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## World Risk Society and the Response to Terrorism

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### ***How have the Concepts of Governmentality, Policing, and Risk been applied to the Study of Contemporary International Security? Discuss with Reference to Example of Terrorism.***

After the September 11 2001 terrorist attacks in New York, the issue of terrorism was more salient than ever, and dominated the top spot of political and security agendas of many countries in the world, bringing into the political debate both the issue of national and translational security<sup>[1]</sup>. However it has been argued that the attacks on the World Trade Centre is unlike other terrorist attack in the past, that in many ways the attacks have given new meaning to terrorism. It is important to begin this discussion by understanding the 9/11 attacks as the expression of what Ulrich Beck defines a “world risk society”<sup>[2]</sup>. With this rationale Beck argues the definitive shift from the industrial to the modern society, which is not characterised any more by the old concept of threat, but by the new notion of risk<sup>[3]</sup>. In this sense the features which have been attributed to whole rationale of the *War on Terror* by its advocates, seem to represent the concrete realisation of what Beck theorised in his papers.

This paper will analyse how the concepts in Beck’s *Risk Society* are influencing the *War on Terror*. Moreover, it will examine their practical enforcement, the way in which they pose serious threats to the international law system and how this contributes to the shaping a new domestic order in those states where they have being applied. In the international arena, the practical representation of risk in the contemporary fight on terrorism can be noticed through the *presence of future*, which is bringing to the zero-risks policy, inducing governments (the Bush doctrine is an example) to adopt pre-emptive actions, and give ways to the politics of exceptions (Guantanamo, Abu Grahb). On the domestic side, the *prevention of bads*, is leading governments to continually develop always more sophisticated and invasive technologies, biopolitics and biometrics, to better monitor their citizens, to create and order more controllable and manageable.

To explain this argument, the first section of the paper will provide a general overview on Beck’s theory of risk society, introducing the main assumptions of risk and intention which can be said the basis of the contemporary policies of counter-terrorism. In subsequent sections the discussion will illustrate how the precautionary principle leads governments to adopt zero-risk policies to fight terrorism. Furthermore it will examine how these policies give way to exceptionalism<sup>[4]</sup> by projecting responsibility in the future and undermining in a way the current international legal framework. Lastly this paper will define how the notion of uncertainty framed in a risk perspective, leads to the governmentality of life, biopolitics, which focuses on the importance of individuals locating the human body as the major source of identification: biometrics.

### **1. The World Risk Society**

As outlined in the introduction, the logic of risk management has recently being applied to the counter-terrorism policies in the United States and throughout Europe. The shift from threats to risk, has been marked by historical events, such as the end of the Cold War, as well as by an entire new rationale that theoretically framed the modern reality: namely Beck’s theory of *World Risk Society*<sup>[5]</sup>.

“Risk is a modern concept, [...] presumes decision-making, [...] talking about calculating the incalculable” and most of all “colonizing the future”<sup>[6]</sup>. These are, in Beck’s words, the very introductory features of the idea of risk.

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However, even if the step into the modern risk society has been marked by a tragic and violent event, the 9/11 attacks, this concept does not seem to have been born because of a higher level of danger in modern everyday life; rather Beck argues that it is due to the “*de-bounding of uncontrollable risks*”, especially in three different dimensions. The spatial dimension debounding presents risks which are not anymore identifiable with the nation state boundaries; the temporal dimension changes into long term dangers; in the social dimension the combined effect of the agency of many different individuals lead to problem of accounting a precise responsible<sup>[7]</sup>.

Afterwards Beck identifies characteristic of the contemporary world risk society, three axes of conflict: the ecological, the global financial and, what interests us the most, the global terror, “*which suddenly<sup>[8]</sup> broke upon us on September 11th<sup>[9]</sup>*”. To be more precise, Beck also suggests that terrorism is “*the focal point*” of the interaction between the remaining axes, the ecological and the financial threat. In fact he underlines that the dangers of terrorism have increased, particularly as of late, due to the large extent of technical advancements and innovations in financial and communication technologies<sup>[10]</sup>. This point is noteworthy as it relates to the drift of the domestic side of governmentality, an issue that will be discussed later.

It becomes then quite easy to notice how the characteristic of the whole rationale of *New Terrorism* perfectly fit the logic of risk and viceversa. Advocates of the novelty of modern terrorism justify practice of preemptive intervention as well as profiling, indefinite detention and so on, on the basis of unruliness and unpredictability of modern terrorists, together with their renewed capacity of producing a high number of casualties<sup>[11]</sup>. Acknowledging that New Terrorism is a contested concept<sup>[12]</sup>, here it will be taken only to prove how that concept is complementary to the logic of risk. In fact, expressing the aforementioned features into a risk language, contemporary terrorism could be described as a de-bounded uncontrollable risk because of its networked structure (spatial category), a never-ending danger (temporal category) and socially difficult to frame in its source (social category). In order to understand how risk influence the nowadays fight on terror, it is indispensable to get deeper into terrorism characteristics as thought by Beck.

The crucial step that risk society take and that in its practical enforcement seriously undermines the current international legal system, as it will be discussed in the next paragraph, is the shift from accident to intention. Beck in fact argues that, differently from the ecological and financial conflicts that raises un-intentional side-effects, terrorism is, on the other hand, an “*intentionally bad*” activity. Therefore it is inferred that the principle of *accident* is not the *ratio* of risk anymore, replaced instead by the one of *intention*. Thus, the major consequence of this change is that, given for granted the aim to harm, the previous active trust of industrial society becomes active *mistrust*, which “*undermines the relations between fellow citizens, foreigners and governments*”, in this way multiplying risks worldwide<sup>[13]</sup>.

For Beck then, this process leads to an increased globalisation of dangers; so much that borders between national and international security disappear. He suggests as the only solution to the problem of the global terror the international cooperation, admitting the paradox that today states, in order to ensure their own national security need to make it a supra-national *affaire* de-nationalising their interests<sup>[14]</sup>.

However, once having outlined that the fall of borders between external and domestic security, in this way allowing risk society to permeate both these aspects of the counter-terrorism governance, it is not necessary to go further into the analysis of the risk society theory. On the contrary, in order to focus on the main topics of this paper, it is needed a step back.

In fact the shift on intention as the new rationality of terrorism, is the main source where all the current counter-terrorist measures come from, together with all the concerns they involve. In particular in the next sections it will be discussed on one hand, how intention undermines the logic of legal responsibility by judging suspected people on intention rather than evidence<sup>[15]</sup>, in this way allowing the rationale of exceptionalism. On the other hand how the high level of mistrust allow governments to set up more restrictive and invasive instruments to monitor population, to create an order that would be able to tame dangers to the detriment of people<sup>[16]</sup>.

## 2. The Precautionary Principle in the War on Terror

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In the previous section it has been shown how contemporary policies used to approach the problem of terrorism are dictated by the logic of risk management. What has been defined as the real novelty of the concept of risk within the discourse, is “*the emergence of precautionary element*”, which brings forward the idea that the catastrophic future outlined by Beck must be avoided at any cost<sup>[17]</sup>.

Further the above point, the precautionary principle is understood as being based on four interrelated assumptions: “*zero risk, worst case scenario shifting the burden of proof and serious and irreversible damage*”<sup>[18]</sup>. It can be argued that it is easy to understand how the worst case scenario and the irreversible damage of terrorism lead governments to think about a zero risk policy, given that risk are no longer reparable<sup>[19]</sup>. It is exactly against this background of boundless and irreversible damages that the Bush doctrine of “*dead or alive*”, of exceptional and unbounded sanctions finds its justification. It is in this way that the logic of precautionary overturn the limit of knowledge faced by the traditional risk management<sup>[20]</sup>.

To this extent, Daase and Werner stress how the strong attention reserved by the precautionary principle on possible future events, applied to security policies raise a problem of responsibility. In fact they argue that the narrative of risk, danger and precaution undermines the existent legal categories, redefining “*the relationship between political responsibility, time and security*”. As a consequence of this shift, the logic of the *War on Terror* has introduced radical uncertainty as a fundamental element of reasoning, accounting then responsibilities on the basis of “*informal determinations*” rather than proven evidence<sup>[21]</sup>.

To better understand how the precautionary principle is applied to the contemporary policies regarding the fight terrorism and how they threatens the international juridical system, Kessler and Werner distinguish between structured and unstructured uncertainty. The former refers to the kinds of risks which are due to the “*ambiguity and indeterminacy*” of any legal system, arising within “*existing legal categories and distinctions*”. The latter however occurs exactly when these borders disappear and all the margins of the new structure have to be reconstruct<sup>[22]</sup>. In this sense defining the discourse of *New Terrorism* as a totally new discourse which breaks the edge of any existing framework making the system build on that now useless, represents it as perfectly suitable to the precautionary principle rationale.

Therefore risk is always a concept that is discussed about in terms of the future, where danger and uncertainty lay, and risk then needs to control the future in order to minimise the potential dangers<sup>[23]</sup>. As some scholars stressed, this concept defines a shift away from the legal notion of immediacy as a relation between the attacker and the attacked based on something that has already happened, to one based on something that may happen in the future<sup>[24]</sup>. Put it simply, what the principle of precautionary and the *New Terrorism* combined threatens, is the notion that legal responsibility is accounted against evidence, after an event has occurred. The legal time-frame of responsibility is then in the past<sup>[25]</sup>. Putting aside this assumption leaves room for a turnaround of the probationary burden: it is no longer the state that has to prove the individual as guilty, but rather the suspected that must demonstrate his/her innocence. In short, guilty until proven innocent. In other words, a zero risk policy designates juridical sanctions equivalent to administrative measures, by making suspected responsible *a priori*<sup>[26]</sup>.

## 3. The Exceptionalism

An issue related and deriving from the breaking of the existent legal system and the standing outside it by the fight against terrorism is the logic of exceptionalism. Thus, not only the unbounded measures dictated by the Bush doctrine, but an entire set of actions and space which poses themselves outside the accepted norms and rules.

Moreover exceptionalism adds a new important feature to the mere enforcement of the precautionary principle to anti-terrorism policies in the sense mentioned before. In fact an holistic overview of this narrative, regard not only what states address suspected, as discussed before, but also what are states limit in doing that. In this sense the idea of responsibility is strictly connected to the due steps of the criminal procedure, which is well expressed by the principle of “*nullum crimen sine lege*”<sup>[27]</sup>. It follows that it would be impossible to charge anyone outside the frame of a legal system; exactly what the exceptional measures advocate by the actual *War on Terror* aim to do. This means that unstructured uncertainty brought by risk society, is posing itself outside the existent legal system or, at least, it is

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trying to create another, different from the current one. The direct consequence of it, is the logic of exceptions.

An example of exceptionalism driven by the policies following the 9/11 attacks, is the secret and illegal transportation of prisoners suspected of terrorism by the US intelligence service, to countries that permit the torture of detainees. This practice bypasses the legal institution of extradition process, and it has been defined by some authors as a state kidnapping<sup>[28]</sup>. Perhaps the paradigmatic and the clearest example of exceptionalism is the Guantanamo Camp in Cuba. As Giorgio Agamben explains "*The detainees of Guantamo [...] are subject to raw power: they have no legal existence*"<sup>[29]</sup>, clearly explains how Guantanamo exists in the state of exception, creating what has been defined as the "*Guantamo Limbo*"<sup>[30]</sup>, in the international law. From a risk perspective, the camp represents the taming of an unbounded risk in the category of space; it is in fact a piece of land outside regular juridical norms, but at the same time it is not extern to this order. In this sense, the Guantanamo Camp perfectly embodies the necessity of defining a new form of war, which break the habits of all the previous sets<sup>[31]</sup>.

Notwithstanding that one considers the Guantanamo Camp as an exception in the current legal system or rather a constitutive element of an ongoing transformation of the legal system itself<sup>[32]</sup>, Guantanamo represents in any case the product of rules and regulations derived from the precautionary logic of taming the future. To this end Guantanamo is strictly connected to effectively make contemporary terrorism a novelty, but it is not a piece of space without norms and rules, but rather creates a space ruled by the principle "*of governing the social and taming the future*"<sup>[33]</sup>.

In sum, the second and the third sections of this paper have illustrated how the precautionary principle oblige to *take regulatory action on the possible 'unmanageable' risks*"<sup>[34]</sup> and exemplify it into the practice policies of the *War on Terror*. In the next sections it will be analysed how, from the assumption of the breaking of the borders between external and internal security, the fight against terrorism might be defined as a "*new form of governmentality*"<sup>[35]</sup>, which lead to indicate terrorism as a discourse for domestic law and order policies<sup>[36]</sup>.

## 4. Governmentality and Biopolitics

As it has been outlined in the previous sections, one of the most important concepts which stands at the basis of the risk society is uncertainty. The entire discourse concerning the knowledge of uncertainty, has been called by Michael Dillon contingency, in opposition to an idea of it as a mere arbitrary chance. Contingency then, Dillon constantly refer to it, is an inescapable feature of life, that is what is becoming the referent object of contemporary governance: *biopolitics*<sup>[37]</sup>. Moreover he clearly states that contingency is the "*epistemic object for biopolitics of security*"<sup>[38]</sup> in the contemporary world. Therefore, biopolitically speaking, life cannot be secure *from* contingency, only *through* it<sup>[39]</sup>.

By virtue of the fact that governance is becoming increasingly dominated by life and its contingent characteristics, risk transform itself into a governmental phenomenon, the central element of politics of formation. To this extent, the new idea of risk presents itself as "*generative principle of formation*" of that contemporary order, whose rules govern the conduct of conduct of "*biopolitical security practices*"<sup>[39]</sup>.

To the same extent Claudia Aradau and Van Munster link *War on Terror* and governmentality, as briefly mentioned before, on the basis of the common features of "*knowledge and decision at the limit of knowledge*" and "*policies against anti-social behaviour*". Therefore, even if from a different Foucauldian perspective, Aradau and Van Munster however reach the similar conclusion that risk can be described as a "*dispositif for governing social problems*"<sup>[40]</sup>, trough which it is possible to create an order by managing the social problems and look over citizens<sup>[40]</sup>.

One of the most direct consequences of this focus on life as the referent object, is that every single individual is consider responsible together with the state for ensuring his/her security and well being<sup>[41]</sup>. In this sense this kind of governmentality does not seem to command or control citizens to reach its aim, but rather is trying to shape the prefixed order by persuasion, organising and inviting individuals to play their own part<sup>[42]</sup>. A clear example of this strategy of responsabilization has been indicated by Gabe Mythen and Sandra Walklate. In the 2004 campaign, the UK government attempted to increase the citizens knowledge on what to do in case of chemical, biological, radiological or nuclear attack through an information booklet. Mythen and Walklate underline how that booklet was all centred on what people could do, rather than what the state was doing to protect them<sup>[43]</sup>. Thus it is almost pointless

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to notice how the manipulation of such strategy could lead the state to avoid the fulfilment of its duties, in this way distorting individuals' perception of state's accountability for not having been able to avoid threats<sup>[44]</sup>.

This process of involvement and responsabilization of people has been described by Nikolas Rose as the response to a state demand an "*interactive human kind*", where individuals are identified as risky or at risk through their biological identity. States have the interest in creating such a referent object in order to adopt ad hoc pre-emptive programmes, personalised for those individuals who show specific conditions and characteristics. Thus the increase in this peculiar feature of humanity, interactivity, completes the more general shifting dynamic from state/social to citizen/individual focus. If in fact in the past the industrial era risk profiling attempted to allocate individuals into risky groups, the modern risk society is trying to move beyond it, identifying specific individuals susceptible to determined conditions or behavioural problems<sup>[45]</sup>.

The next section will further discuss how this overkeen attention for the biopolitical identity of individuals has suddenly accelerated the development of a particular kind of governmentality: biometrics.

## 5. Biometrics

As it has been outlined in the previous section, governance through biopolitics focuses on the identity of individuals. The practical enforcement of this discourse has been the discovery of the body as the most original part of everyone that cannot be disguised in any way. Therefore in a globalised and anonymous world, where almost everyone can afford to cross the closest borders, biological identification seems to be the best solution for states to verify people's identity<sup>[46]</sup>. In fact, biometrics is simply the measurement or the monitoring of some parts of the human body<sup>[47]</sup>. Most of the time the part being measure are those that are most unique to an individual such as the iris, fingerprints, hand geometry, retinas, gait and voice.

The use of technologies which allow a biometric control of people identity is rapidly spreading in many fields, such as the commercial or financial ones. It is no longer being used solely for state security purposes. However, as this paper has illustrated, the modern risk society with its progressive demand for detailed identity, speed up the increasing trend of securization of identity, especially concerning terrorists, asylum seekers, migrants, criminals. The major aim though, is to build a technology that allows the collection of data which helps that will be the basis for the construction of a socially acceptable identity and, consequently, to refuse those people who does not match to it. In a nutshell, avoiding bads by refusing undesired people<sup>[48]</sup>.

Thus biometrics tries to identify specific subjects or, as it has been defined by some scholars, to help to craft a "*targeted governance*". To this extent, the US VISIT programme exemplifies perfectly all the components of a sophisticated advanced and integrated system of biometrics governmentality: in fact it is a system based on the social sorting of legitimate/illegitimate person, which link technologies of collecting data (dataveillance) with the biometric anchor of human bodies. Practically speaking, the data are collected and stored by highly technological instruments. IDENT, a fingerprint identification system that stores biometric data of foreigners; ADIS storing entry and exit data; APIS classifying the visible information of passengers; SEVIS storing data about foreign students; CLAIMS 3 storing information about foreign national claiming benefits<sup>[49]</sup>.

Thus it appears clear that corporality becomes, with the help of technologies, is the new major source of information to help recognise social identity. However David Lyon has argued that such truth is only individual and not personal: in other words, that the body cannot cheat, but the truth it reveals does not always and necessarily coincides with the mind's one<sup>[50]</sup>. To this point, it has also been noticed that biometrics technology is not only finding and collecting pre-existent information about individuals, but rather is the creation of identity: in a sense that a precise identity is what outcomes from those operations themselves. The direct problem that has derived from the use of biometrics is that this kind of identification is not based anymore on the entire biography of an individual, but rather only on singular physical evidence such as fingerprints<sup>[51]</sup>.

Finally it seems appropriate to raise at least some other concerns about biometrics. First, the vapour of data might allow an easy and uncontrolled circulation of them and an uncontrolled link of separate databases. Secondly,

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biometrics becomes an arbitrary instrument of social exclusion. Lastly and perhaps most importantly, its proponents argue that it is a depoliticised and only a technologically process. However Martin Heidegger underlines that *the essence of technology is nothing technological*<sup>[52]</sup> and that instead, as it has been suggested through this paper, it is a political and ideological process which is actually shaping the reality.

## Conclusion

Throughout this paper I have tried to show what consequences the concepts of governmentality, policing and risk are having on national and transnational security, especially concerning the fight against terrorism.

To do that I have started from Beck's theorisation of the modern risk society, describing what can be defined the major assumptions of the theory, and underlying how they shape the external and domestic aspect of counter-terrorism policy. Regarding the international aspect I focused on the precautionary principle and the shift from accident to intention, because they embody what Beck defines the colonisation of the future. In fact they represent the basic assumptions of those zero-risk policies which rely on preventive measures and exceptionalism, such as the Bush doctrine, and posing themselves outside the current legal system by acting on intention basis rather than on proved responsibility. For what concern the domestic aspect I emphasised the importance of radical uncertainty or contingency and the shift from active trust to active mistrust. For the first, by being an inescapable feature of life itself, allows governance to centre its policy on individuals' biological identity, giving way to biometrics technology; while the second, let governments to adopt more restrictive and intrusive actions to secure citizens.

However through the different sections of the paper I also shown what are the main concerns that these outcomes of risk society on the fight on terror raised up. With respect to international side, the reversal of the proof-burden and the finalisation of politics outside the current legal framework are relevant enough not to need a further discussion. Relating to biopolitics and biometrics instead, doubts raised the potential ease of data circulation and the kind of identity that technology seems to produce, based only on physical characteristics, rather than only to identify.

Finally, what it seems clear is that the theory or risk society brought new interesting concepts which seem to fit very well to the contemporary world, but it must be careful on what is there on the other side of the coin.

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- <sup>[3]</sup> Beck U., *Risk Society. Towards a New Modernity*, Sage, 1992, *World Risk Society*, Polity Press, 1999.
- <sup>[4]</sup> Here the term exceptionalism is intended against Carl Schmitt's work *Nomos of the Earth* background, in order to explain how acting outside the existent order is not only acting exceptionally, but rather is part of a dynamic which aims to the transformation of the system itself. See Aradau C., *Law Transformed: Guantànamo and the 'other' exception*, Third World Quarterly, 2007, p. 1.
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Date written: 2009