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Justice and Home Affairs
Post-September 11

Introduction
The sense of being engaged in a new kind of war pervades a great deal of thinking post-September 11. The qualitatively new feature of the struggle implied by the ‘War on Terrorism’ is attributed, on the one hand, to its asymmetry, insofar as it involves non-state actors, and to the scale of destruction the adversary is willing to inflict on civilian targets – interpreted as an affront to liberal democratic values – on the other. The belief that something fundamental has changed in terms of the type of conflicts states could find themselves engaged in today, and the sense that the ‘War on Terror’ epitomizes this new kind of vulnerability, has led to a series of measures aimed at reducing this perceived ‘security deficit’. Despite the current sense of exceptionalism associated with ‘9/11’, the Madrid bombings in 2004 and the London attacks in 2005, international terrorism is not new to the security policy agenda in Europe. In fact, it has been an issue of concern for some 30 years. Over the last three decades, however, its potency as a challenge to stability and security capable of inducing greater intra-European cooperation waned with its inclusion in a continuum of externalized (though traditionally conceived as) internal threats to security. Emphasizing the transnational, the foreign element of threats to ‘internal’ security has permitted a series of measures that further reinforce the security dimension of both member states’ state–citizen relations and the EU’s area of ‘freedom, justice and security’ (AFJS) and, ultimately, modify state sovereignty as expressed in the production of public order.
Accounts of these developments that rely on traditional IR theorizing would not have been able to account for growing institutionalization of cooperation in the field of JHA over the last 20 years. Firstly, they would not have ‘seen’ the creation of a European ‘internal’ security domain, since the focus would have been on military threats to security in the external realm of inter-state relations. Secondly, emphasis on the centrality of the state would have led to the conclusion that cooperation between states is the result of states rationally pursuing their preferences, when the principal actors behind the process of Europeanization in this area were representatives from interior ministries and police forces, brought together in informal policy networks in between moments of treaty reform. Examination of the development of the JHA field also indicates that common conceptual schemes and norms developed by transnational policy practitioners were vital to the institutionalization of cooperation in this area, since the focus would have been on cultural practices and norms unique to the international system. This suggests that accounts of developments in the area of European security that have attempted to recognize normative and cultural aspects by drawing on regime theory would also have been inadequate.

The importance of practitioners’ knowledgeability is, however, reflected in law enforcement and police studies that focus on the institutionalization of JHA. Informal and decentralized policy arenas, established in response to the removal of internal border controls within the Schengen area, were thought to provide policy practitioners with opportunities to pursue their own agendas, which were essentially concerned with law enforcement. These analyses, moreover, suggest that their knowledgeability is bounded in that a number of the political consequences ensuing from their activities are unlikely to have been intended. Increased authority being ceded to Brussels-based institutions, such as EUROPOL, and its expansive ‘logic’ were linked to the way in which the issues were framed. The institutions that were crucial to this phase included informal ‘rules’, both cognitive templates and norms.

Neo-functionalism would also have been more able to ‘see’ that political elites involved in decentralized policy networks are important actors in the integration process, even if it would not have captured the role of mid-level practitioners in Brussels-based policy networks, largely due to the period in which neo-functionalism developed