



Regina Kreide | Andreas Langenohl [eds.]

Conceptualizing Power in Dynamics of Securitization

Beyond State and International System



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edited by

Thorsten Bonacker

Horst Carl

Eckart Conze

Christoph Kampmann

Regina Kreide

Angela Marciniak

Volume 5

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Nomos

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Introduction: Situating Power in Dynamics of Securitization

Andreas Langenohl and Regina Kreide

Contextualization and outline of the volume

Today, ‘security’ has advanced to a conception that is equally prominent in social and political discourses and practices, and in academe. Contemporary diagnoses as well as historical reconstructions of security dynamics point out that ‘security’ has evolved as a vernacular conception whose reference dimension is constantly widening, up to a point where it appears without qualifier, but as a value in itself. For instance, it has been argued that security, once the prerogative of the modern state and its *raison d’état*, is meanwhile framed as a concern that transcends the interests, but also the boundaries and capacities, of the state. Developments like the expansion of ‘security’, as a normative demand, to the realm of society and to individuals’ safety, as in the conception of ‘human security’, tend to posit state-political interests in security in contradistinction to the wellbeing of social groups and societal systems of reproduction as well as to the safety of individuals irrespective of their political belonging.¹ In such constellation, the conception of ‘security’ loses its seemingly self-explicatory quality, instead becoming a key vehicle for negotiations and fights over political prerogatives, social demands, and claims at cultural identities. Frédéric Gros has reconstructed some aspects of this generalization of ‘security’, arguing that while ‘security’ has a quite diverse and complicated genealogy in Western European history, it has meanwhile become a global currency whose prominence resides precisely in the conspicuous absence of any qualifier of what ‘security’ is concretely supposed to mean, and for whom.² In particular, the notion of ‘human security’, according to Gros, serves as a vehicle for a bio-political conception of individuals as carriers of life functions that replaces the idea of individuals as holders of human rights.³ These accounts highlight the ubiquity, and at the same time vague-

1 Daase 2011, 2012; Junk 2011.

2 Gros 2015; see also Browning/McDonald 2011.

3 Gros 2015, pp. 185-255.

ness, of ‘security’ as the base of the power of that conception. ‘Security’ seems to have lost all substantial qualifiers to the advantage of a negativistic conception, namely, as the absence of threat. In some languages, this negativistic definition of security even materializes on the word-morphological level, like in the Russian *bezopasnost’*, which literally means ‘the absence of danger/threat’.

Accordingly, security-related research has focused for some time now on those processes that boost the categorization of social and political constellations as relevant to security – that is, as harboring potential threats to a community or a polity. Thereby, it has been, in particular, International Relations and Strategic Studies which have become a platform for such conceptualizations of security. Since the 1980s, ‘Securitization Studies’ has emerged, and internally differentiated, as the “largest body of secondary literature in security studies”.⁴ It rejects the realism inherent in classical understandings of IR, in particular the stipulation that states have ‘natural’ security prerogatives that organize their behavior within an anarchic international system in which each shift in power can only end up in a zero-sum game. Instead, scholars maintain that security issues are politically and socially constructed. In this context, the term of ‘securitization’ has emerged as a key concept for the reconstruction of those processes that frame given policy issues and social constellations as relevant for a polity’s survival.⁵ Since then, ‘securitization’ has been conceptualized in various ways.⁶ Starting from the speech act-theoretical model of the ‘Copenhagen School’ and being amended by more practice-theoretical approaches⁷, it meanwhile transcends the focus on polities, instead posing questions concerning the securitization of social groups, transnational networks (for instance, such as terrorism), or economic developments.⁸

This volume contributes to this debate through a rigorous focus on the power dimension of securitization. Thereby, it follows a dual strategy. On the one hand, it discusses recent developments in securitization studies from the angle of how notions of power figure in these debates. In this respect, the volume’s contribution consists both in a systematization of the debate and in the suggestions of conceptual and theoretical approaches

4 Christou et al. 2010: 348.

5 Wæver 1995; 1996; cf. Vuori 2011.

6 See Wæver 2004 and 2015, Buzan 2016.

7 Bigo 2002, 2006; 2014; Balzacq 2005, 2011; Balzacq et al. 2016; Leander 2010.

8 See, for a summary of recent research trends, Balzacq et al. 2016.

that might benefit the debate, given the circumstance that a broad effort to conceptually come to terms with the power in securitization processes is absent so far. On the other hand, the volume aims at a more historical and interdisciplinary contextualization of conceptions of power in securitization studies through exemplarily focusing on scenes of securitization, taking up the thread in the 18th century. The contributions thus span the range not only of political science, sociology and anthropology from which prominent conceptual contributions to securitization studies have emerged, but also of law, arts history, contemporary history, and social history.

By dint of its historical and conceptual approach, the volume aims also at questioning certain core assumptions in securitization studies as they present themselves today. Securitization studies started out by questioning the ontological dignity of the category of ‘security’ as used in realist International Relations and Strategic Studies,⁹ thereby also conveying critiques of the potentially detrimental uses of security as a vehicle of political dramatization.¹⁰ However, securitization studies found it less easy to leave behind other core characteristics of IR. This pertains, in particular, to two of its aspects which are crucial to the realist understanding of state power in the international system: the state and the international system. Securitization, while having broadened its horizon to scales of securitization different from the state (for instance, ‘macro-securitizations’),¹¹ many of its scholars still prefer to direct their attention to the securitization of the state vis-à-vis threats to that state as they are being constructed within the horizon of the international system (see Andreas Langenohl’s paper in this volume).

The most powerful critique of such state-centrism has, arguably, come from anthropology, which has recently fostered an approach that views processes of securitization as a basic mode of the reproduction of *any* collectivity in the sense of its production and stabilization over time.¹² According to this approach, the invocation of security is a powerful lever in the symbolic, social, and political constitution of collectivities; as such, collectivities can never be regarded as ‘given’. Moreover, securitization constructs communities and entities not only through framing them as be-

9 See for an historical overview Wæver 2015.

10 See for a discussion Browning/McDonald 2011.

11 Cf. Buzan/Wæver 2009.

12 Holbraad/Pedersen 2013; cf. critically Rollason 2017.

ing under threat, but also through asserting that other communities and entities are potentially threatening (see Regina Kreide's and Carola Westermeyer and Hannah Broecker's articles). Finally, the 'international system' purports an understanding of principal symmetry and zero-sum logics between the units that comprise it, thus tending to turn a blind eye to structurally caused asymmetries within that system, for instance, in (post-)colonial dynamics (see Maria Ketzmerick's contribution).

While this volume, therefore, presents anthropological, sociological and political-theoretical critiques of views on securitization that still seem to take the state and the international system for granted, it also includes studies that question the saliency of the state and the international system from an historical point of view. While studies on security and securing have been common in historiography, for instance, in military and diplomatic history, the historical perspectivation of securitization studies is still in a very early, but promising phase.¹³ Thereby, the historical reconstructions of securitization dynamics assembled in this volume aim not so much at an outright rejection of the 'modernism' inherent in IR and also in some strands of securitization studies, but rather at the productive engagement with dynamics of securitization, and the power dimensions inherent in them, through focusing on such dynamics that escape the logic of the state as contained within an 'anarchic' international system. Examples range from securitization discourses and practices in early modern municipalities and cities in the 19th and 20th centuries to the role of international public law as a securitizing force that was set up to challenge the international system's 'anarchy', to securitization dynamics within asymmetrical transnational constellations, like in the context of decolonization movements.

This way, the volume dedicates itself to opening up a discussion over possibilities to conceptualize power dynamics in securitization processes beyond the state and the international system. In the following, we will briefly introduce the volume's contributions along the lines of conceptual arguments that crosscut them. The articles are organized into two book sections. While the first represents conceptual attempts to deepen our understanding of the power dimension of securitization processes, the second one comprises articles which, in conceptualizing that power dimension, in-

13 Buzan/Wæver 2009; Buzan 2016; Conze 2012.

roduce views on securitization that bypass and challenge the nexus of state and international system.

Part I – Conceptualizing the power dimensions of securitization

Arguably, any discussion of power in securitization processes is inextricably linked with questions of how power is conceptualized in general, and which kind of power securitization represents. The Copenhagen School has given some impulse to debating that question. For instance, the CS has been read as being based on a Schmittian conception of power, so that the ‘securitizing move’ embodies the sovereign declaration of a state of exception.¹⁴ Other critics have seen the CS as rather shuttling between a Schmittian and a Habermasian aspect of securitization: As the ‘securitizing move’, it was argued, needs to be validated by relevant ‘audiences’, there is in principle (at least, within democratic and pluralist political orders) the chance to confront the securitizing move with questioning and resistance.¹⁵ Other contributions reframed the CS argument as relating to a rather discursive mode of power: The “grammar of security”¹⁶ invoked by the securitizing actors, according to this view, represents a discursive mode of power that responds to the reflexive contingency of modern societies, in that it processes that contingency through a violent transformation into a juxtaposition of self and other.¹⁷ The discursive model of power, in turn, has been supplemented by the question of how actors maneuver strategically within discourse.¹⁸ Approaches delineating themselves from the CS, like the Paris School, have conceptualized power as residing rather in social relations structuring the dynamics between securitizing actors and their audiences: “The practical force of discourse falls, therefore, between logical consistency and the dynamics of social power”.¹⁹ So far, however, the debate has not resulted in a clear positing of alternatives regarding how to conceptualize power in securitization. In particular, the relationship that securitization studies maintains with resource-theoretical

14 Munster 2005.

15 Williams 2003.

16 Buzan et al. 1998, p. 33.

17 Huysmans 1998.

18 Stritzel 2012.

19 Balzacq 2011, p. 26.

and instrumental conceptions of power – a power that is *possessed* by an actor strategically pursuing his or her interests – is still unresolved (see Langenohl in this volume).

The contributions in the first section of this volume maintain that resource-theoretical and instrumental conceptions of power in securitization are comparatively weak. As securitization is first of all a process of *relating* – that is, a process shaping, instigating and creating relations between and among actors, discourses, artefacts, and social and political figurations – resource-theoretical approaches find themselves at odds with this relational dynamic because they tend to isolate actors and their power bases. Pursuing this argument further, any relational notion of power cannot but establish a connection between political, social, symbolic and material processes.²⁰ Processes of securitization may thus be perspectivized as dynamics that stabilize or destabilize such relations through a primary organizing principle, which is security and its respective understandings, shuttling between the invocation of a threatened entity and that of potential threat. Power, accordingly, resides in the capacity to streamline connectivities and collectivities according to the respectively pertaining logic of security and thus to produce or stabilize such connectivities and collectivities across the realms of the political, the social, the symbolic and the material.

Andreas Langenohl's paper dissects the securitization debate with a view to the different conceptions of power inherent in its contributions and strands, arguing that the question of how a notion of power can inform securitization studies cannot be decoupled from understandings of the political implicit in these currents. Within this horizon, the paper makes two main points. First, the Copenhagen School – especially Ole Wæver's work – is given credit for disentangling the notion of political power from the notion of securitization altogether. As the CS tends to diagnose the effects of securitization as the entering into potentially fatal dynamics such as declaring exceptional states, demanding extraordinary measures, and being bound to these states and decisions, securitization tends to strip securitizing actors of any capability to engage in political coordination, especially with those adversaries that are made to represent a threat to the polity. Thus, the CS invites the conceptualization of power not so much on the model of securitization, but rather on that of desecuritization, in the sense

20 Cf. Balzacq et al. 2016.

of a restoration of the capability to engage in more open-ended relationships, among antagonists and among allies. Second, and taking this argument further, the paper proposes a sociological variant of relational social theory – namely, Norbert Elias’s sociology of figurations – in order to conceptualize the power dynamics in securitization. Most importantly, an analytical difference is introduced between the power *to securitize* – that is, the manifestation of a relational structure that encourages, enables, or demands securitization – and the power *of securitization*, in other words, the effects, often unintended, that securitization has on the conduct of political and social affairs.

In Chapter 3, Regina Kreide continues this discussion and engages in a philosophical debate about the power of border politics and its securitization effects. She demonstrates that the ‘grammar of security’ diagnosed by the CS is underpinned by the philosophical argumentation that aims at justifying ‘security’ as a legitimate concern in today’s societies. Yet, upon closer inspection, these arguments are more instrumental in justifying political and social exclusion. She uses Andreas Langenohl’s (in this volume) useful distinction between the “*power to securitize*” and the “*power of securitization*” to argue that if collectives of states mobilize their sovereignty to close borders and, thus, “appropriate” a right to exclude, they problematically transform our societies into *securitized societies*. In conversation with scholars of critical security studies, Kreide proposes considering the relationship between the power *to securitize* and that *of securitization* as a dialectical one, which – *vis-à-vis* arguments in favor of a right to exclude – reveals how the materialization of closing borders inherently negatively affects those who should be protected through rendering them, including the Roma, “irregular” and “illegal”, and, thus, through fundamentally denying the guaranteeing of their fundamental citizenship rights.

Hannah Broecker’s and Carola Westermeier’s joint contribution proposes a hegemony-theoretical understanding of the power in securitization, viewing the invocation of ‘security’ and the constitution of asymmetrical relations between subject positions as flip sides of the same coin. According to this proposition, leaning toward the work of Ernesto Laclau and Chantal Mouffe, securitization effects connectivities and collectivities through the empty signifier of security, which effaces differences between the elements of the collectivity constituted as threatened as well as dramatizing distinctions between that collectivity and that which is supposed to be threatening it. Taking this theoretical stance further, the paper argues

with a view to the dealing with the most recent financial crisis in the European Union that the securitization of ‘financial stability’ by political actors eventually gave way to a discursive deflation of the financial economy as primary root of the crisis as a result of a delegation of the financial problematics to expert commissions. The paper thus makes a case for an understanding of power in securitization that does not stop short at an analysis of the securitizing move, but investigates how that move enters into discursive dynamics that, rather inconspicuously, turn the tables on the securitizing actors. In the case under discussion, the empty signifier of ‘financial stability’ was relocated from a discourse that securitized financial markets as a *threat* to the polity (the European Union) into a discourse that construed financial markets as the *referent object* of securitization.²¹

Carola Dietze, in her chapter, discusses the relevance of considerations of political (de-)legitimation in a broad sense for processes of securitization. Interestingly, critical security studies have so far discussed the legitimacy of political orders as such only tangentially, instead narrowing the focus on the legitimation of securitizing actors and security professionals. Dietze takes issue with this view on the example of debates around political (de-)legitimation triggered by terrorism as a new tactic of political violence. In particular, she analyzes claims to responsibility and other sources issued by some of the 19th century’s first terrorists. Security concerns and the viability of modern states, Dietze thus shows, are intrinsically linked to each other. She concludes her chapter with a suggestion to include the category of political legitimacy in a more comprehensive way into securitization studies.

Part II – Historical and contemporary manifestations of the power dynamics in securitization

The articles in this section demonstrate that the power in securitization, from a historical perspective, cannot be reduced to the securitization of the polity as a given entirety – a stipulation inherent in some strands of securitization theory that presuppose the state and its structures of authorization in order to model securitization as an actualization of the ‘grammar of se-

21 Cf. Wæver 1995.

curity' in the first place.²² The 'entirety' of the polity, or of any other entity that is made into the referent object of securitization, is not given but needs to be symbolically, politically and socially manifested. Seen from this angle, the recent diagnosis of an enlargement of the horizon of securitization from state to society and to the individual²³ merits historical reconsideration, because it was never the state or the polity per se that became objects of securitization – rather, state and polity are referent objects of securitization that require symbolic work for their constitution.

The sheer institutional existence of states, as well as the focus of securitization studies on democratic political orders (cf. Dietze's contribution), has often tended to camouflage the construction work necessary to constitute the referent objects of securitization. It is, hence, smaller-scale entities, like cities and social groups, within them which are beneath the state and polity level that can become the object of security concerns, both in the form of constructed referent objects and as constructed threats (see the contributions by Krüger and Lenger, Haus, and Ivasiuc). Here, the symbolic-political, but also material, work of securitization becomes aptly observable because the nexus between those groups, often tiny in number, and the overall security concerns of the community, society and polity is based on symbolic inflation, dramatization, and material stakes. Also, these articles show that the local dynamics of securitization lend themselves to being scrutinized through Foucauldian categories of power, such as pastoral, disciplinary or governmental power, which enter into complex synchronicities.

Historical study also demonstrates that the international ramifications of power dimensions in securitization require a much more cautious reconstruction than the all-out instrumentalist approach of realist IR, which still seems to infiltrate securitization studies inasmuch they cling to an instrumentalist notion of power and the general heuristics of the international system (see Langenohl in this volume). The 'international' cannot be reduced to an anarchic inter-state system producing zero-sum struggles for hegemony, but fashions complications. For instance, considerations of how international law intervened in processes of securitization opens a view to the construction of security agendas beyond the nation-state level (see Thilo Marauhn's article). Conversely, securitization processes in post-

22 See Balzacq's 2005 critique.

23 Daase 2011, 2012.

colonial transitions highlight the structurally unequal relationship between (former) metropolises and (former) colonies (see Maria Ketzmerick's contribution).

Lastly, a historical perspective is also able to establish that the power dimension of securitization does not necessarily reside in strictly time-bound speech acts or practices, but may intrude into the symbolic inventory of society. Images and imaginations of peace and order may be, in fact, undergirded by a securitizing appeal to the porousness and preliminaryity of such peace and order (see Katharina Krause's contribution). The conceptual consequence is that the line between 'ordinary politics' and the 'securitizing move' might be harder to establish than envisaged by the Copenhagen School. In other words, the 'grammar of security' might be rooted in, and handed over by, symbolical representations and material artefacts that reference not squarely threat but rather the desirability of 'ordinary' order against the horizon of its imagined sophistication that equals its imagined fragility.

Sebastian Haus' paper deals with the ways that drug users in public spaces in Frankfurt am Main became the object of governance by the city administration from the 1970s to the 1990s. He argues that the city's anti-drug politics – which at times involved massive securitizing moves and measures, such as demands to hospitalize drug users and to ban them from public spaces – was repeatedly rearranged in connection, first, with public discourses about the threats that public drug use pose to 'public order', and second, with the emergence and spread of HIV and AIDS since the 1980s. Thus, the administration's take on drug policies was seldom unequivocal. The 1970s and 1980s were characterized by competing discourses framing drug use either as a security threat or, in a 'pastoral' sense *sensu* Foucault, as a threat to the users' wellbeing. With the advent of HIV and AIDS, this dual discourse gained complexity, as emerging self-help organizations of HIV-positive people, in close connection with the city's gay community, were able to reframe HIV and AIDS not as a matter of security or pastoral care, but as a matter of self-organized empowerment campaigns that highlighted the autonomy and agency of groups held to be at risk. The cooperation between these initiatives and the city administration was double-edged with respect to the balance of power: while gay men effectively resisted their securitization, and included heroin users in their cooperation with the city in the fight against HIV, 'liberal' modes of governing heroin users modelled after Foucault's notion of governmentality gained ground. The limits to this liberal governmentality came to the

fore, however, with the effective dissolution of the public heroin scene in the city on the basis of renewed securitizing moves by the city administration at the beginning of the 1990s – a turn that the author interprets as pointing to the limits of governmental power, even in a place like Frankfurt which had ‘reinvented’ itself in a distinctively neoliberal style since the 1980s.

The article of Thilo Marauhn and Marie-Christin Stenzel argues that power, security, and public international law are closely interrelated. Juridification plays an important role in this relationship. The authors reveal an interesting interface between juridification and securitization, as juridification can be seen as an instrument that is adopted in order to address a situation of perceived insecurity. International law, like the climate summit or conventions against committing war are discussed examples. However, juridification does not allow for more security but may lead to a process of de-securitization. The authors define de-securitization as re-transferring issues back into the regular political processes. Public international law could then be perceived not only as a means of securitization but also as an instrument of de-securitizing. Putting this way, this legal approach offers a much broader conception of securitization than has been proposed by the Copenhagen School.²⁴ The Copenhagen approach then appears to be too narrow for a comprehensive analysis of international negotiating processes. Looking at public international law through the lens of securitization helps to better understand, the authors argue, the interface between situational hermeneutics and instruments adopted in response to a situation defined as relevant in terms of security.

The joint paper by Christine Krüger and Friedrich Lenger engages in a social history of the securitization of dock workers’ strikes and protests in the cities of London and Hamburg in the late 19th century. The comparative view fleshes out the different stakeholders’ interests as well as political and discursive strategies of the parties involved in those conflicts. Through the reconstruction of those dynamics, the Copenhagen School’s model of securitization is complicated through a sociological analysis of the dynamics of bargaining and persuasive power. While in Hamburg, the strikes and protests faced a massive securitization through the discursive invocation of class struggle as a threat to the social order, with the state being called upon as the guarantor of security of last resort, in London a

24 Cf. Wæver 1995.

tendency prevailed that interpreted the strikes as the symptom of a social order in need of reform. On the conceptual level, the authors conclude that their comparison reveals two different articulations of security in the two cities. While the Hamburg scene lends itself to a CS-style analysis of securitization processes through dramatizing speech acts that are capable of inflating a class conflict into a security concern for the polity and for society (which, as a side effect, may result in path dependencies that restrict options of arbitration), the conflicts in London rather merit an analysis in terms of Foucault's notion of governmentality: The protests were taken up by the owners of the means of production and the local government as a call for social reform, equaling a de-securitization which has a governmental power dimension inasmuch as it is based on a vision of social forces regulating themselves, and that channels potential threats to the security of the societal system into organized negotiations. Security, in other terms, was not to be effected by a 'securitizing move' that would wield the powers of the sovereign state, but rather through a rearrangement of the potentially self-regulatory forces of social dynamics.

Katharina Krause's paper approaches the power dimension in securitization processes from the perspective of arts history. It poses the question how prints and image series in Nuremberg from the 16th to the 18th centuries portrayed the contemporary political and social order – and hence political legitimacy – through conveying a sense of threat that was, however, held in latency. In the images under investigation, this shows, for instance, through the portrayal of town fortifications which never move to the foreground but instead frame representations of a quiet and orderly life in the city and its vicinity. According to the author's interpretation, this ambivalently signals both a demonstration of political and administrative power and a reminiscence of earlier battles and wars, portraying the peaceful everyday as both orderly and exposed to a latent threat. And it is through this ambivalence and the durability conveyed to it by the visual representation that the images exert a distinct 'power of securitization' (cf. Langenohl's contribution), that is, a power that short-circuits the representation of political legitimacy and social order with the lasting allusion to a potential threat. Thus, the article contributes to deepening our understanding both of the constitution of the modern 'grammar of security' in the long term, and the share that visual representations – which are character-

ized, according to Lene Hansen,²⁵ by perceptual “immediacy”, “circulability” across different contexts of perception and, as Krause’s article clearly demonstrates, “ambiguity” – have in it.

Maria Ketzmerick’s contribution is dedicated to an analysis of power dynamics of securitization in a period of decolonization, using the example of Cameroun in the 1950s. She looks at the power relations between the anti-colonial resistance movement, U.P.C., and the French administration in Cameroun under the umbrella of the UN trusteeship council, evolving and transforming in the course of a conflict in which various securitizing moves were taken by all parties involved. Moreover, securitization dynamics switched between different scales, from local to state and to supra-state levels, such as that of international organizations like the UN, which proved to be an effective projection screen and modulator of securitizing moves. Like in other recent contributions,²⁶ the study shows that, from a historical perspective, the effects and the ‘success’ of securitizing moves cannot be understood without taking into account different audience structures on different scales and their interdependencies. The study also demonstrates the aptness of a notion of ‘balance of power’ as in Norbert Elias for the analysis of securitization processes, as it reconstructs how the different actors on different scales negotiated their positionalities and alliances.

Ana Ivasiuc suggests a framework for the analysis of power dimensions in securitization modelled after Actant Network Theory. According to her argument, which empirically relates to processes of securitization of social groups labelled ‘nomadic’ observed in the city of Rome, the still prevalent divide between the Paris School and the Copenhagen School has to be seen in the context of an overall epistemological impasse, critiqued by Latour, which results from the epistemological separation of symbolic meaning and material presence. Processes of securitization will thus only ever be partly understood in their complexity. In order to arrive at an alternative epistemology, the author conducts an exemplary reconstruction of the securitization of Roma groups in Rome in which material objects and their (dis)placement, like surveillance cameras and fences around state-authorized Roma camps, merge which symbolic constructions of the Roma as dangerous. In this perspective, power is conceptualized as being the prod-

25 Hansen 2011, pp. 55-58.

26 See Buzan/Wæver 2009.

uct of such complex ‘translations’ between material, semioticity, human and non-human agency.



Arguably, this volume falls short of suggesting the ‘one’ conceptualization of power in dynamics of securitization. Rather, its objective is to probe the grounds for elaborating on alternatives to the, still often encountered, implicit resource-theoretical notion of power in securitization studies – a power that enables strategic actors to securitize, be it through dramatic speech-acts or through less dramatic, but no less effective, professional practices. Developing alternatives to such simplistic view entails confronting the available versions of securitization studies both with conceptual reconstructions – with an ‘immanent critique’,²⁷ as it were – and with historical reconstructions of processes of securitization that point to the limits of current securitization studies’ understanding of power.

Finally, the results presented in this volume invite an engagement in research along the following general lines: the relationalities of securitization between different actors, across different discourses and between different scales of power figurations, from local to global; the materialities of the power of securitization, not only with respect to the role of material artefacts and processes in security routines, but also with respect to the materiality of the ‘securitizing move’ as it crystallizes in different material and medial formats; and the long-term formation of ‘grammars of security’ (whereby ‘grammar’ might be too narrow a term, invoking language practices while glossing over other symbolic registers) and their organization into what might be preliminarily called an archive of security. Future archivists of security and securitization, in reconstructing the records, might be better equipped to challenge the ubiquity of ‘security’ as an allegedly universal concern.

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27 Cf. Browning/McDonald 2011, pp. 248-251.

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Part I – Conceptualizing the Power Dimensions of Securitization

Dynamics of Power in Securitization: Towards a Relational Understanding

Andreas Langenohl

Introduction

This chapter presents a theoretical and conceptual reconstruction of understandings of power in current securitization studies. In the first part (sections 1 and 2), it argues that these understandings have to be approached against the background of all three major ‘schools’ in post-realist securitization studies that maintain a critical relation to realist International Relations (IR), and that conceptions of power crucially revolve around the question of how to conceptually situate the political in processes of securitization. In particular, this chapter will argue that the Copenhagen School’s theorization of securitization provides the richest basis for this endeavor because it is based on the conception — perhaps implicit — that rescues power as a particular mode of the political for analysis.

This argument then provides the platform for the paper’s second part (sections 3 and 4), which suggests a relational model of the power of securitization. Drawing on works in relational sociology, especially such by Norbert Elias, it proposes a distinction between the conditions that enable actors to engage in securitization (the *power to securitize*), and the different effects that these practices may have, including those that come as unintended consequences of securitization (the *power of securitization*). While acknowledging that these two parts of the paper may be read as forming different projects that both merit chapters of their own, I want to show that a discussion of current securitization studies’ engagement with the question of power (and the absence thereof) actually invites a relational modelling of power dynamics in securitization.

1 Current Securitization Studies: Three schools and their disputes

This section introduces current securitization studies by way of what can be identified as their common genealogy, namely a critical questioning of

assumptions regarding security in realist understandings of International Relations (IR). The three schools of securitization – “Copenhagen, Paris, Aberystwyth” as identified by Ole Wæver¹ – regard themselves as critical interventions into realist and neo-realist theories of international relations, claiming the core of IR – that is, security – for alternative readings of security. In this, they also challenge the realist conception of power in IR as rational and utilitarian agency on the side of states and their elites, respectively.² From the perspective of securitization, ‘security’ is not the natural prerogative and concern of states within an anarchic international system, but is rather claimed by political elites and other actors for the legitimation of political agency and supremacy.

At the same time, the three schools differ with respect to how exactly they reconstruct the logic of securitization. This section traces the major disputes in securitization studies, in particular the debates around the speech-act theoretical model of the Copenhagen School, the role of audiences in supporting or denying ‘securitizing moves,’ and attempts to include the dimension of routines and practices into the conceptualization of securitization. At stake in these discussions is, on the one hand, the effectiveness of securitization practices and, on the other hand, the ways that securitization is imbricated with strategies of implicit or explicit authorization and legitimation. With effectiveness and authorization/legitimation being two conceptual core components of political power as commonly understood, it is surprising that the debates in securitization studies have so far mostly refrained from dedicating conceptual attention to ‘power’ as a major component in the theoretical genealogy of securitization studies. This prepares for the discussion in Part II, which is dedicated to a theoretical and conceptual reconstruction of understandings of power in current securitization studies.

1.1 “Copenhagen, Paris, Aberystwyth”: Three interventions into realist International Relations

The field of current security studies is characterized by a multitude of approaches that multiplied with the advent of non-realist security studies in

1 Wæver 2004, 2015, pp. 92–93.

2 Cf. Lipschutz 1995, Der Derian 1995.

the 1980s.³ Starting with the Copenhagen School of Security Studies (CS), since the end of the systems confrontation between liberal-capitalist West and state-socialist East, a number of approaches have formed whose aim it is to articulate alternatives to the dominant realism in International Relations (IR). While realism has meanwhile differentiated itself into competing sub-approaches such as ‘neorealism’ or ‘neoliberalism’,⁴ it is still, broadly put, characterized by the conviction that polities (that is, states) have ‘natural’ security interests (often named *raison d’état*), that these interests tend to conflict with each other, and that such conflicts take place within a normatively largely unregulated, in fact ‘anarchic’ interstate system. By way of contrast, critical interventions into realist approaches proceed from the assumption that security interests are neither given nor naturally coupled to a polity’s condition of existence or existential threats, but that they are politically, socially and culturally constituted. In other words, security is the outcome of processes termed *securitization*. Not least, this approach promises to yield more historical context to security studies, highlighting the historical conditions under which particular policy fields or societal, economic and cultural concerns become subject to securitization.⁵

The inner differentiation of this branch of security studies – which one might call constitutive-theoretical securitization studies as they are all interested in the ways that security concerns become constituted through actors, discourses and practices – has been quite complex since the early 1990s. Two ‘schools’ of securitization studies – the CS and the ‘Aberystwyth’ or ‘Welsh School’ (WS) – emerged virtually simultaneously, at that time not entertaining many interconnections. Later, the so-called Paris School (PS) emerged, partly in critical appreciation of major conceptual elements of the CS. These debates have been shot through with broader theoretical referentialities, and have been characterized differently by the protagonists in the debate. For instance, Balzacq opposes two broad currents in securitization studies, namely ‘philosophical’ and ‘sociological’ approaches, whereby he attributes the philosophical register to the CS (because of their alleged clinging to a universalist speech-act theoretical model of securitization) and reserves the sociological register for the PS, stressing social and political conditions that determine the effectiveness of

3 Wæver 2004.

4 Cf. Jahn 2012, pp. 20–23.

5 Buzan & Wæver 2009; Buzan 2016.

securitizing practices.⁶ Buzan names feminism, constructivism, poststructuralism and postcolonial theory as major distinctions in current securitization studies that differentially rely on theoretical resources that combine an emphasis on the constitution of security with aspects of hierarchization and marginalization of subject positions.⁷

Here I want to briefly characterize the three schools, for introductory purposes. The CS, as already mentioned, fashions a speech-act theoretical model of securitization, according to which political actors label certain political, social, cultural or economic problems as existential threats to the existence and survival of the polity.⁸ The underlying speech-act theory is borrowed from Austin,⁹ and thus can be categorized as a linguistic-pragmatic theory. According to this theory, securitizing speech acts invoke a semantic repertoire, the so-called “grammar of security”,¹⁰ that declares a problem as exceptional. Thus, its handling is made the prerogative of a centralized authority (usually the government) which is thus legitimized to suspend the normal checks and balances of political conduct. The PS, distancing itself from the CS’s preoccupation with the speech-act, has been more interested in practices of securitization that change the conduct of social, political, economic and military affairs with the aim to fight threats. These practices usually operate beyond the level of publicity associated with political speech-acts, and are typically engaged in by experts who often make use of a professionalist, as opposed to political, type of legitimation.¹¹ Finally, the WS, which has had some repercussions in feminist and postcolonial securitization theory, is based on a normative refutation of the state’s claim to the security prerogative, arguing that security ought to relate to individuals, social groups and populations, whereas the state ought to be relegated to a purely instrumental role with respect to achieving such security.¹² Security is thus associated with the emancipa-

6 Balzacq 2011.

7 Buzan 2016, pp. 128–129.

8 Wæver 1995, 1996; Buzan et al. 1998.

9 Austin 1976.

10 Buzan et al. 1998, p. 33.

11 Balzacq 2005, 2011; Bigo 2006; Leander 2010.

12 This redefinition of security concerns as related to social processes and conditions of participation is also reflected in more recent studies on changing ‘cultures of security’, like the extension of classically state-centered security concerns to the realm of so-called ‘human security’ (cf. Daase 2011, 2012), however, without the normative ambition that is characteristic of the WS.

tion of individuals and peoples from oppressive state apparatuses. It is the express aim of the WS to refute realist IR, which is denounced to be obsessed with questions of the distribution of power among states, and to work toward a normative paradigm shift, that is, toward a notion of security informed by moral philosophy.¹³

In the following subsections, I will discuss some crucial issues regarding the interrelationship of these three schools as well as view them comparatively in greater detail, in order to prepare the later discussion of the implications of securitization processes regarding power dynamics in securitization. It is thereby useful to start out with a debate that has characterized in particular the interrelation between the CS and the PS, while the WS, which has been less present in the mainstream debates, will be given less attention.

1.2 The 'audience' disputes

The Copenhagen School's speech-act theoretical model of securitization implies audience conceptually in the performativity of the speech-act, and thus does not have to address the presence or absence of concrete audiences. According to Vuori, this limitation of the securitization move to its nucleus, the speech-act, is a strength of the CS because it is unambiguously constructivist: "Thus, the core of securitization theory is the intersubjective establishment of a security status for an issue. This core is not concerned with threat perceptions, or whether something is really a threat, nor is it concerned with security measures".¹⁴ The CS approach thus opts for a constitutive-theoretical variant of securitization theory that depicts the ultimate process of securitization in a speech act that conjures up a "grammar of security",¹⁵ whereby the notion of 'grammar' is deliberately used in the speech-act theoretical sense, namely as forming the 'felicity conditions' of a performative speech-act of securitization. Thus, Vuori's argument is that through the speech-act theoretical architecture of the "securitising move",¹⁶ the departure from realist or substantialist notions of security can be accomplished most radically and decisively.

13 Booth 1991.

14 Vuori 2011, p. 136.

15 Buzan et al. 1998, p. 33.

16 Id., p. 25.

From this perspective, the CS embeds itself within the much grander horizon of the linguistic turn (cf. Bachmann-Medick 2010), setting out to challenge any understanding that security refers to something ontologically given. Accordingly, it has been categorized as a theory dedicated to the analysis of security as a “self-referential practice” by Thierry Balzacq, its most ardent critic.¹⁷ However, the CS is not the only theoretical strand of securitization studies which opposes any substantialist understanding of security with an emphasis on the self-referentiality of security. Sharing the interest in the symbolic constitution of ‘security’, but rejecting the route via speech-act theory, Jef Huysmans holds that “[s]ecuritisation is not a speech act but a multidimensional process in which skills, expert knowledge, institutional routines as well as discourses of danger modulate the relation between security and freedom”.¹⁸ In earlier works, Huysmans had suggested a discursive understanding of securitization, according to which the ‘content’ of security consists in “an ensemble or rules that is immanent to a security practice and that defines the practice in its specificity (Foucault, 1969: 63): I will use the Foucaultian concept ‘discursive formation’ to refer to this ordering logic which the signifier articulates.”¹⁹ Like the CS, Huysmans proceeds from a self-referential model of the practice of securitization, and also from the (historical) preexistence of a semantic structure to which securitizing acts make reference (called ‘grammar’ in the CS and ‘discursive formation’ by Huysmans). Yet unlike the CS, he does not see this self-referentiality grounded in the performativity of a speech-act but in the reproduction of a discourse through the practices it organizes.

As mentioned, Thierry Balzacq proved to be the strongest critic of the self-referential model of securitization. In 2005, he presented a detailed critique of the CS, arguing that it had appropriated Austinian speech-act theory in a one-sided manner. According to this critique, the CS collapses Austin’s complex theoretical edifice of the performativity of speech-acts into only one of its aspects, namely that of ‘illocution’, that is, the capacity of certain speech acts to bring about a new status of social affairs by dint of their very utterance (which presupposes that the securitizing actor is socially authorized to perform the act). This comes at the expense of the aspect of ‘perlocution’, which regards reactions of addressees of that speech-

17 Balzacq 2005, p. 177.

18 Huysmans 2006a, p. 153, as quoted in Vuori 2011, p. 159.

19 Huysmans 1998, pp. 232-233.

act as crucial conditions of its performativity, or empirical effectiveness.²⁰ From this point of view, the response of ‘audiences’ to the securitizing move is thus of utmost importance for the empirical reconstruction of the speech-act’s effectiveness. At the same time, Balzacq retained the importance given by both the CS and Huysmans to the “semantic repertoire of security [as] a combination of textual meaning – knowledge of the concept acquired through language (written or spoken) – and cultural meaning – knowledge historically gained through previous interactions and situations. Taken together, these two kinds of meanings form a frame of reference through which security utterances can be understood”.²¹ This “semantic repertoire” figured under the term of “context”. In later works, Balzacq, while retaining the focus on the significance of audience responses to securitizing moves, enlarged his context model by non-discursive dimensions, in particular, “the *dispositif*, that is, a constellation of practices and tools”.²²

Since Balzacq’s interventions, the notions of ‘audience’ and ‘context’ have been subjected to much differentiation against the background of manifold empirical studies, that is, they are used in order to differentiate empirical accounts of successful, or on the contrary failing, practices of securitization.²³ The three texts mentioned in parenthesis are indicative of how the audience postulate has been taken up and differentiated into very different directions and in conversation with different strands in International Relations, the social sciences and the study of culture more broadly. For instance, Mark B. Salter conducts a “dramaturgical” analysis of air transport security in Canada which conceptually relates to Goffman’s theatrical model of social encounters, underscoring the argument that the audience must cooperate in any actor’s securitizing move for it to be persuasive and hence effective.²⁴ Holger Stritzel presents an “intertextual” analysis of the securitization of organized crime in the U.S., where “discourse” is seen as an aspect of the social and securitizing acts are reconstructed with respect to how they situate themselves within a discursive structure encompassing more than just security-related discourses.²⁵ This approach,

20 Balzacq 2005, pp. 174–178.

21 Id., p. 183.

22 Balzacq 2011, p. 3.

23 Salter 2008; Stritzel 2012; Senn 2016.

24 Salter 2008, p. 321.

25 Stritzel 2012, p. 549.

although insisting on the audience's function in authorizing securitizing actors, itself relates to audience responses proper only indirectly, instead depicting the persuasive strength of securitizing moves in their ability to involve various discourses. Even more radically, Martin Senn's "rhetorical" analysis of post-Cold War nuclear arms securitization,²⁶ relating to Mieke Bal's narratological categories,²⁷ implies that the persuasive devices in securitizing moves are located on the level of the text (or, here, the film) itself, and can be reconstructed without taking into account the audience's response empirically. The last two examples thus locate the effectiveness of securitizing moves theoretically in audience and context, yet refrain from making empirical audience responses the starting point of the analysis.

Thus, the 'audience disputes' have not led to a clear valorization of audience as a *methodologically* unavoidable instance in the analysis of securitizations. Rather, securitization studies have found ways to circumvent such methodological rigor while, on a *theoretical* level, accounting for the saliency of the category of audience. Thereby it has been mainly theoretical registers stemming from the humanities, such as intertextuality or rhetorical analysis, which, through arguing for the *empirical implication of audience in securitizing moves*, avoid the figure of self-referentiality as found in the CS and in poststructuralism together with the necessity to turn to an analysis of empirical audience responses. This rather unexpected, if not ironical, preliminary outcome of the 'audience disputes' raises the question of whether it was really the juxtaposition between "sociological" and "philosophical" theories of securitization (in Balzacq's terms)²⁸ that formed the basis for the quarrel. In the next subsection, I will try to read the 'audience disputes' from another perspective, namely with a view to how the relationship between the authorization, or legitimation, of securitizations and their effectiveness was negotiated in these disputes.

1.3 *Securitization: Authorization/legitimation and effectiveness*

The three schools of securitization, sharing a constitutive-theoretical interest in how security issues are socially, politically and culturally produced,

26 Senn 2016.

27 Bal 2009.

28 Cf. Balzacq 2011.

differ in the ways that they interrelate two aspects of securitization: the authorization, or legitimation, aspect on the one hand, and the aspect of effectiveness on the other hand. As the glimpse into the debates around the role of ‘audiences’ in securitizing speech-acts has revealed, the dispute, although represented by Balzacq as one between ‘philosophical’ and ‘sociological’ approaches to securitization,²⁹ in actuality revolved around the separability of the two aspects. The CS, in particular as reconstructed by Vuori,³⁰ merges authorization and effectiveness of a securitizing speech-act. If the ‘securitizing move’ is conceptualized in analogy to performative speech-acts such as wedding couples or naming ships,³¹ then the securitizing actor’s ‘move’ can be considered effective, *assuming* that he or she is authorized to perform that particular speech-act. The presence of a concrete audience is superfluous for this effectiveness to materialize, because the speech-act itself indicates the presence of a political legitimation of an actor to securitize policy issues.³² A securitizing move will thus be regarded as effective if its ‘felicity conditions’ (in Austin’s sense) are met, that is, if the ‘grammar of security’ is conjured up by an authorized person. By way of contrast, Balzacq differentiates between the authorization and the effectiveness of securitizing practices. While the CS implies that securitizing actors must have some kind of authorization or legitimation in advance in order to reach out to a “target group” in the first place,³³ this does not guarantee the effectiveness of their communication, in particular not with respect to audiences like parliaments or security councils on whose “formal support” (ibid.) securitizing actors depend, and which may express divergent views or outright reject the securitizing move.³⁴

29 Balzacq 2005.

30 Vuori 2011.

31 Buzan et al. 1998.

32 Langenohl 2017.

33 Balzacq 2005, p. 185.

34 Cf. Williams 2003. – The general audience, or the public, is however regarded by Balzacq (2005, p. 190) as uninformed, passive, and dependent upon strategic actors. Lene Hansen (2012: 532) also sees the audience as “a dynamic space where actors seek to justify their policies and destabilise those of their opponents”, thus refuting a notion of audience as ‘public’ in Habermas’s sense, that is, equipped with the potential to intervene into securitization. This weakens the conceptual argument that securitizing moves should be seen as perlocutionary, as opposed to illocutionary, statements.

These observations invite to pose the more general question of how authorization/legitimation and effectiveness of securitizing practices are more broadly interrelated in the field of securitization theory. This question is undoubtedly key for the aims of the present article, as authorization/legitimation and effectiveness are both key components of understandings of political power, especially so as Balzacq’s critique points to the conceptual non-coincidence of those two components. The following table, relating important contributions to the debate, fans out a spectrum of conceptualizations of the nexus of authorization/legitimation and effectiveness (see Figure 1).

<i>Contributions</i>	<i>Nexus of authorization/ legitimation and effectiveness of securitization</i>	<i>Theoretical label</i>
Booth 1991, 2007	Both authorization/legitimation and effectiveness have to be critically investigated regarding their detrimental effects on emancipation	Normative model
Wæver 1995; Buzan et al. 1998; Vuori 2011	Authorization/legitimation and effectiveness merge in the performative nature of the securitizing move	Speech-act model
Huysmans 1998; Hansen 2011	Authorization/legitimation and effectiveness are recursively connected through the self-referentiality of security discourse	Discourse model
Balzacq 2005, 2011; Stritzel 2012	Authorization/legitimation and effectiveness are conceptually independent: securitizing actors must have some authority/legitimation, but the success of their moves is contingent on the broader context, especially the audience	Audience model
Bigo 2006; Salter 2008; Leander 2010	Authorization/legitimation emerge from attributions of professional status in professional fields, while effectiveness regards less speech acts than routine practices	Field model
Buzan/Wæver 2009; Balzacq et al. 2016; Buzan 2016	Both authorization/legitimation and effectiveness emerge from constellations formed by different referent objects, different actors and different audience structures of securitization	Fused model

Figure 1: Conceptualizations of the nexus of authorization/legitimation and effectiveness

As this brief, and most likely incomplete, sketch of different conceptualizations of the nexus between authorization/legitimation and effectiveness of securitization implies, securitization studies is strongly imbricated with the understanding that securitization and power are closely interrelated. Thereby, recent contributions tend to propose what I call a ‘fused model’

of the nexus of authorization/legitimation and effectiveness, which prioritizes the reconstruction of the complex constellations of securitization, with referent objects, actors and audiences forming integral parts of securitization. This model seems to emerge as new mainstream in securitization studies, all remaining differences between the different approaches notwithstanding. Thus it is all the more surprising that so far there is no systematic treatment of the question of exactly how this interrelation between securitization and power ought to be conceptualized. Instead, we find notions of power figuring at very different conceptual points within the respective models and the debates unfolding between them.

First, securitization studies claims for itself a critical stance toward realist understandings of power in the interstate system. Most drastically, this is articulated by Booth,³⁵ who proposes to build security studies anew on a notion of emancipation of the individual as opposed to power politics attributed to the state. Yet, it also has repercussions in very recent contributions, such as in Buzan,³⁶ who attributes to realism in IR an unreflected “state-centric, power-political understanding containing an assumption of conflict as a permanent condition of world politics”. This points to a foundational scene of securitization studies insofar as they seem to depend in their coherence on a permanent delimitation from realist IR, including a tendency to relegate the notion of power to a traditionalist understanding of politics within an anarchic international system. This makes it comparatively difficult to conceptualize power in alternative ways.

Second, a constitutive-theoretical notion of power strongly leaning toward Foucault is entertained by poststructuralist contributions such as those by Huysmans.³⁷ Here, power conceptually figures as a structuring force that creates scenarios within which securitization reigns unquestioned, so that securitization “does not refer to an external, objective reality but establishes a security situation by itself”.³⁸ This Foucauldian conceptualization of securitization power, unsurprisingly, shares with Foucault’s notion of power the dilemma that either it has no room for resistance against securitization or, on the contrary, it sees the potential to resistance rather indiscriminately everywhere.³⁹

35 Booth 1991, 2007, pp. 95-148.

36 Buzan 2016, p. 128.

37 Huysmans 1998, cf. also Bröckling 2012.

38 Huysmans 1998, p. 232.

39 Cf. id, pp. 245-248.

Third, Thierry Balzacq has worked to form a complex understanding of power in securitization practices which, however, sticks to a resource-theoretical approach. He proceeds from a Bourdieuan analysis that conceptualized the seat of power in relations among actors informed by different kinds and amounts of “political or symbolic capital”.⁴⁰ Also, the relation between securitizing actors and audiences is revealed as being a power relation characterized by mutuality: “The ‘power to’ secure the compliance of the audience helps the securitizing actor ‘fuse his/her horizon’ with the audience’s which, in turn, has the ‘power to’ acknowledge or ratify the claims put forward by the speaker”.⁴¹ The inverted commas in Balzacq’s argument seem to testify to a certain unease with a pure resource-theoretical understanding of power in securitization; accordingly, Balzacq indicates, through the notions of ‘context’ and ‘dispositif’, the position that both the legitimation and the effectiveness of securitization depend upon conditions that escape a resource-theoretical reconstruction. However, this distinction between securitizing practices and their frame conditions enables Balzacq to stick to a resource-theoretical notion of power all the same or, rather, to relegate the concept of power to instrumental action among securitizing actors and between them and their audiences.

This section has demonstrated that securitization studies, as it wishes to challenge the dominant realist paradigm in IR, strongly implies understandings of power in securitization acts and practices. It engages the question of how exactly two key components of understandings of power – namely that of authorization, or legitimation, and that of effectiveness – ought to be conceptually interrelated. The disputes around the significance of ‘audience’ for the securitizing move to succeed are emblematic of these debates. Yet, so far there is little rigorous conceptualization of the notion of power in securitization studies.

This, as former as well as current contributions demonstrate, might have to do with the unease that securitization studies experience with respect to a classically realist understanding of inter-state power politics, from which they consistently tried to delineate themselves. Therefore, a closer look at the ways in which the realist IR background still informs, maybe even haunts, securitization studies might be a promising entry point into the attempt to reconstruct a notion of power from the different under-

40 Balzacq 2011, p. 26; cf. also Balzacq 2005, pp. 187–191.

41 Balzacq 2011, p. 26.

standings of the political that securitization studies maintain, which will be accomplished in the next section.

2 Conceptions of the political in securitization studies: The legacies of realist IR

This section confronts the ambition of current securitization studies to critically intervene into (neo-)realist IR with the argument that much of securitization theory is still to a great degree informed by a realist IR legacy. First, this pertains to the interest mainly in inter-state or inter-polity relations shared by protagonists of the Copenhagen School and ‘poststructuralist’ contributions like that by Jef Huysmans. Second, the realist legacy of IR can be depicted in more recent contributions that shift securitization theory onto the terrain of a sociological field theory (Balzacq and Bigo, for instance), while retaining a notion of agency that is strongly informed by utilitarianism and strategic action. This sustained link to fundamental categories and paradigms of IR, while pointing to the often overlooked difficulties to apply securitization theory outside of IR,⁴² also harbors insights concerning the ways that notions of power in securitization studies are coupled with understandings of the political. As will be argued, the main bifurcation characterizing the field of securitization studies is that between a resource-theoretical notion of the power to securitize (the question of who ‘has’ power, and under what conditions) on the one hand, and a more complex understanding of power as relating to the ability of actors to cooperatively control the securitization dynamics in which they are imbricated on the other. Here, it will be argued that it is mainly the Copenhagen School that offers a way out of utilitarian and resource-theoretical notions of power in that it conceptually prioritizes not securitization but rather desecuritization in the sense of a valorization of cooperative political agency.

42 Cf. Bigo 2014.

2.1 *The preoccupation with relations between polities*

Securitization studies formed in a historical context that was characterized by the falling apart of a supranational, bipolar order that organized most states in the northern hemisphere into two blocs, and many states in the southern hemisphere too, which often served as sites for proxy wars. The demise of this particular case of a ‘macro-securitization constellation,’ as it was later called by Buzan and Wæver,⁴³ was responded to in IR by an interest in newly emerging structures organizing international conflicts, the most famous probably being the ‘clash of civilizations’ theorem of Samuel Huntington.⁴⁴ Yet, although securitization studies kept returning to the question of supranational cleavages and more generally structures of cooperation and conflict, the CS stuck to a classical IR perspective insofar as they were interested mainly in relations *among* polities, or between polities and those collectivities that claimed politicity (for instance, regions claiming political autonomy) for themselves.⁴⁵ Ole Wæver’s work provides insight in how securitization studies did not leave behind the IR interest in the relations between more or less clearly demarcated polities or groups seeking political self-constitution, although they transferred it into a constructivist argumentation. For instance, Wæver explicated that the securitizing move implies a definition of the collectivity and a valorization of its political boundaries and spatial cohesion. This way, ‘societal’ securitization does not relate to security issues penetrating all fields of society, like in surveillance studies or governmentality studies, but rather refers to the invocation of the political collective and its ‘identity’ as the reference object of securitization.⁴⁶

Moreover, those social fields which lack an entity that can be related to the survival interests of the polity, like the economy, do not qualify for genuine securitization, although economic issues may be transposed onto ‘political’ or ‘societal’ terrain, that is, made a subcase of the securitization of the state or its constitutive collectivity.⁴⁷ Third, the adoption of the CS

43 Buzan and Wæver 2009.

44 Huntington 1994.

45 Cf. Hansen/Nissenbaum 2009.

46 Wæver 1996, pp. 109, 123. See for a re-actualization of this conception Abulof’s (2014) study on ‘deep securitization’ in Israel.

47 Wæver 1996.

approach by discourse-theoretical contributions (as in Huysmans)⁴⁸ maintained, and even dramatized, the constitution of polities in modernity (that is, states) through relations to other polities, like in the argument that the ultimate discursive anchoring point of the ‘grammar of security’ is a double ‘fear’ characterizing modernity, namely fear of the other and fear of uncertainty. Through the invocation of a threatening other, which helps banning the specter of uncertainty, polities gain self-affirmation: “Security policies open a space within which a political community can represent and affirm itself. The policies thus create the condition of possibility for the political community”.⁴⁹ Thus, although Huysmans developed his argument concerning the transformation of uncertainty into an ‘other’ that must (and can) be made subject to security politics on the example of migrants and not of other states,⁵⁰ he kept returning to the question of how such securitizations impact on *international* relations, thus retaining securitization studies’ overall orientation toward the paradigmatic question of IR.⁵¹

Finally, in more recent contributions, CS scholars have endeavored to frame international relations within a context of other types of inter-polity relations more thoroughly than before. While Wæver’s article on securitization dynamics in the European Union should be read as a stocktaking of how the supranational EU framework catalyzed and rearticulated tensions among polities in Europe, between them and groups seeking political self-constitution, and between states and Brussels that made no strong claim to conceptual rigor,⁵² newer works conceptually highlight the ways that inter-state relations are embedded within both geographically grander and thematically more heterogeneous relations. Regarding supra-IR securitization, in their article on ‘macro-securitizations’, Buzan and Wæver argue that between the inter-state level and the global, or world-system, level, there exists an intermediary level of securitization which consists of ‘constellations’ of other securitizations.⁵³ The possible effect is that state securitizations may be clustered and condensed into supra-state securitization constellations, one of the most prominent examples being the Cold War:

48 Huysmans 1998.

49 Id., p. 238.

50 Id., pp. 238–244.

51 Cf. Huysmans 2006.

52 Wæver 1996.

53 Buzan/Wæver 2009.

“[t]he key difference [from other securitizations] is that they are on a larger scale than the mainstream collectivities at the middle level (states, nations) and seek to package together securitisations from that level into a ‘higher’ and larger order”.⁵⁴ With respect to the thematic spectrum of possible securitization, Buzan highlights the contingency of borders and possibly conflicting securitization rationalities that result from the multiplication of possible referent objects of securitization that do not always sit easily with a polity’s survival rationalities like, for instance, human rights issues or, more generally, human security.⁵⁵ Yet, even here, the predominant analytical focus remains on the effects that this plurality of securitizations has for international relations and for the constitution of territorial borders and political collectivities.

The focus on inter-polity relations is mainly characteristic of the CS, not so much of the PS, which was from the outset strongly oriented toward a ‘sociological’ understanding of securitization, and was thus informed by theoretical resources that did not take international relations as their point of departure (for instance, Pierre Bourdieu or Michel Foucault).⁵⁶ However, as will become clear in the next subsection, the PS featured and prolonged another characteristic of realist IR, namely a focus on strategic agency.

2.2 *The preoccupation with strategic agency*

While, as demonstrated in the last subsection, the CS represents the main locale for securitization theory’s continuation of IR’s interest in inter-polity relations, the PS presents itself as a stronghold of IR’s emphasis on strategic agency as the common denominator of international relations. This emphasis on instrumental action is based on genuinely sociological contributions that have no direct connection to IR, such as the works of Pierre Bourdieu or Michel Foucault. For instance, Thierry Balzacq’s self-proclaimed ‘sociological’ theory of securitization emphasizes the strategic re-

54 Id., p. 257.

55 Buzan 2016. On human security cf. Daase 2011, 2012.

56 Although the CS fashions a notion of ‘social structure’ too, it mainly denotes the effect of core components of a given societal order, or hierarchy, on the ways that polities interrelate with each other, thus referring to an ‘international social structure’ (see Buzan 2016, pp. 132–134).

relationship that securitizing actors maintain toward their audience. With a particular view to their relation to a mass-mediatized public, securitizing actors appear as strategic actors whose pledges for public support are based on a power differential between them and that audience, thus rendering the audience more or less passive.⁵⁷ At the same time, and referring to the works by Didier Bigo⁵⁸ and Pierre Bourdieu,⁵⁹ Balzacq promotes a capital-theoretical approach that localizes the action resources of securitizing actors in a ‘habitus’ composed of different sorts of ‘capital’ that endow these actors with the capacity to maneuver and pursue their strategies within differentiated ‘fields’ of security.⁶⁰ This strategic, or instrumentalist, approach to securitizing agency is ameliorated by considerations of ‘context,’ which forms the frame for strategic action. In some sense, Balzacq’s suggestion reminds of neoclassical economic models of utilitarian action in which (securitizing) actors pursue utility maximization under ‘constraints’ (rendered as ‘context’ by Balzacq),⁶¹ were it not that the ‘context’ is viewed by Balzacq as an enabling, as opposed to restraining, condition for securitizing moves. What, however, is common to Balzacq’s suggestions, neoclassical agency models, and realist IR is the axiomatic role of strategic and instrumental action. This orientation is also clearly present in more recent contributions that take into account the discursive substrate of the context of securitization as, for instance, in Stritzel’s call to consider not only the power *of* discourse, but also the power of strategic actors *in* discourse.⁶²

It is interesting to compare the emphasis on strategic action in the PS with the ways that strategic action figures in the CS. Here, the picture is somewhat more differentiated. On the one hand, the ‘securitizing move’, which stands at the conceptual center of the CS notion of securitization, has been perceived as alluding to a decisionist understanding of politics

57 Balzacq 2005, p. 190.

58 Bigo 2000; cf. Bigo 2006.

59 Bourdieu 1990.

60 Balzacq 2011, p. 26.

61 Cf. Kirchgässner 2008.

62 Stritzel 2012, pp. 550–552. This focus on strategic action was challenged from a variety of approaches, like poststructuralism (for instance, Huysmans 1998), but also feminist interventions (to which Booth, representative of the Welsh school, referred already in 1991), postcolonial and Marxist theory, that all shared an interest rather in the structural conditions of inequality entrenched in the international system than in the agency of securitizing actors (Buzan 2016, p. 128–129).

borrowed from Carl Schmitt,⁶³ where politics ultimately boils down to the act of announcing the state of exception as the fundamental move through which political sovereignty is constituted. Rens van Munster, for instance, claims that Schmitt and the CS share a conceptualization of securitization that is in the last instance derived from the scene of war: “[f]or them [CS], too, the exceptional logic of securitisation is captured most adequately by the logic of war”.⁶⁴ According to this interpretation, the ‘securitizing move’ appears as the ultimate strategic and instrumental act. However, Michael C. Williams has pointed out that, although there is a clear conceptual affinity between the gesture of the securitizing move and that of declaring the state of exception,⁶⁵ the CS conception necessarily drifts over into the conceptual register of communicative action *sensu* Habermas:⁶⁶

“As speech-acts, securitizations are in principle forced to enter the realm of discursive legitimation. Speech-act theory entails the possibility of argument, of dialogue, and thereby holds out the potential for the transformation of security perceptions both within and between states. [...] It is via this commitment to communicative action and discursive ethics, I would like to suggest, that the Copenhagen School seeks to avoid the radical realpolitik that might otherwise seem necessarily to follow from the Schmittian elements of the theory of securitization. [...] This element of the Copenhagen School is clearly illustrated in the concepts of ‘desecuritization’ and ‘asecurity’ which form integral aspects of securitization theory.”⁶⁷

This argument, yet, eclipses the strictness of the Austinian speech-act-theoretical architecture of the CS, about which it has been argued that the audience response, to which Williams refers, has no empirical but a conceptual significance for the CS (see above), so that the theoretical point about the securitizing move is precisely its ability to bracket empirical audiences, and thus also “the possibility of argument, of dialogue”.⁶⁸ In other words, while Williams argues that securitizing moves, like any speech act, are in principle open to response and deliberation, the key argument in the CS is that the ‘performativity’ of the speech act and its legitimacy are ultimately grounded in a ‘grammar of security’ which, as it were, outmaneu-

63 Schmitt 1934.

64 Munster 2005, p. 5.

65 Williams 2003, pp. 515–521.

66 Cf. Habermas 1987.

67 Id., p. 523; cf. also Hansen 2012, pp. 529–531.

68 Williams 2003, p. 523.

vers any attempt to question the securitizing speech act from the very start. However, Williams also points to the fact that, in order to understand the ways that the CS views securitizing speech acts, one has to take into account not only the notion of securitization but also that of *desecuritization*. In the next subsection, I will argue that, if viewed from the perspective of desecuritization, the tense relationship between an Austinian and a Habermasian notion of speech act can be resolved, and at the same time a view can be gained on the deep structures of the notion of the political that the CS entertains.

2.3 Notions of the political

In this subsection, I will trace the argument that the CS in fact refutes an understanding of securitization as stemming from strategic and instrumental action. My point of departure is Stefano Guzzini's interpretation of the CS and especially of Wæver's works.⁶⁹ According to his interpretation, the core concept of the CS is not securitization, but desecuritization. Against the historical background of successful diplomatic efforts to shift political deadlocks between the superpowers back onto diplomatic terrain (notably the *ostpolitik* of Willy Brandt and Egon Bahr), Guzzini argues that Wæver's interest lay first and foremost with those processes that conquered the security dilemmas of the Cold War.⁷⁰ Within the grips of such security dilemmas, 'strategic action' appears as a mere mirage, as they coerced political actors into executing a logic of securitization that, as long as the 'strategic' view held, paradoxically left them without any control over the situation. Put differently, under conditions of security dilemmas, strategic action can never be autonomous. According to Guzzini's reconstruction of Wæver's approach, autonomous and cooperative agency can only be regained if actors agree to reengage in a communicative relationship that, among other things, is also open to the reformulation of 'strate-

69 Guzzini's 2015.

70 See also Hansen 2012, pp. 537–538.

gic' interests.⁷¹ As securitization is opposed to diplomacy,⁷² strategic agency is opposed to autonomous agency which can only succeed in an interrelation with other actors. Such desecuritizing agency has a power dimension, too, diminishing the opposing party's chances to securitize in their turn as securitization as a legitimate means of power becomes discredited.⁷³

Seen from this angle, the notion of the political entertained by the CS shuttles between a Schmittian⁷⁴ and an Arendtian⁷⁵ – not, as Williams has it, a Habermasian – understanding of the political, that is, between one which sees the core of the political in the exceptional act that constitutes sovereignty, and one that views the political as an arena of cooperation even among adversaries.⁷⁶ According to Guzzini's reading, the difference between these two understandings has been for the CS ultimately a *normative* question, with Wæver being interested predominantly in the ways securitization can be turned around into desecuritization, with mutually responsive agency ensuing.⁷⁷ In other words, *empirical* (de-)securitizations – this is how I understand Guzzini's argument – necessitated a *conceptual* notion of (de-)securitization, which was normatively split into the affirmation of desecuritization and the criticism of securitization. Thereby, the notion of desecuritization may not only be read as following and correcting securitizing moves, but also, and more fundamentally, as highlighting the

71 Lene Hansen (2012, pp. 534–535) has argued that Wæver insists on the political responsibility that both securitization and desecuritization have to confront each other, as, according to the CS, neither move can consistently claim any objective state of affairs in order to legitimize (de)securitization. This interpretation invokes Wæver's critique of poststructuralist positions which, according to him, tend to ignore the question of actors' responsibility for securitization and desecuritization alike. However, here I would point out that, even if that responsibility is present from the standpoint of a normative understanding of (de-)securitization, it is still worthwhile to embrace Guzzini's argument that the possibility of a redemption of responsibility is more aligned with desecuritization because securitization structurally diminishes the opportunities for responsible agency.

72 See also Huysmans 2006.

73 Guzzini (2015) cites the example of the demise of state socialism when power holders, for instance in the GDR, lost their legitimation to securitize the confrontation with the west.

74 Cf. Schmitt 1934.

75 Cf. Arendt 2006.

76 Therefore, desecuritization does not necessarily announce the resolution of a conflict but only its 'tending' (Dubiel 1999; cf. Hansen 2012, pp. 536–538).

77 See Wæver 2000.

constituted nature of ‘politics as usual’, just as securitization is conceptualized as constituting a departure from ‘politics as usual.’ Therefore, although ‘desecuritization’ seems to indicate a sequentially later stage than securitization, in conceptual terms it equals securitization in bringing about a certain state of the political – namely, the grounding of *politics* in the *political*, which in turn is seen in the possibility to engage in cooperative action even with adversaries.⁷⁸ Thereby, it is through the normative argument that desecuritization rescues the political as field of cooperative agency that desecuritization is rendered as *conceptually prior* to securitization, even as securitization always empirically challenges the logics of desecuritization.

Compared to this very complex notion of the political as found in the CS, the Welsh and the Paris schools are more clear-cut in their premises. According to the Welsh School, emancipation and security are identical both theoretically and empirically.⁷⁹ The political thus appears as an all-encompassing sphere of human interactions where actors discover their interdependencies. In this, there is a certain affinity to the notion of the political as heralded by desecuritization in the CS; however, the challenges that securitization puts to that notion of the political are less clearly explicated, but rather rejected in a wholesale way. In turn, the PS has no theoretically refined notion of the political, but insists that the political is imbricated with the societal or the social. The focus on practices of securitization, in clear demarcation from the CS, is meant to drive home the point that securitization is characterized less by political speech acts or discourses but rather by practices that operate below the radar of politics.

With respect to the interrelated questions of how securitization studies refer to IR and how this reference figures in the notion of the political entertained by the three schools, the Welsh School and the Paris School seem to herald a radical questioning of IR. The Welsh School identifies the political with multilateral cooperation for the sake of the wellbeing of individuals and societies, not states, whereas the PS, focusing on practices of securitization, subverts any notion that official politics as such – for instance, international relations – is of much significance for understanding the logic of securitization. In contrast to such clarity, the CS appears to be

78 Bonacker and Bernhardt (2003, p. 228) thus rightly point out that for the CS the condition of peace (understood in terms of a ‘security community’ in the sense of Karl Deutsch (1970) is first of all conditioned by the absence of securitization.

79 Booth 1991, 2007; Wyn Jones 2005.

more ambivalent, shuttling between a Schmittian and an Arendtian notion of the political, affirming the latter while at the same time seeing it exposed by the logic of the former. However, this is not the whole picture. In the next subsection, which eventually turns to the question of how power is conceptualized in the three schools respectively, I will argue that the CS's normative opting for a notion of the political as aligned with desecuritization, not securitization, is the major feature by dint of which the CS, among all schools of securitization studies, performs the most radical questioning of IR perspectives in the study of securitization, and can thus be regarded as the most fruitful perspective to conceptualize the power dynamics of securitization in a more general framework.

2.4 Conceptions of power

The PS, as has already been pointed out, maintains a 'sociological' understanding of securitization. Accordingly, its notion of power is derived from sociological theory, in particular Pierre Bourdieu's theory of social fields, although references to Foucault's notion of *dispositif* add a certain dose of discourse theory. Still, the focus on instrumental action, made possible by the distribution of different forms of capital among securitizing actors, implies a strong resource-theoretical notion of power: power is *had* by securitizing elites due to their ability to accumulate social, cultural and symbolic capital within the context of restricting and enabling structures termed 'context' or 'dispositifs'. The WS, at first glance, holds a diametrically different notion of power, rejecting the very concept of power as the source of oppression in the name of security. 'Power' as a concept has to be eliminated from security thinking, giving way to 'emancipation'. The project is thus, as it was often before in moral philosophy to which Booth adheres,⁸⁰ to deconstruct the seemingly self-evident centrality of power in the understanding of inter-human relations. Yet ironically, the very refutation of power as a legitimate concept in security thinking reproduces its architecture as a notion strongly featuring a resource-theoretically backed utilitarianism which aligns closely with the notion of power in the PS, even if that concept is viewed in a less moralizing way by the latter. Against this background, the question is whether the CS might hold more

80 Booth 1991.

nuanced understandings of the power in securitization that might help to lead the debate out of the realms of IR proper.⁸¹

Vuori argues that the CS's argumentative kernel is illocution, not perlocution,⁸² the consequence being that interests and purposes of securitizing actors, and indeed the empirical *effects* of securitization, have to be eliminated from the conceptual picture in order to fully grasp the radically semantic constitution of securitization. While Balzacq,⁸³ as outlined above, has reproached the CS of reducing the performativity of securitizing moves to illocution at the expense of perlocution, a deeper rationality of this conceptual architecture might be found in an, perhaps implicit, attempt by the CS to fully abandon a power model of strategic actors who wish to effect particular states of affairs. Seen from this angle, the CS not only *theoretically* deconstructs 'security' as relating to objectively existing conditions of threat, but also, *methodologically*, any understanding that securitization has anything to do with strategic agency. According to this (implicit) argument, securitizing actors conduct securitizing procedures in the sense of 'naming a ship', as Buzan et al. explain in line with the notion of illocution,⁸⁴ that is, they follow *role scripts* derived from the 'grammar of security' and located beyond the instrumental reach of actors. From this perspective, it would be hard to tell from particular empirical speech acts whether they are performed as 'strategic action' or as a slavish execution of the 'grammar of security', because this distinction would be preordained on the methodological level. To put it more drastically, from the perspective of the securitizing move as an illocutionary speech act, it is impossible to distinguish securitizing *actors* from securitization *muppets*, who declare what their experts (or whoever else) told them to declare.

In light of these considerations, I propose to depict the radicalism with which the CS articulates a rejection of core assumptions of IR not in their turning away from questions of how polities relate to each other (in fact, they are much more interested in that question than the WS or the PS), but in their insistence that strategic action is *not* at the core of securitization. On the contrary, securitization operates according to a logic *which leaves absolutely no room for strategic action* but instead performs a speech act that is adamantly determined by a role script generated by the 'grammar of

81 Cf. Bigo 2014.

82 Vuori 2011, pp. 154–155.

83 Balzacq 2005.

84 Buzan et al. 1998.

security'. The 'securitizing move' is the mere execution of that role script, and the securitizing actor is the empirical incarnation of a *homo sociologicus* in Ralf Dahrendorf's sense,⁸⁵ that is, of a sociological actor model that views action solely as the blind execution of others' expectations. The securitizing actor is, to put it even more bluntly, a slave to securitization. This is a most radical deconstruction of any claim that power resides with the securitizing move if understood as strategic action, and thus a most effective refutation of utilitarianism as the core component of 'realist' IR. Instead, power can only materialize as a consequence of desecuritization in Wæver's sense,⁸⁶ that is, under conditions in which the factual interdependency between actors (for instance, but not confined to, state actors) is made subject to *coordinated* action.

3 *The power to securitize and the power of securitization: Towards a relational model of power in securitization*

In the last section, it was argued that the CS, in comparison with the PS and the WS, gains a much greater distance from the IR legacy in securitization studies because it casts radical doubt on any understanding that the securitizing move is grounded in the sovereign execution of power based on power resources. This can be linked to Stefano Guzzini's conviction that the historical background for the emergence of the CS was an interest in processes that led to the dismemberment of constellations of securitization.⁸⁷ In such constellations, all involved actors – like the governments of the Soviet Union and of the NATO states – found themselves locked up in a spiral of mutual securitizations that left ever less space for mutually coordinated action in international relations. Agency, in the sense of coordinated action, thus, lies not in securitizing, but in desecuritizing moves, as it is only the latter that can re-establish coordination beyond the execution of the 'grammar of security'. It is the aim of this section to generalize this historically circumscribed scenario, according to which only desecuritization can be associated with agency as opposed to conduct in conformity, into a more encompassing, and conceptually deeper grounded, model. The *normative* outlook of the CS – namely, according to my interpretation that

85 Dahrendorf 1965.

86 Wæver 1995.

87 Guzzini 2015.

power is not in the securitizing move because it is not instrumental action but role-conforming action, and that it resides instead in desecuritization, that is, the capability to cooperatively steer interdependencies apart from role scripts – must be transferred into an *analytical* model.

A first starting point for such a theoretical generalization is the argument made above that, according to the CS, power, in an Arendtian sense, emanates from interdependencies. For Wæver, power is identical with the power to *desecuritize* because it is only in desecuritization that policy issues can be shifted back onto a terrain where mutual political coordination between opposing camps becomes possible. A second important vantage point is the argument that securitizing moves – for Wæver, rather expressing actors' powerlessness than power, in the sense that they are deprived of the capacity to coordinated political agency even with adversaries – may have consequences that cannot be fully controlled by securitizing actors because their capability to engage in mutual action coordination is severely limited by securitization. In other words, securitization may exert a power over securitizing actors – and, as in the case of a political confrontation like the Cold War, virtually everyone else.

This way, the *power of securitization* can be conceptually delineated from the *power to desecuritize*. This presents us with a first rough *relational power model* that distinguishes between the agency in desecuritization and the effects of securitization. However, contrary to the normative grounding of these two modes of the operation of power in (de)securitization as is characteristic of the CS, for the present purposes it is unnecessary to exclusively align securitization with the power of effects and desecuritization with the power of agency. For the major conceptual dividing line is not that between securitization and desecuritization, but that between coordinated agency (which may aim at both securitization and desecuritization) and uncontrollable, or unaccounted for, consequences (which may stem from both securitization and desecuritization). While the CS has given us ample ground for distinguishing the power dimension of securitization into the two modes of 'power of' and 'power to', it is now time to anchor this distinction in a conceptual ground that leaves the CS's normative framework behind, thus arriving at a more rigorously theorized, relational model of power in securitization and desecuritization. This will be done through introducing Norbert Elias's relational paradigm of power.

3.1 Norbert Elias's relational model of power

According to Norbert Elias, the subject area of sociology is a stocktaking and a resulting typologization of “networks of interdependencies” (*Interdependenzgeflechte*) between actors.⁸⁸ Together with Gabriel Tarde and Georg Simmel,⁸⁹ he thus can count as a representative of an ‘interactionist’ (or maybe rather ‘associationist’) sociology. He has common ground with Tarde and Simmel also by dint of the equal analytical valuation of psychic-affective and social processes, as is evident from his famous theorem regarding the “process of civilization” in Europe since the Middle Ages. According to this theorem, the process of civilization refers to an increasing tendency to self-discipline through anticipation of possible interpretations of one’s behavior by others. It was conditioned by a change of social figurations which affected first the noble elite and then trickled down into the bourgeoisie, thus disseminating through society. This figurational change was the result, most notably, of changing power structures in late-feudal society. While the ‘high’ Middle Ages were characterized by outspokenly decentralized power structures, which in the absence of an overarching authority had enabled feudal lords to unleash the force of their affects upon their subjects, the increasing centralization of political power – for instance, in the French royal court – resulted in the emergence of a social milieu of courtiers in which the rise and fall in the king’s grace became strongly dependent on the attributions by other courtiers. Elias argues that this process, on the psychic level, effected routines of affect control, and on the intrapersonal level, the emergence of a social etiquette.⁹⁰

For the purposes of this chapter, Elias’s considerations are less important with a view to their historical statement, which has been met with criticism among historians (cf. Duindam 1998), but rather because they exemplify a conceptually *relational* model of power. In his later works, Elias often uses the notion of ‘balance of power’ (*Machtbalance*)⁹¹ in order to ground power in his relational reasoning. A balance of power is a more or less stabilized relationship structure between individuals belonging to different groups constituted by attribution. Within this relationship structure, members of the different involved groups have different possibilities to

88 Cf. Elias 1969, p. 172.

89 Cf. Tarde 1894 and Simmel 1989.

90 Elias 1976a, 1976b.

91 Elias 2005 (1989), 2006 (1986).

engage in agency, both with respect to themselves and to members of the other groups. The differences between those options have, in their turn, different origins, for instance, varying institutionalized spaces of action of the presence or absence of social institutions not directly involved in the relationship structure and the stakes held by its groups, such as the state and its legal institutions.⁹² Elias thus proposes a figuration-theoretical conception of power, addressing the interdependencies and interrelations between actors in their membership roles and stakes against the background of more encompassing relationship networks. His conception of power is opposed to a resource-theoretical or domination-theoretical notion of power, as that which is ‘possessed’ by actors and ‘effected’ upon other actors and which hardly allows complex reconstructions regarding the relational, effectual and conditional processes and structures that put power to work. Instead, Elias’s conception invites to widen the perspective beyond securitizing actors and securitized actors to wider societal, political and cultural networks of interdependencies which are directly involved in the emergence and the changing of balances of power, even if they might not directly intervene in the ‘execution’ of power.

It might be objected that Elias’s conception of balances of power in figurations is not that dissimilar from the balance-of-power conception so characteristic for realist IR, thus effectively abandoning the CS’s important challenge to realist IR, namely to deny that securitization equals strategic and instrumental action based on power resources. There are, however, important differences between the two conceptions of balances of power. First, Elias’s conception does not presuppose any given entity or set of entities, such as states. This makes his model much more open-ended in comparison to realist IR, which regularly proceeds from the stipulation of an inter-state system as the precondition for its theorizing. In fact, Elias’s model is capable of encompassing security-related actors from individuals, private companies, political movements, state institutions,

92 See Elias (1986) for an illustration of his notion of power balance, developed in an analysis of gender relations in the Roman Empire where he argues that the status of women in society was decidedly affected by legal innovations, carried out by the state, regarding their right to property and inheritance. Elias’s theoretical argument thus exemplified is that power relations between members of different group membership resulting from social ascriptions (here, gender ascriptions) is crucially impacted by the structure of the overall figuration of which, on from a certain point in historical time, the state becomes a part.

supranational institutions, all the way up to ‘macro-securitizations’.⁹³ Second, Elias’s model is particularly apt in conceptualizing the intervening effects of third parties on power balances unfolding between two parties, and thus to give very nuanced accounts of Balzacq’s ‘contexts’ of securitization.⁹⁴ Third, it is also, in principle, capable of accounting for the effects of non-human agency on processes and effects of securitization, such as ‘actants’ in the sense of Actant Network Theory,⁹⁵ as it shares with other associationist approaches in sociology the conviction that the analysis of interrelations and interdependencies must have conceptual priority over any statement about the ‘nature’ of the entities between which interrelations and interdependencies unfold.

3.2 *An analytical matrix of power in securitization*

These elaborations on Elias’s conception of power can now be used as a platform from which to embark upon a conceptualization of power in securitization. In particular, Elias’s understanding of power as emerging in (shifting) balances within figurations between actors and/or actants lends itself to an understanding of power as unfolding structure of action options that may enable, but also restrict, actors’ capabilities in securitization processes. The following matrix of power in securitization is meant to provide a conceptual architecture for understanding the particular role of power in securitization across the different ‘schools’ of securitization as well as across two different modes of power which pertain to the process of securitization and to its effects, respectively (see Figure 2).

The two power modes are derived from the above discussion of Wæver’s refutation of the IR argument that securitization inevitably materializes instrumental power, analytically distinguishing between the power *to* securitize as that figuration which enables securitization, and the power *of* securitization as the (often unintended or unaccounted for) effects that gain momentum as the consequence of securitization. The advantage of this distinction is that it brings together considerations that regard both the constitution of securitization and its effects. The two aspect structures of securitization, in turn, take up the debate in securitization studies about the

93 Buzan/Wæver 2009.

94 Balzacq 2005, 2011.

95 Cf. Latour 1996, 2000.

<i>Aspect structure of securitization</i>	<i>Mode of power in securitization</i>	
	<i>Power to securitize (mode I)</i>	<i>Power of securitization (mode II)</i>
<i>Representing security (CS, WS)</i>	Field 1	Field 2
<i>Engineering security (PS)</i>	Field 3	Field 4

Figure 2: Analytical matrix of power in securitization

necessity to supplement a practice dimension of securitization to the speech act dimension proposed by the CS. In other words, it makes an analytical distinction between acts that aim at communicating, or representing, something as related to security⁹⁶ and acts that aim at engineering security (in whatever particular sense) in a particular field of practice.

Field 1 in the matrix approaches the power to securitize in the sense of the CS and, partly, the WS. It refers to acts of communication that aim at representing security – that is, of framing a certain issue as pertaining to security. The power dimension of such acts can be seen in the figurations which enable them. For instance, according to the orthodox reading of the CS,⁹⁷ a ‘grammar of security’ must be available that lends the ‘securitizing move’ illocutionary performativity. That this grammar cannot be taken for granted is exemplified by Huysmans,⁹⁸ who argues that it is only in modernity that such grammar develops as states tend to derive the symbolic sources of their existence from a stipulation of other states as ‘enemies’. In a similar vein, Booth’s intervention points to at least the normative possibility that that grammar might be challenged on the grounds that security ought not to pertain to states but to people, thus delegitimizing the grammar of security to a certain degree.⁹⁹ Another possibility to understand the power dynamics in Field 1 is to take Balzacq’s critique of the CS seriously, and thus to ask how relevant audiences can be persuaded and/or mobilized to support the securitizing speech act. In any case, the securitizing

96 This formulation heralds, in methodological terms, a more encompassing understanding than ‘speech act’ in the CS sense.

97 Cf. Vuori 2011.

98 Huysmans 1998.

99 Booth 1991, 2007.

act of communication is empowered by social as well as discursive figurations which cannot be taken for granted but have to be historically reconstructed.

Field 2 addresses the question of the effects that securitizing acts of communication may have on securitizing actors and others concerned by the securitizing move. From a standpoint developed analogously to Elias's conception of power, these effects may restrain actors' options as an effect of securitization. For instance, as Wæver has argued, securitization during the Cold War tended to lock political actors into a political deadlock from which they found it very hard to escape without questioning their political mandate that enabled them to perform securitizing moves in the first place.¹⁰⁰ Elias, who himself addressed the Cold War's arms race, argued that it forms an example of a figuration that unfolded at the expense of actors' intentions and their capability of cooperatively steering the conflict.¹⁰¹ Further, power effects of securitizing acts of communication regard the ways that individuals and groups find themselves exposed to the logic of an 'othering',¹⁰² which may strongly impact their agency options and capacities to resist the securitizing move.

Field 3 groups those practices that aim at installing or maintaining security in particular fields of practice, such as international relations, 'inner security', border controls, the fight against epidemics, etc. The power to securitize refers here to those social, technological and discursive figurations that enable securitizing action, for instance, through political authorization, technical equipping, or societal legitimization. These different figurative levels may have varying impacts on the power to securitize. For instance, Bigo has argued that, with respect to the policing of the EU borders, 'security experts' have attained an influential position due to their legitimization through various bodies of (partly academic) expertise, while their political (more precisely, democratic) legitimation remains as doubtful as it is unimportant for their position within the security figuration.¹⁰³ Other researchers have made the point that in highly technicized security settings, such as imaging techniques in controls at airports, technology it-

100 Cf. Guzzini 2015.

101 Elias 1983.

102 See Huysmans 1998.

103 Bigo 2006.

self has risen to a legitimacy status of self-evidence that is hardly questioned.¹⁰⁴

Finally, Field 4 pertains to the effects of such securitizing practices. These may be seen not only in the effects that securitization has on various social constituencies (like migrants to the EU from Africa or airline passengers), but also in the ways that these securitizing figurations create path dependencies that attain a self-immunizing status.¹⁰⁵ Many studies within the framework of the Paris School, dealing with the emergence of security professionalism and related bodies of knowledge and practices of social authorization, might be interpreted as reconstructions of the power of securitization. In other words, while securitizing practices may more effectively 'secure' practice fields the more elaborated and institutionalized they are, their very institutionalization may effect blind spots through which alternative options to tackle a perceived crisis are effaced.¹⁰⁶

3.3 *A typology of power in securitization*

Having introduced the four fields in the matrix of power in securitization, I now wish to advance to a more systematic analytical model, amounting to a typology of power in securitization (see Figure 3).

Field 1 addresses the power to securitize, in the sense of performing securitizing acts of communication. This power can be conceptualized as the creation of a public scene in which a decision between two antagonistic political options must be made – namely, to proceed with a given politics, or to transpose it into the register of the 'grammar of security'. This mode of power thus consists in the presence of a figuration that allows effecting *a scene of radical political decision*. The question is, thus, how such a figuration can be brought about. It is influenced by a variety of factors within the overall figuration, like the presence or absence of counter-securitizing actors, juridical restrictions on political communications (like in Germany,

104 Rauer 2012.

105 Barnard-Wills/Ashenden 2012.

106 This regards, for instance, the securitization of global public health by the UN, which, according to Weber-Mosdorf (2013, p. 163), suspends an interest in the determining factors of the spread of diseases. For similar processes in the engineering of security through private companies and the reformulation of national security in terms of 'national risk registers' see Frevel/Schulze 2012 and Haggmann/Dunn Cavelti 2012.

<i>Aspect structure of securitization</i>	<i>Mode of power in securitization</i>	
	<i>Power to securitize (mode I)</i>	<i>Power of securitization (mode II)</i>
<i>Representing security (CS, WS)</i>	creation of a scene of decision (field 1)	effects of the decisionist logic (field 2)
<i>Engineering security (PS)</i>	creation of a pattern of identification (field 3)	effects of the pattern of identification (field 4)

Figure 3: Typology of power in securitization

the legal ban on *volksverhetzung*), or a shift in the relation between securitizing actors and their relevant audiences.

Field 2 addresses the *consequences that arise from such acts of securitizing communication* for the figuration, encompassing both those relational elements that helped bringing the scene of decision about as well as those relational elements impacted by the consequences of that scene. One way to conceive of these consequences is to render them in terms of Heinrich Popitz’s typology of power, which will be returned to with respect to Field 4 (see below). According to Popitz, one major type of power is “authoritative power”, which rests on a constant relationship between the dominant actor and the subjected actor, in particular “on a twofold process of recognition: on the recognition of the supremacy of others as those who set the criteria, as those who are crucial, and on the striving to be recognized by those crucial others and to receive signs of probation from them”.¹⁰⁷ The act of communicating securitization may unfold such power effects under the condition that the creation of a scene of decision in which securitization rests creates an opportunity for securitizing actors to establish themselves as “those who are crucial” and thus can allocate recognition.

“Authoritative power” may have more complicated consequences, though. With respect to the securitizing actors, their figuration may become more strictly differentiated with respect to actor roles. For instance, a political actor having performed a securitizing act of communication might find herself unable to ‘call back’ that act, as her position within the power balance would suffer from such a move, which might seem inconsequential to relevant audiences. Alternatively, other actors belonging to the securitizing figuration may profit from the securitizing move at the ex-

107 Popitz 1992, p. 29, author’s translation.

pense of the securitizing actor, claiming for themselves more radical and ‘more securitizing’ positions. With regard to those actors and groups against whom the securitizing act is directed, they may find themselves under political and public pressure to recognize the securitizing actors’ supremacy; or they might, on the contrary, be empowered by the act in the sense that they receive from it a public platform to articulate their response.¹⁰⁸

In a more general framework, securitizing acts of communication may unfold a power that Popitz terms “the power to establish data” (*datensetzende Macht*).¹⁰⁹ ‘Data’ may be interpreted here as epistemic elements that, for instance, concern conventions of representation enshrined in the ‘grammar of security’. The invocation of such grammar (if it is available and uncontested, see above) may result in *discursive* power effects. This dimension of effects of securitizing acts of communication can be aligned with studies operating under Foucault’s notion of ‘governmentality’¹¹⁰ with respect to contemporary regimes of security.¹¹¹ They demonstrate how ‘dispositifs’ of security¹¹² pre-shape and restrain political and societal options to address security. Other works, for instance by Christopher Daase,¹¹³ may be interpreted as commentaries on the power effects of securitizing acts of communication inasmuch as they are interested in the (partly unintended) consequences of a widening of proclamations and ambitions of security beyond the reach of existing political institutions, most notably the state (as in ‘human security’). In terms of the figuration-analytical register advocated here, securitizing acts of communication are established as a relevant semantic frame for ever-wider fields of society – that is to say, they are legitimized. On the one hand, this leads to a restraining of types of relationships between groups of actors,¹¹⁴ while on the other hand, certain groups of actors are accredited with newly legitimate claims (for instance, NGOs) whose redemption cannot always be

108 Cf. Williams 2003.

109 Popitz 1992, pp. 23–27.

110 Cf. Foucault 2007.

111 Bröckling 2012.

112 See also Balzacq 2011.

113 Daase 2011, 2012.

114 Bröckling 2012.

guaranteed within the existing figurational interdependencies (like, still mostly, states in inter-state relations).¹¹⁵

Field 3 concerns those figurations that empower actors/actants to ‘create’ security. The scare quotes around ‘create’ indicate that what is at stake here is not so much the question whether security is effectively created or not, but rather that certain practices and ‘routines’¹¹⁶ lock in that claim for themselves to tackle a security problem. This involves a widening of the view regarding actors of securitization as it is mostly not political elites but diverse organizations, including private service providers, that are accredited to identify threats and control them.¹¹⁷ This is evident, for instance, in studies devoted to the analysis of security procedures on airports,¹¹⁸ which argue that the agency of humans and non-humans have to be analyzed in their interdependencies in a symmetrical manner.¹¹⁹ This approach can easily be rendered in a figuration-theoretical register: Power balances of securitization encompass not only figurations of human beings in their different group memberships, but also interdependencies that involve non-human agency, like body scanners, automatized information technologies, and more generally infrastructures.¹²⁰ The figuration-analytical question is thus: which are the factors that determine those power balances that stretch between securitizing (human and non-human) actants and those subjected to control? This regards not only material artifacts but also institutional questions, like that of the juridical frame conditions of data transfer or political positions on the accreditation of private companies with state responsibilities – and finally, also questions of representation, such as imaging techniques in luggage checks, radar appliances, mapping techniques, or oracles.

What these routines and practices do, first of all, is to produce and institutionalize *a pattern of identification of threats to security* with the aim to *control* these threats.¹²¹ Security routines aim at *reconnaissance*, be it the spotting of potential aggressors across fortification walls, satellite-supported surveillance of air space over state territory, or security checks at air-

115 Cf. Daase 2012.

116 Leander 2010.

117 Leander 2010.

118 Rauer 2012.

119 Latour 1996.

120 Aradau 2010.

121 Cf. Leander 2010; Rauer 2012.

ports. In all these cases potential threats have to be identified (through demanding a word of passage, through identification of an airborne vehicle, or through establishing a person's identity). The question is, thus, through which patterns of identification are security concerns translated into control practices, regardless of the question whether they deliver security. From a figuration-analytical perspective, such reconnaissance establishes a particular balance of power between a control routine and an actant subjected to control, within a wider figuration which determines the frame conditions of that balance (through informational processes, juridical competencies, technological infrastructure, etc.).

The power to securitize through routines and practices thus amounts to a pattern of identification which links an epistemic procedure with an epistemic object.¹²² This distinguishes the power to securitize from other kinds of power, for instance, from such in which power materializes in the capability to produce insecurity, uncertainty or ambivalence like secret service disinformation campaigns or military disruptive actions, or from such that already presuppose an accomplished identification. To stick with the three examples in the last paragraph, it is only *after* the identification of 'security threats' that hot pitch is spilled on aggressors, that interceptor aircraft attacks intrude on an enemy aircraft, or that a suspicious person is arrested. Although these practices undoubtedly fashion security-related aspects and thus belong to the overall figuration of securitization which may impact on the identification of threats to security, it is precisely for this reason that they do not refer, strictly speaking, to the creation of a pattern of identification as core component of the power to securitize. They are, rather, examples for the power *of* the provision of security, to which we will turn now.

Field 4 comprises the consequences of acts that aim at enhancing security. These regard, first of all, those individuals, groups and figurations that find themselves subjected to the identification and control practices characteristic of the power to securitize. According to Heinrich Popitz, they might be termed "power to act" (*Aktionsmacht*) and "instrumental power".¹²³ "Power to act" boils down to the ability to do harm to others. It is directly relevant for securitization through routines and practices, for instance, in order to eliminate a threat from an aggressor identified as such.

122 Cf. Rheinberger 1997.

123 See Popitz 1992, pp. 23–27.

“Instrumental power”, however, involves a decision on the side of the subjected, who is confronted with the choice to comply with the dominant person’s demands or to face negative sanctions. This aspect of the power of securitization thus involves the cooperation, if rudimentary and potentially ambivalent, of the subjected. With a view to securitization, an example might be the urging to reveal security-related information through threatening the subjected with torture.

However, the power of securitization manifests itself also through unintended consequences for the securitizing actors/actants arising from the pattern of identification on which the power of security is grounded. Patterns of identification might develop a technological path-dependency or institutional inertia that make it difficult to question and modify them. The deployment of imaging technologies at airports may incentivize the development of weapons or explosives that pass the technological check. Demands for cooperation between banks and security authorities regarding money laundering for terrorist purposes may result in an over-compliance of banks, reporting each and every transaction and thus producing data noise instead of information.¹²⁴ Implementing satellite-supported reconnaissance devices for nuclear missile relocations may trigger camouflage innovation and thus accelerate the arms race. In principle, it is not implausible to assume that the power to securitize, in the sense of putting to work practices of identification of potential threats, spills over into a figuration, as discussed by Elias on the occasion of the Cold War, that tends to spiral out of the control of the actors involved.¹²⁵

4 Conclusion: Paradoxes of power in securitization

If viewed from the perspective of balances of power in Elias’s sense as proposed in this chapter, the main power dynamics unfolding in acts of securitization are those between the activation of securitization and its effects, that is, between the power to securitize and the power of securitization. More specifically, it has been argued that the power to securitize often results in a situation in which the power to engage in cooperative steering of a conflict situation is taken away from securitizing actors, so that

124 Amicelle 2011; Favarel-Garrigues et al. 2011.

125 Elias 1983.

the consequences of their securitization may spiral out of cooperative control. In the case of acts that aim at representing an issue as relevant for security, securitizing actors may find themselves in a condition that leaves little maneuvering space for performing acts outside of the ‘grammar of security’ and the role scripts that come with it – not least because, under conditions of an effected scene of decision, the promise of *more* securitization may become a political asset. Consultations with those construed as a threat to security might thus seem to be the least promising option for staying in control, which significantly deteriorates securitizing actors’ communicative options. In the case of acts that aim at maintaining or establishing security in a given political or societal field, the institutionalization of a pattern of identification of security threats may result in an institutional and technological path dependency which effectively silences those subjected to controls, thus establishing a most effective categorization of actant types into which those thus categorized can hardly intervene. Here, cooperation is reduced to compliance with the techniques of identification, thus cutting securitizing practices effectively off from learning potentials that might ensue from a more broadly conceived cooperation between those in control and those controlled.

Considering these arguments, it seems as if securitization is a zero-sum game – not because, as realist IR would have it, power gains for one unit cannot but result in horizontal power losses for another unit. Rather, securitization always comes at a cost, namely the cost of a significantly decreased capability to engage in (political) cooperation even among adversaries. The question whether this cost in fact fully annuls the ‘advantages’ brought about by securitization is a historical one, as it depends on the historical and temporal horizon one envisages. Short-term gains in the identification of threats to security might be levelled out by long-term restrictions in trying to find common agendas for cooperation benefitting all sides involved. It is, not least, this problématique that demands a historical and trans-epochal perspective in securitization studies.¹²⁶

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126 Cf. Buzan/Wæver 2009; Conze 2012.

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The Power of Border Politics: On Migration in and outside Europe¹

Regina Kreide

Migration and the movements of refugees are embedded in a broader societal context in which our world is depicted as unstable, insecure and haunted by threats. Terrorist attacks, we learn, can occur almost everywhere and strike almost anybody; democracy is under pressure, autocratic leaders impose arbitrary political decisions on citizens; wars nearby and at its periphery shake Europe; the European welfare states face multiple challenges; and, in the middle of this, migration is presented as a danger to public order, cultural identity, and national labor-market policy. Open borders, and immigrants “pouring into Europe,” be they refugees, asylum-seekers or immigrants, are depicted as a major security problem. The threat becomes incarnated in the refugee and immigrant.

The question that comes up is whether there exists a right to exclude, a right to close borders – also for states that claim to be legitimate, in the sense that they respect human rights and are democratically organized.² And what is the role of borders in publicly defining threats and forms of insecurity? Borders, I argue, are a multifaceted infrastructure that not only infringes on people’s free movement. Moreover, borders are an instrument but also a condition for the creation of modes of securitization. As long as borders are imposed coercively, and through this, contribute to securitization, they are illegitimate. The reason for this, I show, is mainly because the power of securitizing restricts people’s qualified options, structurally, by literally blocking their way out of war zones, hunger, and economic de-

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2 Wellman/Cole 2011, pp. 2.

privation, and, interactionally, by making migrants invisible, or depicting them as criminals, or victims. Sometimes, however, the security discourse itself reproduces certain stereotypes and neglects the migrant's power to de-securitize.

First, I will define what I mean by borders in this paper (1), then I will discuss some arguments to show that there are no good moral reasons in favor of closing borders (2), before taking you with me on a brief journey through the empirical world of the outer European border politics, and European law (3), and the border politics within Europe that effect migrants and also Roma minorities. Through this, I hope to offer a revealing argument against a "right" of states to exclude. Understanding state sovereignty as having the power to exclude allows for a transformation of our societies into *securitized societies*. This goes hand in hand with a notion of power that is directed to create securitization – with all kinds of problematical aspects for politics and our daily lives (4). Moreover, I show that these modes of securitization reveal that borders are not just walls but an accumulation of coercive practices that, nevertheless, are not all-encompassing but leave room for the power to de-securitize – however marginal it might be (5).

1 Borders

Borders building booming, even after the fall of the so-called Iron Curtain. Forty walls have been built worldwide since 1989. In Europe alone, the following walls are intended to prevent migration: the Spanish Exclave Ceuto and Melilla in North Africa; in northern Greece at the border with Turkey there is a wall 12,5 kilometers in length; at the ports of entry to Russia and the Republic of Belarus (this happened through the Baltic states); in the South east of Bulgaria at the border with Turkey (3 meters high and with a length of 35 kilometers, and 135 further kilometers are planned); Hungary has built a "provisionally" security installation at its border with Serbia which will be 175 kilometers, and with Croatia as well. Slovenia built a fence at the border with Croatia and Austria, and Macedonia set up a fence on the border with Greece. Border crossings are dangerous and cost lives. In 2015, at least 1,015,078 people crossed the Mediterranean to Europe; 3,771 had died in their attempts in 2015, even more in 2016, which was the deadliest year so far with at least 5,000 dead. Between Libya and Italy, the likelihood of dying is as high as one death for

every 47 arrivals. Since the year 2000, more than 23,000 people have died on their way to the European continent.³

Borders are not just visible walls that hinder entry to a country and a nation-state's means to enact enforcement over its *own territory*. They do not just define physical entry to a country. They also appear, second, as a form of creating *membership* distinctions in a political and social community. Third, there are different kinds of social and cultural boundaries that deny people entry or full access to social and cultural participation in public life, as their way of life is not taken into account and they are confronted with various types of discrimination. All three forms are interconnected, an aspect that is often neglected in the philosophy debate but which becomes prevalent when focusing on security measures taken to install different shapes of borders. There is the case of territorial inclusion, but, nevertheless, either political exclusion or cultural disrespect, or even both (with regard to migrants and, for example, to the framing of immigration as a threat). There might be political inclusion (in the form of the possession of formal citizenship rights) but, nevertheless, territorial eviction and cultural discrimination also occur (as with European *Roma*, for example). In addition, there might be the rare case of overall cultural acceptance but territorial and political exclusion (as with Russian Germans or citizens of the former GDR – even though it is also a bit risky to say that there is no discrimination of “people from the East”). Borders are complex social institutions, characterized by practices of border crossing and enforcement mechanisms of all kinds.⁴ The question here is whether states are entitled to claim this triple remuneration, that is, legal, political, and cultural exclusion.⁵ Currently, there are some predominant arguments about why states are morally entitled to enforce their own immigration politics. Most of them are not convincing, as I will lay out in what follows.

2 In favor of closed borders

One argument is that states are comparable to marriages or private clubs that, to a certain degree, are in the privileged position to decide about their own affairs and matters. Just like a single person has a right to decide to

3 Luft 2016, p. 47.

4 Mezzadro/Neilson 2013, p. 3.

5 Cassee/Goppel 2012, p. 9.

whom – if anyone – he or she will marry, a group of co-nationals has the right to decide whom – if anyone – it wants to invite to join the political community.⁶ This neglects, however, that there are major differences between the two aspects, the state and private association. States are not *voluntary* associations; we are usually born into a state and gain citizenship. One can terminate one's club membership even if there is no other club that will take him/her, but one cannot terminate one's citizenship so easily if no other states offers him/her its citizenship. Moreover, private associations are allowed to reject or "blackball" members, Kit Wellman argues, even if they are born in the clubhouse. A state, in contradistinction, is not allowed to reject the descendants of fully-fledged citizens, and de-naturalization violates international law. A basic idea here is self-determination, and it seems this embraces sovereignty over entry to the territory as well as over membership in a political community. Certainly, the members of the club, like the members of a state, do have good reasons to be interested in the admission requirements of their club or state. Moreover, new members are future decision-makers; it is part of collective self-determination to have control over who is and who will be the "self" that decides for itself.⁷

It seems that territorial exclusion and exclusion from the political community has been blurred. It is unclear why the presence of additional people on a territory would make a difference for the political community of members at all. It seems that the club analogy is meant to say that there is a right not to include citizens in the political, and thus in the citizenship community. Wellman argues that states are not allowed to deny admission to citizenship to immigrants who made it to the territory. This, he claims, is against the principle of 'relational equality,' which he considers to be important for any liberal state.⁸ Since states do have a right to exclude, the only option left for him is to link freedom of association with a territory principle. Wellman cannot clarify how the moral principle he sees at work when it comes to territorial restriction should be transferred to the realm of political exclusion. What one actually needs is a theory of territory. However, I think it would also be misleading, mainly because I cannot think of any reason why the mere entering of a territory, in the sense of a Kantian "visitation right," should be blocked at all.

6 Wellman 2008.

7 Cassee 2016, p. 43; Wellman 2008, p. 114.

8 Wellmann 2011, p. 75.

This leads me to yet another objection in favor of a right to exclusion. One needs to bear in mind, according to David Miller, that freedom of movement is restricted even domestically. One is not allowed to go everywhere, to enter private property, and public institutions have opening hours and hours when you cannot visit. Miller concludes that it is sufficient for people to have at their disposal an adequate number of options relating to their “generic human interests” so that they can make meaningful decisions for their lives, with regard to their profession, religion, cultural activities and so on.⁹ But this assumption is problematic as well. A major issue I see is that freedom of movement is a very substantial freedom. Restricting this freedom majorly infringes on individual autonomy, as freedom of movement is a pre-condition of many other freedoms based upon the physical presence. This includes the freedom of career choice, love relationships, and housing conditions. It also restricts a substantial notion of self-determination. To move to places where the economic options seem to be better is a biblical theme; probably, it is as old as mankind. Moving is an important strategy in order to decide over oneself and in that sense an important right. As we, with a European passport, in most cases, are able to travel to most of the countries in the world without any visa restrictions, should know.

There is another important argument against international freedom of movement. It is again David Miller who argues that there exists a link between cultural homogeneity and social trust. People need to have trust in their political and welfare institutions which are organized according to principles of justice, and also cultural identity is an important source of this trust.¹⁰ The problem with this view is that it cannot explain why people affirm their support of social institutions based upon cultural and national homogeneity. Social services and just institutions are a value in itself. As long as people in need profit and the institutions work, support exists and is seen as legitimate. There would need to be a justification of trust that is independent from people’s actual behavior (that is, refrain from support). This justification, and Miller see the problem as well, is a *precondition* of the trust argument. The instrumental value of nationality (serving as motivation for trust) depends itself on an intrinsic value: nationals must be convinced that their association (the state) is valuable

9 Miller 2016, p. 51.

10 Miller 2016, p. 64.

and worth sustaining over time.¹¹ Obviously, the argumentation is circular. It is assumed that people need to believe in cultural homogeneity and, if so, then they can be convinced to the support of social institutions.

Another objection is that taking self-determination seriously means rethinking what democratic self-determination means. The current immigration regulation has been made by *a demos* that includes only those who are domestically members of a state. If one takes the principle of democracy seriously, meaning that any coercive submission under rules requires that one should be the author of these rules, things look different.¹² Then one needs to include all those who are coercively prevented from being a member, and this also includes immigrants who would like to enter the political community in question. To include everybody in creating and establishing the conditions for democratic norms aims at preventing a top-down variation of democracy. A strong notion of democracy, in contradistinction, includes everybody effected by enforceable rules. Seyla Benhabib's principle of *juris generativity* may help here.¹³ This refers to the "law's capacity to create a universe of normative meaning that can escape the providence of formal law making." The Universal Declarations of Human Rights (UDHR) and other international covenants and treaties have enabled actors such as women, linguistic, ethnic, political, sexual and religious minorities to enter the public sphere, and this praxis of inclusion has to be expanded beyond borders. It is exactly this idea of *juris generativity* that needs also be applied to refugees and immigrants.

But one could object now that not allowing people entry to a state or a political community is not *coercive*, and so any expansion of the democratic *demos* is not required. The situation, one could argue, is comparable with an individual who again and again wants to enter his neighbor's house because, for example, s/he does not like his/hers, or his/hers has no warm water, or no water at all.¹⁴ I have a right to protect my property, but I might have a moral obligation to help him/her with, for example, warm water, but I am not obliged to let him/her in, just as little as I impose force on her by not letting him/her in. Is this convincing? I do not think so, because the example is misleading. It neglects the context of the problem and with it more complex questions, such as: Why is there no water? Who

11 Miller 2016.

12 Brunkhorst 2014; Abizadeh 2008.

13 Benhabib 2011.

14 Cassee 2016, p. 54.

is responsible for this? How could one deal with the problem of water supply in a way all parties are satisfied? Who has defined the rules for defining the territory? When focusing on these questions, the topic becomes multifaceted; in fact, it may be that the neighbor has no water not because s/he has not paid his/her bill but because water supply in this part of the city has been of subordinated importance, and the infrastructure is not well developed. Those circumstances were imposed on him/her and are coercive insofar as the infrastructure measurements do not leave him/her qualified options to live a good life. The same holds for the migration situation. Seen from this angle, the problem can only be solved when the causes are thematized and the existing circumstances questioned. Neither neighbor is responsible for the situation, but an acceptable solution for all parties must be found. It is only then that coercive rules become legitimate. For this, all those affected in their generic interests, to use Miller's own term, should be included in the process of debating the effects of enforceable rules and in the decision-making process. This would require taking into account the interests of those waiting in camps at the outskirts of the European borders. However, borders "do" more than hinder people – if at all – to cross national or regional boundaries, enter new territory and political communities. They are more than an instrument used to enforce rules on people. They are coercive in themselves. This has to do with how the border is organized and exercised. Borders, I would like to show, incorporate the power to securitize, not just by being a wall but through social practices of securitization. To make this argument more convincing, I will now take you on a more empirical journey through European Union (EU) documents, immigration law, and security studies, and an analysis of the relationship between European borders and the creation of threat.

3 Securitization of migration to Europe

Open borders, refugees, immigrants, it is said, make our societies less secure; or rather, make our societies insecure. Terror attacks by alleged asylum-seekers seem to underpin this view. We all know that security issues do not necessarily reflect the objective, material circumstances of the world. Often, security issues are the result of the efforts of the elite, media, science, and politics to understand and shape the world. During the last 20 years or so, a series of studies has tried to understand why and how security is created, and what effects these different policy measures have on

people's lives. I can only give a very rough overview here and will discuss three approaches before offering a dialectical understanding of securitization in order to understand the European border politics.

Securitization

Still influential is the so-called *Copenhagen School*, with scholars such as Ole Wæver and Barry Buzan. They criticized realist and neo-realist theories of international relations and claimed that security was a power balance among nation-states with rational and utilitarian agency on the side of states and their elites. "Security," according to them, is not a given prerogative of states, but is created through speech acts by political elites and other actors for the legitimation of political agency and supremacy. Speech acts perform "securitizing" with words, invoke a semantic repertoire, the so-called "grammar of security"¹⁵ through which a social affair can be addressed as a "problem" (such as terrorism or migration), and this then allows for exceptional measures through a centralized authority (usually the government). *Securitization*, here, means calling something a security problem, and through this, triggering political measures to deal with it.

This approach has been – rightly, I think – criticized as being too preoccupied with the mere linguistic approach and the idea that a *pragmatic turn* in security studies would cover most phenomena regarding security. The so-called *Paris School*, represented by, for example, Didier Bigo and Thierry Balzacq, doubts this. They think the speech-act approach to security is too narrow, as it neglects the practices of securitization in a broader sense. What is meant here are practices that go beyond publicly-uttered speech acts, that is, ones which include weapons, walls, satellite techniques, and a whole range of administrative practices such as population profiling, risk assessment, a specific habitus of the security professionals,¹⁶ and, at EU level, data exchange and the activities of Frontex. Moreover, this approach does not just concentrate on states as securitizing actors but also includes non-state actors, such as companies, professionals, experts, and individuals. It also addresses the audience of security measures. Talking about something being a threat requires a public responsive to these ideas and images. By asking who actually *accept* the discourses on security, this approach focuses on the relationship between security

15 Buzan et al. 1998.

16 Bigo 2006.

measures, the agents who bring up security threats, and an audience that is or is not responsive to this discourse.¹⁷ *Securitization*, put this way, means discursive and *non-discursive ways* of creating knowledge about security techniques that change the conduct of social, political, economic and military affairs.

Plausible as this “Paris School approach” might be, it still misses two aspects. First, it falls short of an analysis of how discursive and non-discursive practices are embedded in professional, including juridical, and technical *contexts of power*. The questions here are: Who has the power to define situations as being threatening? What are the effects of those policies? What are societal repertoires to respond? Andreas Langenohl distinguishes between the power to securitize and the power of securitization¹⁸ – a very helpful distinction for our scrutiny. The first distinction, the power to securitize, covers power as the power to address and frame a situation as pertaining to security. Regarding the migration issue, the more specific questions include: Who has the power to define what is a threat? How are refugees and migrants framed as being threats to the public order? The second aspect, the power of securitization, focuses on the intended and unintended effects that securitization measures have on people’s lives. To find out about the power of securitization requires an analysis on how borders and border instruments infiltrate people’s lives, the lives of refugees and immigrants but also those of the rest of the population. A third aspect of power is also very important here, namely, the power of desecuritization and, mirroring Langenohl’s distinction, the power to desecuritize. Desecuritization – and this does not come as a surprise – is linked to securitization, a link which must be defined. As a first approximation, the following explanation may be sufficient. Whereas the power of desecuritization does not stem from an objective strategy to reveal securitizing measures but rather creative political counter-narratives to securitizing politics on an everyday basis, the latter, the power of desecuritization, focuses on political effects of counter-narratives and resistance politics. The power of and to desecuritization play important roles in defining what borders are and how to understand their coercive character, as we will see later.

17 Balzacq 2005, 2011; Bigo 2006; Leander 2010.

18 Langenohl, this volume.

First, let me briefly return to the second blind spot of the Paris School – that is, *how* exactly security and insecurity, as a result of a securitization policy, are linked. A plausible way of understanding securitizing measures is the following: *security* is not an objective condition but is *constructed*. It is constructed through intersubjective, shared interpretations within a social context and is directly linked to processes of securitization. So far, Paris School scholars would probably agree. However, those practices of security create insecurity, both are intrinsically linked. These practices come to the fore in a dialectical relationship in which the formation of security brings about its opposite, not a *more secure* world, but an *insecure* world. This happens, for example, through measures of “normalization,” of political exclusion, surveillance and data collection. A dialectical- and Foucault-based approach includes not only a reflection on processes of discursive representation and construction, but also a critical interrogation of the techniques and forms of expertise that are involved in enacting, maintaining, reinforcing, or challenging migration-related processes of securitization.¹⁹

What does this entail for the migration and border issue? Refugees are not just unsure of whether they will survive their dangerous trips after they are forced to leave. Once they have made their journey with its privations and life-threatening routes to Europe, they again have to wait stressful months and sometimes years before getting legal acceptance as either an “asylum seeker” or as a “refugee”, which then allows them to apply for fully-fledge citizenship after three years, or as so-called “beneficiary of protection” which makes them wait for seven years before being eligible to apply for a German passport. More than this, through European policy, refugees are framed as criminals, potential terrorists, and/or non-autonomous victims that need to be helped and, as an effect, are patronized. To offer a better picture, I take a closer look at how EU and German migration policy is deeply entrenched by securitizing power practices and how this can only be called coercive border control.

The securitization of European borders

In the mid-1980s, immigration became politicized through the issue of asylum. From the abolishment of border control between Schengen countries and the free movement of persons within the European Union, it fol-

19 Van Baar 2011a; van Baar 2013d.

lowed that member states of the European Union (EU) lost decision-making authority over entry, residence, and exit. This was the begin of the “Fortress Europe”.²⁰ States lost steering authority as decisions of a single state in a space without internal frontiers naturally bears consequences for all member states. Nevertheless, the European Union and especially the member states did not want to give up on steering mechanisms for immigration of citizens from third countries. Two measures were taken: first, a more effective safeguarding of external borders; and, secondly, a Europeanization of asylum law.

Safeguarding of external borders

The European Union (EU) established a politics of “integrated border management,” through which it endeavors to ensure that it can decide who enters and who is excluded, like a classical immigration country. Many actors are involved, such as EU institutions (European Commission, European Parliament, and the European Council), the Member States and Frontex, the EU border agency. Central aspects are increasing use of technology, outsourcing, privatization, and exterritorialization. Through this, the inclusion of third countries in the EU’s border management became possible. This happened through repatriation agreements (with Morocco), and “neighbor politics” through which the legal immigration of citizens of this particular state are eased and, in turn, it is expected that a further wave of refugees is blocked (Turkey). The European Court of Justice (EUGH/ECJ/CJEU) and the European Court of Human Rights (ECtHR) made it very clear that the norms of international refugee protection are also valid for EU institutions and agencies, including Frontex, when acting outside the European territory. This leads to the problem of how to deal with states that violate the human rights of refugees, which happens every day.

Amnesty International has already accused Turkey for months of forcing refugees to go back to their countries of origin, which include war-torn Afghanistan, Iraq and Syria. More and more people were caught on their way to Greece and were deported to EU-financed deportation camps in Erzurum, in the eastern part of Turkey. Without further legal assistance or an asylum procedure, they were deported from there to their countries of origin. This happened even though refugees from a country of war do have an international legal claim to a right to protection (*non-refoulement*).

20 Mrozek 2017, pp. 84–96.

Turkey has pledged itself to respect the European and the Geneva Convention of Refugees. There is nothing quite like a “border” for blocking the way within existing law. Instead, blocking the way here entails having the option to either try to flee anew after having been deported back to the war-torn or insecure country of origin, or become an illegal person in Turkey. State leaders know that a mere sign on a wall would not prevent anybody. This is why the EU border control agency, Frontex, goes further than just controlling visible walls and fences. It has created border control that is backed by scientific knowledge and co-operation with hi-tech companies.²¹

Europeanization of asylum law

In the 1980s, asylum was quickly connected to illegal immigration. In the Maastricht Treaty of 1992, asylum politics was integrated into the “third pillar” of co-operation, and this “third pillar,” next to the first that handled economic, social and environmental policies, and the second that took care of foreign policy and military matters, brings together co-operation in the fight against crime. The Amsterdam Treaty of 1997 confirmed the “Hague Programme” of 2004, which was then further developed in the “Stockholm Programme” of 2014, in which asylum law was taken away from the sovereignty of the individual member state and was submitted to community law. A European-wide equal protection for asylum-seekers was to exist. Stockholm, indeed, led to a close-woven regulation system. However, the conditions under which to grant asylum, in terms of the social and healthcare performances, were not standardized. Standards for accommodation and support, for example, differ across and within member states, and this was taken as reason to allow for a huge amount of discretion. That

21 Frontex, we should note, is not a European border police agency, even though it has tasks that are police-like. It is rather a transnational administrative agency and is subordinated to national law. It has a budget that has increased from 19,2 million to 114 million euros between 2015 and 2016 (Luft 2016, p. 55.) Frontex is responsible for so-called “push back” operations, which are, according to the Geneva Refugee Convention, illegal and violate human dignity, according to ECtHR rulings since 2012. Nevertheless, they still exist, as previous Frontex Executive Director Ilkka Laitinen admitted recently. Frontex works, and we should keep this in mind, with full support of the European Internal Ministry, the European Commission and the majority of the European Parliament. Since Frontex has been criticized by the public, the member states tend to use Frontex as a scapegoat for human rights abuses rather than the EU, which is the actual contracting authority.

refugees and immigrants moved further to the North was expectable under those conditions.

The European-wide border control system utilizes advanced technology. Already in 1998 in an Austrian Presidency work program on Eurodac, a database of fingerprints from asylum applicants was commented on in the following: “The steep rise in the number of illegal immigrants and therefore potential asylum-seekers caught has revealed the increasing need to include their fingerprints in the system”.²² Other regulations on migration in Europe followed.²³ Eurosur has been brought into life to intensify information exchange between Schengen states and Frontex through data from satellite control in real-time. It functions in co-operation with the European Asylum Support Office (EASO), Europol (the EU’s law enforcement agency), the EU Satellite Centre and the European Maritime Safety Agency, and all are coordinated through Frontex.²⁴

What we can see from this admittedly rough first analysis of existing border policies is first that it is not sufficient, when closely-looking at border policing practices to think of a border as just a wall. Border control has become an industry in which science, technology, and politics work closely together. These material and technical ways to create borders have led to securitization. This happens, as we have seen, through discursive (as with European legal and political regulations, and media coverage) and non-discursive ways (collecting fingerprints, data storage systems, and satellite control) of creating knowledge about security techniques, and measures of “normalization” (surveillance processes in arrival camps, enforced distribution of refugees within an arrival country), of surveillance, and of data collection.²⁵

Second, the power to securitize borders lies with European institutions that have created a network of control, surveillance, and deterrence. They function according to political decisions on a European level, backed by the respective national government. Behind those decisions stand real persons who have discussed those measures and have signed the orders. But as we know from systems theory, administrative institutions communicate with one another across functionalistic systems through codes that allow access to other systemic domains, without the involvement of the sub-

22 Statewatch 1998, cited in Huysmans 2000, p. 755.

23 Kostakopoulou 2000.

24 Luft 2016, p. 58.

25 Van Baar 2011a; van Baar 2013d.

ject at all. The power to securitize is the power of the European elite to establish structures that then function as securitizing practices and governmental control. The power of securitization, however, becomes visible first and foremost in a “grammar of security,” as Buzan puts it, a grammar that forms the condition of a performative speech-act of securitization.²⁶ On the basis of this, as we have seen, the migrant is coined as a criminal, the other, a threat, an ascription.

4 *Securitization within Europe*

Enforcing measures with regard to migration happens not only at the outskirts of Europe. Securitization takes place also *within* Europe. Borders appear not just as walls and technical borders but as social and economic boundaries. The practices and discourses of securitization have tainted minority politics to an extent that they blur the distinctions between immigration and asylum politics, on the one hand, and minority politics regarding an “indigenous” minority, on the other.

The *Roma* in Europe are particularly affected by different security measures. Shortly after the fall of Communism, institutional discrimination and violent attacks by “ordinary citizens” against the *Roma* occurred throughout Central and East Europe. Human rights organizations and the European Union started to deal with the “*Romani* case” and framed it as a “human emergency”.²⁷ The adequate protection of the *Romani* minorities became one of the Copenhagen criteria for EU membership, formulated in 1993. It was in these days that the *Roma* were defined as a European minority that needed human rights protection. From the perspective of EU citizenship,²⁸ there are (at least) two types of *Roma* citizens: those with a European passport who moved from eastern to the western European countries (mainly to Italy, France, and Germany), and exercised their rights of free movement; and *Romani* refugees from the former Yu-

26 Buzan et al. 1998.

27 Van Baar 2011.

28 EU citizenship, as we are aware, is one among many regimes in Europe that confers rights, and refers mainly to the legal side of citizenship. EU citizenship is sometimes used as the broader conception that includes political, cultural, and social aspects of citizenship, as well as how citizenship regimes emerge and change (Engin Isin/Michael Saward 2013, pos. 209).

goslavia, who had fled the civil war and have already lived in Germany and other European countries for almost 20 years.

It was in this context of having recognized the *Roma* as a European minority that the European Commission stated that the *Roma* have difficulties in defending their basic human and citizenship rights, because of “their nomadic way of life”.²⁹ One needs to know that, throughout history, and surely nowadays, no more than 3 % of *Romani* people were and are voluntarily travelers. Nevertheless, citizenship policy had to be applied, regardless of the fact that these *Romani* people held European passports. Italy, for example, started with some of these policy measurements. Around 1990, many Italian regions had already adopted laws aimed at the “protection of nomadic cultures.” According to these laws, *Roma* “culture” needs to be “protected” through the construction and surveillance of segregated camps, the so-called *campi nomadi*. It was paradoxically the Italian authorities who “nomadized” the *Roma* by evicting them and forcing them to circulate within Italy. This irregulation of the *Roma* social mobility was used to reinforce the widespread prejudice that *Roma* do not belong to Italy, even though most of the Italy’s *Roma* are Italian or non-Italian EU citizens.³⁰ What is striking here is that in this context, citizenship and human rights are not seen as being unconditional, but require certain societal pre-conditions such as “being settled” in which “being settled” means “in a camp.” Rather, citizenship rights are an instrument for securitizing the *Roma* people, in the name of emancipating them. EU citizenship is called into question when European citizens are evicted regardless of their European passports.

Let us briefly have a look at the situation in Germany. The situation of the Romanian *Roma* in Germany is more complicated, but nonetheless shows also an ambivalence of the existing rights claims and the *de facto* exclusion of rights in the securitization discourses. Every summer, hundreds of *Roma* try to find informal work in the city of Berlin (and also Frankfurt and some of the other major cities). The newspapers reporting on this usually avoid mentioning that the people of this group of ‘day laborers’ are Romani. Mentioning this fact could lead either to swift discrimination and is historically seen as akin to the outright discrimination of a group that was previously persecuted under the Nazi regime. The pub-

29 European Commission 1999, p. 2, cited in van Baar 2011, p. 209; Atger 2013.

30 Van Baar 2011; Aradau et al. 2013; Ivasiuc, this volume.

lic debate about the citizenship rights of *Roma* in Germany, however, switched from stressing *Roma*'s right of free movement as European citizens, on the one side, and the view that they were unwanted foreigners who 'abuse' their right to the hospitality that German society offers to people in real danger, on the other. And, yet again, they were depicted as a threat to public order.³¹ At some point, some of the Romanian *Roma* in Berlin were provided with tourist status in an emergency situation. They were sheltered in a house for asylum-seekers, which is not a place for tourists, and were given some financial support so that they could return home (to Romania) after the legal established 90 days that a European citizen without financial means is allowed to stay. This situation shed a glaring light on German and European citizenship rights. The *Roma* demanded asylum in Germany. They fulfilled most of the criteria, such as being subject of permanent and systematic discrimination in their country of origin, being persecuted, evicted and pushed into a status of homelessness, and, as a consequence of this, being traumatized (Caglar/Mehling 2013). They wished to claim asylum in Germany, even though holding a European passport exceeds the border between European and non-European citizen. Being European citizens, *Roma* minorities from Romania are not eligible to enjoy the rights that refugees from "third countries" can. But, at the same time, they could not take advantage of the benefits of European citizenship, either.

German, as well as EU, citizenship fell short of guaranteeing this minority group their rights, even though they exercised their citizenship through their mere presence in different places. The Romanian *Roma* in Berlin enacted it, after having been deported back to Romania, by coming back to Germany a few weeks later, exercising their right to free movement.³² The way in which the *Roma* people articulated claims to asylum highlighted the limits of EU citizenship as well as human rights. They were denied basic rights in Germany despite the fact that they held European passports. The migration of this group, even if they hold European passports, is identified as an internal danger; with regard to the immigration of the *Roma* from Kosovo, which we do not have space to discuss here, is seen as an external danger. Securitization, such as being exposed to the techniques of control, normalization and exclusion, is a way of pro-

31 Caglar/Mehling 2013, pos. 4120.

32 Cagla/Mehling 2013, pos. 4210.

ducing forms of non-belonging, and both citizenship and human rights are part of these exclusion processes.

In each example, I have illustrated the operation of the securitization discourse in forming and forging external and internal boundaries that exclude “the other” from citizenship and from being a full-fledge member of a political community. The discussion of the cases so far enables us to differentiate three aspects of securitization. Firstly, in the case of access both to residence and to citizenship, securitization shaped the outcomes in determining the conditions of access. Secondly, the securitization discourse contributes to marginalize, both symbolically and socio-economically, and becomes the framework and prism for claims of equal citizenship rights. Finally, the case of the *Roma* in Germany reveals the link between securitization and the denial of the exercise of citizenship rights even under the condition of being a member of the European Union. All these examples are at the end of a series of at least three aspects of a dialectics of securitization.

First, the Italian and German situations clearly illustrate how measures to “create security” and “stability” lead to a problematization of the *Roma* – in the form of nomadism, illegality, and public and private security threats. The supposed security measures establish insecurity for the *Roma*. And this constrains substantial options for members of this minority (as least when part of the groups effected), options that in Millers’ terms touch generic interests such as housing, equal access to education, possibilities to find an adequate job that allows a living, and so on. Second, European regulations on minorities and migration are not designed to support inclusion and integration, nor to ground normative “correction” for the nationally framed citizenship law. Rather, it mirrors and reinforces the external foreclosure, the re-nationalization, and the internal border crossing within Europe and even within a European countries such as Germany, France, and Italy, to mention just three countries here that discriminate against *Roma* and migrants. There are different classes of European citizenship. There is citizenship for those who ‘belong,’ at least for the time being, and for those who should be expelled upon basis of their citizenship, as we have seen with the *Roma*. Citizenship can bring about exclusion, instead of more inclusion, and effect even those who do have a European passport. Third, not just the outer borders of Europe but also boundaries within Europe are coercive. Before we have seen that the safe-guarding of eternal borders leads to legal exclusion that may leave migrants some other options (going back to war or poverty) but those are options

that do not qualify for a decent life (or generic interests). Seen from within Europe, legal inclusion of European citizens is also not necessarily followed by a political, nor a cultural inclusion (that is not highly discriminating). Romani people are not just prevented from social participation. Rather, social living conditions are imposed on them (such as living in camps, being harassed by vigilantes, and degrading representation in the media). The legally assured freedom of movement can easily be reversed, into the freedom to be moved and enforced border crossing and eviction. *Roma* people seem to be *illegible* to enjoy human rights since they are allegedly “nomadic” and therefore pose a security risk. These modes of securitizing people, of excluding them and neglecting their rights, are part of the pattern of denying social participating.

5 *The power to (de-)securitize*

The analyses of European border politics externally and internally have revealed at least two aspects that are closely related with what I have called the dialectics of securitization. The following section first deals with the ambivalence of human rights, and the second with the power to securitize and the power of securitization.

The ambivalence of human rights

First, citizenship and human rights in the context of migration, we have seen, work as a securitizing framework, identifying migrants and also *Roma* as a special group of people, who do not belong to the community of human rights bearers, who need to be first made eligible to exercise human rights. Securitization, such as being exposed to techniques of control, normalization and exclusion, is a way of producing forms of *non-belonging*, and human rights are part of these exclusion processes. This highlights a more general problem with human rights. We could also see that human rights play an ambivalent role when it comes to securitization processes. They are conditions of freedom and resistance as well as instruments of oppression at the same time. How can this be the case? To better understand this dual character of human rights, we briefly need to recall the predominant notion of human rights. According to the liberal tradition, human beings are originally seen as a historical continuity with traditional natural law. They are a reaction to state absolutism and moralizing revolutions. The important characteristic features of the precursors of present-

day human rights in natural law, shaped by John Locke, along with Charles de Montesquieu, are still important for the understanding of liberal human rights nowadays. They claim to be universally valid, they hold for every person, and they ask for a political order that protects individual freedom. In this reading, human rights mean that the individual has a right to exercise life, liberty, and property *in security*.³³ Rights are an institutional guarantee of the private enjoyment of different goods and services.³⁴

Of course, the list of objections against this notion of human rights is very long, and I cannot go into this here in any length.³⁵ Yet, there is a major pitfall of human rights that probably Karl Marx mentioned as one of the first. That is, freedom does not mean that one has the externally secured option to act as one likes according to one's will. Rather, freedom means the possibility of *social participation*. As long as freedom is understood as the undisturbed private realization of one's own will, the real social pre-conditions remain unseen. The normative individualism of the liberal human rights that are directed towards protecting individual security, be it the security of personal or economic freedom, is in tension with the idea of being "part of a society," or being a respected member of it. Human beings, Marx says, do not want, first and foremost, to obtain a fair share of societal resources. Rather, they want to be part of a community, to be people *among* others, being able to determine their social affairs politically. Human beings, it is supposed here, are political animals. Human rights in its liberal interpretation do not allow for this, when they claim individual security. They deny, paradoxically, some groups inside and outside territorial borders of Europe, migrants and Romani people, to be part

33 Locke 1689.

34 See also Menke 2016, p. 52.

35 It is misleading, a first objection says, or at least inaccurate, to say that one has human rights by nature in virtue of one's humanity, as "human nature" can be many things. Second, it is questionable whether one can, in fact, speak of continuity between the natural law approach and the present-day understanding of human rights, because the use of the concept "human rights" is relatively recent and found its way into general usage only after the foundation of the United Nations in 1945. A third difficulty is that the natural law approach does not sufficiently distinguish between values and rights (Raz 2010: 323). Basic necessities of life, such as having food or being able to live in peace, are essential values or interests whose realization we would support in all cases, and do not do need any reference to human rights at all. I think all of these criticisms are correct.

of a political community. Hannah Arendt's often cited phrase – “one needs to have a right to have rights” – means precisely that nobody should be denied a legitimate claim to be a member of society, to belong to one, and not just to have a right to claim something against a state or an official organization, without the more inclusive claim to become a full-fledge member of this community. To deny this claim is coercive as it blocks a qualified option for the migrants and migrating European citizens to which they usually have no or unbearable alternatives. In the case of the Roma people, to restrict their free movement within Europe is against European law anyway.

De-securitization

The second aspect to discuss is related to the notion of power. Let us recall David Miller's claim that what is coercive about borders are the means used to enforce the border exclusion, not the borders themselves.³⁶ Those means are part of the legitimate state power to exercise its sovereignty. Obviously, the notion of power used here is a Weberian one: a chance to impose one's own will against the reluctance of others within a social relation.³⁷ Since Weber considered the notion of power to be vague, he preferred the more precise notion of authority, which means that a certain group of people has to obey rules ordered by others against their will. In this sense, borders themselves do not force people to do things and do not leave other options. Rather, the argument goes, a border just takes away one option among many others. In contradistinction to these notions of power and coercion, I argue that a coercive borders occurs when a group of people narrow down the options of others to the one thing that they want him or her to do and through this action further block other options to lead a self-determined life. It is the exclusion through borders themselves – be they national borders and borders within a country or region – that can be a coercive act. It is an act of securitization in which the power to securitize is exercised, with all the effects on migrants and *Roma* people laid out above. That is why the power to securitize and the power of securitization (the effects of this power) cannot be reduced to a one-sided Weberian notion of power. A Foucauldian conception of comprehensive systems of truth (Episteme) and power constellations (dispositives) is more

36 Miller 2016, pp. 73–74.

37 Weber 1980, p. 28.

adequate here.³⁸ Power appears in all historical periods and in overlapping scientific, economic, institutional practices which mirror specific forms of “subjectivation.” These practices of daily life power normalize, control, and submit individuals, but, through this, the self-image of the subjects is created, which remains something that has been imposed. Securitizing practices do exactly that: they impose policies, images, and techniques through which a certain identity gets ascribed and fixated.

With this Foucauldian notion of power, we can also see that these power constellations are never absolute and all-compassing. There are forms of power that individuals and groups are not just subjected to but also empowered by. Power can set off subjectivations. It was only the late Foucault who established that forms of counter-power and freedom played a role, but he never worked this out systematically. This idea of ‘counter power’ is of great importance here. What we can observe is that among migrants, *Roma*, and ordinary citizens, modes of resistance against practices of securitization have occurred immediately. Those practices of de-securitization came up in niches of power, where the subjectivation turns into a breaking out of the iron discourse. Refugees in Budapest, for example, demonstrated against the degrading conditions to which they were subjected: without water, shelter, food in a railway station. Refugees demonstrated in almost all big but also middle-sized German cities, for example, in Augsburg, where they barricaded themselves in the house of the local union, demanding better treatment and acceptance as residents (“No human is illegal”) or in Norderstedt, where they claimed (in German) “refugees are threatened but not a threat.” *Roma* people too find creative ways to counteract securitization policies. *Roma* from Romania, for example, applied for asylum in Germany, even though European citizens are not officially eligible to do this. However, they fulfilled most of the criteria, such as being subject of permanent and systematic discrimination in their country of origin, being persecuted, evicted and pushed into a status of homelessness.³⁹ By claiming asylum in Germany despite holding a European passport, they exceeded the border between European and non-European citizen and made borders within Europe visible at the same time. For sure, politically seen these are forms of de-securitization that appear to be marginally confronted with wide-spread practices of border controls exter-

38 Foucault 2008.

39 Caglar/Mehling 2013.

nally and internally of Europe. Nevertheless, the everydayness of these protests gives an idea of how counter-power can occur and rebut forms of securitization, if only on a small scale.

6 Conclusion

To sum up, the “right to exclude” we have seen is not sustainable. States are not comparable with private clubs, and since they aim – at the liberal state – to represent some universal values like equality, it is not a moral-free zone and can be criticized for being exclusive in the wrong way. Trust is not necessarily based on national identity, and political self-determination should include everybody affected, also those outside the territory. In addition, borders, outer and inner borders, visible and digital, inherently embrace a force that drastically restricts options and this makes them coercive as long as they have been determined asymmetrically, without having asked those who are forced to accept them. Modern borders establish practices of securitization, at the outskirts and within Europe, that make a border not just a wall but a functioning net of technical, industrial, and administrative control and securitizing power. Those practices not only block the entry of immigrants (more or less successful), but also infiltrate our daily lives and change modes of governance of all the citizens of Europe.

Whereas Agamben described the refugee as a symptom for a malaise of the modern state system, the refugee as an expression of human beings reduced to their bare lives, the public discourses right now identify in the bare life a permanent threat to public order. The refugee is no longer the symbol of the excluded, included through their unfortunate position in the camps. Rather, s/he has become a symbol of the included “enemy” who is dangerous like a “ticking bomb” and needs to be radically excluded. Human rights do not necessarily protect this group of human beings, as there is no strong commitment to make refugees an accepted member of community. Instead, we have seen with migrants and *Roma* people that human rights can easily be turned against those who are most vulnerable. Further, the power to securitize as well the power of securitization may be enforced by counterprotests but de-securitization remains marginal, though not impossible. Securitization measures, however, and we should be very aware of this, do not only affect immigrants but all of us. Who is next in being coined as a threat is an open question that might be answered quicker than we hoped for.

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Securitization as Hegemony

Hannah Broecker and Carola Westermeier

Introduction

How can we trace power in the study of security and securitization? Particularly, how can we analyze the power of securitization and the power to securitize? In a broader sense, how can we analyze how differing political projects struggle for power in political processes? We propose that the study of securitization would benefit greatly from integrating insights of hegemonic discourse theory to include more explicitly the study of the constitution of power. Further, hegemony theory is able to encompass dynamics which go beyond the classical scope of securitization. In this manner, hegemony theory enables us to analyze the aspects of power in discourse which lead to (de-)securitization as well as the effects of a momentary discursive formation of securitization which is usually the end-point of such studies. In our empirical study of the securitization of ‘financial stability,’ we can observe that while political actors undertook securitizing moves and did employ extraordinary means in response to it, they were unable to control the effects of securitization.

Securitization as a concept has greatly enhanced our understanding of the social construction of issues as relevant to security. The latest wave of conceptual work on securitization along the lines of the Copenhagen School (CS) has increasingly argued for the need of securitization to be understood within a discourse theoretical framework and has engaged with the implications which the CS approach produces within such a setting.¹ However, few works have engaged with the implications of hegemony discourse analysis for that framework. This is surprising, since the CS concept is based on strong assumptions of social and political power-centres, and its proponents have regularly had to engage with criticism thereof. In this contribution, we propose to combine the Copenhagen concept of securitization with hegemonic discourse theory as developed by Ernesto

1 See Stritzel 2007.

Laclau and Chantal Mouffe. This, we hope, will be a starting point for re-evaluating a number of theoretical inconsistencies within the CS approach, and for offering tools for a clearer analysis a) of the discursive dynamics *through* and *in* which securitization manifests, b) of the likelihood for attempted securitizations to be successful or not, and c) regarding what happens after the moment of securitization. We will illustrate the theoretical link of the two approaches and its advantages through a case study on the securitization of ‘financial stability’ during and after the financial crisis of 2008.

The concept of securitization has its origins at the threshold between the domestic sphere and International Relations (IR). It was originally conceptualized in the context of the immediate post-Cold War era and introduced aspects of the constructivist and linguistic turn of social sciences into the discipline of International Relations. It has been a fundamental contribution to the discipline of IR by adding a layer of considerations based on constructivism and intersubjectivity to the understanding of dynamics of security, which had previously been dominated by the realist tradition of International Relations and its approach of largely blackboxing domestic affairs. While this heritage of combining the theoretical approaches of realism and constructivism renders securitization an innovative and enticing analytical concept, it simultaneously introduces theoretical challenges which so far remain unresolved.

This holds particularly for the 1998 approach (‘Security: A New Framework for Analysis’) but also for many of those works criticizing and amending the resulting challenges. These challenges find their origin in the fact that the Copenhagen approach to securitization adapts concepts and theoretical insights from sociological, linguistic and constructivist schools but is not always able to do so coherently while maintaining one foot in the door of a positivist ontology of the realist International Relations (IR) perspective. While the speech act approach of the CS is helpful by directing our attention to the performativity of security, it is ultimately unable to explain the overall success or failure of instances of constructing securitization. To be able to do so, the approach would have to explain the socio-political and ultimately discursive dynamics that lead to the (in)effectiveness of speech acts. The CS approach, in pre-supposing on the one hand the self-referential grammar of security and on the other hand focusing on a pre-determined end-point of securitization, remains largely descriptive. Lastly, the approach also lacks clarity on whether power both *of securitization*, i.e. the effects induced through securitization, and the pow-

er to securitize, i.e. the influence to create a momentum of securitization, are likely to be found in aspects of agency or structure². In this manner, it has been argued, that securitization is an agency-centred concept as it depends on the authoring of individual, intentional speech acts by actors.³ At the same time, the heavy reliance on pre-existing positions of power and influence such as those embodied in the speaker's position and the assumption of predictable interests by the political elites relate back to aspects of context and structure as the central variable.

In order to be able to gain in explanatory potential, insights generated by the CS need to be integrated within the framework of a discourse-based approach. Such an approach would benefit from a more coherent inclusion of insights from societal constructivism. Specifically, it needs to bring together a consistently constructivist understanding of power and the dynamics constituting it. Further, such an approach needs to explicate the place and limits of speech act theory within a larger theory of discourse. The lack of such a coherent theoretical integration causes the approach to stay rather close to state-centrism and to affirm the very conceptions of interest and power of the traditional approaches of IR, which it criticizes and seeks to reform. The latter of these points is particularly clear in the explicitly normative imperative for de-securitization. It is the key argument of this article that securitization along the lines of the CS can and should be understood and conceptualized as a specific form of hegemonic project, and that such a theoretical tightening can produce deeper insights into the dynamics of securitization.

This article focuses on the integration of those insights generated by the line of understanding of the Copenhagen School but also to some degree those of the Paris School. We propose to use Ernesto Laclau's and Chantal Mouffe's post-structural discourse theory to approach the notion of hegemony.

In their work, Laclau and Mouffe argue that power struggles must not be analysed or reduced according to given or natural(ized) social entities, such as class. They seek to show how these entities are constituted and socially constructed in the first place and come to be represented by "empty signifier(s)".⁴ The empirical case study in this article analyzes the development of 'financial stability' as the empty signifier of a securitized hege-

2 See Langenohl's contribution to this volume, pp. 25-66.

3 See Stritzel 2012, p. 552.

4 Laclau/Mouffe 1985, p. 128.

monic construction. Treading in the footsteps of Gramsci, hegemony has been described as a multi-faceted category which entails two aspects: 'First, hegemony is a type of political practice that captures the making and breaking of political coalitions. Secondly, hegemony can be seen as a form of rule that can elucidate the way in which a regime, practice or policy holds sway over a set of subjects by winning their consent or securing their compliance'.⁵ These two aspects of hegemony by nature involve the exclusion of such positions and persons not subsumed under the collective hegemonic position and thereby the exercise of power. Through this, both aspects of hegemony help to unravel the broader notion of power, especially the *power to securitize* and the *power of securitization* as logics connected to the constitution of politics and entailing claims to representing society. Hegemonic analysis can add to our understanding as to *how* securitization occurs and *why* it is 'successful' in some cases but not others. In this, it harbours the potential to go beyond the classical Copenhagen approach, adding explanatory power regarding the success of securitization attempts through re-constructing the constitution of hegemonic discourse formations and simultaneously widening the array of dynamics that can be analyzed within its scope. It could encompass, for example, a re-thinking of the role which contestation plays in allowing for the success of securitization (see also Bloom and Dallyn, 2011). It can also encompass a re-thinking of the role securitization itself plays in maintaining the stability of that which it claims to be threatening. In the case of 'financial stability,' this could relate to the question: how does the securitization of 'financial stability' lead to a (de-)stabilization of the financial system within which such a crisis could occur in the first place?

In our example, the prevailing pre-crisis discourse could no longer handle the issues that arose with the events of the crisis. It was not able to integrate different articulations stated by differing subject-positions. Subsequently, a discursive formation evolved which temporarily brought together differing demands and thereby made a hegemonic claim. It will be shown that 'financial stability' was used as a referent object of securitization in the Copenhagen sense. In the following phase of financial policy-making, it provided an anchor for the discourse on financial regulation that brought together multiple articulations. However, as differences between articulations gain importance, it becomes obvious that the initial

5 Howarth 2010. See also Cox 1996, p. 151.

referent object has to be understood as an ‘empty signifier’ that remains an abstract code to which multiple articulations can relate. The empirical analysis – an illustration of discourse, based on statements and reports by relevant actors within the field of financial regulation – serves as an illustration of the utility of the theoretical approach proposed here.

The first part of the article is dedicated to the theoretical outline of our proposal. We start out by giving a condensed insight into the central tenets of the theory of hegemony by Laclau and Mouffe and continue to outline the manner in which securitization approaches and discourse analysis of hegemony can be fruitfully combined. It is noteworthy that we focus on their earlier post-Marxist understanding of hegemony⁶ and not on the later, psychoanalytically inspired work. What follows in the second part of the article is an empirical analysis of the discourse on financial regulation according to the proposed model.

Hegemony according to Laclau and Mouffe

Based on the insights of linguistic post-structuralism, Laclau and Mouffe hold that any understanding is produced through the signification of differences and interrelations between individual signifiers or subject-positions in a discourse. No subject matter, symbolic or material, can be represented as itself but only in relation to other subject matters. Differences and meaning thusly constituted further rely on the understanding that any sign consists of a signifier and a signified.

Hegemony in this conceptualisation essentially refers to the nature of the relationship between different social subject-positions in discourse. As mentioned previously, the perspective holds that categories according to which individual issues are analyzed – such as class, gender, and also security – are not given.⁷ Laclau and Mouffe argue that the emergence of such entities can best be understood by an analysis of discourse, more specifically, the moment of formation of social and political constellations. They find that a hegemonic construction is essentially a particular discursive formation that brings together several individual positions such as demands, views, hopes, fears and other forms of *articulation* under one po-

6 Laclau/Mouffe 1985.

7 Id., pp. 123, 124, 127, 129.

litical umbrella.⁸ The concept of articulation here refers to “any practice establishing a relation among elements such that their identity is modified as a result of the articulatory practice. The structured totality resulting from the articulatory practice, we will call discourse”.⁹ At its core, hegemony thus allows for different subject-positions – to relate to one or a group of hegemonic concepts – such as *class* or, in our case, a specific claim to (in)security. Hegemonic formations hence occur when different subject-positions coalesce around one or several *signifiers*, which are constructed to represent these various positions. Laclau and Mouffe term this the *chain of equivalence*.¹⁰ “They [signifiers] are the points of identification that unite otherwise disparate groups, for instance the flag in a nationalist discourse”.¹¹ Through creating what may be called an anchor to the discursive formation, hegemonies organize the elements they subsume and make them intelligible in a particular way. While the individual positions included in a hegemonic construction hence differ and may even contradict each other in some respects, such differences are subordinated to that which is constructed to unite them and which is expressed through the empty signifier(s). The empty signifier(s) are hence constructed to stand in for the entire system of differences, which represents the discourse rather than any particular position within it.¹² In our case study, the signifier ‘financial stability’ unites a range of differing positions, such as demands articulated by politicians, as well as those of bankers and regulators, without representing a particular subject position.

The logic of differentiation between a hegemonic discourse and that which is outside of it, is of a different nature than those differences between individual positions within a discourse. Within a discourse, differences are necessary for the creation of meaning. The second logic of differentiation is that between a hegemonic construction and its outside. The outside of a hegemonic construction, which is always constituted by other discourses, necessarily represents that which has not yet or cannot be subsumed under the hegemonic chain of equivalences. It demarcates that which curtails the potential for completeness of the hegemonic construc-

8 Id., pp. 128, 152.

9 Laclau/Mouffe 2001, p. 105.

10 Laclau/Mouffe 1985, p. 130.

11 Thomassen 2016, p. 166.

12 See, for example, Laclau/Mouffe 1985, p. 148.

tion and, in this manner, threatens its existence – the antagonist divide.¹³ Instead of the individual differences, these subject-positions enter into an antagonist relationship with that which is beyond the boundary of this chain of equivalence. Simultaneously, it is this antagonist outside which creates the conditions of possibility for the construction of a chain of equivalence, the subjugation of differences between positions within the discourse and, hence, the construction of hegemony in the first place.¹⁴ Laclau and Mouffe hold that a hegemonic discourse formation is only possible when, in addition to the presence of antagonist forces, the possibility is given that elements can be articulated to the constitutively opposite camps of an antagonist formation. While they utilize the term ‘moments’ to signify those entities which have been articulated as part of a discourse, they refer to ‘elements’ as those signifiers “incapable of being wholly articulated into a discursive chain”.¹⁵ Because of the vast field of signifiers which is not fully articulated, we must distinguish between discourses (with fixed articulations, i.e. ‘moments’) and the field of discursivity in which unarticulated ‘elements’ occur and which presents us with a surplus of meaning. The field of discursivity is hence also always a field of undecidability in which a surplus of meaning exists which cannot be wholly subsumed into any discursive formation and which therefore constantly undermines this system of articulation.¹⁶ Hegemony then presents a momentary decision of articulation which is nevertheless placed within a wider field of undecidability. That is to say, elements might also be articulated as part of the chain of equivalence constructed to oppose the hegemonic one.¹⁷ This also implies that while hegemonic discourse formations organize discourses and claim to represent decidability (through implying order and logic), the overall terrain of discursivity remains one of undecidability, and the hegemonic discourse formation remains unstable. In our case study, this aspect becomes obvious in the fact that the meanings subsumed under ‘financial stability’ are constantly evolving, and finally the empty signifier becomes unable to subsume their differences.

Inherent in this understanding of hegemony and antagonism – which are always political projects – is the strive to overcome that which is seen

13 Id., pp. 111, 130.

14 See, for example, Howarth 2015, pp. 67, 68.

15 Laclau/Mouffe 1985, p. 99, see also p. 97.

16 Id., pp. 97, 100.

17 Id., p. 122.

to restrict the vision of a hegemonic totality.¹⁸ This attempt is, however, necessarily bound to fail as the hegemonic construct, represented in the chain of equivalence and the empty signifier, depends on the antagonistic struggle for its own definition and thereby existence.¹⁹ To give an example, the identity of the discourse in question might be the representation of 'The Free World.'²⁰ This identity, which represents multiple subject-positions identified with different and potentially opposing discursive objects, relies on a definition of that which curtails the totality of that 'Free World' – thereby positioned on the other side of the antagonistic line. This could be terrorism, underdevelopment, militant Islam or, in fact, almost any other object constructed in radical difference (i.e. constitutional opposition) to the term 'Free World.' The desire for a complete identity thus includes the striving to eradicate those factors which are seen to curtail it. Were it possible to eradicate these factors, however, this would not lead to the completion of the hegemonic construct as 'The Free World' but to an impossibility to uphold this identity for lack of an *antagonist Other* against which it could be defined. This is what Laclau and Mouffe refer to as antagonism constituting both the possibility and impossibility of identity.²¹

The understanding, following from the above, that "a discursive structure is not a merely 'cognitive' or 'contemplative' entity; it is an *articulatory practice* which constitutes and organizes social relations" is vital here.²² It means that hegemonic constructions imply both power and the social creation of knowledge through establishing a logic according to which the elements of a discourse are understood and made sense of. Hegemonic analysis offers us the analytical tools to add such a conceptualisation on the level of the power of securitization and the power to securitize.

18 See also Nonhoff 2006, pp. 94, 105.

19 Laclau/Mouffe 1985, p. 148.

20 The term 'identity' is, in this text, used to refer to the hegemonic construct which defines an entire discourse and binds together various subject-positions.

21 Laclau/Mouffe 1985, p. 120; Howarth 2015, p. 68.

22 Laclau/Mouffe 1985, p. 82.

The signifier 'security'

A theoretical focus on the dynamics of signification is not uncommon to Critical Security Studies. Approaching 'security' as a thick signifier, Huysmans articulates such an understanding of security as a logic according to which "our relation to nature, other human beings and the self" becomes articulated and organized.²³ He argues accordingly that the security studies agenda needs to be concerned above all with the question of the

"meaning of security, that is, the signifying and thus ordering work of security practices. How does security order social relations? What does a security problematic imply? What does the signifier do to the discussion of the free movement of persons in the EU, for example? Rather than being a tool of clarification serving an agenda, the exploration of the meaning of security *is* the security studies agenda itself".²⁴

From the analysis of IR literature, Huysmans identifies security as the logic of an abstract fear of death in modernity. The fear relates to a) abstract death itself, and b) the uncertainty, the lack of knowledge of where and when such death is to be expected. Security practices then become those practices and institutions through which this abstract fear becomes attached to concrete objects, and thus becomes manageable.²⁵ We agree with much of this analysis. However, we propose to approach security through the avenue of the 'empty,' rather than 'thick' signifier for the following reasons. Firstly, security automatically results in an antagonistic relationship with that which is constructed to represent the lack of security – that is, insecurity. Secondly, and in line with Huysmans' analysis, we understand security as operating not on the level of the individual but on the level of the collective. Claims to security then assume to speak on behalf of the collectivity, of a vision of society. More concretely than the notion of 'abstract death,' however, security relates to the destruction or destabilization of intelligibility. It is this intelligibility which is theorized in great depth in Laclau and Mouffe's concept of discursive hegemony and the empty signifier. Thirdly, the empty signifier is strongly connected to the analysis of the constitution of identities and power-relations flowing into and from such claims of representing 'society.' Referencing hegemony theory can improve our understanding of the nature of the notion of 'ab-

23 Huysmans 1998, pp. 228, 231.

24 Id., p. 233.

25 Id., p. 235.

stract death' as the demise of discursive intelligibility and aid in the analysis of which articulatory practices threaten the stability of the discursive system which provides such intelligibility. The *power of securitization* should then be conceptualized as the effect of securitization as a hegemonic discourse formation. The power of such a hegemonic discourse formation is to consolidate particular claims to representing 'society' and the order of intelligibility. Concretely, this power implies the structuring of the inclusion and exclusion of subject-positions and (types of) knowledge which are considered crucial in political struggles.

'Lack' in securitization and hegemonic analysis

Lack, in various forms and terminologies, plays a vital role in both the strand of hegemonic analysis proposed here and in the conceptualization of securitization along the CS. As outlined above, lack is that which curtails a perfect hegemonic formation. The empty signifier, binding together the chain of equivalence can, depending on the perspective, be either that which constitutes the claim to 'society' or the wished-for state of affairs (i.e. security), or that which threatens it.²⁶ To give an example, whether, in the Cold War context, we conjure up the empty signifier which stands in for the dimension of threat and insecurity, i.e. 'communism,' or whether, on the contrary, we utilize the signifier representing security and the wished-for state of affairs, i.e. 'the West,' or 'economy of the free market,' we always refer to the antagonist divide which constitutes both of its sides. Security is then always the object which is constituted by lack. In either case, a negative ontology exists – that is, in either case a version of an ideal identity is counter-posed by that which threatens it. In either case, an antagonist line is drawn between that which is aspired and that which is perceived to threaten it. In an understanding of securitization as hegemonic discourse formation, we must hence negate the possibility of security being constructed outside of this logic of negativity, i.e. as pure positivity.

This relationship between lack and an aspired state of affairs essentially articulates processes that are similarly thought of in securitization approaches. They are directly described in CS-inspired approaches and indirectly referenced through the praxeological analyses of the Paris School

26 See also Thomassen 2016, p. 166.

(PS). In this manner, lack, communicated as antagonism in discourse or communicated through security practices, necessarily has to be present in order to formulate the endangerment of central components of the polity. In order for there to be a lack of security, there has to be something that threatens or restricts security – even if this something finds expression only through absence – such as the perceived absence of practices or institutions deemed proper to establish the imagined state of things. The articulation that a given referent object is threatened presupposes a perspective focusing on lack.²⁷ In this manner, both the CS and hegemony discourse analyses describe a perceived lack.

While not all hegemonic formations are necessarily of a nature perceived as security-relevant, instances of securitization are necessarily attached to such mechanisms due to the combination of two factors: Firstly, the creation of an issue as security-relevant essentially pre-supposes the potential for destruction (i.e. abstract death). The drawing of an antagonistic line, dividing the referent object from that which is (understood to be) threatening its own logic of existence, is a direct consequence of this. Secondly, when we refer to securitization, we refer to a political practice. In this manner, issues of individual safety only become issues of security when framed as relevant aspects of the polity. As Martin Nonhoff argues, this refers to all political discourses that direct themselves at that which represents the societal whole, unity or the polity necessarily attempt to gain the largest possible representative power. In order to do so, they must attempt to incorporate a range of different positionalities under a common umbrella, thus aiming to achieve a hegemonic formation.²⁸ It is the shared signification that emerges as the sum of various positionalities concerning one referent object. The referent object essentially runs parallel to the concept of the empty signifier, standing in for the chain of equivalence in our study of hegemonic formations. In this manner, and referring to our example below, ‘financial stability’ is both the referent object under threat and the signifier of a hegemonic discourse formation.

27 The analysis of ‘lack’ is central in Lacan’s psycho-analytical work on identity and has been appropriated in Laclau’s later work for the further study of (collective) identity in hegemonic discourse formations. However, we do not want to focus in this contribution on the wider study of aspects of identity. The term ‘lack’ is here utilised merely to signify that which curtails the totality of the chain of equivalence.

28 Nonhoff 2006, pp. 105, 106.

However, this example, to be concretised in the second part of the article, also demonstrates that hegemony adds the perspective of the representation of various subject-positions. In our case, individual narratives of threat may focus on various referent objects such as shareholder interests, the security of savings, or democracy. These, however, may be able to coalesce around a theme that appears to represent all of these – namely ‘financial stability’. In effect, what hegemonic theory can add here is an understanding that what is generically termed the ‘referent object’ may in fact be a fragmented coalition of various referent objects. As outlined in Neo-Gramscian approaches, the basic effect of this hegemonic phenomenon is a gain in power over the overall construction by becoming a source for the organization of meaning, thus creating and also disciplining ‘knowledge’ in relation to the individual positions it contains.²⁹ The resulting understanding that a referent object may really be a collection of various and potentially conflicting views on referent objects and/or perspectives on how to approach these becomes relevant when considering the consequences of (attempted) securitizations. While securitization as a hegemonic formation on the one hand lends power to the positionalities it includes and shapes, on the other hand it renders the referent object a fuzzier concept, devoid of any particular meaning. Laclau and Mouffe outline this process in the example of individual demands voiced in the “repressive context of the Tsarist state.” Here, they argue that “no movement for partial demands could remain confined within itself: it was inevitably transformed into an example and symbol of resistance.” With individual struggles becoming subsumed under the empty signifier of ‘opposition’ or ‘resistance’ (to the political system), they simultaneously lose some of their specificity in representation.³⁰

As a result, it is likely that a hegemonic formation loses its ‘binding force’ when the implementation of concrete measures demands specificity. As the unifying force of a hegemonic formation depends on the suppression of differences, the more concrete demands become, the less likely the unifying hegemonic formation is able to unite them with other specific demands. These dynamics lead to the dissolution of the hegemonic forma-

29 Herschinger 2014, p. 78.

30 Laclau/Mouffe 1985, p. 2, see also p. 4. An in-depth analysis of this matter can be found in Laclau and Mouffe’s discussion on the seemingly contradictory logics of hegemony and autonomy (see, for example, *id.*, pp. 126–131).

tion, as we will also see in the case of the empty signifier ‘financial stability.’

The power to securitize and Speech Act Theory in Copenhagen

It is surprising that so very little attention has been paid to a theorization of power in CS securitization literature. We argue that the reason for this lies primarily in the aforementioned realist heritage in the original approach. Power is then assumed to be found with pre-existing positions of statist power, which are supposed to constitute institutionalized and conventional contexts within which securitizing speech acts take place. While the application of speech act theory has brought many advantages to the field of security studies – particularly by placing attention on the linguistic construction of knowledge and threat – it has stopped short of analyzing an important missing link between the dynamics explicated by Austin and Searle and the reasons for and mechanisms of ‘acceptance’ of the securitizing move. The latter is not to be found within the theoretical framework of the speech act theory, but within a theory of discourse. Because of this, the role of the speech act within the overall approach of securitization should be re-evaluated.

We will give a brief overview of our understanding of the speech act theory as background to this criticism. Based on an instrumentalist understanding of the production of meaning in language, the speech act approach originally developed by Austin and further developed by Searle aims to analyse the structure internal to language-based action and its possible effects. While the speech act approach can explain which aspects are likely to be needed for any intended listener to *understand* the communicative intentions of the author of the speech act, there is no explanation as to the necessary factors for the listener to *accept* and *support* the proposed content or claim. That is, the question which factors transfer the performance of the speech act into an act with political consequences is not the focus of the theory. Illocution refers to the type and function of the language-based action which is meant to be undertaken (by the speaker) and understood to be undertaken (by the listener) in the act of speaking. Such functions may be to promise, to claim, to demand, etc. The two – meant and understood illocution – may differ from each other. The perlocutionary act refers to the consequences of a language-based action

which do not include the conventionalized effects – by saying A, I do B.³¹ By *claiming something*, the listener may be *convinced*, for example. However, Austin suggests that in some highly institutionalized procedures, conventional consequences should be understood as part of the illocutionary act – by saying A, I do A.³² This is the case in the oft-cited examples of naming a ship and marrying a couple (under the correct institutionalized settings, respectively). In the cited cases, it is a conventionalized action, which brings that which it declares into being in and through the act of speaking. It is this understanding which the early CS framework utilized, reducing securitization to “a conventional procedure in which the ‘felicity circumstances’ must fully prevail for the act to go through”.³³

Few such clear conventional consequences, however, exist in the field of security (or politics at large). As Huysmans outlines, two contradictory aspects are contained in the notion of the securitizing speech act, which demonstrates the tension between an illocutionary and perlocutionary understanding thereof. The break with normality embodied in the invocation of a state of exception is, firstly, “connected back to normative and political orders that provide the basis for evaluating and contesting the acceptability of transgressions in terms of calculable consequences of the act”.³⁴ This includes the calculability of ‘speaking security’ and refers to institutionalized consequences of the speech act. Securitization in this reading is the orderly transgression of order and, because of this, not beyond order at all. In a contrarian aspect, “‘security’ is a specific move that entails consequences which involve risking oneself and offering a specific issue as a test case (Wæver, 1995: 75)”.³⁵ In this respect, we are confronted with the absence of institutionalized, foreseeable consequences of the speech act. This perspective is further underlined by the suggestion that “securitisation can never be only imposed, there is some need to argue one’s case”,³⁶ so that “success depends on perlocutionary effects”.³⁷ An understanding of securitization as an illocutionary act ultimately only works if assuming that fully conventionalized patterns and authorized speaker positions do

31 Austin 1962, pp. 102, 106.

32 Id., pp. 102, 103.

33 Balzacq 2005, p. 172.

34 Huysmans 2011, p. 374.

35 Id., p. 373.

36 Buzan et al. 1998, p. 25.

37 Vuori 2011, pp. 160, 161; see also Guzzini 2011, p. 331.

exist. It displays a fixation on pre-existing, usually state- and elite-centric, institutionalized positions of power stemming from the realist tradition of thought.

The analytical category of 'success'

Two additional analytical categories, demonstrating an underlying unease with an understanding of security as an illocutionary act, have been introduced to the theoretical framework – the ‘audience’ and the application of extraordinary means as a measure of success. Success has, from the earlier writings of the CS, been part of the understanding of securitization. Securitization is supposed to lead somewhere – that is, the justification of the application of extraordinary means.³⁸ These extraordinary means then become the *de facto* proof for ‘success.’ This perspective faces several challenges. Firstly, securitization does not necessarily lead to the application of extraordinary means. While securitization may be used to justify the application of extraordinary measures, such an application, and the kind of measure applied, does not automatically arise from securitization. The utilisation of extraordinary measures as a sign of success, hence, sits uneasily within a theoretical framework which derives its strength from introducing performativity (understood as illocution) into its framework of the production of security itself, as the perlocutionary act (which includes the wished-for response *of another person* but cannot and indeed does not try to explain it), is called upon to confirm that the act was illocutionary in the first place – that it really *achieved* securitization. This, of course, is contradictory in terms.

A second challenge introduced to the theoretical framework through the category of success is the role of practices. While the notion of success along the lines of the application of extraordinary means places the speech act at the beginning of a process and the application of extraordinary means at its end (and as its proof), several authors, particularly those associated with the Paris School (PS), have demonstrated that both individual physical acts which communicate a threat-situation as well as every-day bureaucratic practices do “not merely follow from securitising speech acts but are part of the process through which meanings of security are com-

38 Wæver 1995, p. 55; Buzan et al. 1998, p. 24; McDonald 2008, p. 569.

municated and through which security itself is constructed”.³⁹ In this manner, the “little security nothings,” as Jef Huysmans terms everyday practices establishing knowledge about security, may indeed be more significant and form the basis for grand gestures of political speech acts.⁴⁰ This ‘knowledge’ about security also includes imaginations on the potential ways for acting in the face of threat. Further, acts considered “extraordinary” may also be such which lead to, rather than conclude, an initial communication of threat to a larger social group. A theory of discourse which understands discourses to be also material, as we suggest in accordance with Laclau and Mouffe, includes such acts and practices as an integral part of discourse and therefore does not have to draw a line of separation between everyday practices and dramatizing speech acts. While securitization may be understood in the perlocutionary sense, the theory of speech acts does not connect that which it wants to analyze on the level of individual speech acts to constellations of knowledge or its social construction. It is further not devised to analyse mass communication. It is a valuable contribution to the study of securitization but does not offer the analytical tools to explain which conditions govern (un)successful securitization. It is hence – both in its illocutionary as well as perlocutionary aspects – misplaced as the centre-piece of a theory which aims to explain the social construction of security. A further exploration of the possibilities to integrate insights generated by the PS and the CS may be fruitful in analysing the contextual conditions within which (speech) acts occur. We will come back to the related aspects of power in the next section on the speaker-audience relationship, and focus here on the difficult understanding of performativity within a processual rather than self-referential understanding of securitization.

Difficulties surrounding this nexus between performativity and the meaning of success have in effect played fundamental roles in the creation of different schools of securitization. In the Copenhagen School reading, one must ask: how can the act of undertaking extraordinary means sometimes be proof of successful securitization when other acts beforehand were judged as only attempts at securitization? The central difficulty in linking securitization to particular actions or performances is a quasi-positivist claim, leading to theoretical inconsistency and to challenges in em-

39 Id.; Williams 2003; Hansen 2007; Hansen 2000; Weldes 1999.

40 Huysmans 2011, p. 375.

pirical studies. Success, then, comes to stand in for a vision of “complete” securitization. This vision of complete securitization does not have to hold for an entire ‘society’ but can be restricted to a particular audience within society. A conception of securitization relying on hegemonic constructions is at an advantage here, as it does not presuppose the totalisation of a hegemonic identity – and in fact, excludes it as a possibility for two reasons mentioned previously. Firstly, hegemonic formations remain unable to become totalizations of the discursive space due to the constitutive nature of antagonism. Secondly, articulations always remain only momentary decisions – contingent and embedded in a wider space of undecidability, since the possibility remains for elements to distribute over opposing camps. If applied to the realm of securitization, this means that a “complete” securitization – one that is universally accepted – can also never occur. This is a crucial insight for securitization approaches, particularly when considering the role of the definition of success and several challenging factors that derive from it. Because of this different angle, the conceptual framework suggested here is able to not only understand securitization *despite* counter-movements (such as counter- or de-securitizing movements), but precisely enabled *through* conflict as part of the process. This is especially relevant, of course, for conflict that aids to construct the antagonist line in the first place.

The central questions, then, move away from ones of ‘success’ to those of *where* the antagonist line is drawn and, hence, *how* the hegemonic construction is composed, which discursive elements it incorporates, how closely they are related, and how broad its basis is. Such an analysis can show us which logics and ways of producing knowledge are thinkable and which are not. The view towards the boundaries of the discourse allows us to differentiate disciplinary power related to the constitution of the discourse as basis for intelligibility rather than perceiving only those differences which render any identities *within* discourses possible.⁴¹ Our approach maintains, however, that perfect securitization, just as a perfect identity, can never be reached. Hence, the application of extraordinary means is firmly situated as part of the performative process which is both grounded in the preceding discursive context as well as being part of an ongoing process of any hegemonic project. This includes that each act of representation may further homogenize the collective, which forms the

41 See also Bloom/Dallyn 2011; Hansen 2011, pp. 362, 363.

hegemonic construction, or make visible the cracks therein caused by the variegated moments subsumed within it. Lastly, it may even cause a break of the entire hegemonic framework through attempting to stretch the boundaries of the empty signifier too far. In this manner, ‘successful securitization,’ defined, for example, through the undertaking of a military intervention, might result in a backlash on the legitimacy supposedly attained through the process of securitization in the longer run. Cutting off the analysis of securitization at this stage, as is inherently supposed by the CS theoretical setting, is hence likely to leave the analyst with an improper understanding.

Audience

The category of the audience which was absent in earlier outlines of the CS found mention in the 1998 framework. In this, it has been outlined that a “securitizing move becomes securitization only once an audience accepts it as such”.⁴² Similar to the category of success, it sits uneasily with the illocutionary understanding of security expressed in the text.⁴³ While it holds the potential to transfer the understanding of security onto an intersubjective terrain, the use of the category has been criticized for having been grossly under-theorized to the point that one may deem it inconsequential.⁴⁴ As Lene Hansen argues, the utilization of the category of audience by Wæver has tended more towards a post-structural understanding in which the audience is not pre-existing the act of communication but constituted in it.⁴⁵ However, this too ultimately neither helps to define the speech act as illocutionary (since the opinions and positions of the audience do not follow a fully institutionalized, or conventionalized, script but have to be studied), nor does it help to understand the nature of factors aiding or hindering the process of securitization.

In the CS framework, those factors that may explain the acceptance of the speech act – and thus relations of power – are relegated to a number of rather vague ‘facilitating conditions’ securing the acceptance of the security perspective by an audience. These facilitating conditions point us to: a)

42 Buzan et al. 1998, p. 25; see also McDonald 2008, p. 564.

43 Balzacq 2005, p. 179.

44 McDonald 2008, pp. 564, 571–2; Balzacq 1998, p. 177; Côté 2016, p. 542.

45 Hansen 2011, pp. 360, 161.

the form of the speech act; b) the power position of the speaker; and c) contextual factors such as “conditions historically associated with the threat”.⁴⁶ These contextual conditions, however, are central to any understanding of power exerted – who or what is able to exert power by imposing an interpretation of events on the polity? And not least: is ‘security’ understood as a relevant interpretative framework at all? Stemming from such criticism, constructive revisions of the framework have suggested moving to an understanding of securitization as processual, and to increasing the importance allotted to discourse-based understandings thereof.⁴⁷ Such revisions have emphasized the role of the audience as well as contextual factors.

We agree that it is the thorough examination of contextual factors, understood as discourse, that the speech act approach can be embedded into an explanatory model of securitization. It is the discursive context within which such agency occurs, is enabled, and – most importantly – in which it is heard, understood and judged by others if it is to carry meaning for the social construction of security. We contend however, that the very categorization into speaker and audience is not helpful here. Any approach maintaining such a split between audience and speaker must (implicitly) refer back to contextual factors, which affect the audience but *not* the speaker. The speaker can use contextual circumstances – framed through discursively created understandings and logics – in a strategic manner, while not being affected by these contextual factors him/herself. However, attempts at securitization can only ever occur on a shared basis of intelligibility. As Lene Hansen has pointed out, it is the inter-subjective nature of security, as defined “among the subjects”⁴⁸ conceived of in the CS which renders the approach innovative.⁴⁹ Inter-subjectivity, however, refers to different levels of analysis when considering the CS and the hegemonic analysis proposed in this paper. The Copenhagen understanding of security, as taking place among subjects, refers primarily to the process of acceptance of a securitizing move. In post-structural discourse analysis on the other hand, it refers to the more structural level of intelligibility – similar to Foucault’s notion of ‘episteme.’ As Guzzini argues, while “perceptions can be subjectively varied, but are not reducible to personal whim,”

46 Buzan et al. 1998, pp. 31–32.

47 Stritzel 2011, p. 2492.

48 Buzan et al. 1998, p. 31.

49 Hansen 2011, p. 358.

the question is directed toward that which grounds their condition of possibility.⁵⁰ In our approach of hegemony analysis, inter-subjectivity does not relate to the negotiation of pre-existing subject positions. Rather, articulations are made within a pre-existing discursive field of intelligibility. It is their re-articulation, however, which partially fixes their meaning. The form of such articulation again “may have important consequences [...], and contribute decisively to the shaping of common sense of the masses”.⁵¹ It is hence vital for this study of processes of authorization and power to emancipate itself to a good degree from the very analytical figure of the speaker as well. A more detailed consideration of this analytical figure of the speaker and its relationship to structure and agency is necessary. If such an *explicit* consideration is not present, the understanding of all impulses introduced into the discourse can be expressed and understood only through this narrow analytic construct of the speaker, while the audience is understood as rather passive and homogenous with relation to power.

The category of ‘audience,’ on the other hand, implies a rather passive counterpart, largely responding to clues used by the speaker for the attainment of strategic goals. In this manner, Thierry Balzacq suggests “to think of security pronouncements ... as discursive techniques allowing the securitising actor to ‘induce or increase the (public) mind to adhere to the thesis presented to its assent’ (Perelman and Olbrecht-Tytecka, 1969: 4)”.⁵² Empirical studies demonstrate, however, that such a straightforward relationship between the securitization attempt and the audience’s acceptance should not be presupposed. In this vein, Vuori argues that the intended perlocutionary effects may differ from the explicit justification. Intentional aims may for example also be to express a warning or deterrent, to frame post-hoc justifications for actions or to induce “a controlled silence”.⁵³ Further, the focus on individual moves continues to exclude the possibility of securitization occurring incrementally without any one decisive, *intentional* move towards it.⁵⁴ Beyond this, it also denies the potential that a speaker’s statement is not intended but utilized by an audience (or individuals therein) to securitize a situation. It further denies the potential that an actor expressing views of securitization may not do so for strategic pur-

50 Guzzini 2011, p. 330.

51 Laclau/Mouffe 1985, p. 158.

52 Balzacq 2005, p. 72.

53 Vuori 2011, p. 160.

54 McDonald 2008, p. 569.

poses but as an expression of genuine (and socially conditioned) conviction that security – understood here as a signifier – is the only logic applicable to the perceived circumstances. Consequently, we firstly need to consider here that members of the ‘audience’ are actors themselves inasmuch as they relay, modify, multiply or counter statements. Adam Côté, in a meta-analysis of 32 empirical securitization studies, has outlined the rather variegated and mostly very active role of the audience. Thus, he finds that in several case studies, the audience “actively challenged, questioned, and/or supported claims [...] undertook independent actions to modify, bolster, or destabilize security meanings,” were able to actively act upon and interpret the contextual circumstances so that their agency cannot be seen as being merely produced by those circumstances.⁵⁵

Beyond this, we argue that there is no context on which a speaker may rely which does not affect him or her as well. Such an understanding would have to be premised on either a) the speaker being completely disjoined from the knowledge-base of the listener, or b) a reality outside of the discursive knowledge-base to exist to which the speaker has access but not the audience. Such an understanding is mirrored in the assumption that “language does not construct reality, at best, it shapes our perception of it,” while some occurrences such as ‘brute threats’ contain an essence which is not constituted through discourse.⁵⁶ While we agree that context is important and its inclusion and theorization is of great value to any theory of securitization, we do not agree with an understanding that some parts of reality are beyond the discursive construction. As Laclau and Mouffe outline, a discourse-theoretical approach does not relate to the ontological question whether a reality outside of discourse exists. It instead insists that any perceived reality can only be made sense of *within* the relationality of discourse.⁵⁷ Discourse here is the central category which establishes the anchor of shared understandings of differing subject positions, within which the norms, values and preferences are understood and negotiated. It “delineates the terms of intelligibility whereby a particular reality can be known and acted upon”.⁵⁸ Arguably, particularly those issues which are constructed as being outside the discursive framework, thus attributed an intrinsic essence, are those which form the most stead-

55 Côté 2016, pp. 550, 551.

56 Balzacq 2005, pp. 181, 190.

57 Laclau/Mouffe 1985, p. 94; Holzscheiter 2014, p. 144.

58 Doty 1996, p. 5.

fast basis of the relational web of construction of meaning. Following this logic to its end entails that also the fear of (abstract) death – and thus the logic of security – is such a constructed understanding. The concept of insecurity and threat hence presupposes an actor's awareness of circumstances judged to constitute these.

State-centrism

The CS has largely imagined the speaker-audience relationship to be structured through the entity and influence of the state as the locus of power over defining threats and security. We argue that this is neither entirely accurate nor entirely false. Rather, we contend that structures of the state are part of the more fundamentally institutionalized discursive context within which securitising acts occur.

While the CS has traditionally assumed power to lie with state elites, various studies have demonstrated that these are not necessarily the actors most likely to successfully push for securitization. As a consequence, Holger Stritzel has argued that “positions of power within discourse to ‘define security’ should not simply be assumed but should rather be an essential element of empirical analysis itself: an *assumption* of authority should be replaced by the empirical *study* of processes of authorization”.⁵⁹ While he makes an important point here, it remains important not only to re-conceptualise the *distribution* of power to securitize. Such a perspective views the concept of power too narrowly, since it does not touch upon the power of security as a logic of social relations, and presupposes a basic acceptance of this logic. Here, the study of hegemony again proves helpful and indeed essential. It is able to analyse the web of intelligibility within which an acceptance of the logic of security is based and constructed. A central aspect of this is the understanding of the construction of claims to representing society and polity through, and in response to, constructions of threat and security. States have, from the classical tradition founded by Machiavelli's writings onwards, dominantly been understood as instruments attempting to create security from the sphere of international anarchy, thus enabling the very existence of polities.⁶⁰ While the state struc-

59 Stritzel 2012, p. 556.

60 Huysmans 1998.

tures of power to securitize as pointed out by CS certainly exist, these are not independent factors but created through the relationship of actors of which they attempt to make sense. Guzzini here adequately outlines that “the realist reading of security ... is not to be understood as the ‘essence’ of security but rather as the effect of a historical development in which certain actors have come to be authorized to talk and effect war and peace in a ‘realist’ way”.⁶¹ Developing this argument further, one may call (state) institutions conventionalized or codified positions of power in discourse. The central point here is that “any form of power is constructed in a pragmatic way and *internally* to the social, through the opposed logics of equivalence and difference; power is never foundational”.⁶² In the case of security, this means that in traditional analyses, as in the CS, we can observe a merging of the discursive constructs of *security* and *the state*. However, the authority and power with which both are endowed is also internal to discourse. Two points follow from this analysis. Firstly, states or state representatives do not necessarily hold power over dynamics of securitization. Their power depends on the acceptance of the conventionalized positions of power they attempt to embody. Where the state is discredited as a legitimate actor, it does not hold such power – the array of possible positions state representatives can legitimately take are also restricted based on dominant discursive patterns. Secondly, an analysis of alternative claims to the power to securitize hence does not radically question the logic of security but merely challenges the (institutional) structures through which it is channelled. Hegemony analysis holds two advantages here. It can point us toward the question of which potential claims on the creation and constitution of ‘society’ and politics are excluded. What is more, it shows clearly that both the individual securitizing move and the position of the speaker (as state representative or other) are shaped by, in and through discursive formations. Hegemony analysis can hence help us to apply the called-for analysis of the constitution of power, while on the one hand evading the difficult *state-centric heritage* of the CS and on the other hand not neglecting potential positions of power and influence channelled *through* (the discursive figure of) the state.

This understanding also carries a wider implication for the relationship between the CS and PS approaches. The Paris School’s focus on (institu-

61 Guzzini 2011, p. 335.

62 Laclau/Mouffe 1985, p. 129.

tionalized) and bureaucratic practices that may directly or indirectly enable securitization of a given issue can be reinterpreted as an essential component of an analysis of hegemonic discourses. Such practices are enabled through a shared understanding regarding functions which particular state or other actors are tasked to, and allowed to undertake. Once they are undertaken in one fashion or another, they discursively impact the subject issue (as well as on the institutions which authored the act). While some institutions may have the power to act in ways which individuals or other institutions cannot (including the creation of statistics, using military and financial means etc.),⁶³ this is not to be equated with the power to securitize. The power to securitize is always a combination of an articulation and the way in which this articulation resonates and is taken up within broader discourse. This perspective, as it locates power in discursive formations, fundamentally calls into question the binary speaker-audience relationship assumed by CS-inspired approaches to securitization. While there appears to be a binary logic in articulation and resonance, we must keep in mind that the articulation itself is affected by the discursive system of intelligibility it attempts to influence. The speaker-audience dichotomy tends to ignore that those aspects seen as constituting the position of the speaker, implicitly or explicitly, are of a structural – that is, discursive – nature. An approach based on the presumption of fixed positions of influence further underrates the ability of such structures of meaning-making to change within the process of their attempted fortification. Hegemony theory adds this aspect through reminding us that “hegemonic discourses always only imagine themselves as the appropriate order representing a specific field”⁶⁴ and are able to exist only through antagonism.

Hegemony theory can go some way in this respect as it is able to consider in more detail the dynamics and structures that lead to power *within* discourse. The *power to securitize* then lies within rules of the social – all of which are, essentially, discursively constituted. It is the structure of discourses that determines which subject-positions may carry legitimacy as well as which institutionalized positions carry weight and meaning under which circumstances. The power to securitize then essentially lies on the level of differences within discourse, while the power of securitization is the constitution of an antagonist divide. Both levels, of course, cannot be

63 See, for example, Hansen 2000.

64 Stäheli 2000, p. 55, authors' translation.

analyzed independently of each other. Hegemony theory offers a perspective to combine the analysis of these two levels. It allows us to move beyond the speaker-audience dichotomy, and offers a view on the processual formation of identities through the drawing of antagonist lines. Its explanatory power hence extends to both the question of the boundaries of the discursive formation *and* simultaneously allows to account for change in this formation. The hegemony approach articulates an understanding of politics as the conflictual negotiation of that which represents the common space.⁶⁵ In this understanding, securitization is not the end of normal politics but part of it.

'Financial stability' – The referent object and empty signifier

In the following it will be shown, by way of example, how securitization approaches may be fruitfully enhanced by a discourse theory of hegemony. 'Financial Stability' will be analysed both as a reference object and as a hegemonic framework. Thereby different (power) dynamics of and within processes of securitization that offer a more throughout analysis of how the language of threat and security shape (political) discourses become apparent.

The Financial Crisis of 2008-09 seems to be a 'classical case' of securitization in the Copenhagen sense. The near collapse of the financial system, most prominently the breakdown of Lehman Brothers, invoked political discussions about how similar events may be prevented in the future. There seems to be a political consensus that financial market practices had been misguided and abused by greedy 'banksters.' Speculation and gambling were deemed to be the causes of the crisis. As a consequence, political leaders expressed the need to react in order to 'calm the markets' and to prevent worse from happening. The security of the population in financial terms and of the financial system as a critical infrastructure were depicted as threatened and in need of protection.⁶⁶ Extraordinary measures were taken to rescue banks and maintain the financial system. Billions of euros and dollars of public money were made available overnight. The causes of the crisis and possible consequences were debated in the broader

65 Nonhoff 2006, p. 109.

66 Langley 2014; Boy/Burgess/Leander 2011, p. 116.

public and among policy-makers and experts. While within the broader public debate all sorts of crisis interpretations, such as the end of capitalism and the return of the strong state, circulated,⁶⁷ crisis explanations within the circle of high-level political decision-makers were narrowed to a perspective that only focused on ensuring ongoing financial circulations. This discursive narrowing was based on crisis explanations that rest on specific epistemologies. These include financialised methods and techniques of economic handling that were all present within the administration of the crisis. As Paul Langley explains, “crisis management mobilized a diverse array of calculative devices of economy, not least because they provided quantitative, material indicators of the extent and nature of the problems at hand”⁶⁸. This kind of crisis management can only be understood when considering the hegemony of certain kinds of economic thinking, foremost neoclassical convictions, which were in place before the crisis and were reproduced post-crisis. This hegemony is based on a number of circumstances, such as the prevalence of an “economic style of reasoning” among policy-making elites,⁶⁹ as well as the dominance of financial capital in (especially United States) politics, and not least “its central place within the accumulation regime,” meaning the increasing influence of finance on everyday life.⁷⁰ In addition, there have been insightful contributions that trace the historically close connections of finance and the state⁷¹ and show the political nature of the distinction between financial speculation and gambling.⁷²

Securitization of finance – The referent object of financial stability

It is essential to consider the market-based-principles of the hegemony to understanding why high-level politicians such as United States President George W. Bush as well as European leaders provided an interpretation of the crisis in which financial practices and the financial industry itself were conceived as threatening and in need of stricter regulation. At the same

67 Hassel/Lütz 2010, p. 252.

68 Langley 2014, p. 9.

69 Hirschman/Berman 2014, p. 790.

70 Scherrer 2011, p. 227.

71 Boy 2015.

72 De Goede 2005.

time, financial markets in general and ongoing financial flows were recognised as a common good which needed to be protected. In many of their speeches and interviews, western politicians used the term ‘financial stability’ (or German ‘Finanzmarktstabilität’) to describe what needed to be restored, protected, and maintained for the future. This term evolved to be the antagonist to a declared status of crisis. While in the time of immediate crisis management the aim of political action was to overcome crisis, in the years that followed the crisis the signifier ‘financial stability’ served as a constant reminder of what had to be avoided by any means.

One remarkable example has been provided by former US President George W. Bush in one of his first speeches to explain the crisis and the government’s action to the public. At the peak of financial turmoil, on September 24, 2008, Bush gave an ‘Address to the Nation on the Financial Crisis,’ employing the language of threat and security to legitimize the government’s action of bank-bailouts. He first provided a short explanation of the situation as “an extraordinary period for America’s economy,” which he describes to be “in danger.” After giving his analysis of the situation, he explained that he was faced with a choice: “To step in with dramatic government action, or to stand back and allow the irresponsible actions of some to undermine the financial security of all.” He legitimized his intervention in the financial markets – normally unthinkable for Republicans as the staunchest believers in enabling market forces – with an apocalyptic outlook on possible consequences if these actions were not taken:

“More banks could fail, including some in your community. The stock market would drop even more, which would reduce the value of your retirement account. The value of your home could plummet. Foreclosures would rise dramatically. And if you own a business or a farm, you would find it harder and more expensive to get credit. More businesses would close their doors, and millions of Americans could lose their jobs. Even if you have good credit history, it would be more difficult for you to get the loans you need to buy a car or send your children to college. And ultimately, our country could experience a long and painful recession.”⁷³

These concrete and personalized scenarios sustained the abstract threat of a financial meltdown and help to legitimize the government’s ‘rescue plan’ that had already been decided upon. At the end of his address, Bush promised to reinforce various regulations “once the crisis is resolved” by

73 Bush 2008a.

closely examining “operations of companies across the financial spectrum and ensure that their practices do not threaten overall financial stability.”

About a month later, on the morning of October 10, 2008, after global financial markets had experienced their worst weeks for decades, the President gave another short statement in the White House Rose Garden:

“Good morning. Over the past few days, we have witnessed a startling drop in the stock market — much of it driven by uncertainty and fear. This has been a deeply unsettling period for the American people. Many of our citizens have serious concerns about their retirement accounts, their investments, and their economic wellbeing. Here’s what the American people need to know: that the United States government is acting; we will continue to act to resolve this crisis and restore stability to our markets.”⁷⁴

Financial stability was the core term that was used to mark what on the one hand had to be restored because it was lacking in the state of crisis, while on the other hand what had to be protected in the future. It was the referent object of securitizing moves that rendered certain practices within the financial markets as threatening. Similar to what the Copenhagen School model has emphasized, the statements helped to legitimize the extraordinary actions of state elites to intervene in financial markets.

Similarly, the German Chancellor invoked ‘Finanzmarktstabilität’ (financial stability) to legitimize the passing of a bill that should stabilise financial markets (‘Finanzmarktstabilisierungsgesetz’). These laws were decided upon exceptionally quickly, considering the fact that billions of euros were at stake. The cited passage gives an example of how Merkel framed the crisis in order to justify these extraordinary policies. First, she declared financial markets an important public good that needs protection. Then she explained how this public good, the financial markets, was threatened. And she renewed the securitizing move by stating that the “threat to financial stability is not tamed yet.”

“The financial system plays a central role to ensure the working of the broader economy and thereby to ensure growth and employment. (...) Our proposed law serves to protect this system. Even more so it serves everybody, it serves the public good.” (...)

“Let me say it clearly, the threat to financial stability is not tamed yet. We must act as quick as possible and pass the law to lay the foundation for the markets to calm. This is decisive for growth and employment.”⁷⁵

74 Bush 2008b.

75 Merkel 2008, authors’ translation.

These examples represent a broader political discourse that dominated the immediate political crisis management and thereby provided a discursive frame that foreshadowed post-crisis efforts on financial governance. They show that political leaders used the language of security to describe the events and political reaction to the financial crisis. The period of immediate crisis management, from summer 2007 until the end of 2009, entailed both intense political pressure to prevent the financial trouble from becoming a full-blown economic crisis and a small circle's crisis-management efforts conducted behind closed doors. This opaque form of crisis politics adjusted its political practices to the requirements of the financial market, meaning that political actors strove foremost to prevent any further financial distress. Decisions were taken on the weekend and presented before 'the markets open,' meaning before the stock markets around the globe started their daily business. Within political decision makers' public statements, 'financial stability' was used as the referent object which needed to be restored and protected. It was the discursive antagonist to the 'crisis,' the threatening Other. Similar to what Jef Huysmans outlines for the 'thick signifier,' the empty signifier received meaning through its antagonistic relation to other signifiers (crisis, instability) in a chain of other signifiers, such as a threat to financial stability that put the qualifier in relation.⁷⁶ Huysmans also highlights that signifiers like 'security' are not a neutral device of expression. In relation to the language of security, financial stability implies a certain meaning and a "particular signification of social relations"⁷⁷. How these social relations unfolded will be analysed in the following section.

Following the crisis, 'financial stability' became an omnipresent term. It was used to refer to the desired condition of the financial market – globally and nationally. An analysis informed by discourse theory of hegemony leads to the question: What conditions led 'financial stability' to become a unifying sign for the post-crisis regulatory discourse? As the construction of hegemonic formations is always relational to the construction of a radical Other, we have to examine what the radically different entailed – that is, to analyse those elements to which financial stability necessarily related in order to become an interpretive framework of financial governance.

76 Huysmans 1998, p. 228.

77 Id.

The threatening Other, the undesired in the discourse on financial regulation was the emergence of another financial crisis similar to the one that had just occurred. This corresponds to the Copenhagen securitization approach. The threat of another financial crisis served as constant legitimation for the extraordinary measures that were taken as immediate crisis response as well as following political efforts to regulate financial markets. By constantly renewing the threat of a possible financial crisis, political decisions-makers gained legitimacy and defended their interference in financial markets – even if they considered themselves a ‘strong believer in free enterprise,’ as the former American president did. By analysing the discourse of financial regulation, we can observe how this threatening Other was constructed and mobilized in temporally differing dimensions. The first dimension implies a look backwards to the preceding financial crisis which had just been overcome, and the second dimension refers to future imaginaries and the prevention of a similar crisis which was the central aim of policy-making. ‘Financial stability’ was considered a public good because it was intended to reduce insecurity for the profoundly financialised societies of many western democracies. Personal savings, stock market exchange, bank loans and the production-based economy relied on a functioning financial system. At the peak of the financial crisis, some of these market activities nearly came to a standstill. Although it remains unclear when and if a condition of ‘financial stability’ is reached, the perception of absence of crisis already carried effects. The ‘diagnosis’ of a situation as a crisis or not-crisis situation makes it ‘governable’.⁷⁸ These effects show that ‘financial stability’ does not refer to an external reality, but interprets, and in doing so, constructs reality.

‘Financial stability’ related to the threat of crisis as its antagonist, which made the constitution of (unusual) blocs possible. For political decision-makers, financial stability entailed the prevention of another large-scale crisis that would possibly make another government intervention necessary. Several institutions of financial policy-making – the International Monetary Fund (IMF), the Bank for International Settlements (BIS) and central banks – gained legitimacy to enhance their monitoring and assessment of financial market activities. Central bankers supported this because it added another pillar to their responsibilities, and was able to embrace new concepts such as ‘systemic risk.’ Finally, for market participants it

78 Wansleben 2011.

promised a comeback to a normalized state of affairs in which they could conduct their business without considering possible financial turmoil. Striving and working for financial stability became hegemonic, meaning it became “widely shared common sense” and common political will.⁷⁹ These characteristics of an empty signifier were an asset on the level of policy-making, but they were an obstacle on the level of implementation.

An analysis following the Copenhagen School approach would probably stop at this point and declare a ‘successful’ securitization. Political elites performing the securitizing move claimed authority for the use of extraordinary measures and thereby also strengthened the state’s priority in dealing with security issues. ‘Financial stability’ was established as referent object to be protected against future financial crises. However, the case of the financial crisis shows, crucially, why this kind of analysis leaves us with an incomplete picture. The following section will demonstrate why it is important to have a broader framework of analysis, as there is a discrepancy between the ability to securitize and to control the effectiveness of securitization.

Expert discourses and the hegemony of ‘financial stability’

Following the immediate phase of crisis management, after the public securitisation of finance in the Copenhagen sense, legitimizing the use of extraordinary measures, debates on how to prevent another large-scale crisis began. The debate about the future policy framework, however, was less public than the just-cited securitization of the financial system. While financial regulation remained for some time central to ‘high politics’⁸⁰ and a small circle of experts on financial governance had been in place before the crisis, discussions about ‘greedy bankers’ did not fill newspaper pages anymore. Hence, starting from late 2008 and most obvious in 2009 and the following years, we find different discourses that were concerned with the consequences of the crisis. During the high times of crisis management, especially in 2008, we find a vivid public discourse that was dominated by demands for stricter rules for an out-of-control financial industry. At the same time, there was an expert discourse among the members of a rela-

79 Mouffe 1993, p. 53.

80 Engelen et al. 2011, p. 165.

tively small group within the financial-policy elite who had a direct influence on policy-makers. These two levels of discourse – a crisis-oriented, politicised public discourse and a deliberative technocratic one – developed independently.⁸¹ The experts who were consulted by policy-makers did not react or refer on the public discussion, and there was little media coverage of how their discussions of financial regulation evolved over time. What unites both discourses and the subject positions involved is the concern about the avoidance of another crisis which is connected to the empty signifier ‘financial stability.’ In both discourses an antagonist line is drawn between the desired ‘financial stability’ and the threat of crisis.

After 2009, the public interest in financial regulation decreased and the discursive dramatization lost momentum. This was partly due to the fact that the sovereign debt crisis in Europe – also caused by the financial turmoil of the financial crisis event of 2007-08 – received most of the public’s attention in late 2009. Public discourses switched to the threatened failure of currency that was depicted as more pressing than the threat of an unstable financial system. The possible break-up of the Eurozone appeared potentially devastating as it implied severe consequences that endangered the survival of the European Union.⁸² The social upheaval that could result if the currency union failed was considered more dangerous than the abstract threat of financial market distress. The securitization of the Euro Crisis thereby led to a de-securitization of the global financial crisis and the issue of financial regulation; in Lene Hansen’s terms, one can speak of ‘desecuritization by replacement’.⁸³

By framing the causes of the crises less morally and rather technically, the discourse of financial regulation was primarily held within rather small circles of experts and less visible in evening news headlines. These circles had close relations to those political decision-makers who regularly convene in the G20, a forum established in response to the crisis in order to strengthen international financial regulation. In their response to the crisis, the G20 requested the IMF, the BIS and the newly established Financial Stability Board (FSB)⁸⁴ to provide reports on the causes and possible regulatory responses to the crisis. These bodies were a central part of fi-

81 Bieling 2014.

82 Langenohl 2013.

83 Hansen 2012, p. 529.

84 Established by the G20 after the summit in London in April 2009 as the successor of the Financial Stability Forum (FSF).

financial market governance before the crisis, and their reports are nodal points within the wider discourse on financial regulation. In their publications, these bodies depicted the causes of the crisis in the insufficient regulation of financial market practises and less in questionable practises themselves.⁸⁵ The reports of IMF, BIS and FSB provided the basis for discussion among political leaders who in turn set the framework for further regulatory work.

The experts of IMF, BIS, and FSB are part of the formations of financial governance that were already in place before the crisis. Central Banks, such as the European Central Bank, the New York Fed and the Bank of England, are also important actors within the discourse on financial governance that is decisive for the apparatus of financial regulation that includes national authorities. Although these apparatuses of security obviously did not prevent the events of the crisis, due to their legitimation through the various bodies they successfully gained legitimacy to be part of the post-crisis regulatory discourse that aimed at establishing new policies. Here we find those “security professionals”⁸⁶ and routinized practices of security, such as regulatory controls of banks or the accumulation of data on financial market activities. The aim and promise that the policy proposals initiated in these bodies to serve financial stability helped the financial market experts’ position to stake a hegemonic claim. Hence, interventions and regulations that followed the crisis aimed at improving market governance, not at dismantling markets.⁸⁷

In this discourse on how to re-regulate financial markets, ‘financial stability,’ especially in times of crisis, served as an empty signifier that was able to relate to the dominant subject positions within the financial policy discourse. It related to the position of political decision-makers whose primary aim in the reform process was to avoid another large-scale crisis. They connected with ‘financial stability’ because, as the discursive antagonist to ‘crisis,’ it implied for them the future prevention of crises. Several international bodies of financial governance, such as the IMF and the BIS, also related to ‘financial stability’ because it aligned with their convictions that financial markets monitoring, surveillance and analysis needed to be widened instead of banning particular financial market practices. Their position and legitimacy was strengthened and also resulted in widened

85 Kessler 2013.

86 Bigo 2002, p. 74.

87 Preda 2009, p. 2.

mandates and expansions of their capacity in terms of staff and financial support.

There are several levels of financial market governance that also connected their action to the empty signifier ‘financial stability.’ On an institutional level, several high-level bodies and reports were initiated that focused on the issue of financial stability. In the G20’s ‘Common Principles for Reform of Financial Markets,’ (2008) financial stability was the central concern of future international cooperation. Additionally, the G20 established the already-mentioned Financial Stability Board (FSB), whose primary tasks was to monitor and address risks to the global financial system and to develop a new framework for financial regulation (G20, 2009). Additionally, on the supranational level, several high-level bodies were established whose mandates include “safeguarding financial stability,” as in the case of the European Systemic Risk Board.⁸⁸ On the German national level, the ‘Finanzstabilitätsausschuss’ (Financial Stability Committee) was initiated, bringing together German central bankers and politicians concerned with the financial sector to discuss potential threats to financial stability. Also, the IMF reinforced its ‘Global Financial Stability Reports.’ These measures were also a signal to the public that action was taken to avoid another financial crisis. While changes in financial regulation were less, if at all, visible to the public, the establishment of new financial market authorities was a clear signal. By naming these bodies similar to the empty signifier ‘financial stability,’ the message was even clearer, and it shows again how the empty signifier connected expert and public discourses. At the same time, economists and analysts working in these bodies substantiated their claim to act and speak as (financial) ‘security professionals,’ and thereby closure of the expert discourse continued.

Instability of the empty signifier

After analysing how ‘financial stability’ connected the public and the expert discourse and how it helped to relate separate subject positions within a hegemonic formation, this section will address how attempts to substantiate the empty signifier led to instability in the discourse formation that had evolved around the empty signifier. This analysis will concentrate on

88 EU-Regulation No 1092/2010.

the experts' discourse in which economists of several institutions of financial governance are involved. Concerning the question that touched on the concrete interpretations of 'financial stability,' the instability of relations between subject positions and empty signifier becomes apparent. By following the discourse on implementation, the fragility and only temporal fixation is rendered obvious. The more concrete demands to financial stability are, the more contested they become.

The term 'financial stability' is not entirely new to financial governance. It was also used before the crisis, mostly to refer to the interconnectedness of multiple financial intermediaries. However, during this time, regulatory principles rested on the conviction that the purpose of regulation is to ensure the 'soundness' of individual institutions when they lose assets, so-called 'microprudential regulation.' For example, the G7 in 1997 proposed to "develop a strategy for fostering financial stability through the analysis of experiences in previous crises and to elucidate basic standards and principles to guide individual economies in the development of stronger financial systems".⁸⁹ In order to ensure soundness, the pre-2008 crisis approach assesses the risk that *individual* institutions take, often on the basis of banks' risk models. It assumes the quintessential micro-prudential dictum that "financial stability is ensured as long as each and every institution is sound".⁹⁰

Financial stability became open to redefinition, which occurred when it was combined with other concepts in novel ways.⁹¹ Within the above-mentioned influential publications of IMF, BIS and FSB, we do not find a shared and consensual definition of financial stability with regard to constantly changing financial markets.⁹² The following will deliver a closer discourse analysis within the field of financial governance and the bodies that are responsible for monitoring, surveillance and ultimately the consideration of interventions in financial markets. Before new security practices were to be implemented, the broader framework given by political decision-makers needed to be interpreted and turned into concrete practices or, in turn, ongoing security practices needed to be related to shifting hegemonic claims in financial governance.

89 Arner/Buckley 2010, p. 16.

90 Crockett 2000, no pagination.

91 Smith 2003, p. 78, referring to Laclau and Mouffe.

92 Kessler 2009, p. 164.

As Gabriele Galati and Richhild Moessner describe in their BIS working paper (2011), there was no commonly shared (working) definition of ‘financial stability’.⁹³ It was often discussed in connection to another buzzword of the crisis: ‘systemic risk.’ How to define, identify and measure systemic risks was contested as well. However, systemic risks were identified as one of the central causes of the crisis. These risks were not seen as lying with specific financial entities but in between them. New approaches to financial regulation that were introduced following the crisis, most importantly the ‘macroprudential’ approach to regulation, sought to tackle the threats which systemic risks posed to financial stability.⁹⁴ However, there were considerable differences in what exactly the aim of post-crisis regulation should be. The Bank of England stressed in 2009 that the aim of the macro-approach should be the “stable provision of financial intermediation services”,⁹⁵ while BIS economists Claudio Borio and Mathias Drehmann argued that it should limit the risk of episodes of financial distress that have macroeconomic costs.⁹⁶ While for the first definition the aim was to enable ongoing financial market flows, the second claim aimed at primarily avoiding costs for the wider economy. When considering concrete policies, these differing aims matter. They caused the post-crisis discourse coalitions to erode as the empty signifier ‘financial stability’ lost its ability to relate to diverse subject positions within the discourse. It was agreed that regulatory policies should aim at providing financial stability; however, there was no commonly shared definition of ‘financial stability’.⁹⁷ It was usually characterized negatively, and circularly, as the absence of threats to itself, i.e. as “being impaired whenever widespread defaults threaten to take place, due to either a banking or a sovereign debt crisis”.⁹⁸

The lack of a concrete (positive) definition of financial stability can be seen as necessary to gain the support of differing subject positions within the discourse on financial regulation as a whole in order to make a hegemonic claim. As shown, it remained an abstract code that could be connected to differing meanings, and be formulated by differing subject pos-

93 Galati/Moessner 2011.

94 Baker 2013.

95 Galati/Moessner 2011, p. 6.

96 Galati/Moessner 2011, p. 5; Borio/Drehmann 2009.

97 Galati/Moessner 2011.

98 Borio/Toniolo 2011, p. 19.

itions. By analyzing how the discourse on financial regulations evolves, we can see how these formations become unstable and how the partially fixed meaning erodes. As questions of concrete implementation arose, the concept was quickly criticized because there were no concrete means to measure ‘financial stability.’ Quantification is essential within a field that rests on the positivistic belief of neutral, evidence-based modelling and objectivity. Subsequently, different market authorities, for example the ECB or the Bank of England, developed their own understandings of how financial stability could be understood in regulatory practice. Also, certain articulations emerged that point to the partly conflicting varieties in the meaning of ‘financial stability’,⁹⁹ or which questioned the relevance of financial stability as core concept and demanded a shift within the discourse.¹⁰⁰ The lack of clarity of the empty signifier ‘financial stability’ becomes apparent and problematized and leads to new antagonisms within the discourse of financial regulation while the unifying effect of a hegemonic formation was lost. Paul Tucker, for example, exposes differing competing interests that all seek to speak in the name of financial stability.¹⁰¹

The powerless securitizer? Controlling the effects of securitization

Analysis of ‘financial stability’ as a reference object and as an empty signifier permits scrutiny of the claims connected to the hegemonic formation and subject positions from which these were articulated. The Copenhagen School claims that securitization gives legitimacy to political and state elites to leave the realm of ‘normal politics.’ In their understanding, securitizing speech acts invoke a semantic repertoire by framing a certain problem in the language of security. In consequence, handling this problem is the prerogative of a centralized authority, usually the government of the state.¹⁰² In the case of the securitization of finance in 2008, we can see the limits of this theoretical framework when considering who had the power to securitize and who had control on the effectiveness of securitizations.

99 Allen 2014.

100 Kessler 2009.

101 Tucker 2016.

102 Buzan et al. 1998; see Langenohl’s contribution to this volume.

Although national political elites decided on the exceptional measures taken in the course of crisis management through (partly) nationalizing banks or bank bailouts, these measures were only taken after careful considerations with other political leaders and non-political elites, such as central bank governors and also leading figures of financial market entities, such as bank chief executives.¹⁰³ Nearly every step that was taken to counter the state of crisis was decided, or at least coordinated, on the supranational level. The following measures to prevent another large-scale crisis were initiated, coordinated and largely prepared for implementation by the mentioned institutions of financial governance. These financial market governance institutions had supported the pre-2007 hegemonic discourse on financial regulation, which was dominated by the conviction that financial markets would self-correct and strict regulation would harm economic growth. However, after the crisis events of 2007-08, this discourse was not able to relate to articulations that arose with the crisis: a strong state and stricter regulation. In order to be included in the post-crisis discourse on financial regulation, actors and institutions that had been able to relate to the pre-crisis hegemonic claim of market efficiency had to demonstrate their ability to relate to the changed discourse. By responding to the crisis with “key lessons from the turmoil” and “policy lessons”,¹⁰⁴ they performed a discursive shift toward the rising hegemonic formations that questioned the dogma of financial market efficiency. Already before the crisis, some questioned the hegemony of market efficiency; however, they only succeeded in forming a discursive formation after the events of financial crisis could not be integrated in the discourse of self-correcting and efficient markets. However, the hegemonic formation around ‘financial stability’ was able to discursively integrate crisis descriptions and claims. In turn, political leaders within the G20 followed these discourse formations in their crisis diagnosis and took up many of their proposed policy responses.

Already during the high times of crisis management and even more so during the process of reform, demands articulated by actors connected to financial markets increasingly gained importance. Their articulations were readily connected to the signifier ‘financial stability,’ and eventually their interpretations of the reference object were implemented. The discourse

103 Steinbruck 2011, pp. 200ff.

104 IMF 2008, p. 1.

on the implementation of financial stability connects the speech act of securitization to the level of security practices. On the latter level of providing security, certain actors were empowered to ‘create’ security. In the case of financial governance, these were certain bodies and financial market authorities whose mandates are widened in order to provide financial stability, such as the ECB and the Bank of England. Within these authorities, we find the ‘security professionals’ of financial governance that supervise financial market activities. In taking this position they were able to make claims about the rightfulness of financial market practices. It is within these bodies and institutions that the political framework on the provision of financial stability was transferred into concrete methods and policies.

Coming back to the initial observations that political decision-makers made securitizing moves and thereby legitimized their interference in financial markets, the outcome of this process is remarkable, when considered from the Copenhagen School’s perspective. Their approach proposes the speech-act theoretical model of securitization, according to which political actors gain legitimacy to act in labelling an economic problem as existential for the existence of the polity.¹⁰⁵ As cited above, political leaders made such securitizing moves and thereby claimed their right to intervene in and regulate financial markets. It is important to note that in the case of the financial crisis, these interventions were not a straightforward crackdown by political elites. Instead, actors that were decisive in determining which policies were to be taken were part of an elite of financial governance that had already been in place before the crisis. The discourse analysis of hegemony provides a more nuanced picture of how political and financial elites interacted. This continuance emphasises the need to take into consideration the constellations of security practices and tools as well as ‘security experts’ that are already in place.

The analysis underlines the importance of the different forms of power discussed in Andreas Langenohl’s contribution to this volume. Only focusing on the linguistics of the securitizing move does not provide a full picture of power relations and their dynamics. As stated by Langenohl, the power of securitization, meaning “*consequences that arise from such acts of securitizing communication*,”¹⁰⁶ are also part of the securitization pro-

105 Wæver 1995.

106 Langenohl, in this volume, p. 56.

cess. An analysis restricted to the Copenhagen understanding of securitization would not consider how the effects of the securitization evolved, although this strongly alters the assessment of the post-crisis developments. Also, focussing on the speech-act of securitization does not consider which hegemonies have already been in place and may have been undermined by the events of the crisis. Focussing on the speaker and the securitizing speech-act may even narrow the analysis by foregrounding actors and speech acts as those that would be decisive without considering where their articulations stem from. In the case of post-crisis financial regulation, the Copenhagen School's framework would leave the researcher with the impression that political elites succeeded in re-claiming their right to govern financial markets. A discourse analysis of hegemony discloses that political decision-makers were not in control of the securitization dynamics in which they were involved. The broader discourse analysis helps to understand how certain actors belonging to the field of financial governance profit from the securitizing move at the expense of the securitizing actors. In the above-cited, securitizing moves political leaders claim to use their agency to act and control financial markets. The analysis of the reform process that followed this securitization showed that while the dramatization of the discourse put pressure to act on the political elites, the empty signifier 'financial stability' allowed only certain articulations to be included into the hegemonic formation. It integrated political demands as well as articulations stemming from an elite of financial market governance. Eventually, it was especially this elite whose particular articulations were linked the empty signifier 'financial stability' and which gained authority in the discourse on financial reform. This relation strengthened their status as experts of financial governance and gave them a prerogative to propose specific security measures and thereby to occupy the position to control the power of securitization.

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Legitimacy and Security from a Historical Perspective: A Case Study in the History of Terrorism*

Carola Dietze

1 Introduction

Faced with political violence such as terrorism, Western societies have, since the turn of the millennium, put security issues high up on the agenda again. In response to the numerous attacks that have taken place since 2001 in New York City, Alexandria, VA, Bali, Moscow, Beslan, Madrid, London, Mumbai, Sydney, Paris, Brussels, Ankara, Istanbul, Jerusalem, Nairobi, Berlin, Teheran, St. Petersburg, Barcelona and Turku, among others, new security laws have been passed in the United States, as well as in many European countries, Russia, Australia, and Turkey, especially. With these laws, parliaments and governments intend to strengthen national and international security authorities by creating new security agencies or reorganizing and enlarging existing ones, by improving the agencies' equipment, and by extending their regular and exceptional powers to act against citizens and non-citizens alike. At the same time, on an international level, wars and military interventions have been led with the declared aim of fighting terrorism and (re-)building nation states in the name of global se-

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curity. As a result, security measures and/or interventions in the name of security have directly or indirectly affected many people in most countries of the world in one way or another.

In correspondence with the rising importance of security measures in political, public and private life, research and discussions regarding security issues have gained momentum in academia. Before the turn of the millennium, debates on security and securitization were mostly confined to comparatively small and self-contained circles of researchers working in institutions and think-tanks specifically devoted to security studies and political consulting. Since 2001, university teachers and scholars in other disciplines have increasingly taken up the topic of security as well.¹ In addition to this widening of the field, research in specialized security and securitization studies has intensified and gained increasing recognition beyond their immediate circles. Hence, the study of security and securitization currently is a vibrant and important field of study in many ways.

The cross-fertilization between, on the one hand, security studies and securitization studies and, on the other hand, the social sciences and the humanities more generally has enriched discussions in a wide range of disciplines by opening up new questions, perspectives, and interpretations. This may be especially true for the discipline of history.² Conversely, the engagement of scholars from disciplines other than International Relations with issues and debates in the field of security and securitization studies has the potential to open up new perspectives and questions and to mark certain neglected areas in this field.

One such neglected area in current security and securitization studies is the significance of legitimacy in a broader sense – that is, the legitimacy of political, economic or societal orders, as such – for issues of security.

1 On this development, see, for example, C.A.S.E. Collective 2006, pp. 445 and 460-472. The Collective Research Center “Dynamics of Security” is an example of this development. Initiated in 2014, the Center brings together scholars from the disciplines of history, art history, law, sociology and the political sciences.

2 As far as the sub-project “Security of the State and Security from the State in Europe, Russia and the United States in the 19th Century“ is concerned, the fruitfulness of security theory for the interpretation of history has become clear, for example, in the discussions of the International Conference *Dynamics of Security in Russia in the Era of Revolution and Restoration (1790-1840) / Dynamiken der Sicherheit in Russland im Zeitalter von Revolution und Restauration (1790-1840)*, which took place in Gießen on March 2-3, 2017. It will also be apparent in the anthology resulting from this conference.

From a historical perspective, it is remarkable that legitimacy in this sense does not figure prominently in the explanation of stability, safety and threats to both in much of recent security and securitization studies. Certainly, in the history of political thought, in current political and sociological theory as well as in the general fields of International Relations and conflict studies, many works deal with questions of legitimacy and the stability of political order. It might suffice, here, to remind of the classical works by Machiavelli, Hobbes, Locke, Kant, and some of the historical authors mentioned in the main part of this text, the books by Henry Kissinger, Raymond Aron, Paul Schroeder, and Alexander Wendt,³ or the contributions of researchers connected to the *Hessische Stiftung Friedens- und Konfliktforschung* (Peace Research Institute Frankfurt) and the *Wissenschaftszentrum Berlin für Sozialforschung* (WZB, Berlin Social Science Center).⁴ Moreover, there are a number of expositions especially on legitimacy of the state and the law.⁵ Seen from this perspective, issues of legitimacy and the stability and security of order belong to the core questions of political thought and political theory.

Despite this long and impressive tradition, preliminary examinations of the field of legitimacy, security, and their relationship show that the correlation between legitimacy and security is not easy to grasp. For example, no agreed upon definitions of the terms ‘legitimacy’ and ‘security’ exist, and the ways in which the concepts are used in the literature, as well as the manner in which their correlation is described, vary widely.⁶ Accordingly, Christopher K. Ansell states that legitimacy “is a critical but often vexing concept in politics and political science.”⁷ Browsing the indices of prominent standard introductions, theories, and compilations in the field of security studies, one will find that in many of these works, the terms ‘legitima-

3 See, for example, Kissinger 1974; Aron 1966; Schroeder 1994; and Wendt 1999.

4 See, for example, Geis/Nullmeier/Daase 2012; Daase 2013; Rauh 2015; the project “Rethinking Legitimacy and International Institutions” by Michael Zürn and Matthew Stephen, as well as their article (2010); Kreide 2015 (reprinted in a revised version Kreide 2015a). On Hobbes cf., for example Marciniak 2015, e.g. pp. 158f.

5 For recent works, cf. esp. Barker 1990; Beetham 1991; Stryker 1994; and Gilley 2009.

6 For a good overview of definitions and concepts of legitimacy, cf. Stryber [= Stryker] 2001; Ansell 2001; and esp. Mandt 1995; as well as Kaase 1995; and Sarcinelli 1998.

7 Ansell 2001, p. 8704.

cy' or 'legitimation' are not indicated. In case one of these terms is mentioned, it typically leads to expositions about historical developments or about 'weak' states in the so-called Third World.⁸ The treatment of legitimacy in a broad sense as a factor relevant mainly for history and the so-called Third World potentially implies, though, that the question of legitimacy can be neglected when dealing with current challenges to security in the so-called First World or on a global level.

In European securitization studies, such as the Copenhagen and Paris Schools, legitimacy is an important category, yet in a narrower sense. In works of these two schools, the category is mostly used with respect to the political or professional legitimacy and authority of specific security moves and experts.⁹ This is somewhat surprising, because in their hallmark book, *Security. A New Framework for Analysis*, published in 1998, Barry Buzan, Ole Wæver and Jaap de Wilde have given the category of legitimacy in the broad sense a systematic treatment under the heading "The Political Security Agenda."¹⁰ Here, the three authors maintain that "[p]olitical security is about the organizational stability of social order(s)." They state: "Typically, political threats are about giving or denying recognition, support or legitimacy." As such, they are "purely political threats" (as opposed to military ones, for instance), in which "words matter in relation to recognition and related political demands."¹¹ Buzan, Wæver and de Wilde differentiate between threats to the "internal legitimacy" of the political unit, primarily relating to "ideologies and other constitutive ideas" and "the external recognition of the state, its external legitimacy."¹² They observe that "a state consists of three components: idea, physical base, and

8 See, for example, Booth 2007, p. 260; Booth/Wheeler 2008, p. 109; Acharya 2011 and Homer-Dixon 2011; Booth/Erskine 2016, esp. pp. 166-171. In some books, the term 'legitimacy' appears in the text but not in the index. Such absence is significant because it indicates that the author(s) or editor(s) do not consider the term to be a key-concept of the field. On the absence of the term and the concept in many standard texts in the field of International Relations, cf. also Clark 2005, pp. 2 and 11. On p. 9, Clark poses the question, "why, thus far, has it [legitimacy; C.D.] never been regarded as one of the discipline's key concepts?"

9 Cf. further on this and with extensive references to the literature the chapter by Andreas Langenohl in this volume.

10 Buzan/Wæver/de Wilde 1998, Chapter 7.

11 Id., p. 141 and p. 142. Cf. also p. 144.

12 Id., p. 144.

institutions,”¹³ and they note that any subversion of legitimacy affects the ideas and ideologies on which political institutions are built, and thereby the stability of a political order. In their typology of cases, Buzan, Wæver and de Wilde consider questions of legitimacy in the broad sense under the heading “Unintentional threats to states on political-ideological grounds.” As examples, they name the conflict between India and Pakistan and the one between Israel and the Palestine Liberation Organization.¹⁴ Thus, legitimacy in the broader sense is well positioned in the theory of the Copenhagen School through the termini of “political security” and “political threats.”

Yet, even though Buzan, Wæver and de Wilde systematically include the category of legitimacy into their approach of securitization theory, their usage of this category still fits the general picture outlined earlier. Similar to Ansell quoted above, the three authors, at the beginning of their chapter entitled “The Political Security Agenda,” remark: “the political sector will turn out to be the one that is the most perplexing.”¹⁵ Buzan, Wæver and de Wilde also regard legitimacy issues in the broad sense as a security threat predominantly for ‘weak’ states, where “basic institutions as well as ideologies are often challenged, and political violence is extensive,” whereas in ‘strong’ states, “the framework and thus some basic legitimacy of the government are usually accepted.”¹⁶ Concerning ‘strong,’ liberal-democratic states, processes of legitimation mainly come into focus with regard to security measures – that is, only in the narrow sense. Thus, Buzan, Wæver and de Wilde define a “security criterion,” according to which an issue “has to be a threat of a dramatic nature, portrayable as threatening the breakdown or ruin of some principle or some other irreparable effect whereby one can then legitimate extreme steps.”¹⁷ According to the Copenhagen School, therefore, legitimacy issues in ‘strong’ states concern less the question whether audiences are prepared to generally accept that “government acts only as the legitimate agent of the nation-state,”¹⁸ in contrast to ‘weak’ states. Rather, the crucial question is if audiences are prepared to accept as legitimate a specific securitizing move and

13 Id., p. 150.

14 Id., p. 157.

15 Id., p. 141.

16 Id., p. 148.

17 Id., p. 148.

18 Id., p. 146.

the security measures it enables. Finally Buzan, Wæver and de Wilde themselves marginalize the cases assembled in their typology of cases under the heading “Unintentional threats to states on political-ideological grounds,” by noting that conflicts of this type are “not common” and that they are “not the typical form of political security conflict.”¹⁹ It is possibly for reasons such as these that the inclusion of the category of legitimacy in the broader sense into securitization theory, which the Copenhagen School offers in principle, has not brought about an effective inclusion of legitimacy into the research of this school or into the general field of security and securitization studies. In the writings of the Paris School, questions of legitimacy mostly concern the securitizing actors and their audience.²⁰ Hence, there is also a tendency in both schools of European securitization studies to neglect legitimacy in the broader sense, if it does not pertain to ‘weak states’ in the so-called Third World.

With regard to history, security studies tend to focus on the emergence of legitimacy in international society. The *locus classicus*, in this respect, is Henry Kissinger’s 1957 definition of a legitimate international order in his remark that the order established at Vienna in 1815 was legitimate because it established “international agreement about the nature of workable arrangements and about the permissible aims and methods of foreign policy.” This definition comes in combination with Kissinger’s statement that a legitimate international order does “not make conflicts impossible, but it limits their scope,”²¹ thus stressing the link between legitimacy and security: “Stability, then, has commonly resulted not from a quest for peace but from a generally accepted legitimacy.”²² These quotations have been cited so often in the relevant literature that they have acquired a certain status of fame in the field of security studies; still, they stand somewhat apart from the actual research questions and study programs.

In the field of International Relations, Ian Clark is one of the rare scholars to fully focus on questions of international legitimacy. He works with historical material, striving to establish legitimacy as a key concept

19 Id., p. 157.

20 See, for example, Balzacq 2011, Chapter 1, p. 3, and the remarks by Langenohl in his introduction to this volume.

21 Kissinger 1974, p. 1, cited for instance in Booth/Wheeler 2008, p. 109.

22 Kissinger 1974, p. 1.

of his discipline.²³ Under the heading “Why Legitimacy Matters,” Clark underlines that there is “a possible connection between international legitimacy and the greater international stability that results from it,” thus also stressing a link between legitimacy and security.²⁴ The more direct aim of his study, however, is to explore the “international practice of legitimacy” in its “substantive” and “procedural dimension,”²⁵ in order to decide, for example, if we can “make judgements about the varying degrees to which international society has succeeded in legitimating its actions,” and if “– in that sense alone – [...] some international orders [have] been more legitimate than others.”²⁶ In order to answer such questions, Clark develops a distinctive approach to international legitimacy, arguing that the “core principles of legitimacy express rudimentary social agreement about who is entitled to participate in international relations, and also about the appropriate forms in their conduct.” In this sense, “*legitimacy thus denotes the existence of international society.*”²⁷ Hence, security remains present as the overall goal of legitimations, but it is not the direct focus of Clark’s study.

In history, one can indeed find many important indications that legitimacy in the broad sense is crucial for security and securitization. In order to fully appreciate this, it is helpful to take a long historical view. Social scientists sometimes assert that legitimacy of political rule is mainly a modern phenomenon. A prominent scholar presenting forceful normative arguments for such an assertion is Wilhelm Hennis. In a similar sense, Stephan Leibfried and Michael Zürn write: “Legitimacy or the acceptance of political rule came into full bloom with the rise of the *democratic nation-state* in the nineteenth century.”²⁸ Others assert that pre-modern concepts of legitimacy existed, but are not relevant for legitimacy issues today. Ian Clark, for example, states: “No attempt need be made to provide

23 See Clark 2005, p. 9. Cf. also Clark 2007 his *International Legitimacy and World Society*. Oxford; New York: Oxford University Press, 2007, as well as Wight 1977, p. 153. The chapter is a revised version of an article first published under the same title in *International Relations* 4(1), 1972: 1-28.

24 Clark 2005, p. 15.

25 Id., pp. 1 and 3.

26 Id., p. 9.

27 Id., p. 2.

28 Cf. Hennis 1976 and Leibfried/Zürn 2005a, p. 2 (orig.: Leibfried/Zürn 2006a, pp. 20f. For the emergence of this position in the course of the revolutionary era, see also further down.

a comprehensive intellectual history of the term [legitimacy; C.D.],” because “the concept came into common usage only after the French revolution,” and: “This post-1789 usage, as we shall see, was to be distinctive.”²⁹ Certainly, with the democratic nation-state, “popular legitimacy” as a specific understanding of legitimacy was established, and this principle of legitimacy is still relevant today.³⁰ From a historical perspective, however, it is important to note that legitimacy – at least in the empirical sense – also existed in other societies and at other times, even if it was understood differently.³¹ This is important not least because observations on the relationship between legitimacy and security in pre-modern times hold important lessons on their relationship in general.

Therefore, in the following I will use different historical methods to approach the relationship of legitimacy and security as well as securitization from a diachronic perspective. First, I will introduce the term ‘legitimacy,’ as it is commonly used in everyday English, French, and German today. Then, I will describe the history of the term and of the concept of ‘legitimacy’ for Central Europe in its *longue durée*, with the help of *Begriffsgeschichte*, the history of concepts, and the history of ideas. This history is correlated with events and constellations, taken from European history, which illustrate the importance of legitimacy for security and indicate the significance of changes of the term and of the concept of ‘legitimacy’ for the history of security and securitization and the stability of political orders. Then, in a case study focusing on the 8 years between 1858 and 1866 in Europe, Russia, and the United States, I will show that questions of legitimation and de-legitimation were important preconditions for the emer-

29 Clark 2005, p. 17.

30 For the term ‘popular legitimacy,’ see Wight 1977, p. 153. For the relevance of this understanding of legitimacy under the conditions of the present transformations of the democratic nation-state, cf. Leibfried/Zürn 2005a. (Orig.: Leibfried/Zürn 2006a); Nullmeier et al. 2010; as well as the titles in the series “Transformations of the State”, edited by Achim Hurrelmann, Stephan Leibfried, Kerstin Martens and Peter Mayer (Basingstoke: Palgrave Macmillan). The differentiation between legitimacy in a normative as compared with an empirical sense is common in the literature. See on this differentiation esp. Beetham 1991. Leibfried and Zürn (2006, p. 28) introduce the differentiation in “Von der nationalen zur post-nationalen Konstellation”.

31 Cf., for example, the introduction in Würtenberger 1982, pp. 677-679, who takes an anthropological approach; or (partly on the basis of this same text) Schneider et al. 2010, p. 5; as well as Gilley 2009, p. xi, who provides examples.

gence of terrorism as a specific tactic of political violence – a tactic currently considered as a major security threat. Overall, the combinations of conceptual history with a praxeological approach show that legitimacy is decisive for security and securitization in a variety of ways.

This text does not make any claim to deal with the topic at hand in a comprehensive manner. Instead, this article is supposed to present a first outline of the argument – an outline, which is to be followed by further studies dealing with the arising questions in more depth.

2 *Historical Perspectives on Legitimacy and Security*

In current usage, the term ‘legitimacy’ has at least a double meaning. On the one hand, it overlaps with the term ‘legality.’ The *Oxford English Dictionary*, for example, defines ‘legitimacy’ as “[c]onformity to the law, to rules, or to some recognized principle; lawfulness,” and in a more directly political sense as “[t]he legal right to govern or to sovereignty; *spec[ifically]* the fact or principle of strict hereditary succession to a throne.”³² Similarly, the *Grand Larousse de la langue française* defines the French ‘*légitime*’ as “fixé ou établi par la loi, conforme aux règles,” “[c]onforme à la loi écrite, au droit positif,” “[f]ondé, appuyé sur la loi” and as “conforme à la raison, au bon droit.”³³ On the other hand, the term ‘legitimacy’ can be directly juxtaposed with the term ‘legality.’ In this sense, the *Grand Larousse* renders the meaning of ‘*légitime*’ as “[c]onforme à la justice, à l’équité, au droit naturel, à la loi morale ou divine (par opposition à *légal*)” and as “[f]ondé sur le droit divin, par opposition à tout autre pouvoir réputé usurpé.” Carl Schmitt, in his political essay *Legality and Legitima-*

32 Entry “legitimacy”, in: *OED. Oxford English Dictionary*, Oxford University Press 2017, www.oed.com/view/Entry/107111?redirectedFrom=legitimacy#eid [last accessed: July 19, 2017]. On the same line, the American *Merriam-Webster Dictionary* defines the meaning of “the quality or state of being legitimate” as “accordant with law or with established legal forms and requirements,” as “ruling by or based on the strict principle of hereditary right,” and as “conforming to recognized principles or accepted rules and standards” (Entries “legitimacy” and “legitimate,” in: *Merriam-Webster Dictionary*, <https://www.merriam-webster.com/dictionary/legitimacy> [last accessed: July 19, 2017]).

33 Entry “*légitime*”, in: *Grand Larousse de la langue française*, in 7 vol., vol. 4: IND-NY, Paris: Larousse 1975, p. 2992.

cy on the Weimar Republic, used the terms as opposites in this sense.³⁴ The juxtaposition of the terms ‘legitimacy’ and ‘legality’ is thus more pronounced on the European Continent than in Britain or in the United States, perhaps for reasons connected with differences between historical experiences and different legal traditions.

Notwithstanding this difference, for the longest time in European history the juxtaposition of ‘legitimacy’ and ‘legality’ would have been hard to comprehend on the Continent as well. Both terms are ultimately derived from classical Latin *‘legitimus’*.³⁵ This word also combined the meaning of the current term ‘legal’ (“of or concerned with the law,” “legally prescribed or recognized,” “permitted by law,” “lawful”), with the additional meaning of ‘legitimate’ (“prescribed by custom or usage,” “genuine,” “just,” “proper”).³⁶ Accordingly, it was the term *‘legitimus’* which was used to refer to the Law of the Twelve Tables, which is considered as the foundational law of the Roman community.³⁷

In the terminology of the Middle Ages, a principal differentiation between law, justice and morality cannot be found, either. The term *‘legitimus’* continued to be used in learned Latin discourse,³⁸ and it began to enter the vernaculars.³⁹ Moreover, the neologism *‘legalitas’* (meaning “legal status,” “law-worthiness”) was coined. This new term was not juxtaposed

34 Schmitt 2004 (orig.: Schmitt 2012). For contemporary German usage, the most useful points of reference are the entries ‘legitim’ and ‘Legitimität’ in: *Wahrig. Deutsches Wörterbuch*, edited by Renate Wahrig-Burfeind, 8., vollständig neu bearbeitet und aktualisierte Aufl. Gütersloh/München 2006, p. 932.

35 The term ‘legalis’ can be found, since the first century AD, but it did not play a significant role. Cf. Würtenberger 1982, p. 680, note 8.

36 Cf. entry “legitimate, adj. and n.,” in: *OED. Oxford English Dictionary*, Oxford University Press 2017, <http://www.oed.com/view/Entry/107120?redirectedFrom=legitimate#eid> [last accessed: July 20, 2017]; and the entry “legitimus” in *Pocket Oxford Latin Dictionary: Latin-English*, Oxford: Oxford University Press 2005, <http://www.oxfordreference.com/view/10.1093/acref/9780191739583.001.0001/b-la-en-00001-0005755?rskey=5ejm9i&result=1> [last accessed: September 15, 2017].

37 Cf. Würtenberger 1982, p. 680, and for more detail Würtenberger 1973, chapter 1.

38 Cf. Würtenberger 1982, pp. 681-684, and Würtenberger 1973, p. 37-45.

39 Words from the family ‘legitim-’ began to enter the French language in the thirteenth century and the English language from 1400 onwards. Cf. entry “legitimacy,” in: *OED. Oxford English Dictionary*, Oxford University Press 2017, www.oed.com/view/Entry/107111?redirectedFrom=legitimacy#eid [last accessed: July 19, 2017] and the entry “légitime,” in: *Grand Larousse de la langue française*, in 7 vol., vol. 4: IND-NY, Paris: Larousse 1975, p. 2992.

with ‘*legitimus*,’ however. The law was seen to comprise proven and tested rules for society; thus, lawful behavior was regarded as just and moral – and vice versa.⁴⁰ In content, the medieval principle of legitimacy was dynastic. According to Martin Wight’s succinct characterization, the dynastic principle was “concerned with the status and claims of rulers” and “might be cautiously described as a doctrine that legitimacy rests upon prescription, tempered by consent.”⁴¹ It connected international and domestic politics, because it prevailed (or was proclaimed to prevail) “*within* a majority of the states as well as in the relations *between* them.”⁴² The understanding of legitimacy in dynastic terms entailed that conflicts about legitimacy were typically conflicts about the question, whether an individual person or body (such as a chapter or a monastic order) had or did not have the legitimate right to rule specific towns, territories, and subjects.⁴³ Therefore, in the Middle Ages, conflicts about legitimacy were frequent, but limited in kind, and it may be considered significant that, in the Empire, no assassination of a king took place for political reasons between 754 and the Holy Roman Empire’s demise, in 1806.⁴⁴

When competing orders of legitimacy emerged, serious controversies about legitimacy began, and these controversies soon became relevant for the security of those in power as well as for large parts of society. After the Reformation, the term ‘*legitimus*’ took center stage in deliberations about the right to resist a ‘tyrant.’ In this discourse, the dynastic principle of legitimacy continued to be recognized, but faith and the way, in which rule was exercised, gained in importance as additional criteria for legitimacy.⁴⁵ For example, Martin Luther initially declared that no obedience is

40 Cf. Würtenberger 1982, p. 681.

41 Wight 1977, pp. 153 and 157.

42 *Id.*, p. 153.

43 On different types of violence in Medieval Europe, cf. for instance Brown 2014.

44 The two kings, we know to have been assassinated, Philipp von Schwaben, in 1208, and Albrecht I. von Habsburg, in 1308, were murdered for a violation of honor and because of inheritance matters, respectively. Cf. Bihrer 2005, esp. pp. 118f. and 123. Moreover, there were several attempts to assassinate Friedrich II. (1212-1250), and one each to assassinate Konrad IV (1250-1254) and Sigismund (1411-1437), as well as rumors about poisoning, mainly in situations with double-elections (*Doppelwahlen*) or counter-kings (*Gegenkönige*). See Bihrer 2005, p. 123.

45 For the term ‘legitimacy’ in the context of Early-Modern politico-theological language, cf. Schorn-Schütte/Toide 2006. On England see esp. Zaller 2007.

due to ‘ungodly’ rulers, but that one was not allowed to resist them actively, either; after the outbreak of the Peasants’ revolts in 1524, however, he adopted a strict position of non-resistance.⁴⁶ By contrast, Roman Catholics and Calvinists alike revived and elaborated on ancient and medieval ideas about resistance and tyrannicide.⁴⁷ Under the impression of the Catholic monarchy’s fight against the Huguenots in France, especially the attempt to murder the entire Calvinist leadership in the massacre of St. Bartholomew’s Eve in 1572, Calvinist monarchomachi (notably François Hotman, Théodore de Bèze, Calvin’s right-hand man, Philippe du Plessis-Mornay, George Buchanan, and Johannes Althusius) discussed: (1) if resistance was legitimate against a ruler who overstepped his powers and acted as a tyrant; (2) which subjects would have the right to resist such a tyrant; (3) at what stage of misrule resistance was legitimate; and (4) in what form.⁴⁸ Fearing social unrest and retribution, most of the Calvinist monarchomachi gave restrained answers to these questions.

Around the same time, some Catholics began to raise analogous issues with regard to ‘heretic’ Protestant rulers. Upholding an “extreme or exclusive Catholic principle of legitimacy” (and thus “turning revolutionary”),⁴⁹ preachers of the Catholic League (such as Rossaeus of Paris, Jean Boucher, Francisco Suarez, and Juan de Mariana) claimed that heretic rulers were by definition tyrants, and that tyrants could be assassinated. A number of popes and Catholic monarchs put these ideas into practice and deposed Protestant sovereigns. Thus, Pope Pius V in 1570 declared Queen Elizabeth I of England to be a heretic, and Pope Sixtus V in 1585 issued the same kind of statement about King Henry IV of France. In the face of the abovementioned interpretations en vogue in the Catholic League, such delegitimizing declarations were calls for political murder.⁵⁰ For instance, Spanish King Philip II declared William of Orange an outlaw. When Philip had tried to violently suppress Protestants and Protestantism in the Low Countries in 1581, the Dutch States-General renounced their alle-

46 For an introduction to the political implications of Luther’s teachings, see Skinner 1978, part 1, esp. pp. 16-19.

47 Ford 1985 underlines the fact that monarchomachi can be found on both sides of the religious divide. Cf. e.g. p. 150.

48 Cf. Würtenberger 1982, p. 685f.; Würtenberger 1973, pp. 37-45; as well as Ford 1985, pp. 150-155, and Skinner 1978, chapter 8, esp. pp. 242 and 252, and chapter 9.

49 Wight 1977, p. 157.

50 Cf. Ford 1985, p. 156f., and Wight 1977, p. 157.

giance to the Spanish king, declared him a tyrant, and chose William of Orange as their leader instead. In this way, William also became an ally of French Huguenots. Following Philip's delegitimizing declaration, however, a French Catholic, Balthasar Gérard, murdered William of Orange in 1584. Gérard was executed, but for his deed the Spanish king generously paid the assassin's family.⁵¹

Here as in other cases in the era of the Wars of Religion, violence against the population for religious reasons, the contestation of the sovereign's legitimacy, which followed such acts of violence, and the delegitimation of rulers chosen in their place by the persecuted, overall generated a sharp increase in assassinations as well as (civil) war, and in this way significantly affected the security of governments and the public. Franklin Ford, for instance, counted 35 "major political murders and executions in the Age of the Wars of Religion," from July 1535 to January 1649.⁵² But in Early Modern Europe, the focus of attention was still on the legitimacy of individual rulers – their person, religious beliefs, and actions – who were judged against principles of godly rule or true Catholicism, while the principle of dynastic legitimacy itself was not questioned.

This changed in the course of the revolutionary era, when competing orders of legitimacy emerged for a second time, as adherents to the principles of popular legitimacy and the nation-state began to challenge the principles of dynastic legitimacy and the *raison d'être* of empires.⁵³ This was the moment when the term 'legitimacy' became a discursive weapon to attack or defend entire systems of rule. Now, 'legitimacy' has begun to be juxtaposed with 'legality', and the dualism between 'legitimacy' and 'legality' began to make sense to a broader public.

Preconditions for the principle of popular legitimacy were the emergence of the sovereign state and the democratization and de-personalization of the concept of legitimacy, which took place in French political thought. Searching for ways out of the religious strife, which had come in the wake of the reformation in the second half of the sixteenth century, the

51 Cf. Ford 1985, pp. 160-162, and specifically Jardine 2005. For the legitimization of the Dutch revolt against Spanish rule, see Saage 1981, part I and III.

52 For the table in question, see Ford 1985, pp. 147-150.

53 For global perspectives on this "crisis of the old regimes in Europe", cf. esp. Bayly 2014, Part I, esp. pp. 86-88 (quote p. 86); and Osterhammel 2009, esp. Chapter 10. For a relativization of the contrast between the legitimization strategies of empires and nation-states cf. Leonhard 2012.

'*Politiques*,' a circle of politicians, jurists and political theorists, contradicted all theories of resistance and tyrannicide, from Calvinist and Catholic monarchomachs alike. The most important political thinker belonging to this circle was Jean Bodin. He conceived a non-denominational monarchy, whose main-purpose consisted in the maintenance of public peace and order. To enable the monarchy to take on this role, it was supposed to be the sole institution exercising legitimate power in the state; in return, it was supposed to be legislative in character and bound by natural and higher law. Bodin's political thought proved influential. Politicians, such as the Cardinal Richelieu, put the idea to consolidate the French monarchy into practice and in this way strengthened the French state.⁵⁴

The depersonalization and democratization of the concept of legitimacy took place towards the end of the eighteenth century. Enlightenment philosophers (such as Claude Adrien Helvétius, Paul-Henry Thiry Baron d'Holbach and Jean Jaques Rousseau) first used the adjective '*legitime*' to characterize sovereignty and political or state rule, in general. In this way, they severed the term from the person of the sovereign and his or her rule, and instead identified the people of the nation as the sole and true source of legitimacy, for example in the concept of '*volonté générale*.' According to Rousseau, this source of legitimacy, was not even bound by natural and higher law.⁵⁵ In this way, the scene was set for the battle between those fighting for the principle of popular legitimacy and those defending the principle of dynastic legitimacy in the revolutionary era.

From the end of the eighteenth century onwards, the principles of popular and dynastic legitimacy were used to threaten and overthrow the security and integrity of governments, states, and empires, in both directions – from dynastic to popular rule and back again. First, in 1776, Continental Congress, referring to the principle of popular legitimacy, seceded from the British Crown and its Empire. The former colonies defended their secession in the War of Independence. In 1789, the assembly of the French Third Estate, in its Coup d'État against King Louis XVI, declared to be the sole legitimate representation of the French nation, as *Assemblée Nationale*. Civil war and terror followed in France, and more than 20 years of Revolutionary and Napoleonic Wars across the whole of Europe. After 1814, in the peace negotiations and at the Congress of Vienna, the French

54 Cf. Würtenberger 1982, pp. 689-691; Würtenberger 1973, Chapter 2.1, esp. pp. 76-80; and Skinner 1978, pp. 284-301.

55 Cf. Würtenberger 1982, pp. 691-694; Würtenberger 1973, Chapter 2.2.

diplomat Charles-Maurice de Talleyrand introduced the concept of legitimacy as an organizing principle for the interior order of each state as well as for the European international order, and in this way helped to prepare the preservation of France and the restoration of the Bourbon monarchy. This did not stop conflicts, however. In most parts of Europe, insurrections, revolutions and restorations were frequent, until the revolutions of 1848/49 had been put down. For these reasons, according to Thomas Würtenberger, it was during the Era of European Restoration that ‘legitimacy’ definitely and irrevocably became a concept used for *machtpolitik* as well as a crucial category of state-policy.⁵⁶

The juxtaposition of ‘legitimacy’ and ‘legality’ emerged after the Congress of Vienna in the political conflicts about the implementation of the principles of dynastic or popular rule, in France as well as in Germany. It can first be found in the writings of conservative political theorists during the French restoration period. In the eyes of ultramontane politicians and publicists, such as Louis de Bonald, Hugues-Félicité Robert de Lamennais, and Fabre d’Olivet, a metaphysical basis was the pivotal requirement for legitimacy. They regarded only those political institutions which were ordained by God and founded in God’s order, and only those laws which history had bequeathed upon society, as legitimate. Political institutions newly constituted by man, only, and the laws they issued, could, in contrast, merely claim ‘legality.’ In the following years, this dualism of legitimacy and legality was adopted in other political and philosophical writings and transferred onto other topics. Most importantly, liberal political theorists began to devise competing definitions of legitimate authority. According to the *Staatslexikon* of Karl von Rotteck and Carl-Theodor Welcker, for instance, legitimacy could only be claimed by democratic nation-states, whose political and legal systems was endorsed by its citizens.⁵⁷ The position taken by Hennis, Leibfried and Zürn, cited above, can be read in this tradition.

Consequently, in the violent political conflicts of the first half of the nineteenth century between those who defended the dynastic principle of legitimacy and those who fought for the popular principle, ‘legitimacy’ was the focal point of an intense academic and widespread popular debate, a discursive weapon, and an important object of conflict, all at the same

56 Würtenberger 1982, pp. 694-710, esp. p. 697; and Wight 1977, p. 160.

57 Würtenberger 1982, pp. 715-732.

time. And just like in the decades after the reformation, the contestation of legitimacy in the Revolutionary Era and in the period of European Restoration generated an increase in political murder as well as in (civil) war, weakening the security of political institutions as well as public security. Different from the former period, however, in the decades around 1800, it was the legitimacy of the state and of the entire political system which was at stake, including the monarchy. The process of the emergence of terrorism shows how the contestation of legitimacy could turn into a security issue.

3 Legitimacy and the emergence of terrorism in nineteenth century Europe, Russia and the United States. A Case Study

The contestation of legitimacy witnessed in the revolutionary and restoration eras, was an important factor for the emergence of terrorism. In this emergence process, all three aspects of the contestation of legitimacy prominent in the first decades of the nineteenth century were indispensable preconditions: the fundamental critique of political systems and their representatives from adherents of a different principle of legitimacy; the widespread popular, political, and academic debate on the topic; and the juxtaposition of ‘legitimacy’ with ‘legality.’ Hence, the link between these preconditions and the emergence of terrorism is another argument for the thesis that terrorism is a modern phenomenon, which first emerged in the nineteenth century in Western Europe and in the United States.⁵⁸

For the first terrorists, questions of legitimacy played a decisive role in their decision to resort to acts of violence, in a twofold manner: They had

58 I first explored this topic with the help of a conference, “Terrorism and Modernity: Global Perspectives on Nineteenth Century Political Violence,” organized together with Claudia Verhoeven, and supported by Mareike König and Benedikt Stuchey as well as Samuel C. Ramer and Margaret M. Keenan, on October 23-26, 2008, in Tulane University, New Orleans, LA. Many contributions given on this conference, were taken up into the *Oxford Handbook of the History of Terrorism*. See <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199858569.001.0001/oxfordhb-9780199858569>. On the invention of terrorism as a distinctly modern phenomenon, cf. Dietze 2016. For a discussion of the literature on this topic, see the introduction there. The book is currently being translated into American. The translation will be published by Verso in London and New York.

to *de-legitimize* the state, its representatives, and their policies, in order to *legitimize* the violence they perpetrated against the political order and its representatives. This is true for all five persons, who can be described as inventors of terrorism. The first two of them were Felice Orsini, who attempted to assassinate Napoleon III in 1858, and John Brown, who attacked an arsenal of the US Army in Harpers Ferry, Virginia, in 1859.⁵⁹ They are inventors of terrorism, because they perpetrated acts of political violence, which: (1) conform to the criteria for terrorism used today; (2) resulted from independent and idiosyncratic processes of thought and action (and not primarily the imitation of some prior action by others); and (3) can be proven to have served as models for the actions of terrorists to come. As for the criteria of terrorism used today, the German sociologist Peter Waldmann defines this specific tactic as “violence against a political order from below which is well planned and meant to be shocking. Such acts of violence are supposed to spread feelings of insecurity and intense fear, but they are also meant to generate sympathy and support.” Waldmann stresses that – for a terrorist act to be successful – the symbolic effect of the violence (its message) is more important than its instrumental effect (the carnage and destruction it wreaks). “Terrorism [...] is primarily a communication strategy.”⁶⁰ The first individuals, who verifiably adopted, copied, and thereby further developed the terrorist acts of Brown and Orsini were Oskar Wilhelm Becker, who failed in his attempt to assassinate Prussian King Wilhelm I in 1861, John Wilkes Booth, who shot U.S. President Abraham Lincoln in 1865, and Dmitrii Vladimirovich Karakozov, who tried to kill Tsar Alexander II in 1866. All five experimented with older and newer forms of insurgent violence and used the ensuing media coverage for their purposes with varying degrees of success. By way of this media coverage, they also learned about and from one another. In the context of this learning process, they developed patterns of violent action that must be called terrorism, even though the perpetrators them-

59 Here, and in the following, the current spelling “Harpers Ferry” is used in the text; in citations, however, the spelling “Harper’s Ferry” is rendered, which was common in the middle of the nineteenth century.

60 Waldmann 1998, pp. 10 and 12f. Other well-composed social scientific definitions consist of similar elements. See, for instance, the definition by the American political scientist Hoffman 2006, pp. 40f.

selves and the societies in which they lived (with one exception) did not use this term.⁶¹

Living in diverse political systems and circumstances, the five inventors of terrorism were proponents of different principles of legitimacy, and acted out of different considerations. Felice Orsini, who, with his assassination attempt, triggered the transnational, collective process of the invention of terrorism, was part of the revolutionary movement against the restoration in the Italian states and a veteran of the Italian revolution of 1848/49.⁶² He had been an elected member of the national Constituent Assembly in Rome and appointed as *commissario straordinario dal Comitato esecutivo* (“extraordinary representative of the executive committee”) of the Roman Republic.⁶³ In Orsini’s eyes, an independent and unified Italian republic, which had become some contours during Napoleonic rule and in the course of the revolution in 1848/49, was the legitimate political structure and government for the people living on the Apennine peninsula. The Roman republic was short-lived, however, because – of all rulers! – it was the president of the Second French Republic and nephew of Napoleon I (whom Orsini’s father had served as officer), who supported the counter-revolutionary side. Louis Napoleon Bonaparte (later Napoleon III), by military force, terminated the internationally acclaimed experiment in democracy which the Roman Republic represented, and reinstated the Pope in his worldly possessions and sovereignty.⁶⁴

61 For a discussion of the case-selection, the literature on these cases as well as possible precursors cf. the introduction and the conclusion of Dietze 2016, esp. pp. 17-19. On the cases themselves and the connections between them, see the individual chapters of the book, respectively.

62 For Felice Orsini, cf. esp. the biographies by Luzio 1914; and Packe 1958; on his assassination attempt, see Dansette 1964; Cappelli 2008; and Dietze 2016, chapter 2.

63 On the Italian revolution and the Roman Republic, see Riall 2009, pp. 23-25; and Header 1975. For Orsini’s role in them, see, for example, Orsini 1857, pp. 72f., chapter VIII; Luzio 1914, pp. 65-77; and Packe 1958, pp. 89-111. For the term *commissario straordinario dal Comitato esecutivo*, cf. Orsini 1857, documents 35-39.

64 On Louis Napoleon’s decision and his command to the French expeditionary corps to put down the Roman Republic, see Girard 1986, pp. 105f. and Milza 2004, pp. 169-171. On the legendary defence of the Roman Republic by Giuseppe Garibaldi and a corps of volunteers from the whole of Europe, cf. Riall 2009, pp. 23-26; Macaulay Trevelyan 1907; and Riall 2007, pp. 75-97.

After the fall of the Roman Republic, Orsini fled Italy and found asylum first in Nice, and later in London. During his exile, he met many other refugees from the German and Italian states, as well as from France.⁶⁵ The French refugees were mostly republicans who had fled their country after the coup d'état in Paris on December 2, 1851, with which Louis Napoleon ended the Second French Republic and began to establish, what was to become the Second Empire. This coup d'état was accompanied by "legal terror." For example, the French army put down protests by republicans, who opposed the dissolution of parliament, and tough repressions hit all those, who gave any signs of discontent with the new political order.⁶⁶

For most of the refugees from France and the Italian states in London, there was little doubt that the restoration order imposed on the Apennine peninsula as well as Napoleon III's authoritarian Empire in France were illegitimate political entities, erected with the help of military might and police suppression. At least this is what Felice Orsini and his Italian, French, British (but also American) friends and supporters thought. George Jacob Holyoake, for example, a radical British publisher who helped Orsini test prototypes of his bombs, spoke of Napoleon as the "false President of the Republic" and "French usurper,"⁶⁷ while Orsini's co-conspirator and "inseparable brother"⁶⁸ in London, the "French Jacobin" Dr. Simon François Bernard,⁶⁹ wrote:

Voici un seul homme, l'empereur, l'obstacle unique et l'ennemi commun qui éteint toute idée et rallume toute haine, qui arrête ou entrave tout progrès, qui dit à la révolution: *Tu n'iras pas plus loin*, tu reculeras; qui, par ruse et par force, s'embusque dans un serment, derrière une constitution, avec une bande de complices à gages, leur criant: vainqueurs, à nous le monde! vaincus, un

65 On Orsini's exile in Nice, see Orsini 1857, pp. 98-101; Luzio 1914, pp. 77-84; and Packe 1958, pp. 115-118. On the subversive activities he undertook, until he was arrested, and on his flight to Great Britain, cf. Orsini 1857, chapters IX-XIV; Luzio 1914, pp. 85-257; and Packe 1958, chapters 3 and 4. On the refugees from the Italian states in London, see Verdecchia 2010.

66 The term "legal terror" is used by Willms 2008, p. 104. On Louis Napoleon's election as president of the Second Republic, and his coup d'état cf. Aprile, 2000, chapters III-IV; and Price 2001, chapter 1. On the repressions, see Aprile 2000, pp. 199-218; and Price 2001, pp. 27-37.

67 Holyoake 1892, p. 27. For a vivid description of the bomb tests, cf. chapter 60.

68 Pyat 1862, p. 7.

69 For the expression "French Jacobin", see Holyoake 1892, vol 2, p. 31. On Bernard and his relationship with Orsini, see *ibid*, chapter 62; Lancet 1858; Pyat 1862 as well as Packe 1958, 228-230 and Dansette 1964, pp. 59-62.

exil d'or! en conséquence, exterminant les plus braves citoyens, effrayant les plus lâches, trompant les plus sots, ami à revolver, allié à cuirasse, menaçant ou il n'est pas maître, enchaînant France, Italie, Mexique, en attendant plus, ayant commencé comme l'oncle et devant finir comme lui!⁷⁰

In this depiction of Napoleon III and his rule, Bernard assembled typical insignia and signs of a 'tyrant' and his or her illegitimate rule, such as the enmity of the people, the suppression of free speech and the fanning of hate in society at large, as well as rule by stratagem, deceit, fear, force, threat, perjury, and with the help of a circle of greedy and vindictive favorites. Accordingly, after Orsini's assassination attempt, Bernard declared in a London court: "We want only to crush despotism and tyranny everywhere," convinced his English jury, and was acquitted.⁷¹ Today, Napoleon III may be mostly remembered for his role as a patron of the arts and for the rebuilding of the center of Paris, but those who opposed his coup d'état on *Deux-décembre* and experienced the political repression of the Second Empire had a different perspective.

Importantly, moreover, Felice Orsini and his collaborators thought that the Second Empire, its Emperor, and some political decisions he had taken, were illegitimate to such an extent that tyrannicide was justified. There are indications that the decision to attempt an assassination was not taken lightly. Félix Pyat, a French refugee who, in 1848, had been a member of the Constituent Assembly and, in 1849, had taken part in an insurrection in Paris to prevent the crushing of the Roman Republic, explained that Orsini's supporter Dr. Bernard saw regicide as a "droit de légitime défense, balance d'extrêmes, réaction adéquate à l'action, remède homéopathique, contre-poison."⁷² Certainly, with these words, Pyat expressed his own views on this question. After Orsini's assassination attempt, he was brought before an English court for the glorification of regicide.⁷³ Felice Orsini himself was convinced there were "rightful assassinations", as Holyoake points out in his autobiography. He renders a story which Orsini once told him, referring to his life experience in the Italian states under Austrian restorative rule. The story is about an Italian youth who inadvertently killed the dog of an Austrian officer. The officer had the youth arrested and sentenced him to such a severe whipping that the boy

70 Pyat 1862, pp. 6f.

71 Holyoake 1892, vol. 2, p. 33.

72 Pyat 1862, p. 6.

73 On Félix Pyat, see Colombet-Schieferer 2011.

died during punishment. The next day, the youth's father stabbed the officer. Holyoake, in accordance with Orsini, concludes that the father had done right, just as it was right to assassinate Napoleon III.⁷⁴ This story, indeed, seems to be significant for Orsini's perspective on tyrannicide, because in front of the court in Paris he explained: "J'ai fait comme Brutus. Il [Louis Napoleon; CD] a tué mon pays, j'ai voulu le tuer,"⁷⁵ and thus – just like in the story – argued with the reciprocity of death, in real life. Holyoake also relates, however, that Orsini had long discussions with Joseph Cowen, a radical English journalist and politician, about the right to resist Napoleon III and assassinate him.⁷⁶

With respect to their interpretation of violence, Orsini and his supporters stand in the European tradition of debates on legitimacy and the right to resist tyrants. When justifying the assassination attempt on Napoleon III, their views take up and renew the ancient ideas revived and discussed by the monarchomachi of the sixteenth century, and they explicitly refer to ancient and early modern figures like Cato, Brutus, William Shakespeare and John Milton. Holyoake, for example, writes: "When Cato visited the palace of a tyrant and saw the persons he put to death, and the terror of the citizens who approached him, he asked, 'Why does not some one [sic] kill this man?' Orsini came forward in like case to do it."⁷⁷ As cited above, Orsini referred to Brutus, in court, and Félix Pyat recounts that, just like "les deux plus grands génies de l'Angleterre", Shakespeare and Milton, Bernard thought that Brutus was the best of the Romans and that tyrannicide was a right and a duty.⁷⁸ To the elements originating in the long tradition of deliberations concerning the right to resist illegitimate rule, Orsini added a number of strategic considerations, however, which are indicative of terrorist tactics.⁷⁹ Thus, notions of tyrannicide and said novel strategic considerations, together with Napoleon's political instrumentalization of the assassination attempt, circumstances of nineteenth century popular and media-policy as well as popular and media reactions, caused the turn from tyrannicide into terrorism, in Orsini's case.⁸⁰

74 Holyoake 1892, vol. 2, chapter 61, pp. 27 and 223.

75 Dandraut 1858, p. 28.

76 Holyoake 1892, vol. 2, p. 223.

77 Id., p. 27.

78 Pyat 1862, p. 5.

79 For a presentation and discussion of these elements, see Dietze 2016, pp. 135-145.

80 See on this Dietze 2016, pp. 157-185.

For the other inventors of terrorism, considerations about legitimacy were similarly crucial, even if their considerations show different degrees of elaboration. John Brown – the second of the inventors of terrorism – fought against slavery, which was protected as an institution in the southern states of the United States until 1865.⁸¹ As compared with Orsini and his collaborators, for Brown and his supporters it was more challenging to justify their act of violence, because it was directed against the political and social order of a republic based on popular legitimacy, a principle Brown and his group strongly supported. This is why he and his backers went to great lengths to legitimize the raid on Harpers Ferry, in content as well as in form.

Regarding content, the comparatively new juxtaposition of ‘legitimacy’ with ‘legality’ stood at the center of John Brown’s justification. In the interview he gave right after his defeat at Harpers Ferry to politicians like Henry A. Wise, the Governor of Virginia, James M. Mason, one of Virginia’s Senators, and a number of military people and journalists, Brown replied to Senator Mason’s first question, how he justified his acts:

I think, my friend, you are guilty of a great wrong against God and humanity. I say that without wishing to be offensive. It would be perfectly right for any one to interfere with you, so far as to free those you willfully and wickedly hold in bondage. [...] I think I did right, and that others will do right who interfere with you at any time, and all times. I hold that the golden rule, do unto others as you would that others should do unto you applies to all who would help others to gain their liberty.⁸²

In this explanation given to Senator Mason, Brown referred to the Golden Rule, a fundamental ethical law expressed for instance in the Gospel according to Matthew 7, 12: “Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.”⁸³ John Brown, an orthodox Calvinist, was convinced that the

81 Out of the large literature on John Brown and the raid on Harpers Ferry, see esp. Oates 1970; and McGlone 2009. For Brown’s interpretation of his violence more generally, see Dietze 2016, chapter 4; and Dietze 2015.

82 “A Conversation with ‘Old Brown’”, in: *Baltimore American, and Commercial Advertiser* (Baltimore, MD), October 21, 1859, p. 1.

83 *Holy Bible. King James Version* [Online: Bibelwissenschaft.de, Das wissenschaftliche Bibelportal der Deutschen Bibelgesellschaft, King James Version, <https://www.bibelwissenschaft.de/online-bibeln/king-james-version/lesen-im-bibeltext/bibel/text/lesen/stelle/50/70001/79999/ch/a5a2e1ea07656939fc979acaa9012ffa/>, last accessed 11.8.2017].

positive laws allowing the institution of slavery in the southern states, contradicted God's Higher Law as expressed, for example, in the Golden Rule. Therefore, in his eyes, the positive law was illegitimate – a perspective, reiterating the juxtaposition of legality with legitimacy.

His abolitionist friends and supporters concurred, and they made the contradiction between legitimacy and legality in the slavery question even more explicit. For example, the famous orator Wendell Phillips, in a speech in Brooklyn on November 1, 1859, provocatively pointed out that it was not John Brown who was an insurgent but the state of Virginia:

I said that the lesson of the hour was insurrection. I ought not to apply that word to John Brown of Ossawatimie, for there was no insurrection in his case. It is a great mistake to call him an insurgent. This principle that I have endeavored so briefly to open to you, of absolute right and wrong, states what? Just this: 'Commonwealth of Virginia!' There is no such thing. [...] Virginia, the Commonwealth of Virginia! She is only a chronic insurrection.⁸⁴

By identifying John Brown and the insurrectionary violence he had perpetrated with absolute right – that is, with legitimacy – and a southern state, the Commonwealth of Virginia, with permanent insurrection, and absolute wrong – and thus with illegitimacy – Wendell Phillips reversed the usual concept of legitimacy concerning insurrectionary violence and the state.

The reason for this reverse of legitimacy, Wendell Phillips declared, was the fact that the state of Virginia did not fulfill the qualifications of legitimate statehood. As qualifications, Phillips firstly named the criteria developed by liberals (and used by some political scientists, until today),⁸⁵ according to which legitimacy could only be claimed by democratic nation-states, whose political and legal system was endorsed by its citizens:

Lawless, brutal force is not basis of a government, in the true sense of that word. [...] No civil society, no government, can exist except on the basis of the willing submission of all its citizens, and by the performance of the duty of rendering equal justice between man and man. Whatever calls itself a government, and refuses that duty, or has not that assent, is no government.⁸⁶

84 Phillips 1863, pp. 271f. Cf. also the slightly different version of the speech given in "The Virginia Rebellion... Wendell Phillips on the Outbreak", in: *The New York Times* (New York, NY), November 2, 1859, p. 1.

85 See e.g. the criteria by Karl von Rotteck and Carl-Theodor Welcker in their *Staatslexikon* and the reference to Wilhelm Hennis, Stephan Leibfried and Michael Zürn referred to above.

86 Phillips 1863, pp. 271f.

Secondly, Phillips – an orthodox Calvinist, just like John Brown – referred to the demands of the Christian faith, the Bible and God’s Higher Law in order to demonstrate the illegitimacy of the state of Virginia: “The barbarous horde [the slave-holding class in the State of Virginia, which was for a large part identical with the political class of the state; CD] who gag each other, imprison women for teaching children to read, prohibit the Bible, sell men on the auction-block, abolish marriage, condemn half their women to prostitution, and devote themselves to the breeding of human beings for sale,”⁸⁷ in Phillips’ eyes, did not qualify for legitimate and civilized statehood: “You see I am talking of that absolute essence of things, which lives in the sight of the Eternal and the Infinite; not as men judge it in the rotten morals of the nineteenth century, among a herd of States that calls itself an empire, because it raises cotton and sells slaves.”⁸⁸ Therefore, the Boston abolitionist, with regard to legitimacy, came to the conclusion: “What I say is this; Harper’s Ferry was the only government in that vicinity,” and “John Brown has twice as much right to hang Gov[ernor] Wise, as Governor Wise has to hang him.”⁸⁹ It comes as no surprise, then, that Wendell Phillips, in his widely perceived speech, placed John Brown’s raid on Harpers Ferry in the tradition of the American Revolution, and in this way credited Brown’s violence with the highest legitimation possible. Soon, Wendell Phillips was not alone anymore with this interpretation.⁹⁰

John Brown also saw himself in the tradition of the American Revolution. This becomes evident, for example, from Brown’s endeavors to legitimate his violence, in form. In analogy to the founding documents of the United States, Brown wrote “A Declaration of Liberty by the Representatives of the Slave Population of the United States of America”⁹¹ and a “Provisional Constitution and Ordinances for the People of the United

87 *Id.*, p. 272.

88 *Id.*, pp. 272f.

89 *Id.*, pp. 273 and 272.

90 Transcendentalists like Henry David Thoreau and Ralph Waldo Emerson soon presented similar interpretations in their speeches. Cf. for example Thoreau 2001; and Emerson 1995. For recent books on this topic, see Reynolds 2005; Stoneham 2009; and Kemper Beck 2009.

91 The document is reprinted in Hinton 1894, pp. 637-643. On this document, cf. McGlone 2009, pp. 213-216.

States.”⁹² In these documents, he presented his idea of an ideal United States in which the promises of liberty and the pursuit of happiness would come true for the entire population. Moreover, with the help of his African-American friend Martin R. Delany, Brown summoned a “Provisional Constitutional Convention.” About fifty people, mostly African-Americans, took part in this gathering. Together, they discussed and adopted Brown’s “Provisional Constitution” and elected a government (the election of a President was postponed). The Convention also conferred the command of the armed forces upon Brown, and endorsed his insurrection-plan (as far as Brown was prepared to give it away).⁹³ In this way, John Brown consciously tried to gain popular, even state-like, legitimacy for his enterprise, justifying his violence in accordance with the revolutionary American tradition and self-perception, and asking for legitimation specifically from African-Americans – the group, for whose liberty and rights he fought.

For the three individuals who imitated John Brown’s and Felice Orsini’s terrorist acts, the illegitimacy of current rulers and existing social and political conditions, as they perceived it, also played an important role. For Oskar Wilhelm Becker, King Wilhelm of Prussia was “nicht im Stande [...] die Umstände zu bemeistern, die sich der Lösung der Aufgabe entgensetzen, die er als König von Preußen in Bezug auf die Einigung

92 Pamphlet, John Brown’s “Provisional Constitution and Ordinances for the People of the United States” from records relating to John Brown’s raid at Harper’s Ferry, Virginia (now West Virginia) in October 1859, 1859–1859, 15 p.; Letters Received by the Office of the Adjutant General (Main Series), 1822–1860; Returns of Military Organizations, compiled ca. 1800 – 12/1916; (National Archives Microfilm Publication M567, roll 618, frame 411–420); Records of the Adjutant General’s Office, 1762–1984, Record Group 94; national Archives, Washington D.C. [Online: www.archives.gov/research, National Archives and Record Administration, Online Public Access, John Brown’s “Provisional Constitution”, last accessed 5.7.2012]. The preamble and the first seven articles are re-printed in: Ruchames 1969, pp. 119–121. For the formation of this constitution in Frederick Douglass’s house, see Douglass 1994, p. 755; and Oates 1970, pp. 224–227.

93 On the Convention, see the minutes “Journal of the Provisional Constitutional Convention, held on Saturday, May 8, 1858”, in: United States Congress. *Report [of] the Select Committee of the Senate Appointed to Inquire in to the Late Invasion and Seizure of the Public Property at Harper’s Ferry*. Washington, 1860, pp. 45–47; the reports by Anderson (1980) and Martin R. Delany in Rollin 1868, pp. 85–93; as well as Oates 1970, pp. 242–247; and McGlone 2009, pp. 213–216.

Deutschlands zu erfüllen hätte.”⁹⁴ Becker thus thought it was legitimate to attempt to assassinate the Prussian King, because he deemed him unable to realize his historic mission and the desire of the German people: the unification of the nation.⁹⁵

For John Wilkes Booth the formal justification of his act of violence was especially important, just as it had been for his example, John Brown, a few years earlier. Booth, like Brown, was an ardent supporter of the political and social order of the United States, as he knew them, and of the principle of popular legitimacy implemented in its constitutions, and just like many Southerners of his time, he was convinced that Abraham Lincoln’s presidency was illegitimate.⁹⁶ For example, according to the memories of his sister, Asia Booth Clarke, one night in the last winter of the Civil War in 1864/65 (presumably in the weeks around Lincoln’s re-election) he sang a parody to her, ending with the rhyme “In 1865 when Lincoln shall be king,” and told her:

That Sectional Candidate [i.e. of the northern states, only; C.D.] should never have been President, the votes were doubled to seat him. [...] This man’s appearance, his pedigree, his coarse low jokes and anecdotes, his vulgar similes, and his policy are a disgrace to the seat he holds. Other brains rule the country. He is made the tool of the North to crush out, or try to crush out slavery, by robbery, rapine, slaughter and bought armies. He is walking in the footprints of old John Brown [...] He is Bonaparte in one great move, that is, by overturning this blind Republic and making himself a king. This man’s reelection which will follow his success, I tell you, will be a reign! [...] a false president, yearning for kingly succession as hotly as ever did Ariston [a tyrant in ancient Athens; C.D.].⁹⁷

John Wilkes Booth believed that Abraham Lincoln was an illegitimate president for many reasons: Lincoln (1) was the candidate exclusively of the northern states and had come into office by vote rigging; (2) he was not worthy of the presidency because of his lowly descent and his coarse

94 Oskar Wilhelm Becker, “Notiz über die Motive meiner That”, in: Landesarchiv Baden-Württemberg, Generallandesarchiv Karlsruhe, 250: Amtsgericht Baden-Baden: Verfahren 10, Bl. 4.

95 On Oskar Wilhelm Becker and his assassination attempt, see Haehling von Lanzenauer 1995; on his political thought, and his interpretation of his assassination attempt, see the respective parts in Dietze 2016, chapter 6.

96 On John Wilkes Booth generally, see the biography by Alford 2015. For an analysis of his political thinking and of his justification of his assassination of president Abraham Lincoln, see esp. the relevant parts in Dietze 2016, chapter 6.

97 Booth Clarke 1999, pp. 88f.

manners (most southern presidents before had been from wealthy planter families); (3) he did not rule independently, but was a marionette controlled by rich abolitionists of the northern states who had violated the constitution and declared war on slavery, just like the insurrectionist John Brown; (4) he intended to overthrow the American republic in a coup d'état, just like Napoleon III had done in France; and (5) he was a tyrant. None of these rumors are true.⁹⁸ For instance, there had been no irregularities in the election of 1860; Lincoln was simply the first president to be elected with the votes of the northern states, alone, because the United States had undergone demographic changes.⁹⁹ Still, Booth believed these stories circulating among adherents of the Confederacy, and when he heard that Lincoln intended to give some former slaves the right to vote, he acted on the basis of these rumors and shot the American president.

In contrast, Dmitrii Vladimirovich Karakozov entirely concentrated on justifying his attempt to assassinate the tsar in content. He gave political as well as economic reasons. In his written claim of responsibility, he delineated what he saw as the historical guilt of the Russian tsars: the suppression and expropriation of the Russian people. In his eyes, Alexander II had renewed this guilt with the emancipation declaration, which the tsar had issued in 1861, and which acted to the detriment of the former serfs: “Sad and distressed I became, that my beloved people is so oppressed, and there I decided to destroy the liar-tsar and to die myself for my beloved people.”¹⁰⁰ Moreover, Karakozov described what he thought a Russia without tsars would be like, a Russia with a political system based on popular legitimacy and an economic system providing for a fair allocation of ground and capital. This would be “true freedom” (*nastoiashchaia volia*).¹⁰¹

The five cases presented here, prove that – for the emergence of terrorism – concepts of legitimacy were of crucial importance. These concepts of legitimacy differed, however, in connection with the respective social and political situations in which the inventors of terrorism lived. In the case of Felice Orsini and his supporters, the conflict of legitimacy follows the revolutionary pattern common since the late eighteenth century. They

98 See for example the accounts of McPherson 1988 and Donald 1995.

99 See McPherson 1988, p. 232; and Donald 1995, p. 256.

100 “Grustno, tiazhko mne stalo, chto tak pogibaet moĭ ljubimyĭ narod, i vot ia reshil unichtozhit’ tsaria-zlodeia i samomu umeret’ za svoĭ liubeznyĭ narod”. (Shilov 1918, p. 161).

101 Shilov 1918, p. 161.

were ardent and active proponents of the principle of popular legitimacy, and shared a fundamental critique of the political system of the restorative order in the Italian states, of the Second Empire in France and of Emperor Napoleon III, whom they saw as responsible for putting down republican forms of government and for re-/establishing dynastic rule, in France and in the Apennine peninsula. After the failure of all attempts to implement the principle of popular legitimacy through collective violence, they took up ideas of tyrannicide.

John Brown and his group, in contrast, perpetrated violence against a political order in which the principle of popular legitimacy had been successfully implemented through collective violence. The orthodox Calvinist Brown, therefore, referred to the legitimacy of God's Higher Law in order to criticize the positive law supporting the institution of slavery as illegitimate. In structure, his argument thus resembles the reasoning of the ultramontane politicians and publicists in the French restoration period, whereas, in content, Brown's recourse to God's Higher Law differed from the ultramontanes' views, because it was revolutionary instead of restorative. John Brown and Wendell Phillips combined the recourse to God's Higher Law with the demand for a full implementation of popular legitimacy, a legitimacy which included all those of the population who had no political rights on the basis of the color of their skin and/or their legal status as a slave.

The three imitators represent variations on these basic themes. John Wilkes Booth regarded John Brown's demand for the inclusion of the slave population into the principle of popular legitimacy as illegitimate, because it threatened the republican principles as he understood them, and because it contradicted the constitution of the United States at that time. Dmitriï Vladimirovich Karakozov called for the implementation of the principle of popular legitimacy in Russia. As an additional requirement for a legitimate political order, he demanded economic participation, however. Finally, for Oskar Wilhelm Becker's decision to try to assassinate the king, the popular demand for unification and the Prussian king's alleged inability to fulfill this demand were the key factors. Taken together, the three cases stand for a universalization and further differentiation of notions of popular legitimacy.

In a similar vein, all five cases studied here can be seen as indicators as well as effects. First, they are indicators for and effects of the debates on legality, legitimacy, and legitimate rule, in the first half of the nineteenth century, in Europe, Russia and the United States. Second, all five protago-

nists are indicators for and effects of the active participation of wider parts of the population in conflicts about forms of government. Moreover, the differences and contradictions between their ideas concerning legitimacy and the political demands resulting from these ideas point to a phenomenon which might well be typical for periods of major political and social change, in general, as soon as a population is involved with politics at all. Once the political and social order has begun to change, one person's legitimacy is another's illegitimate order – as one could formulate with Gerald Seymour.¹⁰² The sole exception might be a political order which has wholly and irrevocably discredited itself, in the eyes of an overwhelming part of the population.

In European history since the middle of the nineteenth century, legitimacy continued to be contested. Conspicuously, in Germany in the second half of the nineteenth century, there are hardly any traces of public and academic discourses on legitimacy. Thomas Würtenberger explains this fact with the effects of Bismarckian power-policies, which tended to disregard claims of legitimacy in order to forge the German states into a German Empire and nation. Correspondingly, legal positivism and theories on realpolitik identifying legitimacy with state-power were prominent, in the public as well as in academia.¹⁰³ Despite such legitimizing discourse, the level of political violence remained high, in the 'Golden Age of Terrorism' or '*l'ère des attentats*', in Europe, Russia and in the United States.¹⁰⁴ After the end of the First World War and the founding of the Weimar Republic, in Germany, an intense discussion of legitimacy set in again between adherents of the Hohenzollern-monarchy and the German Empire, on the one hand, and the adherents of the Republic, on the other.¹⁰⁵ At the same time, there was a peak in political violence, which entailed different forms of political violence, from street terror to assassinations of promi-

102 The original quotation by Gerald Seymour is: "One person's terrorist is another's freedom fighter". (Seymour 1975, p. 61).

103 Würtenberger 1982, pp. 732-34; and Würtenberger 1973, pp. 237-240.

104 For an overview cf. esp. Rapoport 2006; and Jensen 2010. On Germany, see Gabriel 2014; and Mühlwinkel 2014; on France Bouhey 2008; and on Russia Naimark 1983, as well as Budnickiĭ 2000.

105 The essay by Schmitt *Legality and Legitimacy* (2004, orig. *Legalität und Legitimität*, published in 1932), is part of this discussion, Schmitt taking a critical stance towards the Weimar Republic, arguing for a "total state" based on ethnicity (see esp. the conclusion, e.g. pp. 88 and 90f.). Cf. on this debate Würtenberger 1982, pp. 735f.; Würtenberger 1973, Chapter 6; and esp. Dyzenhaus 1997.

nant republican statesmen.¹⁰⁶ After the end of the ‘Third Reich’ and the Second World War, legitimacy increasingly became the object of the newly developing social and political sciences.

On the whole, the historical perspective confirms that there is a correlation between legitimacy and security. The consideration of different constellations over the course of European history indicates that the fundamental contestation of legitimacy has caused rises in the level of political violence, for example, in the Era of Religious Wars, the Revolutionary Era, or the period after the First World War. In case of the emergence of terrorism, the correlation is not only indicated, but can be shown, firstly, to be true and, secondly, to be of crucial relevance. Thus, loss of legitimacy can severely undermine political order and rule as well as rulers themselves, while legitimacy helps to secure power as well as social and political orders. And indeed, rulers in societies all across the globe in much of human history have known this and acted accordingly.

4 Conclusion

The aim of this chapter was to make a case for a better inclusion of the category of legitimacy in the broad sense – as referring to political, economic or societal orders as such – into European security and securitization studies. The starting point for the argumentation was the observation that in studies of the Copenhagen and Paris Schools, as well as in other works in the field of security and securitization studies, the category of legitimacy in the broad sense is considered as a relevant category, but rarely for current security issues in the nations of the West or globally. Instead, legitimacy is either used in a narrower sense – that is, with respect to the political or professional legitimacy of securitizing moves and security experts, while legitimacy in the broader sense is mainly regarded as a factor relevant for ‘weak’ states in the so-called Third World and in history. With respect to history, special attention is given to the emergence of legitimacy in international society. Such a focus implies, however, that legitimacy in the broad sense can be neglected when dealing with current challenges to security and constructions of threat in the so-called First World or on a global level.

106 See for example, Sabrow 1994 as well as Reichardt 2002.

However, a historical perspective – thus, the rationale – can be helpful to appreciate that legitimacy in the broader sense is a crucial factor for security, in general. The long historical view combining the history of the term ‘legitimacy’ with events and constellations taken from European history helps to identify patterns and constellations concerning the relationship between legitimacy and security, and in this way holds important lessons on their correlation. When, in the Reformation and in the Revolutionary Era, competing concepts of legitimacy emerged and serious controversies began, large-scale conflict involving “political threats” against “ideologies,” “other constitutive ideas,” and “political institutions” (Buzan, Wæver and de Wilde) followed, which meant that the respective controversies became relevant for the security of those in power as well as for large parts of society and the political and social order as a whole. In this respect, both eras are comparable. Large-scale violence against the population, especially, was a reason to contest a sovereign’s legitimacy and in the short- or in the long-run brought about an increase in violence, while the concept of legitimacy itself became a discursive weapon to attack or defend rulers or entire systems of rule.

The emergence of terrorism shows how exactly the contestation of legitimacy turned into a security issue. The contestation of legitimacy witnessed in the revolutionary and restoration eras was an important factor for the emergence of terrorism, because for the first terrorists, questions of legitimacy played a decisive role in their decision to resort to acts of violence. This is another argument for the thesis that terrorism is a modern phenomenon which first emerged in the nineteenth century in Western Europe and in the United States. In the process of the emergence of terrorism, all three aspects of the contestation of legitimacy prominent in the first decades of the nineteenth century were indispensable preconditions: the fundamental critique of political systems and their representatives from adherents of a different principle of legitimacy; the widespread popular, political, and academic debate on the topic; and the juxtaposition of ‘legitimacy’ with ‘legality’. Seen in this way, the inventors of terrorism are indicators for and effects of the debates and conflicts around legality, legitimacy, and legitimate rule, which intensified during the Revolutionary Era, as well as indicators for and effects of the active participation of wider parts of the population in conflicts about forms of government. In principle, questions of legitimation were important for the inventors of terrorism in a two-fold manner: they had to de-legitimize the political order, against which the violence was aimed, and they had to legitimize the vio-

lence they perpetrated with regard to this de-legitimation. Their precise concepts of legitimacy differed in relation to the social and political situations in which the inventors of terrorism lived, and the differences between their concepts point to the fact that consensus about the way and the direction of change is unlikely, once a violent overthrow of a political order has taken place with some extent of public participation. After such violent transformations, one person's legitimacy is another's illegitimate order – as one could formulate with Gerald Seymour – at least, until the new order has taken sufficient hold. Until then, political violence is more likely.

For these reasons, a historical perspective on security and securitization studies suggests that the relationship between legitimacy and security merits more attention and further examination, as does, specifically, the transformation of concepts of legitimacy over space and time as well as specific constellations of contestation – not only with respect to the role legitimacy plays in history and 'weak' states of the Third World, but also with respect to the emergence of current security issues, globally and in the democracies of the so-called First World. In such a focus, the historical perspectives open up different insights. For example, *Begriffsgeschichte*, conceptual history and the history of ideas underline the importance of the link between security and legitimacy in European political philosophies since antiquity. Further investigation in this direction seems worthwhile, especially if such an investigation would not restrict itself to Europe, but consider political thought from other regions, such as the Near and Far East or south-western Asia, and in this way enable globalized perspectives on concepts of legitimacy and security as well as their role in different conflicts.¹⁰⁷ With regard to the history of violence and security, the link between the emergence of competing concepts of legitimacy and large-scale conflict involving "political threats" – such as the reformation era, the revolutionary era, as well as current times – could encourage comparisons between the respective eras concerning forms of violence and security issues, as well as concerning the developments and solutions which enabled past societies to find ways out of the respective conflicts. Such studies might inform today's attempts to deal with competing secular and religious concepts of legitimacy and with religious as well as political de-

107 For global perspectives on legitimacy and the stability of empires cf. Münkler/Hausteiner 2012.

gittimations of political orders, inside and outside the West as well as on a global scale. Moreover, the historical perspective can be read as a warning to give too much weight to the differentiation between so-called ‘weak’ and ‘strong’ states, because history shows that the legitimacy and security of political orders have to be constantly fostered, maintained, and renewed to prevent their demise. This observation, however, opens up questions about the relationship and interdependency of legitimacy and security in negative spirals of contestation and decline. In this context, terrorist attacks are not only attempting to de-legitimize a political order by aiming at constitutive ideas and ideologies, which form the basis of that order, but have a de-legitimizing effect because they aim at the basic legitimacy and security of order. And, possibly, some security measures, usually following such attacks, involuntarily augment this effect by challenging the legitimacy of political order even further.

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Part II – Historical and Contemporary Manifestations of the Power Dynamics in Securitization

The Legitimation of Council Rule Through *Vedute* of the City and Territory of Nürnberg from the Sixteenth to the Eighteenth Century: Visualizing Insecurity within an Image of Secured Order

Katharina Krause

As a discipline, art history has often examined the function of the visual arts and architecture in expressing power and power relationships. Researchers have focused primarily on the question of how works of art were produced or called upon to represent dominance. This immediately suggests a problem: art history has not dealt deeply with social scientific theories of “power.” Art historians are likelier to speak about dominance than power and to examine art as a means of stabilizing or extending dominance in the sense of institutionalized power.¹ When they do speak about power – sometimes from a historical and sometimes from an anthropological perspective – they address the specific power influence of visual art and, less often, of architecture, which they distinguish from the power of texts.²

Unlike considerations of this kind, whose interest lies in the drawing of difference between images and texts or in developing a fundamental theory of the image, our focus in the following study is to analyze the use of images and architecture in political processes. We begin from the idea that images and architecture have authors who seek to direct their uses and effects in different specific situations. We are not denying the immediacy of the effect of images, as articulated in the suddenness of wonder or horror; however, we do want to point out that both images and texts transmitted in written form are received at a distance from their immediate act of expression, and are thus removed from their authors’ direct control over the time,

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- 1 Warnke 1984; Beyme 1998; Mühleisen 2005, for a cross-epochal, interdisciplinary overview, Hebel/ Wagner 2011. Münkler’s paper 1995 was reviewed from the historian’s perspective in Mallinckrodt 2006, among others.
 - 2 Freedberg 1991. Most recently, the discussion on Bredekamp 2010. As an example of the mistaken reception of the book, see Paul 2013 and its review by Stiegler 2013.

context, and mode of their reception. Thus, texts and images may have different meanings ascribed to them in different contexts that differ from their authors' intentions. Whether pictures or buildings serve to create or represent security thus depends substantially on the context of their reception.

The organization and tradition of research in art history have not completely separated the visual arts from architecture and urban construction, but these fields have developed quite differently, since the specific material contingencies of these arts are of vital importance, especially for the constitution of works. For this reason, we will look at them separately.

In relation to the proximity or distance of visual artworks from dominance, it is important to consider epochal differences in the nature of the artist's profession, which can be divided into a long-lasting phase when works of art were almost exclusively created by specific commission, followed by a phase that continues to this day when works of art are produced for a market.³ In general, art historians have shown great interest in seeking evidence that works of visual art were and are specifically created with the intent to destabilize or constrain prevailing circumstances of rule. Pictures, which could be and can be created and reproduced at relatively small expense, are especially apt to be used as a medium to visually critique the conditions of rule and express social grievances. In the premodern era, this function principally related to drawings and prints, that is, works on paper, but this was conditional upon having ready access to paper or the printing press.⁴ In the modern era through to the present time, printed products have been supplemented by audiovisual and so-called new media. At first glance, due to economic considerations, pictures intended for serial reproduction and broad distribution would tend toward communicating more exceptional and often threatening events. This is the case, for example, for the illustrated broadsheets of the early modern period and, to a similar degree, for modern media products, which have some-

3 Warnke 1996; Haskell 1980; Bättschmann 1997. About the self-deception of the avant-garde, it is always worth re-reading Bürger 1974. A helpful introduction to the current state of research: Locher/Markantonatos 2013.

4 For an introduction: Harms/Schilling 2008. As a case example from the perspective of journalistic studies Bellingradt 2011, Cilleßen/Reichardt 2010. For the interferences between "high" and "low" art and between affirmative and critical pictures: Hattendorff 2012.

times been topics of study in the discipline of security studies.⁵ The full spectrum of how political imagery was used in the early modern period also includes techniques for assuring long-term stabilization of one's own position and for destabilizing the position of one's opponents, and these do not necessarily rely upon depicting or visually highlighting the current situation.⁶

In the case of architectural works and urban construction, it is rare to see any distancing from institutionalized power. Because of the longer durability of their materials and the greater costs and logistics required for their construction, buildings are regarded as being in greater proximity to ruling entities than works of visual art. This assumption has become so widely accepted as self-evident that researchers have rarely questioned the evocative power of buildings. For this reason, it is important to recall that architectural works, as constructions by those in command, not only set broad frameworks for human behavior but also shape people's behavior on a day-to-day basis: "The power of architecture lies [...] in its materialisation of what is normal or taken for granted. Buildings, insofar as they are arrangements of space designed to 'facilitate' a way of living that is 'taken for granted', are material expressions of the way the world is held to work. As such, buildings are always and immediately ideological: they seek to give a legitimation and authority to something which is arbitrary."⁷

In close alignment with the historical development of architecture as an artistic and technical profession, architectural historians have primarily focused on issues such as the ways that building types and the formal language of architecture represent the function of the building and the customer's rank within a group of peers or in relation to higher-ranking or lower-ranking groups. In this respect, architectural historians differentiate between the intended and actual effect on an audience that is directly and personally exposed to a building, and the intended effect on an audience to which the structures will be communicated through media – whether in text or image.⁸ The discipline thereby focuses on domestic and foreign policy effects of construction activities.

5 As a program of research, only in Williams 2003, pp. 524–552. For proposed theory and empirical application, see Hansen 2011.

6 Cilleßen 1997.

7 Johnson 2006, pp. 285f. referring to Anthony Giddens to justify why "vernacular architecture" also exercises power.

8 Völkel 2001, especially pp. 237–276.

Visual works and buildings, including monumental buildings, are rarely mentioned in political discourse or political theory as objects of securitization. This may come as a surprise, given Plato's insistence on the danger to the common good of works of art in the tenth book of his *Politics*. However, this blind spot – which goes beyond securitization studies – is less surprising once we recall that since antiquity, along with the low estimation of image producers due to their low social status, there was also the conviction that only written texts by the educated and the learned, and not visual artworks by artisans, could be of any relevance to political practice.⁹

This stance converges with that of the field of art history; thus, beyond neglecting theories of power, the field has failed to take up a set of issues related to how works of visual art may create or represent security at the level of the community. However, art historians have been interested in questions of censorship – as directed against the visual media cited above.¹⁰ The themes of censorship and how image producers have responded to censorship have been discussed primarily in iconographic studies on the use of censorship as a controlling measure to maintain an existing political order – but less often in terms of studying the creation or representation of security. As measures that accompany and foster attempts to change the political order, the toppling of memorials and the storming and destruction of official architecture as well as their reconstruction have received some attention. In these cases, security and insecurity are rarely considered in terms of politically motivated iconoclasm, nor are the responses of those in power, who first turned monument preservation into a security issue by promoting their protection.¹¹

Things are no different in the case of buildings. It is beyond question that some works of architecture are works of security architecture. The list would encompass fortresses, the fortification of cities and private buildings, and special building projects associated with public security, includ-

9 A study on the forms of dissemination of a ban on images or the destruction of images ordered by those in power would discover further reasons for the absence of this aspect; thus, images are destroyed in order to help implement a particular religious tendency – at the same time seeking to have the effect of permanently destroying the cultural identity of a portion of the population (Bamyam 2001; Palmyra 2015).

10 See. e.g. Goldstein 2012.

11 See, among others, *Bildersturm in Osteuropa* (1994); Gamboni 1998. There are a series of case studies in Fleckner 2011.

ing prisons and buildings intended to protect the government and population in case of war or catastrophe, such as bunkers. However, this field also lacks systematic presentation. Accordingly, the sole touchpoint that can be offered is the view that architecture at its root is grounded in man's existential fear of the weather and of internal and external enemies.¹²

In the context of those gaps we have only briefly outlined above, this essay uses a case study with limited materials to inquire about the potential functions of images in the typology of security power. In consideration of the introduction to this volume, we will inquire about the role of images in processes of securitization. Our assumption is that the function of a unique image may change depending on the conditions of its reception. The same image may be differentially deployed and have different effects on processes of securitization, depending on the type of power to be securitized and the type of power employed in the securitization.¹³ This means that context is of central significance in the uses and impacts of images, underscoring the relevance of statements on contextual integration in the securitization model, especially as practiced by representatives of the Paris School of security studies.¹⁴ Because of the interest in the work, the notion of "context" in the field of art history includes the long-term view beyond the individual context, as well as prolonged interruptions in the use and reception of works, and thus changeable historical conditions, as well as material changes in the works themselves.¹⁵ Thus, it also makes sense that images are not merely deployable in a dramatically staged "securitizing move," as would be suggested by the viewpoint of the Copenhagen School of security studies. Only in rare cases in the early modern period is it conceivable that a situation would be securitized by means of presenting "an existential threat requiring emergency measures and justifying actors outside the normal bounds of political procedure."¹⁶

Rather, it is generally the case that situations of existential threat to a community and measures required to deal with them also tend to become apparent to the actors when they are or at least appear to be unusual and new, and the actors link them back to familiar processes of legitimiza-

12 Erben 2003/2004.

13 Langenohl, in this volume.

14 Balzacq 2005.

15 See in this regard programmatic proposals in Busch 1985 and Kemp 1993.

16 Buzan/Wæver/de Wilde 1998, pp. 23–24..

tion.¹⁷ Thus, the role of images can repeatedly recall security routines during a prolonged process and thus not only to hold in collective memory the context for extraordinary measures but also to legitimize them in the case of a similarly relevant state of threat. However, the role of images can also be to keep latent threats alive in an atmosphere of deepest peace and well-being, and thereby place the focus on a feeling of insecurity of human existence, whose mastery generally lies beyond human power. Here as well, there takes place “a classification of circumstances into a concept of order that creates meaning” – in this instance, the story of salvation oriented toward the Judgment Day.¹⁸

Thus, one could conclude that the interest in security routines, as particularly advocated in security studies by the Paris School, would be suitable for analyzing aspects of securitization in the early modern period.¹⁹ However, these approaches also focus on innovations. In 1998, Buzan, Wæver and de Wilde proposed, without further exploration, that in cases of extreme threat and natural catastrophes, “the need for drama in establishing securitization falls away, because it is implicitly assumed that when we talk of this issue we are by definition in the area of emergency.”²⁰

The pool of images of the Free Imperial City of Nürnberg examined in this chapter shows among other things that the production and reception of images takes place among a set of actors who have varying claims of interpretive authority about security-related image content. Despite the huge difference in the pace and scope of image production and dissemination in the early modern period compared to the present time, we can confirm a secondary aspect of the conclusions offered by Hansen, who saw images performing very specific functions. Hansen states that “the possibility of circulation through modern media technologies challenges securitization theory’s rather traditional notion of securitizing actors as political elites.” In fact, this process of circulation had already begun with the production of images in the artistic centers of the sixteenth to eighteenth centuries. So long as we do not limit categorization of images to a specific “securitizing move” but rather view them as setting the context for such a move through the creation of a consciousness of permanent threat, we can see an ever-

17 Kampmann/Krems/Krause/Tischer 2012.

18 Schnadenberger 2016, especially p. 74.

19 Bigo 2002, p. 73.

20 Buzan/Wæver/de Wilde 1998, pp. 27–28.

expanding number of actors from different social groups come into play in the early modern period.²¹

Given the state of the research outlined above, this is not the place to develop a comprehensive typology of images and their use in securitization processes. Our aim will be more limited. We will ask: (1) Over the long run, how does a dominant political and social order with a specific cast of actors employ images of the city and its surroundings as the basis for affirming the security of an early modern political system, even while using signals of latent threats to depict that system as perpetually endangered?; (2) What is the role of contexts of image reception, predicated on the memory of events as well as transmitted knowledge of aesthetic conventions and modes for presenting image and textual genres – and how do these elements come together to generate the anticipated efficacy of the images?; and (3) Can elucidating the role played by images in creating and depicting security in the securitization process help us understand those features specific to early modern image production?

Rule over the city and its environs

As a case example, we will use depictions of the Free Imperial City of Nürnberg and its environs in prints and image series from the Protestant Reformation to the end of the eighteenth century. The outpouring of Nürnberg pictures began in the sixteenth century and stands at the apex of quantity and quality, even when compared to large European states and centers of picture production.²² In some cases, these *vedute* were produced for large compendia of European cities and countries, or at least integrated into them. In their surfeit, however, they appear to have been independent publishing works that were sold by their engravers and publishers. They were created at the initiative of these producers and were only rarely subsidized by the Nürnberg Council, but, like all printed works of the early

21 Hansen 2011, p. 57, McDonald 2008, p. 573, and Guzzini 2011, p. 335, emphasize the procedural character of securitizations and the necessity of embedding them in a specific context.

22 The Nürnberg *vedute* production has not been researched in its totality. The most comprehensive work remains that of Müller 1791. For an introduction, see Mende 1999. For an overview of the history of the city, see the essays in Pfeiffer 1971. Regarding the techniques for managing the potential for religious conflict, see Riegg 2004.

modern period, they were subject to censorship. Their economic success is evidenced by the fact that they continued to be disseminated in multiple editions through the end of the eighteenth century. Thus, we have included images for the case study that would not have been associated at first glance to political events in Nürnberg. To illustrate the specific nature of the selected images, we should briefly outline the Council's communication strategy. It employed an image program that illustrated or constituted a building or festive program for the city: The Nürnberg Town Hall – enlarged after 1616 – highlights the city's connection to the Holy Roman Empire and adds to the décor from Dürer's time a series of emblems intended to instruct the viewer in the basic principles of good governance. The emblems were made accessible through the publication of a book that reproduced the images with their Latin text translated into vernacular German, and explained their meanings.²³ The Emperor's ceremonial entrances were celebrated with expensive ephemeral installations; for a while, they were accessible to all interested persons and accompanied by printed explanations that were sometimes preserved permanently.²⁴ Generally, the Council's communications of this kind about political circumstances were triggered by a specific event, but they were usually intended to generate statements with lasting effects, whether they be more normatively intended or more with a view toward commemoration. Consequently, on the part of the Council, events were primarily communicated and memorialized using the medium of medals, which as a result of the manufacturing process involved were not suitable for addressing highly current issues.²⁵ More expeditious media included broadsheets, sometimes illustrated, and written or printed newspapers. The Council did not actively use these media but tolerated them, especially when communication of an event was

23 *Emblemata Politica. In aula magna Curiae Noribergensis depicta, quae sacra Virtutum suggerunt Monita Prudenter administrandi Fortiterque defendendi Rempublicam, Nürnberg 1617, Edition Nürnberg 1640:* http://gdz.sub.uni-goettingen.de/dms/load/img/?PPN=PPN807277312&DM-DID=&LOGID=LOG_0001&PHYSID=PHYS_0004 The engravings were made by Peter Isselburg, who dedicated the volume to the Council. About the city hall as such, see Mende 1979; Schauerte 2013.

24 For example, the Entrance of Emperor Charles V. 1541 (Philipp 2011).

25 See Fischer/ Maué 2014, with numerous examples.

linked to an overarching ethical message.²⁶ The Council's communication practices, unless they were matters of every-day importance to the city,²⁷ were directed more toward commemoration and the ethical interpretation of events rather than their immediate news value. Regularly recurrent processes – such as Council elections – did take place but were not made the objects of written or pictorial news stories.²⁸ The serene quality of the Council's communication behavior was a confirmation of its competency and was thus a not insignificant contribution to the legitimation of its rule.

The *vedute* of a well-ordered city and its secured territory also form part of a long-term discussion on the basic facts of a well-functioning community. This theme began brilliantly with the frescos of Ambrogio Lorenzetti (1338–39) in Siena's Palazzo Pubblico. In the case of Nürnberg (and other Imperial cities) it gradually became separated from its connection to the town hall as the locus of rule and thereby also gained a broader audience.²⁹ While in Siena, "Securitas" dominated the environs as a messenger of good and proper government;³⁰ she was not specifically represented as an allegory in Nürnberg. Seen as a whole, the prints, which were widely disseminated in large numbers over the next 200 years, present the eye with the image of a permanently well-ordered city and its territories under municipal council rule whose inhabitants and visitors can all safely pursue their various daily activities.

26 For broadsheets, see the edition by Harms 1980; Schilling 1990, especially ch. 2, pp. 91ff. For the Nürnberg newspaper business, see Sporhan-Krepmpel 1968 (with reprints of news stories) and Zimmermann 1930. For a good overview of the research status, see Bellingradt 2011, pp. 17f.

27 For this purpose, the Council employed, among others, written decrees, which were displayed in the city. An overview of the themes and forms of these mandates, which were printed in octavo format, that is, in small format and at low cost, can be found in the digital holdings of the Austrian National Library, Vienna (over 200 examples).

28 For pre-Reformation Nürnberg, the situation is outlined in Groebner 1994; more generally, as characteristic of the epoch, see Schlögl 2014, especially the chapter on Communication, pp. 29–47.

29 For an overview of the research on Siena, see Schmidt 2003, pp. 84–135. Pictures of the territory are often found in the mansions of the princes. There is a good overview in Eser 2014. In the Netherlands, *vedute* were commissioned for city halls. Worthy of note is the monumental view of The Hague by Jan van Goyen, around 1650–51, painted on commission by the Mayor for the city hall (Suchtelen/Whelock 2009, No. 20, pp. 116f.).

30 On the territorial dimension of "Securitas" at the boundary between city and country, see Skinner 1999, pp. 1–28 and Schenk 2010.

The Free Imperial City of Nürnberg could boast that within living memory, until its opening to the troops of Friedrich II of Prussia in 1762, it had not tolerated any external enemy within its walls. This fact is conveyed and acknowledged in the writings of the period. Despite the implementation of the Protestant Reformation, the city remained custodian of the imperial insignia of the Holy Roman Empire and insisted on its loyalty to the Imperial house. Under the ruling monopoly of a small number of patrician families who made up the leadership of the city and belonged to the nobility,³¹ Nürnberg's oligarchy is an example of the "authoritarian type of power," and it was under constant pressure to legitimize itself internally and externally given the presence in its immediate proximity of other types of rule.³² We will only briefly outline the conditions under which the Nürnberg Council ruled.³³ Externally, the Council's rule was threatened by the competing model of the sovereign princely state (*Fürstenstaat*). Near Nürnberg, this form of government was manifested by its closest neighbor, the Margravate of Ansbach-Bayreuth, which almost completely encircled the territory of Nürnberg. Eventful instances of real existential threat to the community and continual reminders of the need for security routines included the memory of two Margrave wars, during which the Nürnberg area was ransacked, concerning the country estates of prominent council-eligible families,³⁴ the damages caused by siege and military marches through its territory during the Thirty Years' War and War of the Spanish Succession, as well as the repeated claims to the environs of Nürnberg extending right up to the city walls³⁵ filed at the Imperial Court following the Peace of Westphalia. Within the city there was pressure to legitimize the oligarchy through competent action, especially in crisis situations, by maintaining rules of procedures such as municipal elections and through the manifestation of rituals, such as the oath of citizenship.³⁶ For its part, the citizenry was not socially homogeneous, but divided into two major groups, on the one hand, long-distance traders, and

31 Hofmann 1965; Fleischmann 2008.

32 Authoritarian power type according to Popitz 1992, pp. 27–31.

33 When we speak in what follows about the "Council," we are always referring to the "Small Council" that constituted the top level of the city government.

34 We are unable to present here the dynastic differentiation of the Margraves or the events of the wars of 1449–1453 and 1552–1554.

35 Evidence from Willax 1979, pp. 203ff.; see also Rutz 2014.

36 On the "affirmation function" of such acts as symbolic communication with the example of the Nürnberg Council election, see Rogge 2004, pp. 396ff.

on the other, craftsmen producing for the local and regional market, and these groups pursued very different interests. The merchants and traders experienced the decades of the Thirty Years' War and the economic consequences of catastrophic municipal indebtedness as a permanent crisis, and their resentment manifested in attacks on Council rule.³⁷



Fig. 1: The three Aldermen of the City of Nürnberg (Nürnberg, Stadtbibliothek, Abteilung Sammlungen)

The Council rulers' self-understanding was expressed in the form of allegorical representations: the eldest and most venerable of the three Aldermen sits on a golden stool with red cushions, weighed down by the burdens of the city which rest on his shoulders like a model with the imperial castle at its apex – surely not by coincidence, as it is a traditional symbol

37 Using the example of Lübeck, Hoffmann-Rehnitz (2016) indicates a similar constellation. Despite the perception of “decline” and the development of narratives to that effect, in Lübeck as well, one can document the maintenance of continuity and demand to act according to time-honored rules, rather than postulating discontinuity in the modern mode of crisis or upheaval.

of dominance. Helping to bear the burden is the second *Losunger*, entrusted along with the eldest with the rights and duties of managing municipal finances. This diumvirate of the most powerful Nürnberg gentlemen seated under the symbol of “Justice” is attended by a third party representing the artisans.³⁸ The *leitmotiv* of the symbol chosen by the Council to present its self-affirmation and legitimation before the citizenry is not the exercise of power, but instead the bearing of the burden of city government under the dominion of justice. The *vedute* of the city and its environs that we examine more closely in the following confirm this view of shared leadership. There are multiple depictions of aspects of rule as well as external and internal security, but they are somewhat parenthetical. The Councilors are not pictured among the figures populating the *vedute*; the street is not their place. However, the Council families are represented and kept in mind by the fact that their houses are cited by name in the legends of the prints. Of course, this is also the case for other major city attractions, such as hospitals and taverns. The forces of law enforcement under the Council’s authority are certainly visible,³⁹ but you have to search long and hard to find any *Stadtknechte* [policemen] in the pictures. More visible is the technical equipment for protection in case of crisis, which is shown as inactive, but well maintained. In addition to defensive chain barriers [*Kettenstöcke*] for blocking off the most important streets, precautions are taken against the perils of fire and the fortifications themselves.

There are scarcely any *vedute* that fail to include an image of a tower as part of the city fortifications – the omnipresence of the towers in the images shows the high priority of such defenses against external danger for the order of the community within. The pictures thus constitute a perfect example of Münkler’s “visualization of the power of the expertocracy”: the extreme secrecy about the Council’s decision-making processes, the “utter invisibility of power,” is contrasted with its “visualization as order.”⁴⁰ What does not match Münkler’s simple typology is that the pic-

38 Nürnberg, Municipal Library, Collections Department. See Fischer/Maué 2014, p. 25 (color fig.). An eighteenth century copy in the Germanic National Museum Nürnberg includes explanatory captions, which contrast the destruction of Rome and Troy as a result of vices with good Council rule (Smith 2008, p. 32, also in connection with the medals minted on commission of the Council by Valentin Maler, 1586, 1589 and 1590 (Fischer/Maué 2014, Nos. 28, 29, 32f., pp. 50-54; Tipton 1996, pp. 118–120.

39 See Bendlage 2003 for number, duties and garments.

40 Münkler 1995, p. 214.

tures were not actually commissioned by the magistracy; rather, engravers and publishers had developed an appellative structure through a complex process of production and dissemination, which by the end of the period we are examining here, became commemorative of past greatness. This was certainly true for the castle, which had long since lost its military significance. As the seat of a distant Emperor who only rarely traveled to Nürnberg, the castle is the guarantor and symbol for the sovereignty of the totality of the city, and for this reason, in the late reprints of the engravings, which become a kind of walking tour of the city, the castle is placed at the very beginning of the series.

Internal security through external security – The ruling Council’s image of Nürnberg

In 1577 the Council undertook a comprehensive review of the status of its *Landwehr*, a set of surrounding earth walls constructed in front of the city walls in 1449, which encircled the suburbs and many noble estates. From the inside to its periphery, the fortification system of the city was comprised of a total of five fortified rings. The castle walls represented the first ring, and the inner and outer city walls were the third and fourth. The fifth ring included the fortified cities and fortresses in other parts of the territory – outside of the *Landwehr*. Its military importance was thought to have been superseded by the entrenchments from the Thirty Years’ War, but it was still recorded on all maps as a distinctive boundary until the city’s transition to Bavaria in 1806.⁴¹

To safeguard knowledge about these fortifications, the Council commissioned the painter Paulus Reinhart to prepare a “Mappa.”⁴² By contrast to what might have been expected, this was not a true-to-scale map intended to enable the military to detect violations by negligent property owners, but instead a bird’s eye vista of Nürnberg’s environs. Proceeding out from the city walls, it presented the land and the people in a circle around the city within a hilly landscape, where the to and fro of the trenches and

41 Willax 1979.

42 The map, which represents an official map in legal and administrative act by the authorities, has been preserved in the Nürnberg State Archive. See Timann 1987, p. 196; Timann 1993, pp. 121–139. Doosry 2014, pp. 113–125; see Schiermeier 2006 for evidence of all known city maps of Nürnberg during this time period.

walls of the military defenses appeared as only one boundary among others, together with the many fences enclosing the meadows and fields. The map was hung in the war room of the City Hall and kept hidden behind a curtain. In this way, it was accessible in case of need but kept secret.



Fig. 2: Stephan Gansöder: Nürnberg, birds-eye view of city and surroundings, woodcut on four pages (Munich, Bayerische Staatsbibliothek)

In 1577, when Stephan Gansöder offered to duplicate the map in woodcuts, the Council did accept his offer, but set up the printing press for creating the prints in the Town Hall under its direct control. From this one can surmise that the recipients of the first edition of 17 copies of this large-scale map printed from four blocks were carefully chosen. The printed “Mappa” thus remained exclusive, if not quite as secret, in accordance with the Council’s wishes.⁴³ Ultimately, the map held no secrets concerning military defenses, for although it was based on an exact description of

43 At this point, we do not have statement from Council documents, nor are any traces to be found of the distribution of the printed maps. In general, the literature

the *Landwehr*, the map did not reproduce it using modern surveying techniques. However, as a joint effort by Reinhart (a draftsman) and Gansöder (a wood engraver), the work did exemplify Nürnberg's artistic and technical achievements: ever since Emperor Maximilian's major commissions to Dürer and the artists and artisans associated with him, the creation of giant woodcuts intended for display on a wall – that is, images printed from multiple wood blocks – had been a *tour de force* of the Nürnberg arts.⁴⁴

From 1529–30, the Council sponsored another Nürnberg wood engraver and publisher, Nikolaus Meldemann, through loans and privileges to create and publish an all-around view of the city of Vienna during its besiegement by the Turks. Therefore, Meldemann dedicated his presentation of the Turkish siege of Vienna to the Nürnberg Council and explained his form of presentation not only on the woodcut itself, but also in a separately published accompanying text, which – topically – in the service of praising the city, as a description of Reinhart's and Gansöder's later work suggests: “[...] when one stand in the midst of a city/on a high tower/and looks around over the entire city/into the landscape (the same into the city), then one sees villages/castles/waters/forests mountains and valleys etc./and whatever is in the whole landscape (that is visible) that lie surrounding the same city/and so he can see all around the city/and not much is going to remain concealed.”⁴⁵ Moreover, Meldemann stresses that his presentation format, which refrained from showing the details inside the ring of walls, was also intended to keep the costs low enough that the work would remain affordable “for the common man.”

The different occasions and motivations for the two works make clear why the focus was particularly an internal one. Reinhart and Gansöder

assumes that the prints of the “Mappa” were also intended to be kept secret but this is not proven by sources. The Council members may have been the recipients, in this regard, see the *vedute* by Lautensack/Sautter (n. 57).

44 The “Ehrenpforte” [Triumphal Arch] and the “Triumphzug Kaiser Maximilians” [Emperor Maximilian's Triumphal Procession] were, among others, part of the original décor of the Nürnberg City Hall. See Schauerte 2001; Warncke 2013.

45 Meldemann 1530, as cited in: <http://data.onb.ac.at/ABO/%2BZ16901070X>. See Düriegl 1980: „[...] wann einer mitten in einer stat/auff einem hohen thuern stuede/vnd kuende vber die gantz stat/gerings umb/inn ein landschafft hinein sehen (des geleychen in die stat hinumb) so sihet der Doerffer/Schloesser/wasser/veld berg und thal etc./und was in der gantzen landschafft (so anderst sichtig ist) umb dieselb stat herommen ligt/und so er untersich in die stat herab sihet/mag im auch nicht viel verporgens bleyben/“.

contrast the image of the event of the (successfully repelled) Turkish attack on the Imperial City of Vienna and the devastation of the surrounding countryside by siege and troop movements with a depiction of the totally peaceful and prosperous territory of the fortified, Imperial City of Nürnberg, loyal to the Emperor. In 1577, this is clearly an imaginary picture; the patricians' country estates amidst the fertile landscape crisscrossed by well-traveled roadways were yet to be fully restored after the plundering of the Second Margrave War, and, in general, "vigilance" was still a central theme in the political iconography of the city. As Nürnberg's elite, the Council had given a prominent place to the environs in the work as a contrasting image to recently experienced and always threatening danger.

Pastoral ambivalence – The cultural elite's image of Nürnberg

Since the waning days of the fifteenth century, Nürnberg had been an extraordinary place for the production and sales of city views. The city's self-image was molded by the 1493 world chronicle that was written by Hartmann Schedel and published by Anton Koberger; it is a city with many towers, dominated by its two principal parish churches with the imperial castle at its apex, further demarcated from the surrounding lands by multi-turreted walls, with scattered suburbs, where the gallows provide evidence of the city's claim to legal authority, and thus its dominion over the environs.⁴⁶ We can assume that with artists in Nürnberg such as Wolgemut and his pupil Dürer, their pupils and members of their workshops, there was a tradition of producing city and landscape images that also aroused interest in a local audience. Thus, it comes as no surprise that landscape artists – painters as well as copperplate engravers – earned their livelihood in this primarily Lutheran imperial city, many of them having come to Germany from the Netherlands since the late sixteenth century either as religious refugees or for economic reasons.⁴⁷ Thus, Nürnberg was able not only to import new artistic accomplishments but also to produce them in the city and adapt them to its own needs.

These innovations also include the first print series with views of the Nürnberg environs. Only 10 years after the first Dutch examples, which

46 See Mende 1999; Meyer 2009, pp. 294f.

47 For an overview, see Pilz 1952.

elevated the unspectacular surroundings of Haarlem into evidence of its newly achieved sovereignty as a theme of print series, artists began to draw motifs from the environs of Nürnberg in the mode of *vedute*. There were several existing templates for reproducing the Nürnberg landscape, and artists drew on Dutch series, such as the “Plaisante Plaetsen” by Claesz Vischer (1611–12), and his replicas of the Brabant “Small Landscapes” by Pieter Brueghel the Elder (1612).⁴⁸ The original drawings for the series of engravings were by Jan Brueghel the Younger, who had spent some days in Nürnberg. From the pool of sheets, the engraver and publisher Peter Isselburg, originally from Cologne, selected a total of six images, which he kept in a similar format to form a self-contained series. The execution of the prints is ascribed to Matthäus Merian the Elder.⁴⁹



Fig. 3: Jan Brueghel the Younger (draughtsman)/Peter Isselburg (publisher): Das Angersche Weiherhaus [The pond house of the Angerer family] (Braunschweig, Herzog Anton Ulrich-Museum)

48 For a good overview of the state of research, see Gibson 2000, pp. 27–49, 85–116.

49 Van Camp (2013) has classified 11 drawings as part of the series. Two drawings were most likely etched by Jan Brueghel himself. The examples used were from the Herzog Anton Ulrich Museum, in reproductions from the Virtuelles Kupferstichkabinett, <http://www.virtuelles-kupferstichkabinett.de/index.php?selTab=3¤tWerk=13422&>. See also Schmidt 2000, pp. 132f., still with attribution to Jan Brueghel the Elder.

This image features the *Weierhaus* [pond house] of the Angerer family, which had been previously depicted by Dürer.⁵⁰ The engraving shows the timbered house on a wooded island next to a pond whose smooth water surface reflects the buildings and the vegetation. In the distance, we see one of Nürnberg's gate towers; the background is formed by a fisherman with a net, and a barge on its way to the island. The themes are the modest buildings themselves, the reflections in the water, the ambience of the cloudy sky, and the people who are going about their work. The caption on the page emphasizes that this is a depiction of a real place.

The print pays tribute to a work by Dürer, the city's most famous artist, whose works were already much sought after in the decades around 1600 – but at the same time, cityscapes such as these reflected a more recent movement in the European market that focused interest on local environments. This new mode was also characterized by the accurate reproduction of the buildings embedded in their surroundings and collections of farmsteads and rural roadways, which were all identifiable real-world places – furthermore, the inscriptions reveal they were meant to be identified. The primary focus of the depictions are the patrician country estates, but they also typically include fishery, gardening, and agriculture, the leper's hospital as a patrician charity, and Mögeldorf with its mansions and inns, a favored destination for excursions from the city. Very often, one sees one of Nürnberg's gate towers in the distance, thereby maintaining the connection to the imperial city. Moving about in these landscapes are farmers, fishermen, shepherds, travelers, pilgrims, and idlers, pigs, sheep, cattle, and horses. A new feature in comparison to Dürer's famous watercolors is that these images, as in the Dutch works, were now compiled into series and sold as separate pictures. As in the 1577 round woodcut, these works exude a basic aura of well-being – a sense of contentment that is ensured by the patricians in their country estates and which now extends explicitly into the pastoral landscape.⁵¹

50 Regarding the building, see Giersch/Schlunk/von Haller 2007 (<http://www.herrensitze.com/st-johannis-i.html>); the unit was owned by the Angerer family, and was presumably destroyed in the course of 1631 work on fortifications. Dürer drew the *Weierhaus* [pond house] in a watercolor now at the British Museum in London. He used the watercolor for his 1498 copperplate of the “Madonna with the Monkey”. (Schröder/Sternath 2003, No. 30f, pp. 182–185).

51 There are parallels to the presentations of the environs of Nürnberg from Schwalbach by Anton Mirou and Matthäus Merian the Elder (Diefenbacher 2002) and from Strasbourg by Wenzel Hollar (Pennington 1982, No. 754–756).

Nürnberg's environs also appear as a pastoral landscape in the 1644 "Pegnesischen Schäfergedicht in den Berinorgische Gefilden," jointly published by Sigmund von Birken, Philipp Harsdörffer, and Johann Klaj as the first printed work by the literary society they had founded called the *Pegnesische Blumenorden* [Pegnesian Order of Flowers].⁵²

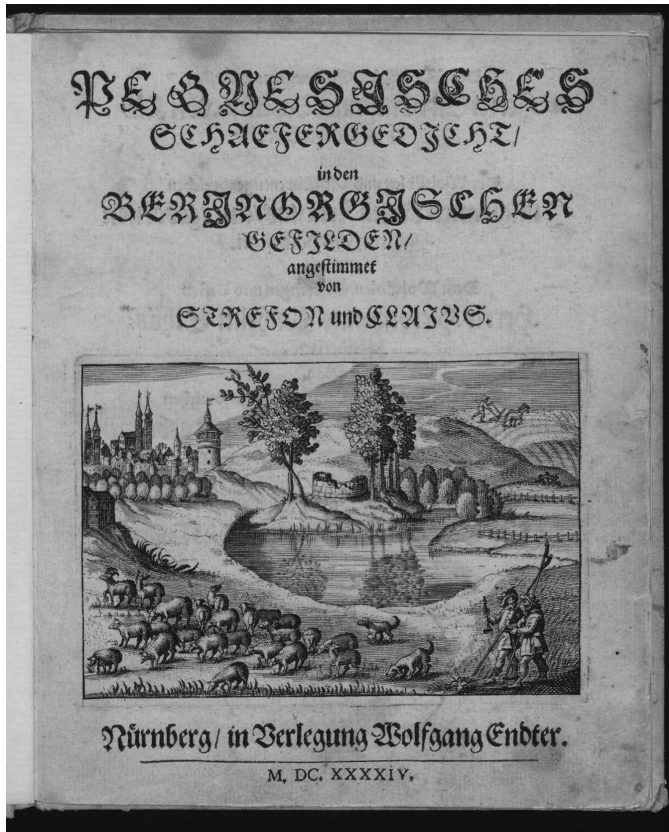


Fig. 4: *Pegnesisches Schäfergedicht*, [Pegnesian Shepherd's Poem], Title Page (Wolfgang Endter, Publisher) (Göttingen, Staats- und Universitätsbibliothek)

52 Harsdörffer/von Birken/Klaj 1644. For the literary devices and standing of Nürnberg's baroque poetry, especially about the meaning of oral and sung speech, see Garber 2009, pp. 43–58; Garber 1995, pp. 146–154.

The document's title page presents all the elements familiar from the older *vedute*: the silhouette of the city with its two parish churches and one of the broad towers, the surface of a body of water, enclosed pastures and a farmer ploughing his field. Thus, it is a *locus amoenus*, where two shepherds, Strefon (Harsdörfer) and Clajus (Klaj), are grazing their sheep and striking up their melodies. The scene – the depiction is of the meeting place of the Order of Flowers west of the city – is thus specifically attuned to the text but thereby becomes ambiguous. The ruins of a building testify to the age of the city; a mill wheel evokes Nürnberg's manufacturing products. However, the main theme of the shepherd's ode is to present a friendly welcome to the foreign shepherd Clajus, who has been driven out of Saxony by the fortunes of war and, much to his amazement and relief, once again finds peace in Nürnberg.⁵³ This story evokes a motif from Virgil's first eclogue in which not even the rustic landscape is free of outside disturbances.⁵⁴ The subject also includes the ambivalent nature of a venerable historical age, which ensures stability and dignity, but in utopic depiction of the shepherd's existence is subject only to the natural cycle of the seasons; the ruins symbolize the inevitable erosions of time, thereby evoking an elegiac undertone of impermanence. Like the pastorals of the first half of the seventeenth century that combine the past greatness of the Roman Empire with images of the Roman Campagna as the utopian site of a secure and simple life in a lovely landscape, the pastorally populated Nürnberg landscape suggests timelessness, yet its noble manors, fishermen's huts, meadows, gardens and fields are also threatened by sudden destruction. However, the pictures only hint at what the text expresses with great clarity: “the raging sword/vengeance for sought-after injury/and the furious turmoil of the weaponry [have] lately driven out all art and grace/shepherds and shepherdesses are brought down among their wooly flock/all the villages/dairy farms/outlying estates and sheep farms are desolate/meadows and fields overgrown/the groves burned down by the watchfires/fruit and vegetable gardens turned into bulwarks. Instead of the leafy spruce trees, long spears and lances glistened/instead of the village organ pipes and shepherd's songs, one heard the wild battlefield cries and dying screams of the soldiers/instead of the faithful bleating of the

53 For the purposes of evoking connection to Nürnberg realities (in the text, without reference to the title image) see Althaus 2001, pp. 690–713.

54 On the literary and aesthetic tradition, see Maisak 1981; Böschstein 2001; on the passage cited, see Althaus 2001, pp. 699–705.

sheep/the neighing of the horses/the roll of the drums and the calls of the trumpets.”⁵⁵ In the pastoral poem, the war scenario is shifted to a simultaneous temporal reality, but kept at a spatial distance, and, thus, made present in Nürnberg’s pastoral landscape in the form of a latent menace. One hears and remembers what one cannot see. The war is enclosed as a prose text within the framework of a pastoral poem, enabling the poets to make a literary transformation of the vocabulary of war to portray the pastoral, “and to turn it into idyllic consolation.”⁵⁶ This “bleed over” from prose to poetry, the latter of which is the mode used to represent pastoral peace, makes even more evident the fictional nature of Nürnberg’s pastoral existence.

The audience for pastoral poetry is socially located in the Nürnberg upper class, those who pursue an aristocratic lifestyle or have noble status. The city and land – that is, the income from one’s property – are clearly interrelated in the pastoral landscape.

In the spectacular large-format etchings by Hans Lautensack, made in 1552, shortly before the Second Margrave War, agricultural activities are broadly displayed against the backdrop of the city and on the rural roads there are mostly passersby depicted from the environs. Trade with other regions, to which the city and the patricians owe their prosperity, is only represented by two wagons. And this remains a constant feature: *vedute* of the areas directly in front of the city walls, which are part of the canon of views starting from the end of the seventeenth century, depict pedestrians and riders, but not the transport of goods.⁵⁷ In this respect, Nürnberg dif-

55 Harsdörffer/Claj 1644, pp. 5f., quoted here from the 1648 edition: „das rasende Schwert/die Rache der gesuchten Beleidigung/und das wuetende Getuemmel der Waffen [haben] unlaengst alle Kunst und Gunst verjaget/ Schaefer und Schaeferinnen sind um ihre lieben Wollenheerde gebracht/ alle Doerfer/Mayerhoef/Forwerge und Schaefereyen sind veroedet/Auen und Wiesen verwildert/das Gehoeltze durch die Wachfeuere veroesiget / Obst= und Blumgaerten zu Schantzen gemachet worden. Statt der belaubten Fichten schimmern lange Spiese und Lantzen / vor die Dorffschalmeyen und Hirtenlieder hoerte man das wilde Feld- und Mordgeschrey der Soldaten/ vor das fromme Bloeken der Schafe / das Wiehern der Pferde/das Brausen der Pauken und Schrekken der Trompeten.“

56 Wording from Althaus 2001, p. 700.

57 Views from the east and from the west, each composed of three etchings of approximately 44 cm x 160 cm. In return for one color copy for the First Losunger and non-color copies for the members of the Council, Lautensack received 50 gulden (Imhof 1880, p. 165; Mende 1999, pp. 337f.). Since 1531, the standard for



Fig. 5: Hans Lautensack: *View of Nürnberg, left section* (Nürnberg, Germanisches Nationalmuseum)

ferred from the Dutch cities, whose *vedute* made the flow of goods and persons on water and on land one of their principal themes.⁵⁸

There is a second way that the pastoral world of Nürnberg is a fiction and, if not utopian, at least a further reinforcement of Council policy seeking to preserve the precarious state of peace and prosperity. At the time Jan Brueghel's *vedute* of the environs was being printed, Nürnberg was still little affected by the Thirty Years' War. By the time Harsdörffer and Klaj took up the pastoral motif again in 1644, the city had defended itself against the forces of the Holy Roman Empire through an alliance with the

this type of *vedute* was set by the woodcut by Anton Woesam, which the Council of Cologne gave as a gift to Charles V and Ferdinand I on the occasion of their visit to Cologne. In 1594 and 1599, etchings of Ulm and Augsburg by Jonathan Sautter would follow: In Augsburg, Sautter received 100 gulden in return for the prints distributed among the Council members (Besing 1999, p. 97). Graff/Kraus, Boener, and Delsenbach depict the city gates seen from the outside.

58 As an example: Hendrick Vroom: "Views of Delft", painted in 1615 and presumably given to the Council as a gift in 1635 (Suchtelen/Wheelock 2009, No. 49, pp. 200f.).

Swedish king, activation of a citizen's home guard, the mobilization of all households for building entrenchments, and the passage and billeting of large numbers of soldiers. In fact, it was the Council's tactics and its conclusion of an alliance with the Swedish king between 1631–32 that had allowed Nürnberg to be spared conquest by Habsburg forces. However, for the citizens, the burdens of war were considerable, and took the form of supplying the approximately 20,000 men in the Swedish forces, epidemics, inflated prices, the need for extensive borrowing and, consequently, an enormous tax burden. In addition, it was apparent that in the short term, Nürnberg was incapable of autonomously ensuring the defense of the city and its territory with its own army and militia. The tragic fate that befell Magdeburg, which had been the victim of plunder and pillage a year earlier on the command of Tilly,⁵⁹ was cited in the discussions among the Nürnberg authorities during these months. With Sweden's planned departure in the fall of 1632, the Council also feared that matters could come to "an uprising and ransacking of the noble houses by the rabble,"⁶⁰ and, for this reason, negotiated quartering a garrison of over 4,000 soldiers from the Swedish army.

Modes of presentation

At first sight, the 12 *vedute* etched in 1688 by the Augsburg engraver Johann Ulrich Kraus⁶¹ and titled "Abgezeichnete schoene Landschäftlein umb Nürnberg" [Beautiful small landscapes around Nürnberg] and based on drawings by Johann Andreas Graff, would suggest that nothing had happened in and around Nürnberg in the more than 70 years since the series by Brueghel, Isselburg, and Merian. In the sunshine under a partly cloudy sky, one again sees the country houses of the Nürnberg gentry, expressing a no-longer contemporary architectural language dating from the sixteenth century. However, the ornamental gardens are quite modern and

59 See "gantz verheeret!" 1998.

60 Cited from Donaubaer 1899, p. 74: "einem Ufflauf und Ausspolirung der fürnehmen Heuser, bevorab von dem Pöfel".

61 *Abgezeichnete schoene Landschäftlein umb Nürnberg, alda bey Joh. Andr. Graff, Mahlern zu finden*, Nürnberg 1688, Falk 1975, pp. 218-220. Cited by Schmidt 2000, pp. 137; the prints were first sold by von Graff, then by Jeremias Wolff from Augsburg (with numeration). See Virtuelles Kupferstichkabinett, Braunschweig, Herzog Anton Ulrich-Museum, AB 3.36ff. For a biography: Tacke 2001, pp. 420f.

magnificent.⁶² A new feature in the Nürnberg canon of pictures is the depictions of the byways around the city and their similarly unchanging city walls, which are no longer reflective of the defensive technology of the times. The images also include some places connected with fishing and leisure activities.

The ponds and swimmers in the Tulenau in the suburb of Wörth renew the motif of the *Weiherhäuser* (pond houses) against the backdrop of the city.⁶³ The Pegnesian Order of Flowers is acknowledged by way of its meeting place – the peninsula on the banks of the Pegnitz just west of the city – and is already familiar from the title of the pastoral ode. If we look more closely, however, we see traces of Nürnberg's more recent history and the unchanging state of conflict with its neighbors: Ziegelstein castle



Fig. 6: Johann Andreas Graff (draughtsman)/Johann Ulrich Kraus (engraver): *The Tulen-Au (Abgezeichnete schoene Landschafftlein umb Nürnberg) (Braunschweig, Herzog Anton Ulrich-Museum)*

62 It is not possible to further pursue the question of how far the garden art of Nürnberg and its representation might also represent an over-compensatory reaction to the topos of the city description, by which the sole disadvantage of Nürnberg's topography was the infertility of its soil. On the topos, see Meyer 2009, pp. 250f. Especially noteworthy is: Johann Christoph Volkamer: *Nürnbergische Hesperides [Hesperides of Nürnberg]* Nürnberg 1708. Vol. 2 appeared in 1714. See also Martz 2008; Lauterbach 2011; Wimmer 2001.

63 On the site and history of ownership: <http://www.herrensitze.com/tullnau-i.html>.



Fig. 7: Johann Andreas Graff (draughtsman)/Johann Ulrich Kraus (engraver): Ziegelstein Castle (*Abgezeignete schoene Landschäfftlein umb Nürnberg*) (Braunschweig, Herzog Anton Ulrich-Museum)

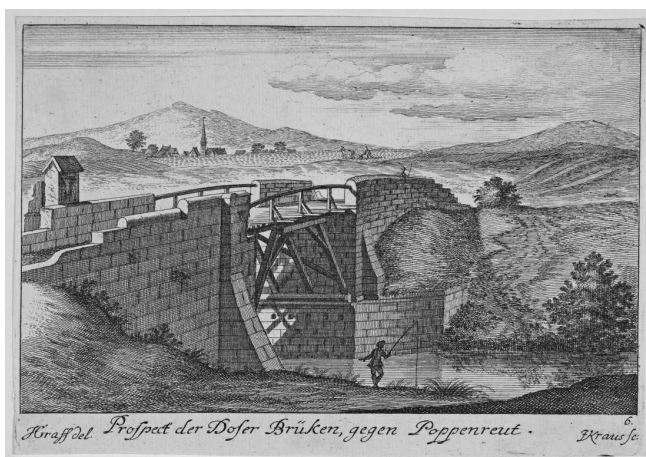


Fig. 8: Johann Andreas Graff (draughtsman)/Johann Ulrich Kraus (engraver): The Dooser Bridge over the Pegnitz (*Abgezeignete schoene Landschäfftlein umb Nürnberg*) (Braunschweig, Herzog Anton Ulrich-Museum)

is shown in ruins – the outbuilding with its chicken ladder is no longer in use. In fact, the Haller family seat had been restored after the Second Mar-

grave War only to be destroyed by Habsburg troops in 1642 and not rebuilt again.⁶⁴ The Pegnitz bridge at Doos reflects a second foreign element in the bucolically populated Nürnberg landscape.⁶⁵ The old wayside shrine dating from pre-Reformation times and the fishing boat underneath the wood structure that replaced the stone arch of the bridge is a monument to historical time. Furthermore, for the politically astute viewer, its economic and military dimensions are evocative – the Margrave Ansbach-Bayreuth, who pursued his claims to the territory of Nürnberg with judicial and military means, regularly conducted his summer maneuvers at the Dooser bridge.⁶⁶ The mood is set by the few selected figures populating the scene of Nürnberg's profound peace: fishermen, a few peasants in the field, a few persons walking along the paths, and often an artist sketching, who bears witness to the authenticity of the presentation. These are almost always background figures, and – with their emotions undefined – they draw the beholder into the scenery while leaving him to his own reveries in relation to the Nürnberg arcadia.

More rarely marked by such ambivalence are the messages that connected to the pictures of the interior of the city, but here as well one finds different manifestations. Thus, the square beside St. James Church and the local seat of the Order of Teutonic Knights are presented in identical detail in the picture series by Graff and Kraus, Johann Alexander Boener, and Johann Adam Delsenbach. In this way, information about the city's topography and buildings is offered in consistent fashion.⁶⁷ However, the mode selected serves different interests and, in each instance, conveys different conclusions about the city's situation.

64 On the site and history of ownership: <http://www.herrensitze.com/ziegelstein-i.html>.

65 On the site and history of the mill above the bridge: <http://www.herrensitze.com/kernstein.html>.

66 Willax 1979, pp. 208–210.

67 On the history of the command and the legal disputes with the city of Nürnberg, see Fleischmann 1991, pp. 118–137, with Cat. No. 33f.



Fig. 9: Johann Andreas Graff (Draughtsman)/Johann Ulrich Kraus (Engraver): Jakobskirche [St. James Church] and Deutsches Haus [House of the Teutonic Order] (Nürnberg, Germanisches Nationalmuseum)

One's gaze is drawn each time toward the interior of the city and the White Tower; it is midday and the sun is high. Graff makes use of the incident light so that the massive rusticated portal looks like a bulwark in the smooth walls of the House of the Teutonic Order.⁶⁸ Nothing is happening on the streets. A hunter is headed away from the city with his two dogs; women stand near the brook, and two idlers are leaning against the bound-

68 *Urbis Noribergensis Insigniorum Templorum, Amoenissimorumque quorundam Prospectuum* / [The City of Nürnberg Different Churches from Inside and Outside] *Stadt Nürnberg unterschiedlicher Kirchen von innen und außen*, 1694 (Falk 1975, pp. 218–220.). The set, not originally conceived as a series, included four views of public buildings/facilities. The series was first sold in 1694 by Graff himself, and later by Jeremias Wolff in Augsburg. The engraver was Johann Ulrich Kraus. See Schmidt 2000, pp. 137f., on the Council's share: for the depiction of the Barfüßerkirche then under construction, Graff received 40 gulden in 1693; in 1696, 50 gulden for prints of 4 churches; 12 gulden for prints of the Zimmerplatz (Schwemmer 1981, p. 7, n. 13). The Council was thus interested in the depictions of "its" buildings, but not in the series as a whole.

ary wall of the St. James Church, on which the draughtsman and the engraver have put their signatures. There are hardly any customers at the vending stalls, and a dog is lying comfortably in the middle of the street. A hard shadow falls on the foreground, creating an indeterminate mood, but by no means suggestive of a prosperous, populous trading city.



Fig. 10: Johann Alexander Boener (Engraver): Jakobskirche [St. James Church] and Deutsches Haus [House of the Teutonic Order] (Wien, Österreichische Nationalbibliothek)

Johann Alexander Boener worked with the same sources or copied the page from Graff and Kraus.⁶⁹ He uses the *repousoir* of the shaded black well to sharpen the contrast with the fully illuminated White Tower. He

⁶⁹ Boener's prints have not yet been widely studied. The complete collection, approximately 400 prints, is entitled: *Des heil. Röm. Reichs Zierde, bestehend in Geist- und Weltlichen Gebäuden, anmuthigen Plätzen und Prospecten inner und außer derselben: wie auch Kleider-Trachten, Handwerks-Umzügen, und unter*

also uses this as a means of composition, for a procession of “silver shooters” is running directly across the street from right to left. This is a reflection of Nürnberg’s artisan tradition that was not merely tolerated by the Council but at times promoted by it as an expression of normalcy and its great importance.⁷⁰ The page was included in Boener’s “Trachtenbuch” [Book of Costumes] and is thus located in a double perspective. It presents the order of polity, which regulated clothing and the proper course of celebrations so as to maintain the existing social order and standardize its symbolic forms. It also transmits information about the customs characteristic of the city, and in the era of antiquarian research on *mores et instituta* this aroused lively interest among experts and collectors of “originals” as evidence of the city’s venerable and long history.⁷¹

Finally, there is the 1726 version by Johann Adam Delsenbach.⁷² In this version, the scene is brightly illuminated, such that all the figures cast shadows. There is no single significant event that enlivens the streets; rather, we are confronted with a depiction of the typical everyday life of the neighborhood. The used furniture in the lively shopkeeper’s market is depicted in detail. Maids are drawing water from the stream, an innkeeper is unloading freshly delivered barrels, a carriage is stopped in front of the House of the Teutonic Order, and the gateway is open. A pilgrim, symbol

ihrer Bottmäßigkeit habenden Landschaften (1702, 1708, 1722, and without date). See Müller 1791, pp. 24-40, and the selection in Schwemmer 1981; moreover Schmidt 2000, pp. 138f., 162; Boener copies prints from his own costume book used *Nürnbergische Kleider-Trachten der Manns- und Weibspersonen*, 1688 (further editions 1689, 1690, 1700, Müller 1791, pp. 103f.). Boener was not sponsored by the Council.

70 On Nürnberg’s Schembart Carnival, see http://www.historisches-lexikon-bayerns.de/artikel/artikel_45244 with additional references.

71 Boener 1689. We are unable to verify as yet whether the first 1688 edition of the *Trachtenbuch* already included *vedute*. We used the edition in the Bayerische Staatsbibliothek München, Bavar.14552. The same combination of costumes and *vedute* is also found in: Samuel Mikoviny: *Kleidungsarten und Prospecten zu Nürnberg*, s.l.s.d [Nürnberg, around 1730], Bayerische Staatsbibliothek, Res/Bavar. 5177q. Instead of an exhaustive integration in the antiquarian cultural historical tradition, there is only reference here to Conrad Celtis’ 1495 *Norimberga*, which for the first time in relation to Nürnberg, took up the theme of ‘*mores et instituta*.’

72 Johann Adam Delsenbach: 110 Views in 3 Parts: 1715, 1716, 1725: On Delsenbach’s works for the architectural works of Fischer von Erlach in Vienna, see Prange 1997, pp. 101f.; Schmidt 2000, pp. 162–164, especially highlights the accessory figures.



Fig. 11: Johann Adam Delsenbach (Engraver): Jakobskirche [St. James Church] and Deutsches Haus [House of the Teutonic Order] (Wien, Österreichische Nationalbibliothek)

of the Catholic enclave and the patron saint of the church, is walking away from the town. Delsenbach uses the figures and the weather to turn the city's topography into a narrative about the good function of the city-state and well-ordered collaboration of its inhabitants. There is just enough to be seen to tell a story of daily routines. For example, if you want to find out where the pilgrim is going or where the carriage came from that is arriving into the city, then you must turn the page. Whereas Graff also makes use of the medium of the pastoral in his inner city *vedute* to strengthen the ambivalence of the signals of defensive capability in the architecture of the city, Boener and Delsenbach concretize these suggestions through the figures that populate the scene but deepen the overall impression of prosperity.

The only way to determine the mode considered most appropriate by the Council for disseminating images of Nürnberg is to examine the funding or support it provided or withheld. We do not have a record of specific opinions being voiced in this regard by the Council of Nürnberg or by the

councils in other European cities and territories. Both Boener's mode of presentation, which emphasized the customs of the city, and Delsenbach's mode of presentation, which depicted the city's social and economic order, were introduced to Nürnberg in a specific context that was fraught with internal and external political meanings: the construction of the city hall and its communication through prints. The medieval town hall was substantially rebuilt starting in 1616 at the Council's initiative with plans drawn up by Jacob Wolff the Younger, and its exterior was modernized.⁷³ Two views of the emergent city hall were published in 1621. Hans Troschel etched a frontal view based on drawings by Lorenz Strauch.⁷⁴ The broad façade of the city hall can be seen easily from the (fictional) viewing site the artist has selected, and the forecourt is peopled by passers-by of different classes – a theme whose narrative possibilities Delsenbach will later expand upon. The viewer overlooks the events from a high vantage point. The overview also serves as a sign of respectful distance from the seat of the city's governance and, for this purpose, indicates and sets a norm for the attitude toward the construction expected of the observer in the reality of the square. Invoking the name of God, coats of arms and inscriptions proclaim the city regiment's pledge to the eternal life of the city and city hall, by both government and the governed.

73 Mende 1979. There is a contemporary parallel in the construction and publication of the Augsburg City Hall, which took place a few years earlier. See Jachmann 2008, pp. 92ff., including additional references. For a systematic comparison of the art policies of the councils in Augsburg and Nürnberg, see Jachmann 2013, pp. 90–109.

74 Berlin, Kupferstichkabinett: Inscriptions: *Norimbergensis prae se fert curia talem / Formam, quae iussu sic renovata patrum. Solis ad occasum dum cochlea serpet ab ortu / Ebibet et totum musca pusilla mare, Vrbs et Curia stet, patres populusque supersint, / Hosque regat cunctos, qui regit astra DEUS.* (The Nürnberg City Hall bears such an image /of beauty to behold, as was recreated through the instruction of the senators. For as long as the snail crawls from sundown to sunrise and the tiny mouse drinks up the whole ocean, the city and its hall may stay firmly, the senators and the people may be there, and may all those be ruled by HIM, who reigns the stars, GOD). *Hanc delineationem fecit & Magnifico suo Ma-/gistratui in florentissima Norimberga test.observ./ergo dedicavit civis humilimus. Laurentius Strauch Pi: /ctor aetatis suae LXVII. Johann Troschell Norinberg/sculpsit Anno Christi 1621* (This drawing was made and dedicated to its great magistrates in magnificently blossoming Nürnberg as witnessed by the humble citizen Laurentius Strauch, Painter, in his 67th year of life. Johannes Troschel, Nürnberg, etched it in the year of our lord 1621). See Müller 1791, p. 78.

The second page shows the city hall in oblique view, as seen from the sloping terrain beyond the marketplace. In this print, Strauss has also depicted the wedding procession of a *Kronenbraut* [bride wearing a crown]. Because of its ethnographically interesting figures, this page has been copied on multiple occasions and was re-issued through to 1672.⁷⁵

The views of the city hall were not commissioned by the Council, but financed instead by the generally popular mechanism of dedication: Strauch was given permission “to copy the new city hall and etch it in copper,” and in exchange for the dedication of the two sheets was rewarded with 25 gulden.⁷⁶ Both modes of presentation were thus acceptable.

75 Braunschweig, Herzog Anton Ulrich Museum, Virtuelles Kupferstichkabinett, <http://kk.haum-bs.de/?id=h-troschel-ab3-0021>, Inscriptions: Patricia de gente satam gestare Coronam/Sponsam, miraris, coronam Norica in Urbe? sinas. Expediam paucis: quoniam illa Corona puellas / Inter, ei merito nonne Corona datur? (Are you wondering how a bride from a Patrician family came to be wearing a crown in the city of Nürnberg? You should indulge her. I will explain it all to you in a few words: because this one is the crown among the young women, shouldn't she accordingly be given a crown?). Feci, quod, potui, potui, Christe, dedisti, / Perfida fac melius, Si potes Invidia. Laurentius Strauch pictor et Ex: HTroschell fe: Norinb. (I have done what I wished, I wished [what] you, Christ have given me. Make it better, perfidious envy, if you want.) For support in the reading and for the translation of the inscriptions into German, I am very grateful to Angelika Fricke. The date 1621 is found here on a tablet on the wall of a house on the left. See Müller 1791, pp. 78f., with evidence of the altered later prints through 1672. For the crowned bride as an attraction see Misson 1701, p. 86 with a copperplate. Misson's sojourn in Nürnberg dated from 1687.

76 Mahn 1927, p. 27 with n. 2: „das neue rathhaus zu conterfaiten und ins kupfer zu stechen“. In Augsburg, for the representation of the book by Wolfgang Kilian, the text has been preserved, in which the engraver asks the Council for authorization of dedication in 1614 and is thereupon paid 25 guldens as compensation for delivering 25 reprints of the three engravings. The same procedure can be presumed for Lukas Kilian's engraving of the City Hall (Schmidt 2000, p. 67).



Fig. 12: Lorenz Strauch (Draughtsman)/Johann Troeschel (Engraver):
The City Hall (Berlin, Stiftung Preußischer Kulturbesitz, Staatliche
Museen zu Berlin, Kunstbibliothek)

From other examples of the Council's dealings with bids from draughtsmen, letter painters, and engravers, it becomes apparent which images kept with the Council's wishes and received its financial support.⁷⁷ The Council primarily supported presentations that had the military fitness of the Nürnberg citizenry as a theme. This included the festive display of weapons and manpower as well as shooting contents with *Falconen* [cannons], published for the first time by Peter Isselburg in 1614 as an example of the Council's foresight and preparedness.⁷⁸

77 On the use of visual media by the Augsburg Council in general, see Jachmann 2008, pp. 70f. There is no overview about the system of dedication in the imperial cities. There are a few hints in Besing 1999, pp. 96f.

78 Fischer/Maué 2014, No. 75, pp. 84f., on the stamping of medals; Hampe 1904, p. 473, Nr. 2675. Isselburg's prints became the model for the publication of a maneuver [Stückschießen] by Georg Christoph Eimmart, 1679 (Fischer/Maué (2014),



Fig. 13: Lorenz Strauch (Draughtsman)/Johann Troeschel (Engraver):
The City Hall (Braunschweig, Herzog Anton Ulrich-Museum)

The emphasis in all of the illustrations of these shooting contests is on good military order, as evidenced by added side scenes of smaller, manageable or well-managed interruptions, such as child onlookers, passing horses, and similar motifs. Nürnberg's military strength, with its own armory and troops that could be deployed against foreign enemies, is also a major theme for Kraus, Boener, and Delsenbach. They painstakingly sketched out the sentry boxes on the towers and chain barriers intended to aid soldiers and law enforcers in case of internal or external threat. Delsenbach's *vedute* were welcomed by the Council, and it granted him 30 gulden for each of the first parts in 1714 and 1715, and 24 gulden for the

Nr. 134, pp. 124f., the Council's remuneration in this case was 36 gulden; see also the description and presentation of the maneuver, 1671 (Dresden, Sächsische Landesbibliothek). The Stückschießen of 1733 was published in both medals and engravings (Fischer/Maué 2014, Nr. 246-249, pp. 206f., Engravings by an unknown engraver published by Johann Georg Purschner).

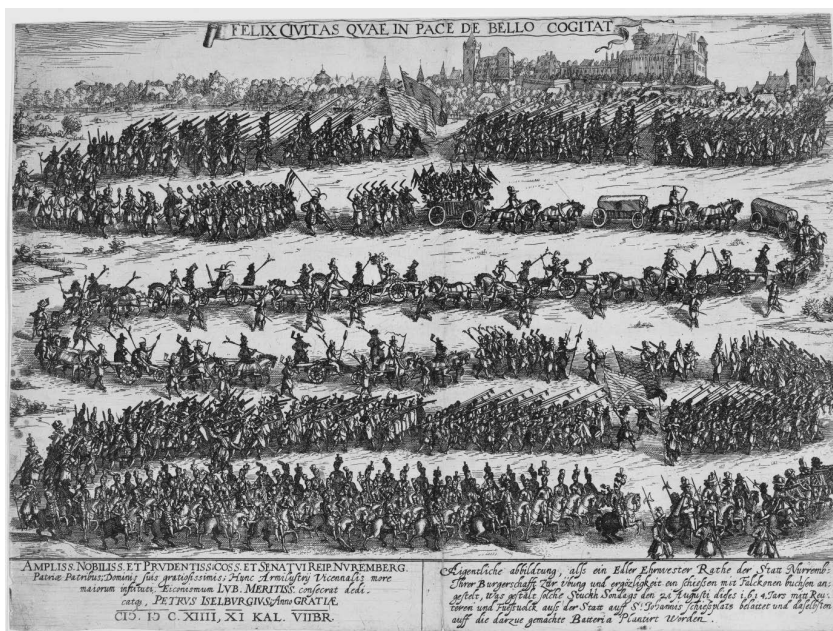


Fig. 14: Peter Isselburg (Publisher): *Das Wettschießen mit Falconen*, [Shooting Contests with Cannons] 1614 (Nürnberg, Germanisches Nationalmuseum)

1725 series.⁷⁹ The most venerable medium, the minting of medals, was commissioned by the Council itself. “The vigilance of the fathers of country / grants security to council and citizens” was the inscription on the largest of the three medals for the 1733 military review and shoot.⁸⁰ In general, the Council paid more attention to texts and medals than to pictures and took special interest in their messages. One would expect nothing else in the prolonged process of transition from orality to literacy, for this attitude toward texts is grounded in an understanding colored by Protestantism (Lutheranism) that accepted the need to use images as a medium of information and education, but sought to keep them under tight

79 Bach-Damaskinos 2006, p. 17.

80 Medal minted by: Peter Paul Werner (Fischer/Maué 2014, No. 246-249, pp. 206f.): „Der Landes Vaetter Wachsamkeit / Schafft Rath und Bürgern Sicherheit.“

control, especially in relation to inner imaginings and “internal images.”⁸¹ The difficulty of this undertaking may have led to a general desire for unambiguousness in images; pictures in which the information about topography was amplified or even obscured by artistic, emotion-inducing means seemed less opportune and thus failed to pique the Council’s interest. The ambiguity of these images extends further: by maintaining a focus on the controlled and controllable conditions of the townscape including its security measures, the presentations highlight the possibilities for action on the part of the city regiment and on the good order for which it is responsible. The images that overlay this information with an ill-defined atmospheric element, because their aesthetic mode is part of the pastoral tradition, might also be understood as evidence for the underlying precariousness of human existence, which cannot be resolved by a mere human regiment, but only in keeping with God’s divine plan in the final judgment. Thus, we might infer that the Council refrained from adopting the pastoral images of Nürnberg to communicate political realities not only because of their ambiguity, but also because of their implicit reference to the ultimate futility of all human regiments.

The reception of these pictures, like the literary productions, thus shifted to the private (familial) or the semi-private sector. Here, again, we should draw a distinction: for both printed images and printed texts, their reception may be co-determined by their inherent characteristics, but once an image or text was “on the market,” neither its audience nor its opportunities for seeing them or reading them are regulated. Prints – especially small-format prints – were created exclusively for individual consumption, and in the early modern period this principally meant a community of the like-minded and connoisseurs. By contrast, the literary productions of the Pegnesian Order of Flowers also had a semi-public nature at those times when they were recited at weddings, festivals, and political events, and before they were disseminated in print similar to works of architecture art, and thus reached an audience not predetermined by place, time, or social status.

In broad continuity, there was a predominantly concretizing narrative mode in the city views ever since the first decades of the sixteenth century that sets aside specific realities with a great diversity of picture motifs, all serving to underscore the defensive strength of the city at peace. Once we

81 Here only: Berns 1993, pp. 35–72.

try to assign precise figures and measure the presentations in detail, this becomes a mystery. In this respect, the attitude in Nürnberg is distinguished from that in other imperial cities by its greater anxiety about dealing with exact information. For a long time, no map of the city was published, and Sebastian Münster had to print his “Cosmographia” minus an image of Nürnberg.⁸² The Council commissioned Jörg Pencz to create the first model of the city,⁸³ but similar to other models and maps, it seems that it was displayed in the war room, a place that was inaccessible to unauthorized persons. Later independent initiatives on the part of Hans Baier (1540, model)⁸⁴ and Hieronymus Braun (1608, map)⁸⁵ did end with the Council paying a remuneration but with the strict stipulation that no further copies be prepared. As diligently as the Council pursued maintaining secrecy about its own city, it made great efforts to develop information on other cities and on potential enemies within the city: the Commandry of the Order of Teutonic Knights, subordinate directly to the Emperor, commissioned the cartographer Hans Bien in 1624 to create precise architectural surveys of the buildings. The Council made illegal copies of this document but did not distribute them, since after Sweden’s withdrawal from Nürnberg the buildings of the Commandry had to be returned to the Teutonic Order.⁸⁶ This mode of true-to-scale surveys with perspectival or orthogonal views of the buildings, which thus combined accuracy with graphic clarity, was subjected to scholarly reflection after it was introduced in the town book by Braun and Hogenberg and deemed especially versatile. Not only could one read information of every kind from the images and avoid dangerous trips, but, much more to the point, architects could also discern the unique features of the city’s fortifications in this

82 Münster 1550, p. 650: “Picturam urbis libenter exhibuissem, sed obtinere nequivi.” The sentence is absent in the German edition, as is an image.

83 Schäfer 1898, p. 30.

84 Schäfer 1898, p. 38: Behaim received 40 gulden, “with the provision that he would not make any more of the same, unless the Mayor had given permission for such.”

85 Id., p. 83: The Council commissioned Braun to hand over all miniaturizations of the plan: “we should also find out from him whether he has any model or reduction of this work, and require of him for these as well; as for all other similar ones to do the same.”

86 Fleischmann 1991, p. 119, with reproduction of the drawings. For examples from other cities, see Timann 1993, pp. 143–147. Generally concerning this practice, see also Schnellbögl 1966, pp. 21f.

way.⁸⁷ It is understandable against the backdrop of such discussions that while the Council did enable, tolerate, and even promote viewing of the *vedute* as a whole, since they served to promote the well-being of the city state, they did not tolerate views and plans that were orthogonally depicted and thus provided exact information that could be used, for example, to install artillery emplacements. The first surveyed city plan that was printed to be accessible to a wide audience was created without being subject to the control of the Nürnberg authorities. This was a depiction of Swedish fortifications that accompanied the related report in Matthäus Merian's "Theatrum Europaeum."⁸⁸ From this moment on, it became pointless to try to censor the publication of views of Nürnberg made from a surveyed map of the city.

Concordia

Over the centuries, the Council appears to have been less fearful of outside danger than of civil disorder.⁸⁹ Celtis was the first to document the history of the instruments of power used by the Nürnberg Council to rule the populous city: "With good words and harsh corporal punishment" it was possible to rule the city without rebellion or insurrection. The understanding citizens were responsive to argument, but the rabble could only be ruled by means of the threat and enforcement of such penalties.⁹⁰ In making this distinction, Celtis is fully consistent with the direction that the Council

87 Here according to the German edition: Braun/Hogenberg 1582, Preface, not paginated. Regarding incorporation in contemporary discussions on cosmography and chorography, see Nuti 1994, pp. 105–128.

88 Abelinus/Merian/Oraeus 1646, on p. 655. See Wüthrich 1993, p. 166, II/Table 52.

89 For examples from the fifteenth and sixteenth centuries, see Meyer 2009, p. 391.

90 Celtis 1921, Cap. 13, pp. 185f.: "Caesar Fridericus dum Romae consecrationem coronae a pontificem, ut imperatores nostri ex religione solent, accepisset utque Norimbergam rediit, populi multitudinem effusam ante portas undique videns et, ut urbem intrasset, civitatem in populum effusam, obsessas undique plateas et tecta laborantia et velut diluvia quaedam vidisset, seniore[m] urbis, qui tunc laevae eius adequitabat, interrogavit, quonam ingenio et arte tantam multitudinem sine seditione et tumultu regerent et continerent. At ille, ut vir veneranda canitie et summa animi prudentia erat, „Verbis“, inquit, „imperator invictissime, et gravibus pecuniariis corporisque poenis id efficimus“, significans ingenuos cives verbis et piis adhortationibus monendos esse hisque se emendare, plebem autem ut servile et indomitum vulgus nonnisi corporis poena aut pecuniae mulcta a delictis arceri de-

would follow over the ensuing decades, but despite the extensive editing of his text in the German translation commissioned by the Council, the passage was still in place at the start of the sixteenth century.⁹¹ The fear of uprisings was so fundamental to the Council's policies that through a decree of *damnatio memoriae*, the 1349 Guild Rebellion was erased from the city's memory, and all public assemblies were forbidden.⁹² They even went so far as to delete the by then well-known history of the Council's exercise of force, including the taboo word "uprising," from Merian's later widely disseminated "Topographia Franconiae."⁹³ Citing the explicit threat that it could do harm to this portion of the book, the Council told the publisher: "For the question of how such a large populace could be governed, leave out the word "uprising" and instead tell how the Council ruled such a powerful citizenry, and further, do not mention the breadth or depth of the trenches, nor the number of citizens, but instead, leave these things vague and in generalities."⁹⁴ Merian's willingness to yield offers rare proof for the mechanisms to which the engravers were subjected; one could only anticipate sales of the goods in Nürnberg, let alone a gratuity from the Council if the product withstood censorship.

The Council had reason to be concerned. The number of anonymous expressions of protest in written and more rarely pictorial form – known as *pasquills* – seems to have increased, especially during times of crisis. Typical themes of extreme criticism and grounds for death threats included the excessive costs of city expenditures (city hall construction) and to entertain patricians (pompous wedding celebrations) – themes that were positively presented in the engravings of 1621 – in disproportion to pover-

bere ad cohibendaque peccata plus timorem quam pudorem apud vulgum valere. Vox digna et salutaris rei publicae cunctisque civitatum rectoribus et principibus memoriae tradenda!" German edition: Fink 2000. See also Meyer 2009, pp. 298–313 and p. 397; Israel 2012; the assessment that it was hard to rule a populous city can be traced back to Aristotle's *Politics* (Book VII, p. 4f.), as already reported by Johannes Cochlaeus 1960, p. 84.

91 Arnold 2004, pp. 100–116; Meyer 2009, pp. 297–304.

92 Meyer 2009, pp. 391ff., with extensive confirmation from the fifteenth and sixteenth centuries.

93 Merian 1648, p. 64.

94 Sporhan-Krempel/Wohnhaas 1967, pp. 82–88: „Bey der Frag, wie ein solche gross Meng regiert würde, das Wort ‚Aufruhr‘ auszulassen und dagegen zu setzen, wie der Rat ein so starke Burgerschaft regiere, ferners die Weite und Tiefe der Gräben nicht, auch die Zahl der Burger ebenfalls nicht zu benennen, sondern es indefinitive und generaliter zu setzen.“

ty, hunger, disease, and draconic punishment for violations of the dress code; the continuation of the economic crisis from the burden of extreme levies as the object of criticism by the merchants and, unpaid wages as the grievance of the military. “By night we are going to shoot you through your windows and by day we will throw stones at you, you are responsible for turning many good people into thieves and robbers, we’ve been patient for long enough [...] before God and the world, we will get our money that we’ve honestly earned.”⁹⁵

Beyond recognizing a general danger of unrest, the Council also saw a threat to its very form of rule. Expert assessment of another pamphlet concluded that the author was a “plebeian who had picked up some hint of regimental matters, but wasn’t able to put it all together.” For this man, the contemporary form of the aristocratic regiment was “an abomination, and he wanted to introduce democracy, and if he and his ilk were just able to get their money back from the *Losungstuben* [revenue office], they would be ready to drive religion and polity one and the other to rack and ruin.”⁹⁶ The Council always instituted special measures when the criticism was not merely local and expressed by the “common man,” but instead when it saw its reputation threatened regionally and in media disseminated among persons of high rank. The affair triggered by a medal circulated in a printed text at the 1731 Leipzig Fair occupied the Council’s attention for several years, until it was able to convict the creator. The persiflage regarding the Nürnberg medallions at the end of the sixteenth century was so successful and the mockery so caustic regarding a highly esteemed medium that the Council felt directly threatened; greed, injustice, arrogance, contempt, hypocrisy, and falsehood replaced the usual catalogue of sovereign virtues that the Council never tired of claiming on its own behalf.⁹⁷

95 Pamphlet 1635, as cited by Sporhan/Wohnhaas 1967, p. 87: „Bey der nacht wellen wir Euch durch die Venster schiesen und bey Dag wellen wir Euch mit steinen zu dot werffen, ir macht dass mancher Erlicher man zu einem Dieb und Rauber muß werden, mir haben uns lang genucht gedultet [...] unser gelt welen wir haben vor Gott und der welt haben mirs redlich verdient.“

96 Müller 1959, pp. 127f.: „plebejus, welcher von Regimentssachen hat etwas läuten, aber nichts zusammenschlagen hören [...] ein Greuel und wollte gern Democrati- am introduzieren, und wenn er und seinesgleichen nur seine Gelder von der Losungsstuben hetten, möchte Religion und Polizey eines mit dem anderen zu Grund und Boden gehen.“

97 Hampe 1918, pp. 246f.; Müller 1959, pp. 130f. There was special anxiety, because at first the Council assumed that the medal had actually been minted. In fact, there

In her study on Nürnberg's literary legacy, Carla Meyer concluded that unlike in other imperial cities, the Council did not actively use chronicles or other literary forms to create a self-image of the city. Instead, like the princely states, it drew upon the tools of aristocratic secret politics. Keeping secrets and articulating them to those who were not in the know – the “common man” were not by themselves sufficient to maintain the stability of the Council's rule. The group of council-eligible families, which had proven their worth by tradition, status, and by their unity, were obligated instead to prove the legality and proper exercise of their rule by means of their contributions to the common good. Therefore, mistakes, just like the transgressions of individual council-eligible families or their family members, risked shaking the very foundations of rule. Along these lines, Valentin Groebner has shown that power relationships in Nürnberg in the fifteenth and sixteenth centuries were not quite as harmoniously balanced as tradition would have us believe. The Council was not fully homogeneous as had been so consistently claimed ever since the sixteenth century; to maintain order, it was always having to find a balance between old established members and office-holders and new arrivals and wealthy parvenus.⁹⁸

Over the centuries that followed, this distribution of power had to be confirmed, especially during crises, and affirmed under oath. In 1632, when the Council wanted to join the alliance of the Protestant Estates with the Swedish King Gustav Adolf, and thus to terminate the age-old principle that the imperial city was forever loyal to the Emperor, it felt obliged to affirm this decision by polling the *Genannten* [Chosen] of the Great Council – a group of approximately 500 persons – and to subject skeptical members loyal to the emperor to criminal prosecution.⁹⁹ On the surface, the Council was able to persuasively demonstrate over a long time period that the city was “nobly” ruled and that good order prevailed. Thus, Christoph Scheurl's 1516 “Epistola” was widely distributed in both Latin and German, with its claim that newcomers and the “common folk” could not participate in the government, “which is entrusted solely to all powers of God and the good rule of those few whom the Creator has endowed

were only printed fictional descriptions; the author, Johann Philipp Andreae, had been instigated by the merchants. Fischer/Maué 2014, Nos. 333, 267, with illustrations of the print.

98 Groebner 1994, pp. 279–308.

99 Willax 1991, pp. 123–173.

with all things and nature with superior wisdom.”¹⁰⁰ From the Council’s viewpoint, Nürnberg’s *‘res publica’* had the form of an aristocratic oligarchy, according to the Aristotelian classification, comparable to the Frankish landed nobility, fiefable as well as having been endowed by God with the necessary competencies – with wisdom – to exercise the powers of government.¹⁰¹

However, excessive ambition on the part of some members of the group of council-eligible families also threatened the maintenance of rule, so long as these groups signaled external stability through homogeneity and harmony. For this reason, any involvement with representation through external signs – with all that could be regarded as an appropriate signal in the respective frame of reference – took on a degree of significance only hinted at by Meyer and Groebner. As was customary in the South German imperial cities, the Council made use of complex allegorical images for this purpose, which were at first directed to an educated audience. The Council itself was part of this audience; self-affirmation was not a insignificant objective of this allegorical pictorial program. When it seemed opportune, ruling wisdom was made public: this was especially the case for the publication of the statutes of 1564, which were modeled on the governance reforms decreed by Emperor Karl V in other imperial cities. They were directed – according to the preface – at being accessible to the “common man,” and to disseminate knowledge about the exemplary, time-honored city regiment, but only after the Council had initially complied with the request by neighboring cities to maintain secrecy.¹⁰² The statutes were equipped with an allegorical frontispiece, which in no uncertain terms summarized the Council’s view about the foundation of the state.

100 Scheurl 1874, p. 791; Meyer 2009, pp. 323f.: „diweil alle gwalt von gott, und das wolregirn gar wenigen und allein denen vom schöpfer aller ding und der natur mit sunderlicher weyshait begabet sein, verliehen ist.“ The Latin version: “Advenae et Plebei nihil possunt, neque plebeiorum est regere, quum omne regimen a Deo sit, et bene regere paucis admodum concessum, his scilicet qui genio singulari a Summo rerum pontifice et natura quoque dotati conspiciuntur.” (Scheurl 1999, p. 29).

101 For a comprehensive presentation, see Gundling 1706, ch. 2, p. 30; further evidence, among others, from the Emissary Reports in Meyer 2009, pp. 472f.

102 Huntebrinker 2009.



Fig. 15: Master M.F.: Allegory of the Imperial City of Nürnberg, *Der Stat Nürnberg verneute Reformation* [Renewed Reformation of the City of Nürnberg] 1564, Frontispiece (München, Bayerische Staatsbibliothek)

Under the protection of God the Father, the Republic (*res publica*) is seated on her throne, calling the attention of her protégées to this source for the splendor of city and territory. Peace (*pax*) sleeps in her lap, visually enhancing the statement of deep, undisturbed tranquility – yet justice (*jus-*

titia) and munificence (*liberalitas*), the foundations of the state, are providentially protected by breastplates. Munificence distributes by merit (*pro merito*) the revenues generated by the harmonious bees (*concordia*), which swarm from the city – symbolizing an industrious and united citizenry.¹⁰³

Harmony is a central theme in Nürnberg's political allegories and consistently marks the self-presentation of the Nürnberg patricians as a group. It also forms a foundation for the emergence and preservation of an "urban core identity,"¹⁰⁴ which is produced and continuously reaffirmed in fictional texts and image series instead of the texts kept under lock and key in the town library. Unlike the landed gentry and unlike the ruling dynastic families, the Nürnberg patricians hardly ever used the fine arts and architecture to leverage or elevate their standing through representations of their competitive status within their own group. There was virtually no rivalry among the council-eligible families – and given the basically paragonal system of artistic representation in the early modern era, this is a remarkable phenomenon.¹⁰⁵ After the Thirty Years' War, there was virtually no private construction activity in the city, and in rebuilding the country estates, they maintained the ancient appearance of their buildings. The dress code precluded pretensions among low-ranking citizens, and it also served to keep the council-eligible families in line. The city and its environs were represented in image series that underscored homogeneity. Nobody stepped out of line. A look was promoted, even if it was seldom proactively demanded, which generated an identity of the city and its environs of rare unity and thus recognizability. Nürnberg was characterised by

103 *Der Stat Nürnberg verneute Reformation, Nürnberg [Valentin Geisler], 1564.* We have used: facsimile, digitalized, Heidelberg, University Library. <http://digi.ub.uni-heidelberg.de/diglit/drwNuernbergRef1564/0006>. The print was reprinted on a broadsheet for the 1635 Peace of Prague: *Des H. Römischen Reichs von Gott eingesegete Friedens-Copulation* [The Holy Roman Empire consecrated by God's Covenant of Peace], among others, Nürnberg, Germanisches Nationalmuseum, Veste Coburg Art Collections: See Schilling 1990, pp. 185ff. (for the Nürnberg provenance); Harms 1983, p. 209; Burckhardt 1998, p. 95f.

104 A term in Meyer 2009, p. 391.

105 The pre-Reformation patrician class behaved quite differently; in the religious memorial foundations, one can consistently observe a competition (cf. Schleif 1990). A famous exception for building activities in the post-Reformation period is the house that the – non-Council eligible – merchant Martin Peller had built by Jacob Wolff starting in 1602 on the Egidienplatz. The façade was characterized by the structural support of a juxtaposition of columns and pilasters (Schaffer 1934).

long rows of narrow houses under steep roofs with roof dormers, windows with crown glass panes at a time when elsewhere, plots were becoming larger, and longitudinally terraced buildings windows with large panes were providing more comfort.



Fig. 16: Johann Andreas Graff (Draughtsman)/Johann Ulrich Kraus (Engraver): Der Neue Bau [The New Building] (Braunschweig, Herzog Anton Ulrich-Museum)

There were also long rows of identical graves in the cemeteries, and only in extremely exceptional cases did this allow any individual personalities to stand out.¹⁰⁶ This meant insistence on regionally typical clothing, from which social status could be easily read. This uniformity is expressed especially well in one form of publication – the series – and one pictorial mode, which tends toward concreteness in its wealth of detail and avoids ambivalence: the pictures do show small, everyday mishaps and misad-

106 Pilz 1984, pp. 65-69; Trechsel 1735.



Fig. 17: Johann Alexander Boener (Engraver): St John's Cemetery (Wien, Österreichische Nationalbibliothek)

ventures, but even when the weather gets in the way of the stroller, there is a rainbow arcing above, symbolizing Nürnberg's harmonious relation to God. Dominion is shown through its success, in the stable order and in the prosperity ensured and made visible through artisan handwork and the movement of goods in regional and transregional trade. Security is generated by such internal stability; externally, it is demonstrated through unwavering attention to defensive potential; particularly in consideration of the inadequacy of the town's defensive equipment and its incapacity to man them with its own forces, the celebration of periodic military reviews and exercises was important.

Stability: The power of securitization

Unfortunately, it is impossible to fully explain the mechanisms that led to such a remarkable spate of image series depicting Nürnberg and its environs, which is impressive even in European comparison. Despite the broad preservation of the image series, their addressees and the circumstances of

their reception are difficult to determine in detail.¹⁰⁷ We can presume that the purchasers of the image series came primarily from the families whose country estates are depicted and from families of similar status in other imperial cities. For example, in the case of the Dutch landscape images and *vedute*, it is apparent that they served for self-affirmation and outward representation.¹⁰⁸ Moreover, we can assume that city books and image series about other major European cities created a market that catered to a widespread interest in “descriptions.” It is important to note that the pictures circulated in the same (augmented) social group that saw itself as the guardian of order in Nürnberg. This notion is supported by the way the images deal with the figures that populate them. The streets and environs of Nürnberg were peopled with the “common man,” who goes about his business, whether as a handworker, merchant, a farmer going to market or a domestic, either male or female. People are presented in a broad view, or “seen from above.” This perspective is especially compelling in one image, when during the 1649 Nürnberg peace festival, the Swedish ambassador arranged for the heraldic animals symbolizing his ruling house to spew out red and white wine from the first floor of the city hall. In the descriptions of the festival, the depiction of responses to this generosity occupies as much space as the heraldic and technical explanations.¹⁰⁹ “It was a pleasure there to see / how the common people were attracted there,” writes Sigmund von der Birken in 1652, communicating both the impressions of direct observers and the various moral and political interpretations of the event that had subsequently developed in Nürnberg.¹¹⁰ The images, published in part as handbills and in part to illustrate descriptions of the festival differ only in minor ways. They do highlight the distance between the distinguished observers of the scene – on the square and watching from the windows of the city hall – and the common people scuffling for the wine. There is reason to conclude that the illustrated broadsheets showing this event were intended for purchase by the same prominent

107 Bellingradt (2011) asserts the absence of any overview of journalism in the early modern era and has attempted to create one for the cities of Cologne, Hamburg, Leipzig, and Dresden. However, the images we have been exploring here are not examined in his work.

108 Leeftang 1997, pp. 53–115.

109 Von Birken 1649. The figure comes from this version. Regarding the event itself, see Laufhütte 1998.

110 Von Birken 1652, pp. 68f.: „Da ware ein Lust zu sehen / wie sich der Poebel hindraengete.“

class as we see depicted in the picture with coats, hats, and lace collars, keeping a safe distance from the *Volk*.¹¹¹



Fig. 18: *The Swedish Lion spewing forth red and white wine, from: Sig-mund von Birken (Text): Kurtze Beschreibung Deß Schwedischen Friedensmahls [Brief Description of the Swedish Peace Banquet], Nürn-berg: Dümler 1649 (Coburg, Landesbibliothek).*

Ruptures in this fabric of power relationships, the demarcation of a separate self-understanding of a social group, and pictorial representation of these ruptures and demarcations began to appear and gradually produced

111 Harms assumes that the flyers for the Peace Meal “represented cheap popular version(s) of the ambitious book edition (Harms 1980, nos. 323–328). He does not attempt a more extensive differentiation.

signs of breakdown of the representative order, as travelers noted the unusual aspects of Nürnberg in European comparison as objects curiosity. Depending on the type of publication, they sometimes cloaked their observations in scathing wit and sharp criticism. The dress code continued to be binding on council-eligible families, who saw themselves as equal to the European aristocracy, even though the dress code made them laughable among the European aristocratic society. “These haughty Lords, swoln with Pride and vain of the Title they have assumed to themselves, together with their pointed Hats and bushy enormous Ruffs, that might serve for Umbrella’s to two or Three Women, are more arrogant and inaccessible than the Nobles of Venice” was how Blainville described the Nürnberg elite in his travelogue, first published in English translation in London.¹¹² Nicolai, for his part, came to the conclusion in 1783 that Nürnbergers lagged 150 years behind current standards in the design of their houses.¹¹³

Helmut Zedelmaier demonstrated gaps between literary presentation and social and political reality in the large collections of city descriptions and concluded that these gaps were partly the reflection of stable literary conventions. Once complete, “an ‘ensemble’ of literary tradition developed, which sealed up against reality, and followed its own laws. [...] Only Enlightenment concerns about pragmatic access to the present succeeded in destroying the static nature of the [literary!] images: then, the order of literary tradition was no longer available to them, but only the order of empirical reality.”¹¹⁴

However, what may be undoubtedly true for the widely read compendia of city books is not necessarily applicable to the local text and image production. It falls short if one describes the inertial tendency expressed in actuality and in the images as being “sealed up” against reality. What is depicted in the images is a wished-for political and social reality, and all visual means are deployed to make this ideal image seem plausible. Indeed, it may be surprising that the themes set down since the city hall *vedute* of 1621 would continue to be disseminated through new editions of the image series by Graff, Boener, and Delsenbach through the end of the eighteenth century. And we can safely assume that these editions were published entirely free from any political interventions by the Council and

112 Blainville/Turnbull/Köhler 1764, Vol. 1.1, p. 230. Blainville was in Nürnberg in 1705. English edition 1767, Vol. 1, pp. 198–199.

113 Nicolai 1783–1796, Vol. 1, p. 205.

114 Zedelmaier 1987, p. 308.

brought to market purely based on the publisher's good business interests. However, the fundamental function of these later editions remained the same as it was at the time of the first edition, perhaps even strengthened by the fact that the persons and activities shown in the images had become a part of history, while there had been little change in the architecture or the political, social and economic processes depicted. The consistent function was to portray as well as engender the stability of the societal and political order through the stability of visual appearances.

Thus, it is only possible to differentiate between the tasks of representing and creating security as aspects of securitization if the specific situational use of the images can be precisely determined as a means of communication. However, in the case of the broad continuity of the image production, this does not make sense. The communicative power of the prints resulted from their adaptability to different prevailing conventions of presentation, and, above all, their persistent presentation of variations of a few basic themes, thus enabling them to help strengthen civic order through their repeated reception and remembrance. For over 200 years, the *vedute* created a picture of Nürnberg where security was manifested in the day-to-day routines of the people depicted and a stable, unvarying presentation of the architectonic framework of an order undisturbed by small, day-to-day misadventures; at the same time, this order had to be and could be protected from latent threat. When the question is one of an external threat, such protection is articulated in the images; when the issue is potential internal conflict, it remains invisible and is not directly addressed. For instance, there never seem to be any beggars in the city – but beggars might be an indicator for the need for better regulation of order. By contrast, the security problem – that is, the threat from an external enemy – is permanently commemorated while the pictures continue to be produced and received. The *vedute* remind a wandering gaze everyday realities that were also experienced on the street; lacking sources, we cannot describe these realities empirically: the power of the architecture to steer day-to-day routines. The chain barriers divided the flow of traffic, traces of which remain in the roadways of the main streets; the old gate towers (White Tower, fig. 9) narrowed it once more inside the town after passing through the fortifications. The images consistently cast this feature of the architecture and contrivances in a positive light. The towers and walls, chain barriers and watchtowers are the community's own means of guaranteeing security. To this end, each house also has its own defenses to protect it against an enemy we will not try to specify in further detail here. Not

quantitatively dominant, although unmistakably present, is the symbol of penal justice as guarantor of internal security, the gallows hill, which appears in every full view of the city on the eastern side.¹¹⁵

In conclusion, it makes sense to emphasize this aspect of persistence/ repetition for the presentation and perception of security themes, because it also makes clear that the mechanisms proposed by the Copenhagen School of Critical Security Studies are unsuitable for understanding the consistent communication of a security theme over an extended time. In Nürnberg, securitization did not take place as an orchestrated staging of the circumstances surrounding a security problem, nor was desecuritization the ultimate message of normal political activity. The subject and function of the images is not the “abrogation of normally applicable boundaries and limitations of political action through securitization,”¹¹⁶ but instead security being in force and remaining in force across many centuries, even while – as the *vedute* also show – it could be terminated at any time, to the detriment of the community. To the extent that these marketable *vedute* – tolerated and sometimes also sponsored by the Council – depicted security architectures, arrangements, and routines and preserved the memory of a latent threat, they helped to create security. In this sense, they are a means for legitimizing council rule – through the representation of order as well as through pastoral, peaceful utopias and not through images of horror, which were exceedingly rare in Nürnberg.¹¹⁷ A condition for the efficacy of the images is an underlying consensus between the actors, between the Council, the producers of the pictures who were mostly in concurrence with it, and the inhabitants of the city. The series of *vedute* are thus an example of an image type capable of exercising an effect within a type of security power – the power of securitization.¹¹⁸ Their long persistence, generation of tradition and reinforcing effects to create a collective Nürnberg identity in the upper class, which is crystallized in their security routines, provides impressive proof that in long-term securitization processes, just as in dramatic event-driven securitizing moves, the players cannot avoid some degree of self-imposed confinement.

115 E.g. Wolgemut, Lautensack. see also the coach with curtained windows and the Jew (?), who is being taken to the city hall by a council servant in Lorenz Strauch.

116 Conze 2012, p. 459, characterizing the positions of the Copenhagen School.

117 On this problem area, see Härter 2010.

118 See Langenohl in this volume, section 3.2.

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“A question of power and war:” Social Conflict in Hamburg and London in the Late Nineteenth Century¹

Christine Krüger and Friedrich Lenger

It is stating the obvious if one stresses the intimate relationship between questions of security and those of power. The problem becomes more interesting, however, if one contrasts different conceptions of both power and security and their implications for empirical analysis. This is what this article tries to do, taking the reactions to social unrest in Hamburg and London at the end of the nineteenth century as the empirical example and the conceptual work of the Copenhagen School of security studies and the theoretical offerings of governmentality studies in a Foucauldian tradition as analytical tools.² For London, we will concentrate particularly on three events: the West End Riots in February 1886, “Bloody Sunday” in November 1887 and the dock labourers’ strike in summer 1889, and for Hamburg on the riots of May 1890 and the dock workers’ strike of 1896/97.³ And since comparing two cases and two theoretical approaches at the same time is bound to confuse the reader, the main part of the article will demonstrate the usefulness of the terms ‘securitization’ and ‘desecuritization’⁴ for understanding our two metropolitan stories, while the comparative reflection of the tradition of governmentality studies will be reserved for a much briefer epilogue.

1 The contributions of the two co-authors are very unequal: while Christine Krüger has undertaken all the empirical work and written most of the text, Friedrich Lenger has concentrated mostly on the epilogue at the end. We are grateful to Sebastian Haus for his helpful commentary on an earlier version of this article.

2 For a comparative evaluation of both traditions cf. Opitz 2008.

3 Cf. for the Trafalgar Square Demonstrations and for “Bloody Sunday” Keller 2008; for the London strike McCarthy 1889; Wasp/Davis 1974; for Hamburg Grüttner 1984.

4 We define desecuritization as the process in the course of which issues or developments that have been securitized before cease to be regarded as a security problem. See Hansen 2012, pp. 542-544.

In accordance with Critical Security Studies and particularly the Copenhagen School of Securitization,⁵ we do not understand security in a normative way but rather ask how contemporaries defined security, how they securitized specific phenomena (i.e. how they identified and created security issues), and how definitions of security have changed over time. However, even if concepts of security and of how security should be guaranteed were liable to historical change, one could say that they were always inseparably linked with feelings of insecurity (i.e. with the perception of existential threats).

The aim is to analyze the relationship between security discourses and security practices on the one hand and power relations on the other: We ask in what situations security arguments gained or lost persuasive power. Who had recourse to securitization and what kind of power relations provided the conditions for it? What other instruments of power competed with it? And how did securitization either change or stabilize the balance of power?

Although the perception and discussion of social conflict as a security problem were very similar in Hamburg and London, security discourses and practices were much more influential in Hamburg than in London. This makes the comparison of both cities useful for our analysis. The causes for the differences provide answers to the question of how securitization and power were interrelated. Moreover, with different conceptions of security competing in both cities, the comparison helps us to understand why some of them prevailed while others failed.

In the first three parts of this article, we will explore three distinct security discourses, which can be attributed to three socio-political camps and can be found in both cities. The first two of these camps are formed by the middle classes. The camp that could be denominated as the ‘camp of confrontation’ and the camp of liberal social reform that could also be defined as ‘camp of dialogue’, while the third camp is that of organised labour. In the fourth and last part, we will study the security policies pursued by the state and especially by the police forces in both cities. Sources include various newspapers of different political colours, writings of social reformers and social scientists, as well as archival material, especially from the London Metropolitan Police and the Police Department of the city of Hamburg.

5 For a short introduction cf. C.A.S.E. Collective 2006; Wæver 1995, pp. 46–86.

1 The camp of confrontation

Like all over Europe, the middle classes in London and Hamburg discussed intensively whether and under which circumstances class conflict could become a danger for the city or for the nation. This question was closely connected to their perception of an imminent transformation of the societal distribution of power. Two distinct positions can be clearly discerned. On the one hand, there were those who could be described as the ‘camp of confrontation’, comprising conservatives as well as some liberals – on the German side, especially many national liberals. Supporters of this camp consistently endeavoured to securitize the labour movement. On the other hand, there was the ‘camp of dialogue’, the adherents of which promoted social reform. This camp particularly included supporters of the Radical Party in London, the so-called ‘Kathedersozialisten’ in Hamburg. Contrary to the camp of confrontation, supporters of the ‘camp of dialogue’ often tried to rather desecuritize social conflict. It is worthwhile to have a closer look at both sides. We will start with the adherents of the camp of confrontation, for whom security was a most prominent issue.

In London as well as in Hamburg, new evidence of social unrest in the last decades of the nineteenth century gave conservatives occasion to call for a larger and more powerful police force and for new and more restrictive laws. This call for more security generally referred to the threat that the middle and upper classes perceived in face of the growing power of the organized working classes. The exact way this menace was defined differed according to the situation. After the pillage of the luxury boutiques of London’s West End in February 1886, for example, the affected shopkeepers highlighted the damage to their property and blamed the Metropolitan Police for not having been able to prevent the rioting.⁶ Similarly, in October and November 1887, when Trafalgar Square became the stage for huge protest meetings of unemployed labourers, hotel owners and traders lamenting the economic loss these demonstrations had caused requested police protection.⁷

However, with the aim to stabilize the traditional power structure, calls for security tended to assume dimensions that surpassed the urban context.

6 The National Archives, HO 144/165/A42380; Thomas Goode: To the editor of *The Times*, in *The Times*, 9 February 1886, p. 6.

7 The Unemployed in London, in *Illustrated London News*, 29 October 1887, p. 504; The Defence of Trafalgar Square, in *The Times*, 14 October 1887, p. 6.

For instance, anti-socialist journalists did not restrict themselves to portray the dock strikes as an economic disaster for both cities, but rather described them as a danger for the social order (i.e. a danger that concerned not only the city but also the nation as a whole). In 1889, the London dock directors stressed that the dock labourers' strike was not a wage dispute but a power struggle.⁸ By this they tried to strengthen their claim for more police protection of strike breakers. With even more emphasis, the Hamburg employers put forward the same argument to justify their refusal of an offer for an arbitrational settlement of the strike in 1896/97.⁹

Moreover, in both cities the entrepreneurs and their supporters depicted the walkouts as declarations of social war by international social democracy. The London dock directors believed that "the strike was finally determined upon by the Socialistic section of a Labour Congress held in Switzerland a few weeks previously".¹⁰ And a journalist of *The Globe and Traveller* was convinced that there were "persons who would wish nothing better than, for ulterior ends, to see London in a state of darkness and famine. Such things have been literally threatened, as incidents in a general war." For him, the strike was "but part and parcel of an organized campaign of labour against the capital."¹¹ With such claims, the dock companies and the employer-oriented press supported their call for a stronger police intervention in the strike. Similarly in Hamburg, the entrepreneurs alleged that the International Federation of Ship, Dock and Riverside Workers, founded a few months earlier in London, had instigated the strike. Whereas the simpler variant of this theory blamed the English union leaders to have persuaded the Hamburg workmen to strike, a more complex variant saw British dock companies as the culprits, who, in order to damage their German competitors, had bribed the English union leaders to drive their German comrades into the strike.¹² This conspiracy theory

8 *The Globe and Traveller*, 24 August 1889, p.3.

9 Der Strike, in *Hamburger Nachrichten*, 28 November 1896, Morgen-Ausgabe, erste Beilage; Zum Streik der Hafendarbeiter. Die Antwort des Arbeitgeberverbandes an Herrn Senator Dr. Hachmann, in *Der Hamburgische Correspondent*, 3 December 1896, Morgen-Ausgabe, p. 11.

10 M.C. Norwood: Report on the late labour strike, 3 October 1889, The National Archives, MEPO 2/226.

11 The Strike, in *The Globe and Traveller*, 26 August 1889, p. 4.

12 Zum Streik der Hafendarbeiter, in *Der Hamburgische Correspondent*, 29 November 1896, Mittags-Ausgabe, p. 2; Englische Brandstiftungen, in *Hamburger Nachrichten*

made the alleged danger appear more sinister and the call for security measures more urgent.

Such an interpretation securitized the strikes, claiming that they were no longer private affairs between entrepreneurs and workers, but existential threats to society. Whereas the question whether the state had the right or the duty to intervene into labour conflicts remained controversial among entrepreneurs, according to their interpretation as existential threats, strikes turned into public issues to which the state was supposed to react. And the greater the danger, the more drastic the measures against strikers could be demanded. Thus, the Hamburg ship owners and their supporters considered the proposal to convene an arbitration tribunal in order to settle the strike as inappropriate or even dangerous. Instead, periodicals that took side with the entrepreneurs advocated a renewal of Bismarck’s anti-socialist laws. For instance, the conservative *Hamburger Nachrichten* claimed, “If our laws are not sufficient to protect us, we need to create new laws in the greatest hurry, in order to be able to oppose the enemy of our welfare.”¹³

In the camp of confrontation, security was a frequently debated issue that enjoyed high priority in the discussion of social conflict. All in all, the line of argument was similar in both cities. However, while security discourse prevailed in Hamburg, where it was shared by conservatives and national liberals alike, it was less dominant in London. For example, the interpretation of the dock strike as a socialist attempt to overthrow the social order—i.e. as a security threat—was not able to assert itself in the British metropolis. The advocates of social reform constituted a much stronger counterweight to the camp of confrontation than they did in Hamburg.

2 *The camp of dialogue*

Compared to the camp of confrontation, the social reformers referred relatively seldom to security. Moreover, their security discourses diverged notably. The most obvious difference was that the social reformers preferred

ten, 1 December 1896, Morgen-Ausgabe, p. 1; Lokales. Zum Streik der Hafentarbeiter, in *Börsenhalle*, 1 December 1896, Nachmittags-Ausgabe.

13 Die Tyrannei einer kleinen Majorität, in *Hamburger Nachrichten*, 25 December 1896, Morgen-Ausgabe.

other strategies for handling social conflict. For example, during the Hamburg strike, an article in the left-liberal *Kieler Neueste Nachrichten* stressed that the period was “so much on the move and in danger socially and economically that the aim should be to mitigate and reconcile the clashing interests, instead of aggravating them.”¹⁴ The author was convinced that this was the only way to “take the most dangerous and violently revolutionary edge off the social movement.” Social reformers relied on dialogue and conciliation rather than on showdown and combat. Even if, as we could see here, some social reformers warned that fierce suppression would lead to a radicalization of the working classes, in sum, they did not so much fear the working class itself as the escalation of social antagonism. And the threat of escalation was a distant one; it was not an immediate one, pressing for securitization.

The British settlement movement best represents the ideals of the camp of dialogue. Toynbee Hall, as well as other settlements, acted out of the conviction that one of the reasons for the disruption of social peace was the increasing urban segregation of rich and poor city districts.¹⁵ Inviting Oxbridge graduates to live for some time in metropolitan slums, the settlement houses pursued the target to promote mutual knowledge and understanding between classes. Social scientists shared these convictions. The social researcher Charles Booth, for example, took the motivation for his seminal study *Life and Labour of the People of London* from the desire to gain deeper knowledge about the London poor.¹⁶

In Hamburg, too, social reformers believed that dialogue with and better understanding of the working classes could help to overcome social disruption. For instance, the sociologist Ferdinand Tönnies recommended studying the living conditions of the urban working classes on an impartial scientific basis in order to avoid an exacerbation of social conflict. As a sociologist, he felt compelled to interfere with the Hamburg dock strike, sharply criticizing the dock directors’ intransigent position and their will to “be and remain the masters.”¹⁷ Like many social reformers, he advocated as a matter of principle the settlement of labour conflicts by arbitration. The Hamburg dock strike appeared all the more significant to him because he believed that it had turned into a dispute about “the fundamental

14 Bildung und Arbeit, in *Kieler Neueste Nachrichten*, 30 January 1897.

15 Briggs/Macarnthey 1984; Meacham 1987.

16 Booth 1902f.

17 Tönnies 2010a, p. 224.

question whether such conflicts should be fought out until the submission of one party or whether they should be terminated by arbitrational activity.”¹⁸ In his writings and in two speeches at strike assemblies, Tönnies propagated the building-up of strong trade unions, as these would enable the labourers to negotiate.¹⁹ In January 1897, he and some other professors and clergymen tried to help the strikers with an appeal for donations. The aim was, “for the sake of the idea”, to create the conditions that would enable “the one side as well as the other to lead the negotiations without the pressure of imminent misery.”²⁰ With the appeal for donations and for a peaceful settlement of the labour dispute, the group of professors and clergymen tried to work against the widening of the social power gap, which they considered as harmful.

Advocating dialogue and negotiations, many adherents of liberal social reform rejected the securitization of the working classes. Tönnies, for example, condemned that the entrepreneurs and their supporters forecasted doomsday scenarios for political purposes. “The interpretation of social conflicts is still left to the interested parties, i.e. the political troglodytes, who produce artificial lightning and thunder, in order to make believe that a thunderstorm had broken out,” he deplored, convinced that from an “unbiased viewpoint the issue did not really appear very dangerous.”²¹ Similar attempts to desecuritize the urban social conflict are found on the British side. A famous example is the often-cited appraisal of slum life in the introductory chapter of Booth’s inquiry: “The hordes of barbarians of whom we have heard, who, issuing from their slums, will one day overwhelm modern civilization, do not exist. There are barbarians, but they are a handful, a small and decreasing percentage: a disgrace but not a danger.”²²

Like Booth, many social reformers preferred to evoke other values, such as justice, honour, and moral or Christian obligations in order to justify their call for social reforms. During the London dock strike, for instance, *Lloyd’s Weekly Newspaper* praised the strikers, who had “with

18 *Berliner Börsenzeitung*, 22 January 1896, p. 3; for the social reformers’ commitment to arbitrational settlement of labour conflicts, cf. Reulecke 1981; vom Bruch 1981.

19 Tönnies 2010b, p. 156; Tönnies 2010a, p. 222.

20 *Berliner Börsenzeitung*, 22 January 1896, p. 3.

21 Tönnies, 2010b, p. 100, p. 157.

22 Booth 1902, vol. 1.1, p. 39.

manly dignity asserted the rights of labour to fair remuneration.”²³ Liberal London newspapers also greatly emphasized human rights or, as they put it, the “right to live.”²⁴ *Reynold’s Newspaper* maintained: “The question between capital and labour for the future is to be stated in this way: How much payment suffices for decent livelihood.”²⁵ And in overt opposition to the entrepreneurs’ interpretation of the strike, the same paper argued: “The great strike is not a conspiracy of idealists, but a combination of earnest men in defence of the simple right to live in a condition that may make life tolerable.”²⁶

Although such an emphasis on the entitlement to wages allowing a minimum standard of living was more prominent on the British side, the viewpoints of social reform were quite similar in the two cities. On the whole, however, the social reform camp was much weaker in Hamburg. The reaction to the appeal for donations by the social reformers clearly illustrates this. All middle-class Hamburg newspapers harshly criticized this intervention into the labour conflict. Moreover, the conservative and national liberal press portrayed not only the labour movement but also its middle-class supporters as a danger to the social order. Securitization is often part of the construction of the ‘enemy’ and serves as a vehicle for inclusion and exclusion. Accordingly, the recommendation of the *Hamburger Nachrichten* as to sanctions against the authors of the appeal for donations was as follows: “Although the social question is, as the Hamburg strike proves once again, a question of power and war, unfortunately martial law cannot be applied to such actions. But the mildest punishment, which has to be imposed by the bourgeois society itself, as long as there is no anti-socialist law, is exclusion.”²⁷ Moreover, the conservative and national liberal press demanded to implement censorship measures for university lecturers.²⁸ This suggestion was not followed up. Yet the authors of the appeal for donations were sanctioned. They were prosecuted for illegal fundraising, and the University of Kiel summoned two of its professors who were among

23 The Strike Settled, in *Lloyd’s Weekly*, 15 September 1889, p. 1.

24 Justice for Dock Workers, in *Lloyd’s Weekly*, 1 September 1889, p. 1.

25 The Democratic World, in *Reynold’s Newspaper*, 1 September 1889, p. 3.

26 Special Notes, in *Reynold’s Newspaper*, 25 September 1889, p. 8.

27 Hamburg, 26. Januar, in *Hamburger Nachrichten*, 26 January 1897, Abend-Ausgabe.

28 Der Professoren-Socialismus, in *Hamburger Nachrichten*, 25 January 1897, Abend-Ausgabe.

the signatories of the appeal and urged them to justify themselves.²⁹ As for Tönnies, his support of the strikers brought him into the disrepute of being a social democrat and affected his scholarly career. For years to come, he had difficulty getting a full professorship.³⁰ And professor of economics Heinrich Herkner, feeling politically and professionally ostracized in the German Empire after having signed the appeal of support for the strikers, moved to Switzerland in 1898.³¹

In London, by contrast, the advocates of social reform found much more acceptance and were able to shape social policy to a considerable degree. They were also far from falling into disrepute. For example, during the London strike, settlement residents helped the strikers to organize the strike pay.³² After the strike's end, Samuel Barnett, the founder and Warden of Toynbee Hall, invited the strike leaders “to celebrate the victory” with a “supper party.”³³ However, taking the working classes' side did not tarnish Barnett's reputation. The high respect shown towards the commitment of the social reformers enabled them to take on an intermediary role and thus constituted one of the conditions for the successful settlement of the London strike by arbitration.

In order to explain why the Hamburg entrepreneurs' efforts to securitize the labour conflict were successful, two points need to be considered. First, the Hamburg employers had a very important position in Hamburg and could use their close personal connections to members of the Senate for numerous meetings and face-to-face negotiations with leading decision makers.³⁴ Besides, they definitely had a strong influence over the Hamburg middle-class press, although the surviving sources give no evidence that they exerted any direct pressure on journalists or editors, as the social democratic newspaper *Das Hamburger Echo* suspected.³⁵ The second and probably more important reason was that the Hamburg entrepreneurs and their supporters were in accord with a wide spread anti-socialist feeling

29 Hamburg, 26. März, in *Neue Hamburger Zeitung*, 26 March 1897, p. 1; Tages-Uebersicht, in *General-Anzeiger für Hamburg-Altona*, 12 February 1897, p. 1.

30 Cf. Tönnies/Paulsen 1961, pp. 330–332.

31 Herkner 1924, pp. 97–99.

32 Toynbee Record, vol. 2, no. 1, October 1889, pp. 7–10; vol. 2, no. 2, November 1889, p. 20.

33 *Pall Mall Gazette*, 23 September 1889.

34 Evans 1987, pp. 1–50; Hamburger Staatsarchiv 111-1 CI XI Gen No. 2. Vol 74 Fasc 1b.

35 *Das Hamburger Echo*, 7 January 1897.

and a strong tradition of securitization of the working classes that had resulted in Bismarck's anti-socialist laws and exacerbated the class conflict in the German Empire.

In London, the political field was quite different. Liberal attitudes had more impact in England generally, while the labour movement was weaker than in Germany. Contrary to Germany, the middle class did not believe that a socialist revolution was an imminent danger, and consequently a cooperation between liberals and working class organisations was not scandalized in the same way as it was in Germany.

3 *The organized working classes*

When the middle classes raised the topic of urban security, the potential dangerousness of the labour movement was at the centre of controversy. The organized labour classes themselves inevitably had to take a stand on this issue. Their discourse remained most ambivalent in both cities. On the one hand, working class and social democratic organisations had an interest in demonstrating their power and threatening revolution. For instance, agitators regarded it as one of the main purposes of the mass processions of the unemployed or of socialist 'monster meetings' in 1886 and 1887 that the sheer number of protesters should impress and intimidate the London middle classes. In this vein, Henry Hyndman addressed himself to the labourers at a socialist meeting only three weeks after the Trafalgar Square riots: "It was by combination that they would be able to put such fear into the hearts of the governing classes that they would no longer refrain from taking the case of the masses into account."³⁶ Thus, being securitized gave power to the labour movement.

On the other hand, the spokespersons of organised labour were eager to desecuritize the working classes. After the London West End riots as well as following the Hamburg riots of 1890 or the two days of rioting in the aftermath of the Hamburg dock strike, socialists and working class organizations emphasized that no honest workman was to blame for violence, demolition and spoliation, but that "mischievous youths," "professional

36 Monster Socialist Meeting in Hyde Park, in *Reynolds Newspaper*, 28 February 1886, p. 1.

thieves” or “roughs and rowdies”—who “could not claim to call themselves labourers”—had committed the offences.³⁷

This ambivalent security discourse is due to the aim of the working-class organisations to redefine the tasks of the state. Again, this can be explained by the fact that the guarantee of security was traditionally one of the state’s reasons for being, while it was not yet a common conviction that the guarantee of social welfare and social justice belonged to the scope of state duties. Thus, the menace of revolution could advance social reform. However, threatening social upheaval was a double-edged strategy, as the state’s security policy tended to be police repression instead of social reform. To some extent, this might explain why socialist leaders often stressed the fact that time was not yet ripe for revolution.³⁸ By this they implied that the dangers of a more distant future might be prevented by timely reforms.

While the labour movement became an *object* of securitization, it was hardly able to use securitization as an instrument of empowerment for its own purposes. This is clearly demonstrated by the example of the Hamburg dock strikes. If the strikers wanted to be victorious, they had to succeed in two respects. Firstly, they had to impede the employers from recruiting blacklegs on a large scale. This was particularly difficult for the dock labourers who, being unskilled, could easily be replaced. Therefore, strikers repeatedly tried to intimidate strike breakers by menacing them or even by using physical violence.³⁹ However, deterring blacklegs was only one condition for winning the strike. The second condition was to provide sufficient funds in order to guarantee the strike pay for an unforeseeable duration. As union membership had been low before the strikers laid down work, they depended on affluent sympathizers (i.e. they needed the goodwill at least of parts of the “Bürgertum”). This meant that they had to refrain from physical violence as an instrument of power. This explains why, in the working class press and at the strikers’ assemblies, labour leaders

37 The Rioting in London, in *Reynolds Newspaper*, 14 February 1886, p. 4; The Riots in the West-End, in *Pall Mall Gazette*, 9 February 1886, p. 9; Eine regelrechte Revolte, in *Das Hamburger Echo*, 14 May 1890; cf. Grüttner 1984, p. 145f.; more generally for this kind of argumentation, cf. Lindenberger 1993.

38 Special Notes, in *Reynolds Newspaper*, 25 August 1889, p. 8.

39 Hamburger Staatsarchiv, 331-3/7138.

repeatedly urged their audience, to prove their discipline and not to lapse into violence.⁴⁰

The ambivalence inherent in the conditions for settling the labour dispute with the desired outcome permeated the whole walkout. While on the one hand the strike leaders recommended to renounce violence, on the other hand they permitted to read out the names of blacklegs, well aware that this was an invitation for applying sanctions that could easily end in violence.⁴¹ Another illustration of the conflicting strategies of the strikers may be found in the conversation of some dock labourers that was recorded by a police spy, who had shadowed a working class pub.⁴² In this conversation, one of the strikers described his encounter with two blacklegs. He had tried verbally to convince them to lay down their work, but without success. Thereupon, “[I]t would not have taken much,” he admitted, “and he had slapped them into the face.” Another striker admonished him not to resort to violence. Otherwise they would lose “the sympathy of the public,” and thus harm their own interests. A third interlocutor affirmed, believing that the employers were only waiting for an escalation of violence. He preferred to stigmatize the blacklegs, for example, by publishing their names in the newspaper.

The strikers had few instruments of power in order to deter the strike breakers. Therefore, violence could serve as a last resort. However, the lack of financial means also kept them in a dependency that proscribed violence. Therefore, strikers also tried to make use of securitization as an alternative way to exercise power against blacklegs and entrepreneurs. Again and again, they blamed the dock directors for endangering the city by using foreigners as strike-breakers. In fact, already in the very first days of the walkout, the employers had threatened to hire thousands of Italian workers.⁴³ Although this particular threat was not carried out, they were soon able to recruit two or three thousand new labourers, many of whom came from abroad.⁴⁴ During the strike assemblies and in the social-

40 E.g. Bericht über Öffentliche Versammlung der am Petersen-Kai beschäftigten Arbeiter, 28 November 1896, Hamburger Staatsarchiv, 331-3/7095.

41 Polizei-Offiziant Burow, Bericht über die öffentliche Versammlung der Getreidearbeiter und Schiffsmaler, 24 January 1897, Hamburger Staatsarchiv, 331-1/7123.

42 Polizei-Offiziant Graumann, Vigilanz-Bericht, 7 December 1896, Hamburger Staatsarchiv, 331-1/7122.

43 G. H. Blohm: Zum Strike der Schauerleute, in *Hamburger Fremdenblatt*, 24 November 1896.

44 Hamburger Staatsarchiv 331-3/7119; 331-3/1723; cf. Bieber p. 125.

ist press, the alleged great dangers of this immigration were a big issue. The strikers were convinced that the hygienic, moral and educational standards—especially of the Polish, Italian, African and Asian immigrants—were inferior to their own. They believed that the influx of foreign workers into Hamburg would not only exacerbate the problem of unemployment but also increase the crime rate.⁴⁵ Yet an even more serious warning was that the foreigners would introduce disease.⁴⁶ This threat was particularly alarming because the disastrous cholera epidemic of 1892 that had claimed the lives of more than 8,000 victims in 1892 was still fresh in their memory.⁴⁷

The warning of such imminent danger that threatened the whole city served three purposes. First, it portrayed the native Hamburg labourers as ‘safer’—i.e. less dangerous than the foreigners—and it contributed to the aforementioned target of ‘desecuritizing’ the working class. Second, the warning against immigration had the target of mobilising those parts of the Hamburg population that were not directly concerned by the strike and thus rallying them to join their side. This seems to have been successful at least for a part of the petty bourgeoisie.⁴⁸ Third, it allowed the strikers to call upon the Hamburg Senate for intervention. The social democratic newspaper *Das Hamburger Echo*, for example, wrote: “Indeed, the mass immigration of degenerated and ragged foreigners, who pose the greatest social and sanitary danger for the state of Hamburg, is a crime. It is the task and the duty of the police to prevent such crimes.”⁴⁹ Whereas the question whether the state ought to intervene in labour conflicts was highly controversial among the contemporaries, the defence against epidemics belonged to the traditional and unquestioned functions of the state. And

45 E.g. *Hamburger Neuigkeiten*. Der Streik der Hafendarbeiter, in *Das Hamburger Echo*, 25 November 1896; Polizei-Offiziant Thomas, Bericht über Versammlung der Werftarbeiter 27 November 1896, *Hamburger Staatsarchiv*, 331-3/7095; Polizei-Offiziant Baumann, Bericht über die Mitglieder-Versammlung des Verbandes der Hafendarbeiter und Speicherarbeiter, 27 November 1896, *Hamburger Staatsarchiv*, 331-3/7095.

46 Die schwarze und gelbe Bemannung, in *Das Hamburger Echo*, 14 January 1897; cf. numerous reports about strikers’ assemblies, *Hamburger Staatsarchiv*, 331-3/7095 and 331-3/7125.

47 Cf. Evans 1987, passim.

48 Zum Streik der Hafendarbeiter, in *Hamburgischer Correspondent*, 4 December 1896, Abend-Ausgabe, p. 3.

49 *Hamburger Neuigkeiten*, in *Das Hamburger Echo*, 29 November 1896.

indeed the city government reacted to these appeals. The Senate ordered the inspection of the hygienic standards of the mass accommodation centres, in which the strike-breakers lived, and it spoke out against the immigration of Italian workers, but it took no further steps to stop the recruitment of foreigners during the strike.⁵⁰

The alarmist warning of the allegedly dangerous immigrants also had side effects. The resentments against strike-breakers—Germans and foreigners alike—lasted a long time. It strengthened nationalist and xenophobic feelings among the Hamburg working class and among the petty bourgeoisie. This unintended consequence further illustrates the limited agency of the labour movement being unable to channel the securitization towards its actual goals.

4 Security policies

Although securitization referred to varying objects according to the different political camps, its main objective was usually to impel the state to action. For many contemporaries, the state's primary task was to guarantee security. As it remained highly controversial whether social questions belonged to the state's tasks and duties as well, it seemed a more effective strategy to define demands regarding social problems in terms of security. However, conservatives, liberal social reformers and the organized working classes all placed different expectations upon the state ranging from intensified policing to far-reaching social reforms.

While social reforms were slow and contested as a matter of principle, police action was immediate and customary, and the exercise of heightened police vigilance was normally the first statutory measure when social conflict threatened to escalate. As the *raison d'être* of the police was the safeguarding of domestic security, the fact that security was a prime value for the police forces in both cities is self-explanatory. However, the police's security policies in Hamburg differed considerably from those in London. The Hamburg police clearly regarded the labour movement as a danger to the city and took strong action against it. During the Hamburg dock strike, they suppressed picketing, blocked the free access to the har-

50 Hamburger Staatsarchiv, 331-3/7112; Morandi 2004, pp. 121–125.

bour, and forbade street collections in favour of the strikers.⁵¹ The political division of the Hamburg police had kept its surveillance routines, which Bismarck’s anti-socialist laws had established. As indicated, policemen in plain clothes regularly spied on workers’ pubs and meetings, and they meticulously recorded the discussions they overheard.⁵² These actions helped the police, for instance, to detect the British trade unionist Tom Mann, who visited Hamburg in September 1896 to promote the International Federation of Ship, Dock and Riverside Workers founded shortly before. The police arrested him and forced him to travel back to England.⁵³ The irritation this security measure provoked amongst the Hamburg dock workers was an important trigger for the strike that broke out only two months later.⁵⁴ During that strike, Tom Mann secretly travelled again to Hamburg with the aim of convincing the dock workers to resume work, because the leaders of the International Federation feared that the walkout, taking place in the middle of winter, would have little prospect of success and would therefore weaken international trade unionism. Again, the Hamburg police detected and expelled Tom Mann. Examining his belongings, they found, alongside some moustache wax and toothpicks, a letter warning “that it would be a serious blow to the Int. Fed. if the Hamburg Dockers were defeated [...]. Whereas if the men [could] be induced to return to work, even on a small concession, it would be a victory and [would] lessen the danger of involving the Int. Fed. in the gulf.”⁵⁵ Although Senator Georg Hachmann, the head of the police, admitted in a letter to the Hamburg mayor Johannes Versmann that he did not know whether there was a legal footing for an inspection of Mann’s correspondence, the police confidentially sent a copy of this letter to the dock direc-

51 Bieber 1978, pp. 131–132.

52 Cf. Evans 1989 as well as Owzar 2006.

53 Hamburger Staatsarchiv, 331-1/7753.

54 Cf. Bieber 1978, pp. 111–112; already the strikers themselves were convinced of this effect of Tom Mann’s arrestation and expulsion, cf. e.g. Polizei-Offiziant Grimmelshäuser, Bericht über die öffentliche Versammlung der Kohlenarbeiter, 24 November 1896.

55 Letter by Tom Chambers to Tom Mann, November 1896, Staatsarchiv Hamburg, 331-3/7095.

tors' association.⁵⁶ Consequently, the dock directors hardened their intransigent position and decided to outfight the strikers at all costs.

The Hamburg police was able to implement its restrictive security measures without taking into account the criticism of the working-class organizations, social democrats or social reformers. The London Metropolitan Police, by contrast, had a more limited scope for its security policy. The conflict between the Police Commissioner, Charles Warren, and the Home Secretary, Henry Matthews, in 1887, shows this clearly. Warren, who was appointed Commissioner of the London Metropolitan Police shortly after the West End Riots, wanted to show that the police had learnt a lesson from this failure. He was convinced that the mass demonstrations in 1887 were a "danger to the safety of the Metropolis" bound to end in a "catastrophe." Therefore, he advocated repressive measures against the protestors and was determined to dispel them from Trafalgar Square.⁵⁷ Matthews, on the contrary, felt uneasy in this respect and commissioned various legal opinions to help him decide on the matter. Again and again he stopped Warren, insisting on the principle: "The Police must at all events keep within the law."⁵⁸ Warren eventually succeeded in convincing Matthews of the need to ban political manifestations from Trafalgar Square through legal quibbling.⁵⁹ However, considerable parts of the London press heavily criticized the violent expulsion of protestors on 'Bloody Sunday,' which was exerted under his responsibility. During the London dock strike, one and a half years later, Warren's successor,⁶⁰ James Monro, was anxious not to give way to the dock companies' peremptory demands to combat picketing. Like Matthews, Monro stressed that the police had to act "in accordance with, and within the limits of law" and to maintain "an

56 Letter by Gustav Roscher to Carl Ferdinand Laeisz, 26 November 1896; letter by Georg Hachmann to Johannes Versmann, 1 December 1896, Hamburg, 331-3/7095.

57 Letter by Charles Warren to Godfrey Lushington, 8 October 1887, The National Archives, HO 144/204/A47976/1TO70. Cf. for Warren's position and the conflicts between him and the Home Office Bailey 1981.

58 Letter by Henry Matthew to Charles Warren, 2 November 1887, The National Archives, HO 144/204/A47976/ 1TO70.

59 Letter by Charles Warren to Henry Matthews, 31 October 1887, The National Archives, HO 144/204/A47976/ 1TO70.

60 Warren resigned from office in November 1888 primarily because of his failure to catch Jack the Ripper, but also because of his discrepancies with the Home Office.

attitude of the strictest impartiality.”⁶¹ And Monro, quite like Home Secretary Matthews, was not only concerned with law but also with the judgment of the public, as they believed the people would condemn police suppression of protestors or of strikers.⁶²

Police measures in both cities seem to reflect the different degree of significance that the security issues played in the public discourse of both cities. However, it would be erroneous to equate the municipal government in Hamburg with the camp of confrontation depicted above or to believe that state action in London was inspired by social reform. Although in Britain the state was also in the process of slowly changing the definition of its traditional tasks, the immediate state reaction to the demonstrations of the unemployed and to the dock strike remained restricted to police and juridical measures. In Hamburg, however, the dock strike directly prompted the Senate to initiate several social reforms. Just after the end of the strike, the Hamburg Senate convened a “Commission zur Überprüfung der Arbeitsverhältnisse im Hafen” (Review Commission of the Working Conditions in the Harbor).⁶³ Moreover, the city engaged a port inspector. In an internal report about the strike, the police department, although it had so decidedly taken side with the employers during the labour conflict, even proposed to the Senate to introduce permanent boards of conciliation and arbitration, but this suggestion was not yet carried out in the immediate future.⁶⁴ However, all these initiatives aimed at the detection of grievances and at the prevention of future strikes. Although working-class leaders doubted the impartiality and effectiveness of the report and the inspector alike,⁶⁵ these measures were important novelties showing that the

61 Letter by James Monro to Godfrey Lushington, 23 September 1889, The National Archives, H 144/227/A50732; Letter by James Monro to Henry Matthews, The National Archives, September 1889, MEPO 2/472.

62 Letter by Henry Matthews to Godfrey Lushington, The National Archives, HO 144/204/A47976/1TO70, 15 November 1887; letter by James Monro to C.M. Norwood, 19 September 1889, MEPO 2/226.

63 Cf. *Protokolle der Senats-Commission für die Prüfung der Arbeitsverhältnisse im Hamburger Hafen über die Vernehmung von Arbeitgebern und Arbeitnehmern*, Hamburg 1898; *Bericht der Senats-Commission für die Prüfung der Arbeitsverhältnisse im Hamburger Hafen*, Hamburg 1898.

64 *Der Streik der Hamburger Hafendarbeiter 1896/97. Amtliche Darstellung nach den Akten der Abtheilung 2 (Politische und Criminal-Polizei) der Polizei-Behörde*, Hamburg 1897, p. 115.

65 Hamburger Staatsarchiv, 331-1/7153; Carl Lindow: *Die Verkehrs- und Arbeitsverhältnisse im Hamburger Hafen*, Berlin 1915, pp. 209–210.

municipal government assumed social responsibility and started to accept a mediating role in social conflict. This was, in a way, the flip side of the entrepreneurial success in securitizing working-class unrest. In order to avoid the Senate's commission, which—whatever its biases against working class interests—meant an intrusion into a space claimed as a sphere of entrepreneurial authority, desecuritization would have been a prerequisite—an option not available due to the earlier securitization.

However, the changing perception of the state's tasks cannot be explained solely by the willingness to resolve social conflict, let alone by the inclination to reduce power imbalances, but rather has to be seen in a wider context. There was a range of other factors that made urban poverty appear threatening and called for social reforms. The growing slums became a source of serious preoccupation as they were believed to be not only hotbeds of revolution, but also breeding grounds for immorality, criminality, and disease. In Hamburg, the cholera epidemic of 1892 nourished such perceptions, quite like in London with the murders committed by Jack the Ripper in 1888.⁶⁶ Often, different concerns mingled, as can be seen, for example, in the development of an increasing state activity to enhance the housing conditions for the poor.

5 Conclusion

It is obvious that security discourses dominated politics and policy much more in Hamburg, where all political camps tried to use securitization as an instrument of power. Questioning the reasons for the varying degrees of effectiveness of securitization or desecuritization and also the different agency of the police in both cities, we have already mentioned that the political antagonism was seated more deeply and boundaries between social democracy and liberalism were much sharper in the German Empire than in Britain, where the labour movement was weaker but received more recognition by the middle class. Moreover, it was decisive that the understanding of the state fundamentally diverged in both cities. Securitization usually went along with an appeal to state action, either highlighting the necessity of police intervention or calling for new laws or for the creation of new statutory institutions as, for example, boards of arbitration. This

66 Cf. Walkowitz 2011; Evans 1987; as well as Lenger 2013, pp. 251-255.

explains why the conflicting parties tried to use securitization more often in Hamburg than in London, where traditionally more distrust in state action prevailed. It also explains why the police was more reticent in the British metropolis.

If contemporaries used securitization with the primary aim to provoke the intervention of the state, i.e. to make statutory power work for their own goals, the effects were not restricted to this mechanism. Securitization also tended to exacerbate antagonism, be it between the working classes and the middle classes, between the camp of confrontation and the camp of social reform or between strikers and strike-breakers. Not least, due to this exacerbation of antagonism, the Hamburg entrepreneurs succeeded in strengthening their own position of power and in weakening the camp of social reform. Again, however, neither the Hamburg workers nor the London dock directors were able to use this mechanism for their own purposes, despite having tried to make use of it. Therefore, some of the strikers believed that the only effective instruments of power they had at hand were threats, intimidation and violence, but these were ambivalent and contested, as they could easily lead to repressive police reaction. Securitization, however, which as an instrument of power seemed less problematic in this respect, remained reserved for those groups who were acting from a position of strength and were able to use also “authoritative” and financial power to influence the public and the authorities.

6 Epilogue

While the conceptual apparatus of the Copenhagen School—if enlarged by the attention paid to audiences by Thierry Balzacq and others—has clearly demonstrated its usefulness in highlighting why a securitization of labour unrest did not take place in London and why the securitizing move of the dockworkers in Hamburg in the end proved unsuccessful, a comparative look at power relations in our two cities suggests the possibility of a different reading.⁶⁷ However, contrary to authors like Didier Bigo or Jef Huysmans, we do not turn to security practices and technologies (“banal, little security nothings”).⁶⁸ Instead we try to make use of the Foucauldian

67 Cf. Balzacq 2011.

68 Huysmans 2011, p. 371; Bigo 2002, esp. p. 73.

notion of a liberal governmentality, a notion that has not featured prominently in urban history so far.⁶⁹ In doing so, we are at least methodologically closer to Foucault's famous lectures on the history of governmentality held in 1978/79. As he put it himself, he was investigating "how the practice of police actually appeared in the texts," police to be understood here in the comprehensive early modern meaning of good government and administration.⁷⁰ While there are obvious limits to this very specific variant of a history or genealogy of ideas, the arguments put forward are useful for our comparison if one keeps in mind that the liberalism in Foucault's concept of liberal governmentality is not congruent with liberal positions in the two political arenas under scrutiny.

There is a certain ambivalence in Foucault's own use of the terms sovereignty, disciplinary power and governmental administration. Despite the author's explicit denial, they sometimes take on the character of a sequence of power techniques or of stages on which one of these power techniques is prevalent. Risking oversimplification, one could interpret late nineteenth-century London as a model of liberal governmentality. While "discipline, by definition, regulates everything," its liberalist counterpart leaves alone.⁷¹ As we will see, this does not imply a strict policy of non-intervention, but it does presuppose that economy and society are quasi-natural entities regulating themselves: "the population as a collection of subjects is replaced by the population as a set of natural phenomena."⁷² This has at least two implications. The negative one is that the lack of insight into the mechanisms regulating society and economy on the part of the state makes state intervention potentially harmful. This risk may be lessened if the knowledge produced by economists and social scientists is taken into account whose new importance is, of course, the positive implication: "The laws and principles of political economy, the collected data and facts of statistical sciences and the knowledge provided by social science are part and parcel of governmentalisation."⁷³

69 The most important exception being Joyce 2003.

70 Foucault 2007, p. 333.

71 *Id.*, p. 45.

72 *Id.*, p. 352; for a good reconstruction of Foucault's position cf. the first chapter of Ronge 2015, pp. 33–118, or, more generally, Neocleous 2000, esp. chapters II and III.

73 Bohlender 2007, p. 253; cf. *id.*, p. 106 (authors' translation).

Now, while a naturalist understanding of population provides ample justification for a revalorisation of social science, it does not rule out any intervention in economic or social processes. On the most general level the liberal *laissez-faire* attitude produces the need of „the protection of the collective interest against individual interests.“ Or, as Foucault puts it a little later: “The game of freedom and security is at the very heart of this new governmental reason.”⁷⁴ Matthias Bohlender has thoroughly investigated English liberal discourse of the eighteenth and nineteenth centuries and documents countless utterances rendering Foucault’s assertion more concrete. Their common denominator is the conviction that the self-regulatory mechanisms of society and economics are in constant need of defense. This has occasionally quite surprising implications. The philosopher and economist Charles Babbage, for example, argued in 1832: “The principle, that government ought to interfere as little as possible between workmen and their employers, is so well established, that it is important to guard against its misapplication. It is not inconsistent with this principle to insist on the workmen being paid in money--for this is merely to protect them from being deceived; and still less is it a deviation from it to limit the number of hours during which children shall work in factories, or the age at which they shall commence that species of labour – for they are not free agents, nor are they capable of judging, if they were; and both policy and humanity concur in demanding for them some legislative protection. In both cases it is as right and politic to protect the weaker party from fraud or force, as it would be impolitic and unjust to interfere with the amount of the wages of either.”⁷⁵

Twelve years earlier the economist John R. McCulloch had similarly defended trade unions and strikes, arguing that employers would never increase wages voluntarily. Therefore, collective pressure would be the only way to find out whether wage demands would be fair and reasonable—seemingly just another expression for being in accordance with supply and demand in the labour market.⁷⁶ Accordingly, the *Morning Post* maintained on September 16, 1889: “We still retain the opinion that all dislocations in the relations between capital and labour are best left to adjust themselves.”⁷⁷ If documentation were needed that this was by no means a mi-

74 Foucault 2008, p. 65.

75 Babbage 1832, p. 363, paragraph 436 (cited from Bohlender 2007, p. 335).

76 Cited id., pp. 277f.

77 *Morning Post*, 16th of September 1889, p. 4.

nority position, it was provided a week later when the *Times* printed a speech by Gladstone in which he described the relationship between capital and labour as “a balance of force, [...] a fair adjustment between them, which must always determine in what degree the profits of industry ought to go and are to go to the man who works with his hands, and in what degree they are to go to the capitalist, who is supposed to bring, and generally does bring, as his contribution [...] the use of his brains and the use of the capital already saved.” Accordingly the former and future premier welcomed the result of the strike “as a real social advance; that it tends to a greater, a more uniform, and a more firm establishment of just relations; that it tends to a fair principle of division of the fruits of industry.”⁷⁸

These examples may suffice to bolster the point that at the time of the events described in the earlier parts of this article, principles of a liberal governmentality had been firmly established and deeply entrenched in the English case—a statement different from and completely independent of any judgement about the relative strength of liberal and conservative forces in the political arena. This makes it easier to understand why social reformers like Samuel Barnett, who invited striker leaders to a dinner celebrating their success, were not at all ostracized by other middle-class Londoners who might have been less favourably disposed towards the strikers. It also explains why the statistical material collected with the massive financial support of Charles Booth carried much more weight in the English debate than the ideas of social reformers like Tönnies and Herkner, who were easily sidelined within the Hamburg debate. Furthermore, it makes clear that liberal governmentality left little room for the securitization of labour disputes. Whether that holds true for social policy more generally seems doubtful, as we have seen with Babbage’s arguments against the infamous truck system or in favour of protective regulations of child labour. These interventions were, however, meant to ensure the smooth and fair functioning of the self-regulatory mechanisms of economy and society, while the authoritarian paternalism prevalent in Hamburg showed much less reluctance to interfere with these mechanisms.⁷⁹

There are occasional dissenting utterances in Hamburg, for example, a letter to the editor of the *Hamburger Fremdenblatt* whose author opined

78 *Times*, 24th of September 1889, p. 10.

79 It is beyond the scope of this article to discuss the changes within liberal governmentality needed to enable social policies as demanded by the Fabians and articulated e.g. by the Beveridge plan.

“that the accomplishment of the demands put forward by the workers would not have shaken the capitalist order at all,” but this was clearly a minority position.⁸⁰ The opposite view was so dominant that the *Hamburgischer Correspondent* could declare it anachronistic to consider “the current strike as a merely internal affair of dockworkers and their employers.”⁸¹ In London by contrast, the lesson of the strike widely accepted was “that the working man of to-day thinks for himself and acts for himself. He needs instruction – not guardianship and patronage.”⁸² Such an anti-paternalist position had little appeal for the middle class in Hamburg. Furthermore, it is hard to imagine a leading politician there or in any other German city to speak out against any restrictions of anarchist demonstrations by talking of “a handful of insignificant men who used, no doubt, foolish and violent language on Sunday afternoon in Trafalgar Square, but who [...] have not committed any offence against the law,” as the later premier Asquith did in 1893.⁸³

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80 *Hamburger Fremdenblatt*, 9th of December 1896.

81 *Hamburgischer Correspondent*, 9th of December 1896, p. 17.

82 *Reynolds News*, 22nd of September 1889, 1.

83 Cited in Bantman 2014, p. 73.

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Power, Security, and Public International Law – an Intricate Relationship

Thilo Marauhn and Marie-Christin Stenzel

This chapter, taking *ius ad bellum* and *ius in bello* as reference areas, focuses on the triangular relationship between power, security and public international law. It addresses the role of international law in processes of securitization as well as the complementary impact of acts of securitization on the development of international law. In this context, the question is raised to what extent the law legitimizes or constrains power.

1 Conceptual and terminological framework

Irrespective of whether the origins of public international law are traced back to antiquity, whether they are linked to the establishment of the modern nation state, or whether the rise of international law is connected to its treatment as an academic discipline, war and peace have been at the heart of early rules. These rules did not only address the beginning and end of war, including peace treaties (i.e. post-war arrangements), but also the conduct of hostilities, and related rights and obligations of parties to a conflict. Most of these rules, until the early 19th century, were embedded in natural law, few were treaty-based, and many built upon legal and philosophical writings.

Driven by a search for legal certainty, pertinent international legal rules have sought to apply a tailor-made approach to the language used in each respective norm. Their terminology has often been the result of a compromise reached between the parties to an international agreement. Thus, language has not necessarily served the purpose to address the apparent rationale of the legal instrument adopted. It has rather been used to define and sometimes even limit the scope of obligations undertaken by the parties to an agreement. This is why war, peace, armed conflict, and other terms have been preferred to those of the phenomenon of power and the concept of security by the parties involved.

With the rise of the modern (sovereign) state, especially after 1648, the parties to any such agreement have been primarily states. Until today, states continue to be the primary subjects of public international law; they are authors, addressees, and guardians of the law. Statehood, even though many questions are attached thereto, has been defined by reference to a defined territory, a permanent population and an effective government.

19th century treaty practice has emerged from traditional approaches to war and peace, governing the beginning and the end of armed conflict, but has also moved beyond:

- First, as far as sources of international law are concerned, (multilateral) diplomatic practice has become more and more relevant, and more institutionalized, thus strengthening treaty practice as well as customary international law: “The history of international law at the beginning of the 19th century is not so much the history of principles of law as an account of the law applied in practice at the time.”¹
- Second, and concomitantly to the abovementioned fact, there has been a notable move from collective, bilateral agreements, such as the First Peace Treaty of Paris, which was concluded a series of – verbatim – bilateral treaties but provided momentum to multilateralism, leading to multilaterally concluded agreements, such as the Final Act of the Congress of Vienna and the Second Peace Treaty of Paris (both of 1815).
- Third, the concept of ‘humanity’ has become part of international law, less so because of state practice as embodied in the so-called Lieber Code,² but rather in light of the initiation of the Red Cross (and Red Crescent) Movement by Henry Dunant and the early Geneva Conventions.
- Fourth, international law much more than before has come to address the future, seeking to implement collective long-term strategies and promoting stability between states (be it through codification of the law on diplomatic agents and missions by the Vienna Congress³ or through the internationalization of rivers to promote commercial ties

1 Scupin 1984, p. 179.

2 The ‘Instructions for the Government of Armies of the United States in the Field, General Order No. 100’ of April 24, 1863, *available at* http://avalon.law.yale.edu/19th_century/lieber.asp.

3 Regulation of the Precedence of Diplomatic Agents of 19 March 1815, incorporated into the Final Act of the Congress of Vienna of 9 June 1815.

between states⁴). Along the same lines, the development of rules for the peaceful settlement of disputes – building upon arbitration that had already become quite common in preceding centuries – has come to enhance the conflict management potential of public international law.

With the advent of administrative unions in the 19th century and the establishment of the League of Nations after World War I, however, international organizations have become a second major player in public international law, albeit with limited powers.

1.1 Background: Building blocks of collective security

In international relations and in public international law, a three-fold concept of collective security has emerged over time. It is based, first, upon the obligation of states to settle “international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered” (Article 2 (3) UN Charter) and, second, requires states to “refrain in ... international relations from the threat or use of force” (Article 2 (4) UN Charter). These two obligations are complemented, third, by member state acceptance that “the security of one is the concern of all, and agrees to join in a collective response to threats to, and breaches of, the peace”.⁵ While the term ‘collective security’ is not defined in any particular treaty, the concept has been firmly established in academic literature and political practice.

At the universal level, the League of Nations and the United Nations are both considered to be (or have been, respectively) collective security systems.⁶ In addition, there is agreement that some regional organizations, such as the Organization of American States (OAS), the Economic Community of West African States (ECOWAS), and the African Union (AU) can be considered as collective security systems. These are often distinguished from systems of collective defence, such as the North Atlantic Treaty Organization (NATO),⁷ which, however, in light of post-1989 developments, has claimed the status of a regional arrangement according to

4 The Central Commission for the Navigation of the Rhine was established by Appendix 16 B to the Final Act of the Vienna Congress of 9 June 1815.

5 Roberts/Zaum 2008, p. 11.

6 Orakhelashvili 2011; de Wet/Wood 2013.

7 De Wet/Wood 2013, p. 2.

Chapter VIII of the UN Charter, and thus may be considered to match the requirements of both an organization of collective defence and a system of collective security.⁸

The debate about the establishment of a collective security system according to the criteria outlined above can be traced back to theoretical schemes for perpetual peace in Europe, most of them going back to the late 17th or early 18th century.⁹ In contrast to the impression raised by the long-time gap between these foundations in the history of ideas and the emergence of the League of Nations, precedents of a collective security system or at least of building blocks for such system can be found in the 19th century.

- First, and arguably, the Concert of Europe entails elements of a collective security system (Thorson 1948), whether or not it can be plausibly compared to the UN Security Council.¹⁰
- Second, treaty practice in the 19th century has contributed to the development of the obligation to settle disputes peacefully.¹¹
- Third, and as a pre-requisite that today is often taken for granted, institutionalized forms of cooperation did not only emerge in the course of the 19th century but they quickly developed from mere administrative unions to comprehensive international organizations, with the establishment of the International Labour Organization (ILO) and the League of Nations being the culmination of this process.

It has rightly been argued that the Concert of Europe “was not based on any organizational charter or structure but rather on a vague and changing set of principles, thus leaving open many questions as to its exact nature”.¹² In contrast to today’s systems of collective security, it hence cannot be fully equated to any such normally treaty-based and largely rules-based system. Nevertheless, “the Concert of Europe proved to be a relatively effective system in avoiding major conflicts and limiting dangers to the equilibrium” (Hinghofer-Szalkay 2013: 33). One might argue that the balance of power, diplomatic dialogue and the preservation of legitimacy were characteristic features of the Concert’s rather successful practice. In

8 Marauhn 2016, pp. 13, 44.

9 Skordas 2016, pp. 8, 9.

10 Orakhelasvili 2011.

11 Pellet 2013.

12 Hinghofer-Szalkay 2013, p. 29.

any case, it did not entail any overarching legal obligations on the use of force, on the peaceful settlement of disputes, and on collective sanctions against an aggressor. Yet, the Concert's practice was much more impactful than its legal framework. And as far as power is concerned, it illustrates the paradox of truly collective security on the one hand and great powers as 'administrators' or 'guardians' thereof. While it may thus be argued that, legally speaking, the Concert stays far behind of what has developed as a system of collective security, its effects in practice look like an early image of collective security, based upon power, even hegemonic powers. One may take this a step further and argue that the Great Powers defined any threat to their own stability as a security issue, making use of their own perceptions (heuristics) and adopting their own instruments in response.

Until the developments taking place in the 19th century, "the peaceful settlement of disputes between states appeared as a mere option open to them as an alternative to war" (Pellet 2013: 6). This has been described by Emer de Vattel in his "The Law of Nation" as follows: "In doubtful cases which do not involve essential points, if one of the parties will not accede either to a conference, an accommodation, a compromise or an arbitration, the other has only the last resource for the defence of himself and his rights, – an appeal to this sword".¹³ With increasing diplomatic and treaty practice in the 19th century, mechanisms for the settlement of disputes and disputes settlement clauses were integrated into such agreements and arrangements. However, it took states until the very end of the 19th century to enter into an agreement "to use their best efforts to ensure the pacific settlement of international differences" (Article 1 International Convention for the Pacific Settlement of International Disputes). It may be argued that the 1899 and 1907 Hague Conventions were the combination of a development which was pursued by states even further into the 20th century, aimed at reducing recourse to force in the relations between states. The Covenant of the League of Nations included a similar obligation. Article 2 (3) UN Charter has confirmed the move from a political option to an obligation to settle disputes peacefully. By defining the risk of war and the use of force between states as issues of security, and by developing the obligation to settle such disputes peacefully, one may say that states have pursued a process of securitization, i.e. they have deferred their political au-

13 Vattel 1797, p. 455.

tonomy to an international institutionalized procedure. Securitization thus understood goes beyond the act of defining a situation as exceptional but rather focuses on states giving up political discretion in specified areas.

Equally, the formation of administrative unions, and subsequently of international organizations, can be described as a process of securitization. States considered certain challenges, be they related to infrastructure or to more serious concerns, as relevant for their security and delegated pertinent powers to new institutions at the international level, thereby depriving themselves of parts of their sovereign powers. Thus, they paved the way for the formation of international organizations as distinct legal entities with their own powers and competences. The rise of international organizations as new subjects of public international law can thus be understood as a threefold process of juridification, collectivization and securitization.

Taking these developments of the 19th century together, diplomatic practice demonstrated a move towards the concept of collective security in the modern sense. Whether or not this was a consequence of renewed attention being paid to the history of ideas or whether it was simply due to the exigencies of political developments is not so important. Even the formation of the International Committee of the Red Cross (ICRC) can be read as delegating the responsibility for the humanization of warfare to an entity that can be distinguished from states, in other words, as another process of collectivization and securitization. The fact that military alliances were formed in order to exercise the right of collective defence does not question these developments, but rather re-enforces the perception of states that security can better be achieved jointly than individually. On the whole, the step-by-step development towards collective security has contributed to an increase of predictability of the behavior of states in their mutual relations.

1.2 Old and new narratives about security

The concept of collective security builds on the term ‘security’, which – from the perspective of international law and international relations – can be considered to be fairly recent.¹⁴ Today, ‘security’ is neither a narrowly

14 McDonald/Brollowski 2011, p. 5.

nor a well-defined term. It is manifold, contested, and some even argue that “the nature of security defies pursuit of an agreed definition”.¹⁵ In modern public international law there are many different approaches to security, extending from national to international, individual to collective, narrow to broad, and others. These approaches reflect a variety of narratives from the perspectives of the respective actors in search of security. Such narratives have changed over time, and it is worthwhile to briefly reflect on these changes.

It is not surprising that the notion of security was hardly ever explicit in public international law instruments preceding the establishment of the League of Nations. Until then, the notion of ‘security’ – often perceived by states as ‘national security’ in the 19th century – was rather narrow, and often limited to military security. This was very much in line with a narrow or negative concept of peace, characterized primarily by the absence of military force. While the League of Nations did not necessarily broaden the underlying concepts, it is noteworthy that the parallel establishment of the ILO in 1919 reflects a much broader narrative about security, extending to the socio-economic sphere and even including human rights elements such as freedom of opinion, freedom of assembly, and freedom of association.

In light of the horrors of World War II, it is not surprising that the notion of ‘security’ in the UN Charter moved from the a ‘national’ to an ‘international’ frame of reference and is often linked to “international peace”, e.g. Article 39 UN Charter refers to the maintenance and restoration of “international peace and security”. Nevertheless, the narrative still largely builds upon the narrow one of the League of Nations, even though the UN Economic and Social Council and its mandate reflect the broadening that had already been envisaged by the ILO.

Not only in light of positive concepts of peace, including elements of justice and human rights – as academically elaborated by Johan Galtung – but even more so with the advent of concepts of human security, yet another narrative of security has emerged in recent decades. These new narratives are not without problems in light of their potential to securitize a growing number of issues, reducing political discourse thereon, and expanding the scope of security-related government action. Such a trend may

15 Buzan 1991, p. 16.

also serve to concentrate power rather than diffusing it. The question arises as to the role of (public international) law in such a context.

1.3 How does (Public International) Law fit in?

Above all, the law at any level contributes to providing legal certainty, which must be distinguished from ‘security’. It would be too narrow and at the same time too broad a perception of the role of law if its *raison d’être* was defined as achieving and maintaining security; such a conception of the law would be too narrow in light of the law’s potential not just to steer human behavior, to provide positive and negative incentives, but also to enable and to empower, to justify and to legitimize the actions of natural and juridical persons. Public international law assigns powers and competences, distinguishes spheres of action, delineates the jurisdiction of states, and – above all – provides a framework for the peaceful settlement of disputes. Conceptualizing the law along the goal of achieving and maintaining security would be too broad, since the law is only one of the available means to provide security; there are several other options available to actors, nationally and internationally. Public international law in particular is addressed to entities enjoying legal personality at the international level; there are, however, many more international actors beyond the sphere of law, and these in particular impact the maintenance of security. Even within the framework of established legal entities, the law focuses on selected mechanisms and policies only. This can be illustrated by reference to both the Council of the League of Nations and the UN Security Council, whose spheres of action are not limited to legal but expands to political instruments. Indeed, both are essentially political bodies.

As will be illustrated below, public international law is an instrument to achieve security, and to implement and legitimize security measures; but it is, again, only one of the available instruments. It enjoys a double function, thus pointing to the ambivalence of juridification: it is a means to control power but it also legitimizes the allocation of power to particular entities.

Thus, in the triangle of power, security and law, public international law fulfils particular functions but is neither limited to nor fully absorbed by either of the other two notions addressed in this chapter.

2 The ambivalence of juridification

Commentators have described the recent history of public international law in terms of its rise and fall¹⁶ but have not denied the perception that juridification seems to be a kind of one-way street. At least since the early 19th century an increasing number of issues have been juridified, few, if any at all, have been de-juridified. This expansion of public international law is often perceived as a triumph by law-makers. However, the existing discrepancy between the number of international rules on the one hand and their actual concreteness and effectiveness on the other hand is striking. It may even be argued that some aspects of the growth of (more or less effective) substantive rules have been at the expense of procedural rules serving the primary purpose of public international law, namely the peaceful settlement of disputes between states (and other actors of public international law).

Notwithstanding the weakness of public international law in terms of its implementation and enforcement, there have also been perceptions of the process of juridification as a regretful monopolization of power. The main argument put forward in support of this contention has typically been and continues to be the transfer of decision-making to actors that seemingly enjoy less legitimacy vis-à-vis their constituencies than political actors; public international law is often perceived as shifting powers to agencies, expert commissions, and sometimes even arbitral tribunals and courts, rather than allowing political discourse and keeping decision-making processes subject to the public eye.

In the following, we will briefly illustrate that public international law enjoys a double function – and may in so far be described as ambivalent. It is an argument of power and serves to legitimize the exercise of power, but it also limits power and aims at hedging the exercise of power by law, establishing to some extent boundaries for political action.

2.1 Law as an argument of power

Notwithstanding the expansion of public international law since the early 19th century, its scope is still limited. Public international law is incom-

16 Koskenniemi 2001.

plete (in contrast to municipal law, which does not allow courts not to decide, and thus excludes non *liquet* situations). Furthermore, public international law is fragmented and thus seemingly lacks the power of a comprehensive system, even though debates about the constitutionalization of public international law, which have been particularly vivid in the 1990s, not only aim at establishing international law as a system but seek to facilitate the filling of perceived gaps.

While public international law's potential to legitimize the exercise of power thus is limited, it cannot be disputed that subjects of international law, and this means states in particular, have the possibility to enhance their power by deriving legitimacy from legal rules. Indeed, states often exert themselves to portray their actions as conforming to public international law.¹⁷ Public international law's power of legitimacy¹⁸ thus has the potential to strengthen existing power positions, but it is not limited to this role. In addition, it can empower states (and other actors) that so far have not enjoyed a powerful position in international relations. This potential of public international law to empower disadvantaged or weaker states, however, is a fairly recent development and has largely taken place in the field of socio-economic relations and of resource-related issues. Examples are the concept of 'common but differentiated responsibilities' developed in international environmental law or the notion of preferential treatment in international economic law, which has proven to support the economic development of countries in the Global South.

One might argue that public international law can also contribute to empowerment of militarily weaker states in systems of collective security, as broad as this may potentially be defined. To this end, reference may be made to a famous argument by Abram Chayes and Antonia Handler Chayes, referring to "various regimes that regulate and order the international system", which also can be understood as explaining the potential of public international law for empowerment: "Sovereignty, in the end, is status – the vindication of the state's existence as a member of the international system". They continue to argue that "the only way most states can realize and express their sovereignty is through participation in the various regimes that regulate and order the international system".¹⁹ Most recently, the case brought by the Marshall Islands in the International Court of Jus-

17 Berman 2005.

18 Franck 1990.

19 Chayes/Chayes 1995, p. 27.

tice against nuclear weapons states²⁰ provides an illustration of the potential and the limitations of international law in this context.

The legitimizing power of public international law becomes even more obvious when looking at the formation of international organizations. From the very beginning of their genesis in the 19th century, and across their unexpected growth in the 20th century, international law has contributed to their formation. Indeed, it may be argued that they were ‘constituted’ by public international law, referring to the labelling of their founding treaties as constituent instruments. To that extent, the making of international organizations, apart from being described as a process of securitization, also emerges as an illustration of the law’s potential to assign power to such entities.

2.2 Law as a limitation of power

Public international law and international legal institutions do not only serve to legitimize the exercise of power, they also limit the exercise of such power. Even though there is neither compulsory judicial settlement of disputes in public international law nor a refined enforcement mechanism available, mechanisms have been developed over time that actually contribute to limiting the exercise of powers by states and international organizations, and to ensuring that rules agreed upon are largely complied with.

To begin with, and to remain within the context of collective security arrangements, Article 24 (2) UN Charter may be taken into account. While the Security Council has fairly broad powers according to Articles 39, 41 and 42 UN Charter, these powers, according to Article 24 (2) UN Charter are limited: “In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations”. Reference to “the Purposes and Principles of the United Nations” has been interpreted by the International Court of Justice as limiting the powers of the Security Council both in procedure and in substance.²¹ In more general

20 Obligations concerning negotiations relating to cessation of the nuclear arms race and to nuclear disarmament, judgment of 5 October 2016 available at <http://www.icj-cij.org/files/case-related/158/158-20161005-JUD-01-00-EN.pdf>.

21 In the ICJ case of *Libya vs the United Kingdom* concerning questions of interpretation and application of the 1971 Montreal Convention arising from the aerial inci-

terms, the principle of deferral, which ensures that international organizations cannot exercise powers beyond those assigned to them by their member states, limits the powers of international organizations.

The power of individual states, relying upon their right of individual or collective self-defence, is limited under treaty law and customary international law. Article 51 UN Charter and customary international law do not legitimize disproportionate measures of self-defence. Furthermore, treaty law requires member states of the United Nations exercising this right to immediately report to the Security Council and to refrain from any measures that “in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security”. In addition, and more generally, it may be argued that public international law, by providing formalized processes, renders the behaviour of great powers more predictable and aims at limiting their power, but can only do so to an extent that these powers generally abide by the rules.

This points to the development of implementation and enforcement mechanisms. Indeed, public international law lacks refined enforcement mechanisms as they can be found in national law. However, beginning in the period between the two World Wars, a political and academic debate emerged which investigated ways and means to enhance compliance by states with public international law. Reporting mechanisms, complaints procedures (primarily inter-state based), and even measures to redress a situation found to be not in compliance with international law were discussed but hardly ever translated into formal legal rules.²² It was only in the 1980s when a general debate emerged with new momentum about how to improve compliance with the increasing body of public international law that political and academic discourse remembered these early efforts to make use of cooperative mechanisms (rather than confrontational ones) to achieve better compliance with public international law than could normally be expected. Available enforcement strategies are normally only those vested in the UN Security Council, and they do not primarily serve to enforce the law but to enforce international peace and security. Taken together with dispute settlement mechanisms, these threefold approaches

dent at Lockerbie, <http://www.icj-cij.org/files/case-related/88/088-19980227-JUD-01-00-EN.pdf>.

22 Lang 1994.

(compliance control, enforcement, dispute settlement) still reflect the current state of public international law towards ensuring compliance.²³

2.3 From national to collective security – from coordination to cooperation

In addition to the potential of the law to legitimize and to limit power, the notable change over time has not only been one from national to collective security but also from coordination to cooperation. Until the mid-20th century international law largely focused on the delimitation of power exercised by individual states and their coordination. Even where international organizations had been established, they hardly went beyond such coordination.

Only in light of increasing environmental, economic, and other challenges, states began to move from coordination to cooperation. The establishment of pertinent international organizations, the building of appropriate regimes, and the agreement on multilateral treaties signal a categorical shift that has often been analysed and may only be referred to briefly here. It is, however, noteworthy that the establishment of administrative unions in the 19th century, of the ILO and of the League of Nations after World War I, and some of the efforts pursued during the inter-war period, already mirror the idea to move toward cooperation. Defining security not only from the national perspective but developing and establishing collective security systems is one of the most important and lasting efforts to establish cooperative systems rather than merely focusing on coordination.

3 Limitations on the use of (military) force

The limitation of the use of armed force is among the most momentous and central developments of public international law. It is inscribed in prominent positions of its core provisions. The preamble of the Charter of the United Nations opens with the clause “We the peoples of the United Nations determined to save succeeding generations from the scourge of war [...]”. The Charter’s first Article stipulates: “The Purposes of the

23 Ulfstein/Marauhn/Zimmermann 2007.

United Nations are: 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace [...]" If not for the principles and obligations imposed by international law, the use of military force would be an uncontained element of states' ultimate and supreme authority on the international plane, hallmarks of their sovereignty.²⁴ International law seeks to contain that power via three different avenues of approach: the regulation of the means and methods of warfare (*ius in bello*), the legality of participation in armed conflict (*ius ad bellum*), and, in operational terms, the fostering of collectivization of international security.

3.1 *Ius in bello*

The regulation of the means and methods of warfare was the earliest of those approaches and still is the most highly institutionalized and differentiated of the three. Even though there were rudiments of a *ius in bello* regime from antiquity and especially the Middle Ages with its codes of chivalry,²⁵ the regulation of conduct during armed conflict became systematically transformed into formal treaty law, owing mostly to the dedication of Henri Dunant, who published a book on the misery which he witnessed at the aftermath of the Battle of Solferino in 1859.²⁶

Ius in bello is nowadays referred to as international humanitarian law, and certainly humanitarian ideals were and are the main incentive for Dunant and the Red Cross and Red Crescent movements,²⁷ which, in their beginnings, were mainly concerned with the protection of wounded soldiers. Yet, *ius in bello* does not merely impact humanitarianism and human security but it also affects the national security of states. Stipulations such as those regarding lawful targets, the protection of (civilian) infrastructure or the protection of cultural heritage affect states' stability and the safeguarding of their effective governance after a conflict. Provisions ban-

24 See Besson 2011, pp. 96, 125.

25 E.g. it was deemed illegitimate to destroy the opponent's immovable property, Grewe 2000, p. 106; see also Gasser 2015 at 7.

26 Dunant 1862; Gasser 2015, p. 8; Bugnion 2012.

27 „La Croix-Rouge désigne et symbolise une grande œuvre d'entr'aide et d'amour qui unit tous les peuples“ (Huber 1928, p. 387).

ning the use of certain types of weapons and especially the organisations and mechanisms dedicated to the monitoring of compliance therewith provide a certain degree of predictability and reliability for states pertaining to the behaviour of other states in situations of armed conflict. In that regard, *ius in bello* features a higher degree of sophistication and institutionalization than its counterpart (regarding the containment of military force), the *ius ad bellum*.

3.2 *Ius ad bellum*

The regime on the legality of the use of armed force is regarded as the manifestation of the effort to prohibit warfare.²⁸ It does, however, go beyond the prohibition of the threat or use of force inscribed in Article 2 (4) of the Charter of the United Nations. It is a regime comprising elements of *ius cogens*, customary international law and treaty law,²⁹ seeking to draw defining lines between lawful and unlawful military action. While the resort to armed force had been subject to certain limitations for many centuries through the Roman doctrine of *bellum iustum* in its various evolutionary stages, the former continued to be regarded a valid and legitimate means of dispute resolution until 1928, when the Kellogg-Briand Pact³⁰ renounced warfare as an “instrument of national policy”, Art. 1, and when the prohibition of the use of force was cemented by the United Nations Charter in 1945.

Yet, ongoing debates pertaining to the Responsibility to Protect, humanitarian intervention and anticipatory self-defence,³¹ to name the most notable ones, bespeak the immense difficulties of containing the national interests of (military powerful) states through international law. In contrast to other areas of public international law,³² very little decision-making and law-making authority has been transferred to subordinate agencies, commissions or experts by states, which demonstrates their reluctance to sub-

28 Gasser 2015, p. 1.

29 Dörr 2015, p. 1.

30 Formally the “General Treaty for Renunciation of War as an Instrument of National Policy” of 27 August 1928, initially signed by fifteen of the world’s major powers.

31 Greenwood 2011, p. 41.

32 Especially world trade and, albeit to a lesser extent, environmental law.

mit issues that touch the core of their national security interests to regulation through international law. In the face of numerous armed conflicts and blatant breaches of the prohibition of the threat or use of armed force the value and continued significance of *ius ad bellum* is questioned.

How much does international law actually contribute towards states' more peaceful behaviour as opposed to diplomacy, fear of (internal) pressure through public opinion, or (military) deterrence? As a case in point, it arguably was the existence of formidable (nuclear) weapon arsenals on both sides of the East-West confrontation and the entailing fear of a nuclear war that prevented the escalation of the Cuban Missile Crisis in 1962 (see Don Munton 2010: 28). And yet, states go to great lengths to portray themselves as acting in accordance with international law.³³ Even if viewed from a perspective of strict realism,³⁴ this bespeaks the relevance of the rule of law for states' perceived security. It is also, however, a symptom of the stigmatization that is attached to the blatant disregard of the international public order and its underlying acknowledgement of the international community.³⁵

3.3 Commonalities: the importance of collective approaches

International issues can generally be tackled by the two fundamentally different approaches of unilateralism and multilateralism. The former describes unilateral state action that is embedded in the conviction that national interests are to be pursued independently from other states. Conversely, multilateralism originates in the idea that states can pursue their international goals more efficiently in concert and cooperation with others. That the latter approach is, at first glance, so widespread and generally accepted, as well as mirrored in international law and its institutions, should not distract from the fact that multilateralism is a fairly new concept and less well established than multilateral diplomatic efforts may convey.

Even though numerous treaties of the era were still concluded as bilateral ones (in multiple, *verbatim* form), as mentioned in Section 1, multilateralism rose to primary relevance in the European Congress System after

33 See Berman 2005.

34 See Slaughter/Hale 2013, p. 2.

35 Hoffmeister/Kleinlein 2013.

the Napoleonic Wars from 1814 to 1822.³⁶ In the face of a threat to the very existence and territorial integrity of European states, embodied by Napoleon Buonaparte as well as the revolutionary ideas slowly sparking independence movements especially in Southern Europe, the European great powers began to see the future as a shared responsibility: “Faced with the prospect of a violent past repeating itself, and with a lack of responses to the impalpable threat of civil unrest, the European sovereign states, until then structurally solitary actors, turned into a risk community”.³⁷ Technological advances in transport and communication made international conferences in short intervals feasible.

Since institutionalized state cooperation has become slowly routinized with the development of international administrative unions, especially in the mid-19th century, cooperation was gradually intensified, first through (near) universal fora like the League of Nations and the United Nations, but also through regional cooperation as envisioned in Chapter VIII of the UN Charter. A rising euphoria for the possibilities of global cooperation, especially since the end of the Cold War, led to the prevailing notion, especially among academics of international law as well as NGOs and civil society, that there was no alternative to multilateralism. Environmental policy and growing threats to the global environment were an influential driver in that trajectory.³⁸ At the same time, the spectrum of referent objects of concerns for the relative and fluid notion of ‘security’ was increasingly opened up by states. While up until the 1950s security on the international level was still mostly understood as the absence of the threat of armed conflicts, the notion became increasingly inclusive and encompassed more and more collective goods, such as an intact environment, food security, the reduction of poverty, mass migration and others.³⁹ The term ‘human security’, which was coined in the 1990s, manifests this change in definition.⁴⁰

This evolution led to an implied expectation that states would seek collective action and multilateralism above all else. Unilateral action, especially by a more powerful state, oftentimes sparks suspicion and mistrust. While it is true that collectivization originated in the conviction that cer-

36 Nollkaemper 2011, p. 14; see Stenzel 2018, pp. 210, 214, 229.

37 *Id.*

38 *Id.*

39 Bailes/Wetter 2013, p. 8.

40 Wählisch 2016, p. 1.

tain (collective) goods can only effectively be addressed conjointly, the current, rising wave of isolationism points perhaps less to a diminished faith in the power and validity of international law, but more so to increasingly diverging threat perceptions. In that context, disputes over facts play an ever-increasing role in the dynamics of law-making through multilateral diplomacy. A case in point is the withdrawal of the United States from the Paris Climate Agreement of 2015, as announced by President Trump in June 2017. The denial of the severity of climate change and its looming impact on human development by the US government, highlighting the possibility that states may entertain utterly diverging threat perceptions, is the most recent example of an impending return to a multitude of solitary actors.⁴¹

4 Peaceful settlement of disputes

The self-imposed obligation to settle international disputes peacefully is another hallmark of a rules-based international order. While especially arbitration, and to a lesser extent mediation, were practiced regularly in antiquity and especially during the High Middle Ages, arbitration and other forms of peaceful dispute resolution were only one option, with warfare being an equally legitimate alternative (so long as the preconditions for a ‘just war’, see section 3.2 above, were met).

4.1 Using law to de-construct power

The first treaty-based, quasi-global stipulation of an obligation to settle disputes peacefully was drafted in the International Convention for the Pacific Settlement of International Disputes, negotiated during the first Hague Peace conference of 1899. A more concrete, but still not absolute (insofar as the resort to violence was not yet ruled out completely) obligation to favour peaceful dispute resolution over other forms, thus making it

41 Further recent examples are the withdrawal from the ICC by Russia, and the pending withdrawals from several African countries (Burundi, Gambia; Kenya and Namibia: considering departure; South Africa: decision to leave the ICC was judicially overturned; Gambia: withdrawal initiated but new government halted the process), as well as Great Britain’s withdrawal from the European Union.

the rule and armed force the exception, was then introduced in Article 12 of the Covenant of the League of Nations of 28 June 1919. The Kellogg-Briand-Pact (see section 3.2), consequentially, imposed the first absolute obligation along with the absolute renunciation of warfare as means of dispute resolution. Chapter VI of the UN Charter stipulates the obligation of peaceful settlement of disputes in its current form. It also forms part of customary law, and, contentiously, of *ius cogens*.⁴² The development of the obligation of peaceful dispute settlement thus ran parallel to the gradual prohibition of the use of armed force.⁴³

The judicialization of disputes directly implements the rule of law and makes dispute resolution somewhat controllable and – at least formally and procedurally – predictable. One resulting factor cannot be overestimated: the outcome of a dispute is no longer contingent upon the military and economic power of the parties involved. Instead of military clout, the conduct of states measured against international legal norms becomes the decisive factor. This enormous shift gives a voice and power to weaker states which they otherwise would not have, thereby reinforcing and in fact facilitating the principle of the equality of all states. Thus, international law is not only a ‘gentle civilizer’ of nations,⁴⁴ but also a gentle ‘equalizer’. Furthermore, making peaceful dispute resolution the norm adds another layer to routine verbal exchange among states. Regular cooperation and conversation, also regarding contentious subjects, builds trust among states and reduces tensions that would otherwise build up faster.⁴⁵

That law replaces military conflict with the peaceful settlement of disputes is an ideal. In some instances, it has proven to be successful, yet in many cases, states abscond this general obligation. The latter gives them considerable leeway anyway, since neither the concrete form of dispute settlement (seven of them are listed in Article 33 (1) of the UN Charter) is prescribed to states, nor is the obligation enforceable. As the principal body entrusted with the resolution of international disputes in accordance with the rule of law, the International Court of Justice in the Hague has jurisdiction only if both parties to the conflict have accepted its jurisdic-

42 Pellet 2013, p. 5.

43 Pellet, p. 7.

44 Koskenniemi 2001.

45 As is unfortunately currently increasingly the case with North Korea vis-à-vis South Korea and the United States.

tion for the specific case in question.⁴⁶ Its decisions are not enforceable per se. Ultimately, then, the juridification of international disputes de-constructs power only insofar as the states give up their sovereignty and submit to the ICJ's or another dispute resolution body's jurisdiction and, in case of an unfavourable decision, comply with their obligation to accept and implement it.

4.2 Using security to limit war

Security, as a normative term, unfolds concrete meaning only if and when the threat(s), from which security is to be gained, are communicated clearly.⁴⁷ This inherent ambiguity of the term is, however, oftentimes employed deliberately. The use of security as a buzzword in political communication, of which multilateral legislative efforts are a part, can play out in two ways. It can act as an enabler in concordance with legal procedures, but it can also be used with the intention of securitizing certain issues so as to detach them from the ordinary political processes and legitimize extraordinary measures which would otherwise not have been accepted.⁴⁸ In the former sense, highlighting a shared need for security has initiated and fuelled processes of collectivization and juridification, limiting unrestrained use of military force where and when it was used to communicate the existence of a pending threat and the resulting need for cooperation and international legislation.

In current public international (treaty) law, the most prominent mention of security is the repeated reference to it – always in conjunction with the term 'peace' – in the Charter of the United Nations. As cited above, maintaining "international peace and security" (preamble, Art. 1 (1), Art. 2 (3), etc.) is the United Nations' foremost objective. On the flipside however, security often also serves as a gateway for states to deviate from legal

46 Such consent can be demonstrated through a pertinent treaty clause and through a *compromis* or framework agreement (Art. 36 (1) of the ICJ Statute), in the case of optional clause jurisdiction (Art. 36 (2)), and in the case of forum prorogatum.

47 Stenzel 2017.

48 Cf. for this view on securitization Wæver 1995, Stritzel 2007, and McDonald 2008.

norms, either in the form of exception clauses integrated into treaties⁴⁹ or by way of unilateral invocation of security concerns. In essence, security will be used either to promote peace, the peaceful resolution of disputes and the rule of law, or it will be used to justify (temporary) deviations from legal norms and procedures; when the security of the community of states is invoked, the former phenomenon is enabled, when that of a particular state is invoked, it paves the way for unilateral action. Thus, security serves as a catalyst in legislative discourse on the international plane.

4.3 Who decides?

This renders the allocation of the authority of interpretation a central factor for the implementation of the rule of law. Who decides what security is, how it is to be achieved, and what poses a threat to security, will set the parameters of the negotiation or argument in question. Pertaining to issues relevant for international peace and security, international law bestows a disproportionate amount of interpretative authority on the United Nations' Security Council.

With regard to dispute settlement, the UN Charter provides that, if a pending dispute poses a threat to international security, and the parties fail to settle it on their own accord, they are to refer it to the UN Security Council, who in turn is called upon to “recommend such terms of settlement as it may consider appropriate” (Art. 37 (2) UN Charter). Even if these recommendations are not enforceable, the provision bestows a disproportional amount of power and weight to the Security Council's assessment, thus reinforcing the inequality of economically and militarily powerful states (the Security Council's permanent members) vis-à-vis smaller states. Its authority is increased by the fact that it is again the Security Council that decides whether the “continuance of the dispute [...] is likely to endanger the maintenance of international peace and security” in the first place, according to Article 34 of the UN Charter. If a dispute has been decided by the ICJ and one party does not comply with the decision imposed on it, “the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon

49 See e.g. Art. 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), ‘derogation in times of emergency’; Art. 27 of the American Convention on Human Rights, ‘suspension of guarantees’.

measures to be taken to give effect to the judgment” (Art. 94 (2) UN Charter). The Security Council is also entrusted with the “primary responsibility for the maintenance of international peace and security” (Art. 24 (1)). Given that the permanent members of the Security Council effectively have the power to veto any decision (Art. 27 (3)), their respective perceptions of security and the prevalent threats play a crucial role in the efficiency of international law.

These mechanisms also demonstrate that states are ready to defer issues of lesser importance for their national security to legislating bodies consisting of commissioners and experts that detach the legislative processes from the states to a certain extent and introduce a measure of professionalization, with the ensuing challenges of a lack in transparency and democratic legitimation. More powerful states are, however, unwilling to submit some of their sovereignty to bodies and mechanisms of international law when it comes to issues that are crucial for states’ and international security, such as intensifying conflicts between states.

5 The juridification-securitization interface

In summary, what may be taken from the above considerations is not only that power, security, and public international law are closely interrelated – but that there is a highly interesting interface between juridification and securitization. Indeed, juridification can be an instrument that is adopted in order to address a situation of perceived insecurity (that may or may not have been defined in legal terms, referring to the hermeneutics of public international law). Likewise, de-securitization can be understood as re-transferring issues back into the regular political processes. Public international law could then be perceived not only as a securitization but also as a de-securitizing agent.

Admittedly, our approach is a much broader conception of securitization than has been proposed by the Copenhagen School.⁵⁰ But the Copenhagen approach is too narrow for a comprehensive analysis of international negotiating processes. Looking at public international law through the lens of securitization helps to better understand the interface between situational hermeneutics and instruments adopted in response to a situation

50 Cf. Wæver 1995.

defined as relevant in terms of security. Likewise, looking at securitization through the lens of public international law helps to move beyond a purely constructivist approach since public international law is not just an academic discipline or discourse, but also an established pattern of practice by political actors.

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Securitized State Building? The Camerounian Decolonization in Conflict

Maria Ketzerick

1 Introduction

“Estimons notre devoir attirer l'attention un nations sur préparatifs militaires mis sur pied par autorités françaises destinées forcer aspirations kamerunaises lors élections décembre courant. Voitures cellulaires grillagées contingents militaires provence colonies françaises avec parachutistes engins militaires modernes sillonnent tout Territoire avec ordre tirer sur population jour élections. Si présente assemblée ne prend pas mesures adéquates Kamerun oriental risque d'avenir incendié plus que année précédente contre peuple désarmé demandons conséquence intervention énergique un nations fin conserver paix sécurité”.¹

In the above quoted telegram to the UN, Felix Moumié, leader of the resistance committee ‘Union des populations du Cameroun’ (U.P.C.) in Cameroun,² calls for immediate intervention to preserve peace and security in the trusteeship territory. Even though the U.P.C. wrote more than 10,000 peti-

1 Translation by author: “It is our duty to draw attention of the United Nations to military measures developed by French authorities aimed at forcing Kamerunaises aspirations during the December elections. Cell cars, barred military contingents, and Provence French colonies paratroopers engines with modern militaries any territory with orders to shoot people day elections. If the General assembly does not take adequate measures Kamerun oriental risk of a more violent future than previous year, against unarmed people accordingly ask an energetic intervention of the United Nations to maintain peace and security.” (Messmer, Note confidential, 22.1.1957, DPCT // 14). The securizing speech acts were quoted in their original appearance in the sources. Thus, the spelling stems from the text and reflects the way of production, here a telegram.

2 There are many names for the territory of Cameroon which mirror the colonial presence in the country. In this paper, the following expression will be used by following LeVine (1964): for the today’s country, “Cameroun Federal Republic“ and “République Fédérale du Cameroun“, furthermore “Kamerun“ for the German Protectorate, “Cameroun“ for the French administered territory, and “the Cameroons“ for the British zone during the trusteeship period. U.P.C. activists often used the German labeling in order to refer to the unified territory.

tions to the UN Trusteeship Council, lobbied on the international and national level on behalf of the organization's claims, travelled, networked and published immensely, the party has not been successful in gaining any influence through its integration in the formal political decision-making process in the country's transition to independence. Instead, the French administering authority banned the organization in 1955; afterwards, the party stayed underground during the transition and was rehabilitated in post-colonial Cameroon only in 1991.³ In this paper, I focus on the specific dynamics between the anti-colonial resistance movement, U.P.C., and the French administration in Cameroun under the umbrella of the UN trusteeship council. Even though Cameroun was placed under a UN trusteeship mandate in 1946 for the purpose of decolonization, France integrated the territory in the French Union and treated it as an 'Associated Territory', thus as a regular colony. During the French UN-trusteeship in Cameroun that lasted from 1946 until 1960, a violent conflict over the terms of the independence evolved. I argue in the following paper that in this conflict of decolonization discourses on threats to the public order, the peaceful transition and economic interests were created by all actors involved. Furthermore, the threat-countering practices introduced caused resistance, violence and the enactment of harsh measures, but also transformative capacity and agency. In this regard, the quote above points to this paper's historical constellation and the empirical issue of the process of decolonization and state building in Cameroon.

To trace the distinct discourses and practices through which ideas of security and protection were deployed, the analysis is centered on the dissolution of the political party and anti-colonial movement U.P.C. in May 1955, which provides insights into the dynamics of security in the later trusteeship period. By focusing on the events of May 1955, I aim at demonstrating the extent to which the French administration securitized and protected the public order, and its imagination of future statehood for opposing political actors. Even though the anti-colonial resistance movement had no structural power in terms of institutional power during the decolonization—thus no ability to determine the country's future on the political level—a distinct form of agency evolved in the hybrid situation of transition, expressed as the power to act and to define the situation.

3 Krieger 1994.

The most useful framework for this endeavour is a securitization approach with a specific consideration for the relations of power. I argue that such investigations should not only focus on who has the power to securitize, but also on the possible reactions of actors to securitization attempts, thus on the power which actors unfold when they are in the center of securitization moves. I aim to show that a relational approach to power is essential to investigate mutual dynamics of power, since there is no clearcut dichotomy of potential aggressor and potential victim. In this regard, a focus on agency appears useful to investigate the shifting ‘figurations of power’⁴ during the conflict, as it is shown in the paper. Specifically, Elias’ conceptualization of a balance of power is relevant here, since there is no duality between ruler and ruled, yet also a third instance, which bridges the macro-micro-divide. Elias characterizes the specific dynamic dimensions of relations within social figurations. Power, thus, is an aspect of social relations between actors in their group affiliations, relationships, which in turn by the structure of the total figuration—which in this example includes the state—are embedded and shaped by it.

In the following, it will be argued, firstly, that the international administration that consisted of the French administration supported by the UN trusteeship council initiated securitizing moves to legitimately enact power. Furthermore, by these securitizing moves, the administration aimed at creating a transition towards independence according to French and international imaginations of the state. At the same time that these moves to secure the external rule were being enacted by the international administration, desecuritizing moves simultaneously took place through decolonization by the transfer of power from the external to the local level.

Secondly, I will argue that the conjunction of these discourses and practices constructed a referent object that induced the violent reaction of a countersecuritization, thus securitizing moves by the international administration were publicly questioned, rejected, and vehemently opposed by the anti-colonial resistance movement. The French administration had to acknowledge the resistance movement’s capacity of agency, which shaped the balance of power. It is not my aim to argue that there was no agency before colonization, but that securitization language shaped agency and therewith had an impact on the figuration of power, and the actors’ quest for political influence. I will show to what extent the transition of

4 Elias 1983.

power and the monopoly of violence became conflictive; thus, despite the specific situation of external state building, the state, the nation, and the public order appeared as referent objects. The findings are based on primary sources from the Archives D'Outre Mer in Aix-en Provence (France),⁵ the UN archives, the UN Photo Archives and the Collection of the League for Human Rights in New York, the National Archives in Buea and Yaoundé, Cameroon, as well as interviews that complemented existing information.

The paper is structured into four sections. I will start with a brief survey on different concepts of security and state building in Africa, security, and power. I will then explore the different strands of securitization theory and locate my empirical interest in ongoing theoretical debates. Then, I will turn to practices of protection by the French administration, while focusing on conflicting themes and power relations in the navigation towards independence. I will conclude my analysis with a brief reflection on possible theoretical accounts for the conceptualization of security power.

2 State building, Power, and Security within Historical Approaches

Since the decolonization processes, the character and capability of states in Africa have been under academic debate. Within the huge body of historical literature on decolonization, scholars have focused, among others, on the transition of power,⁶ administrative instruments,⁷ dynamics of nation building,⁸ and negotiating processes between international actors on the national level.⁹ Anti-colonial resistance has also been researched ex-

5 Within the research process, the following documents have been retrieved: the weekly security report to the Ministry of Departments D'outre Mer (FM DPCT // 23-50), documents on the administration of the territory (FM DPCT // 3-6), petitions by Cameroonian activists, tracts, press articles, and letters, in order to understand the environment and dynamic of securitization processes (FM DPCT // 26, 17-19). Some of the documents accessed had been confidential until recently. Nevertheless, these documents show the logic behind the external administration, thus providing the potential background of the public discourse.

6 Bayart 2009.

7 Birmingham 1995.

8 J. Darwin 1999; D. J. G. Darwin 1988; Smith 1978.

9 Torrent 2012; Patil 2008.

tensively, for instance by Kaiser,¹⁰ Clifford,¹¹ and Walraven.¹² The aim of this paper is to bridge contemporary peace and state building discourses, critical security studies, and historical observations, by specifically focusing on French imperialism and state-building approaches.

Since the end of the Cold War, scholarly attention on sub-Saharan Africa has accompanied the increase of interventions and peace-building operations that are often justified by the international community to prevent ‘fragile states’ that are mostly located in the Global South from harming the global order, peace and security.¹³ Difficulties marking state-building processes in Afghanistan and Iraq spurred the interest of both academia and policy-makers in state building.¹⁴ Many critical scholars in the state-building debate focus on the taxonomic state creation by external actors in non-OECD contexts.¹⁵ Recently, scholars referred to the concept of state building and observed similarities between historical imperial settings¹⁶, while also focusing on hybridity and resistance by local actors. The new interventionism has been called “Empire-lite”, “Neo-Trusteeship”,¹⁷ and “postmodern imperialism”.¹⁸ It is within these debates that I locate my research interest in this paper.

The most stringent pattern of intervention appears to be that so-called Western states and Western-dominated development agencies¹⁹ are main-

10 Kaiser 2015.

11 Clifford 2005.

12 Walraven 2003.

13 Duffield 2001; Veit 2010.

14 Although the concept of state building is often confused or merged with other concepts, such as democratization or nation building (construction of a national identity), it is mainly understood as being focused on the building of state institutions, such as the bureaucracy, with a view to increasing their integrity and efficiency and shaping them in ways that will have positive effects on the economy, society, and politics. The concept of state building is thus much more narrowly defined than nation building, which denotes a big, complex, and interlinked project, a shaping of economy, polity, and society into a condition of positive sovereignty (Wesley 2008).

15 Booth 1991; Williams 2003; Chandler und Sisk 2013; Bliesemann de Guevara 2009, 2012; Chandler 2006; Richmond 2009; MacGinty 2011.

16 Bellamy and Williams 2004; Doyle and Sambanis 2006; Paris 2009. Examples of other scholars who focus on historical settings include Slater (2010) and Marten (2006).

17 Wilde 2010.

18 Wesley 2008.

19 By ‘Western’, I refer to states in the Global North in contrast to the Global South.

ly involved with state building in the Global South. That is why in the center of criticism lies the focus on the domestic situation in peace-building projects, which is perceived to legitimize externally-driven visions of the state.²⁰ Recently, academia drew attention to violence as a continuous feature of state and peace building. Newman claims that state building has historically been “an inherently violent process,”²¹ which shows a clear similarity between policies introduced by state building and colonial instances. Moreover, post-independence wars also show historical patterns in the last century that resulted from a rapid process of state building in transition to independence, which thus reflects the legacy of colonialism. Newman points to several historical cases and draws the connection between historical state building and contemporary peace building by questioning the possibility of external actors promoting peace by coercively rebuilding former structures. Similarly, Veit focuses on comparable patterns of power and authority as indirect rule in the post-independence period and during the UN peace-enforcement project, which began in 2003 in Congo.²² Furthermore, Sabaratnam proves that a long-term perspective on state building practices in Mozambique helps to understand specific patterns of foreign intervention, to “make sense of historical experiences and trajectories of state-society relations”,²³ which leads to more reflexive understanding of current intervention practices. In this context, Charbonneau remarks that comparisons between imperialism and peace building often focus on the British Empire, instead of “the context of Francophone Africa and France-Africa security relations is one that is typically left unexplored.”²⁴ In light of the above, the specific features of French imperialism and state-building approaches appear to be interesting in order to delineate the construction, negotiation, and transformation which justified imperial violence, and which are still relevant in contemporary peace and development operations.²⁵

20 Bliesemann de Guevara 2012.

21 Newman 2013, p. 146.

22 Veit 2010.

23 Sabaratnam 2013, p. 106.

24 Charbonneau 2014, p. 607.

25 The interrelation between state building, decolonization, and security is emphasized furthermore by Buzan et al. in depicting decolonization as transforming the emergence of regional security systems near the end of the Cold War. Thus, “the tidal wave of decolonization rolled back imperial power, created dozen new states,

3 Theoretical Reflections: Securitization Framework and the Configuration of Power

The securitization theory framework was introduced by the so-called Copenhagen School.²⁶ The theoretical framework of securitization studies assumes, first, that security is a social construction that emerges out of communication processes and, second, that it is often, but not exclusively, related to the state. A typical consequence of securitization is the legitimization of extraordinary measures, like the use of force and the suspension of rules that, under normal conditions, are politically or morally binding. In a successful securitizing move, it is assumed that something or someone is portrayed as a threat (for instance, the state, a community, or a group). Thereby, issues, which are normally open for public debate, become part of the security agenda. A successful securitizing move makes it nearly impossible to oppose certain policies conducted in the name of enhancing security.²⁷ The initial approach was complemented by new perspectives, such as the relevance of practices,²⁸ and with reference to critical theory and ethical debates about the 'critical security studies' by the so-called 'Welsh School'.²⁹ Commonly shared by these theoretical approaches is the focus on the performative side of securitization.³⁰ Important for this paper is the historicity of securitization processes on which Buzan and

and allowed regional security dynamics to start operating in these newly independent actors [...]”(Buzan and Wæver 2003, p. 15).

26 Buzan et al. 1997; Buzan/Hansen 2009.

27 “‘Security’ is the move that takes politics beyond the established rule of the game and frames the issue either as a more extreme version of politicization. In theory, any public issue can be located on the spectrum ranging from nonpoliticized (meaning the state does not deal with it and it is not in any other way made an issue of public debate and decision) through politicized (meaning the issue is part of public policy, requiring government decision and resource allocations or, more rarely, some other form of communal governance) to securitized (meaning the issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure” (Buzan, Wæver and de Wilde 1998: 23–24).

28 Balzacq 2005; Bigo 2014, 2002.

29 Browning/McDonald 2011; McDonald 2008; Booth 1991.

30 “Securitization works through everyday technologies, through the effects of power that are continuous rather than exceptional, through political struggles, and especially through institutional competition within the professional security field in which the most trivial interests are at stake.” (Bigo 2002, p. 73).

Lawson and Guzzini provide insights.³¹ Within these works, the paradigm for security research spans across different historical settings and the authors acknowledge the importance of the historical context for securitization research (theoretically and empirically), which is equally as important for the paper.

According to Wæver, successful securitization processes have three “felicity conditions”: 1) the grammar or plot of security; 2) the social capital of the enunciator; and 3) the conditions related to the threat.³² Bigo added a fourth condition: 4) the audience.³³ This last add-on reflects interest in the contextual environment that has to be convinced of the existence of a potential threat and the necessity of certain security measures against it. Thus, a focus on power, legitimacy and representation is relevant category within these theoretical assumptions. This is essential in non-OECD contexts for which academic interest developed relatively recently.³⁴

Security is constructed not only by discourse, but also by practices;³⁵ thus, security is a structured field of practices in which some people and collective actors are more privileged to speak and construct security issues than others.³⁶ Following these assumptions, the analysis focuses on securitizing moves and their links to power and representation in the constellation of trusteeship as *politics of protection*.³⁷ In this regard, the concept of ‘protection’ as a marker for the constructed threats and field for empirical enquiry in the specific constellation of Cameroun will guide the analysis. Relevant for the following discussion is hence the focus on the figuration of power, the transformative capacity, and the situated agency of the anti-colonial movement through which a state-centric focus on security is avoided. The paper emphasizes that there is a centrality of power positions in securitization processes, and shows how these produce subjects, relations, and transformative agency. In this regard, it appears interesting to

31 Lawson (2015), Guzzini (2015).

32 Wæver 2000, pp. 252–253.

33 Vuori 2008, p. 70.

34 For instance Wilkinson 2007; Vuori 2008; Bilgin 2011; Holbraad/Pedersen 2012.

35 Hysmans suggests the following concerning security practices: “One needs to start from particular practices of both state offices (such as police, government, judiciary) and non-state offices (such as charities, environmental pressure groups and private companies) and the relational structure that they enact” (Huysmans 2009, p. 11).

36 Huysmans 2009.

37 Id.

observe which claims of protection are given priority. For example, that even though the oppositional party U.P.C., thus not a legitimate state actor, might have “[...] introduce[d] insecurities that often remain subordinated to securing the State and its citizenry”,³⁸ their claims were not given priority. The focus on speech acts is important and involves a dimension of power and representation since the speech act is not independent from the societal position of its speaker.³⁹ In this regard, “situated agency”⁴⁰ points to the relational nature of power, since the capacity to protect always exists in relation to other capacities, and is therefore bound to the institutional and regulative contexts in which needs for protection are contested. Foucault conceptualizes agency in different types in his writings, for example: “Agency of any who are able to refuse to objectify power as an object and instead recognize that relations of power that look fixed or stable may become at each moment a changeable strategy of confrontation and ‘the free play of antagonism’ by taking a fragmented and consolidated strategic situation within a long-term confrontation and deciphering it through different types of intelligibility as a general structure of power at the level of the social body that can be seen as free play”.⁴¹ This notion of ‘transformative agency’ will be taken together with the concept of ‘balance of power’⁴² to point to the power dynamics involved.

The shift in the balance of power in this case might stand in close connection to dynamics on the macro level, such as global decolonization processes and the Cold War.⁴³ According to Buzan and Wæver, “The ability to generate a successful macrosecuritisation depends not just on power, but on the construction of higher level referent objects capable of appealing to, and mobilising, the identity politics of a range of actors within the system”.⁴⁴ In this regard, individual actors, such as the U.P.C., could utter securitizing speech acts to connect their ideas to global paradigms in that period. By including this argument, this paper’s case explores the dynamics of securitizing speech acts and power positions on different scales.

38 Huysmans/Dobson/Prokhovnik 2009, pp. 6–8.

39 Id., p. 8.

40 Huysmans 2009.

41 Foucault 1982, p. 795.

42 Elias 1990; Linklater/Mennell 2010; Elias 1987.

43 Buzan/Wæver 2009.

44 Buzan/Wæver 2009, p. 268.

The marginalized position of the opposing actor, the U.P.C., is important here, since through the speech acts of threat, danger and security, the French administration created an image which conditioned a hierarchical order of power while regulating the claims for representation, thus who is legitimate to represent the future state. As the actors used violence, it is interesting to focus on the turning point at which the oppositional actors turned from non-violent resistance to fighting in the underground (*maquis*). So far, just a few articles reflect processes of resistance, power, and (counter-) securitization,⁴⁵ specifically in the situation of foreign intervention.⁴⁶ Stritzel and Chang regard counter-securitization as part “of an interactive process of moves and counter-moves that are both linguistically regulated by the grammar and illocutionary logic of securitization speech acts and closely tied to processes of legitimization and delegitimation”.⁴⁷ In the following, I build on these reflections and aim at showing that an Elias-inspired approach to power in combination with securitization speech acts might be useful to understand the dynamic in Cameroun. By this, I furthermore nuance the discussion and conceptualization of power concepts within the securitization framework. I will now turn to the historical account of the case study.

4 *Securitizing State Building in Cameroun*

4.1 *Background*

Following the start of Germany’s colonization of ‘Kamerun’ in 1884,⁴⁸ in 1922 Cameroun was put under a League of Nations Mandate split up between France and Britain. After World War II, the mandate was transferred to a Trusteeship Territory administered by France and Britain. The UN Trusteeship System was designed to facilitate the transition to self-government and independent trust territories.⁴⁹ Within the Trusteeship Council, the administering body, developments in trusteeship territories were moni-

45 Charrett 2009; Watson 2009; Vuori 2008.

46 Stritzel/Chang 2015.

47 Stritzel/Chang 2009, p. 5.

48 Levine/Nye 1974.

49 Hall 1948; UN Charter 1946. According to Article 76 of the UN Charter, the Trusteeship Systems aim is “(a), to further international peace and security; (b), to

tored, visiting missions established, and petitions handled. Thus, the Trusteeship Council provides the frame for emerging securitizing speech acts to have repercussions on the ground. Despite this specific international status, French Cameroun (and French Togo) were incorporated according to the Constitution of the Fourth French Republic and treated like “regular” overseas departments and colonies.⁵⁰ Due to this incorporation, Camerounians were represented within the French National Assembly.⁵¹ Even though the British Cameroons and French Cameroun shared many common features, in the former French territory a violent conflict erupted⁵² while the development in the British territory saw relative peace.⁵³

4.2 A Configuration of Securitizing Actors

Rather than presenting the relevant actors—the French administration and the anti-colonial resistance movement—in a clear dichotomy, I will analyze the mediation of power on different scales of action, and focus on the figuration and dynamics of power without claiming that there is a causal relationship between each single security speech act.

Aware of being under the official protection of the UN trusteeship council, a national independence movement emerged. The *Union des populations du Cameroun* (U.P.C.) was founded in 1948 as the first radical nationalist party in Douala. From the beginning, the U.P.C. endeavoured for independence under the terms of the United Nations and reunification with

promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement; [...]“ c) to encourage respect for the human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the people of the world; d) and to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in administration of justice, without prejudice to the attainments of the foregoing objectives and subject to the provision of Article 80 (Article 76, UN Charter).

50 Atangana 1997; LeVine 1964.

51 UN Year Book 1952, p. 674.

52 Atangana 2010.

53 Anyangwe 2010; LeVine 1964.

the British Cameroons; furthermore, they lobbied against French policy instruments, such as the *loi-cadre* and the law for amnesty. However, in contrast to other anti-colonial movements, such as in Indochina or Algeria, the U.P.C. was not able to transfer their claims into political reality, since the party was brutally suppressed by the French authority in Cameroun. The conflict between the French authorities and the U.P.C. presented one of the major lines of conflict in this period. In this regard, other political parties or organizations were founded along the demarcation line the U.P.C. created, thus either pro-U.P.C. or anti-U.P.C., and automatically orientated towards French political plans.⁵⁴ During the 1950s, the U.P.C. was the most popular and most radical political party.⁵⁵ Scholars, such as Terretta, Torrent, Atangana, Bayart, Mbembe, and LeVine regard the measures taken by the French administration to protect the public order as a major catalyst for the violent resistance against it.⁵⁶ Whereas some scholars, such as Terretta, regard them as the main influential party,⁵⁷ others, such as Frederick Cooper, perceive their power, support and influence as being foremost regional.⁵⁸ The U.P.C. has also been active outside the country, for instance in France (Les Activités de l'Union des Populations du Cameroun en France, November 1958, ANOM) and at the Trusteeship Council in New York. On a national level, the party was abolished in 1955,⁵⁹ and was rehabilitated and allowed to participate in elections only in 1991.⁶⁰

Within the trusteeship period, France made massive economic investments to modernize the country, so political and economic shifts occurred,

54 LeVine 1964, p. 153. This can be seen in the first elections for the French National Assembly (June 1951) and Territorial Assembly (March 1952). In the early 1950s emerged politicians and parties that shaped the transition period of the country, such as the Bloc Démocratique Camerounais (BDC), the later Prime Ministers André Mbida and Ahmadou Ahidjo or Soppo Priso (LeVine 1964, p. 150). The U.P.C. did not succeed in these elections, despite being the first and, for many years, the best organized political party in Cameroun.

55 Atangana 2010.

56 Terretta 2013, Torrent 2012, Atangana 2010, Bayart 2013, Mbembe 2014, LeVine 1964.

57 Terretta 2013.

58 Interview, April 30, 2015, New York.

59 After the divide into different wings, one less radical wing led by May Matip was accepted for the elections in 1959.

60 Krieger 1994.

triggered also by the global decolonization processes.⁶¹ In its annual reports and during visiting missions, the French administration emphasized the social and economic progress facilitated by the French presence in Cameroun (UN Report 1952, ANOM 1AFFPOL / 930), but also that the territory was not ready for its full independence. Connected to the French administration's interest group are the French colons, who owned businesses in Cameroun and who formed a group with economic interests in the country. This group's growth during the trusteeship enabled it to exercise pressure on the French government in matters of security and public order.⁶²

Another relevant body in this context appears to be the UN Trusteeship Council, which performed as an arena that enunciated legitimacy and needed to be convinced of the legitimation of securitizing moves, and to which many claims of protection were directed. The council monitored the diverging interests for Cameroun's future and sent visiting missions to both parts of Cameroon. Generally, it can be argued that the body had a very ambivalent role and ruling, between taking France to task—for instance in the Yearbook of 1953, which mentions complaints over racial practices and ill-treatment at the hands of police—⁶³and accepting the status quo while emphasizing stability.⁶⁴

For the case of Cameroun, three audiences of securitizing speech acts, situated on different scales, appear to be relevant: the UN Trusteeship Council and General Assembly, the French authorities, and the national/local audience. These audiences are not separated but interlinked, yet in order to understand attempts to securitize and the upcoming agency, it is relevant to distinguish between them, since in each audience different strategies tend to be applied. The case of Cameroon's decolonization demonstrates the importance of legitimation, power, and representation in securitizing moves, since the attempts by the French administration were

61 Atangana 1997, p. 83. For the purpose of overseeing the development in Cameroun, a profound and far-reaching territorially structure of administration was set up, with the High-Commissioner on top and many administrative units (among which a security service, a policy service, an economic service etc.) in Cameroun. The work of these units was supported by the administration of the *Ministère de Départements d'outre Mer* in France, and overseen by the French special representative to the UN in New York.

62 Atangana 1997, p. 99.

63 UN Yearbook 1953, p. 626.

64 UN Yearbook 1956.

successful where they mattered most: the UN Trusteeship Council as the international community, but also local elites, military and police forces were convinced of the necessity of securing the public order by the French Authority. In the following, I will first show the claims advanced by the authorities, then the denial and mitigation of those, and lastly the agenda-setting by the U.P.C.

4.3 *The Creation of the Referent Object – Protection of Cameroun's Public Order*

As seen in several speeches by High Commissioners, the French administration regarded itself as ‘protector’ of the Camerounian security and future.⁶⁵ In public speeches, newspaper articles and reports, the French administration aimed at acting for the Camerounian society and protecting it from rebellious groups such as the U.P.C., thus formally enacting the political authority and creating a referent object that is typically linked to the performance of security by states. The French administration saw in the Trusteeship agreement the scope and limits of their action, thus connecting the legitimacy of their presence in the country to the treaty. From a structural perspective, the role of the High Commissioner is defined to protect the citizens and their properties. For instance, in the decree number 57501, Article 41 the competences of the High Commissioner are defined as “Le Haut-Commissaire a la responsabilité de l'ordre public et assure la sécurité des personnes et des biens.”⁶⁶ During the trusteeship, the French administration enforced a specific imagination for and representation of Cameroun's political order with different means and force, as can be seen in

65 High Commissioner Xavier Torrè Communiqué 9.7.1958, ANOM DPCT // 43. Furthermore, “Mon devoir est de tout mettre en oeuvre pour ramener le calme dans les esprits et pour assurer la sécurité des citoyens [...] la France vous aidera, comme elle vous a aidés, mais elle ne peut se passer de votre concours, de la collaboration active de toutes les populations camerounaises, d'une prise de conscience par vous-mêmes des intérêts supérieurs du Cameroun.” (“My duty is to do everything in my power to calm down the minds and to ensure the security of citizens [...] France will help you as it helped you before, but she cannot do this without your help, the active collaboration of all Cameroonians, your own awareness of the superior interests of Cameroon.”.)

66 Translation: The High Commissioner has the responsibility to assure the maintenance of the public order and the wellbeing of persons and goods.

speeches, public presentations and performances. In general, the French administration's main goal was the protection of Cameroun's incorporation into the French metropolitan system, later the Franco-Camerounian "interrelation" against the (violent) resistance of different groups in Cameroun (Terretta 2013). Often, High Commissioners referred to a 'Franco-Camerounian' friendship and called for the support of Cameroun's population for the sake of this mutual relationship. In the emerging political scene, the French discourse on the Franco-Camerounian friendship was adopted by many Camerounian politicians.

The French administration primarily constructed the U.P.C., but also political opposition, nationalists, and partly unionists as threats to the public order, and took means to prevent and pacify the territory. By this the French administration presented the Camerounian society, public order, and the peaceful transition to an independent state as threatened, and thus as referent objects linked to the state's performance of security. The administration described the U.P.C. in many reports, press articles, and speeches as a terrorist, rebellious, and violent organization. The connection of the U.P.C. to communist movements, their claims of independence and reunification contrasting French political and economic interests—thus, the French administration of the state to be—were perceived as problematic. After a period of violent homicides and acts of sabotage perpetrated by the U.P.C., the French authorities marked the organization explicitly as a terrorist organization and strengthened their actions against it. This is also reflected in the press declaration by M. Aujoulat, a former minister and parliamentarian in Cameroun, briefly after the incidents: "Depuis la fin avril, l'U.P.C. cherche la bagarre en multipliant les réunions sur la voie publique et en se livrant à toutes sortes de provocations".⁶⁷ What was most threatening for the French administration was the geographical network of local committees the U.P.C. created throughout the territory, which were estimated at 450 committees in 1955.⁶⁸ The administration reacted to this threat with forced relocation and eviction to other areas, which is also seen as the reason for the widespread support of the U.P.C. in the territory.⁶⁹

67 Aujoulat, June 3, 1955, DPCT 28. Translation: "Since late April, U.P.C. has been looking for a fight by multiplying meetings in the public space and by engaging in all sorts of provocations."

68 Joseph 1974, p. 432.

69 Interview Bella, December 7, 2015, Yaoundé.

After May 1955, the discursive connection between the ‘protection’ of Cameroun’s public order and France was strengthened in several speeches by the High Commissioner. Furthermore, the elections of 1956 were marred by violence, homicides, destruction of property and injuries. Already before the actual elections, special security reports counting deaths and injuries were written for every district,⁷⁰ becoming one of the main tools for the surveillance of the territory, while keeping the French minister informed. In analogy to these presentations of threats to the public order, the administration introduced measures of control against the “terrorist rebellion”; for instance, the French authorities strengthened their security forces.⁷¹ Furthermore, they enhanced their measures against suspects, oppositional and potential members of the U.P.C., and established in the main areas of rebellion, Sanaga Maritime, a pacifying zone, the “Zone de maintien de l’ordre de la Sanaga-Maritime” (ZOE).⁷² Next to sidelining politicians that were close to U.P.C. and surveillance of U.P.C. suspects, the French authorities censored the media (radio and press) to gain control over the contribution of opposing political views; this can be seen as another site of securitization in this case.⁷³

Furthermore, the French administration intensely surveilled the relations between Camerounian citizens. French colons, mostly business owners, but also French administrative staff, had a distinct role. The French administration regarded their situation in many security reports as their specific concern, especially during the elections of 1956, when targeted killings of European residents cumulated.⁷⁴ Yet, the French administration controlled colons that were politically active, who might be threatened by

70 Rapport de Sécurité, ANOM, FM DPCT // 37.

71 Fiche sur les moyens de maintien de l’ordre, ANOM DPCT // 23.

72 Deltombe/Domergue/Tatsitsa 2010. In this zone, maintained for two months, the French army carried out military operations against nationalists in the *maquis*. In the whole territory of Cameroun, many U.P.C. members were arrested or killed, and meetings and assemblies of the U.P.C. were banned.

73 For instance, Bebey Eyidi, the editor of the newspaper *Presse Du Cameroun*, which was close to the U.P.C., was imprisoned several times and prevented from publishing. Several other newspapers were shut down because of their writing against the current prime minister, the French authorities, and support of the U.P.C. and claims for independence (Le Patriote, Arrêté n. 798/PSS, COAM DPCT // 38). Surveillance measures also included scrutiny of the post services, thus many postcards and letters were collected in order to research oppositional connections.

74 Doustin, December 31, 1956, ANOM FM DPCT // 47.

the U.P.C. or others, who, on the contrary, might act against the public order themselves. For instance, during 1956, the election year, the secret service commented on the campaign "Votez Autochtone!" by the U.P.C.,⁷⁵ and on the failure of candidate Louis-Paul Aujolat as a threat to peaceful cohabitation of society. This incident reveals the perception of the public order and security by French colons.

Even after the dissolution of the U.P.C., High Commissioner Roland Pré warned the population to stay alert, since the threat of the U.P.C. was presented as still ongoing.⁷⁶ In another speech, he declared that the U.P.C. is the only party responsible for the fragile security situation.⁷⁷ By this, he emphasized his vision of a stable closeness of France and the future Camerounian state, which was claimed to be troubled only by the U.P.C. By adopting and emphasizing this mode of communication he publicly denied that the U.P.C. might represent a voice in the navigation towards independence. The high representative ended his speech by saying that more than ever, the French administration aimed at giving all Camerounians the possibility to participate in the evolving political life. This stands in contrast to the fact that the percentage of Camerounian administrative personnel appeared to be rather decreasing than increasing, according to the Annual report of 1956 provided by the French administration. Thus, the actual transfer of power and administration in the state-building process was meant to happen within a very tight frame under control of French administrators.

75 Translation: "Vote native!".

76 Pré, Discours de Clôture, 3.6.1955, DPCT // 15: "Oui, le calme revient; mais, après une pareille secousse ce n'est encore qu'une situation mal assurée, car les blessures que laisse l'émeute, l'égarément des hommes que leur folie criminelle a rejetés hors de la légalité, le doute de fausses nouvelles, les ferments de haine que laissent toujours après eux le mensonge et la violence verbale, c'est l'opinion publique camerounaise, la conscience du peuple qui ont à en supporter tout le choc. Translation : "Yes, the calm returns; but after such a shock the situation is still not safe, because the wounds left by the riot, the aberration of some men whose criminal folly rejected on the wrong side of the law, the doubt of false news, the ferments of hatred that lie and verbal violence always leave behind. Of all this, it is the Camerounian public opinion, the consciousness of the people who have to bear all the shock."

77 Speech Roland Pré, New Bell, June 2, 1955, ANOM DPCT 28.

4.2 Cameroun's Future as Referent Object: Countersecuritization by the U.P.C.

During the UN Trusteeship period in Cameroun, the French authorities constructed public order and future statehood as referent objects in close connection to the French system. In the following section, the dynamics of securitization moves and countersecuritization attempts by the U.P.C. will be analyzed, with a focus on matters of representation, the perception of threats, and the claim to protect.

Representative for the Will of Camerounians?

The main discursive line of conflict appeared around the question of representation, since the U.P.C. claimed to represent the Camerounian people's will regarding the future. The main claims of the U.P.C. were the reunification with the territory under British administration and decolonization at large, aims expressed at a very early stage of the trusteeship. By emphasizing these claims in the decolonization process, the U.P.C. questioned the state-centric vision of the French authorities, which claimed that the state is the only legitimate actor to decide over matters of public order. In that sense, it is relevant whose 'transformative agency' is at stake and who can legitimately represent Camerounian future.

In contrast to the French administration's narrative, the U.P.C. depicted Cameroun's independence and reunification with the British Cameroons as threatened by French plans. A myriad of petitions, but also statements and press releases end with the statement "Vive le Cameroun unifié et indépendant, [...], A Bas les Kolons, A Bas Roland Pré-Aujolat".⁷⁸ These closing sentences build a strong connection between the U.P.C.'s claims of independence and reunification, and their view that the French administration, personified in the High Commissioner Roland Pré and the French politician Aujolat, represent a colonial power extending the colonial regime in the country. The term 'Kolons' deliberately starts with a K, pointing to the unified *Kamerun* under German colonial rule. The French administration was perceived not only as a colonial power, but as the enemy of the

78 Union des Populations Du Cameroun, October 19, 1955, ANOM FM DPCT // 3. Translation: "Long live united and independent Cameroun, [...] down with the Colons, down with Roland Pré-Aujolat."

country, as for instance seen in the speech by Gertrude Onog.⁷⁹ Similarly, Tchejltiks Nolac tried to mobilize for the claims of the U.P.C. by depreciating the French administration, “Tous les hommes et toutes les femmes doivent adhérer en masse à l’U.P.C. L’heure est venue où chacun doit être debout pour la lutte générale. La victoire est proche. L’indépendance est sûre et celui qui ne marchera pas avec nous le regrettera. ...Près la victoire, les valets des colonialistes et les agents de la Sûreté paieront de leur vie leur ...”.⁸⁰ By this, the representation of the U.P.C. as an ultimate organization to fight for independence is underlined, while constructing a clear-cut enemy-friend distinction. It also shows the polarization brought about by securitizing speech acts: Camerounians were supposed to choose either for the independence of the country by being part of the U.P.C. or to be part of the colonialists’ camp, possibly regretting the latter choice in the near future. Given that this is a political flyer with expressive language, it becomes clear that the U.P.C. envisioned a state without any influence from France, while basing its claims on the widespread support of all Camerounians. Yet, even though the U.P.C. claimed the representation of all Camerounian citizens, the Trusteeship Council also received petitions claiming that the U.P.C. did not represent the will for the Camerounian future.⁸¹ Similarly, as Pierre Messmer shows in his memoirs, certain Camerounian actors questioned the claim for representation by the U.P.C.⁸²

Nevertheless, the U.P.C. was able to mobilize support on different levels, nationally but also from the UN Trusteeship Council, in order to discredit the French administration as a legitimate state builder in Cameroon. On the global level, the UN saw the U.P.C. (at least in the beginning) as a legitimate party that represents one of the segments of Camerounian society. Furthermore, on the national level, the U.P.C. acted as a representative for all Camerounian citizens, not only by switching between French, English and local languages, but also despite the fact that the French adminis-

79 Laborde, P., Lettre de Renseignement, May 20, 1955, ANOM DPCT 28.

80 Ibid. Translation: “All men and all women should adhere en masse to the U.P.C. The time has come where everyone must be up for the general struggle. Victory is near. Independence is certain and those who will not walk with us will regret it... After the victory, the lackeys of the colonialists and the agents of the Sûreté will pay with their lives their...”.

81 UNA S-0443-0023.

82 Messmer 1998, p. 121.

tration tried to create divisions by emphasizing ethnic differences (mainly from the area Sanaga Maritime and Bamileke).⁸³ During the lobbying process, the U.P.C. gained partners such as the International League of the Rights of Man, in the person of Roger Baldwin, who supported their claims and provided infrastructure for their members stays in New York.⁸⁴ Over the years, the U.P.C. proved its organizational coherence, even after charismatic leaders such as Ruben Um Nyobé were killed in the underground (*maquis*). It was only in 1991 that the U.P.C. was reinstated from illegality, when a political opening created new political parties.⁸⁵ As pointed out above, the French administration perceived the U.P.C. as a real threat, also because of the party's ties to communist and other anti-colonial movements elsewhere, and tried by several means (including violence) to prevent the party from influencing Camerounians. This emphasized the importance the organization had for the authorities, and can also be seen against the background of the global security constellations in that period, namely, the Cold War and anti-communism. The French administration denied the U.P.C. its legitimacy by dissolving the party.

The French Administration Presented as Threat in Discourses

Since the beginning of the trusteeship, the U.P.C. constructed the French administration as harming the political will of the Camerounian citizens. Already in the 1950s, the U.P.C. used the forum of the UN non-violently to direct their claims and perform in front of the Trusteeship Council. By emphasizing their claims—reunification and independence—the U.P.C. also tried to connect their securitizing speech acts with the upcoming universalist claim of the human rights regime.⁸⁶ In the course of the 1950s, a myriad of petitions arrived at the Trusteeship Council to protest against measures by the French administration and accused the harsh repressions, aimed at threats to public order and security. For instance, "...depuis la guerre sanguinaire du mai 1955 déclenchée par les colonialistes Français nous vivons qu'au maquis".⁸⁷ This statement is often repeated in a similar

83 Atangana 1997, p. 90.

84 NYPL, funds of the ILRM, Boxes 1 and 14, Terretta 2012, p. 332.

85 Krieger 1994, p. 610.

86 Terretta 2012.

87 Petition Nyambé Tonga, January 14, 1957, DPCT // 43. Translation: Since the bloody war in May 1955 triggered by the French colonialists we have been living only in the maquis.

vein by other petitioners.⁸⁸ In this regard, it is interesting to note the use of ‘colonialists’, hinting to the specific situation of the French Camerouns. While they were not a colony in legal terms, they were treated as one by the enactment of repressions on the ground. Next to petitions, the U.P.C. used resistance newspapers, for instance ‘Kamerun mon pays’ or ‘L’Etoile’, to criticize the French authorities and to promote political campaigns such as the ‘Vote Autochtone’ campaign for the elections of 1956. It is striking how effective the party was in promoting their messages while being constantly surveilled, censored and prohibited by the authorities.

Many U.P.C. petitions focus on the Trusteeship itself and the wish for independence by directly opposing the French vision for a future state to their own vision. The U.P.C. used securitizing speech acts to point to the destabilization caused by the French authorities that even found entrance to the UN yearbook: “The representatives of these three organizations requested the immediate unification and independence of the Camerouns. They claimed that abstention during recent elections, including those for the Territorial Assembly, showed a lack of support for the policy of the French Government and complained, in varying degrees, that a state of insecurity had existed in the territory since the events of 1955”.⁸⁹ Next to the petitions, U.P.C. members made their appearance in front of the Trusteeship Council, for instance in 1951, and denounced explicitly the human rights violations which had taken place. Furthermore, the party created networks for their cause, for instance with the ‘League for the Rights of Man’ in New York (ILRM, NYPL), and travelled extensively, for instance to Ghana, Egypt and even the USSR.

Later, policy instruments introduced by the French administrations were criticized directly; for instance, in 1957 the U.P.C. published the document “L’amitié Franco-Kamerunaise en Danger: Alerte à l’opinion kamerunaise et mondiale”.⁹⁰ In this text, the U.P.C. directly mocks the idea of a Franco-Camerounian friendship by using the capital letter K as a provocation. In press releases, the U.P.C. positioned and explained the party’s need for vi-

88 Note de Renseignement, Période du 16 au 23 avril 1955, ANOM DPCT 27.

89 UN Yearbook 1956, p. 352.

90 L’opinion au Cameroun, No. 32, September 23, 1957. Translation: The Franco-Kamerun friendship in Danger: Alert to kamerunian and world opinion.

olent actions,⁹¹ since their claims for Cameroun were not given consideration in the slightest.

Challenging the French Politics of Protection

The peaceful means of international diplomacy were quickly expended; also, the invocation, to no avail, of human rights and abuses in front of the Trusteeship Council left the U.P.C. disappointed.⁹² Thus, starting from 1955, the U.P.C. used violent resistance in order to gain attention for its cause, but also tried to reinstate its legal status (Joseph 1974: 438) and recognition on the global level. Starting in 1955, the U.P.C. initiated the destruction of properties that were mainly relevant to French economic interests, such as train rails. Furthermore, after their prohibition in May 1955, the party mobilized a partly successful sabotage and boycott campaign for the elections of 1956. The organization also created a climate of fear in the territory by kidnapping members of the French administration, supporters and politicians. By doing so, the U.P.C. tried to destabilize the economic investments by the French authorities and to boycott the idea of a Camerounian-French friendship, and thus the French imagination of future statehood. Later, the U.P.C. was able to organize demonstrations, gatherings and secret meetings to counter the public narrative of the French administration. These acts of boycott and sabotage took place even though the party and high-ranking members were under constant surveillance. After its prohibition, the network hid many resistance fighters in the *maquis*, thus challenging the territorial sovereignty of the French authorities. According to Mongo Beti, the response of the administering authority to the underground activists was harsh violence.⁹³

The ongoing violence and turmoil in the territory reported in petitions, but also by the French authorities, prompted the UN Trusteeship Council to send a visiting mission to the territory. Thereby, the U.P.C. showed its ability to mobilize interest and support on a global level. Yet, even though whole districts were not under control by French security forces, such as Sanaga Maritime, the visiting missions did not have the means to demand accountability from France, and thus left the country without any attention

91 Déclaration à la presse mondiale, U.P.C., January 30, 1957, DPCT // 3.

92 Joseph 1974, p. 444.

93 Beti 1977, p. 39.

brought to the cause of the U.P.C., which left the party disappointed.⁹⁴ Due to the lack of political inclusion, some local U.P.C. groups tried to take initiative by launching a boycott and sabotage the campaign for the elections in 1956, which was only regionally successful.⁹⁵

In 1957, a telegram arrived at the General Assembly calling for international attention: “The Authorities put military pressure on Kamerun population to vote in election under *loi cadre*, contrary to Kamerun wishes. We protest vehemently against this act which infringes dispositions of United Nations Charter and Universal Declaration Human Rights. We call on unations [sic] to send immediately international forces to quell second envisaged attack on Kamerun by French Government”.⁹⁶ This shows that in the late 1950s, the U.P.C. started to protest against single policy instruments, such as the *loi cadre*, by linking them to the threat of public order and human rights abuses by the French administration. In this regard, the U.P.C. tried to present itself as a legitimate actor in the navigation process by using the register of securitizing speech acts to refer to their volatile security situation. Furthermore, the telegram displays that the U.P.C. knew the language of the international community and was well versed in its systems, instruments, and discourses, but also how desperately they appealed to the international community to finally perform as a moral authority and to show interest in their struggle for independence. Even while living underground, Um Nyobé, the leader of the U.P.C., tried to connect with the international community with demands such as amnesty, recognition of the fact that the term ‘Cameroun State under Trusteeship’ is self-contradictory, and a declaration by the French Government “regarding the recognition of the independence and sovereignty of Kamerun”.⁹⁷ Furthermore, he promised his party’s cooperation in maintaining public order after the achievement of a political settlement, and expressed the party’s desire to participate in the political decision-making process.⁹⁸ This again shows the effort the U.P.C. made in order to remain in the political discourse and points furthermore to the intensified dynamic of the conflict.

Yet, even though the U.P.C. had hardly any chance to express political ideas in public, resistance against the French administration increased, as

94 Deltombe/Domergue/Tatsitsa 2010.

95 Distler/Ketzmerick 2017.

96 Ngimbus, Vice President, December 21, 1956, ARMS S-0443-0026.

97 Joseph 1974, p. 440.

98 Id., p. 440.

observed by the French authorities: “Depuis décembre 1956, directement ou indirectement, l’opposition à la politique française au Cameroun s’est renforcée.”⁹⁹ In this regard, the U.P.C. majorly challenged the politics of protection introduced by the French administration. Yet, this knowledge did not prevent the French authorities from introducing, without considering the U.P.C. as a legitimate party, further measures for state building, such as: “élections générales, nouveau Statut, prochain Gouvernement autochtone, perspective de nouveaux progrès politiques, continuation de l’aide financière. ... un fort courant d’opinion s’est constitué, favorable à notre politique”.¹⁰⁰

Next to using violent means, the U.P.C. still constantly lobbied for their cause using political and peaceful means. Yet, in the later trusteeship period, violent actions in connection with the U.P.C. and their links to communist ideas happened to be the only things international actors (UN trusteeship council and French administration) considered in their judgment, leaving aside other political suggestions proposed by the U.P.C. for Cameroun’s future. This becomes very clear in the way the French administration reacted to policy recommendations and how the Trusteeship Council regarded the organization. It can be said that the moment in which the organization switched from peaceful resistance to violent actions changed their reputation and legitimation globally and locally. This can only be explained by using securitization approaches, since the construction of threats to public order is essential. Thus, the moment the U.P.C. gave examples of their dangerousness for the political sphere, the organization could be legitimately conquered. Before resorting to violence, the U.P.C. resistance to French administrative plans and its links to communism apparently functioned as a threat only for the French administration, since on a global level the U.P.C. enjoyed a good reputation as a local actor and was invited to the Trusteeship Council. Yet, what is striking is that even though the U.P.C. lacked support for their political actions by the French administration and the global community, on the local ground the

99 Bilan des Attentats, L’Union des Populations Du Cameroun, 11.4.1957, ANOM DPCT 26. Translation: Since December 1956, directly or indirectly, opposition to the French policy in Cameroon has increased.

100 Id. Translation: “general elections, a new Statute, an indigenous next Government, new perspectives for political progress, the continuation of financial aid.... A strong current of opinion has formed, favorable to our policy.”

support seemed to increase after its ban. This shows that the agency the U.P.C. generated was situated in the context of their action, which means that the organization performed adequately in front of each different audience and used windows of opportunity for the navigation of political influence and power. This can not only be seen in speech acts (letters, telegrams, and speeches in front of the Trusteeship Council), but also in actions (mobilization of a support structure for the underground (*maquis*), mobilization across a geographical divide). The UN Trusteeship Council engaged in a very distinct role in this case, by prioritizing securitizing speech acts in its reactions.

In Cameroun, the U.P.C. appeared to be able to change the discursive frame in the beginning, yet through their violent practices their claims became intolerable for the international audience. This stands in contrast to other resistance movements, such as in Algeria or Ghana. Hence, what is interesting in this case is that the prohibition of a political party, which presents in democratic political systems one of the outmost political means, appeared to be a decisive key situation in which every involved actor could express security speech acts and define limits of action for the unfolding political agency.

5 Discussion and Conclusion

From 1957 onward, the French administration tried to set the stage for the independence to come. Starting in 1958, they introduced instruments such as the *loi-cadre* to smoothly lead the way to independence; yet these developments could also be linked to internal political problems at the end of the French Fourth Republic. Finally, in the conflict over national representation, anti-nationalists and pro-French representatives like Mbida and Ahidjo came into power; they emphasized the union of Cameroun but also closeness to the French political system. During the political transition process, the U.P.C. tried to influence the developments but was sidelined and fiercely combated; furthermore, the party was not able to mobilize much support on the international level. The construction of the U.P.C. as the ultimate threat to the interests of all Camerounians was continued after

independence. The collective memory of the era of independence is still a topic of huge political debate and contestation.¹⁰¹

It was not the paper's aim to focus on the causes and dynamics of violence in this case, but to highlight empirical aspects of situated agency in the figuration of power that eventually lead to violent responses. According to the analysis, one could argue that the U.P.C. functioned as a representative for the Camerounian population. Despite the harsh securitizing moves by the French administration, the party developed and mobilized transformative agency in order to counter them, which transformed the conflict. In this regard, the party showed it was capable of adapting its action to different audiences and by taking different means suitable for each audience, thus transforming its agency. This agency was taken seriously, as seen in the reaction by the UN Trusteeship Council, but also in the silencing attempts and other securitizing moves by the French, even though the party's aims were nationalistic and violent. In this regard, the ban on the U.P.C. increased its agency as power to act and to securitize, instead of diminishing it; hence, agency is situated in the balance of power here. In contrast to that, the power to decide (thus the power of de/securitization) on the political decision process could not be harnessed by the U.P.C. Yet, as other active political actors, such as Soppo Priso, Ahidjo and Mbida, tried to shape the future in a moderate way, an alternative way outside French political interests was not developed. Instead, after independence, Ahidjo, a Francophile politician who always emphasized the closeness of Cameroun and France, gained power.

In the case under study, securitization approaches have been used to analyze a distinct conflict dynamic in the security register. Specifically, in the unique constellations of external intervention, the focus on the constructions of threats and securitizing speech acts encourages a more relational approach of the dynamics of power. This might also help to understand current phenomena in state- and peace-building debates, such as the local-global divide¹⁰² and resistance against UN led state building attempts.¹⁰³ Specifically, it is important in current research to point to continuities of colonial heritage in power configurations and to authority in a

101 Eckert 2000.

102 Björkdahl/Höglund 2013.

103 Chandler 2013; Mac Ginty 2011.

historically informed analysis in order to understand patterns of external rule.¹⁰⁴

In this regard, it appears necessary to investigate the relationship between power and securitization and to further elaborate on concepts to define different power dynamics, as done in this edited volume. These investigations should not only focus on who has the power to securitize, but also on the possible reactions of actors to securitization attempts, thus on the power actors unfold when they are at the center of securitization moves. In this volume, Langenohl differentiates between the power *of* securitization and the power *to* securitize. Clearly, this mirrors well the two stages of the balance of power in this paper. The French administration and the U.P.C. both had the opportunity to securitize, thus the power to securitize, which was enabled by this specific figuration. Yet, the effect of securitization, thus the power of securitization, was mainly faced by the U.P.C. in terms of being presented as a threat and excluded from political decision-making. In this regard, it became clear in the analysis that securitization processes tend to reduce complex problem situations to a dichotomous dynamic, as in the case of the camps for or against France. Through using the balance of power concept (Elias), the circumstances by which this dichotomization happened were analyzed in a differentiated way. This shows that a relational approach to power is essential to investigate the dynamics of power within securitization processes. Specifically, the focus on agency appears to be useful to investigate the shifting figuration of power.

In the background emerges a conflict of universalist ideas on the macro-level, which were combined by political actors with securitizing speech acts—human rights and decolonization on the one hand, and anti-communism / Cold War on the other. In this regard, security interests concerning the threat of communism were deemed more important than appeals to human rights causes, as U.P.C. activists emphasized in their numerous petitions. The conjunction between the prioritization of securitizing speech acts, macro-level conflicts, and power situations should therefore be investigated. Equally important is the conjunction between audience and the legitimacy of securitizing actors in securitization processes. Each securitization move has a very specific scope for transformative agency since it might convince the respective audience. In Cameroun, the U.P.C. initially appeared to be able to change the discursive frame, yet

104 See, for instance, Sabaratnam 2013.

through their turn to violence and underground actions their claims became intolerable for the UN audience. The prohibition of the U.P.C., thus, is one key moment in the dynamics of security. By looking at the empirical research field of security it can be investigated to what extent agency and transformative capacity, thus the ability to securitize in this constellation, unfolded in context. As shown with regard to the elections of 1956,¹⁰⁵ the perception of successful securitization is quite ambivalent. On the one hand, the U.P.C. was successful with its boycott campaign, thus representing a real threat for the French administration; on the other hand, the political campaign led to the exclusion of the party from the decision-making process. An analysis of these kinds of constellations helps to understand the context conditions that must be fulfilled in order for actors to exercise the power to securitize. To grasp these processes, the focus must lie in shifts of the balance of power.

Power relations are complex and depend on the context in which they are situated. Taking a clue from the Foucauldian statement that “[w]here there is power, there is resistance”,¹⁰⁶ one can perspectivize power relations by looking at resistance against securitization attempts and securitizing moves. The appearance of revolutionary movements on the political stage hints to a shift in power relations, pointing to the fact that traditional power figurations are about to be transformed and the monopoly of violence of ruling actors is questioned through the use of counter violence. In this regard, the way in which armed groups and the use of violence can create, stabilize, question and destroy legitimacy, specifically in the context of securitization moves, emerges as a theme of great theoretical and empirical interest. Furthermore, it would be relevant to analyze to what extent repressive measures by ruling authorities and acts of violence determine each other.

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Reconfigurations of Security: Governing Heroin Users in Frankfurt am Main, 1975–1995

Sebastian Haus

1 Introduction

Today, the city of Frankfurt am Main is widely known as one of the first major cities in Germany having adopted so-called “harm reduction” policies towards heroin users. Rather than repressing or forcing users towards abstinence, the city administration primarily focuses on reducing the risks of drug use and on stabilizing the health of addicts with a multi-faceted series of measures such as safe injection sites, methadone maintenance programs, legal advice services, and assisted housing projects. Praising “Frankfurt’s path in drug politics” as a “role model for many municipalities at home and abroad,” the city administration highlights that its drug policy has the double effect of not only improving the situation of drug addicts but also contributing to the “protection of citizens.”¹

Considering social and medical assistances for heroin users as measures to improve citizens’ security resonates in many ways with the long and complex history of controlling the city’s heroin scene. Since the 1970s, Frankfurt am Main, as well as many other cities across Europe, have had to cope with the increasing presence of heroin users in the urban public space. The consumption of so-called “hard drugs” such as heroin as well as its spatial manifestations, the public gatherings of drug-consuming youth in plain sight for passersby, attracted strong media attention and caused a moral panic about the radical delinquency of teenage heroin users. The local authorities in Frankfurt considered heroin addicts as both threats to urban security and ill persons in need of medical and psychological care, therefore necessitating not only criminal persecution by the police, but also social service measures by the city administration. Consequently, the logics of governing the heroin scene oscillated between coer-

1 <http://www.frankfurt.de/sixcms/detail.php?id=3007>, February 28, 2017. This quotation and all following quotations are translated by the author.

cive measures such as police raids and compulsory hospitalizations of addicts on the one hand, and more liberal and communicative approaches such as street work or health orientated assistances on the other. These different and often very contradicting approaches indicate that the history of drug policies in Frankfurt am Main is one of shifting governmental rationalities and power relations evolving around a group of socially marginalized people who did not obey hegemonic ideas of normality.

This article addresses the transformations of drug policies in Frankfurt am Main between 1975 and 1995. Exploring the different ways in which the city administration intended to cope with the heroin scene, it will point out the political dynamics that led to the emergence of today's approach towards heroin users in the city. The article focuses on two aspects: on the one hand, it focuses on the discourses and practices by policy-makers and city officials, asking how they framed heroin use and which practices they adopted to regulate the problems associated with heroin use. On the other hand, the article will address the reactions and political activities of both heroin users and groups claiming to represent users' interests in the field of drug politics, such as AIDS self-help organizations. In taking the perspective of those who were the object of the city's drug policy, the article endeavours to focus on the power relations in local drug policies, especially on the power effects of governmental practices as well as on the agency of heroin users in different policy regimes.

Historical research on drug politics in West Germany has mainly focused on the 1960s and 1970s so far.² The 1960s were marked by the so-called first "drug wave," which was strongly related to counter-cultural protests, the events of 1968 and to a larger controversy about democratization and social reform. In this context, emerging policies regarding drug-consuming youth replaced traditional, more stigmatizing framings of drug use. Local authorities even supported anti-authoritarian self-help projects for drug addicts anchored in the counter-culture milieu.³ In highlighting that policies addressing heroin users were mainly orientated towards a

2 Most historians have analyzed drug consumption of youths in the context of the emerging alternative youth cultures and the history of consumer societies in the twentieth century. Research on the 1980s and the early 1990s, especially on the impact of HIV/AIDS on West German drug politics, is scarce. See Briesen 2005; Holzer 2007; Weinbauer 2006; Weinbauer 2010; regarding the impact of HIV/AIDS on German drug policies, see Schmid 2003.

3 Stephens 2007; Morris 2014.

spatial logic, transforming the social problem of heroin use into a problem of the urban space, historian Jan-Henrik Friedrichs has argued that research on the strategies against heroin scenes provides insights into the crisis of disciplinary societies. Spatial policing of heroin scenes, Friedrichs argues, was part of a larger historical shift towards what French philosopher Gilles Deleuze has called “societies of control”.⁴

Rather than distinguishing ideal types of power regimes or arguing for clear-cut transformations, this article will suggest a different narrative. I will argue that different logics and practices of governance strongly overlapped in the history of drug policies in Frankfurt am Main between 1975 and 1995. The article will point out a series of reconfigurations of the city’s drug policy, which resulted from shifting political backgrounds, such as changes of local government, from unexpected events, such as the outbreak of HIV/AIDS, and the side effects of political interventions, such as the increase of overdose deaths, but also from criticism of repressive strategies by social workers, social scientists, and AIDS self-help groups. The article will argue that “security” – the security of the urban space, of the public order as well as the security of the citizens and “third parties” – was a continuous and controversial point of reference in these changing constellations. This dynamic of (de-)securitizing heroin users was decisive in transforming not only the relations of power between state authorities, non-governmental organizations and heroin users, but also the logic of governing heroin users in the city.

In the first section, I address the framings of heroin use in the 1970s. Policy-makers on the state level, on the one hand, constructed heroin addicts as objects of therapeutic care and took coercive measures against users “unwilling” to undergo therapy. The city administration, especially after the election of conservative mayor Walter Wallmann in 1977, on the other hand, highlighted the issue of “addiction criminality” and securitized heroin users as a threat to “urban security.” These framings resulted in two interconnected practices against the city’s heroin scene: spatial policing and involuntary commitments of heroin addicts into rehab clinics. Both practices aimed at making heroin users invisible in the urban public space. These strategies did not solve the problems associated with the heroin scene, but had strong negative effects on the users’ health conditions (Section 3). The city’s drug policy was strongly challenged in the context of

4 Friedrichs 2013.

the emerging AIDS epidemic. I will show that critics of repressive drug policies such as gay self-help organizations questioned the rationality of the administration's AIDS policy, demanding a strategy against the spread of HIV/AIDS among heroin addicts based on acceptance and communication rather than state coercion and exclusion (Section 4). These shifting power relations resulted in a fundamental change of local drug policies in general when a new city government began to introduce harm reduction measures in 1989/90. Rather than expelling junkies from the urban public, this new approach accepted the existence of drug use in the city and tried to regulate the most unfavorable phenomena, such as the worsening health conditions (Section 5). While heroin users had been silenced and strongly excluded from any kind of participation in drug politics until the late 1980s, I argue that harm reduction policies helped them to get involved in political activities, and to call for decriminalization and for their right to the city. Analyzing the dissolution of the heroin scene during summer 1992, I show that the securitization of heroin users continued to play a decisive role in the early 1990s. In the context of trying to improve the city's image to the outside, security concerns prevailed again over the far-reaching liberalizing demands of harm reduction proponents and junkie activists (Section 6).

2 Securitizing junkies: framings of heroin use in the 1970s and 1980s

In the Federal Republic of Germany, coping with heroin users and addicts was the task of states and local authorities – in this case the state government of Hesse, the Frankfurt police and the city administration. After having pointed out the social specifics of heroin use as well as the transformations in dealing with delinquent youth in postwar Germany, this section will address the framings of heroin use which influenced the strategies of both the state government and the local authorities in the city of Frankfurt.

While US-American cities such as New York had been dealing with heroin as a major social problem since the late 1940s,⁵ heroin did not occupy West German authorities until the early 1970s. In Germany, heroin use evolved out of an unprecedented rise in drug consumption among

5 Schneider 2008.

youth in the late 1960s. While youth in this first “drug wave” mainly turned to so-called “soft drugs” such as marijuana, the number of heroin users has increased very rapidly since 1971/2. At that time, the supply of and the demand for heroin rose very quickly, resulting in the emergence of so-called “hard drug scenes” in many big cities across the country. In Frankfurt am Main, the police department registered 85 junkies in 1969, 598 in 1975 and 2,295 in 1980. Roughly two-thirds of these registered users were male. The overall number of users was higher, with an estimated number of more than 4,000 heroin consumers in 1980, a number which made Frankfurt’s heroin scene one of the largest in Germany.⁶ Historians interested in the self-understanding of Frankfurt heroin users in the early 1970s consider heroin use as an “everyday radicalism,” which expressed both a strong disapproval of hegemonic values and their belonging to the counter-culture milieu. Traces of this radical self-understanding were still present in Frankfurt’s heroin scene in the 1980s, although connections between heroin users and the counter-culture had already dissolved by the mid-1970s.⁷

One of the reasons for this dissolution was the changing social structure of young people turning to heroin during the 1970s. The social background of heroin users was much different from that of drug users of the first drug wave, which mainly consisted of middle-class cannabis-smoking youth. In 1976, the drug counseling center “Drop-In” in Frankfurt stated that the city’s users were mainly youth from a lower-class background with little education, attending lower secondary or special needs schools.⁸ At the end of the decade, social studies made similar findings in West Berlin, describing the typical heroin consumer as a male member of the lower classes, quite often jobless and without a home, who had started his “drug career” as a young teenager and had been addicted to heroin for many years.⁹ These kinds of reports were often strongly biased, for they usually based their conclusions on data from heroin users in prison or from addicts in therapy institutions. Information about the background of users being able to control their consumption habits, preventing addiction and imprisonment, was not included.¹⁰ These reports characterized, how-

6 Thomas 1982, p. 33.

7 Morris 2014; Noller 1987.

8 Berger/Zeitel 1976.

9 Skarabis/Patzak 1981.

10 Scheerer 1983, p. 15.

ever, the type of user local authorities mainly had to deal with on a day-to-day basis: addicted youths at the margins of society breaking with hegemonic rules of behavior.

By the time West German policy-makers began to systematically address the growing number of heroin-consuming youth, the ways of coping with youth delinquency in West Germany had changed considerably. Biologistic concepts of youth criminality, for example, which were rooted in the nineteenth century and had played a major role well into the postwar period, lost their dominance during the 1960s. They were replaced by sociological approaches which focused on the social conditions of deviant behavior rather than on the delinquent's supposed abnormality or "inferior" disposition.¹¹ These transformations in addressing youth delinquency also influenced the emerging debates about drug-using youth in the late 1960s. While the field of drug politics in the postwar era had been marked by personal and ideological continuities from the Nazi past,¹² the 1960s brought a series of fundamental changes in framing and addressing drug users. Rather than seeing drug use as a moral failure endangering the fabric of society, the first policies towards drug-using youth refrained from moral judgements and considered drug consumption as a comprehensible reaction of teenagers against the downsides of modern society. This framing of drug use tended to normalize the individual drug consumer and replaced more stigmatizing understandings based on psychiatric notions such as "abnormality". Problems emerging from teenage drug use became, in the medium term, an issue of the aspiring professions of psychotherapy and social work.¹³ Historian Robert Stephens has argued that this new "therapeutic mind-set" fit well in the era of liberalization of the late 1960s, for it fostered a liberal culture of governing the problems associated with teenage drug use for several years. State authorities even supported anti-authoritarian self-help groups such as "Release," which aimed at reaching out to young drug addicts to help them overcome their addiction in self-organized, non-hierarchical therapeutic communities.¹⁴

When the political focus shifted from the "protest consumption" of middle-class cannabis smokers to the so-called "hard kernel" of "chronic

11 Baumann 2002; see also Ubbelohde 2002.

12 Holzer 2007.

13 See Schmid 2003, pp. 139–168.

14 Stephens 2007, pp. 121–159, 184–218; Schmid 2003, pp. 130–138.

drug users” with little school education,¹⁵ the therapeutic mind-set influenced the making of policies towards heroin addiction, for treatment agendas were mainly based by psychotherapeutic rather than medical or psychiatric categories. The general background of these policies, however, had changed considerably. Besides the changing social structure of users, policy-makers had to face the rising number of junkies dying from heroin overdoses. In West Germany, the federal police registered a continuous rise of deaths by overdose from 67 in 1971 to 195 in 1975, to its first peak of 623 in 1979.¹⁶ These numbers attracted massive public attention. Illustrated with pictures of dead junkie bodies in filthy public places, such as train station toilets, media reports told stories about youth having fallen victim to the drug who were lost in the disastrous downward spiral of addiction, social exclusion and crime, often ending in death by overdose.¹⁷ Against this background, the Hessian state government claimed that the “fight against drug addiction” would be one of the most important tasks of the 1980s. This was, the government stated, the “fight for thousands of youths in danger of drugs and death by the needle.”¹⁸

In 1980, the state government of Hesse, a coalition of social-democrats and liberals, passed the “Hessian Program to Fight Drug Abuse,” which outlined the general policy frame for coping with heroin users in Frankfurt am Main.¹⁹ While this program generally announced anti-drug prevention campaigns and the expansion of the drug counselling system, it also presented the government’s strategy towards drug addicts.²⁰ In accordance

15 Stellungnahmen der Bundesregierung zum Drogen- und Rauschmittelmißbrauch. Dokumentation zum Drogenproblem, 30.10.1972. In: Bundesministerium für Jugend, Familie und Gesundheit (ed.) (1972): *Dokumente zum Drogenproblem*. Bonn, pp. 11–96, here pp. 19, 21–22.

16 Thomas et al. 1982, p. 47.

17 See for example the cover story „Heroin-Welle: ‚Mord auf Raten‘. *Der Spiegel*, 30.6.1977, pp. 184–195.

18 Hessische Landesregierung (1980): *Hessisches Programm zur Bekämpfung des Drogenmißbrauchs*. Wiesbaden.

19 Institut für Stadtgeschichte Frankfurt am Main (ISGF), Fürsorgeamt 4.454, Bericht des Magistrats auf eine Anfrage der SPD-Fraktion zur Rehabilitation Drogenabhängiger, 8.5.1981.

20 Quite typical for these kind of policy documents at that time, the Hessian government did not clearly differentiate between different forms of drug use and drug habits on the one hand, and drug addiction on the other. All kinds of drugs seemed to lead directly to heroin, heroin was addiction, and addiction in turn was a constant threat to youths.

with the mainstream of West German drug experts, the program adhered, *firstly*, to the normative idea of orientating all political efforts towards the objective of a drug-free society.²¹ Heroin addiction was believed to be a condition of extreme unfreedom from which no one could escape without the help of professionals. Social studies drawing a more differentiated picture of heroin use – pointing to non-addicted forms of using heroin or to so-called “self-healers,” users overcoming their addiction without passing through the state treatment system – hardly had any influence on policy-makers.²² Abstinence from drugs was consequently the unquestioned objective of treatment, including the rejection of methadone maintenance treatment as being a “capitulation to addiction.”²³ *Secondly*, the Hessian government argued that the causes for addiction were rooted in a supposed deviation from a ‘normal’ process of socialization. In order to address these “maturity deficits” (*Reifungsdefizite*) of addicts, the government announced to expand the system of long-term rehab centers. If addicts were, *thirdly*, unwilling to undergo voluntary treatment, local authorities were motivated to consider adopting the “Hessian Law on Forcible Confinement” (*Hessisches Freiheitsentziehungsgesetz, HFEG*), a state law passed in 1952 regulating involuntary commitment proceedings in cases where persons posed a threat to the public order due to mental illness or drug addiction. In situations where addicts “were unable to self-responsibly decide for therapy and rehabilitation,” the Hessian government legitimized the adoption of coercive actions in order to provide addicts “with an opportunity to overcome their inability to exercise their freedom rights.” The therapeutic aim of these compulsory hospitalizations was to separate users from the drug milieu and to “make addicts realize their need for treatment.”²⁴

This agenda of the “Hessian program to fight drug abuse” turned addicts into patients in need of psychotherapeutic care. Rather than addressing the social inequalities present in heroin addiction, the Hessian government focused on correcting supposed psychological deficits through thera-

21 Schmid 2003, pp. 164–167, 178–185.

22 See Voigt/Scheerer 1989.

23 Hessischer Landtag, Drucksache 9/6365: Antwort der Landesregierung auf eine Große Anfrage der SPD-Fraktion, betreffend das Hessische Programm zur Bekämpfung des Drogenmißbrauchs, 27.4.1982, p. 13.

24 Id. pp. 4-5; Hessische Landesregierung (1980): *Hessisches Programm zur Bekämpfung des Drogenmißbrauchs*. Wiesbaden, pp. 23–24.

peutic treatment. Presenting coercive measures as a means of liberating addicts from a condition believed to strongly restrict a person's freedom shows that this was not about a backlash of authoritarian traditions. This approach rather fit quite well into the logic of the West German liberal welfare state of the 1970s which was generally committed to foster prosperity and democracy by extensive state activities in the field of social welfare.²⁵ According to this logic, addicts were made the objects of strong state interventions for policy makers who believed that addicts suffered from a state of mind incompatible with a modern, liberal society. However, the liberalizing intention was based on a legal framework which addressed security issues. Referring to *HFEG* in the case of junkies presumably "unwilling" to undergo therapy constructed addicts as dangers to themselves and others, allowing local authorities to address heroin users through coercive measures.

Besides this framing of heroin use on the level of state policy making, the spatial dimension of heroin use played an important role in addressing junkies in the city of Frankfurt. In contrast to previous patterns of drug consumption throughout the twentieth century, junkies appropriated certain parts of the city public space where they did not only buy, sell or consume heroin, but where they also maintained social connections and reaffirmed a specific identity and self-understanding.²⁶ In Frankfurt, this "scene" spanned over several areas, including the *Bahnhofsviertel*, the area around the central train station, and the so-called "*Haschischwiese*" (Hash Meadow), a public park in *Bockenheimer Anlage*. Dozens of heroin users visible in the middle of the city, shooting heroin in plain sight of passersby instead of using the urban space how it was initially intended, was a strong and often intended provocation. Historian Jan-Henrik Friedrichs has argued that the problem with heroin users was not simply about the violation of laws. It was also about the radical social otherness of junkies combined with their provocative visibility in the public space, the fact that they visibly broke with hegemonic expectations regarding decent behavior and basic standards of outer appearance.²⁷

During the 1970s and 1980s, this visible social otherness of heroin users became deeply entangled in conflicts about the urban space. After

25 Metzler 2005.

26 See Noller 1987; Scheerer 1989.

27 Friedrichs 2013, pp. 66–67.

the era of reconstruction, economic growth and rational city planning,²⁸ the city of Frankfurt faced a series of social and economic problems, including rising unemployment rates, growing financial debts, housing shortages and environmental damages. Against this background, political tensions in local politics increased considerably. While a strong leftist milieu made Frankfurt a center of the squatter movement, the postwar consensus between the local Social-Democratic Party (SPD) and the conservative Christian-Democratic Union (CDU) broke apart.²⁹ In June 1977, after the CDU had won the local elections by a landslide, the city parliament elected Walter Wallmann, the former manager of the CDU parliament group in the *Bundestag*, mayor of Frankfurt am Main. Wallmann was the first CDU mayor since the end of the Second World War, ending a long era of social democratic reign over the city. His election therefore drew much national attention, as many conservatives considered this election to be another sign for a general turn (“*Tendenzwende*”) against the politics of democratic social reform promoted by social-democrats and liberals who were forming the government on the national level and in many states at that time, including the state of Hesse.³⁰

Wallmann’s tenure marked a considerable shift in politically addressing the heroin scene in Frankfurt. In being concerned about the bad image of the city, he promoted a series of political projects that came down to a re-arrangement of the urban space. While supporting cultural initiatives such as the (re-)construction of the *Römerberg* and the *Museumsufer*, he also made “urban security” a major issue in local politics for the first time since the integration of the municipal police into the state police in the 1960s.³¹ In 1980, Wallmann stated that it would be impossible “that a big city can keep its world-wide flair” when “aggressive and antisocial elements” occupied the urban space at “the expense of the citizens and their claims for security.”³² In this context, he did not only securitize leftist protesters, “tramps,” “social misfits,” and sex workers, but also “drug criminals” and “drug addicts,” whom he considered a threat to “the inner

28 Bendix 2002.

29 Tüffers 2011.

30 See Balsler 1995, pp. 378–404; Kittel 2011, pp. 1–6, 411–440; Tüffers 2011, pp. 182–197.

31 Schipper 2013, pp. 160–161; Beste 2000.

32 Quoted in Schipper 2013, p. 160.

peace” of the city.³³ Regarding the *Bahnhofsviertel*, Wallmann made clear that he regarded these different dangerous phenomena to be spatially entangled, constructing whole city areas as dangerous spaces where the police severely struggled to uphold a minimum of security: “The entanglement of prostitution, drug dealing and other forms of criminality”, he wrote in 1984, “gets stronger and more and more intolerable. The so-called ‘entertainment district’ has become a district of criminality.” This situation near the central train station, “at the ‘entrance gate’ of the city,” he continued, “cannot be tolerated anymore.”³⁴

Relating drug dealers and users to spatial concentrations of criminality indicates that Wallmann did not just consider violations against the Federal Narcotics Law. Wallmann also politicized the growing number of criminal activities committed by junkies, an issue both criminologists and the Frankfurt police department had been worrying about since the mid-1970s. Crimes committed by addicts to finance drugs, the so-called “*Beschaffungskriminalität*,” became a new field of crime control focusing on individual junkies whose dangerousness, according to the criminologist Arthur Kreuzer, “could hardly be underestimated.”³⁵ In a comprehensive study about police strategies against the city’s heroin scene, three Frankfurt police officers calculated that the typical heroin addict needed 3.000 DM per month to finance his addiction, whereby a large part of that sum was organized by crimes such as burglaries, shoplifting or pickpocketing. Without making any comparisons to the average number of crimes committed by other social groups, the authors assumed that an average addict, who is not in prison or therapy, commits five offenses per day, so that “the isolation of only one addict for one year may prevent 1800 offenses.”³⁶ The issue of *Beschaffungskriminalität* shifted attention at the end of the 1970s. While the police had mainly directed criminal persecution against dealers in the early 1970s, the notion of *Beschaffungskriminalität* con-

33 Eine Stadt mit menschlichem Gesicht. Kommunalpolitischer Situationsbericht von Oberbürgermeister Dr. Walter Wallmann. *Mitteilungen der Stadt Frankfurt am Main* 2: 11–20, here pp. 16–17; see also Schipper 2013, p. 160.

34 ISGF, Hauptamt 6, Schreiben des Oberbürgermeisters der Stadt Frankfurt an den Regierungspräsidenten in Darmstadt, Vorordnung zum Schutze der Jugend und des öffentlichen Anstandes für das Gebiet der Stadt Frankfurt am Main, 5.4.1984. Regarding the regulation of prostitution in Frankfurt am Main see Koch 2012, p. p. 270–281 and Molloy 1992.

35 Kreuzer 1980, p. 147.

36 Thomas 1982, pp. 52–53.

strued heroin users as highly active criminals beyond violating the Federal Narcotics Law, resulting in stronger controls of users.

In late 1970s and early 1980s, the discourse surrounding heroin use made heroin users the object of two different kinds of power. On the one hand, local drug policy was about the control of the urban space, for the heroin scene was regarded as a threat to the public order. This discourse focused on the presence and movements of the heroin scene in the city and made junkies part of spatially entangled areas of crime and insecurity. On the other hand, the framing of heroin use by the state government focused on individual addicts and was driven by a more biopolitical concern, for it focused on saving individual lives and enabling users to reintegrate into the hegemonic social order. As security arguments played a decisive role in both discourses, extraordinary measures such as involuntary commitment into psychiatric clinics appeared to be legitimate to solve the problems associated with heroin use. In Frankfurt am Main, both discourses resulted in two interconnected security practices.

3 Spatial control and involuntary commitment: practices against heroin users around 1980

In the 1970s and 1980s, keeping control over the urban space became a central concern of state authorities facing a series of urban phenomena which seemed to undermine the public order.³⁷ From the perspective of local authorities in Frankfurt am Main, these spatial challenges included such different phenomena as the squatter movement, the strong and violent protests against the expansion of Frankfurt International Airport (*Startbahn West*) and the “massive disturbance of public security” in the *Bahnhofsviertel*.³⁸ In this context, both the Frankfurt police and the Wallmann administration intensified their efforts to dissolve the city’s heroin scene by intensifying spatial policing and trying to obtain involuntary commitments of junkies in rehab clinics.

The Frankfurt police began to increase pressure on the city’s heroin users by reinforcing surveillance and control measures as part of an “immediate action program to intensify police operations against drug crimi-

37 Friedrichs 2013; Weinhauer 2013.

38 ISGF, Hauptamt 6, Bericht des Polizeipräsidenten Frankfurt am Main über das Bahnhofsviertel an den Regierungspräsidenten in Darmstadt, 27.8.84.

nality” by the Hessian minister of the interior.³⁹ In trying to address the insecurities associated with the presence of heroin users in the urban space, these measures culminated in the attempt to banish the local heroin scene, the *Haschischwiese* in the *Bockenheimer Anlage*, from the urban public. In February 1980, the police commissioner ordered a series of concerted actions by the city’s police forces in order to fully dissolve the *Haschischwiese*.⁴⁰ Starting on February 11, 1980, about 30 officers permanently controlled heroin users over a period of several months, carrying out more than 30,000 controls and hundreds of arrests and criminal charges in 1980 alone. These measures resulted in a sharp rise of convictions. In 1977, seven percent of the prison population in the state of Hesse had been sentenced based on the Federal Narcotics Law. This proportion increased to 22 percent four years later.⁴¹ The police forces considered this operation to be a success, for they associated, for example, a decline in shoplifting in spring 1980 with the dissolution of the scene.⁴²

Against the background of intensified spatial policing, the Hessian state expanded drug counselling and addiction treatment. Following the dominating therapeutic treatment paradigm, the so-called “therapeutic chain,”⁴³ the state government and the city administration tried to establish a consistent treatment system ranging from drug counseling centers and withdrawal clinics to long-term therapies and aftercare assistances.⁴⁴ This expansion was accompanied by the city administration’s support of the intensified police controls. The head of the office for social welfare (*Fürsorgeamt*), who was in charge of coping with drug addicts in Frankfurt, initiated a coordinating committee between the police department and several municipal offices. The city administration was committed to improving the administrative proceedings regarding addicts taken into custody by police controls. As supported by the Hessian state government, the city officials intended to adopt the *Hessisches Freiheitsentziehungsgesetz (HFEG)*,

39 Regarding this program see „In Hessen mehr schlagartige Razzien gegen Rauschgiftthändler.“ *Frankfurter Allgemeine Zeitung*, 20.9.1979, p. 7, and Hessischer Landtag, Drucksache 9/6365, pp. 28–30.

40 Thomas et al. 1982, pp. 74–79.

41 Hessischer Landtag, Drucksache 9/6365, Anlage 1.

42 Thomas et al. 1982, p. 53; „Seit zwei Wochen ist die Haschischwiese überall“, *FAZ*, 27.2.1980, p. 33.

43 Schmid, Drogenhilfe, p. 169.

44 ISGF, Fürsorgeamt 4.454, Bericht des Magistrats auf eine Anfrage der SPD-Fraktion zur Rehabilitation Drogenabhängiger, 8.5.1981.

allowing compulsory actions against heroin users who “pose a danger for public security and order.” The health office believed the requirements of *HFEG* to be fulfilled when a physician had diagnosed a person to be heroin addicted. Thus, *HFEG* should be adopted without giving other reasons for the supposed danger of the addict.⁴⁵ This procedure was agreed upon by the police, the offices for health and order and the district court. The aim of these measures was to isolate addicts from the scene for a longer period of time. The police calculated that the situation in the *Bahnhofsviertel* would improve if the involved authorities removed two to three addicts from the scene per day. Reservations towards coercion should therefore be overcome, as argued by the head of the *Fürsorgeamt*: “The aim is to set aside existing timidities concerning coercive measures and to recognize that in lots of cases the compulsory removal from the milieu means the first step towards a successful treatment.”⁴⁶

In practice, the cooperation between the different local authorities did not run very smoothly. The Frankfurt police repeatedly complained about finding junkies back on the scene who had just been removed a few days earlier. The office for welfare criticized district judges for too often refusing to order compulsory commitments, and social workers generally preferred voluntary treatment over compulsion. However, these activities show the strong commitment of local authorities to solve the problem with the heroin scene by coordinating police controls and involuntary commitments of heroin users into withdrawal clinics based on *HFEG*. Practices of criminal persecution and spatial policing on the one hand, and disciplining drug addicts by involuntary commitments on the other, were therefore strongly interconnected. Both practices aimed at making heroin users invisible by dissolving the scene and committing addicts to the closed wards of psychiatric clinics.

In the early 1980s, the strategy of connecting coercion and treatment regarding drug addicts was not restricted to Frankfurt am Main. There was a

45 ISGF, Fürsorgeamt 4.454, Ergebnisprotokoll über eine Besprechung zwischen Vertretern des Ordnungs-, Sozial- und Gesundheitsamtes, sowie des Amtsgerichts vom 25.1.1982, betr. Lösungsmöglichkeiten für eine bessere Zusammenarbeit bei der Bekämpfung der Rauschgiftkriminalität, 26.1.1982.

46 ISGF Fürsorgeamt, 4.454, Ergebnisprotokoll über ein Gespräch zwischen Vertretern des Ordnungs-, Sozial- und Gesundheitsamtes, der Polizei, der Kriminalpolizei und des Unterausschusses Sucht des Psychosozialen Ausschusses der Stadtverordnetenversammlung am 10.8.1982, betr. Drogenabhängige im Bahnhofsbereich, 17.8.1982.

general tendency in West German drug politics towards the idea of “*helfender Zwang*” (helping by coercion), that is combining criminal persecution and social welfare measures such as addiction treatment. In 1982, the *Bundestag* passed a reform of the Federal Narcotics Law under the label “*Therapie statt Strafe*.” Judges were now able to order therapy instead of imprisonment.⁴⁷ Because of this legal reform, the percentage of users attending a treatment program on a voluntary basis declined from circa 75 percent in 1977 to under 50 percent in 1980. In some institutions, only one out of 10 addicts were treated voluntarily, that is without any judicial obligations.⁴⁸

The results of the drug policy in Frankfurt did not improve the situation of heroin users, nor did it reduce the number of users in the public space. Due to heightened pressure, heroin users were forced to spread into other areas of the city. At the end of the 1980s, a new meeting place emerged in the *Taunusanlage*, a public park between *Opera Square* and *Kaiserstraße*. At constant risk of being arrested, heroin users were always on the move, paid higher prices for dope of less quality, were forced to shoot up in highly stressful situations and compensated withdrawal symptoms by taking other sedative drugs in times of low heroin supply. This situation heightened the risk of abscesses, infections and overdose emergencies. Even before the appearance of AIDS, the annual mortality rate of German heroin addicts was two to three times higher than that of the rest of the population. Drug policies based on spatial policing and *helfender Zwang* therefore did not only reinforce the social marginalization and deprive heroin addicts of basic rights, critics argued; strong police pressure also contributed to worsening their health conditions.⁴⁹

While some proponents of repressive strategies in drug politics might have seen these devastating effects as a success, because they separated the heroin scene from other subcultures and deterred youths of turning to heroin,⁵⁰ drug policies such as those adopted by the city of Frankfurt hardly complied with the needs of addicts on the scene. At the beginning of the 1980s, social research found that both drug counselling centers and treatment institutions only reached a very small number of heroin users, indi-

47 Schmid 2003, pp. 175–178.

48 These numbers refer to different local treatment institutions in Hamburg and Bremen. See Bossong 1983, p. 33.

49 See Bossong et al. 1983; Scheerer 1989, pp. 292–298.

50 Id., p. 290.

cating that the whole system of drug counselling and addiction treatment was out of contact with their potential clients.⁵¹ Around 1980, local authorities in West Germany therefore tried to change this situation by financing street workers who tried to build contacts with heroin addicts on the streets. In 1983, the city of Frankfurt began to finance a street worker program in the *Bahnhofsviertel*, the so-called “M41,”⁵² which aimed at restoring the trust of addicts in state sponsored treatment institutions.

Compared to drug policies in other German and European cities, the strategy adopted by the authorities in Frankfurt am Main appears to be very repressive. According to Klaus Weinhauer, the West Berlin senate had adjusted its confrontational strategy towards the city’s junkies in the late 1970s, paving the way for a more liberal culture in coping with heroin addicts. Weinhauer argues that this culture resembled policies in cities such as London, which were generally more orientated towards communication, trust and mutual acceptance.⁵³ Drug policy in Frankfurt am Main demonstrates that local politicians and city officials had chosen a different route. Although the city administration also expanded the number of drug counselling centers, the strategies against the heroin scene were mainly based on practices aiming at regaining control over the spaces of heroin use and forcing addicts into treatment. During the 1970s, the way the marginalized group of heroin users were governed therefore hardened considerably, for they were subject to state-centered policies, increased coercion and social exclusion. These policies did not only have strong negative effects on the junkies’ health. It also restricted their political agency. Efforts by some Frankfurt activists to found and run a “junkie union” based on the model of Dutch junkie activism failed due to strong exclusion and lacking support from more powerful political actors.⁵⁴

In the city of Frankfurt, this situation did not change until the emergence of the AIDS epidemic, when the debates about HIV/AIDS prevention resulted in more liberal and inclusive approaches towards drug addicts. These reconfigurations, however, were not simply introduced by state officials, as we will see. They rather had to be fought for by self-help groups and critics of the city’s drug policy.

51 Bossong 1983, pp. 29–32.

52 ISGF, Fürsorgeamt 4.464, M41 – Aufsuchende Drogenhilfe in Frankfurt, Tätigkeits- und Erfahrungsbericht 1983, 5.1.1984.

53 Weinhauer 2010, p. 287; see also Weinhauer 2006.

54 Scheerer 1984; for the more successful Dutch junkie unions see Blok 2011.

4 Challenging 'security': shifting power relations in the context of the emerging HIV/AIDS epidemic

Starting in 1985/6, controversies over HIV/AIDS prevention fundamentally challenged the way of coping with heroin users in Frankfurt am Main. While the city administration identified heroin addicts as “high risk groups” and transferred the security logic of its drug policy to AIDS prevention practices, self-help organizations founded by gay men, the largest group affected by HIV/AIDS, organized strong protest against these procedures. In questioning the rationality of the city government’s AIDS policy, these grass-roots initiatives not only promoted new drug policies but also provided a new political environment for heroin users by engaging in a politics of antidiscrimination for people directly affected by the epidemic.

Besides gay men, heroin users were the group most affected by HIV/AIDS. After having detected a human retro virus as the causal agent of AIDS, the sharing of syringes was believed to be the main vector of virus transmission for heroin users. When AIDS emerged as an issue of public health in West Germany around 1982/83, however, it mainly appeared to be a disease spread by sexual practices of gay men. The West German mass media reported about a so-called “gay plague” reaching Europe from the United States, depicting AIDS as a dangerous disease of gay men that seemed to necessitate harsh interventions into gay communities. In order to oppose both the spread of HIV and AIDS-related discrimination, West German gay activists engaged in AIDS discourses, founded self-help organizations and promoted individual preventive behavior such as “safer sex”. These strategies proved to be quite successful as gay AIDS activists and organizations started to play an influential role in the emerging AIDS expert networks.⁵⁵ In the mid-1980s, at the time when the health administration in Frankfurt began to systematically address HIV/AIDS, the city’s gay scene therefore did not appear as a field of intervention. In contrast, the local public health authority experienced homosexuals as reliable, health-conscious men who were eager to take responsibility for themselves by raising awareness for AIDS prevention within the city’s gay community.⁵⁶ In this context, the city’s health department began to cooper-

55 Haus 2016.

56 ISGF, Stadtgesundheitsamt (StGA) Sachakten 632, Bericht Deutscher, Überwachung von AIDS-Risikogruppen, 13.8.86.

ate with *AIDS-Hilfe Frankfurt* (AHF) and agreed to cover part of its expenses.⁵⁷ On August, 23 1985, the mayor, several city offices, regional medical associations, the university hospital and the AHF founded a so-called “AIDS-coalition,” thereby integrating gay AIDS activists into the local public health system.⁵⁸

At about the same time, the municipal health office began to direct its attention towards male and female sex workers. In the mid-1980s, prostitution attracted much attention when the media began to speculate about the spread of AIDS into parts of the society that had not been believed to be at risk so far. Prostitutes were believed to be a “reservoir for Aids,”⁵⁹ spreading the virus from risk groups into the general population, as the *Frankfurter Allgemeine Zeitung* claimed in September 1985. In this context, the health office organized a survey to gain knowledge about the spread of HIV, then called LAV/HTLV-III, among the city’s more than 1,000 registered male and female sex workers.⁶⁰ This survey resulted in the identification of a specific group of people in Frankfurt whom the administration considered to pose a severe threat. It found that the general prevalence of LAV/HTLV-III among the tested population was very low, while 60 percent of the positively tested persons were female street prostitutes with intravenous drug addiction.⁶¹ Interpreting these results in February 1986, the head of the health office wrote that “the risk groups, which were considered to be exceptionally endangered a year ago, have now to be reevaluated.” From then on, rather than solely addressing gay men, the authorities were intended to focus on “persons with intravenous drug addiction” in general and heroin-addicted persons financing drugs by prostitution, or so-called “*Beschaffungsprostituierte*,” in particular. The latter “pose an imminent threat for third parties” because they were “practically

57 See ISGF, StGA Sachakten 635, Vermerk Hartwig, Beurteilung der AIDS-Hilfe Frankfurt, 25.10.85; Vermerk über ein Gespräch zwischen dem Gesundheitsdezernenten Rhein, dem Leiter des STGA Schildwächter und der AIDS-Hilfe Frankfurt, 26.2.86.

58 See „Beratungsstelle soll Fragen über Aids auffangen.“ *Frankfurter Allgemeine Zeitung*, 24.8.1985; ISGF, StGA Sachakten 635, Zusammenarbeit des Stadtgesundheitsamtes mit der AIDS-Hilfe Frankfurt, Vorbereitung der Sitzung am 9.3.87.

59 „Die Prostitution – ein Reservoir für Aids.“ *FAZ*, 25.9.85.

60 ISGF, StGA Sachakten 633, Rundbrief Schildwächters betr. geplante Untersuchung von Prävalenz des HTLV III Virus unter Prostituierten, o.D. [August 1985].

61 ISGF, STGA Sachakten 633, Schreiben Schildwächters an Dr. Rappich und Dr. Staszewski, betr. Untersuchung auf HTLV-III-Antikörper, 4.12.85.

inaccessible” for any kind of education regarding infection risks and preventive behavior.⁶²

In the following months, this knowledge about high infection rates among “inaccessible” heroin-addicted sex workers strongly influenced the making of the city administration’s HIV/AIDS policy. While HIV-positive prostitutes without a drug addiction did not have to fear coercion for they were believed to comply with safer sex rules, using condoms was not an option for *Beschaffungsprostituierte*. Concerning this group, city officials had to “acknowledge the behavioral unreliability due to drug addiction,” as mayor Wolfram Brück wrote in August 1986 to the Hessian Minister for Social Affairs, explaining the city’s HIV/AIDS strategy.⁶³ The city administration therefore planned to convince heroin-addicted persons to entirely abandon prostitution. In a second step, the city officials intended to carry out coercive actions based on the Federal Contagion Law, such as compulsory blood testing, against those “undiscerning and reckless” persons who did not comply with the instructions given by the health office.⁶⁴ In extreme cases, this explicitly included “lifelong quarantine,” as the head of the health department, Peter Rhein, stated in a press conference, without stating exactly what this would mean for infected persons considering the lack of medical treatment.⁶⁵

Planning coercive measures against so-called “risk groups” and HIV-positive persons believed to be unreliable or inaccessible for education messages was a highly controversial issue in political debates about AIDS prevention throughout the 1980s.⁶⁶ On the level of national politics, the Bavarian state government was the most powerful proponent of adopting the Federal Contagion Law in the case of HIV/AIDS. In deciding to focus on identifying and intensely controlling “high risk groups” believed to endanger the general population, the city administration in Frankfurt decided

62 ISGF, StGA Sachakten 636, Schreiben Schildwächters an das Ordnungsamt, betr. Zusammenhänge zwischen Drogenabhängigkeit und Prostitution, 21.2.86 und 12.3.86.

63 ISGF, StGA Sachakten 629, Brief des Oberbürgermeisters Brück an den Hessischen Sozialminister, Maßnahmen gegen die Verbreitung von Aids – Zusammenhänge zwischen Drogenabhängigkeit und Prostitution, 29.8.86.

64 ISGF, StGA Sachakten 632, Schreiben Stadtrat Rhein an Stadtrat Brück, betr. Maßnahmen gegen Angehörige von besonderen Risikogruppen, 16.6.1986.

65 „Ärzte und Behörden schlagen wegen rasanter Aids-Ausbreitung Alarm“. *Frankfurter Allgemeine Zeitung*, 3.10.86.

66 For a general overview see Geene 2000; Reutter 1992; Tümmers 2012.

to follow a similar HIV/AIDS policy. The image of the “undiscerning” heroin addicted prostitute, unable to act responsibly, strongly corresponded with the idea of the junkie “unwilling” to undergo voluntary treatment. From the perspective of city officials, “unwilling” or “undiscerning” junkies posed a threat to others and justified coercive interventions in order to protect others.

In contrast to the strategy against the heroin scene around 1980, though, strong actions against heroin addicts faced resistances in the context of HIV/AIDS. In September 1986, city officials brought certain heroin-addicted sex workers to the health office in order to detect their HIV blood status.⁶⁷ In this context, measures by health officials and the railway police against 10 male sex workers at the main station, conducted on September 17, 1986, attracted much media attention and led to a local and national wave of protest against the city administration’s practices in AIDS prevention.⁶⁸ The social-democratic and green opposition in the city parliament strongly criticized the health office for implementing a senseless, counterproductive AIDS policy.⁶⁹ The *AIDS-Hilfe Frankfurt*, after having unsuccessfully protested in writing, declared the “AIDS-coalition” to be broken, because state coercion, as the *AIDS-Hilfe* publicly stated, undermined its efforts in AIDS prevention based on trust and cooperation.⁷⁰ In protest writings to the Frankfurt health office, a series of different actors, ranging from local health authorities to many local *AIDS-Hilfe* organizations, demanded the halt of these compulsory measures. Coercion was highly ineffective, as the health authority of Bremen criticized, for it undermined AIDS education based on anonymity and trust, leading only to

67 ISGF, StGA Sachakten 632, Stadtrat Prof. Dr. Rhein, Maßnahmen gegen die Verbreitung von AIDS, Ergebnis einer Besprechung vom 17.9.86, 18.9.86; Vermerk Forßbohm, GK-Abteilung, Maßnahmen gegen die Verbreitung von AIDS, 19.9.86.

68 See „Blutprobe wegen AIDS-Verdacht im Bahnhof.“ *Frankfurter Allgemeine Zeitung*, 19.9.1986; “Razzia am Hauptbahnhof: Strichjungen auf AIDS untersucht.“ *Frankfurter Rundschau*, 19.9.1986; “‘Strichjungen’ mußten Blut für AIDS-Kontrolle lassen.“ *Frankfurter Neue Presse*, 19.9.1986; „Am Ende des Vertrauens. Frankfurts Prostituierte müssen zum Aids-Test.“ *Die Zeit*, 24.10.86.

69 „Strichjungen sind für Aufklärung unzugänglich“, *Frankfurter Rundschau*, 20.9.1986; ISGF, StGA Sachakten 632, Anfrage der Grünen im Römer, betr. Razzia des Gesundheitsamtes am Südeingang des Hbf, 23.9.86.

70 Proteste gegen AIDS-Razzia im Bahnhof, *Frankfurter Allgemeine Zeitung*, 25.9.86; „AIDS-Hilfe will eigene Wege gehen“, *Frankfurter Allgemeine Zeitung*, 4.2.87.

the “retreat of affected persons into invisibility,” with the dangerous effect of making any form of prevention in these groups impossible.⁷¹

Being quite representative for the AIDS debate in the 1980s, this criticism expresses how a broad political coalition questioned the effectivity of coercive measures against people with HIV/AIDS. Arguing that coercion weakened state control for it pushed affected people into “invisibility” indicates a general shift in addressing heroin addicts. *Firstly*, visibility was made an important precondition of effective AIDS prevention. While up until the early 1980s, drug policies in Frankfurt had aimed at banning heroin use from the public space, heroin users now ought to stay visible and accessible for prevention campaigns and education work. This approach implicitly accepted the presence of heroin users at public meeting places. *Secondly*, concrete measures recommended by actors such as the *AIDS-Hilfen* practically undermined the idea of heroin addicts being “unwilling” or “undiscerning,” the city’s legitimation of coercive measures in both drug policy and AIDS prevention. Backed by successes of safer sex campaigns in gay communities, the *Deutsche AIDS-Hilfe (DAH)*, the national umbrella organization of the local *AIDS-Hilfen*, for example, began to recommend so-called “safer use” programs, which could provide heroin consumers with sterile needles in order to stop HIV transmission via needle sharing.⁷² The *DAH* believed this measure to be quite effective, for it assumed, in contrast to city officials and mainstream drug experts, that heroin users were indeed “accessible for assessing and evaluating infection risks.”⁷³ By reframing heroin users as rational subjects, the *DAH* promoted a fundamentally different idea of drug addiction than embodied in policy documents by both the Hessian state government and the Frankfurt city administration, which considered addiction as a strong restriction of the junkies’ capacity for reasonable decision-making. In 1988, after AIDS expert commissions had recommended the provision of sterile needles,

71 ISGF, StGA Sachakten 636, Brief der AIDS-Beratungsstelle des Hauptgesundheitsamtes der Stadt Bremen an den Gesundheitsdezernenten Rhein, 6.10.86. The other protest writings can be found in ISGF, STGA Sachakten 635.

72 Deutsche AIDS-Hilfe 1987, pp. 15–17.

73 Ahrens/Michels 1988, p. 19.

too,⁷⁴ the city officials began to fund the *Verein für Arbeits- und Erziehungshilfe* in order to start a corresponding program.⁷⁵

As the wave of criticism against the administration's measures regarding male sex workers indicate, self-help networks, especially the *AIDS-Hilfen*, played a decisive role in organizing protest against coercive measures. The *AIDS-Hilfen* thereby did not only challenge the security framing of heroin addicts by questioning its efficiency. They also claimed to articulate political demands of those groups mostly under pressure from both the disease and state authorities. This partisanship did not only include gay men, but also sex workers and heroin users. Thus, heroin users for the first time gained a strong political representation in political controversies about AIDS prevention and drug politics in general. As a direct reaction to state and city administrations planning to adopt the Federal Contagion Law against people they believed to be "undiscerning", the *DAH* organized a political action day called the "solidarity of the undiscerning" in Frankfurt am Main on July 9, 1988, bringing together not only gay and prostitution activists and social workers, but also national politicians in support of the *DAH's* concerns, such as the social democrat, and later mayor of Frankfurt, Volker Hauff. Speakers expressed their strong disapproval of labeling and excluding people as undiscerning and unteachable and tried to motivate sex workers, gay men and heroin users for a common "politics of encouragement and anti-discrimination."⁷⁶ In the following years, such claims resulted in the emergence of distinct identity politics for HIV-positive people, institutionalized in so-called "national assemblies of positives." These assemblies tried to participate in national health politics by formulating political claims in the name of people with HIV and AIDS. These *AIDS-Hilfe* activities created a new political environment for heroin users because they also gave junkie initiatives such as "JES – Junkies, Ex-Users, Substitutes" the opportunity to publicly demand treatment innovations and the decriminalization of heroin use.⁷⁷

Until the introduction of methadone programs, the willingness and potential of heroin users to participate in self-help initiatives was much less

74 Deutscher Bundestag 1988, p. 12.

75 ISGF, StGA Sachakten 632, Rhein an Sozialdezernat, Spritzenaustauschprogramm für i.v. Drogenabhängige zur Aids-Prophylaxe, 15.4.88.

76 These were the words of the *DAH's* expert for drugs, Helmut Ahrens, see: Deutsche AIDS-Hilfe, Solidarität, p. 13.

77 See the documentation Deutsche AIDS-Hilfe 1990; see also Hermann 1990, p. 34.

profound than that of gay men due to their strong social exclusion, criminalization and the effects of addiction. However, the activities of AIDS self-help groups claiming to represent heroin users discriminated as “undiscerning” show how power relations in drug politics have changed in the context of the HIV/AIDS epidemic. Heroin users gained an influential (and well-financed) political advocate. The model of AIDS prevention promoted by the *AIDS-Hilfe* networks undermined stigmatizing images of heroin addiction by considering heroin users as subjects capable of taking reasonable action, such as using sterile needles. Rather than considering addicts as threats to the urban space, HIV/AIDS prevention was based on strategies of acceptance, trust and communication. In this context, both the *AIDS-Hilfen* and junkie initiatives formulated claims to liberalize West German drug politics in general. As we will see, this new political situation eventually resulted in reconfiguring drug policies in Frankfurt, for critics of the city administration’s AIDS policy also became the most ardent proponents of harm reduction.

5 Making the case for survival: the establishment of harm reduction policies, 1988-1991

Around 1990, the political controversies about HIV/AIDS and heroin addicts underwent a profound transformation. Discourses on heroin use, which had strongly overlapped with discourses on HIV/AIDS for some years, now shifted to problematizing the worsening living conditions of heroin users in general. In this context, “harm reduction,” a drug policy paradigm mainly focusing on improving the health of heroin users, gained much influence. In 1989, Frankfurt am Main became one of the first cities in Germany to systematically adopt harm reduction policies. This approach reconfigured the ways of governing heroin users because it questioned well-established framings and practices.

In March 1989, the social democrats and the greens won the local election in Frankfurt am Main and agreed upon creating a new city government under the leadership of social-democratic mayor Volker Hauff. Already in the years before the election, Volker Hauff and the new head of the department for health, the green politician Margarethe Nimsch, had been promoting alternative approaches in drug politics. It was no surprise, therefore, that the new mayor declared that his administration wanted “to go new ways in drug politics,” because he considered existing approaches

to have failed and to be ineffective in achieving sustainable solutions for the city's heroin scene.⁷⁸ One of the first drug-related decisions of the new government concerned the reorganization of responsibilities in drug issues. By creating the “*Drogenreferat*,” a new division in Nimsch's department which ought to coordinate the city's drug policies, the city government transferred responsibilities from the department of social affairs to the health department. This institutional rearrangement indicated that the new administration wanted to address drug issues from a more health related perspective.⁷⁹

In 1989, highlighting health aspects in drug politics referred to the worsening living conditions in the city's heroin scene. Although the bad health conditions of junkies had been known to Frankfurt drug experts since the mid-1970s,⁸⁰ improving the heroin user's health had always been subordinated to the aim of abstinence. Measures that did not contribute to drug abstinence were strongly rejected for not aiming at the supposed cause of the junkies' miserable condition: addiction to heroin. At the time when Hauff and Nimsch took office, reports about the heroin scene showed strong tendencies of physical deterioration of junkies, especially of those long-time addicts who had no home and frequented the scene daily.⁸¹ Even more disturbing was the dramatic and unforeseen rise in death cases related to so-called “accidental overdoses.”⁸² The Federal Police counted 1,000 drug-related deaths in Germany in 1989, which rose to 1,491 in 1990. Within the next year, this number further increased by more than 42 percent to its all-time peak of 2,125 deaths. In the city of Frankfurt, the police counted 62 such deaths in 1988, 108 in 1990, and 147 in 1991, which meant that the police found two to three dead bodies related to the consumption of heroin on average per week during that year.⁸³ Such developments shifted attention in debates about drug policies. While the

78 „Frankfurt braucht das soziale, ökonomische und ökologische Gleichgewicht. Kommunalpolitischer Situationsbericht des Oberbürgermeisters Volker Hauff.“ *Amtsblatt für Frankfurt am Main* 25/1990: 481-497, quote p. 491.

79 See ISGF, Hauptamt 38, Mit Drogenabhängigen leben! Rahmenplan zur Gestaltung der Drogenpolitik in Frankfurt am Main, 29.4.1991.

80 Berger/Zeitel 1976, pp. 163–164.

81 See ISGF, Büro OB Schoeler 4, Irmgard Voigt, Abschlussbericht der Studie ‚Offene Drogenszene in Frankfurt am Main‘, Mai 1992.

82 See Schmid 2003, pp. 197–198.

83 ISGF, Hauptamt 38, Kurzanalyse Rauschgifttote in Frankfurt am Main 1993, 27.1.1994.

question of how to prevent HIV/AIDS from spreading in the group of heroin users had dominated discussions in previous years, HIV/AIDS now became part of a much larger concern: heroin users' chances of survival.

The rising mortality rate in the group of heroin users stimulated fundamental criticism of existing drug policies among drug experts, social workers and local politicians across the country. Critics of existing drug policies claimed both criminalization and the aim of abstinence institutionalized in the addiction treatment system were responsible for the worsening health conditions of users. Until the appearance of HIV/AIDS, a majority of the addiction treatment experts had considered a "consciously experienced level of suffering" (*Leidensdruck*) as a necessary motivational precondition for withdrawal treatment and psychological therapy. Thus, a certain degree of personal misery was considered the precondition of kind of assistance.⁸⁴ Having to face high HIV infection rates and thousands of drug-related deaths made many actors rethink this kind of approach. One of the most radical criticisms was formulated by the *Deutsche AIDS-Hilfe*. Its "drug strategy paper" of 1988 made "conventional drug policies," repression and an "absolutized need for security" responsible for the severe "health crisis" of heroin users. Formulating "a claim to survive" in the name of junkies, the paper demanded a general paradigm shift away from securitization and criminalization towards a drug policy that focused on stabilizing the users' health rather than penalizing them or forcing them into abstinence. Concretely, the DAH asked for a broad portfolio of harm reduction measures, or in terms more common in West German discussions, "low-threshold" assistances for heroin users, including methadone maintenance programs, "crisis intervention centers," legal counselling, self-help projects and meeting places such as junkie cafés.⁸⁵

As these demands indicate, proponents of harm reduction tried to establish a new way of governing drug addiction. In contrast to drug policies based on security, criminalization and abstinence, harm reduction followed, in Foucauldian terms, the logic of governmentality.⁸⁶ While the former intervened into heroin scenes in order to alter the reality of drug consumption and addiction according to a strict normative idea of the social, the idea of a drug-free society, harm reduction proponents intended to set these ideals aside. In April 1991, the red-green government in Frank-

84 Berger/Zeitl 1976, p. 167.

85 Ahrens/Michels 1988, quotes on pp. 15, 16, 19, 24.

86 Foucault 2006.

furt stated that “the attempt to eliminate drugs and drug consumption from our culture has failed ... Instead of denying this fact, we should create conditions that enable us to diminish risks, limit harm and reduce suffering.”⁸⁷ Thus, harm reduction approaches accepted the reality of drug use in order to be able to influence certain unfavorable phenomena, such as the worsening health conditions of addicts.

This reorientation also implied a new framing of heroin use. In 1990, social scientist Heino Stöver, a strong proponent of harm reduction at that time, argued that addiction did not necessarily mean a heteronomous condition of unfreedom rooted in a disorder of the user’s personality. Stöver preferred a less dramatic idea of addiction. Rather than seeing addiction as a life-long enslavement to drugs, Stöver highlighted that there were elements of autonomy and responsibility in the drug addict’s behavior despite addiction-related constraints. He considered addiction as a “form of human expression,” a way of life characterizing certain biographical phases. For professionals, “acceptance-driven drug work” (*akzeptierende Drogenarbeit*) was therefore about accompanying addicts in this biographical phase, about overcoming the “object status” of addicts and promoting their individual capacities and “self-healing powers.” Stöver believed that this new approach had a better chance of being accepted by drug consumers than therapies strictly aiming at abstinence. He argued that harm reduction “is about accepting drug consumption of those people who cannot or do not want to stop consuming. It is about creating low-threshold offers in order to make contact with these kinds of users.”⁸⁸

Initiated by the controversies about HIV/AIDS prevention, this new paradigm strongly broke with concepts of West Germany drug politics in general and Frankfurt am Main in particular. Rather than legitimizing coercive state intervention by pathologizing heroin users or depicting them as threats to public security, the paradigm of harm reduction desecuritized heroin use in terms of dedramatizing and normalizing heroin use and addiction, arguing that heroin addicts were able to make their own responsible decisions – including the decision to continue using heroin. Proponents of harm reduction such as Heino Stöver and the *DAH* therefore demanded a more liberal and tolerant culture in treating heroin addicts by respecting their decisions, their way of life and their “right to humane,

87 ISGF, Hauptamt 38, Mit Drogenabhängigen leben! Rahmenplan zur Gestaltung der Drogenpolitik in Frankfurt am Main, 29.4.1991.

88 Stöver 1990, quotes on pp. 14–15, 21.

healthy and social living conditions.”⁸⁹ By liberalizing the way of coping with heroin addicts, however, harm reduction proponents also hoped to increase the outreach and efficiency of drug assistances compared to policies based on the logics of security and abstinence. In this regard, harm reduction was about expanding rather than limiting state control of heroin addiction by adapting drug policies to the potentials and capacities of heroin users.

Although the new city government in Frankfurt did not follow these arguments in every respect, Volker Hauff and Margarethe Nimsch were generally in favor of de-dramatizing heroin users and therefore tried to orientate the city’s drug policy towards harm reduction. On the one hand, they established four “crisis centers” run by various non-governmental organizations such as the local *AIDS-Hilfe*. Each of these centers provided users with stress-free places near the scene where they should feel accepted and where they found overnight accommodation and hygiene facilities (but where they were not allowed to deal or consume drugs).⁹⁰ With regard to methadone, the red-green city government had to face the strong opposition of federal and regional medical associations, which had reservations towards maintenance therapies.⁹¹ The health department therefore made strong efforts to thoroughly coordinate its plan with the Hessian medical association, the health insurances and the Hessian state government. After long discussions, the involved institutions agreed upon introducing a medically controlled “methadone-based drug assistance” (*methadonbasierte Drogenhilfe*) in 1991.⁹² In contrast to a previous “high-threshold” program, the methadone-based drug assistance was not restricted to prostitutes with HIV-drug addiction.⁹³ As an “aid for survival” (*Überlebenshil-*

89 Id., p. 15.

90 See ISGF, Hauptamt 40, Drogenreferat der Stadt Frankfurt, Tätigkeitsbericht 1.10.92 bis 31.12.93, 22.4.94.

91 See „Ersatzdrogen. Stellungnahme des gemeinsamen Arbeitskreises des Wissenschaftlichen Beirates und des Ausschusses für ‚Psychiatrie, Psychotherapie und Psychohygiene‘ der Bundesärztekammer.“ *Deutsches Ärzteblatt* 5, 4.2.1988; ISGF, Stadtverordnetenversammlung 4.401, Presseerklärung der Landesärztekammer Hessen, betr. Methadonsubstitution, 28.11.1987.

92 ISGF, Büro OB Schoeler 2, Rahmenvertrag über die Verordnung, Vergabe und Verabreichung von Methadon (L-Polamidon) zum Zweck der Substitution Heroinabhängiger in Hessen, 27.6.1991.

93 See ISGF, StGA Sachakten 631, StGA AIDS Arbeitsgruppe – Ambulanz für medikamentengestützte Hilfe zum Ausstieg aus der Beschäftigungsprostitution, 12.9.88.

fe), the program was run at the four crisis centers and principally addressed all heroin addicts.

The city's new drug policy based on harm reduction principles achieved imminent success when measured by the number of drug-related deaths, the number which had given local drug politics its strong dynamic in 1989/90. In 1992, the Frankfurt police counted 127 death cases, a decrease by 13 percent compared to 1991. This reduction was even higher in 1993, when there were 68 deaths by overdose, a decrease by 46 percent compared to the previous year.⁹⁴ At the same time, the number of ambulance calls due to drug-related emergencies also decreased drastically. Regarding social assistances, the *Drogenreferat* reported that "addiction accepting and pragmatic assistances" had sustainably broken the "deep social isolation especially of long-term intravenous drug addicts."⁹⁵

As these numbers indicate, harm reduction measures introduced by the red-green city government strongly improved the health situation of the city's junkies. In late 1991 and early 1992, however, reports about the heroin scene showed that parts of the city's users were still not responding to the existing assistances because they were neither willing to substitute heroin for methadone nor to be socially reintegrated. Social researchers especially highlighted the miserable situation of homeless addicts who suffered from high HIV infection rates. In order to reach out to these persons, they recommended the expansion of harm reduction measures, for example, by providing addicts with clean heroin and safe consumption sites under medically controlled conditions.⁹⁶ Other actors in the field of local drug politics reminded the city administration, though, that the effects of expanding medical assistances were limited. In a letter to the city administration, the director of the *Verein für Arbeits- und Erziehungshilfe (VAE)*, which ran one of two crisis centers in the *Bahnhofsviertel*, stated that "the bad general health of junkies results not least from the illegality of their activities. Therefore, the improvement of medical care cannot replace efforts to reform the Narcotics Law."⁹⁷

94 ISGF, Hauptamt 38, Kurzanalyse Rauschgifttote in Frankfurt 1993, 27.1.94.

95 ISGF, Hauptamt 40, Drogenreferat der Stadt Frankfurt, Tätigkeitsbericht 1.10.92 bis 31.12.93, 22.4.94.

96 ISGF, Büro OB Schoeler 4, Irmgard Voigt, Abschlussbericht der Studie 'Offene Drogenszene in Frankfurt am Main', Mai 1992, p. 2-3.

97 ISGF, Büro OB Schoeler 4, Schreiben des Vorsitzenden des VAE an das Büro des Oberbürgermeisters, betr. Ausbau der Drogenhilfe in Frankfurt am Main, 20.1.92.

In the course of 1992, these demands for decriminalizing junkies, however, did not resonate with the city's political leaders. In contrast, making junkies an issue of urban security continued to play an important role in local controversies about the heroin scene. It was especially the recipient of the *VAE's* letter, new mayor Andreas von Schoeler (SPD), who decided to highlight security issues in drug politics rather than promoting the reform of the Narcotics Law. Similar to Walter Wallmann's stance towards drug users back in the early 1980s, Schoeler's security policy culminated in the shutdown of the heroin scene in the *Taunusanlage* during summer 1992, thereby not only provoking a conflict with the local green party and the city's drug help associations, but also with the city's junkies, who began to articulate protest towards their securitization.

6 *"All of Frankfurt will be a drug scene": politicized junkies, urban security and the dissolution of the heroin scene in 1992*

Desecuritizing heroin use was one of the major political demands by proponents of harm reduction, for they related the miserable situation of many long-term addicts to the stigmatization and criminalization of the heroin scene. When in 1989 the red-green government began to introduce the harm reduction measures, it also supported efforts to reduce criminal persecution of heroin users. In the so-called "Frankfurt Resolution" of November 1990, Margarethe Nimsch, along with city officials from Zurich, Hamburg and Amsterdam, demanded that punishing the possession and use of small amounts of illegal drugs including heroin be ceased.⁹⁸ However, while having no influence on federal law making, the city government depended on the pragmatic cooperation of the police and public prosecutors. The Frankfurt police, recognizing the junkies' growing impoverishment due to their daily contact with the scene, generally supported the expansion of social and medical assistances.⁹⁹ It could not

98 ISGF, Büro OB Schoeler 5, Frankfurter Resolution, unterzeichnet anlässlich der 1. Konferenz: Europäische Städte im Zentrum des illegalen Drogenhandels in Frankfurt am Main, 22.11.90.

99 See the protocols of the so called "Monday Circle", a weekly coordination meeting by the state prosecution office, several city authorities and the directors of the local drug help associations, chaired by the health department. In ISGF, StGA Sachakten 472.

agree, though, on completely tolerating junkies in the *Taunusanlage*, especially due to the issue of *Beschaffungskriminalität*. In press releases, the police continued to show its strong commitment to take consequent actions against the criminal activities of the city's junkies.¹⁰⁰

These kinds of statements both reflected and intensified the general concern about the insecurity of the urban space, which preoccupied the police, the public and local politics to an increasing extent in the early 1990s.¹⁰¹ These discourses were pretty similar to those in the Wallmann era ten years earlier. *Firstly*, insecurities were related to a vague unease about the *Bahnhofsviertel*, “the horror scenario of a big city,” where foreign gangs, prostitution and drug trafficking seemed to create an impermeable network of crime, as the *FAZ* wrote in July 1991.¹⁰² Urban insecurities, *secondly*, were connected to an economic concern, the bad image of the city. As an effect of neoliberal transformations since the 1980s, cities such as Frankfurt more and more began to consider themselves as being in competition with other cities for capital and human resources. As shown by human geographer Sebastian Schipper, this idea of the “entrepreneurial city” prevailed in local political discourses in the early 1990s and was associated with worries about the supposedly bad image of the city due to the insecurity of the urban space.¹⁰³ Petra Roth (CDU), for example, then the opposition leader in the city parliament, criticized that the city would not profit from its presence in the media, because the image of the city was mainly formed by the *Bahnhofsviertel*, criminal dealers, and the junkies on the streets.¹⁰⁴ These argumentations became more and more important in the early 1990s and involved drug policies into the marketing logic of the “entrepreneurial city.”

The city administration under Volker Hauff, while principally in favor of decriminalization, had to adjust to both worries about the junkies' role in drug criminality and the feelings of insecurity in the local public. The Hauff administration did so in trying to show understanding for the con-

100 ISGF, Hauptamt 38, Pressemitteilung des Polizeipräsidiums Frankfurt – operative Maßnahmen gegen die Straßen- und Raubkriminalität sowie Auswüchse der offenen Drogenszene, 3.8.92; see also Polizeipressestelle Frankfurt, Straßenraub im ersten Halbjahr 1992, 25.6.92.

101 See Schipper 2013, pp. 194-198; Beste 2000.

102 „Schreckensbild einer Großstadt. Organisiertes Verbrechen im Bahnhofsviertel“. *Frankfurter Allgemeine Zeitung*, 28.7.1991.

103 Schipper 2013, pp. 191-212.

104 Quoted id., p. 196.

cerns and anxieties of many citizens towards the drug scene.¹⁰⁵ It tried to raise support for its drug policy in arguing that harm reduction measures and low pressure on users made it possible to disentangle criminals from sick addicts in need of help, thereby enabling the police to be more effective in prosecuting dealers and large-scale drug trafficking.¹⁰⁶

This argumentation changed when Hauff's successor, Andreas von Schoeler (SPD), took office in May 1991. Against the background of local electoral successes by extreme right-wing parties, Andreas von Schoeler made "urban security" one of its major political issues. The mayor was well aware that his security policy was not about an empirical rise in crime rates, but rather about feelings of unsafety rooted in social and economic transformations. Schoeler therefore planned to combine a "preventive social policy" with a security policy "that takes the fears of the citizens seriously."¹⁰⁷ Regarding the city's drug policy, Schoeler argued that security, on the one hand, and the expansion of harm reduction measures, on the other, belonged together.¹⁰⁸ But before expanding harm reduction assistances, such as safe injection sites, Schoeler focused on security issues. In September 1991, Schoeler ordered to create an administrative working group on "security" in September 1991, charged with "improving security and enhancing the public image especially in the city center and the *Bahnhofsviertel*."¹⁰⁹ In March 1992, the *Deutsche Bahn* started the campaign "*Bahnhof als Visitenkarte*" due to Schoeler's initiative. The campaign engaged private security services instructed to assist the railroad police in expelling homeless people and heroin addicts from the train station area.¹¹⁰ This campaign was quite paradigmatic of the city's security policy under Schoeler, for it linked the concern of improving the city's image with taking security measures against underprivileged groups.

105 ISGF, Büro OB Schoeler 2, Memorandum Margarethe Nimschs an OB Volker Hauff, betr. Lage der Drogenszene in Frankfurt, 10.7.1989.

106 See ISGF, Hauptamt 38, Mit Drogenabhängigen leben! Rahmenplan zur Gestaltung der Drogenpolitik in Frankfurt am Main, 29.4.1991.

107 Schoeler as quoted in Schipper 2013, p. 195.

108 „Wir bleiben bei unserem Kurs“. *Frankfurter Allgemeine Zeitung*, 1.8.92.

109 ISGF, OB Schoeler 4, Verfügung des Oberbürgermeisters, Sicherheit und Erscheinungsbild der Stadt, hier: Bildung einer dezernats- und ämterübergreifenden Arbeitsgruppe, 27.9.91.

110 "Nicht länger Wohnsitz und Treffpunkt für Süchtige." *Frankfurter Allgemeine Zeitung*, 18.3.1992.

In mid-1992, Schoeler's security policy culminated in an event which did not only cause conflicts between the ruling parties, but also provoked the protest of junkies. On June 6, 1992, the mayor and the vice president of the Frankfurt police publicly announced to gradually dissolve the heroin scene in the *Taunusanlage* until the end of the year. Schoeler argued that these measures were part of "concrete actions to improve the security situation in the city," aiming especially at both reducing the crimes committed by addicts and lowering the attractiveness of the heroin scene for users coming from areas around Frankfurt.¹¹¹ During the summer of 1992, the police forced hundreds of long-term junkies to leave the *Taunusanlage*. At different times each day, the police conducted raid-like controls in order to "keep the scene in movement," as a police spokesman stated in the local press.¹¹² By late-summer, the police had reduced the number of users to about 100 to 150, most of those being "impoverished and in an endangered health condition," as a police officer remarked in a meeting with the city administration.¹¹³ After the *Taunusanlage* had been dissolved completely at the end of 1992, the police did not tolerate any gatherings of junkies in the public space anymore.

The dissolution of the heroin scene in the *Taunusanlage* provoked strong criticism. Both the Hessian drug aid associations and Schoeler's coalition partner, the greens, criticized plans to shut down the *Taunusanlage* as a "de-facto expulsion." Prior to expanding social and medical assistances to include the junkies, expelling junkies from the scene would only worsen the situation and therefore endanger the city's successes in caring for drug addicts.¹¹⁴ On a special party conference summoned to discuss the issue of closing the scene, the local greens, especially their leaders, were not willing, however, to put the coalition in question. Some criticized that the greens too often avoided the issue of security. They vaguely de-

111 ISGF, Büro OB Schoeler 4, Pressekonferenz „Vorgehen gegen die offene Drogenszene“, OB Schoeler, stellv. Polizeipräsident Frerichs, 5.6.1992; „Taunusanlage: Polizei löst die Drogenszene auf.“ *Frankfurter Neue Presse*, 6.6.1992.

112 „Stadt kann süchtigen noch nicht helfen-“, *Frankfurter Neue Presse*, 2.7.1992.

113 ISGF, Büro OB Schoeler 3, Protokoll der Sitzung des Arbeitsstabes „Auflösung offene Drogenszene“ am 18.8.1992.

114 , Brief von Akzept Hessen e.V., Landesverband für akzeptierende Drogenarbeit und Drogenpolitik, an den Oberbürgermeister A. von Schoeler, btr. Vertreibung der offenen Szene i.d. Taunusanlage, 27.5.1992; see also ‚Schwerwiegende Differenz‘ mit Schoeler.“ *Frankfurter Allgemeine Zeitung*, 15.8.1992.

manded an “alternative concept of security” which should not repeat the mistakes made by the Wallmann administration around 1980.¹¹⁵

On July 1, a flyer appeared on the scene in the *Taunusanlage* addressed to “all shop keepers and restaurant owners, to customers, buyers, and window shoppers in Frankfurt.” Signed by “we, the drug users from the Taunusanlage,” the flyer stated that “mayor Schoeler expels the junkies from the scene into the inner city. While in the past, the drug scene was only in the Taunusanlage, all of Frankfurt will soon be a drug scene, only the Taunusanlage will be clean then. We feel sorry that we, the junkies, will be forced to use your salesroom as drug bunkers and your toilets to shoot heroin. The mayor can crush the scene, [...] but he cannot make magically disappear the users [*wegzaubern*].” After exposing the shut-down of the scene as a “short-sighted election strategy to catch votes,” the flyer listed a series of demands, documenting the radical difference between social workers, politicians and the police on the one hand, and the perspective of junkies on scene on the other: “we, the junkies want only one thing, to be left alone. Using our stuff in peace. If we got our opiates in pharmacies, you would barely realize that we exist [...]. Please support, also in your interest [...] massive expansion of methadone under human conditions, [...] safe injection sites, morphine and heroin supply, Taunusanlage instead of department stores!”¹¹⁶ In articulating their wish to “be left alone,” to use their drugs “in peace” and in demanding to keep the *Taunusanlage* open for junkies, this flyer expresses the strong opposition of heroin users against any attempt to dissolve or remove the heroin scene from the public space. In contrast to the dissolution of the *Haschischwiese* in 1980, the flyer indicates that there were junkie activists ready to oppose actions taken to get rid of heroin users in the city center.

This flyer resulted from the increasing political energy of junkies in the early 1990s. Junkies became more and more politicized, not only trying to engage in drug politics on the level of national self-help networks, such as the *Deutsche AIDS-Hilfe*, but also in local conflicts. The effects of harm reduction measures provided the background for this dynamic. These did not only improve the junkie’s health, but also created less stressful living

115 „Energisch gegen Räumung zur Wehr setzen“, *Frankfurter Allgemeine Zeitung*, 20.8.1992; „Die Grünen entdecken ihr Verhältnis zur Polizei“, *Frankfurter Allgemeine Zeitung*, 20.8.1992; see also ISGF, Büro OB Schoeler 4, Brief der Grünen im Römer und der Dezernentin M. Nimsch an den Oberbürgermeister, 27.5.92.

116 The flyer is filed in ISGF, Büro OB Schoeler 3.

conditions. This was especially the case for participants of the local methadone program. Already in November 1990, an anonymous ex-user from Frankfurt stated that “I see a big chance since I have met participants of the [methadone] program, showing an incredible activity and an incredible self-confidence [...] They make it possible that persons from the drug milieu speak about their situation and actively intervene into drug politics. Their power illustrates that the muzzling of drug consumers is based on the narcotics law and criminalization, while one can use the potential of language as soon as you are not occupied with hiding and getting the essential things illegally anymore.”¹¹⁷

Criticizing the “muzzling” of drug users problematized the discursive position generally assigned to junkies in the field of drug politics. Within this discursive formation, junkies usually appeared as criminals, victims, sick people, patients or research objects, all positions that strongly subjected junkies to different forms of power. Both the statement by the ex-user, hopeful about junkies making use of the “potential of language,” as well as the medium in which his letter was published, indicate that junkies tried to be subjects and not only the objects of discourses about heroin use. In November, the *integrative drogenhilfe*, an association in favor of harm reduction ideas founded in 1986,¹¹⁸ published the first edition of the “*Junkfurter. Die Ballergazette*” (*JuBaz*), a small magazine brought into being to provide junkies with their own media of information and articulation. In the second edition, the editorial board, mainly consisting of HIV-infected, substituted addicts, invited all junkies on the scene, in prisons and therapy institutions, to engage in the making of the *JuBaz* in order to make the magazine to the “voice for those who are never heard.”¹¹⁹ In the following months and years, the *JuBaz* served as a platform of political articulation in Frankfurt. In 1991, reacting to the campaign “*Bahnhof als Visitenkarte*,” *JuBaz* authors also helped to start an initiative which tried to document and report the rising violence of railway policemen and private security agents against junkies in the central train station.¹²⁰

During the dissolution of the heroin scene in the *Taunusanlage*, the activism of junkies in Frankfurt am Main peaked. Junkie activists organized demonstrations in cooperation with self-help groups by gay men and pros-

117 *Junkfurter* 1990(1), p. 4.

118 Integrative Drogenhilfe 2011.

119 Editorial. *Junkfurter* 1990(2), p. 3.

120 *Junkfurter* 1991(3), p. 7.

titutes in order to achieve an end of the police practices in the *Taunusanlage*. On September 19, about 50 protesters spontaneously assembled at the *Taunusanlage* for a demonstration under the slogan “*Räume statt Räumung*.” The protesters marched to city hall, where they presented a letter to mayor Schoeler, demanding to stop “smashing the scene” and to respect the human rights of junkies: “Junkies do not have a lobby in the city; they are left alone in their social, medical and humane misery; even drug aid institutions cannot change that due to their restricted possibilities. Although the city government is about to expand public health measures, the ongoing [...] smashing of the drug scene has to be exposed as an attack on the elementary right to human dignity, which also has to apply to drug users.”¹²¹ In trying to make the “smashing of the scene” a question of human rights, claiming to get “spaces/rooms” instead of being expelled from the urban public, the protesters tried to claim their right to be a legitimate part of the city.

The results of these junkie protests were very ambivalent. On the one hand, junkies were able to express their own political agency, which had been impossible in local drug politics since the 1970s. Furthermore, parts of their health-related demands were realized by the city administration. At the beginning of December 1994, after much effort by the health department, the first so-called “health room” of Frankfurt, a safe injection site, was opened in the crisis center in *Schielestraße*, located in an industrial park in the east of the city.¹²² On the other hand, though, both criminalization and the aim of preventing public gatherings of junkies continued to play a decisive role in drug politics under the red-green city government. After the conflicts between Schoeler and the greens had settled, the city government officially began to argue that both harm reduction and security measures were interconnected elements of the city’s drug policy. Regarding the first safe injection site, a measure principally aiming at lowering health risks for heroin consumers, mayor Schoeler stated that health

121 The letter to mayor Schoeler is printed in *Junkfurter* 1992(5), p. 8; see also “Drogendemonstration: ‘Räume statt Räumung’”, *Frankfurter Rundschau*, 19.9.1992; a second demonstration took place in Oktober: „Fixer sind nicht unzurechnungsfähig“, *Frankfurter Rundschau*, 23.10.1992.

122 „Druckraum für Drogenabhängige wird diese Woche eröffnet“, *Frankfurter Allgemeine Zeitung*, 1.12.1994.

rooms also contributed to the establishment of security in the city.¹²³ The junkies' most radical political claims – decriminalization, legal heroin supply in pharmacies, and the right to be part of the city public – therefore hardly resonated with the city's decision-makers.¹²⁴

7 Conclusion

This article has analyzed the transformations of drug policies in Frankfurt am Main between 1975 and 1995. It has pointed out several configurations of governing heroin users which were generally marked by two very different, often overlapping but also contradicting concerns about heroin users. On the one hand, junkies and the heroin scene were the object of discourses about “urban security,” an issue which emerged as an important field of local politics at the end of the 1970s and continued to occupy politicians well into the 1990s. This security framing of heroin use was not only promoted by the police, but also by political leaders such as the mayors Walter Wallmann (CDU) and Andreas von Schoeler (SPD), who were concerned about certain dangerous urban areas and the bad image of the city, which they associated with quarters such as the *Bahnhofsviertel*. On the other hand, heroin users were also the object of concerns about the mental and physical health of addicts. Actors highlighting these aspects of heroin use strongly disagreed, though, on how to arrange social and medical assistances. Until the mid-1980s, policies were mainly determined by the paradigm of abstinence in this respect. Against the background of the HIV/AIDS epidemic, however, the urgency to address the poor health conditions of heroin addicts induced a paradigm shift towards harm reduction measures which prioritized health related assistances over the normative objective of a drug free society.

Focusing on the relation between (de-)securitization and power, the transition towards harm reduction policies in the context of the HIV/AIDS epidemic marked a decisive shift regarding the power relations in the field of local drug politics on the one hand, and regarding the logic of power determining the ways of governing heroin users since the mid-1970s on

123 „Frankfurt richtet ‚Druckräume‘ für Drogenabhängige ein“, *Frankfurter Allgemeine Zeitung*, 12.11.1994.

124 See ISGF, Hauptamt 40, Drogenreferat der Stadt Frankfurt, Tätigkeitsbericht 1.10.92 bis 31.12.93, 22.4.94.

the other. Proponents of harm reduction challenged securitizing discourses and practices, such as the shutdown of the heroin scene in the *Bockenheimer Anlage* in 1980. They not only demanded to decriminalize the individual consumer but also put forward normalizing framings of heroin use which regarded addicts capable of acting responsibly making reasonable decisions. This framing strongly undermined the image of the irresponsible, undiscerning junkie which had dominated the city officials' view on heroin addicts and legitimated extraordinary coercive interventions such as involuntary commitments. Rather than govern heroin users by exerting strong control over the spaces of heroin consumption, harm reduction policies were based on creating addiction-accepting environments and promoting self-regulating capacities of users in order to influence the most unfavorable phenomena of heroin consumption such as high mortality rates. Furthermore, rather than making users invisible, the accessibility of users for social workers was an integral part of harm reduction policies. Desecuritizing discourses were therefore decisive in transforming the power logic of local drug policies towards, in Foucauldian terms, the logic of governmentality.

Between the emergence of HIV/AIDS in the mid-1980s and the shutdown of the Taunusanlage in 1992, the power relations in local drug politics also changed. Until the mid-1980s, self-help groups such as "junkie unions" hardly had a chance of making themselves heard due to the strong criminalization and the lack of political supporters. In the late 1980s, junkie activists made political use of the new freedoms accompanying the introduction of harm reduction measures. On the one hand, by organizing protest such as the "solidary of the undiscerning," gay activists aimed at including junkies in their politics of anti-discrimination and encouragement against AIDS-related discriminations, thereby giving junkie self-help groups such as JES the opportunity to get involved in drug political debates. On the other hand, methadone maintenance treatment helped junkies to escape stressful and illegalized living conditions and get involved into a series of political activities on the local level. By protesting against the dissolution of the Taunusanlage, junkie activists demonstrated that their political demands for legalizing heroin consumption did not only differ from the police and leading local politicians, but also from the supportive network of social workers. The desecuritizing and normalizing aspects of both HIV/AIDS prevention and harm reduction policies were therefore the basis for this kind of political activism.

The renewed shutdown of the heroin scene in 1992, legitimated by security concerns, demonstrates the limits of the desecuritizing dimensions of harm reduction policies. Harm reduction was based on framings of heroin use which de-dramatized heroin users by acknowledging their lifestyle, decisions and basic rights. This liberal approach not only made drug policies more efficient in terms of improving contacts to the scene and lowering health risks of addicts but also created the preconditions for demanding more fundamental liberalizations, such as the general decriminalization of drug use. While these demands found the support of some social scientists and social workers, they did not resonate with the crucial political actors on both the local and the national level. At a time when Frankfurt was about to transform into a neoliberal, “entrepreneurial city,” Mayor Andreas von Schoeler rather considered harm reduction assistances as part of the city’s security policy, which was orientated towards the management of vague feelings of insecurity in the local public and the improvement of city’s supposed bad image, ignoring the political demands of a small group of marginalized people demanding to have a right to the city.

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Reassembling Insecurity: The Power of Materiality

Ana Ivasiuc

Between 160.000 and 180.000 Roma and Sinti live in Italy, amounting to less than 0.3% of the population.¹ Notwithstanding this insignificant percentage, in the spring of 2008, following an episode of moral panic around a murder perpetrated by a Romanian citizen of Roma background in Rome, the Italian government declared a state of emergency spurred by the presence of numerous “nomad settlements” in the regions of Latium, Lombardy and Campania. The ruling was motivated by the “massive invasion” of what in popular parlance, but also administrative labels, are commonly called “nomads”: a heterogeneous group made of various Roma from ex-Yugoslavian countries, as well as from new EU member states (in particular Romania and Bulgaria), but also Italian Roma (including Sinti and Caminanti²). The declaration of a state of emergency provided prefects with exceptional powers and resources to combat “nomad criminality”. This episode, referred to as *emergenza nomadi*, was neither a real emergency—the declaration of a state of emergency being limited to natural catastrophes³—nor about “nomads”: most of the Roma and Sinti in Italy, like in most European countries, have been sedentary for at least three generations. A “fictitious state of emergency”⁴ declared by decree, the *emergenza nomadi* was ruled unconstitutional in November 2011.⁵ Yet, 10 years after the declaration, some of the structures and dynamics brought about by the emergency decree pursue unimpeded their securitization work in Rome’s peripheries. The “Public and Emergency Security”

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- 1 Piasere 2012. – I am thankful for their constructive comments to Maria Ketzmerick, Regina Kreide, Andreas Langenohl, and the participants of the concept group on power within the project SFB–Transregio 138 ‘*Dynamics of Security. Types of Securitization in Historical Perspective*’, funded by the German Research Foundation. An earlier version was presented at the 14th EASA Biennial Conference “Anthropological legacies and human futures”, 20-23 July 2016, Milan, Italy.
 - 2 Travelers, in Sicilian.
 - 3 Picker et al. 2015.
 - 4 Agamben 2005, p. 3.
 - 5 La Repubblica 2011.

unit of the local police, set up in 2010 to control “nomad camps”, is still operative, and the authorities are perpetuating the politics of eviction intensified with the emergency decree.

The declaration of the *emergenza nomadi* could be read as a paradigmatic case of what the Copenhagen School theorizes as “securitization”: the performative speech act through which actors construct an existential threat dictating measures which take a particular issue from the circuit of politics into the realm of exceptionality. However, the Roma have long been subjected to securitarian measures in Italy,⁶ before the moment of the declaration of the *emergenza nomadi*, and the juxtaposition of the terms “emergency” and “Roma” is not a new speech act (see, for instance, L’Unità 1996). Hence, “securitizing moves”⁷ have been articulated before in local politics in Rome, and even though they did not amount to exceptional measures within a political-legal framework, the Roma have been placed, through “politics as usual”, in exceptional spaces: camps. Instituted through a series of regional laws in the nineties, the camps are in many ways exceptional. Reserved to groups conceived as Roma, Gypsies (“*zingari*”), or “nomads”, the camp originates in a logic of exception revealed by the very contradictions it inhabits.⁸ What the pre-existence of the camps means for the analysis of the *emergenza nomadi* as a successful securitization move is that its roots lie elsewhere than in its speech act: camps have acted as objects of (in)security since their beginning as spaces of exceptionality, already silently “doing” (in)security prior to the declaration.⁹

By bringing back together what are often conceived as different aspects of securitization—the speech act and the materiality of (in)security—I intend, in line with previous criticisms addressing the exclusive focus of the Copenhagen School on speech acts, to underline and illustrate the pertinence of thinking through materiality as constitutive of securitization. On the one hand, I wish to enter in a dialogue with critical security scholarship which has theoretically and methodologically engaged with the materiality of security,¹⁰ making use of the analytical tools of actor-network

6 Piasere 2009 and 2012; Coccia 2012.

7 Buzan et al. 1998.

8 These terms are largely interchangeable in popular use.

9 I choose to use the term (in)security as in Bigo’s model of the Möbius ribbon in which security and insecurity are part of the same continuum (Bigo 2001).

10 Bourne 2012; Walters 2014; Aradau et al. 2015.

theory. On the other hand, I attempt at enriching the debate by incorporating insights from a strand of anthropology which seeks to conceptually and methodologically destabilize the distinction between object and representation. This body of scholarship challenges the Cartesian dualism between mind and matter, between signifier and signified, between object and representation. Thus, instead of superimposing a supplementary, distinct focus on materiality in securitization, thereby reproducing the dualism between object and representation, I aim at collapsing this distinction, thinking through “things as meanings”¹¹ rather than “seeing” meanings behind things. This move obliges us to put securitization grounded in the speech act on its head, and contemplate not how words do things,¹² but rather how things do words.¹³ Put differently, I am interested in exploring how a particular constellation of things—the camp and the objects around it—“does”, through human-non-human associations, (in)security, in a manner disconnected from the speech act which declares it a dangerous object to be moved to a politics of exceptionality. This question transcends the division between discourse and materiality, which has recently been the focus of methodological reflection on critical security studies.¹⁴ It proposes to analytically and methodologically move past the distinction between things and the meanings of insecurity attached to them in various contexts, and explore how people and objects quietly fabricate insecurity in complex and unpredictable chains of associations.

This move opens up new terrain, both analytically and methodologically, and solves a considerable tension in the constructivist approach of critical security studies. It has been argued that this strand of scholarship conceptually ignores the affective dimension of insecurity grounded in fear, positing it as a dimension of irrationality affecting people manifestly incapable of understanding the very constructedness of their fears, and unable to brush them aside as mere mental creations.¹⁵ Thus, the constructivist interpretation of insecurity does not only posit that people have different “views” on the same reality—making security an issue of interpretation—but, underlined by implicit and often unexplored normativities, in the same move it orders those views in hierarchies of adequacy to the world

11 Henare et al. 2006.

12 Austin 1962.

13 Latour 2000.

14 Aradau et al. 2015.

15 Schwell 2015.

“out there”. Obviously, then, the analyst’s construction of the world—its interpretation—is posited as superior to the “worldviews” of the people whose beliefs are relegated to mere irrationality and false consciousness. This, in turn, links to Latour’s critique of critique itself:¹⁶ the analyst will always be right by the power she has to assign false consciousness to those whose views are in disagreement with her own. This analytical conundrum has become most obvious in the so-called Welsh School of critical security studies, which applies the constructivist approach only when deconstructing the insecurities claimed by some, while taking the security of others, in contrast, very seriously. For this strand of research, security is a very real matter, but of crucial importance is *whose* security is at stake. In this move, the insecurities of some are deemed morally justified and thus more “real” than the insecurities of others, taken to be prejudiced, generally powerful actors, using security instrumentally to oppress the dominated. Thus, the Welsh School distinguishes between “real-real” threats and “allegedly real” ones.¹⁷ The normative distinction between those entitled to speak of real insecurities and those whose insecurity is a mere construction seems to lie precisely in the dimension of power. Put differently, one could assess the truthfulness of their insecurities by considering whether actors have the power to shape the political security agenda, or whether they are powerless when facing the insecurities imposed, at their expense, by the powerful—and thus implicitly in need of emancipation.¹⁸ This position, however enticing it might be from the perspective of engaged scholarship, is simplistic and analytically untenable, for it applies the constructivist lens to some discourses, and the realist one to others; it can do so precisely because it maintains the distinction between reality and plural, yet normatively hierarchized representations of it. In turn, when this distinction is collapsed, following instead the chains of associations which produce particular worlds, one can avoid the apportioning of false consciousness to some, in a constructivist vein, while simultaneously taking the insecurity of others seriously, according to realist conceptions. Methodologically, it opens up the possibility of using world-making concepts closer and more adequate to the ones our interlocutors utilize to shape their own world.¹⁹

16 Latour 2004a.

17 Wæver 2004, p. 6.

18 Booth 1991, p. 319.

19 Henare et al. 2006, p. 16.

When considering how the Roma in Rome are managed as threats, it would be facile to claim that their securitization is a social construction—albeit with very concrete material consequences—and to attribute this dynamic to the workings of “power”, on the one hand, and to racism, discrimination, and exclusion, on the other hand. But, although these are doubtlessly facets of what the Roma go through in their daily lives, such theorizing seems to quickly exhaust the possibilities of explanation and produce a circular account in which racism, discrimination and exclusion are the *explanans*, instead of the *explanandum*. Instead, I want to propose a much more complicated and blurred—but also conceptually richer—picture, in which objects play a paramount role in the story of how—and thus why—the Roma are managed through security technologies, measures, and policies. By resisting the division between things and their interpretation, I intend to show how insecurity is reassembled through chains of human and non-human actors; instead of separating insecurity from its own materiality and speaking of “perceptions” of insecurity, the theoretical and at once methodological *parti pris* is to use “conception” to refer to conceiving—bringing into being—insecurity in its materiality: “[c]onception is a mode of disclosure (of—metaphorical—‘vision’) that creates its own objects, just because it is one and the same with them, so to ‘see’ these objects is to create them”.²⁰ Following the chains of associations in which different human and non-human agents act is aimed at retracing how these objects are created, from the perspective of those involved in thinking through things.

In the process, Roma camps become, from matters of fact—materiality requesting interpretation *away* from itself—complex matters of *concern* holding at once the materiality *and* its representations in one single “thing” around which a constellation of objects mediates complex negotiations between various actors, perpetually fabricating the camp and its inhabitants as ontologically dangerous. For Latour, matters of concern “have no clear boundaries, no well-defined essences, no sharp separation between their own hard kernel and their environment. It is because of this feature that they take on the aspect of tangled beings, forming rhizomes and networks. (...) Finally, and this may be the strangest thing of all, they can no longer be detached from the unexpected consequences that they

20 Henare et al. 2006, pp. 14-15.

may trigger”.²¹ In this resides, according to Latour, the proclivity of matters of concern to produce “crises”; no wonder, thus, that the crisis of the *emergenza nomadi* had to do with the proliferation of informal camps: they are matters of concern. Thus, in the Latourian move of “merging... matters of fact into highly complex, historically situated, richly diverse matters of concern”,²² I divert attention from the conditions of possibility of Roma camps—in disconnection from their materiality—onto how this materiality is productive by entering into chains of associations. My argument is thus an exercise in an anthropology of security inspired by a Latourian sociology of associations, past its hitherto preoccupation of understanding the “local slippages” of “security” in its contexts (Goldstein 2016).

I will focus on two camps located in the Eastern periphery of Rome, introducing them as things ontologically fabricated as dangerous, around which several discursive and material practices of (in)securitization occur. I will mobilize the ethnographic material to explore the ways in which power works ambiguously through the materiality of the camp to (re)produce ontologically dangerous objects commanding security practices incrementally.²³ In the process, I take the anthropological endeavour to be aimed at elucidating the (in)security logics of various actors on their own

21 Latour 2004b, p. 24.

22 Latour 2004a, p. 237.

23 The ethnographic material in which I ground my analysis has been gathered since 2014 from multiple sources, in a multi-sited ethnography (Marcus 1995) spanning not only different geographical places – two Roma camps and a police precinct in the Eastern periphery of Rome, as well as the two neighborhoods in which the camps are situated – but also the virtual space, as outside of traditional on-site fieldwork I conduct digital ethnography (Pink et al. 2015) on social media content produced and circulated by the two neighbourhood committees and by a neighbourhood patrol group. While such an approach has the disadvantage of dispersing my observation (Hannerz 2003), it has the incommensurable benefit of seeing the space of the camp from the multiple perspectives and layers which construct it both discursively and materially as a space of insecurity. My analysis draws upon participant observation carried out during police patrols around the two camps and during night patrols with the patrol group, upon police reports and correspondence between the local police and various institutions between 2010 and 2015 on matters regarding the two camps, as well as upon material (complaints, photographs, reports, e-mail communications) sent by the neighbourhood committees to the local administration (including the police). The digital ethnography is carried out on material posted on the Facebook page of the neighbourhood patrol group from 2013 onwards and by members of the neighbourhood committees. Additionally, I

terms²⁴ by retracing the associations through which they conceive the camp, as well as focusing on the lived experiences of (in)security²⁵ in their materiality. The collapse of the Cartesian dualism will enable a different type of analytical intake on the locus of power in securitization; in the process, the camp materiality *becomes* at once power to securitize and power of securitization.²⁶

The chapter is articulated in three moves. First, I will shortly expose the history and ambiguities of the camp as technology of governing the Roma in Italy, and argue that the idea of nomadism as the essentialization of Romani culture acts as a mediator reconfiguring and reassembling Roma—non-Roma sociality as a function of insecurity. Then, I will proceed to retrace the chains of various human and non-human actors fabricating the camp as a space of insecurity, demanding ever-escalating security measures. Finally, I will chart the ethnographic material's affordance to theorize power in reassembling (in)security.

Roots of insecurity: The fixity of nomadism

Initially part of a narrative of recognition and protection of cultural rights, the camps were intended as policy instruments granting temporary stopping places (*campi sosta*) to Roma, copied after the British and French legislation of the sixties aimed at Travellers and *Gens du voyage*.²⁷ It is from this logic that *campi sosta* were advocated for by *Opera Nomadi* (Nomad Works), a Catholic church-based organization founded in the sixties and co-opted by the state in an expert role regarding “nomad” issues. The idea was highly ambiguous, pendulating between the logic of protecting Roma culture, whose hard and immutable kernel was considered to be nomadism,²⁸ and the desire to restrict mobility by encouraging sedentarization through assistential projects aiming at building permanent ties

have carried out interviews with police officers and members of the neighbourhood committees, as well as with Roma from the two camps; I complement my material with newspaper articles from the local press from 1987 onwards.

24 Holbraad and Pedersen 2012: 166.

25 Maguire et al. 2014; Goldstein 2016.

26 See Langenohl, this volume.

27 Piasere 2006.

28 Sigona 2003 and 2005; Brazzoduro 2015; Tosi Cambini 2015.

with the territory through schooling and incorporation in wage labour.²⁹ Mobility was—and continues to be—seen as sign of inferiority³⁰ and abjection,³¹ as well as danger,³² including in judicial proceedings, when arguments regarding the social dangerousness of Roma have been derived from their “condition of being nomadic”.³³ At the heart of these conceptions of mobility and the subsequent attempts of containment lies the potential of disruption stemming from an ethnocentric view of sedentary attachment to place, and the othering of Roma as “matter” perpetually out of place, hence dangerous.³⁴

Scholars have analyzed the camps as technologies of (bio)politics through which the separation of the undesirables is effected in the urban space, with a large array of consequences: segregation, discrimination and the breakdown of social ties between camp insiders and the surrounding population. A result of an ambiguously romantic-cum-repressive projection of Italians,³⁵ the camp is seen as the government technology to dominate the Roma through their bodies, a privileged contemporary instrument of power.³⁶ The creation of camps as management instruments for the Roma is contemporaneous to the transition from an intellectual and political model of inclusive community, inspired by ideals of the social state, to a model of exclusive state, underscored by ideas of criminality control and repression.³⁷ The emergence and multiplication of sizeable camps has been placed in the context of the global expansion of the state of exception³⁸ and, in the Italian case, as a development marking the convergence of policies aimed at managing the Roma and the repressive policies towards migrants.³⁹ The camp has been understood as the instrument through which the socio-economic problem of the discrimination of the Roma is reduced to a spatial problem,⁴⁰ which is defined predominantly as

29 Daniele 2011, pp. 114–116; Picker et al. 2015, p. 747.

30 Piasere 2009.

31 Sigona 2003; Hepworth 2012.

32 Coccia 2012, p. 37.

33 Tosi Cambini 2011.

34 Douglas 1991.

35 Sigona 2005, p. 746.

36 Clough Marinaro 2009, p. 270; Tosi Cambini 2015.

37 Piasere 2006, p. 11.

38 Agamben 2005.

39 Bermann/Clough Marinaro 2011, p. 65.

40 Pusca 2010.

a security and public order problem.⁴¹ Once the ethnographic magnifying glass is used, the ambiguous nature of the camp is revealed in the fact that it simultaneously offers protection, recognition and anonymity, rendering its inhabitants invisible while projecting them as a dangerous collective into public imagination.⁴² However, the agentic dimension of the materiality of the camp has largely been left out in these theorizations, leaving unaddressed the question as to how precisely the *idea* of nomadism has been so persistently and powerfully productive in fabricating the Roma as ontologically criminal subjects. The answer, I think, lies in the materiality of the camp.

Building on a Latourian sociology of associations⁴³ in which mediators “transform, translate, distort, and modify the meaning or the elements they are supposed to carry”,⁴⁴ I argue that the *idée fixe* of nomadism became the main mediator in assembling the relations between Roma and non-Roma, altering the course of events in how the former were managed by the latter, both through material technologies (camps and the objects around them) and through policies (of surveillance, control, and repression). Nomadism is therefore more than a projected, reified mental representation—or, as it has been argued, a powerful transcultural cognitive scheme,⁴⁵ and a perennial institutional reference.⁴⁶ It is a mediator with its own agency in the reassembling of Roma—non-Roma sociality as a function of (in)security. In practice, nomadism is at the root of the adoption, between 1984 and 1995, of a series of regional laws regarding the establishment of camps for “nomads”, effecting the material technology of the camp, which subsequently gives way to a constellation of objects governing Roma—non-Roma relations in the security key. Nomadism, embedded in the materiality of the camp, fabricates an ontologically criminal subject; as a police officer argued: “why would they want to be nomadic if they didn’t want to run away from the state? A nomad doesn’t have a residence place, an address, because he (sic) wants to escape. It must be that he has something to hide”.⁴⁷

41 Tosi Cambini 2015.

42 Sigona 2015.

43 Latour 1996 and 2005.

44 Latour 2005, p. 39.

45 Piasere 2009, p. 10.

46 Tosi Cambini 2015, p. 164.

47 Interview police officer, April 2016.

Hosting about a quarter of the Roma and Sinti population in Italy,⁴⁸ the camp is a label for a heterogeneous variety of settlements ranging from “equipped” or “authorized” camps—established by municipalities starting the 1980s, endowed with minimal (and often faulty) infrastructure—to “abusive” camps—informal settlements of recent Roma migrants from the new Eastern EU member states, made of autonomously built shacks. In between these two categories, a third ambiguous and volatile one refers to “tolerated” camps: generally established by groups of Roma in the margins of urban areas, but on land pertaining to municipalities, these camps are deemed to have been performatively recognized by the authorities by means of the introduction of basic material infrastructure—revealing yet again that one can do words (adding the label “tolerated” to a camp) with things (infrastructural improvements), and thus the agency of materiality in the politics of camp governance. In practice, the boundaries between these categories are porous. For instance, the camp of Tor de Cenci in the Southern periphery of Rome was downgraded from “authorized” to “tolerated”,⁴⁹ in order to facilitate and justify its dismantlement in September 2012.

Following the declaration of the *emergenza nomadi*, the Alemanno administration in Rome issued the “Plan for Nomads” (*Piano Nomadi*), detailing the steps to be undertaken under the emergency. Supported by the allocation of a substantial amount of financial resources in the name of emergency, the plan had a markedly spatial dimension, revolving emphatically around camps; the measures aimed at reducing the maximum number of “nomads” in Rome to 6,000 (whereas the estimates indicated their number at over 7,000), the displacement of people from “abusive” camps, the dismantlement of all informal settlements and of some of the “tolerated” camps, the restructuration of the existing “equipped” camps to receive new residents and the establishment of two new “villages” in which the administration would concentrate the remaining Roma. The administration initiated a spatial politics of evictions and displacements, in a movement of “degypsification of the Roman urbs” from inside the once symbolic and material border of the city—the city ring road—towards the peripheries.⁵⁰ Through repeated evictions, some authors contend that the Roma were

48 Associazione 21 Luglio 2013.

49 Amnesty International 2010, p. 10.

50 Bermann and Clough Marinaro 2011. – Non-governmental sources indicate, for instance, that between 2013 and 2014, 88 evictions (involving approximately

thus effectively “nomadized”,⁵¹ thus “regypsified” to fit the *Gadjé* (non-Roma) stereotype of mobility,⁵² suggesting that the camp does more than merely reflect a representation; it ontologically *fabricates* “gypsiness” and, with the criminalization of the Roma, insecurity.

Through the imaginary of nomadism and danger, and the subsequent stigma it produces, the camp has been analyzed as an apparatus, becoming agential in a “broken down” relationship; it would “[break] down direct social connections by reducing the ability of one individual to make a personal decision about another; to fathom what others experience; and to craft one’s own representation of others”.⁵³ Thus, it precludes moral and political choices through the power it has to define its inhabitants prior to any real encounter.⁵⁴ However, the actor-network theoretical lens on the materiality of the camp will illustrate how the relationship is not “broken down” as if it was pre-existent, but is mediated and continuously reassembled through particular deployments of associations, reassembling the Roma as producers of insecurity. The materiality of the camp is a particularly effective mediator in this work of reassembling.

Reassembling (in)security: Networks of mediators

Rather than purporting that the camp “reflects” or “incarnates” the relationship between Roma and various other actors, the approach I adopt in my argument underlines how the camp and the objects pertaining to it form chains of mediators,⁵⁵ reassembling the management of the Roma in the securitarian register because they produce ontologically dangerous objects and people. This approach follows the more recent attention of critical security studies to materiality⁵⁶ and aims at tracing the networks in which objects have agency in the co-production of (in)security. I will thus

2,400 persons) have been performed in Rome (Associazione 21 Luglio 2015). In these statistics, the same person may have been counted several times, as evictions led to the creation of other informal settlements which were subsequently evicted again.

51 Sigona 2003 and 2005.

52 Piasere 2009.

53 Feldman 2011, p. 390.

54 Diken and Laustsen 2005, p. 17.

55 Latour 1996, 2000 and 2005.

56 Walters 2014; Aradau et al. 2015; Green and Zurawski 2015; Meiches 2015.

analyze the chains in which various human actors and diverse things—camp fences and surveillance cameras in one of the camps, and waste and smoke in both—participate to perpetually reassemble the Roma—non-Roma interactions around the theme of (in)security.

Both camps are situated in the eastern periphery of Rome, with Salviati, unlike most other camps, ingrained in the urban tissue of the neighbourhood of Tor Sapienza, and Salone beyond the city ring road, in a scarcely inhabited area. Both camps are heavily overpopulated. Salviati hosts approximately 400 Roma descending from families that migrated in the seventies from Serbia and Bosnia; Salone, initially designed for 600 people, saw its numbers nearly double as a result of the transfer of Romanian, Bosnian, Montenegrin and Kosovar Roma from the Casilino 900 camp in 2010, which was effected by the politics of eviction initiated during the *emergenza nomadi*. Salone is now home to about 900 people; as with other camps, the fact that various already opposing groups of Roma were placed together only accrued the internal conflicts, which had material repercussions on the camp: instances of vandalism—like the destruction of containers, mostly by arson—took place as acts of revenge between groups. Currently, Salone hosts around 900 Roma but the number is diminishing. The politics of the administration—as explained by a police officer—is to curb its expansion by removing containers of families who leave the camp rather than assigning them to families evicted from elsewhere.

The materiality of camps and the agency of human actors intertwine in chains of mediators reassembling the camp, and with it, their Roma inhabitants as ontologically dangerous and ultimately ungovernable. I will trace the associations producing the ungovernability of the Roma in two of the human—non-human chains which I was able to observe during my fieldwork.

Good fences make good neighbours

The metal, human height fence surrounding the camp of Salone is a recurrent theme in the reports of the SPE police unit—a special “public and emergency security” unit set up in 2010, with the stated aim of controlling authorized Roma camps, and executing the evictions of informal camps ordered by the local authorities. Set up during the controversial and subsequently repelled legislation of the *emergenza nomadi*, the SPE could be

seen as an ethnic police unit.⁵⁷ The reports detailing patrolling operations around the camps show a continuous concern to restore the borders of the camp, purportedly for security reasons. Officers report that the fence is continuously punctured by the Roma for the purpose of creating alternative ways into the camp through which the control at the gate could be avoided.⁵⁸ As Piasere asserts,⁵⁹ the Roma camp has the sole logic of “putting a border between who inhabits it and the surrounding society”, a logic translated in the security idiom traceable in police reports: “The iron fence which delimits the equipped Village of Salone is broken and missing in numerous parts of the camp, which allows anyone to enter into and exit from the Village, thus compromising the security of the camp itself”.⁶⁰

For the police, the holes in the fence are proof that the camp inhabitants wish to escape control; yet, they ignore the logic ruling camp comings and goings. As many Roma explain, these acts are an effect of the inhabitants’ search for facility, but also for privacy in their comings and goings: instead of longing the internal alley towards the end of the camp, they can use the makeshift entrances next to their containers to shorten their paths, while simultaneously keeping their movements away from the intruding gaze of other inhabitants, thus bending the material space to create autonomy against the containment effects of the camp enclosure. For the police, the broken fence is simultaneously a crime and proof of criminality: if

57 The declaration of the *emergenza nomadi* decree as unconstitutional in 2011 did nothing to remove from its job description the task of dealing with the “nomads”, in particular during operations of eviction mandated by the authorities. However, after 2011 it received the supplementary task of handling minor refugees in Rome, extending thus the “ethnic” specialization beyond the “nomads”.

58 In 2011, the Alemanno administration has introduced in most of the authorised and tolerated camps an armed security guard service performed by a public utility company. The guards were present 24 hours a day and were hosted in a container placed at the entrance of camps. They were tasked with controlling the access to the camp and reporting to the police or other relevant institutions on events occurred inside the camp. In 2013, following the depletion of funding allocated through the *emergenza nomadi*, the service has been removed. The guards mediated the policing of the Roma: they were in permanent contact with the SPE police unit, sharing office space in Ponte di Nona and communicating on a daily basis reports on events occurred during their shifts. Following the removal of the service, the container used for the purpose was entirely vandalised and the structure has since been removed.

59 Piasere 2006, p. 12.

60 Police report, September 26, 2014.

breaking the fence is an act of vandalism on public property, hence a crime, the holes punctured by camp inhabitants as an attempt to forge a more comfortable space of autonomy inside the camp are mediators in re-assembling the Roma as delinquent. The materiality of the holes is thus experienced conceptually as criminality.⁶¹ The attention the fence receives in police reports reveals the ambiguity of its protection/containment function: instead of ensuring security for the insiders/outsideers of the camp, it fabricates camp inhabitants as producers of insecurity, creating a mechanism for “securing mobility and mobilizing security”.⁶²

At first sight, the thirty-two cameras placed on high poles all along the fence of the Salone camp embody the panopticon, suggesting that the moves of Roma inside the camp perimeter are under strict surveillance. However, police reports and their correspondence with the company responsible for the management of the recordings reveal that the images were almost never usable to identify perpetrators of vandalism inside the camps, either because of their low quality (blurred or too distant from the place of action), or because the cameras did not function at all, for months at a time.⁶³ Yet, the images taken by the cameras, when functioning, were limited to a narrow space along the fence of the camp, testifying to the agency of the camp enclosure in the decision of emplacement of the cameras. This deeper scrutiny of how these cameras (do not) function reinforces the warning that “surveillance” should not be defined *a priori* as such.⁶⁴ Although intended to function, the primary mode of the cameras’ agency became performative rather than effective. The cameras speak a language meaning different things to different actors: outside observers will deduce that the Roma are legitimately and justifiably under control, attesting to the ontological fusion⁶⁵ between Roma and criminality, danger, and insecurity. On the contrary, for activists and pro-Roma advocates, the cameras enter into a different chain of associations: they suggest the illegitimate and abusive treatment to which the Roma are subjected. The

61 Holbraad 2006.

62 Meiches 2015, p. 477.

63 Police correspondence to local administration September 15, 2011; Police report on problematic situations at the Salone camp, October-December 2012; Correspondence from Roma Universal Services to police October 1, 2011 and February 6, 2012.

64 Green/Zurawski 2015.

65 Holbraad/Pedersen 2012, p. 189.

recurrent failure of the cameras, in turn, functions as a mediator in producing the “failure” of controlling the Roma, manufacturing among police officers a generalized feeling of impotence pervading all levels of the hierarchy of the SPE: the Roma cannot be contained and controlled, even by means of pervasive surveillance or by the materiality of the fence. Thus, the fences, the holes in them, and the cameras are incorporated by various actors to build the frames of their explanations, surrounding themselves with new resources⁶⁶ which reassemble the Roma as dangerous and ungovernable.

Smokescreens

In the immediate outskirts of most of the large camps lie heaps of waste in various quantities. Discarded or broken furniture, domestic appliances, old clothes, broken toys and household objects, car carcasses and any of the smaller parts of all these objects, as well as debris from construction sites can be found surrounding the camp past the fences or walls. How waste is amassed in large quantities around camps is a matter of contention, and of arduous negotiations: for some, it is the sign of a cultural propensity of the Roma to produce rubbish and live amidst it, incarnating what Piasere called the “peoples of landfills”.⁶⁷ Rubbish reproduces social hierarchies, becoming the mediator of the reification of the Roma as abject; the disposability of waste is extended to the Roma, often referred to as “the scum of society” (*la feccia della società*). However, a recent journalistic investigation⁶⁸ has revealed an entire chain of shady, often mafia-related practices of refuse management in which bulky detritus from construction sites is dumped near camps or given to the Roma instead of being transported to special sites. Domestic debris is given to Roma by private individuals or small firms, for considerably less money and effort than what is requested by special facilities to process them— the so-called “ecologic islands”, where bureaucratic regulations make the process complicated, tiresome and expensive.⁶⁹

66 Latour 1996, p. 12.

67 Piasere 2005, p. 160.

68 Belli et al. 2015.

69 I have described more in detail elsewhere (Ivasiuc 2019) how waste is used in visualisations circulated on social media by the neighbourhood patrol of Ponte di Nona, leading to the fabrication of the Roma as producers of insecurity in a pro-

Waste is recurrent in Facebook posts of the neighbourhood committees of inhabitants in the camps' surroundings, as well as on the social media page of a group of citizens from Ponte di Nona, who carry out night patrols in order to protect their neighbourhood of crime against property. The latter also share large quantities of visual material on social media.⁷⁰ In their accounts, waste is a powerful agent: it has the power to transform a neighbourhood from a middle-class habitat worthy of investment into a decayed urban periphery. Waste abounds also in police reports signaling "a severe situation of socio-environmental decay" in camps.⁷¹ The accumulation of waste becomes a cultural marker for the Roma: "*Such ethnic groups* persist in the traffic of abusively collected waste from construction sites, companies and private individuals, discharging the refuse either inside the camp or on the neighbouring streets" (my emphasis).⁷² The public sanitation services rarely collect waste accumulated near camps, and only on demand and using extraordinary means, generally through subcontracts to other firms.⁷³ This, in turn, leads to the practice around which most anti-Roma discourse is structured nowadays in Rome: the combustion of remnants of waste around the camps.

The causes of the fires are ambivalent and multiple, and their initiators are almost never caught. One of the reasons for the arson of certain types of material is their treatment for the separation of metals: typically, the copper and other rare metals inside electric cables are obtained by burning the plastic insulation around. When the police investigates the origin of fires, inhabitants remain silent and profess their ignorance as to who is responsible for them. Their silence facilitates the articulation of hypotheses on low-intensity conflict between the Roma and the police: "It is hypothe-

cess of naturalization of social hierarchies, based on "social sorting" (Lyon 2003) between providers of security and producers of insecurity.

70 Ivasiuc 2015 and 2019.

71 Police reports September 15, 2011 (Salone); March 28, 2012 (Salviati); January 10, 2013 (Salone); November 30, 2013 (Salviati).

72 Police report, March 8, 2012 (Salviati).

73 Subcontracting services by the direct attribution of contracts and the use of public funds are the mechanisms used in profit-making schemes which have recently amounted to the scandal of *Mafia Capitale*. Irrupted in November 2014, the scandal revealed a network of corrupted public servants and their clients (either private firms or non-governmental entities) involved in service provision towards refugee and immigrant centres, as well as Roma camps.

sized that the fire may have been caused by the village⁷⁴ guests as retaliation to the previously performed police activity” (institution of the parking prohibition for vans, n.a.).⁷⁵ Another police report states that the fire was “presumably a form of protest against the dispositions of the municipal authorities”.⁷⁶ In another instance, a camp inhabitant suggests that a recent fire may have been started by the families who had been evicted from the camp on grounds of their generous bank accounts.⁷⁷ These instances commend a political reading of the phenomenon of fires, similar to Kerry Ryan Chance’s approach in the case of a shack settlement in Durban where the inhabitants systematically provoke fire, coming to “inhabit political roles”;⁷⁸ using fire as a means to redirect power, the Roma become legible to state agents as ungovernable.

The smoke resulting from the combustion of waste has come to lie at the centre of securitarian discourses on the *campi nomadi* in Rome, taking precedence over concerns of petty criminality. The discourses woven around this practice refer predominantly to health-related concerns about the inhalation of dioxin from the pyres, or to environmental concerns about soil and water pollution following the infiltration of burnt substances into the ground. Dioxin, in the Italian imaginary, is a powerful mediator ingrained in the collective memory of the 1976 industrial accident of Seveso, and is invested in negotiations around the danger produced by smoke around the camps with new force. Occasionally, the neighbourhood committees appear in the local press, requesting the intervention of the army: “It is difficult to say this, because it’s a measure that goes against the logic of democratic life, but the only solution possible at this point is the intervention of the army to guard the area”.⁷⁹ In May 2015, one of the neighbourhood committees posts on social media a request to the Prefect of Rome requesting “to militarise the TERRITORY or it won’t go well (...), intervene immediately or the citizens will take things in their own

74 The authorized camps are ironically called “villages of solidarity”.

75 Police report July 4, 2014 (Salone).

76 Police report February 18, 2015.

77 Interview E., Salone, November 2014.

78 Chance 2015, p. 396.

79 ‘Roghi tossici nel campo rom Salviati, il Cdq Tor Sapienza chiede invio dell’Esercito’ [Toxic fires in the Roma camp Salviati, the neighbourhood committee requests the intervention of the Army]. May 26, 2015, <http://www.municipioroma.it/roghi-tossici-nel-campo-rom-salviati-il-cdq-tor-sapienza-chiede-invio-dellesercito/>, retrieved May 26, 2015.

hands. (...) This is not BLACKMAIL, but legitimate DEFENSE!”⁸⁰ The leitmotif of the exasperation of citizens which will soon push them to “take things in their own hands” is recurrent also in the discourse of the neighbourhood patrol, who yearly organizes protests as “ultimatums” addressed to authorities requesting the closure of the camps.

The neighbourhood committees and the patrol from Ponte di Nona often post images of smoke, with comments often referring to the neighbourhood as “under siege”: “It is appropriate to use the army, because this is a zone of war. These are the chemical weapons used”.⁸¹ These messages provide the context for their digital audiences to post comments containing hate speech or inciting violence towards the Roma, typically revolving around the leitmotif of “burn[ing] the camps with everyone inside”. These photographs and the comments around them create acceptance towards suggestions to burn the camps down, as such comments systematically receive “likes” (Ivasiuc 2019). In the process, security is implicitly conceived of as the annihilation of the ones producing insecurity by means of smoke. Smoke produces identities on both sides: whereas the Roma are further criminalized, the politics of the neighbourhood committees produce a common victimhood identity mobilized in claims for military protection.

The smoke, its visualizations posted on social media, and the discussions around the risks associated with inhaling dioxin create social alarm and discontent to the point that the authorities, following the lobby of neighbourhood committees, started organizing, at the suggestion of the SPE, police patrols around some of the camps, precisely to control the fires.⁸² The intent of the police to prevent fires precludes a judgment regarding their different types and functions. For instance, during one of the patrols in December 2015, I witnessed the police requesting a family at Salone to put off a fire they had lit to cook dinner outside their container; on a different patrol at Salviati, on a winter evening after nightfall, policemen asked a group of men to put off a wood fire they had lit in a metal barrel to warm themselves up while socializing around it. Pro-Roma ac-

80 Facebook post, May 27, 2015, author’s translation, capital letters in original.

81 Facebook comment by SV, May 27, 2015.

82 Police correspondence to local administration, October 30, 2014: the commander of the SPE requests the local police to institute a fixed surveillance service (*servizio di vigilanza fissa*), “given the protests of citizens regarding the toxic smoke derived from waste burning”.

tivists report that some of the smoke comes from the heaters inside the containers, which produce the same amount of alarm among neighbours as the pyres of waste.

Policing different fires is not a practice performed in undifferentiated ways. Because of the high demand of staff and resources that the continuous surveillance service around the camps requires, the SPE has requested the participation of all local police units in the process. This has led to internal conflicts and struggles between various police units and between agents and their superiors; in these struggles, the labour conditions around the camps are securitized, as police agents contest the decision: “at the site in which the surveillance was carried out there is presumably toxic smoke due to the combustion of braziers inside the shacks and containers of the camp. Moreover there is a substantial quantity of garbage on the side of the street, which makes the environment insalubrious”.⁸³ Many agents are reluctant to spend hours on end in a service that is deemed difficult and dangerous, but also worthless and stigmatized: there is something like a social division of police labour in which the SPE, considered the “Gypsies’ police”, is seen as carrying out labour inferior to other police work.

In practice, various patrol teams carry out the surveillance service with varying degrees of involvement: whereas some teams jump at the sight of any quantity of smoke, demanding that any fire be put off, some other teams do not intervene at all, even when smoke is visible inside the camp. When the police alert the firemen regarding an incipient waste fire, they are sometimes met with their refusal to intervene until the fire becomes more powerful, or with delays which sometimes lead to the extension of the fire. The neighbourhood committees have picked up on the inefficiency of the surveillance service. For example, on Facebook, on a photograph of smoke rising from the camp of Salviati, a member of the neighbourhood committee from Tor Sapienza highlights the police car parked outside, at a considerable distance from the camp entrance, to suggest the inability of the police to control the fires. Members of both neighbourhood committees often engage in accusations that the police are not efficient in protecting them from smoke, reproducing narratives of citizens soon “pushed to take things in their own hands”. The inefficiency of the continuous surveillance service strengthens a discourse articulating the impo-

83 The text was repeated in several police reports, accusing current regulations for the lack of conformity of these particular labour conditions.



Image 1. Photographs of smoke posted by a member of the neighbourhood committee of Tor Sapienza (15.07.2016). Source: Facebook



Image 2. Photograph of smoke posted by the neighbourhood patrol of Ponte di Nona (August 8, 2015). Source: Facebook

tence of the police to tackle the problem with a pre-existing narrative of abandonment by the institutions;⁸⁴ all the while, the inhabitants of peripheral neighborhoods produce self-victimized identities while criminalizing the Roma.

The power of materiality and the materiality of power

Within critical security studies, power has been studied in rather unsystematic ways, and, first and foremost, the power of the securitizing elites and the impact of securitization on power relations have constituted points of scholarly interest;⁸⁵ at the same time, attention to the materiality of securitization is relatively recent. This gap invites reflection on the power of materiality, and the materiality of power in securitization.

Tapping into the potential of the actor-network perspective, I have showed how objects are mobilized by various actors to make certain securitizing moves, in a maze of discursive and material practices spanning a field of negotiations; the space of the camp has become associations⁸⁶ which render the Roma as producers of insecurity. As we have seen, the camp plays a consequential, highly ambiguous role. Conceived as a technology of threat containment, the camp, together with its materiality, simultaneously fabricates and perpetuates the very danger it purports to contain, by entering into powerful associations which produce an ever growing demand for more security, and more policing. If the fence is there to contain—and, although ambiguously, also to protect—the camp inhabitants, the holes they puncture in the fence associate with police in chains which cast the Roma as ontologically criminal, uncontainable and ungovernable. The objects making up the waste around the camps associate in complex networks with the regulations of “ecological islands”, company staff and individuals seeking to minimize the costs of discarding bulky refuse, the money given to the Roma in exchange for disposing of these objects, the public sanitation company not serving the areas around the camp, the fear for falling real estate prices in “decaying” neighborhoods, and the material posted by the patrol and the neighbourhood committees on social media. Smoke from the pyres of rubbish, in turn, associates with

84 Quassoli 2004.

85 Balzacq 2011; Balzacq et al. 2015; see also Langenohl, this volume.

86 Latour 1996.

neighbourhood committees and their securitizing moves, the visual and textual material posted on social media, the technology of the Facebook interface allowing for the co-production of speeches and images, the authorities ordering police patrols, the SPE, safety labour regulations, other police units and so on, producing every time anew the camp and its inhabitants as dangers demanding security measures.

The incorporation of the materiality of the camp and the ways in which objects are used in the production of insecurity allowed for the increased focus on forms of agency which often remain invisible in accounts on Roma camps which do not take the power of the camp materiality fully into account. Often, more shallow perspectives adopt dichotomies between the dominant and the subordinate, whose agencies seem confined to the predetermined roles of the “powerful” against the “powerless”. However, the material elasticity of the camp⁸⁷ allows for the Roma to exert some forms of (what is commonly assumed to be) “power” on the concrete ways in which they are contained by the enclosure of the camp and the attempts to enact surveillance: breaking the fences in what seems to be a continuous “guerrilla” with the police, acts of vandalism on containers and cameras exerted in response to surveillance measures, and the continuous practice of manifestly uncontrollable fires. On the other hand, all too often police control, surveillance, and repression are conceptualized as totalizing repressive power. My argument allows nuance in this debate, as the police often prove “powerless” in front of the phenomena with whose containment they are entrusted. This account helps revisit familiar assumptions about power, and allows for the conceptualization of its locus in securitization.

The concept of power is, for Latour, “a pliable and empty term” used uncritically to “explain (away) hierarchy, obedience or hegemony”, which, he argues, social scientists would do better to do away with; it allows a shortcut precluding the actual work of explaining. He subsequently proposes a model of translation to account for the circulation of “claims, orders, artefacts, goods” through chains made of multiple agents acting on the “token” that is to be transmitted—in our case, insecurity. In such a transmission, there is no inertia attributable to an abstract concept of power; rather, the translation is the consequence of the “energy” with which every actor invests the token, energy which is impossible to hold on to: it

87 Meiches 2015.

is immediately reinvested in the chain. The transmission finds new impetus as the actors find new sources of energy. In the process, actors mold the token to suit their interests, *transforming* it and passing it along to others, who in turn change it and shape it anew.

Conceptually, the chains of camp inhabitants, the objects they manipulate, and the conceptions they engender among residents, the neighbourhood patrol, and the police, are new, hybrid objects, reassembling insecurity through their complex associations. In the process, they become the power to securitize. Power is not possessed, but exerted, requiring its conceptual treatment as a consequence, rather than a cause of action (Latour 1984). Thus, power is not the cause of securitization moves, as securitization scholarship would have it, but its consequence. A long chain of mediators work together towards ever greater securitizing moves, and an ever more impending threat of violence on Roma camps. To claim that the neighbourhood committees or the patrol group *have* the power to securitize would ignore the work of smoke, the SPE, and the multitude of other associations which produced the institution of camp patrols to police fires. And even when this particular securitizing move has succeeded in enacting exceptional measures, can it really be said that the neighbourhood committees *have* power, given the inefficient policing of the pyres? The power to securitize, rather than being held by powerful actors, is contained in the entire chain of associations resting on the materiality of the camp. Power, then, becomes material.

The conceptual exercise I have proposed is to apply Latour's model of translation to the theorization of securitization in a model in which materiality plays at least as important a role as the agency of the humans forming the chains along which passes the ever-transforming insecurity with which the Roma are endowed. Thus, the Roma are perpetually produced as dangerous, thus in need of security measures and policies, through the agency of the complex and shifting chains of human and non-human actants translating "insecurity" with the fresh resources provided at each step in the chain: the camp, the holes in the fence, the surveillance cameras, the acts of vandalism perpetrated in retaliation within the camp, the waste, the smoke—and the dioxin in it—the photographs of smoke on social media, the police patrols, the neighbourhood committees, the SPE, labour safety regulations, and onwards and sideways to a multitude of other actants. In the process, power is not something either possessed, or exerted by "powerful" actors, but collectively exerted through chains of associations linked to the materiality of the camp itself.

Some will perhaps argue that the argument is attempting to dissolve racism, diffusing—and defusing—it through objects devoid of intentionality. The discussion about this particular politics of explanation is intricate and beyond the scope of this chapter; however, the analytical choice of positing the racism and discrimination with which Roma deal in their concrete lives not as *explanans*, but as *explanandum*, also means that to refer to it in the explanation would render the argument circular.

There is, perhaps, a promising escape from securitization: the chain of translation may be interrupted at any point, should the token be dropped. A politics of altering the materiality of the camp would probably open up a path out of the incremental securitization of the Roma in Rome. And this had better happen before the humans entering the securitization chains acquire new resources to enact the promise of burning down the camp.

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List of Contributors

Hannah Broecker is a researcher of International Relations at Marburg University. The preliminary title of her dissertation is: 'Securitization as hegemonic discourse formation' and works on the embedding of the securitization-model within a further discourse and hegemony theory. Hannah Broecker studied the Bachelor of Sociology and International Relations at the Aston University in Birmingham UK. In 2012, she finished her masters' degree of International Security Studies at Warwick University. Her researches are focussed on military interventions, concepts of statehood and the social construction of security. 2012 to 2013 Hannah Broecker was project member of the 'Academic Peace Orchestra' at the "Hessische Stiftung für Friedens- und Konfliktforschung". During her 5-month internships in 2009 at the Friedrich-Ebert-Stiftung in Nigeria (Abuja) and at the African Development Bank in Uganda (Kampala) Hannah Broecker collected experiences in the field of development work.

Carola Dietze, Privatdozent, is currently a German Research Association Heisenberg fellow and has been a researcher in the history department of Justus Liebig University Giessen since 2010. Previously, she has been a visiting professor for modern and contemporary history at Ludwig Maximilians University Munich and Technische Universität Carolo-Wilhelmina Braunschweig (Brunswick) as well as a fellow at the German Historical Institute in Washington, DC and the Netherlands Institute for Advanced Study in the Humanities and Social Sciences, Wassenaar. Carola Dietze was a leading researcher in the Subproject B04 — "Security of the State and Security from the State in Europe, Russia and the United States in the 19th Century" at the DFG Collaborative Research Centre/Transregio 138 „Dynamics of Security. Types of Securitization from a Historical Perspective“. She has published several articles on assassination attempts, terrorism, and security in the 19th century. Her most recent book *Die Erfindung des Terrorismus in Europa, Russland und den USA 1858-1866* (Hamburg: Hamburger Edition 2016) examines the emergence of terrorism in 19th century Europe, Russia and the United States. An English translation of the book is prepared by Verso in London. Together with Iwan Iwanov and Nikolaus Katzer, Dietze is currently editing a volume on *Dynamics of Se-*

curity in Russia in the Age of Revolution and Restauration 1790-1840, which will appear in a publication series of the German Historical Institute in Moscow.

Sebastian Haus has studied modern history, political science and sociology in Marburg and Paris and is currently a research assistant at the Department of Modern History, University of Marburg. He works on his PhD thesis on the history of HIV/AIDS prevention in Germany, 1981-1995, which is part of the subproject C01 “advanced security. Changes in statehood since 1970”. His recent publications include Haus, Sebastian 2016: *Risky Sex – Risky Language. HIV/AIDS and the West German Gay Scene in the 1980s*, in: *Historical Social Research* 1, p. 111-134.

Ana Ivasiuc has studied Cultural Anthropology and Development Sociology at the University of Leiden, The Netherlands, and pursued her studies at the University of Paris VII Denis Diderot with a specialization in Migration and Interethnic Relations. She then completed her PhD in the field of the anthropology of development at the National School of Political Science and Public Administration in Bucharest. Since 2014, she is a researcher at the University of Gießen, Germany, within the DFG Collaborative Research Centre/Transregio 138 „Dynamics of Security. Types of Securitization in Historical Perspective“, focusing on the securitization of the Roma in Italy. She has published, among others, on vigilantism, Roma migration, and Roma-related policies and interventions. She is co-editor of two forthcoming volumes related to Roma issues: *The Securitization of the Roma in Europe*, with Huub van Baar and Regina Kreide (Palgrave Macmillan), and *Roma Activism: Reimagining Power and Knowledge*, with Sam Beck (Berghahn Books).

Maria Ketzmerick is research associate at the Centre for Conflict Studies and the collaborative research centre „Dynamics of Security“ (SFB 138) at Philipps University Marburg. Therein she is focusing her PhD on transitional processes with a focus on dynamics of de/securitization, postcolonial/decolonial theories and external state- and peacebuilding missions. Prior to that she studied Political Sciences and (international) Law, with a Master in „Global Studies“ (African studies in combination with international relations) at Westfälische Wilhelms-Universität Münster, IEP Lyon, Roskilde University, and Leipzig University. Maria Ketzmerick is co-ed-

tor of the edited volume *Securitization, Intervention and Statebuilding* (Nomos).

Katharina Krause, chair of art history at the Philipps-Universität Marburg, Germany, since 1996. She studied art history, history and classical archaeology at the University of Marburg, Munich and Paris. In 1988 – 1996 she worked as assistant and senior assistant of art history at the University of Freiburg/Breisgau. She also taught as Visiting Professor at the University of Bonn and the University of Vienna. In 2015 she was reelected as president of Marburg University for the period 2016-2021. She has published books on French art and architecture, Visual Arts in southern Germany around the year 1500 and Image and text in scholarly art historical literature. Her most recent publications include *"Vous y verrez l'Ancienne et la Nouvelle Rome". Versailles als Summe aller Paläste*, in: Michael Featherstone et al (ed): *The emperor's house. Palaces from Augustus to the age of absolutism*, Berlin 2015, pp. 353-364 and *Des exemples à suivre absolument? Distribution française et commodité allemande dans le traité et la pratique architecturale au tournant du xviiiè siècle*, in: Thomas W. Gaehtgens et al. (ed.): *Versailles et l'Europe. L'appartement monarchique et princier, architecture, décor, ceremonial*, Heidelberg arthistoricum.net, 2017 pp- 129-148. DOI: 10.11588/arthistoricum.234.309.

Regina Kreide is a professor of Political and Social Theory and the History of Ideas at the Justus Liebig University in Giessen, Germany. She studied Sociology, Political Science, and Philosophy at the University of Cologne, Goethe University in Frankfurt and at Columbia University in New York. In 2001 – 2008 she worked as an assistant professor and senior lecturer of Social Sciences at Goethe University in Frankfurt. She also taught as a Visiting Professor at the New School for Social Research in New York (2009), the Universidad de Antioquia Medellin, the UAM Izta-palapa, Mexico City, Mexico, and was a visiting professor at the University of Washington Seattle. She is one of the co-speakers of the Collaborative Research Center "Dynamics of Security" (SFB). She has published widely in international journals on global justice, human rights, international law, democracy, security, and European minorities. Her most recent book publications include the *Habermas-Handbook*, together with Hauke Brunkhorst and Cristina Lafont, Columbia UP 2017; *Transformation of Democracy: Crisis, Protest, and Legitimation*, ed. with R. Celikates and T. Wesche, with Rowman&Littlefield, 2015; *The Repressed Democracy* 2016

(in German), and *Politics of Security*, with van Baar and Ivasiuc, Palgrave, forthcoming 2017. Her book *Global (In-)Justice?* (in German) will appear 2018.

Christine Krüger is a research assistant at the SFB “Dynamics of Security”. In 2005 she graduated at the University of Tübingen with her multiple award-winning work on German Jews in the war of 1870/71. Christine Krüger was qualified as a university lecturer at the University of Oldenburg in 2015. In 2008 and 2009 she worked as Feodor-Lynen-Fellow of the Alexander-von-Humboldt Foundation at the Oxford University. She was fellow at the Institute for Advanced Studies in 2012. Christine Krüger is a research assistant of the project C02 “Security and urban area in London and Hamburg from 1880 to 1980”. Her recent publications include Krüger, C. 2016 *Dienstethos? Abenteuerlust? Bürgerpflicht. Jugendfreiwilligendienste in Deutschland und Großbritannien im 20. Jahrhundert*.

Andreas Langenohl is professor of sociology with a focus on general comparative studies at Justus Liebig University Giessen. He held research and teaching positions at Konstanz University and Ghent University. His research foci include economic sociology and the sociology of finance, social and cultural theory, transnationalism, and the epistemology of the social sciences and economics. For his monograph *Finanzmarkt und Temporalität: Imaginäre Zeit und die kulturelle Repräsentation der Gesellschaft* (Stuttgart: Lucius & Lucius, 2007) he received the Karl-Polanyi-Award of the research stream Economic Sociology in the German Sociological Association. More recent publications include “Securities markets and political securitization: The case of the sovereign debt crisis in the Eurozone”, in *Security Dialogue* 48(2), 2017, 131-148, and *Town Twinning, Transnational Connections, and Trans-local Citizenship Practices in Europe* (New York/Basingstoke: Palgrave Macmillan, 2015).

Friedrich Lenger, chair for medieval and modern history at Giessen University since 1999, studied history, sociology, political sciences and cultural anthropology at the universities of Michigan (Ann Arbor), Bielefeld and Düsseldorf; MA (Ann Arbor, MI 1979), Dr. phil. (Düsseldorf 1985), Dr. phil. habil. (Tübingen 1993). From 1985 to 1993 he worked as lecturer and assistant professor at Tübingen University. Prof. Dr. Friedrich Lenger was associate professor at Erlangen University from 1995 to 1999 and visiting professor at St. Antony’s College, Oxford in 1997/98 and at George-

town University, Washington, DC in 2001/02. He directs the project C02 within the „SFB“ and is a member of its conceptual working group 4 (The power of security). His relevant publications include *European Cities in the Modern Era, 1850-1914*, Brill: Leiden/Boston 2012 and as editor: *Kollektive Gewalt in der Stadt. Europa 1890-1939*, Oldenbourg: Munich 2013.

Thilo Marauhn is Professor of Public Law and International Law at Justus Liebig University Giessen, Germany, and head of the newly established International Law Research Group of the Peace Research Institute Frankfurt. Furthermore, he also holds a permanent visiting position at the University of Lucerne, Switzerland. He chairs the German National Committee on International Humanitarian Law, is a member of the Advisory Board on United Nations Issues of the German Foreign Office and President of the International Humanitarian Fact-Finding Commission. He has held visiting professorships at the Universities of Bergen, Madison (Wisconsin), Rovaniemi, Tromsø and California Western School of Law, San Diego. Among the various externally funded research projects is “UN policing – legal basis, status and directives on the use of force” (funded by German Foundation of Peace Research). He has published widely in pertinent journals. His most recent book publications include *Lehre des Internationalen Rechts – Zeitgemäß?! 2017* (ed. with S. Hobe), *Legal transformation in Northern Africa and South Sudan*, 2015 (ed. with H. Elliesie), and *Transboundary governance of biodiversity*, 2014 (ed. with L. Kotzé), ‘Sanctions and the Protection of Human Rights’, 2016 (with I. Stegmiller), and on ‘The Prohibition of Chemical Weapons’, 2016.

Marie-Christin Stenzel is a PhD candidate in international law at the faculty of law of Justus Liebig University Giessen, Germany. She studied law at the universities of Giessen and Montpellier, France. Before working as a research assistant to Thilo Marauhn and as researcher in the Collaborative Research Center “Dynamics of Security” (SFB), she completed her legal pupillage at Dresden High Court (Oberlandesgericht) with traineeships at the Ministerial Department of the State of Saxony for Science and the Arts and at the Arts Law Centre of Australia in Sydney, among others. Upon successful completion of her second state exam she became a fully qualified lawyer in 2012 and practiced intellectual property law. Her upcoming publications include the article „Postponing the Future. Observations on Early 19th Century International Law between Prevention and

List of Contributors

Positive Creation“, forthcoming 2017 and „*Power, security, and public international law – an intricate relationship*“, with Thilo Marauhn, forthcoming 2017.

Carola Westermeier is a postdoc researcher at the Department for Sociology at the Justus-Liebig-University Giessen and member of the SFB 138 ‘Dynamics of Security’. She studied History, Sociology, Journalism and Economics at the universities of Giessen and Birmingham, UK. Her PhD-thesis examines the relations of political security and financial stability following the world financial crisis. She is co-editor of a volume on *Security Actors* with Horst Carl (Nomos 2018, in German). Her recent publications include “*A Dilemma of Trust in Economic Expertise – The Regulation of Financial Markets following the Financial Crisis*” in Andrea Schneiker et al. (eds.), *Transnational Expertise* (Nomos 2018) and “*The Bank of International Settlements as a Think Tank for Financial Policy-Making*” in *Policy and Society* (online first 2018).