

# States, last resort and the obligation to securitize

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### Abstract

This article aims to showcase the strengths of thinking ethically about securitization using the concept of just securitization. It poses the research question: When, if ever, are states required to securitize? It shows that rather than allowing for a single answer, the just securitization scholar is able to advance three rival answers whereby each is modelled on competing interpretations of the principle of the Just War tradition's last resort. The article examines the relative strengths and weaknesses of *literal strong last resort*; *ameliorated moderate last resort* and *modified weak last resort* respectively. From here, it goes on to examine the validity of three competing ethical stances regarding the research question that can be generated from the respective interpretations of last resort. These are: 1) securitization is never obligatory; 2) securitization is obligatory when it is necessary to achieving just cause; and 3) securitization is obligatory when it is the best option. While siding with the ethical stance contained within *ameliorated moderate last resort*, wherein obligation remains tied to necessity, the article cautions that the utility of such a principle ultimately depends on intersubjective agreements among security scholars pertaining to definitions concerning, for example, the nature of viable alternatives to securitization.

Keywords: just securitization, last resort, ethics, Copenhagen school, just war theory

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## Introduction

The idea to develop a normative theory of securitization that consists of universal ethical principles is inspired by the Just War tradition.<sup>2</sup> Beyond the format of the theory (i.e. that it is a list of principles), Just Securitization Theory (JST) is also greatly influenced by the nature of the principles advanced by just war theorists. For example, it holds that there needs to be a real threat, that the referent object needs to be morally justifiable and that the expected good gained from securitization must be judged greater than the expected harm securitization is likely to cause and much besides.<sup>3</sup> The rationale for revising the Copenhagen school's securitization theory in this way is based on the observation that the concept of securitization is inherently useful. More so than any other security theory, it enables scholars to make sense of the different origins of security threats, distinct referent objects and even diverse providers of security. While analytically strong, the Copenhagen school is normatively weak. Its normative preference – *ceteris paribus* - for desecuritization, is impractical in the face of real threats.<sup>4</sup> Together analytical strength and normative weakness generate the need for a systematic normative theory of securitization. JST is one possible variant of such a theory.

One challenge anyone who attempts to develop a theory of just securitization must address is that - unlike with war - it is not clear cut what securitization actually means. Crucially, however, for theories of just securitization to work, securitization needs to be

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<sup>2</sup> Really normative *theories* as different versions of such theories holding different ethical prescriptions are not only possible but desirable. See Rita Floyd, "The Promises of Just Securitization Theories", *Ethical Security Studies: A New Research Agenda*, ed. Jonna Nyman and Anthony Burke (London: Routledge, 2016), 75-88.

<sup>3</sup> Capital letter JST refers to my own variant of such a theory; as developed in Rita Floyd, *The Morality of Security: A Theory of Just Securitization*, (Cambridge: Cambridge University Press, forthcoming).

<sup>4</sup> According to Wæver, as an ethical strategy desecuritization works by pointing 'to [the] inherently political nature of any designation of security issues and thus puts an ethical question at the feet of analysts, decision-makers and activists alike: why do you call this a security issue? What are the implications of doing this – or of not doing it?' (2011) 'Politics, security, theory', *Security Dialogue*, 42(4-5), p.472). Whilst well intentioned, this strategy is unlikely to have much purchase. Most of the time securitizing actor securitize because they think that they are dealing with a real threat; unable to show when this belief is wrong, the Copenhagen school's ethical strategy is unconvincing.

comparable to war, both in terms of retaining a decisive moment when securitization ensues while also needing to pertain to the exception.<sup>5</sup>

Although my own work on just securitization has so far engaged **only** with the question when securitization is permissible from an ethical point of view, competing conceptualisations of just securitization are not only possible, but desirable as only widespread engagement can fulfil the emancipatory potential inherent to such theories.<sup>6</sup> For one thing, one might focus not on when securitization is allowed, but when it is *required*. The realisation that some threats are real and can be known, suggests that securitization – for states - might sometimes be obligatory as opposed to merely permissible and thus optional.<sup>7</sup> My aim in this paper is to demonstrate how scholars can use the concept of just securitization<sup>8</sup> to make headway in this challenging terrain. To this end the article poses the research question: When, if ever, are states morally required to securitize? **While undoubtedly important for all security scholars this question – albeit for different reasons - has received scant attention in the Security Studies literature. For traditionalists issues simply have security threat status and need dealing with by states in relevant ways when they (have the potential to) lead to violent conflict. Copenhagen school scholars ignore the issue as a matter of course, considering that securitization is seen as a securitizing actor's political choice. Critical Theorists (the Aberystwyth School) and also human security scholars are generally pro security but often so anti the state that states are seen as counter-productive to achieving security, thus perhaps explaining lack of engagement with this question. By putting this**

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<sup>5</sup> Both are heavily debated in the relevant literature. My insistence here is not to suggest that other types of securitization do not exist, merely that theories of just securitization do not work unless they are limited in these important ways.

<sup>6</sup> Cf. Floyd, "The Promises of Just Securitization Theories".

<sup>7</sup> While a focus on states will be controversial for many securitization scholars who have argued against the dominance of the state in International Relations theory, a focus on states makes a useful starting point because unlike virtually all other actors in international relations, states have relatively clear duties towards their citizens and some, albeit less well defined and not universally accepted, duties towards citizens of other states, if these are subjected to a small number of grave atrocities. In other words, it is reasonable to consider states obligations regarding securitization by virtue of the social contract which renders them as duty bearers.

<sup>8</sup> By the concept I mean the overall idea to model ethical theories of securitization on just war theory as opposed to the specifics of JST.

question centre stage, this paper is a major contribution to Security Studies and of interest to scholars across the transatlantic divide.<sup>9</sup>

In the spirit of this *Symposium*, however, it is not my primary aim to settle the matter by advancing a definitive answer, but rather my aim is to demonstrate the extent to which just securitization can enrich scholarly and practitioners' ethical thinking on securitization. I show that the concept of just securitization, can serve as a meta-theoretical framework allowing for three distinct ethical stances regarding how to answer the question: When, if ever, are states morally required to securitize? My typology results from three competing interpretations of the principle of last resort; each of which comes with its unique strengths and weaknesses.

In the Just War tradition last resort is used to restrict the occurrence of war, my reasoning for using it in the given context is that its logic can be reversed to specify the point in time when war becomes necessary. From the Just War literature three distinct interpretations concerning the last resort can be identified. Last resort is defined – here extrapolated for just securitization - when:

- 1) all alternatives have been exhausted and nothing else can be done to meet just cause;
- 2) when securitization is the last thing to be tried only after all alternatives have been tried at least once and have failed to meet the just cause;
- 3) when the alternatives to not securitizing have been measured/anticipated in light of their foreseeable consequences, and securitization emerged as the most reasonable/best option.

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<sup>9</sup> Although this geographical divide is imperfect, notably one can find traditionalist in Europe and critical scholars in the US, it is generally accepted that Security Studies in the US is dominated by traditional approaches realism, mainstream constructivism and the liberal peace. In Europe the mainstream of Security Studies is now made up of critical approaches including the Copenhagen School (see Ole Weaver and Barry Buzan (2016) 'After the return to theory? The past, present, and future of Security Studies' In Alan Collins (eds.) *Contemporary Security Studies*, Forth Edition, Oxford: Oxford University Press, 417-435.

In this article I refer to these progressively less demanding interpretations as: 1) *literal strong last resort*; 2) *ameliorated moderate last resort*; and 3) *modified weak last resort*. I proceed by assessing the viability of these three interpretations on their own terms, including their opportunities and pitfalls.

In brief, I argue that *literal strong last resort* is largely unattainable because it is practically impossible to exhaust all alternatives to not securitizing. *Ameliorated moderate last resort* fares better in terms of its feasibility; however, tying obligation to this definition runs the risk of causing undue harm through delaying the best response. *Modified weak last resort* avoids the problem of causing undue harm through delay because it is much quicker to satisfy; however, it falls short because upon close examination it is really about best option as opposed to last resort.

I also show that the three interpretations of last resort lead to three ethical stances regarding the research question. States:

- 1) have no obligation to securitize;
- 2) are obliged to securitize when securitization is necessary to meeting a just cause; and, finally
- 3) are obliged to securitize when securitization is expected to be best possible option to achieve a just cause.

The remainder of this article discusses each one in turn. As part of this discussion the article shows that the ability to offer a meta-theoretical framework does not preclude the just securitization scholar from ultimately siding with one or another ethical stance. Indeed, I provide decisive reasons for mindfully pursuing the ethical stance contained within *ameliorated moderate last resort*, in which obligation remains bound to necessity while also

being attainable. One notable caveat to be kept in mind when pursuing this stance - at least where securitization scholars are concerned - is that this proposal only works provided that scholars agree through intersubjective dialogue the precise nature of ordinary alternatives to securitization as well as the duration for which each has to be tried until securitization becomes necessary. Consequently, the means of achieving such agreement is a key area of research that requires attention. As such, in line with the aim of this *Symposium*, the discussion of this ethical stance indicates a clear roadmap regarding one issue where much scholarly work is needed.

### *Three interpretations of last resort*

#### *Literal strong last resort*

*Literal strong last resort* is testimony to the fact that most just war theories are not, as some suggest<sup>10</sup>, about defending wars as an ethical choice but rather about restricting the occurrence of war.<sup>11</sup> It holds that war can only be justified if nothing else can be done to achieve the just cause. If we translate this for our purposes here, it means that securitization is obligatory only when *all* other options have been exhausted.

In order to assess the utility of this proposition for the obligation to securitize it is helpful to differentiate by threat type. I distinguish between three distinct threat types. Agent-intended threats are threats intentionally levelled at another actor, order or entity. Agent-lacking threats, in turn, do not originate from human agents (e.g. a truly natural disaster). Agent-caused threats refer to threats that are a side-effect of an agent's behaviour, but are not intended by that agent. I differentiate between two sub-types of agent-caused threats: 1) by obliviousness, i.e. when people do not realize that their (combined) actions are potentially

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<sup>10</sup> Patrica Owens, "The Ethics of War: Critical Alternatives", *Ethics and World Politics*, ed. Duncan Bell (Oxford: Oxford University Press, 2010), 309-323, 310-11.

<sup>11</sup> Brian Orend, *The Morality of War*, (Peterborough: Broadview Press, 2006), 31.

threatening to other entities; or b) by harmful neglect i.e. when relevant agents fail to protect against foreseeable harmful events/consequences.

These threat types are important in the given context because it is reasonable to suggest that it ought to be easier to attain *literal strong last resort* with regards to agent-lacking threats, and type 1 agent-caused threats than to agent-intended ones.<sup>12</sup> It strikes me, for example, that when it comes to threats where not people but some natural element is the source of the threat (for instance, an asteroid on course for planet Earth), or where actors are causing a threat without meaning to do so (e.g. climate change) it might be easier to determine when nothing else can be done, in part because the international community will find it much easier to agree when all other options have been exhausted. Indeed, it is telling how well the international community could pull together in the face of the 2004 Tsunami, and the Ebola crisis 2014/2015, yet how they have failed to respond to the atrocities in Syria.<sup>13</sup> Agreement on the necessity of securitization, however, does not automatically mean that there is truly nothing else that can be done, but merely that actors *feel* that a point has been reached when nothing else can be done. Put differently, agreement does not mean that all other options have been exhausted.

The impossibility to reach *literal strong last resort* is more obvious still with regards to type 2 agent-caused threats and straightforward agent-intended threats. This is because there are in principle always other things that can be done (and for longer) to stop the threat short of an extraordinary emergency response, because there is someone on the other side that could still be convinced without securitization to behave differently and stop threatening behaviour. This makes it questionable whether the *literal strong last resort* can ever be

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<sup>12</sup> I later refer to agent-lacking and agent-caused threats as intent-lacking threats.

<sup>13</sup> When comparing the case of Syria with the response to the Ebola virus disease, for example, it should also be noted – and I would like to thank one of the anonymous reviewers for this point- that in addition to different political interests, the costs of some possible actions (in lives, political capital and money) for Syria are higher than the costs of countering Ebola which is certain to influence the decision to securitize or not securitize.



reached.<sup>14</sup> As many philosophers of just war have pointed out: “because actors could always attempt additional options or allow more time for existing efforts to achieve a just aim, a strict interpretation of this view would require pacifism.”<sup>15</sup> In short, a literal interpretation of last resort denies the possibility of a just war, because all other options cannot ever be exhausted. For our purposes here, the fact that *literal strong last resort* is practically unachievable means that securitization is never necessary and as such states cannot be required to securitize.

#### *Ameliorated moderate last resort*

Given these problems with *literal strong last resort*, just war theorists who believe in just wars have taken to advance less stringent versions of the last resort criterion. The most common variant is that war is justified if alternative “means of averting a threat” have been tried at least *once* and failed to achieve the just cause, thus moving away from on *literal strong last resort’s* implication that alternatives have to be tried *endlessly*.<sup>16</sup> For just securitization *ameliorated moderate last resort* thus holds that: securitization is the last thing to be tried only after alternatives have been tried at least once. One immediate problem with this approach is that while; where war is concerned, plausible alternatives refer to clearly defined strategies including: diplomacy, arms embargos, and punitive sanctions, it is not clear what alternative strategies to securitization exist. This means that if we wish to consider the recommendation of *ameliorated moderate last resort* for the obligation to securitize we need to define in more detail what we mean by alternatives to securitization.

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<sup>14</sup> Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 2<sup>nd</sup> ed. (New York: Basic Books, 1992), xiv; Seth Lazar, “The Responsibility Dilemma for Killing in War”, *Philosophy and Public Affairs*, 38 (2010): 180-213.

<sup>15</sup> Eamon Aloyo, “Just War Theory and the last of last resort”, *Ethics and International Affairs*, 29:2 (2015): 187-201, 191.

<sup>16</sup> Helen Frowe, *The Ethics of War and Peace*, (Abingdon: Routledge, 2011), 62.

Two possible alternatives to securitization exist: 1) politicization; and 2) inaction.<sup>17</sup> I will briefly discuss each in turn. Politicization inhabits a special role in securitization theory, because we can only really understand the meaning of securitization when the concept is juxtaposed with politicization.<sup>18</sup> Thus, while the decision to securitize is political (i.e. it is a matter of choice what threats are recognized as existential<sup>19</sup> to what referent objects etc.), securitization spells the end of politicization as public policy debate, precisely because it has legitimized an extraordinary emergency response and reaffirmed the securitizing actor in making this policy on behalf of the many.<sup>20</sup> This also means that a definition of politicization must correspond to the meaning of securitization theory used by the scholar. In JST this would mean: A threat is politicized if it is addressed by the political authority (i.e. the state) without recourse to extraordinary emergency measures and accompanying language, but with consistent, sufficient and necessary attention aimed at solving the problem through ordinary political process. Political measures are threat type specific, but can include: diplomacy, foreign aid, humanitarian assistance and criminalisation. I will return to this issue below in more detail.

A second alternative to securitization is inaction. We might, in line with the earlier definition say depoliticization, or even (with Wæver) “a-securitization” (i.e. the situation

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<sup>17</sup> Desecuritization comes in time after securitization, hence is not an option here. See Rita Floyd, *The Morality of Security*.

<sup>18</sup> Because desecuritization is commonly believed to lead to re-politicisation. See Lene Hansen, “Reconstructing desecuritisation: the normative-political in the Copenhagen school and directions for how to apply it”, *Review of International Studies*, 7:4 (2012): 525-546.

<sup>19</sup> I have argued elsewhere that the Copenhagen school’s requirement that threats need to be existential for successful securitization fails to capture the fact that many securitizing actors seek to securitize threats below the level of the exception. For me this is symptomatic of the school’s wider ‘constructivist deficit’ whereby the school claims that their view of security is constructivist all the way down, yet freely stipulate what security is, how it operates, and what threats are recognized. See Rita Floyd, “Extraordinary or ordinary emergency measures: What, and who, defines the ‘success’ of securitisation?”, *Cambridge Review of International Affairs*, 29:2 (2016): 677-694. This being said, however, JST utilizes the Cops’s focus on existential threats, because only existential threats can form just reasons for the use of extraordinary measures. However, this comes with the proviso that, depending on referent object, existential threats do not equate to direct lethal threats. Consequently the requirement of existential threats for just securitization is less demanding than it first appears.

<sup>20</sup> Cf. Ibid, 2012; Michael C. Williams, “Words, Images, Enemies: Securitisation and International Politics”, *International Studies Quarterly*, 47 (2003): 511-531, 516-17; Rita Floyd, *Security and the Environment*, (Cambridge: Cambridge University Press, 2010), 57.

when the issue is neither securitized nor politicized, as understood here).<sup>21</sup> While this sounds an improbable and perhaps morally deplorable strategy in the face of a real threat, we should not dismiss it outright. Instead consider that it has been suggested as perhaps the most effective response to dealing with jihadi terrorism. As terrorism works by instilling fear in society, inaction and depoliticization might be the necessary solutions depriving terrorism of its power.<sup>22</sup> To summarise there are two possible alternatives to securitizing, one is not acting at all, the other is acting by offering a state-led political solution to the problem that stops short of using extraordinary measures.

One immediate difficulty with this proposal is that even if we narrow alternatives down to include politicization and depoliticisation/inaction it is not clear when all other alternatives have been tried at least once, because the number of political solutions might be large. This problem is, however, not insurmountable. As I go into more detail below, this difficulty can be overcome if a list of alternative - where possible, tried and tested - political solutions for dealing with particular security threats (e.g. criminalization instead of securitization for terrorism; environmental regime building as opposed to securitization as militarization to address climate change) were to be drawn up and agreed upon. This pursuit would also aim to achieve intersubjective agreement (among scholars) on how many alternatives ought to be tried, for how long, and whether depoliticization – in specific cases - serves as a *viable* alternative. Notably while this might work for dealing with the threat of jihadi terrorism, such an approach is out of the question with regards to climate change. Such work would be of great benefit to the securitization field, as I detail below.

The downside of setting moral obligation at the level of necessity to meeting just cause is that it potentially comes at a high moral price. By not making use of extraordinary

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<sup>21</sup> Ole Wæver (2003) "Securitisation: Taking stock of a research programme in Security Studies", Copenhagen University, unpublished manuscript, 13.

<sup>22</sup> see, for example, John E. Mueller, *Overblown, How politicians and the terrorism industry inflate national security threats, and why we believe them*, (Simon and Schuster, 2006), Alexander Spencer, *The tabloid terrorist: The predicative construction of new terrorism in the media*, (Springer, 2010)

emergency measures which tend to be fast and powerful, people can be harmed and even innocent lives may be lost. In other words, delaying securitization may be an inappropriate response to a real threat.<sup>23</sup>

### *Modified weak last resort*

Just war theorists grappling with some of these problems have suggested that last resort is best viewed as an extension to the macro-proportionality requirement included into practically all just war theories. The philosopher Thomas Hurka has argued that last resort should be understood as ‘a comparative version of the initial, simple proportionality condition’ whereby the necessity of war is measured against the foreseeable consequences of the alternatives to not going to war.<sup>24</sup> Put simply macro-proportionality is about whether the harms war is likely to entail are justified in light of the scale of the problem present. Compared to the other two definitions of last resort discussed in this article, *modified weak last resort* has at least two advantages. First, provided alternatives can be known, *unlike literal strong last resort*, last resort appears attainable. Second, unlike *ameliorated moderate last resort*, it can exclude those measures that would do more harm by delaying action. That is, it can, as in the case of climate change, identify non-action as inappropriate. The major downside with *modified weak last resort* is that it has little to do with last resort; it is instead about the best or most reasonable option. Put differently, in this interpretation states are obliged to securitize when an exceptional emergency response is considered the best/most reasonable option. Considering, however, that best option is a requirement already at the level of securitization’s permissibility, this raises the question of whether there is no difference

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<sup>23</sup> Cf. Aloyo, “Just war Theory”, 193.

<sup>24</sup> Thomas Hurka, “Proportionality in the Morality of War”, *Philosophy & Public Affairs*, 33:1 (2005): 36-66, 37.

between obligation (i.e. when it is required) and permissibility (i.e. when it is allowed) when it comes to securitization.<sup>25</sup>

Table 1: Typology of three interpretations of last resort: Strengths and Weaknesses

	Strengths	Weakness
<b>Literal strong last resort</b> (when all other options have been exhausted).	<ul style="list-style-type: none"> <li>• It is <i>the</i> generic notion of last resort.</li> <li>• Aims to reduce number of securitizations in the world<sup>26</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Potentially unachievable for agent-lacking and type 1 agent-caused threats because agreement to securitize does not constitute real exhaustion of all options.</li> <li>• Unachievable for agent-intended threats and type 2 agent-caused threats because the threatening party could always be convinced by measures short of securitization.</li> </ul>
<b>Ameliorated moderate last resort</b> (when securitization is the last thing to be tried only after all alternatives have been tried once and failed to meet a just cause).	<ul style="list-style-type: none"> <li>• Retains the notion of last resort as necessity.</li> <li>• Retains a separation between obligation and permissibility to securitize.</li> </ul>	<ul style="list-style-type: none"> <li>• Unclear what alternatives to securitization are and how long they have to be tried for.</li> <li>• Runs the risk of causing harm through delaying securitization.</li> </ul>
<b>Modified weak last resort</b> (when the alternatives to not	<ul style="list-style-type: none"> <li>• Provided alternatives to securitization can</li> </ul>	<ul style="list-style-type: none"> <li>• Dispenses with the ideal of last resort in favour of most</li> </ul>

<sup>25</sup> It is in JST. For a different view, see Kieran Oberman, "The Myth of the Option War: Why States Are Required to Wage the Wars They Are Permitted to Wage", *Philosophy & Public Affairs*, 43:4 (2015): 255-286.

<sup>26</sup> This is a strength from the point of view of securitization studies which is sceptical about the value of securitization; it would not be a strength as far as Critical Security scholars are concerned.

securitizing have been measured/anticipated in light of their foreseeable consequences, and securitization emerged as the most reasonable/best option).	be known it is attainable. • Avoids doing harm by not delaying securitization.	reasonable option. • The obligation to securitize becomes indistinguishable from the permissibility to securitize.
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### *When are states obliged to securitize?*

This article is concerned with the point in time when states are required to securitize. In order to answer this question it has so far engaged with three different interpretations of last resort, because beyond restricting the use of emergency politics, the logic of last resort can also be used to define the point when the use of such measures becomes a duty.

In line with the three distinct interpretations of the principle of last resort three possible ethical stances to our research question emerge. They are as follows: 1) considering that alternatives to securitization cannot ever be exhausted for most threats, states are never required to securitize (*literal strong last resort*); 2) states are required to securitize when securitization is the best option for dealing with a threat (*modified weak last resort*). 3) Securitization is obligatory for states when alternatives have been unsuccessfully tried (*ameliorated moderate last resort*). Or in other words, states are required to use extraordinary emergency measures when it is necessary to achieve a just cause. In what follows I will discuss each in turn. Please note, for stylistic purposes I have moved away from the order established above, that is, in the remainder of the paper I address *literal strong last resort*, then *modified weak last resort*, and then *ameliorated moderate last resort*.

#### *Securitization is never obligatory (literal strong last resort)*

In moral philosophy obligation of individual persons stems from “the special obligations we have towards those to whom we are closely related: parents, children, spouses, siblings, fellow members of a community or even a nation”.<sup>27</sup> States, when conceived as “supraindividual or uniquely social entit[ies]” have duties, at a minimum to its citizens, above all to protect them from external threats.<sup>28</sup> The proposition that states are never required to securitize real threats, does not mean that states are not obliged to address such threats, but only that they are not required to do so in a particular way i.e. by moving beyond the realm of ordinary politics. There is, however, at least one possible objection to this way of thinking. It arises from the size and nature of the referent object. Agent-lacking and type 1 agent-caused threats to the existence of humanity, for example, are distinct from other threats because they are not self-contained in a sense of referring to one group of people only; suggesting that unless urgent extraordinary measures are taken now potentially everyone’s life is at risk. One such catastrophic threat would be a highly contagious infectious disease (e.g. the Black Death). Surely in those cases, states fulfil their duties only if they protect citizens from this threat using all available means. In other words, there are circumstances – albeit rare ones – when securitization is required from an ethical point of view, and if this is the case then the proposition that states are never required to securitize is wrong.

*Securitization is obligatory when it is the best option (modified weak last resort)*

The proposition that securitization is morally obligatory when it is the best option for addressing a threat as suggested by the logic of *modified weak last resort*, follows a consequentialist logic, whereby “the reason why an action ought to be done lies in the

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<sup>27</sup> Thomas Nagel, *The view from nowhere*, (Oxford: Oxford University Press, 1986), 165.

<sup>28</sup> Christoffer S. Lammer-Heindel, *Does the state have moral duties? State duty-claims and the possibility of institutionally held moral obligations*, PhD thesis (University of Iowa, 2012): 32.

goodness of its effect”.<sup>29</sup> Another way of putting this answer is to say securitization is obligatory when it is the best possible option to achieving a just cause. It is easy to see why an action – from an ethical point of view- is permissible when it is the best alternative, but does this really stretch to obligation? At least two possible objections can be advanced against this idea. First, best possible option may involve very small margins. For example a state may anticipate that dealing with a threat through securitization has a 51% of achieving a just cause, whereas a political alternative would only have a 49% chance.<sup>30</sup> Given the collateral damage caused by securitization (potential killing and maiming of people, but also de-democratization, risk of the security dilemma and counter-securitization) small margins undermine the validity of the claim that securitization is obligatory when it is the best possible option.<sup>31</sup>

Second, as ever when obligation is invoked, it is unclear what states ought to do when obligations conflict and create moral dilemmas, that is the situation when “an agent regards herself as having moral reasons to do each of two actions, but doing both actions is not possible”.<sup>32</sup> We have seen that states have an obligation to protect their citizens from external threat, but states also have an ethical duty correlating to human rights.<sup>33</sup> As is well known from the “war on terror”, for example, securitization often comes at the expense of human rights.<sup>34</sup> Lowering the bar for obligation to securitize to the logic inherent to *modified weak last resort* multiplies the possibility of throwing states into moral dilemmas. It is for these reasons that I reject the suggestion that states must securitize when emergency measures have

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<sup>29</sup> Harold A. Prichard, *Moral Writings of H.A. Prichard*, ed. Jim MacAdam (Oxford: Oxford University Press, 2002) 1.

<sup>30</sup> Hurka, “Proportionality”.

<sup>31</sup> cf. Aloyo, “Just war theory and the last resort”

<sup>32</sup> Terrance McConnel, “Moral Dilemmas”, *The Stanford Encyclopaedia of Philosophy*, ed. Edward N. Zalta (2014)

<sup>33</sup> Lammer-Heindel, “Does the state have moral duties?”, 1, 25.

<sup>34</sup> see, for example, Fiona DeLondras, *Detention in the ‘War on Terror’*, (Cambridge: Cambridge University Press, 2011)



the best chance of achieving just cause, with the proviso (and in line with Just Securitization Theory) that at this point securitization is morally permissible.<sup>35</sup>

*Securitization is obligatory only when it is necessary to achieving just cause (ameliorated moderate last resort)*

My personal motivation for the idea of Just Securitization Theory is an awareness of the negative consequences of securitization, and consequently one of my aspirations in developing this theory is to minimize the reasons for when securitization is morally permissible.<sup>36</sup> This also means that I have little desire to set the threshold for moral obligation low. As such some security scholars - quite plausibly proponents of security cosmopolitanism, who consider security policy a solution to many world-ills - are likely to consider my judgement clouded from the outset, and my findings biased.<sup>37</sup> I can accept that my starting position is not truly objective, and the recommendation I make here is in line with my JST.

In this spirit, I want to suggest that the most reasonable answer to the research question of when does the obligation to securitize take effect is when alternatives have been tried at least once and failed to meet just case. However, a prerequisite for making *ameliorated moderate last resort* a truly feasible option is to work out what the viable alternatives are for prevailing threats are, and setting a level for how many have to be tried

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<sup>35</sup> Please note that within JST this is but one of five distinct criteria specifying just initiation of securitization. Besides just cause, right intention, reasonable chance of success JST also features a macro-proportionality requirement which holds that: The expected good gained from securitization must be greater than the expected harm from securitization; where the only relevant good is the good of ensuring the survival of the referent object. See Floyd, *The Morality of Security*.

<sup>36</sup> Floyd, "The promises of just securitization theories".

<sup>37</sup> Anthony Burke, Katherina Lee-Koo, Matt McDonald, *Ethics and Global Security: A cosmopolitan approach*, (Abingdon: Routledge, 2014)

and for how long.<sup>38</sup> To do so convincingly would go beyond the realm of this paper, plus I do not think it is something that can be settled by one person, but should be a joint endeavour.<sup>39</sup> In other words, here appropriate definitions and thresholds rely on intersubjective agreements in the scholarly community. As such, there is a need and an opportunity for work that is meaningful in both scholarly and practical terms to be pursued towards the end of developing such intersubjective agreements regarding the ethics of securitization. In more detail, scholars would have to agree at least in principle on the threats for which they consider non-action a viable alternative. Does this pertain to terrorism only? Or should it be extended, for example, to the kind of behaviour currently displayed by North Korea's leader Kim Jong-un? The scholarly community would also have to work out what kind of actions they consider appropriate politicization for different threat types.<sup>40</sup> In addition to criminalization for terrorism this might also include criminalization as opposed to securitization of illegal migration, organized crime and cybercrimes/offences. It might mean "developmentisation" to address the HIV/Aids epidemic, global poverty and the migrant crisis, and "pacification" to deal with group conflicts.<sup>41</sup> In addition, and crucially, there would have to be agreement on how long for these alternatives have to be tried before the stronger securitization can ensue. This will be difficult, and scholars would have to be sensitive to the fact that some measures

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<sup>38</sup> It should be clear then that here the proposal is not that all possible alternatives need to be tried at least once (indeed as one reviewer points out, some alternatives may not yet be known), but rather that all plausible (and inter-subjectively agreed as plausible) alternatives have to be tried at least once. As such the gap between *modified weak last resort* and *ameliorated moderate last resort* is less than it would be were one to insist on all options. Note that while the JST does not distinguish between *all* and *viable* alternatives, theorists clearly mean the latter, it is simply the case that viable alternatives to warfare are well established.

<sup>39</sup> Joint does not necessarily mean collective here, joint beliefs can also be generated by diverse pieces that agree on the same thing. For instance, in securitization studies many authors have confirmed the role of the audience as a pivotal entity in securitization (cf. Potenz, this issue).

<sup>40</sup> I recognize that there are limitations to this in so far as we might yet be faced with hitherto unknown threats without ready-made alternatives, and in those cases IR scholars may find themselves unable to conceive of solutions other than securitization.

<sup>41</sup> For more on "developmentisation" see Colin McInnes and Simon Rushton, "HIV/AIDS and Securitisation Theory", *European Journal of International Relations*, (2011): 485-509; for "pacification" see Amir Lupovici, 'Pacification: Toward a theory of the social construction of peace', *International Studies Review*, 15:2 (2013): 204-228.

(notably developmentization or environmental regime building) will be slow and tedious, while the security threat might initially increase.

Provided all this can be achieved *ameliorated moderate last resort* could become the standard for setting the moral obligation for states to meet just cause via securitization. In particular also because this narrowing down of *viable alternatives* and the duration for which they have to be tried reduces the risk of causing harm by delay; while it simultaneously avoids the pitfalls of more permissive interpretations of necessity.

Table 2: Typology of the ethical stance regarding the obligation to securitize

	Recommendation	Evaluation of recommendation
<b>Literal strong last Resort</b>	States are never required to securitize	<ul style="list-style-type: none"> <li>• Unconvincing because it can be met with regards to some intent-lacking threats.</li> <li>• Moreover, catastrophic intent-lacking threats necessitate securitization as a matter of duty.</li> </ul>
<b>Modified weak last resort</b>	Securitization is morally obligatory when it is the best option	<ul style="list-style-type: none"> <li>• Problem of small margins undermines the validity of the claim that securitization is required when it is the best option.</li> <li>• Low threshold for requirement to securitize runs the risk of creating moral dilemmas in which states' duties conflict.</li> </ul>
<b>Ameliorated moderate last resort</b>	Securitization is obligatory only when it is necessary to achieving just cause	<ul style="list-style-type: none"> <li>• Provided that viable alternatives can be identified this is the most promising ethical stance because it retains the notion of last resort as necessity, and as</li> </ul>

		<p>such avoids the weaknesses of modified weak last resort.</p> <ul style="list-style-type: none"> <li>• Moreover, provided viable alternatives and acceptable duration of time for which each has to be tried are intersubjectively agreed, this option can deal with the issue of harmful delay.</li> </ul>
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## Conclusion

The ethics of securitization is an underexplored but potentially extremely rich research area. The contribution by Thierry Balzacq to this *Symposium* suggests as much. Ethical enquiry centres on the good life as well as right conduct. Its subfield of practical ethics, of which ethical security studies or just securitization research/studies could be an important part, seeks to develop ethics in relation to practical policy matters (e.g. war, health, business, the environment).<sup>42</sup> Ethical enquiry generates many tough, but equally pertinent questions. This article, for instance, was informed by the research question: At what point in time are states required to securitize against a real threat to a just referent object? My primary aim in this article was not however, to answer this question, but rather to demonstrate the rich variety of avenues and dilemmas, some of which present clear opportunities for research, that arise in the pursuit of an ethical theorizing of just securitization. To this end I have shown that rather than advancing a singular vision, whereby for example, just securitization follows a cosmopolitan world view, just securitization can serve as a meta-theoretical framework for coherent thinking on the ethics of security, allowing for both restrictive and permissive ethical stances regarding the research question.

Comment [RF1]: Tim is this correct ?

<sup>42</sup> Hugh LaFollette, "Introduction", *The Oxford Handbook of Practical Ethics*, ed. Ibid (Oxford: Oxford University Press), 1-11.

In more detail, I suggested that we can approach the research question by utilising the Just War tradition's principle of the last resort. Although this principle is ordinarily used to restrict the use of emergency measures, I suggested that its logic can also be used to identify the point in time when the use of such measures becomes an ethical duty. I identified with *literal strong last resort*, *ameliorated moderate last resort*, and *modified weak last resort* a typology of three separate interpretations of last resort, and went on to assess each one's internal strengths and weaknesses. I show that the same strengths and weaknesses also play out in three corresponding ethical stances regarding the research question of when states are required to securitize, and that the logic contained within *ameliorated moderate last resort* is most convincing.

I would like to end by pointing out that in addition to agreeing viable alternatives to securitization and their respective implementation timings, much more needs to be said on the requirement to securitize, as such a requirement rests on numerous other factors. One major element of this is the just cause and whether this must – as I hold – rest with the real presence of existential threats.<sup>43</sup> Another concerns the culpability of would-be securitizing actors in creating the need for other-securitization, for example, through poor foreign policy.<sup>44</sup> As such there is much to do for scholars interested in the ethics of securitization; this article has shown how just securitization can help to get that work done.

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<sup>43</sup> What, for example of those cases where the actor behind the threat will not be obvious and a plethora of misinformation suggesting links between unrelated actors (some of whom we know to be threatening, the others whom we then suspect of being so) will become available. How and when we can justify a securitization against a threat whose severity and origin are unclear (given that securitization necessarily involves the identification of a threat) is an area of enquiry that Just Securitization Theory can benefit from exploring. Scholars interested in pursuing meaningful and impactful research in this field should take note.

<sup>44</sup> For a first attempt, see Rita Floyd (forthcoming 2019) "Collective securitization in the EU: Normative dimensions" *West European Politics*

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