article is that this dominant discourse, the 'fight against terrorism', is constituted through and plays a key role in the constitution of 'EU identity'. Focusing primarily on the EU's 'fight against terrorism', with passing reference made to the important role of the 'war on terror', this article will argue that not only have these discursive formations played a central role in establishing the 'common-sense' approach to counter-terrorism in the post-9/11 world, they have also played an important role in reproducing and reinforcing the identities of the actors involved. As such, the purpose of this article is to explore the ways in which the European Union's approach to counter-terrorism, the 'fight against terrorism', has been constructed; and in particular, to illuminate our understanding of how it functions both rhetorically and in practice.

The article begins by establishing the theoretical position from which this analysis will be conducted. It argues for the acceptance of an approach which embraces a constructivist ontological position, promoting discourse analysis as a method through which to analyse the constitutive relationship between social action and meaning. From this perspective, it aims to analyse the relationship between the language of the EU's 'fight against terrorism' and the practice of counter-terrorism policy. Having established the theoretical position from which the formulation of EU counter-terrorism policy will be interrogated, the analysis will focus on the ways in which the 'fight against terrorism' constructs a terrorist 'other', which it is argued is constituted in opposition to (and is therefore productive of) 'EU identity'. In particular, the analysis will identify three strands of the 'fight against terrorism' discourse: terrorism as crime and as an emotive act of violence; terrorism as an act perpetrated solely by non-state actors; and terrorism as a 'new' and 'evolving' threat. The analysis will proceed in two steps. First, it will demonstrate how each strand of the discourse is constructed. Second, it will offer a discussion on the ways in which the 'fight against terrorism' functions. The article concludes by reflecting on what this case study contributes to our understanding of EU counter-terrorism policy, as well as explaining how the notion of the terrorist 'other' could provide the basis for a future research agenda that deepens our understanding of how the identity of the EU is constituted.

Theoretical Considerations: Discourse Analysis and Conceptualising the EU as an Actor

Before moving forward with this analysis of EU counter-terrorism policy it is important to clarify the way in which EU actorness is conceptualised for the purpose of this article. The intention of this being to problematise the idea of *coherence* in order to deal with a particular question that arises when analysing the EU counter-terrorism discourse: does the problematic status of the EU as an actor influence or affect how it interprets terrorism? The article is underpinned by a constructivist ontology which promotes the premise that 'social reality is produced through meaningful action' (Klotz and Lynch, 2007: 4), thus it draws from an extensive academic literature that endorses a constructivist understanding of actorness (Bretherton and Vogler, 1999; 2006; Christiansen et al, 1999; Larsen, 2002; 2005). From this standpoint, a number of assumptions are made about the concept of actorness. First, structures are thought to be intersubjective, they are not assumed to determine outcomes, instead they form part of a mutually constitutive relationship with actors; they also provide a setting for social action, including patterns of opportunity and constraint, within which agency is displayed. Second, the actorness of a particular 'social unit' is not thought to be reducible to a single, essentialist category which is given by objective material elements. As Henrik Larsen (2002) explains, the 'social unit' is instead considered to be a 'dynamic structure of meaning', which is constituted as an actor through: a process of interaction between the actors constituting the 'social unit' itself, as well as the extent to which the 'social unit' is considered to be an actor by the surrounding world. This conceptualisation of actorness contends that actorness cannot be considered in isolation. Although this analysis draws on the approach to actorness set out by Bretherton and Vogler (1999; 2006), it is slightly different in that actorness is understood here to mean the discursive construction of the 'I/we' in any given policy context (Epstein, 2008).[3] If it is accepted that the EU constitutes an actor in any of the various policy contexts in which it operates, the focus then turns to what kind of actor is constructed, including what kinds of values are articulated as an inherent component of that actorness (Larsen, 2004).

Research in this area has focused primarily on the role of discourse in relation to the EU as a foreign policy and external actor. These include studies on: the idea of 'Europe' in promoting integration through the construction of a 'security identity' (Wæver, 1996); the role of EU expansion in the formation of 'European identity' (Neumann, 1998); the international role of the EU, including the ways in which it has developed an 'international identity' (Manners and Whitman, 1998); the extent to which the EU can be considered a global military actor (Larsen, 2002); the role of different representations in the construction of the EU's 'international identity' (Manners and Whitman, 2003); the role of 'self' / 'other' practices in the construction of the normative dimension of EU identity (Diez, 2005); and, the supposed transformation of the EU from a 'civilian power' to a 'global power' (Rogers, 2009). This research on EU foreign policy is characterised by questions involving representations of EU actorness; including the strategies through which representations of 'self' and 'other' are articulated. As Ben Rosamond (2005: 470) explains, the EU's external activity is highly discursive in the sense that 'it is aspirational, declaratory and full of positioning statements', noting that this discursive dimension can be identified across a range of policy documents. He asserts that this discourse, which characterises the way in which the EU projects itself externally, involves the articulation of the significance of the EU's external role as well as the claim that the EU is a purposeful and coherent actor. He notes that this assertion of coherence and purpose in all fields of external action/governance does not necessarily preclude the projection of multiple or at times contradictory roles. This suggests two interrelated points: first, the EU is engaged in a continuous discursive struggle to define

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the substantive ways in which the EU should impact upon the world; second, there are numerous components to the EU's 'international identity', all of which relate what it is to how it acts (Rosamond, 2005: 470). This line of argument has resonance for this investigation of EU counter-terrorism policy in two ways. First, as it will be demonstrated in the empirical section of the paper EU counter-terrorism policy, like EU foreign policy, is also highly discursive, aspirational, declaratory and full of positioning statements. Second, the EU's 'fight against terrorism' discourse has not operated in isolation from the EU's foreign policy discourse but can instead be seen as an area of investigation that is a part of, or parallel to, those who have investigated the role of discourse in relation to the EU as a foreign policy and external actor. As such, this analysis focuses on the ways in which the EU projects its identity both internally and externally through its counter-terrorism policy. This research can therefore be considered a contribution to the evolution of the debate on the multiple ways in which the identity of the EU is constituted.

The analysis conducted here builds on the constructivist approach outlined above by promoting how meaning is to be studied; in particular, it takes as a given that 'meaning can be studied by studying language in the form of discourse' (Larsen 2002: 287). As such, the research conducted in this article focuses primarily on a discourse analysis of EU counter-terrorism policy, as articulated through a number of EU policy documents and speeches by EU politicians. Discourses are understood here as 'performative, meaning-making attempts to make sense of the world through words and language' (Broad and Daddow, 2010: p. 208). Discourses are thought to consist of a limited range of statements or meanings that convey an accepted knowledge about a particular subject; therefore, discourses work to limit or constrain what it is possible to say about a subject. This understanding of discourse, which underpins the analysis conducted in this article, rests upon an assumption that discourse should be conceived as a form of social practice. As Ruth Wodak (1996, p. 15) explains, this 'implies a dialectical relationship between a particular discursive event and the situation, institution and social structure that frame it: the discursive event is shaped by them, but it also shapes them'. Therefore, the focus in a discourse approach is the creation of meaning through language, and in particular how discourses constitute identities and social beliefs (Foucault, 1989).

It is argued here that a discursive analysis of counter-terrorism policy is important because counter-terrorism policies, like foreign policies, are thought to 'articulate and intertwine material factors and ideas to such an extent that the two cannot be separated from one another' (Hansen, 2006: p. 1). In this take on the relationship between the ideational and the material, the role of language plays a performative function. In this context, the language adopted by the EU plays a performative role in generating consensus around counter-terrorism policy positions and legitimising counter-terrorism policy actions. Significantly, discourse analysis seeks to reveal as much about the context of social action as it does the texts that are chosen for analysis. The balance in discourse between the structuring effect of context and the agency of language users arises for two reasons. First, 'because discourses constitute 'a space of objects' by rendering real things meaningful in particular ways' (Broad and Daddow, 2010: p. 208). Second, discourses are thought to be performative or constitutive in the sense that they create and reflect identities. As Stuart Croft (2005: p. 1) explains, 'they construct those who are our allies and those who are our enemies. When not in flux, they settle who 'we' are, and who 'they' are; what 'we' stand for, and what 'they' mean to 'us'. They construct the space for 'our' legitimate activity, and the space for the behaviour we will (and will not) tolerate from 'them''. Discourses constitute the identities of social actors 'by carving out particular *subject-positions*, that is, sites from which the social actors can speak as the I/we of a discourse' (Epstein, 2008: p. 6, emphasis in original). As such, this analysis assumes that the identity of the EU is linked to conceptualisations of its role as an actor in

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different policy contexts; and that the identity of the EU is something that is constituted through discourse.

From this perspective then identity is not viewed as something that is given; it is not an essentialised object that exists independently of the numerous processes through which it is constituted. Likewise, when referring to the 'identity of the EU', it should be understood as a nascent form of identity that is neither static nor tangible.[4] Instead, it is an emerging and always evolving form of identity that is in constant flux, (re)produced through and productive of numerous EU policies. For the purpose of this analysis, the EU is viewed as a particular type of actor; one that can be defined 'as a unique and complex construction which does not take the place of, but is an inseparable counterpart to, the member states' (Larsen, 2002: 289). EU identity is constituted partly through its perception of the type of actor it aspires to be and partly through that which it differentiates itself from, which it is argued can be interpreted through an analysis of the various policy documents and speeches that the EU produces. As such, the term 'EU counter-terrorism discourse' is used to refer to the written and spoken texts that were selected for analysis, which are broadly accepted as the collective view of the organisation. The EU is treated as a unitary actor, in terms of its role as a site of discursive authority, which provides a common institutional language and framework for action in the sphere of counter-terrorism policy; whilst also acknowledging that 'in other respects, the EU is simultaneously a highly variegated and heterogeneous set of processes and actors' (Jackson, 2007: 236). This conceptualisation of EU actorness provides the background for the analysis conducted below, highlighting the relationship between the identity of the EU and the type of counter-terrorism actor the EU constructs itself as being. Importantly, the EU is viewed as a place where a multitude of discourses meet, are (re)produced and are refracted back into social and political life.

In the empirical section below the 'spaces' that this analysis is particularly interested in identifying are the constructions of an 'EU identity' in opposition to a notional terrorist 'other', which can be detected within the dominant discourse of the 'fight against terrorism'.[5] This includes the techniques used to promote the distinctions between the in-group and the out-group that are evident in the policy documents and speeches studied. Furthermore, given the need to consider the context within which knowledge about terrorism is (re)produced, there is a focus on the outcome of the negotiation of meaning between more general discourses on terrorism and the EU's 'fight against terrorism' discourse, which helps to shape a particular interpretation of the terrorist actor (who they are and the threat they represent), as expressed through the EU documents and speeches that were studied.

Empirical Application: Analysing the EU Counter-Terrorism Discourse

Since the events of September 11 2001, there have been numerous studies involving the emergence and historical or legal evolution of EU counter-terrorism policy (Argomaniz, 2011; Coolsaet, 2010; Den Boer and Monar, 2002; Den Boer, 2003; Monar, 2007; Wouters and Naert, 2004; Wilkinson, 2005). Historical and legal analyses of EU counter-terrorism policy do several important things. They identify the main developments in EU counter-terrorism policy; provide the context within which policy action was taken; and highlight areas of success and areas of failure, offering recommendations for further action in the policy sphere. There is also a growing literature which focuses on the implementation and governance of policy in the field of EU counter-terrorism policy. This includes research which: calls into question the effectiveness of EU counter-terrorism policy (Bures, 2006; 2011); focuses on transatlantic cooperation between the EU and the US in the field of counter-terrorism policy (Rees, 2006a); highlights the various aspects of the EU's counter-

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terrorism response (Spence, 2007); contextualises EU counter-terrorism policy in relation to broader developments in the spheres of EU internal and external security policy (Kaunert and Léonard, 2012); and investigates the development of informal counter-terrorism arrangements in Europe (Bures, 2012). These analyses also offer something distinctive to our understanding of EU counter-terrorism policy. In particular, they draw out the problems that have occurred in terms of the implementation of many of the measures agreed upon in the field of EU counter-terrorism policy, demonstrating the difficulty that the EU has had in terms of ratifying and implementing controversial measures from the top down.

However, what these approaches do not do is to investigate or analyse the language of EU counter-terrorism policy in any great detail, beyond a consideration of EU 'threat perception' (Rees, 2006; Monar, 2007). The empirical analysis below focuses on the construction of the 'fight against terrorism' discourse from its re-emergence in the aftermath of the September 11 attacks, in 2001, through until May 2012.[6] This is done for two reasons. First, relatively few studies have analysed EU counter-terrorism policy through a discourse approach (Tsoukala, 2004; Jackson, 2007). Second, this discursive approach is intended to complement the other approaches outlined above by investigating or illuminating the connection between the ideational and the material, shedding light on the important role that language has to play in our understanding of the formulation of EU counter-terrorism policy. For these reasons, this analysis employs discourse analysis in order to draw out the main strands of the 'fight against terrorism' discourse, which it is argued help to construct the terrorist 'other'. In a similar vein to research on EU foreign policy, which has analysed the role of various 'others' in relation to the constitution of the EU's external identity, this research focuses on the role of the terrorist 'other' in relation to the constitution of EU identity, more generally. The empirical analysis is based on a discourse analysis of over 50 European Council documents that deal with counter-terrorism policy specifically, and internal and external security policy more generally, as well as the policy evaluations and speeches of the EU Counter-Terrorism Co-ordinator (EU CTC).[7] Material from other EU institutions and other EU policy-makers is drawn upon, but not in a systematic manner. Given the large sample of texts selected for analysis, this article draws examples, which it is argued are illustrative of the main themes central to the constitution of the terrorist 'other', from a smaller but still representative number of EU texts.

The focus of the analysis is the common language of the 'fight against terrorism' as employed in the context of the European Council. The relevant texts were selected on the basis of two criteria: first, they are documents which represent the agreement of the Council; second, they contain a substantial focus on the issue of terrorism or make specific reference to the 'fight against terrorism'. Documents from other EU institutions, such as the European Commission and European Parliament, are also used to challenge or support the arguments being made during the actual analysis of the selected documents. The European Council was selected for analysis in this context because it represents the primary institution through which EU counter-terrorism policy is formulated. Furthermore, another important reason for focusing on the Council is that 'because all the actors in the EU have to agree on formulations in Council documents, agreement cannot be expected to be easy' (Larsen 2002 288). As such, if a dominant discourse on terrorism can be identified here, this is a reflection of a degree of common understanding as to what terrorism is or who the terrorists are. The discourse of the EU CTC is also assumed to represent the language of the Council context in that the role of the EU CTC is to 'coordinate the work of the Council in combating terrorism and, with due regard to the responsibilities of the Commission, maintain an overview of all the instruments at the Union's disposal with a view to regular reporting to the Council and effective follow-up of Council decisions' (European Council, 2004: p. 13).

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In the following empirical section, three strands of the 'fight against terrorism' meta-narrative are identified, all of which it is argued are central to the constitution of the terrorist 'other'. However, it is important to note that the EU counter-terrorism discourse is extremely large and has not operated in isolation. For example, although 'the 'fight against terrorism' is different from the 'war on terror', in many ways it remains intimately linked to and draws heavily on (or reproduces) a number of different narratives that are central to the constitution of the 'war on terror' (Jackson, 2007). Furthermore, there are overlaps with the policy guidelines put forward by the North Atlantic Treaty Organisation on counter-terrorism (NATO, 2012), as well as with other international organisations, such as the United Nations (UN), which has put forward its own counter-terrorism strategy (UN, 2006). Although investigating these links could provide an interesting avenue for future research, the focus of this analysis remains on the EU counter-terrorism discourse per se, and in effect aims to draw attention to one part of a larger, policy-orientated debate about counter-terrorism policy.

In relation to the 'fight against terrorism' itself, there are a multitude of narratives that are (re)produced through and central to the constitution of the discourse. To name but a few, other narratives running throughout the EU counter-terrorism discourse include: the ways in which migration has been securitised through the discursive linking of terrorism and immigration policy (Baker-Beall, 2009); the idea that the 'openness' of EU society makes it particularly susceptible to the terrorist threat; the belief that terrorism is considered to have both an 'internal' security and 'external security dimension; and the contention that terrorism is best prevented through tackling the 'root causes' that lead certain individuals to engage in acts of terrorism. To analyse all of these different narratives would be an impossible task, therefore the analysis conducted here focuses on the three strands that it is argued are central to the constitution of the terrorist 'other'. It should also be noted that there exists a certain degree of intra-institutional conflict within the EU in relation to the counter-terrorism discourse. Although there is a degree of overlap between the European Council and the European Commission, the dominance of certain narratives central to the 'fight against terrorism' meta-narrative have been challenged by other institutions, such as the European Parliament. For example, Anastasia Tsoukala (2004) has demonstrated how the European Parliament has favoured the support of a counter-terrorism narrative that promotes 'human rights', over what she calls a more 'illiberal' approach favoured by the European Council and European Commission. For ease of analysis, the article focuses on the three themes which have remained most consistent across the period analysed.

The Discursive Construction of the Terrorist 'Other': Three Interlinked Themes

As was explained earlier, this next section shall focus on the ways in which the three strands of the 'fight against terrorism' discourse, which are central to the constitution of a terrorist 'other', are constructed. These include: terrorism as crime and as an emotive act of violence; terrorism as an act perpetrated solely by non-state actors; and terrorism as a 'new' and 'evolving' threat.

Terrorism as crime and as an emotive act of violence

One of the central aspects of the EU counter-terrorism response has been that acts of terrorism have been perceived, in both a legal and a political sense, as primarily criminal acts. This perception has remained consistent throughout the evolution of the 'fight against terrorism' discourse and is borne out by the analysis of the texts carried out for the purpose of this article. The relationship between terrorism and criminality is reinforced in two ways:

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first, by direct statements in policy documents and in speeches that terrorism is or should be considered a criminal act; and second, by the discursive meshing of 'terrorism' and 'organised crime' as similar activities requiring similar responses. In respect of both these techniques by which the relationship between terrorism and crime is constituted, there are numerous examples that can be drawn from the policy documents and speeches.[8]

In relation to the former technique, in the immediate aftermath of the attacks on New York in September 2001, the Justice and Home Affairs Council met to discuss certain measures to be taken in order to 'step up the fight against terrorism' within the EU. One set of proposals related to increasing judicial co-operation and the need for 'approximation of Member States' criminal laws with a view to establishing a common definition of a terrorist act and laying down common criminal sanctions' (Council, 2001a: 1). The social construction of terrorism as a criminal act was reinforced by the legal institutionalisation of this narrative in the EU *Framework Decision on Combating Terrorism*, (Council, 2002).[9] For example, paragraph 5 of the framework decision identified efforts taken by the EU to 'deal with crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property'. The decision also identified a list of intentional acts that would be 'defined as offences under national law' thereby criminalising those offences as acts of terrorism.[10] In the introduction to *The EU Counter-Terrorism Strategy*, (European Council, 2005a) there is a clear inference that terrorism should be considered synonymous with criminal activity, with the document stating that 'terrorism is criminal and unjustifiable under any circumstances'. This line of reasoning is supported by Gilles de Kerchove (4-5 September, 2008) the EU CTC who, in a speech outlining the principles of the EU's counter-terrorism strategy to the United Nations (UN), argued that members should 'consider terrorism a crime - an odious crime - which should be prevented, prosecuted and punished according to the ordinary rules and procedures of criminal law'.

In terms of the latter technique, throughout the evolution of the 'fight against terrorism' meta-narrative there has been a consistent meshing of the threat posed by 'terrorism' with the threat posed by 'organised crime'. In the initial aftermath of the September 11 attacks the threats posed by 'terrorism' and 'organised crime' were considered to be distinct enough to warrant their own policy approaches. The *European Security Strategy* (European Council, 2003) identified 'terrorism' and 'organised crime' as two of five 'key threats' that the EU would face in the 'coming decades', stating with reference to 'organised crime' that in certain ways 'it can have links with terrorism'. Since 2004, and in the wake of the terrorist attacks in Madrid, this meshing of the two threats has become more apparent and the threats are now considered to be synonymous with one another. The EU's second internal security programme, *The Hague Programme*, reinforced this meshing of the two threats by making numerous references to the need for a cross-border approach to deal with 'terrorism and organised crime' or the 'fight against serious cross-border (organised) crime and terrorism' (Council, 2004).[11] This line of argument is supported by the *Report on the Implementation of the European Security Strategy* (European Council, 2008), which identified 'Terrorism and Organised Crime' as one of four 'Global Challenges and Key Threats' to the security of the EU. Indeed, the most recent EU CTC *Counter-Terrorism Strategy - Discussion paper* spoke of a need to develop policies directed at the 'nexus between terrorism and organised crime' (Council, 2012).

Richard Jackson (2007: 238) has argued that this focus on terrorism as crime is reflective of a 'deeply embedded understanding of terrorism as crime and therefore requiring a response based on criminal justice', and is in part explained by earlier European institutional arrangements (before September 11, 2001) that dealt with terrorism as a form of criminal activity. As such, the historical experiences of European governments in responding to the threat of terrorism during the 1970-80s and the creation of the Trevi framework have

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played a central role in the framing of terrorism as crime.[12] However, what distinguishes the EU discourse on terrorism is that it goes beyond this focus on terrorism as crime to include a condemnatory moral narrative, which is central to the construction of a 'European' sense of self, constituted in opposition to the threat of a terrorist 'other'. From this perspective terrorism is more than just crime; it is an emotive and unjustifiable violent act. Throughout the policy documents and speeches analysed terrorism has been described as 'deadly', 'an assault', 'a challenge to the conscience of each human being', 'barbaric', 'new', and representative of 'a growing strategic threat'. The terrorists themselves have been portrayed as a 'scourge' on society, as well as 'murderous', 'dangerous', 'lethal', 'ruthless' and 'violent'. In contrast, the EU and its allies are described in positive terms that are in direct binary opposition to the terrorist 'other'. For example, the *Conclusions and Plan of Action of the Extraordinary European Council Meeting* described the events of September 11, 2001, as an attack on 'our open, democratic, tolerant and multicultural societies' (European Council, 2001). The document assumed a need for the creation of a 'global coalition against terrorism', which would consist of any country ready to 'defend our common values'. Similarly, the *European Security Strategy* described Europe today as a place that 'has never been so prosperous, so secure nor so free' (European Council, 2003). Throughout the evolution of the 'fight against terrorism' meta-narrative, terrorism had been presented as a dialectical threat to these values, which are constitutive of the EU's sense of self.

The following extract from the amended *EU Framework Decision on Combating Terrorism*, demonstrates clearly how the 'fight against terrorism' meta-narrative functions to construct an EU self in opposition to a terrorist 'other'. The document states that:

> 'Terrorism constitutes one of the most serious violations of the universal values of human dignity, liberty, equality and solidarity, respect for human rights and fundamental freedoms on which the European Union is founded' (Council, 2007: 8).

EU identity is constituted through the expression of these values, which include 'liberty', 'equality' and 'respect for human rights'; whilst the acts of terrorism engaged in by the terrorist 'other' are constructed in direct opposition as a 'violation' of those values. Similarly, the constitution of EU identity is reinforced by the next element of the 'fight against terrorism' meta-narrative that was identified as a central theme.

Terrorism as an act perpetrated solely by non-state actors

What is quite clear from this analysis of the numerous European Council policy documents and speeches of the EU CTC is that in the 'fight against terrorism' it is the EU and its allies that have defined the terms of the debate surrounding terrorism. Given the intergovernmental nature of EU counter-terrorism cooperation, and the state-centric nature of policy initiated by the Council, it is unsurprising to find that within the 'fight against terrorism' meta-narrative: acts of terrorism are constructed solely as acts perpetrated by non-state actors. It is argued that this aspect of the counter-terrorism discourse constructs the terrorist 'other' as primarily a non-state group or individual through two techniques. First, there is continued and consistent reference to sub-state terrorist actors as the main terrorist threat to the EU; and second, by denying space within the discourse to include or define acts of state terrorism. It should be noted that although the EU places some emphasis on combating state-sponsored terrorism, this form of terrorism is only defined with reference to the threat posed by those state-sponsors who support acts of terrorism directed against the EU and its allies. Importantly, it is argued that this element of the 'fight against terrorism' demonstrates clearly

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how EU identity is constituted through the counter-terrorism discourse, with particular reference to the construction of an external dimension of the terrorist threat.

In relation to the first technique identified, there are a multitude of instances that can be identified within the policy documents analysed. From the initial move in September 2001 to formulate an EU counter-terrorism response, the dominant discourse contains numerous references to the need for a state-based response to terrorist 'groups' or 'individuals'. The *Conclusions adopted by the Council* (Council, 2001a), referred to the importance of national state intelligence agencies in relation to the 'fight against terrorism', particularly with regard to 'disclosing possible terrorist threats and intentions of terrorists and terrorist groups at an early stage'. The document referred to the development of 'national anti-terrorist arrangements', identifying lists of 'terrorist organisations' as well as working with the United States to assess 'the terrorist threat' and 'in particular the identification of terrorist organisations'.

The *European Security Strategy* (European Council, 2003) played an important role in reifying this element of the 'fight against terrorism' meta-narrative. The document stated that as a result of the geopolitical environment that Europe faces in the post-Cold War era, whereby 'open borders' are increasingly more common and globalisation is occurring apace, 'these developments have also increased the scope for non-state groups to play a part in international affairs'. The document emphasised the notion that the 'most recent wave of terrorism' was characterised by 'terrorist movements' that have been 'well-resourced' and are 'connected by electronic networks'; it also focused specifically on a particular terrorist group, Al-Qaeda, noting that 'logistical bases for Al Qaeda have been uncovered in the UK, Italy, Germany, Spain and Belgium'. This perception led the EU to argue that 'concerted European action is indispensable' if the threat posed by such sub-state actors is to be tackled effectively. The document also contended that if sub-state terrorist groups were able to ascertain weapons of mass destruction (WMD) then 'in this event, a small group would be able to inflict damage on a scale previously possible only for States and armies'. This type of language remains consistent throughout the evolution of the 'fight against terrorism' discourse. For example, the introduction to *The EU Counter-Terrorism Strategy* (Council, 2005a) stated clearly that 'terrorism is a threat to all States and to all peoples'. Indeed, a recent discussion paper released by the EU CTC (Council, 2011), which focused on 'understanding the threat' posed by terrorism, argued that 'the emergence of self-starting "lone wolves" (or small groups) that have no organisational connections, but work entirely from material they find for themselves on the internet' now represent a 'new' dimension in the 'fight against terrorism'.

In relation to the second technique, where state terrorism is discussed within the policy discourse it is only ever to refer to instances of state-sponsored terrorism that may potentially be directed against the EU and its allies. This externalisation of the terrorist threat was most prominent during the earliest phase of the formulation of EU counter-terrorism policy, in the immediate aftermath of the September 11 attacks. For example, the *Conclusions and Plan of Action of the Extraordinary European Council Meeting* (European Council, 2001), emphasised the need to punish 'the perpetrators, sponsors and accomplices' of the September 11 terrorist attacks by taking action that 'must be targeted and may also be directed against States abetting, supporting or harbouring terrorists'. There was also reference to a re-evaluation of EU relations 'with third countries in the light of the support which those countries might give to terrorism'; as well as the need to develop 'an in-depth political dialogue with those countries and regions of the world in which terrorism comes into being'. However, this framing of the terrorist threat as a predominantly external threat, which occurred immediately after the terrorist attacks in September 2001, was to undergo an important discursive evolution. From 2003, with the release of the *European Security*

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Strategy, the policy discourse began to focus on the internal and external dimensions of the terrorist threat. Whilst direct threats of action or intervention against states 'abetting, supporting or harbouring terrorists' no longer appeared within the 'fight against terrorism' discourse, the external dimension of the counter-terrorism narrative continued to emphasise that there remains a potential threat of terrorism emanating from third countries.[13] For example, *The EU Counter-Terrorism Strategy* (Council, 2005) argued that because 'the current international terrorist threat affects and has roots in many parts of the world beyond the EU, co-operation with and the provision of assistance to priority third countries - including in North Africa, the Middle East and South East Asia - will be vital'. More recently a European Commission (2010) document, *The EU Counter-Terrorism Policy: main achievements and future challenges*, identified a number of regions that would require 'reinforced cooperation' between the EU and its counter-terrorism allies (such as the US). The document named a number of countries 'as common priorities in combating terrorist threats', including 'Afghanistan, Pakistan, Iraq, Yemen, Somalia [and] the Sahel region'.

Interestingly, the externalisation of the terrorist threat through this aspect of the EU counter-terrorism discourse serves an important function. It helps to construct the EU as a particular type of actor that is promoting certain values through the application of its counter-terrorism policy. Accompanying this element of the 'fight against terrorism' discourse is a narrative that emphasises the need for counter-terrorism policies (both internal and external) which promote human rights and have been developed in accordance with international law. This has remained consistent throughout the evolution of the 'fight against terrorism' discourse, from the release of the *Conclusions and Plan of Action of the Extraordinary European Council Meeting* (European Council, 2001) that spoke of a counter-terrorism response 'reconciled with respect for the fundamental freedoms which form the basis of our civilisation', through to the most recent *EU Counter-Terrorism Strategy – Discussion paper* (Council, 2012), which contains an entire section on 'Counter-Terrorism and Human Rights'. For example, the document stated that 'it is in the EU's interest that our own and third countries' counter-terrorism efforts comply with human rights and the rule of law', not only because discriminatory counter-terrorism policies can serve as a recruitment tool for potential terrorists but also because these 'values' promote 'law-enforcement cooperation' (Council, 2012: 10). From the perspective of the EU then, it understands itself to be 'acting' through the promotion of these 'values' in its counter-terrorism relationship with third countries.

Terrorism as a 'new' and 'evolving' threat

The most ubiquitous feature of the EU's 'fight against terrorism' discourse, and reflecting the ways in which elements of the 'war on terror' meta-narrative have permeated the 'fight against terrorism', is the idea that terrorism in the present context is 'new' and somehow different from the 'old' forms of terrorism that occurred in the past. It is argued that this aspect of the counter-terrorism discourse constructs the terrorist 'other' as a 'new' type of threat through a number of techniques. Whilst the EU recognises that terrorism is 'not a new phenomenon in Europe' (de Vries, 2004a: 7), these techniques involve direct references to the present terrorist threat as a 'new' type of threat, linked to WMD, as an 'evolving' threat, a threat which is religious in nature and one that is linked to processes of 'radicalisation', numerous instances of which can be identified in the texts analysed.

In the documents and speeches analysed, in the initial period after September 11 the EU did not refer to the threat of terrorism as 'new'. It was not until the release of the *European Security Strategy* (European Council, 2003) in 2003, when it became clear that the EU response to terrorism would be framed by the perception that the type of terrorism the EU would have to contend with was somehow 'new' and different to the terrorism of the past.

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The document stated that whilst traditional forms of military conflict, defined as 'large-scale aggression' against any of the member states, was seen as 'improbable', it was argued that 'Europe faces new threats which are more diverse, less visible and less predictable' (European Council, 2003: 3). As noted earlier, terrorism was considered to be the most prevalent of these threats, alongside organised crime and WMD. Indeed, the document described all the features that have been perceived to make the present terrorist threat 'new' and more 'dangerous', stating that 'increasingly, terrorist movements are well resourced, connected by electronic networks, and are willing to use unlimited violence to cause massive casualties'. They are thought to be 'global in scope', pose 'a growing strategic threat' and have links to 'violent religious extremism'. This type of 'new' terrorism is considered to be 'dynamic'; with the discourse functioning to promote concerted European action through the claim that 'left alone, terrorist networks will become ever more dangerous'. The document also linked this 'new' form of terrorism to the threat posed by WMD. It stated that 'we are now, however, entering a new and dangerous period' in which a proliferation of these weapons may occur, and furthermore 'the most frightening scenario is one in which terrorist groups acquire weapons of mass destruction' (European Council, 2003: 4). In a speech to the US House of Representatives, the then EU CTC actually used the phrase 'the rise of the new terrorism' (de Vries, 2004b), to convey the perceived gravity of the threat.

However, the way in which the idea of a 'new' type of terrorism is represented has evolved alongside the evolution of the 'fight against terrorism' discourse. This has occurred in a number of different ways. First, the idea that terrorism is 'new' has been connected to the perception that the main terrorist threat to Western states comes from religiously inspired groups such as Al-Qaida, who unlike the politically motivated groups of the past, are concerned primarily with killing as many people as possible. Indeed, the EU counter-terrorism discourse has constructed this type of terrorism as the main threat to the EU, arguing in *The EU Strategy for Combating Radicalisation and Recruitment to Terrorism* that although 'Europe has experienced different types of terrorism in its history... the terrorism perpetrated by Al-Qaida and extremists inspired by Al-Qaida has become the main terrorist threat to the Union' (Council, 2005b: 2). Accompanying this construction of a religious dimension to the terrorist threat has been an ever-present assumption that the prevention of terrorism can be achieved through tackling the processes that lead to 'radicalisation and recruitment' into terrorism. First introduced as a policy priority in the *Declaration on Combating Terrorism* and *The Hague Programme* (European Council, 2004; Council, 2004), combating 'radicalisation and recruitment' into terrorism has become the central most preventative dimension of EU counter-terrorism policy. Underpinning this aspect of the discourse is an assumption that this 'new' type of terrorism is predominantly a Muslim or Islamic problem that requires the engagement of 'Muslim organisations and 'faith groups that reject the distorted version of Islam put forward by Al-Qaida and others' (Council, 2005b: 4), in order to defeat terrorism.

Second, there is the explicit linking of terrorism to the threat posed by WMD, which is aligned with the idea that the 'new' (religious-inspired) terrorists are seeking to cause 'massive casualties'. The *EU Strategy against Proliferation of Weapons of Mass Destruction* (Council, 2003) is particularly revealing in the sense that it demonstrates quite clearly the way WMD and terrorism are discursively linked. The document argued that there is a very real 'risk that terrorists will acquire chemical, biological, radiological or fissile materials' adding 'a new critical dimension to this threat', and furthermore 'the possibility of WMD being used by terrorists' on EU territory 'present[s] a direct and growing threat to our societies' (Council, 2003: 1-4). Across the period analysed, the discourse is replete with references to the potential threat posed by terrorists in possession of WMD. For example, in 2009, the EU released the *EU CBRN Action Plan* (Council, 2009), the aim of which was to

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strengthen chemical, biological, radiological and nuclear (CBRN) security in the EU. The document set out an approach designed with the purpose of reducing 'the threat of and damage from CBRN incidents of accidental, natural or intentional origin, including acts of terrorism', with particular 'priority' given 'to the terrorist threat' (Council, 2009: 2-5). This discursive meshing of the threat of terrorism with proliferation of WMD has become a central element of the EU's counter-terrorism discourse.

Third, from 2005 onwards, there have been less direct references to the threat of terrorism as 'new', and instead more references to terrorism as something that is 'continually evolving'. The first EU CTC report to the European Council, from 2005, captures the essence of this narrative quite succinctly, demonstrating the way in which it is interlinked with other elements of the discourse, by stating:

> 'The nature of the terrorist threat facing Europe is evolving. In addition to the threat from outside, Europe is confronted with informal loose networks of extremists operating within its borders. Other challenges include the way terrorists use the Internet, and the efforts by some to obtain and employ non-conventional weapons' (Council, 2005c: 3).

There are numerous examples of this emphasis on terrorism as an 'evolving threat', which constitutes terrorism as a 'new' threat. The *Report on the Implementation of the European Security Strategy* (European Council, 2008) stated that 'terrorism and organised crime have evolved with new menace'; whilst *The Stockholm Programme* (Council, 2009: 50) argued that 'the threat from terrorists remains significant and is constantly evolving in response to both the international community's attempts at combating it and new opportunities that present themselves'. The most recent EU CTC discussion paper continued to reinforce this line of thinking, noting that 'recent events have shown that the terrorist threat continues to evolve rapidly' (Council, 2012).

Analysis of the functioning of the 'fight against terrorism' discourse

The previous section dealt with how the various interlinked elements of the 'fight against terrorism' discourse construct the terrorist 'other'. This section deals with the ways in which these elements of the discourse relate to the practice of counter-terrorism policy. It does this in two ways: first, by offering some observations on how the discourse functions; second, by highlighting the contested nature of some of these elements of the EU counter-terrorism discourse.

Functioning of the discourse

As Jackson (2007: 241) explains the purpose of an analysis of the language of counter-terrorism policy is that it 'draws our attention to the importance of discourse and ideational factors in the policy process'. This focus on ideational factors allows an observation to be made that one of the primary functions of the EU 'fight against terrorism' discourse, alongside other institutional, cultural and political factors, is to create the potential for certain types of counter-terrorism policy responses. What is distinctive about a discursive analysis of counter-terrorism policy is that it can reveal the ways in which the identity of the EU also plays a constitutive role in the formulation of EU counter-terrorism policy.

The first function of the discourse is related to this deeply embedded perception of terrorism as a form of crime, which serves to structure the EU approach to terrorism in terms of a criminal justice-based response. Analysing the 'fight against terrorism' discourse reveals that the EU approach to counter-terrorism reflects an EU self-perception of the type of actor

it aspires to be: as a 'civilian power'. There is an extensive literature debating the concept of 'civilian power' as applied to the EU (Duchêne, 1972; Hill, 1990; Manners, 2002; Orbie, 2006). Generally speaking, the idea of 'civilian power' has been used to conceptualise the means and ends of EU foreign policy objectives, with the EU said to prioritise 'civilian' policy instruments over military means in order to achieve its goals. In particular, it has been used to describe the external (international) identity of the EU. Although the EU counter-terrorism discourse focuses primarily on the internal dimension of the security threat, the discourse still contains numerous instances in which it reveals an approach based on and constitutive of 'civilian power'. This primarily 'civilian'-based approach to counter-terrorism was expressed in a recent report by the European Parliament, which stated that the threat of terrorism:

> 'requires a globally coordinated response which fully respects human rights and fundamental freedoms; [and emphasising] that counter-terrorism requires a comprehensive approach based on intelligence, police, judiciary, political and – in some limited cases – military means' (European Parliament, 2011: 16).

The expression of an approach developed in accordance with 'human rights' and 'fundamental freedoms', with a particular focus on police and judiciary means, is particularly revealing in this sense.

Likewise, this focus on terrorism as crime plays an important role in the functioning of the EU counter-terrorism response which differentiates it from that of the US 'war on terror'. As Larsen (2002: 298) explains 'the basic difference between the EU and the US on this issue has been the EU's tendency to frame the problem of terrorism as an economic, political and social problem', whereas the US has 'focused on terrorism as a military threat that could and should be addressed by military means'. By framing terrorism as a criminal act the EU has ensured that terrorism will be dealt with through the criminal-justice system, and thereby avoiding the worst excesses of the war-based narrative of the US. This war-based narrative has given rise to numerous practices that include the illegitimate invasion of other countries, torture, extraordinary rendition and extrajudicial or 'targeted' killings (Jackson, 2005; 2007). The criminal justice-based approach is representative of a response centred on the ideals that are assumed to be constitutive of EU identity and is a reflection of the EU's own self-perception as a 'civilian power'.

The second function of the 'fight against terrorism' discourse is that it provides a dominant discursive framework through which the problem of terrorism is interpreted. From this perspective it can be observed that the dominant discourse, the 'fight against terrorism', constructs the threat of terrorism in a particular way. The terrorist 'other' is simultaneously: a 'criminal' with links to 'organised crime'; a non-state actor (a member of a group or an individual); and a 'new' and 'evolving' type of threat, which is predominantly religious in nature. Flowing from this is a perception that the 'new' type of terrorist is committed to inflicting 'massive casualties' on European societies, through the acquisition and application of WMD or CBRN agents. As was highlighted earlier, all of these narratives are not new but reflect an 'accepted knowledge' about terrorism (Jackson, 2007), which have also underpinned the 'war on terror' discourse, and have been reproduced through the 'fight against terrorism' meta-narrative. As such, it can be argued that the construction of terrorism as an all encompassing and multi-faceted threat has played a key role in the justification for, and legitimisation of, a whole range of EU security measures that cut across the various dimensions of internal and external security policy. Indeed, the emphasis on terrorism as a 'new' and potentially serious threat has: helped to speed up the development of new agencies such as Eurojust (coordinated judicial cooperation), led to an expansion of responsibilities (in

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matters of counter-terrorism) for existing agencies such as Europol; enhanced bilateral cooperation with the US, including the Passenger Names Record (PNR) agreement; influenced the strengthening of external border checks; and played a key role in the adoption of measures such as the European Arrest Warrant (EAW), to name but a few of the policy provisions adopted since September 11, 2001 (Spence, 2007: see 12-14).

Indeed, this focus on terrorism as a 'new' threat (in the present context) can be argued to be the key unifying element which ties all of the narratives, that make up the 'fight against terrorism', together. As Martha Crenshaw explains, one of the reasons why politicians and policy-makers have been so receptive to the idea of 'new' terrorism is that it provides support for (and helps to legitimise) major policy change: 'it is a way of defining the threat so as to mobilise both public and elite support for costly responses with long-term and uncertain pay-offs' (Crenshaw, 2008: 89). However, in the context of EU policy-making, the threat of terrorism has provided the basis not just for policy change but for pushing through a whole range of broader internal security policies. The belief that the EU was confronted with a 'new' type of terrorist threat coupled with the 'the window of opportunity [that presented itself] after 9/11 (and [the] subsequent attacks in Madrid and London)' provided the political will 'to accelerate and eventually pass stalled legislation in JHA' (Edwards and Meyer, 2008:10). For example, in the immediate aftermath of the attacks in New York in 2001, the EU released an *Anti-Terrorism Roadmap* (Council, 2001b). Raphael Bossong (2008) has argued that many of the measures contained in this plan were already on the table before September 11, noting that of the 11 legislative measures on the roadmap only the investigation of immigration and asylum policy in respect of terrorist threats was a new item. Similarly, whilst the previous two EU internal security programmes, *The Hague Programme* (2004) and *The Stockholm Programme* (2009), have contained a heavy focus on the threat of terrorism, the first internal security programme *The Tampere Programme* (1999) contained only one passing reference to terrorism. This supports the assertion that one of the most important functions of the 'fight against terrorism' discourse is the legitimising role it plays in promoting the adoption of more general EU security policies.

Contested nature of the discourse

Another benefit of a discourse approach is that it helps to reveal how certain types of knowledge become accepted as 'common-sense', with the EU counter-terrorism discourse reflecting and reproducing a number of pre-existing narratives about terrorism. As such, another function of the discourse is that it strengthens this accepted knowledge about terrorism; knowledge which it is argued is highly contested

For example, the 'new' terrorism thesis reflects a quite substantial academic literature (Hoffman, 1998; Lacqueur, 1999; Lesser, 1999), developed in the period before September 11 2001, which argued that what was being witnessed was in fact a 'new' phase in respect of the terrorist threat. It assumed that with its potential for destruction, its commitment to the acquisition and use of CBRN materials, and its increased lethality, the 'new' terrorism 'renders much previous analysis of terrorism based on established groups obsolete, and complicates the task of intelligence-gathering and counter-terrorism' (Lesser, 1999: 2). As noted above, the 'fight against terrorism' reflects many of the assertions contained within this literature. However, the extent to which the present threat of terrorism can be considered 'new' is highly contested. Martha Crenshaw (2008) has argued that the departure from the past is not quite as pronounced as these accounts make it out to be and that today's terrorism is not a fundamentally or qualitatively 'new' phenomenon; instead, like all other historical instances of terrorism, how terrorism is understood must always be grounded in an evolving historical context.

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Likewise, the narrative that constructs terrorism as crime has been contested on the basis that it serves a particular purpose. It plays a role in delegitimizing the actions of the terrorist 'other', whilst simultaneously obscuring the political dimension to the act itself. Michael Stohl (1988; 2008) has been particularly critical of this element of terrorism knowledge, arguing that it is in fact a 'myth' related to the psychological explanations of terrorism that is subscribed to by virtually all governments. He does not make this point in order to argue that terrorism should not be conceived as crime, instead he makes this point in order to highlight the hypocrisy of governments that have engaged in activities that could conceivably be labelled 'terrorist' (torture, 'targeted killings'), which are then defended by the government in question as acts central to 'national security'.

Similarly, the conflation of terrorism with organised crime, which is a central aspect of the 'fight against terrorism' meta-narrative, can also be challenged. This element of the discourse reflects a quite substantial academic literature in support of a convergence thesis between organised crime and terrorism: what is referred to as the 'crime-terror nexus' (Makarenko, 2004; Picarelli, 2006; Oehme, 2008). This aspect of the narrative is contested in the sense that these 'links' are far from obvious. As Alex P. Schmid (2005) explains, whilst in a small number of instances there has been a limited degree of cooperation between certain terrorist and criminal organisations, it is imprudent to lump these two distinct phenomena together, pointing out that 'there are links... but there are also important motivational and operational differences between terrorist groups and organised crime groups'. John Rollins and Liana Sun Wyler (2009: 13) doubt the existence of any link between either phenomena pointing out that where such evidence exists, it consists of 'limited anecdotal evidence [which] largely serves as the basis for the current understanding of criminal-terrorist connections'. However, the linking of terrorism and organised crime serves an important purpose in that it provides legitimacy for taking counter-measures designed for one area (organised crime/criminality) and applying them in another (terrorism); as such, policies designed to tackle one issue may be introduced on the basis of one set of criteria and justified on the basis of quite another. Wyn Rees (2006b: 9) has noted that this practice might result in a 'significant impact upon civil liberties if new criminal measures are brought into effect on the grounds of fighting terrorism'. In such a situation he contends that it will be 'more difficult to maintain accountability over security policies if a mutually self-sustaining discourse of domestic and international threats becomes deeply entrenched' (Ibid: 9).

A related function of the strand of the discourse that constructs terrorism as crime is that it strengthens the state-centric view of terrorism as an act perpetrated solely by non-state actors. From this perspective, terrorism is the currency of the disaffected individual or group, it is not an act perpetrated by the state. In other words, the construction of the terrorist 'other' as a 'non-state', 'criminal' actor, also functions to obscure the potential for the state to be considered a terrorist actor. This relates back to Stohl's (1988; 2008) point about the hypocrisy of governments that engage in activities, which from a different perspective, might be labelled 'terrorist'. For example, it was noted earlier that the EU counter-terrorism discourse is characterised by silence on the issue of state terrorism involving the allies of the EU, which includes complicity by EU member states in acts of state terrorism.

A report published by Amnesty International (2010) compiled evidence of collusion by a number of European countries, including Germany, Italy, Lithuania, Poland, Romania, Sweden and the UK, in the CIA's unlawful rendition and secret detention programmes, which have led to the enforced disappearance, torture and ill-treatment of a number of people. Nathalie Van Raemdonck (2012) has also highlighted the US 'counter-terrorism' policy of 'targeted killings' in Pakistan and surrounding regions, through the use of unmanned drones, which she has argued have been conducted on a questionable legal basis and have set a controversial precedent for covert warfare that conflicts with the stated counter-terrorism

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priorities of the EU. In her opinion the EU has opted not just for silence, but has opted not to develop a policy on the matter in order to prevent a potentially harmful rift with the US in relation to counter-terrorism cooperation. In a report for the Human Rights Council of the UN General Assembly, special rapporteur Philip Alston was heavily critical of the US policy of 'targeted killings'. He argued that the claim of self-defence against alleged terrorists is a highly controversial practice that rests on a 'disturbing tendency' to permit violations of International Human Rights Law (IHL) on the basis that the cause is 'just'; and furthermore, that these practices are 'tantamount to abandoning IHL' (Alston, 2010: 14).

Beyond a call by the European Parliament, in 2011, that 'the EU and its Member States must fully clarify their role in the CIA programme of renditions and black sites' (European Parliament, 2011: 13), there has been little in the way of official EU criticism of the practice of extraordinary rendition. Indeed, the Director of Amnesty International's European Institutions Office, Nicolas Berger, commented that 'the EU has utterly failed to hold member states accountable for the abuses they've committed' (Berger, 2010). In support of Van Raemdonck's (2011) assertion that the EU has no policy on the US practice of 'targeted killings', there was no mention of 'targeted killings' in any of the documents analysed.

Concluding Remarks

Whereas much of the research in this field has focused on the historical and legal evolution of EU counter-terrorism policy, with a growing literature focusing on the governance and implementation of EU counter-terrorism policy; this analysis has sought to investigate the discursive construction of EU counter-terrorism policy. As such, it has sought to contribute to our understanding of EU counter-terrorism policy by drawing attention to the way in which the meta-narrative of a 'fight against terrorism' is constructed and how it functions discursively. In relation to the construction of the discourse, the article identified three interlinked themes that were shown to be central to the constitution of the 'fight against terrorism' discourse. The three themes that were identified were: terrorism as a criminal act; terrorism as an act perpetrated solely by non-state actors; and terrorism as a 'new' and 'evolving' threat to the EU. It charted the production and evolution of these themes from September 2001 through until May 2012, arguing that they have played a key role in the construction of a particular type of terrorist threat, which has structured the type of policy response the EU has formulated in response to that threat.

In relation to the functioning of the discourse, the article explored the different representations of identity that were prevalent throughout the texts analysed, arguing that this approach provides a way of studying how the EU has constructed itself as a particular type of counter-terrorism actor. Importantly, it highlighted the way in which the identity of the EU is constituted in opposition to a terrorist 'other', which is constructed through the 'fight against terrorism' discourse. The article argued that whilst it is important to consider how problems over implementation of certain EU counter-terrorism measures have meant that the effectiveness of EU counter-terrorism policy can be called into question (Bures, 2006; 2011), this tells us little about how the 'fight against terrorism' functions on a discursive level. Indeed, this analysis contends that what is unique about the 'fight against terrorism', what is most 'effective' about it, is the way in which the threat of the terrorist 'other' has been invoked by EU institutions, politicians and policy-makers, on a consistent basis, in order to legitimise or to justify the expansion of EU internal security policies and the 'Europeanisation of crime control policies' (Den Boer, 2003: 1). For example, this assertion is supported by the fact that whilst the EU's first internal security programme, *The Tampere Programme*, contained only passing reference to terrorism, the following internal security

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programmes, *The Hague Programme* and *The Stockholm Programme*, have both drawn heavily on the 'fight against terrorism' in order to justify continued integration in the field of internal security (as well as the expansion of internal security policies into the external security policies of the EU).

Furthermore, this analysis tells us something important about the way in which the identity of the EU is constituted. Research in this area has focused primarily on the ways in which the international identity of the EU is constituted in relation to various external 'others', including the way in which that identity is then projected through its external (foreign) policies. One point of departure in this analysis is the idea that the constitution of EU identity can be explored through an analysis of the internal 'others' that the EU differentiates itself from, including the ways in which the 'international identity' of the EU is projected through its internal (security) policies. Although the EU perceives the terrorist 'other' as a threat that can emanate from places that are external to the EU, the primary focus of the EU response is on the internal threat posed by the terrorist 'other', which helps in part to explain the predominantly internal security-based response that the EU has developed in order to combat terrorism. The analysis conducted here advocates moving beyond a focus on the 'international identity' of the EU that focuses narrowly on the external projection of that identity.

Instead it is argued that explorations of the identity of the EU should be expanded to include a more general conceptualisation of 'EU identity' that traverses the line between the 'international identity' of the EU and the internal projection of the identity of the EU, as it is constructed through counter-terrorism policy specifically and internal and external security policies more broadly. Therefore, as Ian Manners and Richard Whitman (2003: 4000) explain, when conceptualising the identity of the EU 'it is clear that we need to identify 'others' with which differentiation occurs', yet it should also be noted that there is no methodological prescription that these 'others' need necessarily be external 'others'. Indeed, alongside the terrorist 'other', it is possible to trace the construction of various other internal 'others', such as the migrant 'other' or the Muslim 'other', all of which can be identified within and through an exploration of EU counter-terrorism policy specifically, and EU internal and external security policies more generally. Investigating the role of these internal 'others', such as the terrorist 'other', can provide a fruitful agenda for further research into the constitution of the identity of the EU and its role in the formulation of counter-terrorism policy specifically, and security policies more generally.

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Notes

[1] The phrases 'fight against terrorism' meta-narrative, counter-terrorism discourse and counter-terrorism narrative will be used interchangeably in reference to the EU's counter-terrorism response: the 'fight against terrorism'.
[2] It is multi-faceted in the sense that the EU's counter-terrorism approach has framed terrorism in various different ways, as an economic, political and social problem.
[3] For example, Bretherton and Vogler's (1999) conceptualisation of actorness presupposes presence. However, according to Larsen (2002: 299) 'presence (the material basis) provides a potential basis for, and a stimulus to, the development of actorness, but does not predetermine it'. This understanding

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of actorness is more fluid in the sense that the identity of the 'I/we' is thought to be discursively constructed.

[4] When conducting research on the EU, including the idea of 'EU identity', it should be acknowledged that it represents a 'moving target'. E.g. we must be aware and take account of change as the object of study develops.

[5] According to Larsen (2002: 288) in this context a dominant discourse can refer 'to a discourse which predominantly determine the use of language and hence promotes certain meanings in the EU documents analysed'.

[6] The first instance whereby the EU (then the EC) refers to a 'fight against terrorism' in an official policy document can be found in the 'London European Council', which provided the conclusions of the European Council meeting in London between 5-6 December 1986. (Bulletin of the EC, 1986).

[7] The office of EU Counter-Terrorism Co-ordinator (EU CTC) was created in the aftermath of the terror attacks in Spain, in March 2004. There have at present been two EU CTC's: Gijs de Vries, who was EU CTC from March 2004 until March 2007; and Gilles de Kerchove, who accepted the vacant post in September 2007 and remains the EU CTC at present (June, 2012).

[8] The use of the term technique is not intended to convey instrumentality on the part of the EU. The term is used to demonstrate the ways in which elements of the discourse are constructed.

[9] The Framework Decision on combating terrorism was updated in 2007 (Council, 2007).

[10] The offences legally defined as acts of terrorism by the EU are: (a) attacks upon a person's life which may cause death; (b) attacks upon the physical integrity of a person; (c) kidnapping or hostage taking; (d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss; (e) seizure of aircraft, ships or other means of public or goods transport; (f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons; (g) release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life; (h) interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life; (i) threatening to commit any of the acts listed in (a) to (h).

[11] There have thus far been three multi-annual internal security programmes: the Tampere Programme (1999-2004); the Hague Programme (2004-2009); and the Stockholm Programme (2009-2014).

[12] Tony Bunyan (1993) provides a succinct analysis of the creation and evolution of the Trevi framework in relation to European counter-terrorism measures.

[13] Incidentally there are very few instances within the EU policy documents or speeches where direct threats against state-sponsors of terrorism are made.