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SYMPOSIUM ON J. BENTON HEATH, "MAKING SENSE OF SECURITY"

WHOSE SECURITY MATTERS?

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Claims to security are everywhere. They are used by states to justify invading other nations[1] and to derogate from international law obligations.[2] They are invoked by governments as reasons to exclude foreign nationals from their territory;[3] surveil their citizens;[4] and kill citizens and foreigners alike by remote control.[5] Some experts use security claims to underscore the seriousness of global threats, like COVID-19.[6] Security claims are also used by communities to defend their rights and well-being from those threatening them, including the state itself.[7] Still others criticize the use of security discourse—in at least some circumstances—describing it as undermining the rule of law.[8] Embedded within these claims is a view about whose security matters most—something that is also implicitly reflected in J. Benton Heath's four-part typology of security claims described in his recent article, "Making Sense of Security."[9] This essay explores the importance of whose security matters to Heath's framework. It does so by examining one political movement currently challenging the U.S. national security state. This movement is led by members of groups targeted and disadvantaged by U.S. national security policies—namely, Muslim, African, Middle Eastern, and South Asian communities. In that movement's recently released policy agenda, *Abolishing the War on Terror & Building Communities of Care: A Grassroots Policy Agenda for the Biden-Harris Administration and 117th Congress* (*Abolishing the War on Terror*), [10] its leaders call for abolishing the national security state and the War on Terror that it birthed.[11]

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[1] *Putin Describes the Attack on Ukraine as an Act of Self-Defense*, NPR (Feb. 24, 2022).

[2] Cathleen Powell, *Russia's Invasion of Ukraine is Illegal Under International Law: Suggesting It's Not Is Dangerous*, THE CONVERSATION (Mar. 15, 2022).

[3] Shoba Sivaprasad Wadhia, *National Security, Immigration and the Muslim Bans*, 75 WASH. & LEE L. REV. 1475, 1475–77 (2018).

[4] Raphael Satter, *U.S. Court: Mass Surveillance Program Exposed by Snowden Was Illegal*, REUTERS (Sept. 2, 2020).

[5] Maryam Jamshidi, *What a Few Cakes Say About the U.S. Drone Program*, JUST SECURITY (Sept. 16, 2020).

[6] Oona Hathaway, *COVID-19 Shows How the United States Got National Security Wrong*, JUST SECURITY (Apr. 7, 2020).

[7] Monica Bell, *Black Security and the Conundrum of Policing*, JUST SECURITY (July 15, 2020).

[8] Robert Malley & Stephen Pomper, *The Perils of Hyping Pandemic Response as a National Security Issue*, JUST SECURITY (May 4, 2020).

[9] J. Benton Heath, *Making Sense of Security*, 116 AJIL 289 (2022).

[10] *Abolishing the War on Terror & Building Communities of Care: A Grassroots Policy Agenda for the Biden-Harris Administration and 117th Congress* (2021) [hereinafter *Abolishing the War on Terror*].

[11] The authors of *Abolishing the War on Terror* include Justice for Muslims Collective, which was recently folded into a new organization called Muslims for Just Futures, HEART Women & Girls, Vigilante Love, the Partnership to End Gendered Islamophobia, Project South, and the Partnership for the Advancement of New Americans. *Id.* at 1.

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The rest of this essay explores how the *Abolishing the War on Terror* agenda underscores the central importance of whose security matters to Heath's security typology. Relatedly, it examines the agenda's implicit strategy for shifting from a state-centric toward a community-centric security paradigm—namely through building political bonds of solidarity[12] between groups targeted by the state's security practices. This essay also explores *Abolishing the War on Terror*'s approach to for protecting and supporting marginalized communities. In addition to demanding the abolition of harmful state policies, the agenda calls for fostering political and socioeconomic benefits and opportunities for marginalized groups, particularly through investments related to climate justice, racial justice, gender and reproductive justice, disability justice, and justice for Indigenous peoples. These proposals are solely aimed at promoting the security of marginalized groups rather than of the state itself. This essay ends with some preliminary thoughts about how focusing on whose security matters underscores the role of political and socioeconomic power within Heath's security framework.

Centering Whose Security Matters

The *Abolishing the War on Terror* agenda explicitly focuses on whose security matters most—the state or the targets of its security policies? As reflected in the platform, it is the well-being of those disadvantaged by the U.S. government that is of preeminent importance. In particular, the agenda notes how the War on Terror has devalued, attacked, and affirmatively damaged the security of Muslim, African, Middle Eastern, and South Asian communities; draws connections between national security policies and state-led efforts to police and subordinate other communities of color at home and abroad; and moves beyond a state-centric security paradigm to prioritize the health and well-being of marginalized communities across a variety of domains.[13]

In making these claims, the *Abolishing the War on Terror* agenda is a paradigmatic example of "pluralist" approaches to security, one of the four approaches to security identified in Heath's article. As Heath argues, security claims can be divided into four types: 1. "Realist" approaches to security, which focus on military force and other related tactics[14] and aim to defend "states against destruction or destabilization by force. . .";[15] 2. "Widened" approaches to security, which seek "to dislodge military affairs from their central role in security policy" and focus on threats, like climate change, that are "made intelligible through the application of scientific expertise";[16] 3. "Discursive" approaches to security, which criticize security discourse for justifying corrosive government powers and advocate, instead, for "desecuritization" to move important issues "into the ordinary public sphere";[17] and 4. "Pluralist" approaches to security, which emphasize how "the institutions of the state may themselves be sources of insecurity"[18] and insist that "knowledge about security threats emerges from communities. . ."[19]

According to Heath, these approaches to security, which can overlap,[20] revolve around two issues. The first is whether experts, rather than lay people, should have "a privileged position in identifying and describing security

[12] By solidarity, I mean the "expression of a spirit of unity," whether among "individuals, peoples, States, and international organizations," that encompasses "the union of interests, purposes, and actions and the recognition of different needs and rights to achieve a common goal." Draft UN Declaration on Human Rights and the Right to International Solidarity, Report of the Independent Expert on Human Rights and International Solidarity, Annex, Art. 1, UN Doc. A/HRC/35/35 (Apr. 25, 2017).

[13] *Abolishing the War on Terror*, *supra* note 10, at 1–3.

[14] Heath, *supra* note 9, at 291.

[15] *Id.* at 315.

[16] *Id.* at 319.

[17] *Id.* at 321 (internal quotation marks and citation omitted).

[18] *Id.* at 325.

[19] *Id.* at 326.

[20] *Id.* at 314.

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issues, and, if so, which experts' views are relevant."[21] The second issue is whether security must necessarily be protected through extraordinary government actions, including emergency powers.[22]

As *Abolishing the War on Terror* demonstrates, however, there is another important issue implicit within Heath's security typology—namely, the question of *whose* security matters. From a realist perspective, for example, the state's security is most important.[23] For widened security, the security of the state is similarly critical,[24] though it is closely connected to the security of "'human life."'[25] Even for discursive security, which views the concept of security as threatening the rights of all members of society,[26] the question of whose security matters is still important since rights erosions are often linked to the security of individuals and groups.[27] Finally, pluralist security emphasizes the security needs of non-state entities and communities.[28] In particular, it allows for the "security interests of the colonized, marginalized, racialized, and subaltern . . . to be taken seriously on their own terms."[29]

Shifting from Realist to Pluralist Notions of National Security

The *Abolishing the War on Terror* agenda presents new ways of thinking about national security and the War on Terror, one that centers the security of vulnerable communities and challenges national security's realist orientation. Indeed, while a widened notion of security has arguably taken hold of U.S. national security policy since the end of the Cold War,[30] approaches to national security remain firmly focused on the realist paradigm. Nowhere is this clearer than in the War on Terror, which is dominated by military invasion and occupation, covert military action, indefinite detentions, torture, and mass surveillance, among other practices.[31] Although there have been innumerable efforts to address abusive War on Terror tactics, many of these proposals have implicitly accepted (or failed to question) the realist approach at the heart of this "war." From the National Security Agency's wiretapping and metadata programs to the drone war, advocates and scholars have focused less on challenging the need for certain national security programs and more on ensuring they comply with the rule of law and civil liberties.[32] Whether intentional or not, these reformist approaches have effectively deferred to the state's interest in protecting its own security.

The *Abolishing the War on Terror* agenda moves away from the realist paradigm and toward a pluralist approach in several ways. First, going beyond a "focu[s] on reforms,"[33] *Abolishing the War on Terror* calls for ending national security programs and departments that have targeted and dehumanized Muslim, African, Middle Eastern, and South Asian groups.[34] In making these demands, the agenda prioritizes the flourishing of these victims of state

[21] *Id.* at 291.

[22] *Id.*

[23] *Id.* at 315.

[24] *Id.* at 319.

[25] *Id.* (citation omitted).

[26] *Id.* at 323.

[27] Bell, *supra* note 7.

[28] Heath, *supra* note 9, at 324–25.

[29] *Id.* at 324.

[30] Laura K. Donohue, *The Limits of National Security*, 48 Am. Crim. L. Rev. 1573, 1574 (2011).

[31] Spencer Ackerman, Reign of Terror: How the 9/11 Era Destabilized America and Produced Trump, xv (2021).

[32] *See, e.g.*, Joshua Andersen, *Due Process of War in the Age of Drones*, 41 Yale J. Int'l L. 155, 156–58 (2016); Scott Michelman, *Who Can Sue Over Government Surveillance?*, 57 UCLA L. Rev. 71, 72–76 (2009).

[33] *Abolishing the War on Terror*, *supra* note 10, at 1.

[34] *See* note 42 *infra* and accompanying text.

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violence and control over the security of the state itself. Elaborating on this approach in a recent interview, the agenda's authors describe the need to overcome state-centric notions of security—which prioritize police, prisons, and the military—because, "at [their] core [they are] about maintaining existing power structures and hierarchies of race, gender, class, and other systems of how power is organized in society that leave[] many at the margins."[35] For *Abolishing the War on Terror*, realist security is both something that must be disavowed, as well as something that disempowers vulnerable groups.

As conceived by *Abolishing the War on Terror*, dismantling the War on Terror and the national security state more broadly is crucial to reversing subordination and empowering communities targeted by national security policies, as well as other people of color trapped in punitive state security frameworks. As the agenda states, "the War on Terror is built upon and sustained through structural Islamophobia and the dehumanization of Muslim communities and anyone perceived or racialized as Muslim," while also being "built upon the broader structures of anti-Black racism, white supremacy, settler-colonialism, and imperialism."[36] To dismantle these structures, the agenda calls for abolishing various national security laws, programs, and departments, including repealing the 2001 and 2002 Authorization for the Use of Military Force, repealing the criminal material support laws, ending the drone program, abolishing the Department of Homeland Security, defunding the Pentagon, and repealing both the PATRIOT ACT and the 1996 Antiterrorism and Effective Death Penalty Act, among other proposals.[37]

Second, though the agenda's title might suggest the federal government is its target audience, the platform's proposals are actually aimed at communities demonized by realist security approaches and, in particular, at building political power and connections among those groups—which may be used, in turn, to advocate for policy changes from the government. The *Abolishing the War on Terror* agenda emphasizes this inter-community solidarity by explicitly linking its abolitionist project to other emancipatory movements and embracing those movements' goals. The platform acknowledges its great debt to activists who have pushed for abolition in the context of mass incarceration, police violence, and the criminalization of immigration.[38] In particular, it expresses solidarity with activist demands on policing and immigration, including "placing a moratorium on new prison construction, moving to end pre-trial detention, abolishing mandatory minimum sentencing laws, abolishing the federal death penalty, ending life sentences,"[39] as well as abolishing Immigration and Customs Enforcement,[40] "[e]nding the use of immigration enforcement to incarcerate immigrants and migrants,"[41] and "[e]nding deportations."[42]

By highlighting the interconnected and overlapping needs of different marginalized groups, *Abolishing the War on Terror* points the way to generating the collective political power necessary to overcome marginalization, end realist security policies eviscerating targeted communities, and realize meaningful security for disadvantaged groups. As *Abolishing the War on Terror* implicitly suggests, power is needed to dislodge existing ideas and approaches to security. For the authors of the agenda, that power is generated through inter-community solidarity. Rather than deferring to state authority over security matters, *Abolishing the War on Terror* focuses on building political power between groups so they can demand, define, and realize for themselves what is necessary for their own flourishing.

[35] Email interview conducted with authors of *Abolishing the War on Terror* agenda, June 2, 2022 [hereinafter *AWT Author Interview*] [email on file with author].

[36] *Abolishing the War on Terror*, *supra* note 10, at 2.

[37] *Id.* at 10, 11, 15.

[38] *Id.* at 3.

[39] *Id.* at 2.

[40] *Id.* at 9.

[41] *Id.* at 5.

[42] *Id.*

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At the same time, *Abolishing the War on Terror* also suggests that the relationship between political power and security is dialectical. Instead of being a site of battle—where groups fight and barter over whose flourishing and security ought to matter—security is a shared resource whose realization across various vulnerable communities is necessary to politically empower all disadvantaged groups and dislodge realist security approaches.

Finally, in seeking to move away from realist conceptions of security, *Abolishing the War on Terror* eschews the language of security itself. Even though *Abolishing the War on Terror* centers the security of marginalized communities, its authors remain concerned with how security discourse can be corrupted and exploited by the state.[43] So, rather than presenting the communities' security needs qua security, the agenda pitches them as demands relating to "build[ing] and invest[ing] in community care."[44]

Here, the agenda takes an expansive approach to security (even if it is not framed in security-based terms) reminiscent of widened approaches to security. In particular, the agenda calls for redistributing resources away from the state's security apparatus and toward the socioeconomic and justice-based needs of those communities impacted by state abuse.[45] As the agenda puts it, funds saved from abolishing national security structures should be invested in Black, Brown, and Indigenous communities to address issues like "COVID19 recovery, investing in free and affordable housing, universal health care, employment that guarantees a living wage and a just work-week, [and] free education," as well as in other areas necessary to "creating healthy and thriving communities."[46] Nearly half of the grassroots agenda focuses on articulating the investments that should be made to ensure the well-being of marginalized groups.[47] In line with the agenda's focus on solidarity, these recommendations are pitched to community members as demands to be made of the state using collective community power.

How Security Discourses Impact Political and Socioeconomic Power

As reflected above, there are other important ways in which *Abolishing the War on Terror* underscores issues of power and powerlessness—including the important story it tells about the connection between U.S. imperialism and the rise of the U.S. national security state, as well as the role of Islamophobia in the War on Terror.[48] All told, the *Abolishing the War on Terror* agenda demonstrates how the security frames we choose and their concomitant approach to whose security matters are connected to issues of power—especially when it comes to the distribution of political and socioeconomic power and resources within society.

In these ways, *Abolishing the War on Terror* draws attention to another important issue embedded within Heath's framework: the power dynamics generated by each security concept. While Heath is very aware of power's place within his typology, he focuses mostly on the question of "epistemic power."[49] Epistemic power is not, however, the only kind of power at stake in security discourses. As highlighted by the issue of whose security matters and reflected in the previous section, security frames impact political and socioeconomic power too.

The power-based implications of some security approaches, like realist security, are relatively well-established. Realist security centers political power and the government's economic resources exclusively in the state—with a particular focus on the military and foreign policy arms of government. Solidarity between state and citizen or between states themselves is generally less central.

[43] *AWT Author Interview*, *supra* note 35.

[44] *Abolishing the War on Terror*, *supra* note 10, at 30.

[45] *Id.* at 33–50.

[46] *Id.* at 16.

[47] *Id.* at 33–50.

[48] *See* note 36 *supra* and accompanying text.

[49] Heath, *supra* note 9, at 292.

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For other approaches to security, the power-related implications may be less clear. Like realist security, widened security would likely center political and economic power and resources in the state—though the distribution of resources and power may be spread broadly across various administrative agencies, reaching departments like the Centers for Disease Control and Prevention and the Environmental Protection Agency. At the same time, widened security would likely promote the political and socioeconomic power of individuals and groups—though it is less certain whether all members of society would reap these gains or whether benefits would flow only to those most impacted by, or most necessary to addressing, the national security issue(s) of the day. As for discursive security, it would likely distribute political power and economic resources away from the state—though, again, where and how those powers and resources would be redirected is ambiguous. Even for pluralist security, it is unclear that power distributions would necessarily only flow to subordinated groups or which subordinated groups would stand to gain, when they do.[50]

Like the issue of whose security matters, answering these questions and generally understanding the political and socioeconomic consequences of different security frames is important to deciding which frame or combination of frames is most suitable—since, as Heath puts it, deciding between various security approaches is ultimately "context-dependent, strategic, and political."[51]

Conclusion

Heath's framework provides a crucial starting point for navigating a fraught security terrain and selecting the most desirable option for any given situation. That decision-making process also, however, demands asking whose security matters and reflecting on the consequences for distributions of political and socioeconomic power—all of which have profound ramifications for the security of individuals, groups, and society at large.

[50] *Id.* at 325–36.

[51] *Id.* at 293.

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