Trajectories of the Discourse on Transnational Organized Crime: Biopolitical Wars and Global Civil Society

DIEGO NIETO
Universidad ICESI, Colombia

Abstract

The article aims to understand how the dominant conceptualization of transnational crime legitimates non-traditional forms of warfare at the global level while itself constituting the idea of global civil society. It is argued that since this discourse defines transnational crime as a threat to global society, it makes politically viable the deployment of policing and military interventions in defence of the world population. In order to expose this, this article reconstructs the trajectories of the discourse on organized criminality. The article first analyses the emergence of the discourse in the United States during the 1950s, afterwards analysing it as an issue of transnational scope during the last two decades. Thus the aim here is to underline the importance that a phenomenon such as crime has had on the governance at a global level.

Introduction

It is commonplace to claim that we live in conditions dominated by the deregulation of markets, of borderless transactions, and faster communications, which in turn, have reduced the limits and constraints posed by space and time in human interactions. Paradoxically, at the same time, we witness, and in many cases experience ourselves, an expansion in the domains of securitization and control mechanisms at the level of the spaces that these transformations seem to have allowed to exist beyond the scope of the traditional territoriality of the nation-state. Given that the possibility to think about global challenges depends on a discursive rationalisation of political life, the main aim of this article is to understand how global relations and their dynamics are transformed into an object of governance through discursive practices—the means through which policies and forms of governance are constituted.

In order to do this, I will trace the political discourse underlying the deployment of apparatuses of governance developed around the domains of law enforcement, policing and security in face of the debates around the control of cross-border crimes. Insofar as these forms of

crime escape the control of nation-states, it is around them that there has been a development of transnational forms of policy response, which therefore express a crucial dimension of contemporary global governance. In particular, I will seek to disclose the principles that have played a central role in the constitution of a discourse on transnational organized crime, considering that it represents one of the most important issues for the contemporary governance of global relations.

The text is divided in three parts: the first part defines the analytical framework employed to analyse the discourse on organized crime from a Foucaultian point of view as part of power relations and forms of governance at the transnational level. There, I define biopower and transnational spaces. The second part examines the constitution of a discourse about crime defined as an alien threat to society, first as it was developed in the United States during the 1950s, and then as it reaches worldwide scope with the concept of transnational organized crime (TOC) in the last two decades. Finally, the conclusion of the article outlines the consequences of the discourse on transnational crime in the context of contemporary wars on global crime and terror.

This article argues that the governance and policies

on crime control at the global level are framed within a discourse about organized crime, defining it as an internal threat of alien or external origin. Such definition legitimates the fight against organized crime and constitutes the idea of a global civil society in itself. Insofar as the discourse defines crime as an enemy to the world population, very much in the same way as traditional political enemies would be characterized, it allows for the deployment of an assemblage of policing and military interventions on a global scale. Thus, I consider that, as criminality and crime control become an issue of transnational importance, the biopolitical approach allows us to understand how definitive they are for the constitution of a transnational governmentality of populations.

Conceptualizing Transnational Organized Crime

Many authors have highlighted the importance of critically analysing the political grounds of the concept of transnational crime, not only because of its questionable level of efficacy, but also because of its unclear normative stance (Sheptycki 2000b; Gill and Edwards 2003; Beare 2003; Andreas and Nadelmann 2006). Though sharing this concern, the article approaches the issue from a particular perspective, starting from understanding the grid of governance, which develops based on such conceptualization. This requires answering questions such as: How has crime become an issue of transnational political action? How has this conceptualization of crime become politically possible? How has such conceptualization implied the development of a whole set of policies, programmes, techniques that affect the people of the world? Finally, how has the world population become a subject to governance through transnational law enforcement and policing? In answering these questions I seek to highlight the significance that crime control measures have had in the emergence of forms of global governance, and therefore, in the transformations in political power and authority in a globalised world.

The consideration here is that in order to understand these changes in governance in recent times it is necessary to disclose the historical trajectories of political problems that play a central role in the constitution of a global or transnational spatiality of governance. In the case of crime, there remains the fundamental task of reconstructing the political discourses that configure crime as a concern for the "world society". This will allow for revealing the contingent and political character of the constitution of transnational spaces and the world population as objects of governance through the active participation of political discourses (Foucault 1984: 79). The intention here is to reconstruct the trajectories and contingent features underpinning the current state of affairs in global politics around the issue of organized crime through an engagement with the political conceptualizations of the phenomenon, which has successfully imposed a dominant vision of the problem of the governance of crime at the global level.

Whereas I share this objective with other constructivist approaches, to tackle adequately the question of governance at the global level, it is extremely useful to see it through Foucault's insight. The particularity of governance in modern times is the emergence of the government of populations as a specific "art of government", where political rationalities of government acquire this new way of thinking about the exercise of political power that emerged in the 18th century. It is characterized by an ensemble of institutions, procedures, analyses and reflections, calculations and tactics that had as its target population, as its knowledge political economy, and as its technical means apparatuses of security (Foucault 1991: 99-101; Dean 1999). Only in this context of governance populations become object of governance based on the knowledge of the emergent social sciences, statistics and demography, which provided a way of representing the autonomous dynamics of society to assess whether they should be subject to regulation (Foucault 2008: 20-2, 317; Barry et al 1996: 9-10).

This idea allows for recreating some important dimensions that other approaches do not fully consider, in particular, it provides a key to understand how crime and the measures to control it may involve coercive and military interventions, and more importantly how can they be politically justified and extended beyond national borders. First of all, when discussing transnational governance one should not only be looking at the concurrence or confrontation of state's interests, the institutional frameworks of their interactions, or the values all these actors and institutions are imbued with. One should consider these elements within the configuration given by rationalities or grids of intelligibility (govern-mentalities as he calls them) that are developed to govern problems that are beyond states and involve as their main object the population of the world.

Secondly, it makes clear that, as Foucault shows, all the set of regulations, controls, and interventions that stem from this particular art of government in modernity need to appeal to, and operate through the idea of the protection and care of the health of populations, and therefore through a variety of actions aimed at the political administration of the life of populations. Whereas political power in the classical view of the term is associated only with the sovereign imposition of military power in a given territory, through the biopolitical approach one can see how this same modern political power may combine such military measures with a whole different set of mechanisms not only to confront political enemies, but also to deal with a variety of threats that put into risk the "normal development" of populations. This disposition of the art of government in modernity is what here constitutes biopolitics; a way of approaching the question of government and power that starts from the way power is exercised over the body politic, through its subjects, and by means of security apparatuses (Foucault 2004: 249-50).

Biopolitical Threats

How is it possible for law enforcement measures and policies against crime to become part of the deployment of strategies for the government of populations that imply warfare and military actions within and even against the populations they aim to protect? In the name of what, and according to what rules could population be put into risk, and be object of security strategies in the context of biopolitics (Foucault 2008: 317-23)? Being also a substantial part of this analysis, Foucault's answer is that "it is at this point that racism intervenes. It is at this moment that racism is inscribed as the basic mechanism of power, as it is exercised in modern States". One should be careful, however, when drawing on this idea of racism in modern politics, and understand how this discourse on racism is not limited to the hate between races, but that actually:

> it is a way of fragmenting the field of the biological that power controls. It is a way of separating out the groups that exist within a population ... This will allow power to treat the population as a mixture of races, or to be more accurate, to subdivide the species it controls ... That is the first function of racism: to fragment, to create caesuras within the biological continuum addressed by biopower (Foucault 2004: 255).

Thus, it must be noted that in this discourse "the enemies who have to be done away with are not adversaries in the political sense of the term; they are threats, either external or internal, to the population and for the population". In the biopower system, "the imperative to kill is acceptable only if it results not in a victory over political adversaries, but in the elimination of the biological threat to the improvement of the species and race" (Foucault 2004: 255).

As Foucault (2004: 257) says, "the same could be said of criminality. Once the mechanism of biocriminal was called upon to make it possible to execute or banish criminals, criminality was conceptualized in racist terms". Crime becomes one of these threats: along with an assemblage of powers it is possible to put into work, the classical sovereign mechanisms to kill the enemies, and the biopolitical mechanisms to enhance the life of populations. Through the establishment of a racist discourse, or better expressed perhaps, through a discourse that claims to defend the society, the classical view of war against enemies is made compatible with the exercise of biopower in modern societies in a different form of war against threats as diffuse as those of drug trafficking and organized criminality, or any other issue, which may be considered a threat to the prosperous growth of society (Foucault 2004: 255-6).

Secondly, alongside this division within the population there is a broader and more fundamental consequence of this discourse for the defence of society. As Foucault (2004: 18) concludes, "this kind of representation of the enemy, of a binary schema of war and struggle and clash between forces, is the one that can be really identified as the basis for the creation of a civil society, as both the principle and the motor of the exercise of political power, and of the analysis of political power as war". By naming and defining the threat/enemy the society performs a fundamental movement that allows for the definition of political frontiers. It performs the "introduction of a break into the domain of life that is under power's control: the break between what must live and what must die", shaping in this way the contours of "civil society" itself, in a way, inexistent up to this point (Foucault 2004: 155). Here, clearly, just as racism does not strictly mean hate for other races, death is not understood only as murder. Death, in the context of biopower, "refers to every form of indirect murder, including, of course, political death, expulsion, rejection, and so on" (Foucault 2004: 256). In the context of biopolitics, the broader political consequence of the establishment of a threat such as organized crime is the introduction

of a division within society itself. This division constitutes the frontiers of what becomes civil society and at the same time of those threats that constitute its main security concern, which serves to define those condemned to political death.

Transnational Spaces and Security Considerations

There is, finally, a particular emphasis given to governance in modernity, to the modalities of power, and authority in the international system. Intensification of transnational processes—often conceptualized as globalisation—pushes Foucault "outside" the nation-state, i.e. as he was already working power "beyond" the state, and however "within" the nation-state itself as space of reflection". With the study of this problematic the purpose is to be more historical and look at the specific issues—transnational crime—that have allowed the questions of transnational and global governance to come into existence as a particular technology of rule, part of a longer trajectory in the history of modern political governance (Larner and Walters 2004: 4). Accordingly, transnational will be used in this article as a label for the study of the ways in which a political reflection and discursive enunciation around the governance and management of populations in these spaces within, above, beyond, between and across nation-states appears. The nature of this space should not be assumed in advance, but via an examination of heterogeneous discourses and practices, in terms of which power is exercised beyond the nation-state. Transnational may refer to the bilateral, regional, international, supranational, and in some specific circumstances, the global. Transnational governance is understood as a particular form of political imagination for the government of populations. It is in this sense that I intend to reconstruct the discourses that justify the exercise of power and government operating beyond the state for the control of crime (Larner and Walters 2004: 16).

This genealogical reconstruction will serve to make evident the contingent character of the problems and moments of crises—including the problem of transnational crime—that have started as local issues and become transnational questions of governance, supporting the emergence of a political discourse. The latter is specifically conceived to regulate, control and exercise forms of power not only from, between, and over states, but more importantly, over and through the territories and populations living within these transnational spaces (Larner and Walters 2004: 4). Such disclosure aims to give a means to question current practices of government and reflect on their legitimacy and scope, and most importantly, to realise that things could be seen, defined, and governed differently.

Internal Threats vs. External Enemies

To understand the constitution of transnational crime as a biopolitical threat, it is fundamental to reconstruct the constitution of a field of truth in relation to the challenge of organized crime in the United States.[1] Many criminologists and researchers on the history of organized crime have shown that without the American conceptualization of it, as well as its efforts to expand it globally, there would not have been the development of apparatuses of security and law enforcement in the particular way it was constituted during the 1990s around the world (Nadelmann 1990, 1993; Woodiwiss 2001, 2003a, 2003b; Edwards and Gill 2002; Andreas and Nadelmann 2006).

The Discourse on Organized Crime and Security

The seminal conception about organized crime was established in its original form in the 1950s by criminologist Donald Cressey, who described organized crime as "a well-knitted, hierarchical and centralized organization acting as an international conspiracy, seeking profit and power, and bound together by ethnic or some other form of cultural kinship" (Cressey 1969: x). This picture of organized crime regards it as the activity of hierarchically structured, often culturally-bound groups, who collaborate for prolonged periods of time and

1   I focus my attention in the US only because the American construction of the problem of crime and of its necessity to be addressed transnationally is the most accepted internationally, and not because I believe we are experiencing a process of imperial imposition upon the world by coercive or other means. Even when I would not deny altogether that this "real" forces and interests might be part of the successful dissemination of the American interpretation, I believe that paying too much attention to them misses out on the key variables to understand the ways of politically defining the threats to populations at the transnational level that I wish to highlight. I am also aware that other actors such as the United Nation and the European Union have been part of the process of the definition of transnational crime, and surely they cannot be underestimated. Yet, their role has been in many ways shaped in their relation to the American discourse, that amounts to the hegemonic view on organized crime and which in the end justifies giving it most of our attention.

whose reckless and sometimes violent pursuit of profit and political power threatens the "respectable society" from within and outside at the same time (Edwards and Gill 2003: 268). This conception, where organized crime appears as an alien threatening conspiracy against the American society, became the dominant official representation governing criminal policies and popular imaginary since the findings of the Kefauver Committee, the first nationwide investigation on the Mafia syndicate undergone in the United States, and which was in charge of investigating organized crime in 1951 (Kefauver Committee 1951).

More importantly, this conception was echoed in two other historically crucial Commissions for the study of organized crime and law enforcement in the United States. Deemed at the time to be "the most comprehensive study of crime and criminal justice undertaken in the Nation's history" (Winslow 1967: iii), the 1967 President's Commission Report of Law and Administration of Justice The Challenge of Crime in a Free Society explicitly quoted the Kefauver Committee to give its definition of organized crime (Winslow, 1967: 191). Thirty five years later, in 1986, the Reagan's Commission on Organized Crime used it in the second nationwide inquiry for the investigation of Organized Crime after the Kefauver Committee (Kaufmann 1986: 25). Certainly, it is remarkable that despite some obvious differences of context because of the transformations experienced between these reports, the general understanding of organized crime remained attached to Cressey's definition of an alien threat to society, giving support to the specific law enforcement strategies applied against organized crime ever since (Smith 1991; Albini 1997; Naylor 1995; Levi 1998; Woodiwiss 2001, 2003b).

Other researchers have already underlined this remarkable continuity in the conceptualization of organized crime. However, it should be highlighted how such representation has gradually emerged through official and academic research on organized crime and has successfully captured popular imaginaries and works not only as a typical discourse for the definition of a biopolitical threat but also as a discourse for the defence of society. Finally it should be shown how in the end crime becomes an issue of concern necessitating military responses going beyond the national framework of action.

This conception allows for the construction of discourses stating that, whether people face it daily or not, there is a threat originating from organizational structures with power and wealth of a degree strong enough to challenge the basic structures of society. It places the existence of this not rightly evident but powerful enemy as an incontrovertible fact that requires urgent measures in order to protect society. These are "alien-enemies" operating in the form of powerful organizations within society itself, closely tied with exterior forces and interests. It should be made clear that a danger exists, that it comes from external forces, and the very fact that it has been ignored for so long is part of the problem itself.

A clear example of this discursive formation appears in Senator Robert F. Kennedy's book from 1960 The Enemy Within, and in his statements in the Hearings before the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Operations, where he affirmed that: "The American public may not see him, but that makes the racketeer's power for evil in our society even greater. Lacking the direct confrontation with the racketeer, the American citizen fails to see the reason for alarm. The reason, decidedly, exists" (Quoted in Kelly 1999: i; Simon 2007; Kennedy 1994). Some twenty years later President Reagan reiterated this view stating that:

Down deep, the American people know a criminal confederation exists in our country, that it has incredible power.... What kind of people are we if we continue to tolerate in our midst an invisible, lawless empire? Can we honestly say that America is the land with justice for all if we do not now exert every effort to eliminate this confederation of professional criminals, this dark, evil enemy within? (Reagan 1986)

Secondly, it is important to identify how this conception of organized crime allows for the deployment of security apparatuses for its control within the population itself. As it was argued above, discourses on the defence of society not only define threats against the population, but they also perform the important function of dividing it internally, and use the discourse of war and confrontation to define the frontiers that provide with the identity of "civil society" in face of a recognized threat. The establishment of the existence of these huge corporations of crime as a threat to society draws this frontier between the outlaw, opportunistic and corrupted alien groups in opposition to the law-abiding respectable society. In this case, it is affirmed by this discourse about organized crime that the existence of organized crime is not an intrinsic consequence of the American style of life, but, quite on the contrary, but of the danger of crime that lies in its impulse to infiltrate, corrupt and control it from outside. In this rep-

resentation, crime remains external to society. It is not the product of this respectable society. This is the exact meaning of an enemy within society which is, however, alien to the productive machinery of the American social fabric, and that can even destroy it through its ruthless, violent, and reckless behaviour.

This could not be more clearly stated than by the influential definition presented by the Kefauver Committee in its Third Interim Report:

> There is a nationwide syndicate known as the Mafia, whose tentacles are found in many large cities. It has international ramifications which appear most clearly in connection with the narcotics traffic (...) leadership appears to be in a group rather than in a single individual (...). The Mafia is a secret conspiracy against law and order which will ruthlessly eliminate anyone who betrays its secrets (Kefauver Committee 1951: 147-50).

Essentially, the problem of organized crime was something society needed to be made aware of, needed to take responsibility in preventing, but something society was not causing itself. As Woodiwiss argues, it was considered unpatriotic to challenge the integrity of the American political and economic systems, and for that reason "any organized criminality had to have come from foreign parts, in the form of an all-encompassing evil emanating from abroad capable of threatening from "outside" the social fabric built by the respectable society. They are a "threat" to, rather than part of, this society" (Woodiwiss 2003b: 18). It is only within the context of this discourse that the war against crime was able to be conceived, a war that was, therefore, not to be fought through questioning of the individualist and neo-conservative society that Regan was promulgating back then, but one that targeted its enemies "outside" the American social fabric.

The Problem of Drug Trafficking: Going Beyond the Nation-State

To understand how crime started to be thought as a problem that goes beyond any nation, there is another aspect, intrinsically related to the external character of the threat of organized crime: the place that drug trafficking acquired within this discursive field. Drug trafficking became one of the most important nodal points, insofar as it appeared as the missing link to ex-

plain the transformation and strengthening of organized criminality into huge enterprises of crime of worldwide scope. In this case, as soon as crimes related to drug trade are defined as a threat to society from international syndicates of drug traffickers, they turn the analysis of political action to a problem beyond the nation-state territoriality, making possible to politically conceive the War on Drugs.

The first to declare the War on Drugs President Nixon defined the threat precisely in the form of a biopolitical discourse to defend society in order to activate the mechanisms of war against crime beyond the American territory:

> America has the largest number of heroin addicts of any nation in the world. And yet, America does not grow opium-of which heroin is a derivative—nor does it manufacture heroin, which is a laboratory process carried out abroad. This deadly poison in the American life stream is, in other words, a foreign import ... No serious attack on our national drug problem can ignore the international implications of such an effort, nor can the domestic effort succeed without attacking the problem on an international plane ... To wage an effective war against heroin addiction, we must have international cooperation .... I consider the heroin addiction of American citizens an international problem of grave concern to this Nation, and I instructed our Ambassadors to make this clear to their host governments ... The foregoing proposals establish a new and needed dimension in the international effort to halt drug production, drug traffic, and drug abuse (Nixon 1971).

Another equally fundamental feature in the insertion of the drug problem in this conception of organized crime was the extension or, as Potter (1994) has called it, the "pluralisation" of the alien character of organized crime during the 1970s and more definitively during the 1980s. Whereas the 1951 Kefauver findings were strictly drawn from the Italian mafia experience, by 1986 the Kaufman Commission claimed that due to practices such as drug trafficking the mafia had been challenged by crime cartels from other cultural groups and gangs such as the Mexicans, Chinese, Vietnamese, Japanese, Cuban, Colombians, Irish, and Canadians. As it is widely known, President Reagan declared his war against drugs along the same lines of Nixon, stating that:

This is the face of organized crime in America in the 1980s; far more encompassing and wide-reaching than in the past, but in its essential characteristics not all that different from the face of organized crime a generation or two ago (...). In fact, by the late 1970s, the old and new groups were setting up close and expanding ties (...). As threatening as the drug trade, for example, were those new varieties of organized criminal groups: motorcycle and prison gangs, and Asian or Colombian drug gangs" (Reagan 1986).

It was then, with the Kaufman Commission, that this pluralisation of the alien threat thesis took place in order to include new ethnic, immigrant and cultural groups within the United States (Potter 1994: 7). These discourses help to recognise the centrality of the War on Drugs for the governance of transnational relations, as it becomes one the most important wars in contemporary times, in which the biopolitical mechanisms for the governance of crime and criminals have been applied through apparatuses of crime control beyond the territory of the nation-state. In this way, traditionally related to security and diplomatic techniques in inter-state relations and therefore not commonly referred to issues related to crime, the military machinery appears as a fundamental tool for combating crime in the international arena. As long as these are enemies and threats to society, they are fought through wars; they license the conjunction of the sovereign power to kill with the exercise of biopower for the control of populations and their dynamics to live.

We just need to quote Reagan again in its Radio Address to the Nation on Economic Growth and the War on Drugs:

The bill that has passed the House provides for the death penalty for these vicious killers. We must, we need, and we will, have this law. Now, there are those who have opposed the House bill because it includes the death penalty. Others oppose it because of the "good-faith" exception to the exclusionary rule. I believe these people are more concerned with the abstract rights of criminals than the right of our society to save itself from those in this country and outside who seek their fortune in our national misfortune (Reagan 1988).

Organized crime is identified with these highly organ-ized groups, not only of Italians, but also groups with other cultural origins acting as "cartels" with links all over the world due to the proliferation of drug trade as a huge business of transnational scope. Those involved in the supply chain are identified here as cartels organized in the form of reckless international enterprises conspiring against the prosperity of the world society. In this way, the alien character of organized crime constitutes the enemies, but this time, crucially, beyond the American territory. This is the point at which, thanks to this analysis of drug trade, the biopolitics of the transnational arena exercises its government of crime through war relations in the War on Drugs. It is in this context where the character of threat in biopolitics can be defined as that which is in need of an intervention beyond the borders of a nation-state.

President Bush drew this picture very clearly at the end of the 1980s presenting the United Nations Convention against Illicit Traffic in Narcotics and Psychotropic Substances to the Senate:

The production, trafficking, and consumption of illicit narcotics have become a worldwide menace of unprecedented proportions. Narcotics trafficking and abuse threaten the developing and industrialized nations alike, eroding fragile economies, endangering democratic institutions, and affecting the health and well-being of people everywhere. The profits made from the international drug trade are consolidated in the hands of powerful drug lords who operate with impunity outside the law. The widespread corruption, violence, and human destruction associated with the drug problem imperil all nations and can only be suppressed if all nations cooperate effectively in bringing to justice those who engage in illicit trafficking and abuse (Bush 1989a).

Thus defined, the political problematisation of drug trafficking becomes one of the most important elements to understand how crime may eventually be defined as a central issue in the constitution of the governance of transnational spaces, in particular to see how even before the end of the Cold War, many mechanisms of governance started to be thought beyond or outside the previously established ideological-political framework established. With the War on Drugs it becomes clear that the issues that developed forms of transnational political action after the Cold War had been established

before its end. In addition, the configuration of the Cold War in this manner can articulate military measures that need not to be ideologically or politically framed in the Cold War era sense of these terms.

This historical trajectory perhaps matters most when such diagnosis about drug trafficking and organized crime is also embraced by the United Nations through signing of the Convention Against Transnational Organized Crime in 2000 (United Nations, 2000). But how did we arrive to that point?

Transnational Crime and the Defence of the Global Civil Society

By the beginning of the 1990s, a very important transformation had happened in the international community. The end of the Cold War brought about a complex political scenario comparable to what Foucault defines as a crisis on the rationality of governance (Foucault 2008: 68). The instable equilibrium of forces inherent to the Cold War allowing the deployment of a variety of controls at the international level from the two main powers fades away, and many questions in terms of the governance of these spaces arise. How would it be possible to make acceptable a whole set of regulations on the conduct of people, when it is precisely freedom of movement, transactions, negotiations, and all the imaginable things involved in the production of society, the most valuable thing western societies defend—i.e. when freedom is situated at the very base of the society that had been defended against the communist world? A set of practices such as trade, migration, communications enter in a dynamic of deregulation due to the liberalization that this new context brought about. However, a parallel concern about the contingency and possible consequences of the random articulations of those practices emerges. Sovereign or state-centred discourses for intervention and control used until this point in time in the international arena became less suitable to face the challenges posed by this transformed scenario.

It is in this discursive and political context that by 1995 United States President Bill Clinton dedicates its speech at the 50th Anniversary of the United Nations to declare action against the transnational dimensions of the problem of organized crime such as drug trafficking and money laundering. The speech, not very common for a UN forum, emphasized the importance of tackling international organized crime in order to promote the

safety of the world's citizens (Shepticky 2000b: 154). Indeed, drawing on the successful example of the drug war during the 1980s, crime was defined as a transnational phenomenon where, due to economic and social liberalization transnational organizations of crime were operating at a global level as a diffuse enemy threatening from within the security of the global society. A whole field of knowledge and discourse appeared to recreate official and popular imaginaries of organized crime evolving into a picture where the degree of global mafia cooperation had grown to the extent that criminal organizations were now a well-integrated and coherent network with a strong capacity to achieve degrees of domination at the global level (Naylor 1995; Andreas and Price 2001).

The American representation of organized crime as a threat was restated, re-established and updated, and TOC became a "threat" very much in the way of an alien-enemy within society. However, this time the export of this conception beyond its use in US domestic criminal justice to the international arena implied that the enemy was operating within and against the global society, thus giving way to the constitution of a biopolitics of criminal control in the transnational arena. Let us see it in the words of President Clinton:

> Today, the threat to our security is not in an enemy silo but in the briefcase or the car bomb of a terrorist. Our enemies are also international criminals and drug traffickers who threaten the stability of new democracies and the future of our children… So, my friends, in this increasingly interdependent world, we have more common opportunities and more common enemies than ever before. It is, therefore, in our interest to face them together as partners, sharing the burdens and costs and increasing our chances of success (Clinton 1995).

In a matter of years, TOC emerged as a new object of transnational governance epitomizing the transformation on mechanisms of biopolitics at the global level. This new global pluralist theory of threats had the singularity for the whole modern conception of international relations of pointing as its target to criminals rather than to political enemies, orientating definitively apparatuses of security in the international arena toward the governance of crime rather than to military enemies (Edwards and Gill 2002: 245).

Furthermore, this discourse has also the important per-

formative implication of drawing a new global political frontier to constitute a global society fighting against global crime. As argued above, with the definition of organized crime as an alien enemy threatening the global civil society, simultaneously, the drawing of the frontiers of a world society took place.

The clearest development of this instance was Kofi Annan's thesis that with globalization we also witnessed the emergence of an uncivil society, expression used by him to refer to the terrorists, criminals, drug dealers, traffickers of people and others who undo the good works of the global civil society. This thesis is a great expression of the enormous transformations in the international arena after the end of the Cold War, since it places TOC at the centre of the threats to an international civil society—impossible to conceive in the previously divided world—defining thereby the shared foundations of progress, tolerance, pluralism and respect of the contemporary world society (Annan 1997). Transnational criminality was defined as those ruthless structures undoing the good works of this society, taking advantage of its developments and the benefits it had brought to the world (Massari 2003: 60-6).

This discourse presents TOC as a shared enemy, a shared responsibility of every government that aligns with the objectives of this prosperous world civil society, its dominant culture and universally accepted ethos. This was the constitution of a division within the population of the world that allows for the activation of the paradox of biopower that, in order to protect life, must at the same time wage war against the population it protects, and in the case of this global civil society, between those that are welcome to enjoy all the opportunities it creates and benefits it brings, and those who are to be excluded and condemned to political death to preserve it. Its worldwide concretion would finally come a few years later, in November 2000, when the United Nations General Assembly adopted the UN Convention against Transnational Organized Crime, following in many ways the footsteps and advancement in the American domestic context.[2]

"Wars" on Drugs and Terror

The imperative to kill in biopolitics is acceptable only if it results not in a victory over political adversaries, but in the elimination of the biological threats to the population, which of course includes forms of criminality. There is substantial historical evidence in recent years to sustain the claim that the move towards an intelligence-led policing has also meant the more extensive use of military and intelligence hardware, personnel, and strategies for law enforcement tasks, as well as the rising status of policing issues in diplomacy and security discourses (cf. Andreas and Nadelmann 2006; Haggerty and Ericson 1997; 2000; Sheptycki 2000a).

Only as an example, Beare shows how the blurring of the frontier that separates national security from criminal intelligence cannot be understood without the recent articulation made between the threats of criminal organizations, money laundering activities, drug trafficking, and those posed by terrorist groups (Beare 2003: xvii). It is evident that war techniques and strategies acquire great political prominence when drug trafficking in addition to other illegal forms of financing political violence, are linked to the phenomenon of terrorism under headings such as narco-terrorism. In the last decades, activities such as drug trafficking and money laundering have provided the missing link between terrorism and organized crime allowing this assemblage between crime control–law enforcement strategies with military techniques against political enemies.

For this reason, it is now commonplace that more atypical enterprises of war such as those against drugs and terror will involve as much policing and law enforcement techniques as conventional soldiering and strategies to wage war. Indeed, the paradoxical exercise of forms biopower through crime control measures operating with techniques of war in so many fields normally competence of law enforcement authorities, and vice versa, has become even more explicit in the "age of terror".

For now, this reconstruction of the emergence of the problem of crime as part of the constitution of the governance of transnational spaces in a world marked by deregulations of borders, serves us to reaffirm what Foucault said in terms of the interplay in liberalism between freedom and apparatuses of security: "The problems of what I shall call the economy of power peculiar to liberalism are internally sustained, as it were, by this interplay of freedom and security" (Foucault 2008: 65). In the context of liberalism and biopolitics "the horsemen of the Apocalypse disappear and in their place everyday dangers appear, emerge, and spread everywhere … there is no liberalism without a culture of danger" (Foucault 2008: 67).

---

2   For a reconstruction of the UN trajectories, albeit from a very different perspective from the one developed here see: Williams and Savona (1996); Williams and Vlassis (2001); Vlassis (2002).

This, in turn, draws attention to what Michael Dillon and other commentators have interpreted as the assemblage between forms of actuarial and self-regulatory technologies with those of despotic rule and coercive sovereign power, that is to say, between the biopower of fostering and preserving life, and the sovereign power to kill (Dillon and Neal 2008; Reid 2008; Dillon 2009; Dillon and Reid 2009). This is the constitution of what I would call the transnational police-law enforcement/military-security assemblage that in many fields has displaced the classic and modern military-diplomatic apparatus that used to regulate the relations between states and guarantee the establishment of the equilibrium and security of the international arena. It is evident that more research should follow these specific discursive configurations after the 9/11, but most of all, the specific practical policies, programmes, apparatuses and mechanisms developed through these global rationalities of governance in order to increase knowledge about the international public policies developed for tackling organized crime as a consequence of these political discourses.

As this would take us a bit far off the principal focus of this analysis, and in fact, would deserve a complete different analysis in itself about the place that neoliberalism as a rationality of government has in all these government of the transnational, I will conclude by saying that it remains fundamental, and it has been the central concern throughout this analysis, to restore the historical role that discourses on biopolitical criminal threats such as drug trafficking and transnational crime play in the constitution of this global apparatus of policing. Moreover, as it has become a mighty machine for the exercise of forms of political power in the global society since the 9/11.

Notes on Contributor

Diego Nieto is a full-time Professor in the Department of Political Studies at the Universidad Icesi in Cali, Colombia. His areas of specialization include contemporary political theory and research methods with the focus on democratization processes, neoliberal economic reforms in Latin America, and discourse analysis in political culture and global political economy. He is currently involved in research on democracy in conflict societies and the study of political rationalities at the transnational level at the Center for Interdisciplinary Social Studies (CIES).

REFERENCES

Albini, J.L. (1997). "Donald Cressey's Contributions to the Study of Organized Crime. An Evaluation" in Ryan, P. J. And Rush, G. E. (eds.) (1997) Understanding Organized Crime in Global Perspective. A Reader. London: Sage Publications.

Andreas, P. and Price, R. (2001). "From War-Fighting to Crime-Fighting: Transforming the American National Security State" International Studies Review, Vol. 3, No. 3 (fall, 2001), pp. 31-52.

Andreas, P. and Nadelmann, E. (2006). Policing the Globe: Criminalization and Crime Control in International Relations. Oxford: Oxford University Press.

Annan, K. (1997). "Guest Editorial" Go Between 67. December 1997/ January 1998. Available at: http://www.un-ngls.org/orf/documents/text/go.between/gb67.txt (Accessed: 13 December, 2011).

Annan, K. (1998). United Nations 7th plenary Meeting General Assembly Fifty-Third Session. Available at: http://www.un.org/ga/57/info.htm (Accessed: 11 December, 2011).

Barry, A., Osborne, T. and Rose, N. (eds.) (1996). Foucault and Political Reason: Liberalism, Neo-liberalism and Rationalities of Government. London: The University of Chicago Press.

Beare, M. (ed.) (2003). Critical Reflections on Transnational Organized Crime, Money Laundering and Corruption. Toronto: University of Toronto Press.

Bush, G. (1989a). Message to the Senate Transmitting the United Nations Convention against Illicit Traffic in Narcotics and Psychotropic Substances. June 19, 1989. Available at: http://www.presidency.ucsb.edu/ws/index.php?pid=17169&st=bush&st1=drug (Accessed: 17 December, 2011).

Clinton, W. (1995). Remarks on the 50th Anniversary of the United Nations Charter in San Francisco, California. June 26, 1996. Available at: http://www.presidency.ucsb.edu/ws/index.php?pid=51540&st=Remarks+on+the+50th+anniversary+of+the+United+Nations&st1=#axzz1mgPMRP3Z (Accessed: 20 January, 2012).

Cressey, D. R. (1969). Theft of the Nation: The Structure and Operations of Organized Crime in America. New York: Harper & Row.

Dean, M. (1999). Governmentality: Power and Rule in Modern Society. London: Sage.

Dillon, M. and Neal, A. (eds.) (2008). Foucault on Politics, Security and War. London & NY: Palgrave Macmillan.

Dillon, M. (2009). Biopolitics of Security in the 21st Century: the Political Economy of Security after Foucault. London: Routledge.

Dillon, M. and Reid, J. (2009). The Liberal Way of War: Killing to Make Life Live. Abingdon: Routledge.

Edwards, A. and Gill, P. (2002). "The Politics of 'Transnational Organized Crime': Discourse, Reflexivity and the Narration of 'Threat'", British Journal of Politics and International Relations, 4, 2, pp. 245-270.

Edwards, A. and Gill, P. (eds.) (2003). "After Transnational Crime? The Politics of Public Safety" in Edwards, A. and Gill, P. (eds.) (2003) Transnational Organized Crime. Perspectives on Global Security. London & New York, Routledge.

Foucault, M. (1984). "Nietzsche, Genealogy, History" in Rabinow, Paul (ed.) (1984) The Foucault Reader. Harmondsworth, Penguin Books.

Foucault, M. (2004). Society Must be Defended: Lectures at the Collège de France, 1975-76. New York, Picador.

Foucault, M. (2008). The Birth of Biopolitics. Lectures at the Collège de France 1978-79. London & New York. Palgrave Macmillan.

Haggerty, K.D. and Ericson, R.V. (1997). Policing the Risk Society. Toronto: University of Toronto Press.

Haggerty, K.D. (2000). "The Surveillance Assemblage", The British Journal of Sociology, 51, 4, pp. 605-622.

Kaufman, I. R. (1986). The Impact: Organized Crime Today: Report to the President and the Attorney General/President's Commission on Organized Crime. Washington, D.C.: US Government Printing Office.

Kefauver Committee (1951). 3rd Interim Report, Senate Report No. 307, 82nd Congress, 1st Session, 1951.

Kelly, R. (1999). The Upperworld and the Underworld: Case Studies of Racketeering and Business Infiltrations in the United States. New York: Kluwer Academic/Plenum Publishers.

Kennedy, R. (1994). The Enemy Within: the McClellan Committee's Crusade against Jimmy Hoffa and Corrupt Labour Unions. United States of America: Da Capo Press.

Lerner, W. and Walters, W. (2004). Global Governmentality. Governing International Spaces. London & New York: Routledge.

Levi, M. (1998). "Perspectives on Organized Crime: an Overview", The Howard Journal of Criminal Justice, 37, pp. 335-345.

Massari, M. (2003). "Transnational Organized Crime Between Myth and Reality. The Social Construction of a Threat" in Allum, F., Siebert, R. (eds.) (2003) Organized Crime and the Challenge to Democracy. London and New York: Routledge.

Nadelmann, E. (1990). "Global Prohibition Regimes: The Evolution of Norms in International Society", International Organization, 44(4), pp. 479-526.

Nadelmann, E. (1993). Cops across Borders: the Internationalization of US Criminal Law Enforcement. University Park, PA: Pennsylvania State University Press.

Naylor, R. T. (1995). "From Cold War to Crime War: the Search for a New 'National Security Threat'" Transnational Organized Crime, 1, 4, pp. 37-56.

Nixon, R. (1971). Special Message to the Congress on Drug Abuse Prevention and Control, June 17, 1971. Available at: http://www.presidency.ucsb.edu/ws/index.php?pid=3048&st=nixon&st1=drugs (Accessed: 9 December, 2011).

Potter, G. (1994). Criminal Organizations. Illinois: Waveland Press.

Reagan, R. (1986). "Declaring War on Organized Crime" The New York Times. January, 12 1986, pp. 26, Magazine Desk.

Reagan, R. (1988). Radio Address to the Nation on Economic Growth and the War on Drugs October 8, 1988. Available at: http://www.presidency.ucsb.edu/ws/index.php?pid=34997&st=bush&st1=drug (Accessed: 3 January, 2012).

Reid, J. (2008) "Life Struggles: War, Discipline and Biopolitics in the thought of Michel Foucault" in Morton, S. and Bygrave, S. (eds.) (2008) Foucault in an Age of Terror. Essays on Biopolitics and the Defence of Society. Great Britain: Palgrave MacMillan.

Sheptycki, J. (ed.) (2000a). Policing and Society (Special Issue on Surveillance and Intelligence-Led Policing), 9, 4, pp. 315-336.

Sheptycki, J. (ed.) (2000b). Issues in Transnational Policing. London, Routledge.

Simon, J. (2007). Governing through Crime. New York: Oxford University Press.

Smith, D.C. (1991). "Wickersham to Sutherland to Katzenbach: Evolving and 'Official' Definition for Organized Crime", Crime, Law, and Social Change, 16 (2), pp. 134-154.

United Nations (2000). United Nations Convention against Transnational Organized Crime (Document A/55/383).

Vlassis, D. (2002). "The UN Convention against Transnational Organized Crime" in Berdal, M. and Serrano, M. (eds.) (2002) Transnational Organized Crime and International Security: Business as Usual? Boulder, Co: Lynne Rienner Pub.

Williams, P. and Savona, E. (1996). The United Nations and Transnational Organized Crime. London: Frank Cass.

Williams, P. and Vlassis, D. (2001). Combating Transnational Crime: Concepts, Activities, and Responses. London: Frank Cass.

Woodiwiss, M. (2001). Organized Crime and American Power: a History. Toronto: University of Toronto Press.

Woodiwiss, M. (2003a). "Transnational Organized Crime: the Global Reach of an American Concept" in Gill, P. and Edwards, A. (eds.) (2003) Transnational Organized Crime. Perspectives on Global Security. London & New York, Routledge.

Woodiwiss, M. (2003b). "Transnational Organized Crime: The Strange Career of an American Concept" in Beare, M.E. (ed.) (2003) Critical Reflections on Transnational Organized Crime, Money Laundering and Corruption. Toronto: University of Toronto Press.

Winslow, R. (1967). Crime in a Free Society. Selections from the President's Commission on Law Enforcement and Administration of Justice. California: Dickenson Publishing.