Risk Theory vs. Securitisation: An Analysis of the Global Surveillance Program

The unanticipated nature of September 11 fostered a new era of anxiety towards the broadening dangers within society that were now recognised as ambiguous, irrepressible and indistinctive in character. In response to this, security has entailed a focus on intensive and invasive panopticons *because of* and *despite* these uncontrollable risks in which each governmentality measure exponentially builds upon newly discovered potential harms. The internet surveillance program is but one measure within this, demonstrating a means of internet governmentality that most aptly aligns with risk theory's conception of security. However, because of the program's exceptional nature and its association with the War on Terror (WoT), it also closely aligns with securitisation theory.

Accordingly, this essay will seek to distinguish and compare the nuances between the two theories through three avenues: the grammar of speech acts that justify the program, its intended security purpose and its exceptional character. However, although this essay finds risk theory more holistically encompasses the surveillance program's security character and by extension more aptly explains contemporary security, the theory's literature is not without its shortcomings, namely its failure to accommodate exceptionality. Therefore, this essay additionally argues that in order for security to be sufficiently rationalised necessitates the development of risk theory to incorporate an exceptionality element.

Securitisation and Risk Theory

According to securitization theory, the discursive move that creates a security issue is when an elite, through a speech act, identifies an existential threat to a valued referent object. If accepted by the audience, emergency-measure politics are accordingly justified as a necessary response to eliminate this threat (Buzan et al. 1998:23-24). Though originally conceptualised through a military lens, securitization has since been applied upon political, social, economic, societal and environmental security sectors as well (Baele and Thomson 2017:646). Corry notes how despite criticism regarding its underdeveloped methodological approach, securitisation theory has remained relatively unchallenged by a rival constructivist logic that explains the account of threat-defence dynamics (2012:240; Baele and Sterk 2015:1122). The exception he makes to this is risk theory.

Risk theory is premised by the view that globalisation and modernisation have created a 'Risk Society' (Beck 2006:330). This 'Risk Society,' which Aradau and Munster argue has manifested post 9/11, contains unpredictable risks of infinite possibility. This therefore drives a model of 'precautionary risk' by states in which intensive and invasive panopticons are used in response to an insatiable quest for knowledge *because of* and *despite* this uncertainty and uncontrollability. The purpose of this response, rather than the elimination of a specific identifiable threat external to the state, is to prevent, filter and mitigate future possible conditions of harm that exist internally to the state (2007:90). However, whereas securitisation achieves this through exceptional measures, risk literature mandates legitimate governmental policy (Corry 2012:245). Critically, risk theory's insatiable drive for management and governance paradoxically serves to identify new risks, leading to the generation of new technologies which in turn identify alternative risks. These *manufactured risks* are hence the result of what the theory's literature refers to as its reflexivity, a positive feedback loop of infinite risk and governance of increasing variety and scale (Beck 1992:21).

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Surveillance Program

In 2013 Edward Snowden revealed details of the global surveillance program conducted by the US-UK led 'Five Eyes Network' and its three international partners on foreign and U.S. citizens (Greenwald 2013). Through various legislations in each country, programs such as PRISM and ECHELON allowed for the collection of various types of metadata from internet companies such as Google and Facebook (Mukasey 2015: 199 and Ball 2013). Though the program had been used for decades prior to the attacks, its use accelerated following 9/11 when a commissioned report found that the attacks demonstrated a systemic failure in security organisation, namely a lack of 'imagination' towards the gravity, potential and scale of threats presented by global terrorist networks (Kean et al. 2004:9; Banks 2007:1209).

Yet despite its influence on society, the program has yet to be applied through a security logic. Indeed, both risk theory and securitisation have largely opted to assess it through the lens of the larger WoT. However, this essay believes that because the surveillance program is a more specific response than the WoT an examination of the program can demonstrate particular nuances and distinctions about security.

Application of Security Logic

As the surveillance program contains elements that are from both theories, it therefore becomes a question of which theory more appropriately rationalises the program's security character. This essay will therefore explore this through three avenues: identified harm, purpose of response and exceptionality character.

The Identified Threat/Risk

Though it is accepted that there is an invocation of a possible harm that has led to surveillance, both logics contest what this harm is. Though securitisation has yet to directly assess it, its literature categorises mass surveillance under the Global WoT (Romaniuk and Webb 2015:223). In this respect, the existential threat, namely Al Qaeda and global terrorism, represents a threat not directly to the U.S. state but rather American/liberal values (Singh 2015:111). An examination of Bush's WoT address, 2004 State of the Union, and 2002 National Security Strategy, portray Al Qaeda and Bin Laden as threats to the liberal values of 'liberty,' 'freedom' and by extension civilisation and the liberal world. Equally, terrorism is portrayed as global, encompassing and 'barbaric', symptomatic of an othering paradigm to the righteous values of the U.S. (2001, 2002 and 2004).

However, this essay argues that the Global WoT has been characterised in recent years more by its uncontrollability than any clash of values and ideologies. Obama establishes this directly following the Snowden disclosures and San Bernardino attacks, advocating the need for increased knowledge to anticipate future 9/11 attacks given that they had "missed the signs" as a result of a rapidly changing society (2014 & 2015). Here, the speech not only is accepting of the seeming uncontrollable nature of terrorism risks but also implicitly refers to the *condition of harm* that arises from their lack of knowledge towards this. In this, no direct threat beyond general radicalised terrorism is referenced. Instead, what is emphasized is a *future possible* harm, one that even in the event of high security measures, is impossible to identify with certainty every time and for which there is "no immediate cure," (2015) which closely parallels with Becks conception of globalisation's uncontrollability (2006:330).

Within this Obama further acknowledges this expansion of society has resulted in a locus of danger that is *internal* rather than *external*. Whilst ISIS are external to the US, it is the globalising effects of the internet that have allowed them to infiltrate within the state itself through their social media recruitment strategies (Prajuli 2017). The harm that surveillance attempts to resolve is thus not the ISIS itself, but the homegrown terrorist networks/cells that they potentially produce. Such is the gravity of this risk that it has been referred to as the "main terrorism threat to the United States" (Rose 2018). As Beckett says, rather than securitisation's specific hostile 'other', in risk theory "we are all our own enemies" (2007:56).

Purpose of Program

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However, although speech acts are important, both theories predominately establish their applications through an analysis of the purpose of a particular security response. An application of securitisation struggles in this respect. The surveillance program does not align with securitisation measures, namely the elimination of a threat. Whilst the surveillance program may eventuate in a prosecution or operation, such efforts are not directly within the scope of the surveillance program, but rather a product directly attributed to it.

Instead, Omand describes the purpose of the surveillance program not to be a specific response to a terrorist attack, but rather to "contribute to the painful process of the intelligence jigsaw" (2005:5). In this respect, intelligence becomes an active tool of government for both policy-making and as a means of identifying risk (Flood 2004:7). Accordingly, the surveillance project is about the governmentality of cyberspace, the internet, and the complex society it produces. It does not attempt to eliminate terrorism, as would be the case with securitisation, or investigate specific people, as would be the case with law enforcement, but rather to filter, understand and mitigate the possibilities of risk from the complex and convoluted world within cyberspace. An examination of General Hayden, former director of NSA, confirms this – "NSA doesn't just listen to bad people…information is what we are pursuing" (Cayford and Peiters 2018:92). It becomes is clear that the surveillance program aligns with Aradau's and Van Munster's argument that in response to the uncontrollability of this Risk Society is the desire develop intensive and invasive panopticons as a means to *feign control* despite this (2007:90-93).

Exceptionality Character

A key attribute that is commonly used to distinguish securitisation is whether the measure undertaken is exceptional, particularly when compared to risk theory's often associated benign characterisation (Clapton, 2018). Indeed, one of the main depictions of surveillance program is its exceptionality for the perceived violation of liberal values (Watt 2017:774). This can be demonstrated through the vast debate that Snowden's disclosures have catalysed. Criticisms of a big brother police state, concern towards privacy and secrecy, comparisons to authoritarian governments, and development of NGOs in direct response are demonstrative of how deeply the program conflicts with certain values to the extent that it can be readily accepted as exceptional (Corry 2012:255; Greenwald, 2013). Senator Lofgren summed up this public reaction aptly when describing the program as contrary to "the American way" (Macaskill and Dance 2013). To borrow from a categorisation used by Clapton, the significant debate following the public awakening demonstrates a 'departure from normal politics' (2018). Accordingly, this exceptional characterisation is one of the strongest arguments for why the surveillance program would appear to appropriately fit under the Copenhagen model.

Yet simply because a program may be exceptional, does not entail it as an emergency procedure that operates outside the democratic process. Admittedly, this debate is difficult given that because intelligence is used for the purpose of national security secrecy is prioritised (Baldino 2010:3). However, there are a scattering of examples that tenuously demonstrate a suggestion of democratic processes. In a 2002 congressional testimony, General Hayden asked the committee to find the right balance between achieving security and protecting liberty by consulting with their constituencies to guide intelligence gathering for the NSA (Cayford and Pieters 2018:93). Furthermore, the surveillance program is subject to annual judicial review, highlighting that despite its morally ambiguity, proper form and process is adhered to. However, regardless of these arguments, this essay readily admits that given the nature of criticism, the security character of the surveillance program is unquestionably exceptional.

Assessment and Evolution of Risk Theory

Given the above applications it becomes clear that neither theory wholly encapsulates the security character of the surveillance program. However, this essay still contends that risk theory most aptly surmises the surveillance program's security character and contemporary security.

Though the theories differ in their conclusions when examined through speech acts their inconsistencies confirm rather than weaken the logics of risk and securitisation. As constructivist theories they accept that discourse can change, transform and be abstract. Though this essay disagrees with Romaniuk's and Webb's assessment that the surveillance program is a demonstration of securitisation, as Ciuta says, "security is whatever actors make of it"

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(2009:301). Though this consequently entails that the speech acts themselves are not as conducive for distinguishing between the two theories, their distinctions at the very least demonstrate their foundational constructivist underpinnings.

Where risk clear demonstrates itself as more appropriate is in the purpose of the program. As aforementioned, the purpose of the program is not to eliminate a specific threat, as would be the circumstance under securitisation, but rather to increase the scope of governmentality through increased information in response to the uncontrollable nature of cyberspace.

However, where the debate becomes contentious is the surveillance program's exceptionality. Given the above assessment of the program as exceptional, one would presume that this strongly supports a securitisation model. This essay disagrees. One particular frustration of Clapton's is that the literature for both theories is 'overly deterministic,' with a particular hinderance being risk theorist's reluctance to accommodate the characterisation of exceptionality (2018). Like Clapton, this essay disagrees with the categorisation of risk as benign and securitisation as malign. However, because Clapton does not justify why, this essay proposes two potential reasons. First, security is rarely, if ever, benign given its evocative nature. Whether rightly or wrongly, the sentiment of danger is intrinsic and popular and therefore to encapsulate risk theory as benign would be such a severe limitation on the theory's security character that it would become unreasonably impractical. Second, exceptional governmentality responses are a consequence of risk's reflexivity. As society becomes increasingly complex and uncontrollable, this necessitates equally proportionate governmentality measures which exponentially manifest eventually becoming exceptional to the prior norm. Therefore, unlike Beck whom believes that risk is destined to fail (Corry 2012:242), this essay believes that risk's reflexivity serves as a positive feedback loop that self-reinforcing and results in measures inevitably considered exceptional to the previous security metric. Accordingly, like Clapton, this essay believes that risk necessities an inductive reading to include exceptionality.

However, there is a limit to this inductive reasoning. This is particularly toward suggestions that this gap in risk theory is best accommodated through a dual-theory approach where risk fits within the Copenhagen school. Trombetta (2008:585) and Brauch (2009:781) suggest that risk is a security multiplier, allowing for an expansion of security where the Copenhagen school fails and vice-versa. However, this essay contends, like Corry (2012: 225), that they are fundamentally different logics. Risk theory and the precautionary model it produces are reflective of the shifting norms of society. Perceptions have changed since the Cold War and fears towards terrorism have induced the pre-emptive thinking that has come to dominate society. Though risk theory should be viewed with an inductive reading to include exceptionality, to include it under securitisation is unnecessary because this essay perceives the theory as increasingly obsolete (2018). Arguably, exceptionality/emergency measures were the theory's distinguishing factor that has largely allowed it to remain uncontested. Yet if one deliberates that risk can accommodate exceptionality, this significantly harms the utility of securitisation. This is not to suggest it is futile, but simply that risk theory has usurped it as the superior security discourse for explaining the larger share of contemporary security.

Conclusion

The surveillance program is symptomatic of an attempt to achieve an intensive and invasive panopticon for the purpose of governing against the infinite, uncontrollable and currently unforeseen risks in the post 9/11 society. Here, the locus of danger has turned inward rather than outward with the focus of security shifting towards the prevention of potential risks rather than the elimination of specific threats. This security character is indicative of how security in the contemporary era more closely aligns with risk theory than with securitisation.

However, whist the surveillance program predominately aligns with risk theory, this analysis demonstrates how the literature has been hesitant to accommodate the feature of exceptionality. This accommodation must be paid not only because this is necessary for the theory to be sufficiently applicable as a security theory, but also because its core basis of reflexivity and mandates that exceptional governmental responses are inevitable. Therefore, the surveillance program represents a development of the theory rather than the illustration of any critical deficiency. Whilst one may argue that this in turn makes risk theory more insidious given its increased mandate, this essay postulates that this is a consequence of the risk-focused world of contemporary society.

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