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Governing terrorism and the (non-)politics of risk

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I Introduction

We have come to a fork in the road. This may be a moment no less decisive than 1945 itself, when the United Nations was founded ... I believe the time is ripe for a hard look at fundamental policy issues, and at the structural changes that may be needed in order to strengthen them. History is a harsh judge: it will not forgive us if we let this moment pass (Anan 2003).

Kofi Anan's statement speaks of a shared feeling in the post-9/11 world. Novel and exceptional, 9/11 had all the qualifications of a historical 'event'. Despite the imaginary dystopias of Hollywood blockbusters such as *Twelve Monkeys* (1995), *The Siege* (1998) and *Fight Club* (1999), nobody had ever seriously imagined that terrorism would have such catastrophic dimensions in reality. This dramatic novelty was however met in the world of IR with the most traditional tools of the field. IR students and academics tried to make sense of its significance and consequences by reviving the theories of just war or civilisational clashes. Arguably favoured by some of the important figures of the US academic scene, just war theories for example were unable to account for the contradictions that underpinned post-9/11 policies. Neither just nor really a war in the traditional sense, the so-called 'war on terror' is a much more complex discursive and institutional formation than IR has been able to think.

The major role that the insurance industry has played in redefining terrorism and the post-9/11 vision of the future has been relegated outside the boundaries of IR. Even the theories of exceptionalism that try to capture the novelty of 9/11 in relation to the what was considered 'normal politics' have not engaged with institutional heterogeneity and have focused on notions of sovereignty.² 9/11 caused gigantic losses to the insurance industry and led to widespread speculations about the catastrophic potentials of future terrorist attacks. Besides the institutional stakes that 9/11 brought to the fore, two other elements are definitory of its novelty. 9/11 was a dramatic, unpredictable event and post-9/11 terrorist attacks around the world have further contributed to the view that the future has become incalculable. Against this background, it is no surprise that Ulrich Beck (2002, 2003a), one of the most influential contemporary sociologists, has compared the terrorist attacks of September 11 with the Chernobyl of the 1980s, arguing that 9/11 drove home the lesson that we know live in a 'risk society', a society in which there are uncontrollable dangers against which insurance is impossible. Moreover, the only thing that the 9/11 attacks in New York and Washington, the spread of anthrax via the mail in the United States, the bombing of a disco in Bali, the bombing of a train station in Madrid and the school hostage in the small town of Beslan in North Ossetia have in common is that they have nothing in common (Diken and Laustsen 2004: 28). The power of terrorism, then, lies thus not just in their possibility to bring about catastrophic losses but

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¹ Two most well-known examples are Michael Walzer (2004) and Jean Betke Elshtain (2003), both revising and revisiting the just war theories.

² For interesting, though different takes on the 'politics of exceptionalism', see Jef Huysmans (2004) and Vivienne Jabri (2005).

also in what Mick Dillon has called their 'radical contingency' (Dillon 2003). Incalculability and radical contingency have become central elements in the post-9/11 world. The challenge for IR is therefore to devise the theoretical tools that make sense of these developments and of their relations to one another.

Although Ulrich Beck himself has recently started to work out the implications of his risk society thesis for international relations in his writings on globalisation and world (risk) society (Beck 1992, 1999, 2002), his arguments about risk society have been most influential in the discipline of security studies. Here, his theory has spurred reflections on the concept of security and the discipline's ability to appreciate post-9/11 security practices (Rasmussen 2001, 2004, Griner 2002). More specifically, for Rasmussen, who has undertaken the most systematic attempt to introduce the work of Ulrich Beck in security studies, the latter's notion of risk society provides a useful framework to analyse the post-September 11 security environment in which policy-makers are confronted with catastrophic risks that defy the principles of calculation and insurance.

While we agree that the concept of risk provides a useful way of analysing security practices in the 'war on terror', we take issue with the particular conceptualisation of risk that is being appropriated from Beck. On the one hand, it is important not to put post-9/11 developments in 'incendiary terms, which serve only to collapse arguments about risk into a political ideology - neo-conservatism - and reduce them to a form of warmongering' (Runciman 2004). On the other, we shall take issue with and depart from Beck's view that all practices of security can be reduced to one type of risk, explainable within a macro-sociological account of the transformation from industrial society to risk society.

The paper argues that 'risk' is an instrumental concept for post-9/11 theories of security and IR. Drawing inspiration from Michel Foucault and recent work on governmentality, we conceptualize risk as a technology for governing social problems. The concept of risk will enable us to make sense of developments as diverse as the war in Afghanistan and Iraq or indefinite detention of suspect terrorists in the UK. Rather than bellicose decisions or arbitrary executive measures, these different policies will be shown to function within a specific logic of risk management, namely precautionary logic. The paper will proceed in three stages. First, it will revisit Beck's theory of risk society and its problematic appropriation in security studies. Secondly, it will propose a different theory of risk that privileges heterogeneity over homogeneity, constructivism over realism and contingency over determinism. Thirdly, it will interrogate the political implications of a governmentality of risk. Recent technologies of risk will be exposed in their relation with politics.

II Security studies and the risk society thesis

In his macro-sociological theory of modernisation, Ulrich Beck argues that contemporary Western societies have gone through, or are currently going through, a transition from industrial societies to risk societies. The main difference between these two phases in the modernisation process is the way in which risks are perceived. In industrial society, the foremost objective of decision-making is to produce and distribute wealth in conditions of scarcity. The production of wealth, in turn, was accompanied by a proliferation of

risks. The reigning idea about these risks was that they were the unintended, latent side effects of industrialisation that could be tamed through risk compensation and insurance schemes that worked on the basis of scientific expertise and calculations. In risk society, this relationship is reversed. The onus of decision-making is no longer with the production of goods but with the prevention of harms.

Technological and industrial progress has led to a situation where risks can no longer be conceived as the manageable side effects of growth. At the centre of risk society lies the consciousness that risks such as global warming, pollution and the hole in the ozone layer have become so immense that they create social and political dynamics that radically contradict the language of control in industrial societies. On the one hand, Beck argues that risks have become impossible to predict because they have a low statistical probability or because they are non-recurring. On the other hand, these low-probability risks have such hazardous effects that cannot be compensated through existing schemes of (financial) compensation. They are, as Beck puts it, 'irreversible threats to the life of plants, animals and human beings' (Beck 1992: 13).

The advent of risk society is intimately related to Beck's notion of reflexive modernisation. The existence of irreversible risks in itself is not sufficient ground to speak of the emergence of a risk society. Indeed, Beck maintains that it is the social awareness of the catastrophic impacts of risks that defines the threshold between industrial society and risk society:

The concept of risk is directly bound to the concept of reflexive modernization. Risk may be defined as a systematic way of dealing with hazards and insecurities induced and introduced by modernization itself. Risks, as opposed to older dangers, are consequences which relate to the threatening force of modernization and to its globalization of doubt. They are politically reflexive (Beck 1992: 21).

In risk society, then, modernity has become its own theme. It has become reflexive. Reflexivity is a form of self-critique and self-transformation that emerges in the advent of uncontrollable risks. It refers to the situation where societies have come to see themselves as risk societies, that is, as societies in which public debate and political conflicts are shaped by the awareness of irreversible risks and their impact upon the foundations of modern industrial societies.

More specifically, the world of industrial societies and calculable risks is being dislocated along three dimensions: spatial, temporal and social (Beck 2002: 41). First, risks have become global and can no longer be confined within state borders. Risk society is thus ultimately a *world* risk society with no hiding places from the adverse consequences of delocalised risks (Beck 1999). Second, global risks have a long-lasting temporal effect as their consequences are not limited in time but stretch over extended, or even indefinite, periods of time: 'to express it by reference to a single example: the injured of Chernobyl are today, years after the catastrophe, not even born yet (Beck 1996: 31). Third, Beck argues that these uninsurable risks undermine the social arrangements through which risks have been made controllable in the past. Control is no longer possible in risk society, which instead 'balances its way along beyond the limits of insurability' (Beck 1999: 32, also cited in Ericson and Doyle 2004: 137). When risks take

the form of low-probability/high-consequence risks, questions of compensation, liability, and harm minimisation lose their significance. In conditions of extreme uncertainty, decision-makers are no longer able to guarantee predictability, security and control; rather, 'the hidden central issue in world risk society is how to feign control over the uncontrollable – in politics, law, science, technology, economy and everyday life' (Beck 2002: 41).

Alongside ecological conflicts and global financial crises, Beck has recently argued that the risk of terrorism constitutes a separate axis of global risks (Beck 2002, 2003). His view on terrorism as a risk that goes 'beyond rational calculation into the realm of unpredictable turbulence' (Beck 2002: 43) has also motivated proponents of security studies to reconsider the discipline's post-9/11 research agenda. Thus for Rasmussen too, '[t]he attack on the World trade Centre in September 2001 is a tragic example of a new asymmetrical strategic reality that is better understood by the concept of risk society than by traditional notions of terrorism' (Rasmussen 2001: 308). In line with Beck's evolutionary account of the phases of modernity, Rasmussen claims that the ideal of complete security is being replaced by a focus on the management of risks in conditions of uncertainty. As in risk society threats can no longer be identified with certainty, security analysis should rather focus upon the political struggles over the definition of risks and how these struggles shape social relations around understandings of risk. Building upon constructivist work into the development of security communities (Adler and Barnett 1998), Rasmussen for instance suggests that one focal point of a reflexive security agenda could be to provide insight into how transnational loyalties are constituted around a common interest in the management of these risks (Rasmussen 2004, see also Coker 2002, Griner 2002, Beck et al. 2003).

At this point, the first contradiction in Rasmussen's theorization of risks (and to a certain extent in Beck becomes apparent). The constructivist element is grafted upon a 'realistic' account of how risk society comes about. For both Beck and Rasmussen, risk is not a modality of approaching reality, but it is what happens in the world. Post-industrial society is laden with catastrophic risks as a result of concrete technological developments. The constructivist elements of struggles or solidarity-creation appear thus as addition to a positivist world.

Introducing theories of risk into IR should allow us to understand how various institutional actors understand and respond to terrorism and other global risks. The fact that 'Western governments simply are much less certain of whether and when they are secure, and how – and to what extent and at what price – security can be achieved' (Rasmussen 2004: 382) does not necessarily entail the specific technologies of risk that Rasmussen discusses. He has identified three characteristics of security strategies under conditions of reflexivity: 'management, 'presence of the future' and the 'boomerang effect'. First, as there will always be new risks to manage in risk society, reflexive security practices take the form of management of risks rather than their termination: 'Management' describes how politics in reflexive modernity is no longer the pursuit of ends, but how governments are forced to take a position where they have to continuously construct mew means in order to manage risks' (Rasmussen 2001). Second, he claims that risk management is an instance of virtual reality insofar as '[i]t is not present actions that are to produce future results, but perceived future results that produce present actions' (Rasmussen 2001: 293, Beck 1992: 34). Third, risks display a 'boomerang

effect' insofar as they are dangers that cannot be externalised spatially but will always hit back in the centre where they were produced.

While we agree that the introduction of the concept of risk in security studies is a valuable way to move the debate about the meaning of security forward, his heavy reliance on Ulrich Beck's risk society thesis comes with serious problems. Broadly, two sets of shortcomings can be distinguished. The first deals with the way in which 'reflexive security studies' has incorporated the notions of reflexivity and risk society. Indeed, the view that security is now governed by the rationality of reflexivity ignores the way in which reflexivity is embedded within most of the approaches within security studies. Thus Albert argues that:

Though not explicitly using the same analytical vocabulary ... one could indeed go so far as to argue that the emergence of risk society and a process of reflexive modernization in a way has been anticipated within the corpus of realist thought about security. All the more so in the form of John Herz' famous dictum that the territorial state, the prime unit to be 'secured' in realist thought, has become obsolete in face of the advent of nuclear weapons (Albert 2001: 66-67).

In this view, the nuclear revolution, not the war on terror or the end of the Cold War, represents the reflexive moment that separates industrial society from risk society. Realising that the introduction of nuclear power would drive the scope and intensity of conflict to the point of mutual destruction, the strategy of mutual deterrence can be seen as a reflexive practice to insure states against the catastrophic risk of annihilation. Rather than non-reflexive practices characteristic of pre-risk society, mutual deterrence (the arms-race, the development of second-strike capabilities) can just as well be read as a reflexive practice that sought to insure the present against full exposure to an uncertain future. In this context, it also becomes difficult to see how Rasmussen's application of the 'boomerang effect' – which he defines as a situation in which the production of security in fact increases insecurity – differs from the better-known concept of 'security dilemma'. As both refer to the situation where security practices trigger more insecurity, Rasmussen leaves unspecified in which ways the boomerang effect is reflexive in ways that the security dilemma and the arms race are not.

Finally, Rasmussen's suggestion to shift the focus of security studies to the analysis of interpretational struggles about global risks is not particularly novel either. The benefits of a more discursive or sociological approach have been repeatedly pointed out by constructivist/poststructuralist writings on security (Krause and Williams 1996, Hansen 1997, Buzan *et al.* 1998, Campbell 1998, Huysmans 1998, McSweeney 1999, Weldes *et al.* 1999). More significantly, perhaps, is that these studies also have shown that the meaning of security has never been an unequivocal question. Threat definitions are always the outcome of a struggle between different actors, who bring different cultural and professional dispositions to bear upon issues of security (Douglas 1992, Bigo 1996). Competing discourses about danger have always existed and strategic expertise has traditionally been questioned and resisted by, for example, peace research, the peace

³ Unlike Bigo for example, Rasmussen remains silent on who the institutional actors are.

movement and popular culture.⁴ Thus, while a more interpretive research agenda is welcome (and by now well underway) it is not totally obvious that such an agenda overlaps or should overlap with the advent of reflexive modernity.

In sum, then, Rasmussen seems unclear about the ways in which the features of a reflexive security agenda – a focus on 'management', the 'presence of the future' and 'the boomerang effect' – relate to the broader transformation of industrial societies into risk societies (see also Griner 2002: 156). In fact, some of the features of a reflexive security studies agenda seem to directly contradict Beck's idea of risk society. For instance, Rasmussen's emphasis on the 'management' of risks implies that insurance, if not total security, is still possible. Or as Albert argues: 'The social system in question cannot be made 'secure', but it can be 'insured' by providing for its continued ability to process risks' (Albert 2001: 77).

This brings us to the second set of problems that pertain largely to Beck's theory itself. Beck categorically assumes that that risk society is an uninsurable society of catastrophic risks that 'can no longer be compensated financially – it makes no sense to insure against the worst-case ramifications of the global spiral of threat' (Beck 1999: 142). In his more recent writings on terrorism, however, Beck has somewhat refined this statement. Here, he argues more specifically that *private*, if not public insurance has become impossible, as no private companies would be willing to bear the costs of future terrorist attacks:

[T]he principle of *private* insurance is partly being replaced by the principle of *state* insurance. In other words, in the terrorist risk society the world of *individual* risk is being challenged by a world of *systemic* risk, which contradicts the logic of economic calculation. Simultaneously, this opens up new questions and potential conflicts, namely how to negotiate and distribute the costs of terrorist threats and catastrophes between businesses, insurance companies and states (Beck 2002: 44, emphasis in original).

The unwillingness of private insurance companies to embrace the risk of terrorism is a sign of the more general neo-liberal failure to persuasively deal with global crises. For Beck, a risk society cannot at the same time be a neo-liberal society: 'In this sense, the horrific images from New York contain an undeciphered message: a state or a country can neoliberalize itself to death!' (Beck 2003: 262).⁵ In times of crises, the neo-liberal ethos of privatisation, liberalisation and deregulation gives way to sovereign state power, as 'the power of definition of experts has been replaced by that of states and intelligence agencies; and the pluralization of expert rationalities has turned into the simplification of enemy images' (Beck 2002: 45).

At first sight, Beck's observations seem to have some empirical value. Barely a month after the attacks of 11 September, the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises of the US House of Representatives met up to deal

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⁴ One example would be the film *Dr. Strangelove* (1964), which brilliantly ridicules the institution of nuclear deterrence.

⁵ No doubt, there is also a normative agenda behind Beck's dismissal of neo-liberalism. Against neo-liberal appraisals of globalisation and its opportunities, Beck has explicitly sought to outline a more just cosmopolitan agenda for living in a world (risk) society (Beck 1999, Beck *et al.* 2003).

with the fall-out in the insurance and reinsurance industries (Cooper 2004). Although most of these losses were borne by re-insurers (Ericson and Doyle 2004), the Subcommittee discussed recommendations for the wholesale restructuring of private insurance. Also the insurance industry itself vigorously lobbied the US government to provide a bailout measure that would designate the government as the last resort reinsurer of terrorism risk (Ericson and Doyle 2004). In his congressional testimony, Richard J. Hillman of the US General Accounting Office (GAO) claimed that 'both insurers and reinsurers have determined that terrorism is not an insurable risk at this time' (cited in Kunreuther 2002: 427). In 2002, accordingly, the US Senate passed the 2002 Terrorism Risk Insurance Act (TRIA), which effectively regulates government involvement in the compensation of insured losses. But while there has been a drift from private to public insurance arrangements, Ulrich Beck ignores that the private industry remains a significant insurer in the post-9/11 environment. First, the TRIA is only intended as a temporary bail out measure. Moreover, it states explicitly that in the future the onus of terrorism insurance should remain in the private sector:

[T]he United States Government should provide temporary financial compensation to insured parties, contributing to the stabilization of the United States economy in a time of national crisis, while the financial services industry develops the systems, mechanisms, products, and programs necessary to create a viable financial services market for private terrorism risk insurance (US Congress 2002: Sec. 101(6)).

Second, a series of articles has empirically demonstrated that terrorism and other catastrophic risks (including natural catastrophes and 'man-made' ones) are actually insured by private insurance companies (Bougen 2003). These articles depart from Beck's sweeping assumption that risk society is an uninsurable society and instead focus on 'the variety of ways in which catastrophe risks are already being governed in this new environment' (O'Malley 2003: 276). In his discussion on terrorism coverage, Kunreuther discusses the possibilities for public-private partnerships. Such a partnership, for instance, exists in the United Kingdom after British insurers announced in the wake of two terrorist bomb explosions in London in April 1992 that they would exclude terrorism coverage from their commercial policies. The UK established a mutual insurance organization (Pool Re) to accommodate claims following terrorist activities (Kunreuther 2002: 434).

Although the GAO concluded in April 2004 that 'there has been little development or movement among insurers or reinsurers toward developing a private-sector mechanism that could provide capacity, without government involvement, to absorb losses from terrorist events' (General Accounting Office 2004: 28), Ericson and Doyle have recently explored the strategies of the insurance industry in dealing with the catastrophic insurance risks. They argue that the fact that the frequency or severity of a terrorist attacks cannot (as of yet) be accurately determined in risk calculi is not only a problem for the insurance industry but also an opportunity. The willingness of insurance companies to provide coverage against certain risks is not just determined by a calculation of the probability and severity of the risk but also by its profitability. This means that the scientific incalculability of catastrophe risks can be transferred into the

capital logic of risk: 'Where the insurer feels that a risk can be handled through an acceptable loss ratio, it may be insured regardless of scientific and technological uncertainty. This decision depends on the financial condition of each insurance company. Indeed, each company will have a different definition of catastrophe depending on its loss ratio arrangements and financial condition' (Ericson and Doyle 2004: 138).

Besides the rather empirical problem of how insurance functions (or not) within the risk society, Beck's theory also wrongly assumes that risks have the same features independent of the sphere in which they are articulated (e.g., environment, medicine, security, energy, the clinic). It denies the existence of other notions of risk and precludes any substantial analysis of the ways in which governing by means of risk has changed over time as it has become attached to different types of knowledges, rationalities, techniques and locales. As we have shown, Beck's understanding of the concept of risk is doubly limited: on the one hand as what is given in the world and not constructed and on the other as insurantial risk. For him, risk is always the quantifiable risk of frequency multiplied by severity. However, as Dean has shown, risks have often been made 'calculable' through qualitative, non-quantifiable and non-scientific forms of knowledge (Dean 1999: 189). This is also the case for the risk of terrorism which, as Ericson and Doyle argue, is increasingly made 'calculable' through speculation and gambling instead of probability and severity (Ericson and Doyle 2004: 137).

Different types of risk have their distinctive rationality and set of techniques. Rather than assuming that risks have become incalculable under the conditions of reflexive modernity, it is analytically more rewarding to consider in which ways risks are latched onto and made calculable by different political programs, imaginaries and locales. To understand the ways in which risk has ordered and continues to order our world, it is not sufficient to regard the concept of risk in the dichotomous terms of calculability/non-calculability; rather, to understand the ways in which the concept of risk has been interpreted, made calculable, displaced, supplemented and substituted requires a genealogical analysis of different paradigms of risk and their lines of descent.

III Paradigms of risk: from insurance to precaution

To understand risk as a technology (or cluster of technologies) that manages social problems, we draw inspiration from the so-called 'governmentality literature' that takes up Michel Foucault's analyses of practices of power. The practices of risk are formations that involve specific techniques and rationalities to govern the social. The governmentality literature sees risk as a 'family of ways of thinking and acting, involving calculations about probable futures in the present followed by interventions into the present in order to control that potential future' (Rose 2001). In this analysis, risk is multiform and heterogeneous, its rationality and logic are to be derived from an attentive analysis of configurations of practices.

The heterogeneity of risk practices can be unravelled both synchronically and diachronically. Thus, although risk was thought for a long time to be coextensive with the insurable (Ewald 1993a), a genealogy of risk reveals different 'paradigms' developed in particular historical contexts. Similarly to Michel Foucault's triangle of sovereignty-discipline-governmentality, Ewald's three paradigms of risk (responsibility, insurance and precaution), although developed at different moments in time, nowadays coexist in

various configurations. The configuration of risk that attempts to govern terrorism and define a politics against terrorism is such a configuration, where different logics of risk are at odds through clashing practices and what seem to be inconsistent rationales.

The first paradigm of risk is that of 19th century liberalism, which imposed not only legal duties and restrictions upon individual freedom, but equally moral ones. The paradigm of responsibility functions under the moral motto – 'do no harm to others'. François Ewald has noted that this paradigm of risk has been challenged by the discovery of the 'work accident', with its disputable claims to responsibility and exacerbation of questions of exploitation. The 'accident' would thus become something inherent to work, but against which the workers could be protected through insurance. Besides responding to a particular problem of early capitalist societies, replacing responsibility by technologies of insurance and solidarity as technologies of risk could convert conflicting demands within the Republic and the 'shameful opposition between the owners of capital and those who, living only by their labour, remain enslaved to them at the same time as they are proclaimed politically sovereign' (Donzelot 1988: 107).

Solidarity through insurance could make up for the shortcomings of society, compensate for the effects of poverty and reduce the effects of oppression. With insurance, state actions could target forms of social relations and not the structures of society. Thus, insurance could 'modify the relations between capital and wage-earners without distorting the historical logic on which they rest, ensure a better moralization of the individual by transforming the social milieu, concretize the invisible bond between men of which the State is the visible expression' (Donzelot 1988: 110). The injured, sick or unemployed worker does not need to demand justice before a court or by taking to the streets as the proletarians had done in 1848. Instead, the worker will be indemnified by the State, the greatest social insurer. Insurance was therefore a modality of normalising social struggles, of institutionalising them within the framework of the State.

The paradigm of insurance has suffered numerous modifications, on the one hand under the attack of neo-liberalism and on the other of scientific discoveries. As Francois Ewald summarizes the latter challenge, '[f]or a long time, the domain of risk was coextensive with that of the insurable. By its very nature, however, it tends to exceed the limits of the insurable in two directions: toward the infinitely small-scale (biological, natural, or food-related risk), and toward the infinitely large-scale ('major technological risks' or technological catastrophes' (Ewald 1993b). The two 'infinities' of risk would thus remind us of Beck's incalculable risks, the risks that science itself creates. Yet, rather than incalculability and risk as the collateral effect of science, the new paradigm of risk is one of 'infinite-ness'. Risks are doubly infinite, both in their potential effects and in their 'being', which surpasses the possibilities of science to calculate and minimise them.

The first element of infinity that undermines a politics of insurance is the 'catastrophic element', the grave and irreversible damage that such an event could cause. The catastrophic element can be read from the market position of insurers, but also from the societal position of those who could be targeted, the population, those whom the state is supposed to protect. The value judgment linked with protection undermines the logic of insurance that makes risks acceptable. The second element of infinity is that of uncertainty. Ewald's infinitely small or infinitely large-scale risks are both related to scientific knowledge. When knowledge is unable to define the prospect of the future, to

compute its own effects upon the future, the logic of insurance is surpassed by the logic of precaution (Ewald *et al.* 2001, Ewald 2002). Insurance presupposes the ability to identify and estimate the chances of an event happening; precaution deals with a situation of uncertainty. Insurance requires identifying the risk. To satisfy this condition, estimates must be made of the frequency of specific events and the extent of losses likely to be incurred. Thus, despite its familiar ring, precaution cannot be reduced to old 'prudence' in that it severs the tie between expertise and action. Therefore the precautionary principle is exactly the opposite of prudence: if the latter recommended what 'precautions' to take under conditions of knowledge, the former demands that we act under scientific and causal uncertainty.

This new paradigm of risk that has the precautionary principle at its core is derived – much like Beck's 'risk society' – from environmental politics. The precautionary principle has its beginnings in the German 'Vorsorgeprinzip', or foresight principle, which emerged in the early 1970s and developed into a principle of German environmental law. It has since flourished in international policy statements and agreements – initially recognised in the World Charter for Nature, which was adopted by the UN General Assembly in 1982; and subsequently adopted in the First International Conference on Protection of the North Sea in 1984. The European Commission, which recognised it for the first time in relation to the environment in the 1992 Maastricht Treaty, later extended it to other situations (European Commission 2000). The definition of the precautionary principle is however most often traced back to the 1992 Rio Declaration: 'Where there are threats of serious or irreversible damage, lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation' (United Nations 1992).

The precautionary principle asks us 'to take regulatory action on the basis of possible 'unmanageable' risks, even after tests have been conducted that find no evidence of harm. We are asked to make decisions to curb actions, not on the basis of what we know, but on the basis of what we do not know' (Guldberg 2003). The European Commission's Communication puts in a nutshell the context for applying the precautionary principle:

Whether or not to invoke the Precautionary Principle is a decision exercised where scientific information is insufficient, inconclusive or uncertain and where there are indications that the possible effects on the environment, or human, animal or plant health may be potentially dangerous and inconsistent with the chosen level of protection (European Commission 2000: 10).

What is the link between the precautionary principle and governing terrorism? We argue that precautionary risk has emerged in the dispositif of risk to govern terrorism, where other technologies have proven fallible or insufficient. To clarify this point, it is worth recalling an often-quoted intervention by US Defence Secretary Donald Rumsfeld:

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⁶ Whereas the German word '*Vorsorge*' (foresight) refers to the precautionary principle, the insurantial model of solidarity is best described in German as '*Omsorge*' (taking care, caring).

⁷ For a recent overview of the precautionary principle, see Sunstein (2005).

The message is that there are no knowns. There are things that we know that we know. There are known unknowns. That is to say there are things we now know we don't know. But there are also unknown unknowns – things we don't know we don't know (Rumsfeld 2002).

Rumsfeld's tautological comments could be read as an overview of risk management. The 'known knowns' activate technologies of responsibility, while the 'known unknows' are the risks that can still be integrated by insurance technologies: They refer to the unknown future that can be governed through statistical probabilities and other forms of computation. Finally, the 'unknown unknowns' can be said to represent the catastrophic events that disturb the existing modalities of governing uncertainty and the future. According to Ewald, 'the precautionary principle does not target all risk situations but only those marked by two principal features: a context of scientific uncertainty on the one hand and the possibility of serious and irreversible damage on the other' (Ewald 2002: 282). Terrorist attacks rely upon such uncertainty, while their effects are hardly calculable.

Although insurance has tried to think terrorism on the model of insurance for environmental catastrophes, the difficulties of predicting terrorist losses has been one of the major impediments for the insurance industry. Terrorism is to some extent a 'risk beyond risk', of which we do not have, nor cannot have, the knowledge or the measure. Thus, the precautionary principle (or a precautionary approach to avoid a strictly legal connotation and emphasise technologies and discourses) applies where the scientific technologies for 'representing' the world find themselves surpassed by reality itself. Unlike insurance which is based upon statistical models of reality, the precautionary logic 'applies to what is uncertain – that is, to what one can apprehend without being able to assess' (Ewald: 286).

If terrorism seems to lend itself logically to the precautionary principle more than to insurance, how is this relation actualised in practice? One could locate four interlinked rationalities of the precautionary approach: zero risk, worst case scenario, shifting the burden of proof and serious and irreversible damage. With the precautionary principle, any level of risk is considered unacceptable. If insurance is supported by assessments that define what level of risk is deemed unacceptable, the precautionary principle avoids risks at all costs. The worst case scenario and its irreversible damages logically lead to a politics of zero risk. This is certainly a modification of the solidaristic equation that took for granted that a risk was acceptable as long as it was reparable or repaired (Ewald 2002: 284).

As a result, the imperative of prevention is much more drastic in the precautionary principle than in the case of insurance. If responsibility in insurance was reduced to the case of moral hazards (when the behaviour of the insured was likely to lead to risk)⁹ and therefore part of the assessment for the purpose of compensation, the precautionary principle holds the other responsible for 'irreparable damage'. Against immeasurable and irreparable damage, George Bush's 'infinite justice' gains its full meaning. The

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⁸ But see Baker (2002b) and Sunstein (2005) who claim that the precautionary principle increasingly permeates other forms of risk as well.

⁹ See Ericson and Doyle (2003) on risk and morality.

sanctioning of those deemed responsible becomes itself immeasurable, therefore infinite. From 'Bin Laden dead or alive' to 'infinite justice' we cover the whole spectrum of practices that the logic of precautionary risk activates – from the imaginary of vengeance against an individual evil-doer and its accomplices on the model of criminal sanctioning and responsibility to the infinite sanctioning of suspects.

Precaution requires political decisions in situations of uncertainty. It can no longer rely on knowledge, on statistical and actuarial data, on biographical profiles. But in the precautionary imaginary, the other's responsibility is also uncertain and a matter of political decision. Whether the evidence against the terrorist suspects in the British high-security Belmarsh Prison consists of a pair of boots donated to Islamic Chechen rebels or something more material is in itself immaterial. The 'burden of proof' is no longer on the state to show guilt, but on the prisoners to prove innocence. This changes the system of juridical responsibility to an *a priori* responsibility and guilt, even before any event has taken place? As *a priori* responsibility cannot be accommodated by juridical thinking, such impossibility often transfers judgements of responsibility to the sphere of policing, of the administrative.

In the logic of precaution, those considered potentially dangerous will also be 'a priori' responsible, subjected to administrative measures that would be the equivalent of a juridical sanction. Indeed, the inclusion of 'indefinite detention', 'house arrest' as instruments in the UK fight against terrorism nicely capture the tension between the juridical and the administrative (or the executive). Similar tensions are visible on the international level, most notably in the United States' doctrine of pre-emption. In the Caroline case of 1842, it was argued that pre-emptive state violence should be considered legitimate only when there exists 'a necessity of self-defence, instant, overwhelming, leaving no choice of means and no moment for deliberation.' So defined, pre-emption implies that anticipatory self-defence is only legitimate in case the other side has already fully and irrevocably committed itself to an armed attack.

Despite the emphasis on the 'rule of law' in counter-terrorist discourses, the precautionary principle thus exposes the gap that is being created between current legal principles and the concepts with which to think responsibility in conditions of catastrophic risks. The technologies and rationalities of precautionary risk introduce contradictions and clashes within the existing systems of governmentality: be it governmentality of risk or legal governmentality. Despite increasing contradictions that have lead to numerous debates – especially in the case of the war in Iraq or detention of prisoners in the UK – the various paradigms of risk coexist and could even weather their inconsistencies. Against the Foucauldian hope that politics emerges from the inconsistencies and contradictions of various governmental technologies, we argue that politics already exists as a disavowal in the new paradigm of risk. The risk to be taken is to seize upon this politics.

IV Taking precautions against terrorism and the (non-)politics of risk

Responsible science and responsible policymaking operate on the precautionary principle (Blair 2002).

The effects and tensions that the precautionary approach gives rise to do not tell us much about its political implications. The legal system can be subject to transformation as much as the citizen's subjectivation through identity-assessment practices. The political effects of the new paradigm of risk appear not from the contradictions that seem to be created (and which could be ultimately accommodated), but through what it disavows and negates. Slavoj Žižek has pointed out that what is missing from Rumsfeld's categories of known/unknown are the 'unknown knowns', the things we do not know that we know, the disavowed beliefs and suppositions, the obscene practices we pretend not to know about (Žižek 2004). The new risk approach brings to the fore the 'unknown knowns' of politics and social struggle. We will interrogate the political consequences, the disavowals and suppositions of the precautionary principle through two related questions. First, how does the precautionary logic relate to oscillation between science and representation that characterises politics? Second, what is the governmentality of precautionary risk trying to avoid, to 'normalise'?

To begin with the former, from the Enlightenment on, politics has been defined in relation to representation (e.g., the people, the masses, the electorate) and through a relation with science. To an extent, politics is defined by the uncertainty and necessity of decision 'in the dark'. Politics is not about reading an open book, but about decision in a certain situation of invisibility, of non-being and non-visibility. Through the imaginary and the technologies of risk, however, politics has also attempted to become 'management', to govern the future and tame uncertainty (Hacking 1991). Between science and representation, politics becomes the counting and objectifying of social groups.

The governmentality of risk was based on scientific calculus and group profiling. Profiling can only function for risks that we know, it does not tell anything about the unknown. Thus a commentator of risk could warn that post-September 11, prevention has entailed a 'series of expensive Maginot lines against risk, each of which does a wonderful job at protecting security against a known risk, while doing nothing to protect society from the unknown' (Baker 2002a: 356). The new paradigm of risk turns the objectifying representative principle into disarray. Political decisions cannot be based upon the certainties of science, as the precautionary principle between science and politics finds itself severed or rather exposed in its contingency. Tony Blair's response to criticism brings to the fore a concept of politics which has severed its relation with science, with expertise or with management:

Sit in my seat. Here is the intelligence. Here is the advice. Do you ignore it? But, of course, intelligence is precisely that: intelligence. *It is not hard fact. It has its limitations*. On each occasion, the most careful judgment has to be made taking account of everything we know and advice available. But in making that judgment, would you prefer us to act, even if it turns out to be wrong? Or not to act and hope it's OK? And suppose we don't act and the intelligence turns out to be right, how forgiving will people be? (Blair 2004).

In an earlier speech to the US Congress, Tony Blair answered these questions:

Let us say one thing. If we are wrong we will have destroyed a threat that, at its least, is responsible for inhuman carnage and suffering. That is something I am confident history will forgive. If our critics are wrong, if we are right as I believe with every fibre of instinct and conviction I have that we are, and we do not act, then we will have hesitated in the face of this menace when we should have given leadership; that is something history will not forgive (Blair 2003).

Blair's approach to the war in Iraq has wavered between an initial reliance on intelligence and a later invocation of the 'uncertainty' of knowledge. Because precautionary risk simultaneously evokes and disavows politics as uncertain decision, many commentators from the left and right have criticised the principle for leading to inaction and extreme risk aversion (see e.g., Miller and Conko 2001, Sunstein 2005). Yet, when the precautionary principle is tied to security politics the opposite seems to be happening. Here, risk aversion is translated into policies that *actively* seek to prevent situations from becoming catastrophic at the some indefinite point in future. Prevention does thus not just mean to abstain from doing anything when confronted with a uncertain future; it is also introduces a pure sovereign logic of decision: 'It does not follow that scientific expertise is useless, but that it will not release the politician from the sovereignty of his or her decision' (Ewald 2002: 298). In contrast to Beck's assumption that the risk society will reinvent politics along more democratic lines with slow procedures where expertise knowledge is deliberated in global public forums (Beck 1992, 1999) the precautionary principle instead privileges a politics of speed based on the sovereign decision on dangerousness. If confronted with the possibility of catastrophic risk, George W. Bush argues, 'we cannot wait for the final proof – the smoking gun – that could come in form of a mushroom cloud' (cited in Daalder and Lindsay 2003: 157).

The new paradigm of risk turns the objectifying representative principle into disarray. Yet, this does not mean that profiling ceases to play a role in security practices. To the contrary, as the precautionary principle changes the security problematique from 'being-dangerous' to 'becoming-dangerous', 10 profiling becomes increasingly important as a means of establishing the potential dangerousness of individuals or groups of individuals. In 2004, for instance, precaution on the basis of intelligence warnings led to the cancellation of several British Airways and Air France flights to the United States (Levi and Wall 2004: 200). Because the underestimation of intelligence and knowledge is considered irresponsible from the viewpoint of precautionary risk, the scope and field of intelligence needs to be enlarged accordingly.

Thus, 9/11 has given way to more proactive forms of surveillance of suspect populations, leading to a surplus supply of data and an overprediction of threats (Lyon 2003, Levi and Wall 2004, Amoore and de Goede 2005). For instance, the US Terrorist Screening Center (TSC), a joint initiative of the Department of Justice, Department of Homeland Security, the Intelligence Community, the FBI and the State Department, seeks to install surveillance and data collection as a routine of everyday life within and outside the United States. As Attorney General Ashcroft argues: 'The Terrorist Screening Center will provide 'one-stop shopping' so that every federal anti-terrorist screener is

 $^{^{\}rm 10}$ On this shift, see also Dillon and Reid (2001) and Dillon (2003).

working of the same page – whether it's an airport screener, an embassy official issuing visas overseas, or an FBI agent on the street' (Department of Homeland Security 2003).

The ethos of precaution does not however remain limited to the public sector. Since the attacks on 9/11 the US Government has explicitly sought to inscribe individuals as active participants in the war on terror. Indeed, an important function of the Department of Home Land Security is to enforce preparedness upon individual citizens. It describes in great detail how individuals can contribute in the war against terrorism by being vigilant in their daily undertakings. To quote Žižek at some length:

The official aim of Homeland Security appeals to the US population in early 2003, intended to make them ready for a terrorist attack, was to calm people down: everything is under control, just follow the rules and carry on with your life. However, the very warning that people must be ready for a large-scale attack sustained the tension: the effort to keep the situation under control asserted the prospect of a catastrophe in a negative way. The aim was to get the population used to leading their daily lives under the threat of a looming catastrophe, and thus to introduce a kind of permanent state of emergency ... We should therefore interpret the different levels of the Alert Code (red, orange) as a state strategy to control the necessary level of excitation, and it is precisely through such a permanent state of emergency, in which we are interpellated to *participate* through our readiness, that the power asserts its hold over us (Žižek 2003: 98-99, emphasis in original).

A considerable part of Homeland Security, then, is dedicated to the enforcing preparedness upon individuals by engaging them in programs such as Freedom Corps, Citizen Corps and community neighbourhood watches through which citizens are mobilised to be on guard and to report suspicious and unfamiliar things to authorities.¹¹

These developments in profiling towards pro-active forms of surveillance that seek to involve everybody expose the uncertainty of risk and the uncertainty of representation, the impossibility of objectifying political subjects as social groups. While profiling is still key in the war on terror, its targets are increasingly arbitrary. Security procedures tend to more and more indiscriminately target everybody, from old ladies to children. As Slavoj Žižek has pointed out, we are all *homo sacer*, i.e. potentially excluded in a permanent state of emergency (Žižek 2002).

The impossibility of representation is more than merely an echo of Lyotard's post-modern distrust of 'metanarratives' inasmuch as it exposes the eternal dilemma of politics: should politics be the government of the city left to 'the philosophical use of speech and the mathematical use of numbers'? (Rancière 1995: 95). Politics cannot be the privilege of the philosopher or of the expert, while excluding those who do not know. Simultaneously the 'affair' of those who know, politics is also the realm in which all the others find representation. The subject of a political action is always somewhere else. Politics has been made 'due to improvisation by unprogrammed actors, by surplus interlocutors: a noisy crowd occupying the street, a silent crowd crossing their arms in a factory and so on' (Rancière 1995: 103). The renunciation of the political actor that

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¹¹ See <u>www.dhs.gov</u>, <u>www.ready.gov</u> and <u>www.citizencorps.gov</u> for detailed descriptions on how to contribute to the war on terror through being prepared.

cannot be calculated, whose actions are unpredictable and indeterminate is the second disavowal implied by precautionary risk.

Why are politics and non-representation, non-visibility disavowed while obviously present in a discourse? Insurance appeared as a strategy of solidarity against social inequalities. Precaution can lead to a form of 'negative solidarity', create a community whose only commonality is that of risk. Yet, such an interpretation obscures the antagonism to which insurance and risk technologies have given an answer. Although Ewald claims that insurance risk is divorced from any idea of danger or peril, there is a more serious risk that is being avoided by the technology of insurance; namely the danger that the poor, the working class can pose to the state. Through preventing accidents, illness, poverty, risk actually prevents a higher risk, namely that of claims to the restructuring, re-ordering of society in the name of injustice. Risk management never calls for the reorganisation of society but to compensation of damages caused by the social division of labour – and this is not done in the name of a fundamental injustice (Donzelot 1988: 138). Insurance as a technology of governance 'normalised' social struggles and avoided the partisan appropriation of the state.

Precaution itself, rather then being targeted against potential terrorist attacks, could also target resistance, resistance that directly challenges the state. In fact, unlike insurance or other forms of risk assessment, the precautionary principle makes an explicit value statement about the *status quo*. It portrays the *status quo* as worth preserving, as a value in itself: 'It is concerned with ensuring the continuity of the future with the past. The precautionary principle is counter-revolutionary. It aims to restrict innovation to a framework of unbroken progress' (Ewald 2002: 284). Indeed, the state of emergency that derives from the precautionary principle in fact prevents the real exceptional event (strike, popular unrest, the rise of the masses) from happening. The precautionary principle thus tries to avoid the real emergency and return to the 'normal' course of things (Žižek 2002: 108). Unlike insurance which disavowed the Real of 'class struggles' through a reliance on knowledge, the precautionary paradigm can only rely on a sovereign decision. It thus also disavows the fact that politics emerges in relation to other subjects, as Rancière has pointed out.

'What if', Slavoj Žižek asks rhetorically, 'the war on terror is not so much an answer to the terrorist attacks themselves as an answer to the rise of the anti-globalization movement, a way to contain it and distract attention from it?' (Žižek 2004: 61). Whether one disagrees or not with the framing of Žižek's question, it is important to be aware of the political subjects that are being denied, disavowed as such by the practices o precautionary risk. The *status quo* that the precautionary logic enforces is that of neoliberal capitalism. One need only think of the transferral of precautionary risks to the capital market, where they are subjected not to calculations of frequency and severity but to capital market speculations. The transferral of precautionary risk to the capital market does not just transforms the forces of catastrophes into business opportunities. It also constructs a 'security continuum' where the catastrophic risk of terrorism is connected to (other) risks to the global liberal economy such as re-nationalisation, the re-imposition of taxes and tariffs, government interference in international investment and

of threat construction. Rather, it refers to the practice where certain types of risks are repackaged as precautionary risks and transferred to the capital market.

Please note that in this context the term 'securitisation' does not refer to the Copenhagen School theory

the re-regulation of financial markets.¹³ As one expert comments, 'securitized CAT(astrophe) instruments are likely to be the most efficient way to cover catastrophic events, including terrorism' (cited in Bougen 2003: 271). For instance, US Governor responsible for Iraq's reconstruction Paul Bremer, in his former capacity as chairman for the company *Crisis Consulting*, identified terrorism as an international business risk without drawing distinctions between terrorism, the anti-globalisation movement or nationalist sentiments (Cooper 2004, p. 15). Also Gordon Woo, one of the best-known risk analysts of the London-based firm *Risk Management Solutions*, draws a direct parallel between terrorism and the anti-globalisation movement. Lumping together terrorists, anarchists, anti-globalists and students, he argues:

What would be especially puzzling to security forces is the apparently haphazard variation in the commitment of a specific individual to the terrorist cause. Such individuals would not be classified as hard-liners, and would soon disappear from the terrorist radar screen ... These individuals may not themselves have any prolonged history of links with radical groups, so they would be hard to identify in advance as potential suspects ... Being spontaneously generated, such a group would be almost impossible to infiltrate. An emergent network is essentially a virtual one, in respect both of physical presence and web-based communication. The capability of militant anarchists and anti-capitalists to cause mayhem at the economic summits in Seattle and Genoa shows the potency of an emergent network. The ranks of the hard-core anarchists were swelled by middle-class students and young professionals. An alarming future prospect would be the rapid recruitment to the militant Islamic cause of well educated but disaffected Moslems, especially to those born and raised in the West, whose loyalty to al-Qaeda may be all but invisible to security forces (Woo 2002).

As the war on terror becomes linked to the pursuit of neo-liberal globalisation, the precautionary principle becomes a sovereign decisionist politics that disavows that political decisions can be linked to contingently emerging political subjects that challenge that status quo. The 'unknown knows' offer us access to the true functioning of the war on terror and the global neo-liberal order. Characterised by uncertainty and radical contingency, precautionary technologies of risk try to systematically avoid their political impact and attempt to 'govern' them both. Yet, politics continually haunts the attempt at governing and reclaims decision, struggle and contingency.

V Conclusion

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In this paper, we have argued that the war on terrorism should be understood through the prism of precautionary risk rather than the traditional theoretical lenses of IR. In an attempt to unpack the governmentality of the risk of terrorism, this paper started with recent appropriations of the concept of risk in sociology and security studies. It took issue with Beck's (and Rasmussen's) view that all practices of security can be reduced to one

¹³ The term 'security continuum', coined by Didier Bigo, originally referred to the linkage of immigration to diverse threats such as organised crime, terrorism, drug smuggling and human trafficking (Bigo 1996).

type of risk, explainable within a macro-sociological account of the transformation from industrial society to risk society. It has argued that risk is a modality of governing and ordering reality, which implies the creation of complex technologies as well as political rationalities. Genealogical accounts of the concept of risk show that there is nothing particularly original about risk as a way of thinking and ordering social relations.

Already in the 19th century a French jurist put that '[m]odern life, more than ever, is a question of risk' (cited in Ewald 2002: 278). From its beginnings in welfare state practices to insure workers against accidents, the principle of precautionary risk has become one of the main technologies in the war on terrorism. We have shown how the precautionary principle accounts for immensely different technologies in the war on terror and it equally involves heterogeneous actors while summoning different interests. Although the literature on precautionary risk has focused on pointing out the contradictions the precautionary risk gives rise to, we have argued that its politics lies in the way it actually disavows politics. Characterised by uncertainty, need for political decision and radical contingency, it continually attempts to deny them. It subsumes the possibility of politics under a non-politics of the status quo that attempts to excise a politics against the current neo-liberal order.

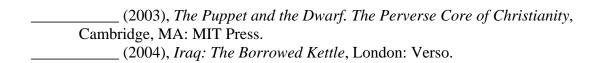
The precautionary principle favours the *status quo*, while suppressing social struggle and emerging political actors. Linking terrorism to the anti-globalisation movement, the war on terror is not just a way of fighting terrorism but has become a means to maintain a global politics of neo-liberalism. Developed in response to the terrorist attacks of 11 September, the 2002 US *security* strategy thus states that there is one 'single sustainable model for national success: freedom, democracy, and free enterprise. In the twenty-first century, only nations that share a commitment to protecting basic human rights and guaranteeing political and economic freedom will be able to unleash the potential of their people and assure their future prosperity' (White House 2002: iv). '[T]he war ... against terrorism represents the continuation of the New Economy by other means' (Marazzi, cited in Cooper 2004: 3).

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