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When Is Securitization Morally Required? The Case of Must Cause

1.1 Introduction

This chapter is concerned with the conditions when securitization is morally required. As such, this chapter does not make any claims about *who* has a duty to carry out securitization; consequently, it is silent on *where* specific actors' duties to secure stem from (these issues are covered in subsequent chapters). Instead, it aims to locate the critical juncture when securitization is – from a moral point of view – not merely permitted (and thus optional) but obligatory (mandatory). Already, we can see from this that the critical juncture cannot depend simply on what actors think or believe they must do about a threat. Instead, the moral requirement to securitize is external to the beliefs of securitizing actors; that is, it must relate to the available evidence. I hold that the obligation to securitize arises from what has already been done to address the threat. In other words, the obligation to securitize rests on a prior obligation to politicize, by which I mean not simply the elevation of an issue into political forums where it is discussed but the situation when concrete if ordinary (non-exceptional) measures to address the issue are put in place. In more detail, I argue that securitization is morally obligatory only when other feasible and less harmful options have been tried once and demonstrably failed to satisfy just cause.¹ Conversely, I hold that securitization is morally permissible *before* other less harmful options have been tried, namely when securitization is *anticipated* to have the best chances of achieving just cause compared to the chances of viable, less harmful, alternatives (Floyd, 2019a: chapter 5).

To make this argument, this chapter commences by explaining why in Just Securitization Theory (JST) obligation is bound to what I refer

¹ I discuss the sources of the obligation to politicize threats in Sections 2.4 and 2.6.

to as *ameliorated moderate last resort* (the situation when plausible and less harmful alternatives have been tried and have failed to meet the just cause), whereas permissibility is tied to reasonable chance of success, to wit when securitization is anticipated to be the ‘best option’ for addressing the just cause.

Overall, I show that last resort’s function regarding the obligation to securitize is comparable to just cause in the permissibility to securitize (cf. McMahan, 2005: 4 & 5),² at least in so far as securitization *cannot* be required unless it is a last resort. In other words – and in a play on words – last resort is the *must cause* for the obligation to securitize.

It is important to note that JST’s initial just cause, as well as the other criteria concerning just initiation of securitization, is not replaced by must cause (bar chance of success); securitization cannot be obligatory in the absence of a just cause, or any of the other criteria of just initiation for securitization, because one cannot be morally required to perform an act or to do something that is morally impermissible.³ Put differently:

Must cause = just cause, right intention, macro proportionality, *and* last resort.

Once I have laid this groundwork regarding last resort, I examine when last resort is satisfied regarding different threat types. To this end, this chapter works out plausible, less harmful, alternatives for a number of prominent and current threats and considers what factors influence for how long these ought to be tried before securitization is a last resort. The task of this chapter is not to do the impossible and to provide a blueprint that – for every possible threat scenario – reliably tells us when securitization is required. Instead, my aim is to tell users of JST how to go about establishing whether must cause is satisfied and on that basis when a relevant actor has a duty to securitize. The instructive nature of this chapter is an additional reason why all threat scenarios discussed refer to stylized and not real-world examples (cf. Introduction).

² Unless otherwise stated, last resort hereafter always refers to ameliorated moderate last resort.

³ Or as Danny Frederick (2015: 158) puts it, morally impermissible acts are ‘duty-voiding’.

1.2 The Importance of Last Resort⁴

Regardless of who has a moral duty to securitize and irrespective of the specific nature of the threat, what needs to be the case so that securitization is morally required (of relevant actors)? To answer this question, let us begin with the moral permissibility of securitization. In JST (Floyd, 2019a), securitization is morally permissible *inter alia* when it is judged *ex ante* to be the best option for satisfying just cause. To establish whether securitization is the best option, it is necessary to anticipate securitization's chances of achieving the just cause and to compare these chances with those of plausible, less harmful, alternatives (notably politicization and purposeful inaction⁵) at meeting the just cause. Only if securitization emerges as the best/most reasonable option is securitization permissible. In other words, securitization's permissibility depends – in part – on the success condition.

That securitization is permissible when it is the best option is in line with our moral intuitions regarding self-defence. As Seth Lazar (2012: 8) has argued: 'Without taking a position on whether our moral theories should be evidence-relative, fact-relative, or both, it is clear that our primary interest when exploring the ethics of self-defence and war is in the evidence relative perspective, because the judgments it yields are much more in tune with our ordinary thinking about self-defense.' Given that the obligation to securitize rests – like all duties – on finding a balance between the good done (the harm prevented) and the costs/harm incurred, the obligation to securitize could – provided all criteria are met – simply rest with the best option understood as having *ex ante* the best chances of success. To put this more simply, we might think that whenever all the permissibility conditions are met, it follows that the permissible option is also required – in short, that there is no gap between permissibility and requirement.

In the remainder of this section, I want to explain and defend why – where securitization is concerned – I do not support this inference. In other words, I shall explain why some securitizations that are morally justifiable are merely optional, while other securitizations are

⁴ I owe special thanks to Jonathan Parry for repeatedly discussing this section with me.

⁵ As argued in Floyd (2019a), by inaction I don't mean not reacting but purposefully reacting by not addressing the issue, for example, by choosing to not respond to acts of terrorism.

obligatory, even though any theory of the obligation to securitize must rest on a theory of permissibility. I will also explain why securitizations that are not morally required are – provided relevant criteria are satisfied – morally permissible. Pivotal to my reasoning is the logic of supererogation. A supererogatory act is one that is ‘good to do, but not wrong not to do’ (Heyd, 2019: 9). By contrast, an obligatory act is right to do and wrong not to do.

Most security studies scholars I consulted on the question whether just cause is automatically a *must cause* agreed with me that there is, or should be, a split between the point when securitization is permissible and when it is obligatory. Although I too am of this view philosophically, the matter is not easy to justify. Hence, if securitization is the best option at point X to achieve just cause, then surely relevant actors at point X are also obligated to securitize (i.e., do the best thing). Or put another way, if there is no obligation at point X, then how can securitization be permissible at point X (cf. Oberman, 2015)?

The case *against* separating out just cause (the point when securitization is permissible) and must cause (the point when securitization is obligatory) in the way I do is strengthened further by the fact that obligation at point X is merely a pro tanto obligation that can be overridden by concerns pertaining to the costs and risks to the securitizing actor. For example, regarding humanitarian intervention, we can say that all just states have pro tanto obligations to save people from grave harm; however, they have this obligation only if the cost (notably in terms of own soldiers sacrificed) is not prohibitive to their state’s own flourishing (see, e.g., McMahan, 2010: 57). In other words, separating out just and must cause is not only illogical but it is also unnecessary for developing a theory of the obligation to securitize.

The crux of the objection against separating out permissibility and obligation is this: if securitization is the best thing that can be done to satisfy just cause then surely – from a moral point of view and all other things being equal – it *must* also be done. In what follows I want to first defend my view that – in the absence of a must cause – just securitization is supererogatory.⁶ And second, I want to explain what changes the balance so that hitherto optional securitization becomes mandatory.

⁶ There are at least two kinds of supererogatory acts. Acts are supererogatory if they are morally praiseworthy, which is to say they pose great personal risks to an actor and are therefore ‘merely’ permissible but not required. In addition to

Supererogationists hold the view that ‘supererogatory actions lie entirely and without qualification beyond the requirements of morality and that is the source of their unique value’ (Heyd, 2019: 15). The existence of supererogation is contested (see Oberman discussed later in this chapter). The philosopher Nora Grigore (2019) suggests that this contestation comes about because our understanding of morality is wedded to good acts being obligatory to avoid them from not being done. In short, in much of moral philosophy, the realization of the moral deed depends on obligation. However, to claim that all good acts are obligatory also brings problems. For one thing, it makes morality very demanding (Grigore, 2019: 1163). For another, it leaves no room for voluntarily good acts (Heyd, 2019: 23–28). The demandingness point is ameliorated by the fact that moral obligations are *pro tanto* duties only that can – in many cases – still be overridden by costs to the agents (this will be addressed in Chapters 2–4). The fact that supererogationism leaves room for voluntarily good acts is key. Thus, I concur with supererogationists that there is intrinsic value in human beings having moral choice.⁷ That is to say, there is moral value in some things being done voluntarily and actors having, within a certain range of options, a choice on how to respond.⁸ Put differently, just

such, in Joel Feinberg’s terminology, ‘meritorious, super-risky non-duties’, acts are supererogatory when they amount to ‘duty plus’ (1961: 282). An example is when a nurse works a twelve-hour shift as opposed to the contractual eight hours to enable a colleague to attend a funeral. The distinction between the two types of supererogatory acts is important because a just securitization initiated in the absence of a *must* cause is not automatically morally praiseworthy. Supererogatory securitization can simply be duty plus. Notably relevant actors have a duty to secure those objectively existentially threatened, albeit – at this point – not by means of securitization.

⁷ This is in line with JST, which holds that autonomy is one of two basic human needs.

⁸ It is worthwhile to cite David Heyd here at lengths: ‘What would be missing in such a world is what Tertullian referred to as *licentia*, that special field of liberty, which allows human beings to exercise their power of moral choice. Even Kant, who suggests the ideal of the Kingdom of Ends in which members of the moral community exercise their free will (*Wille*) by the necessity of their nature, believes that imperfect moral creatures like us have a free choice (*Willkür*) between good and evil. In this discretionary power to adopt the moral law (or reject it) lies the particular value of morality, at least for human beings. Going beyond duty might be considered as a display of this power of free choice. The pure or unqualified version of supererogationism highlights the moral potential of good human action not prescribed or commanded, imposed or demanded in any sense’ (2019: 28).

cause + other criteria for just initiation of securitization give positive justifications (or deontic reasons) for securitization, but these reasons are not strong enough to override the value of autonomy (cf. Grigore, 2019: 1155). We can see that supererogation is also the reason why a securitization that actors are *not* required to do is still permitted, provided, of course, the criteria for just initiation of securitization are satisfied.⁹

Turning now to the second part of my argument, it is time to examine what changes this balance so that relevant actors no longer have a choice regarding *how* to act on just cause. In what follows I shall argue that a qualitative shift in certainty renders deontic reasons for securitization stronger than the value of autonomy, making securitization mandatory. I shall further argue that the certainty that securitization is the best option increases relative to the amount and quality of the evidence collected in support of that view.

Recall that in JST securitization is morally permissible – *inter alia* – based on *ex ante* judgements regarding the success of securitization satisfying just cause in relation to other less harmful options. I contest that while these reasons are (provided other relevant criteria are met) strong enough to render securitization morally permissible, they are not strong enough to trump the value of autonomy. This changes when we have concrete evidence that other options do not work. To achieve sufficient certainty, it is thus important that alternatives are *tried* out, because trying out (not anticipation) is the method to obtain sufficient evidence and consequently to generate sufficiently strong deontic reasons that are able to override the pre-eminence of autonomy.¹⁰ The premise here is that we can truly know (be sufficiently certain) that an action is, out of a set of viable options, the best one only when we have eliminated these other options by trying them first and they have failed to satisfy just cause. In rare cases, it is possible that actors possess sufficient evidence that alternatives are unworkable even without having tried them first. For example, if a state is targeted with ballistic missiles, its government must – capability permitting – respond with anti-ballistic missiles, as it is already too late to try, for example, diplomacy. On this view, in summary, what matters is the

⁹ I return to this in more detail later, when I discuss Oberman.

¹⁰ Granted in some cases the method might be modelling, for example, regarding success of research vaccines.

actor's evidence about the likely success of their options. Trying out an option is the obvious way of getting that evidence. In exceptional cases, where an actor has evidence without trying out an option, trying out is not required.

This analysis gives way to the following guiding principle:

In virtue of the value of autonomy, actors are permitted to choose how to respond to threats, provided all the options in that range pass some threshold of working and if there is not a huge disparity between the options in terms of how likely they are to work, and initiation of securitization would be morally permissible. But if the actor has unsuccessfully tried a few non-securitizing options, then the importance of responding to the threats trumps any value of autonomy, and securitization becomes required.

To be sure, while trying alternatives leaves securitization to emerge as the *best* option, it might still only be the best option among several worse alternatives. As Simon Caney (2005: 244) explains, the best option (in terms of the success of satisfying just cause) is not judged against some absolute standard but “‘relative’ to the other options available’.

In philosophy, the requirement to try alternative, less harmful, options (at least once) first (i.e., before war ensues) is known as the last resort (Frowe, 2011: 64). Last resort does more than to provide actors with greater evidence and thus increased certainty whether securitization is the best option. Importantly, by doing other things first, the need for securitization can decrease, because other options might go some way towards dealing with a threat. This is apposite for a number of reasons. First, the resources for securitization (including money and numbers of security practitioners) that most would-be securitizing actors have at their disposal are finite. Imagine a scenario whereby securitization is judged the best option in ten cases, but the designated securitizing actor has the resources to securitize only in five such cases. How should this actor deliberate between which case must be securitized, especially if all – or more than five cases – would not produce undue costs to the securitizing actor, thus requiring securitization in all or more than five cases, because securitization is anticipated to have the best chances of succeeding in satisfying just cause. We might say that in such cases they ought to do the best that they can and say securitize in five cases. Yet how are actors to deliberate which are the five most important cases given that in all cases securitization

is expected to be the best option for satisfying just cause? Additional evidence is likely to assist in whittling down the number of cases that require securitizing, because once other options have been tried, we not only gain greater certainty regarding the best option but also the need for securitization goes down as threats are partially addressed by these other options, in some cases making securitization unnecessary.

Second, a low threshold for the obligation to securitize can increase/trigger moral dilemmas – that is, ‘cases in which doing one thing we’re morally required to do rules out doing another thing we’re also morally required to do’ (Van der Vossen in Tesón and Van der Vossen, 2017: 217) – just states face. Such states are obliged to protect human rights and uphold civil liberties, but a requirement to securitize when it is anticipated to be the best option clashes with these other obligations because securitization often infringes these goods (cf. Floyd, 2019d).

While philosophers in particular might disagree with the differentiation between must cause and just cause, it seems to me that there is a precedent in the just war tradition for what I suggest here.¹¹ Many just war scholars consider war permissible in line with Lazar’s earlier-mentioned view of evidence-relative certainty. However, it is also true that most just war scholars are not concerned with obligation. For the most part, the decision whether to go to war is considered the prerogative of states and not discussed further (cf. Oberman, 2015). The exception is formed by scholars theorizing humanitarian intervention. Most scholars writing on humanitarian intervention do so because they are in favour of the practice (an exception is Jackson, 2000; van der Vossen in Tesón and Van der Vossen, 2017) and because they think that able state actors have a duty to intervene when circumstances are right (see, for instance, Glanville, 2014). In my view, it is telling that many writers concerned with humanitarian intervention include as part of their substantive criteria the requirement of (if not by that name) *ameliorated moderate last resort* (e.g., ICISS, 2001: 36–37; Lango, 2014: 140).¹² It seems to me that while supporters of humanitarian intervention are concerned with the

¹¹ I do not wish to claim that anyone shares my view but rather that scholars mostly concerned with permissibility tend to share one view while those concerned with obligation have the more stringent view.

¹² This is not categorically the case; as Cater and Malone note, the World Summit Outcome Document from 2005 that launched Responsibility to Protect states that ‘enforcement action should occur only after “peaceful means” have been considered and found inadequate’ (2016: 125).

plight of people subject to grave human rights abuses, they are also wary of advocating the interference into state's sovereignty. Consequently, for humanitarian intervention to be obligatory, we need sufficient certainty that it is the best thing to do. Sufficient certainty for the obligation to go to war for humanitarian reasons, however, rests with isolating war as actually the best option. This can be achieved only by trying other less harmful options (diplomacy, economic sanctions,¹³ etc.) first.

While we can find a split between optional and mandatory wars in the wider just war literature (see, e.g., McMahan, 2010), some philosophers are challenging the view of optional wars or optional rescue killings. Helen Frowe (2018), for example, has advanced the 'Requirement Thesis', which treats 'lesser-evil justifications for harming for the sake of others as rescue cases. [It holds that] unless rescuing imposes a very serious psychological cost on the rescuer, of the sort that will seriously impede her capacity for flourishing, she is required to enact lesser-evil rescues' (2018: 479). While Frowe's formulation seems to challenge the distinction I draw between the permissibility and the obligation to securitize, consider that Frowe makes her case with reference to the well-known trolley dilemma in which a pedestrian is faced with the choice to divert a run-away trolley to save five people, yet whereby diverting the trolley will kill one innocent workman. This is important because it shows that Frowe does not allow for alternative options to killing. That is – in her scenario – last resort is satisfied in virtue of the fact that diverting the trolley is the only and hence actually best thing the pedestrian can do to save the five. None of this is at odds with my proposal. I hold that securitization is required only at the point when other – less harmful – things have been tried to divert the trolley, for example, driving a car onto the track in between the workman and the trolley, from which the driver is able to escape before impact.¹⁴ And that when the car fails to stop the trolley by ramming it out of the way, I think securitization is obligatory.

A different critique is offered by Kieran Oberman. In a 2015 article, Oberman advances the Cost Principle, which holds that 'those in power should not force people to render humanitarian assistance to

¹³ The issue whether sanctions are less harmful than war is contested with scholars usually invoking the sanctions on Iraq in the aftermath of the Gulf War.

¹⁴ This is for purposes of illustration only; I realize that there might not be time to do this.

those in dire need if the costs exceed that which people have a humanitarian obligation to bear' (2015: 261). Put differently, he argues that it is morally *impermissible* for decision-makers to enact wars that pose unreasonable/supererogatory moral or financial costs on the executors of war (e.g., soldiers) and taxpayers. The flipside of this is that unless an otherwise just war incurs such costs, the war is not merely morally permissible but morally required. In other words, there is no such thing as an optional war. As will become apparent in subsequent chapters, I agree that the expected moral and financial costs to the securitizing actor play a major role in the actual obligation to securitize others (i.e., outsiders). In short, the moral costs and risks are duty-overriding or, as in the case of individual persons (see Chapter 3, Section 3.2), duty-voiding factors. This is the standard view in philosophy. McMahan (2010: 57), for example, argues: 'Among other things, while the question whether an act is permissible does not seem to depend on the cost to the agent of doing it, the question whether an act is morally required or obligatory does seem to depend on the costs.' He makes this point by giving the following example:

Suppose that you and I are strangers walking in opposite directions across a high bridge. You have just dropped a \$1,000 bill that is about to be blown off the bridge into the river far below. I can prevent this simply by stepping on it. Since it would cost me nothing to prevent you from suffering a serious loss, it is reasonable to suppose that it is obligatory for me to step on the bill. But suppose that the only way I could prevent the money from being blown away would require me to go over the bridge and fall to my death. No one would say that I would still have the same obligation to save your money but that I am excused for not fulfilling it because of the prohibitive cost to me in this case of saving the money. Rather, what we believe is that in the second case I have no obligation to save your money because of what it would cost me to do so. What it would be obligatory for me to do in the absence of any cost is not obligatory if it would require of me a sufficiently significant sacrifice. So a permissible intervention that would be obligatory if it could be done without cost is not obligatory if the sacrifices it would require are very great. (McMahan, 2010: 57)

Still, Oberman's argument is a tough nut to crack because it requires a defence of government supererogation. Justin Weinberg's (2011) work on the possibility of government supererogation is instructive here. It appears that one way to escape Oberman's argument is to suggest that government supererogation is permissible, provided 'through just

procedures (say, some kind of deliberative democracy) we enact a policy which permits our government to perform such acts' (Weinberg, 2011: 275). Alas, for JST, this escape route does not work because the theory does not require legitimate authority or audience consent for just securitization (Floyd, 2019a: chapters 2 and 5). But this need not worry us. Weinberg makes it clear that invoking a procedural account of justice does not allow us to escape Oberman's challenge because 'outcomes of procedure matter, and those outcomes will be measured against a substantive account of justice' (Weinberg, 2011: 275–276). In other words, justice depends also on substantive forms of justice, not merely on just procedure.

While the procedural justice escape route from Oberman's challenge then does not work, a division into different types of justice helps us to realize that government supererogatory acts are not necessarily 'all-things-considered wrong' (Weinberg, 2011: 271). Many people might consider such acts right because they 'maximise the good' (Weinberg, 2011: 278). Some scholars would consider risking our own soldiers' lives to defend third parties virtuous (Kaldor, 2012: 138–139; cf. Chapter 2, Section 2.3). For many, 'Morality cannot be just a matter of considering your own needs and those of your nearest and dearest' (Mulgan, 2001: 135).

If we can accept that supererogatory acts are not necessarily wrong and hence impermissible, why then are they not also obligatory? Weinberg argues that whether or not an act is in fact required depends on the 'theories of justice and goodness' individuals accept (2011: 271). He suggests a test, whereby we must ask of the act in question whether it would 'be unjust to fail to perform the act' (Weinberg, 2011: 271). Given that most people distinguish between permissibility and obligation, I believe that most reasonable people would accept that it would *not* be unjust for a state to fail to encounter harmful costs to itself and its people in order to save persons in other countries (indeed this is why Oberman's account is so persuasive). In short, we can now say that a government's act of supererogation aimed at satisfying a need for security of third parties is justified (here: permissible) because it benefits the insecure;¹⁵ however, because it also produces significant costs to *inter alia* the executors of securitization, it is not required.

¹⁵ In the final section of his important paper Weinberg argues that a version of satisficing consequentialism, which sees agents focus on good enough but not

Another argument against Oberman's argument can be extrapolated from David Runciman's work on the moral agency of states. Runciman argues that the only way to make sense of states as moral agents at all is to consider them corporate as opposed to collective entities. Notably 'a collective entity is nothing more than the sum of its parts, whereas a corporate entity is somehow separate from these [...]' (Runciman, 2003: 41). According to Runciman it is only when considering the state as a corporate entity that we can make sense of the fact that 'states can be acted for by their representatives' (ibid, 41). Indeed, 'states need representatives to act for them' (ibid, 41). Although Runciman does not say this, it seems to me that it would be possible to argue that when representatives perform supererogatory acts that harm the people within the state, they act on behalf of the state as a separate corporate entity from the people, and that it is within their right to do so. In support of this argument also consider Ned Dobos and C.A.J. Coady's (2014) observation (here with regards the role of the electorate in representative democracies) that 'we empower our representatives to make decisions for us, and we do not feel that the government must always consult with us and make whatever decision is most popular' (Dobos and Coady, 2014: 93). Indeed, a third objection to Oberman's position can be found in Dobos and Coady's piece. They argue that since the electorate's preferences are unlikely to be indisputably for or against intervention the public cannot meaningfully exercise its veto 'in which case, we see no reason to think the decision is not covered by the authority vested in a representative government' (Dobos and Coady, 2014: 94).

To summarize the argument of this section, in line with our moral intuitions regarding self-defence I hold that when our concern is with the permissibility to securitize, then evidence-relative relative judgments regarding the success of securitization render sufficient certainty. Given *inter alia* the cost to securitizing actors and global stability, however, this same level of certainty is *insufficient* for the obligation to securitize. By insisting that other, viable and less harmful options are tried before securitization is obligatory, we increase certainty that

best consequences (i.e., utility maximization), is compatible with government supererogation. To be clear, a position of act consequentialism is untenable for supererogation because if 'apparently supererogatory acts maximize the good, then they are not supererogatory; rather, they are required' (Weinberg, 2011: 278).

securitization is the best thing to do to address the threat. Moreover, by trying other less harmful options first, the need for securitization in some cases is likely to decrease as some of these options might deal with the threat already.

1.3 The Nature and Origin of Threats in JST

The most important principle of JST is the just cause. However, ‘most important’ here does not mean that the satisfaction of just cause alone is sufficient for permitting securitization, instead, its special role arises from the fact that none of the other principles of just securitization can be satisfied unless just cause is (McMahan, 2005). In JST, just cause consists of two interrelated principles. The first is the just reason. The second is the just referent object of securitization. I have focused on the just referent object already in the Introduction; in this section, my concern is with the just reason. Notably, just reason is not about what kind of things may be saved by means of self- or other-securitization, but about when (i.e., under what circumstances) this can be done. I hold that securitization can be morally justifiable only if it concerns a real threat. Recall from the introduction that in JST security threats are socially and politically constructed, but that some security threats refer to real threats whereas others do not. Furthermore, and as also previously mentioned, I understand objective in the evidence-relative not the fact-relative sense. Fact-relativity refers to the situation ‘in which people know all of the relevant, reason-giving facts’ (Parfit, 2011: 162–163), while evidence-relativity refers to the situation when the available evidence suggests decisive reasons that the beliefs people hold about a given situation are true (Parfit, 2011: 150). This choice is justified because: fact-relative knowledge can, if at all, be obtained only with hindsight (cf. Herington, 2013: 67). Moreover, the evidence gathered must approximate the actual facts, notably the failure to do so renders actors culpable. In life in general, all forward-looking decisions and choices are made in line with fact approximating evidence, indeed unless this is generally considered permissible, we could act only ever after the event. For example, governments plan and develop infrastructure years ahead in line with population projections for any given area, not after radical change in population numbers.

It is important to note that in JST objective existential threats are not tantamount to lethal threats to persons. This is for two reasons.

First, a focus on lethal threats only would deny that some threats (notably some infectious diseases) have severe physically or mentally disabling effects, leaving people unable to be and function as humans should, but are not lethal. Second, regarding security, many relevant threats are not – in the first instance at least – lethal threats to people, but threats to non-human referents (states, political regimes, eco-systems etc.) instead. Such threats may be harmful to humans; indeed, I hold that securitization is proportionate only when the demise of a referent object *as we know it* (e.g., a state) is also sufficiently harmful to people, which in turn is the case when human well-being is severely undermined (i.e., to the point that people are objectively existentially threatened), but such threats are not necessarily lethal. Moreover, in the same way as humans do not have to die for a threat to be classed as existential, non-human referents do not have to be threatened with their actual disappearance to be existentially threatened. An established liberal democracy, for example, is existentially threatened not only when it is at risk at been invaded and annexed by a belligerent neighbouring state, but also when, for example, domestic forces seek to transform it into a dictatorship. In both cases the state *as we know it* will cease to exist, even if its territory, population etc. remain.

For all these reasons then, in JST existential threats refer to threats to the essential properties, character or being of putative referent objects. As such the terminology of ‘objective existential threat’ refers to:

- (1) Direct lethal threats, meaning a threat is lethal to persons.
- (2) Indirect lethal threats whereby the demise, or the significant alteration of an entity A (e.g., the state, an eco-system), entails the risk of death of people (e.g., when an aquatic ecosystem that disproportionately supports life of people turns toxic and leads to a famine).
- (3) Direct objective existential but non-lethal threat, that is, threats that negatively compromise human well-being to the extent that humans cannot live in the way humans should.
- (4) Indirect non-lethal objective existential threats whereby a threat to an entity A causes an objective non-lethal threat to people.

Conceptually the origins of all threats can be grouped into three threat categories. I differentiate between agent-intended threats, which refers to threats that one agent intentionally levels at another actor, order, or entity. An agent-lacking threat, in turn, is a threat that does not

originate from human agents, for example, a vector-borne disease. Finally, third are agent-caused threats. This refers to a threat that is a consequence of an agent's behaviour, but unlike in agent-intended threats, it is not intended by the threatening agent. I differentiate between two sub-types of agent-caused threats: (1) those caused by the offending agent's obliviousness, that is, when people do not realize that their (combined) actions are potentially threatening to other entities; (2) such threat can also be caused by harmful neglect that is, when relevant agents fail to protect against the foreseeable¹⁶ harmful events/consequences.

This concludes my discussion of threat types and origins of threats. These differences will become relevant again when we consider the length of time for which alternatives must be tried, for now it is necessary to discuss securitization and other less harmful alternatives on the basis of hypotheticals.

1.4 Securitization and Its Alternatives: Hypothetical Examples for Different Threat Types

In JST securitization is tantamount to the exception. Exceptionalism refers to measures and activities that are not considered acceptable in normal circumstances by reasonable persons, usually because of the risks or harm involved. However, even when we know that securitization refers to the exception the concept (i.e., securitization) is as slippery to grasp as a bar of soap in the bath. Unlike war, which inevitably means some use of kinetic force,¹⁷ securitization is a shape-shifter. Thus, while we are able to say what securitization as the exception involves in the abstract, the nature of extraordinary measures in specific cases of securitization takes different forms. Accordingly, the threat from migration is or can be solved doing different things

¹⁶ An outcome is foreseeable when a reasonable person could have foreseen the consequences of her actions (Miller, 2007: 96). 'Thus a man who fires an air rifle in a wood and hits a passer-by cannot escape responsibility by saying that he believed the wood to be empty, or that he did not know that airgun pellets could hurt human beings, even if he says these things in good faith. A reasonable person would know that people can be hidden from view in woods and that pellets can maim them' (ibid., 96).

¹⁷ The emergence of the concept of soft wars changes this drastically (see Gross and Meisels, 2017).

than say the threat from climate change, or that from cyber-attacks. For this reason, it is important that this section must not only discuss plausible, less harmful alternatives to securitization; it must also give some idea what securitization against *different* threats might look like. Given that the argument here follows on from JST, the security measures that make up securitization must at least in principle be justifiable; notably, for example, a lethal response to a non-lethal security threat is unjust (Floyd, 2019a: chapter 6).

Before the start of the analysis, it seems to me that plausible alternatives to securitization fall chiefly into two broad categories: (1) purposeful inaction and (2) politicization.¹⁸ Securitization means both heightened politicization (in a sense that the issue is hyper-politicized) but, confusingly, also de-politicization (in so far as issues are moved out of the democratic process and subject to executive power) (Hansen, 2012: 521; Buzan et al, 1998: 29). Importantly, politicization too is a shape-shifter. Thus, while politicization broadly means dealing with issues through the normal (often democratic political process) the realm of political solutions is vast and varied. Notably illegal unchecked immigration could be addressed by foreign aid and foreign direct investment into immigrant states, while climate change can be addressed by states transforming into carbon-neutral economies. In other words, what concretely politicization means is issue-dependent. This said, at the most basic level it means that issues are addressed using existing legislation that is applicable in normal times (i.e., not emergency legislation), or new – but non-emergency – legislation, that is, laws that are fully compatible with ordinary conduct. Politicization also means that the issue in question is not addressed using the military and traditional security establishment. At the risk of sounding banal, we can recognize politicization when actors do what they usually do in response to a type of issue or problem.

In this section I discuss the nature of securitization on a number of prominent threats across the different threat types (i.e., agent-intended, agent-caused, and agent-lacking). For each case this is followed by

¹⁸ It is important here that we are talking of plausible alternatives here. Thus, political responses to threats that have no hope of addressing the threat because they defy scientific laws (for instance, a state-organized gathering in order to collectively praying for rain in *Drought disaster* discussed later) are not considered plausible.

a discussion of the viable, less harmful alternatives. Where agent-intended threats are concerned I focus on cyber-threats and non-state terrorism. For agent-caused but not intended threats I focus on illegal immigration and climate change. For agent-lacking threats I focus on vector-borne infectious disease and natural disasters. It is important to notice that this discussion does not include an assessment of whether the substantive criteria of the just initiation of securitization as specified in JST are satisfied. All threats discussed could satisfy those criteria, however, not all of the examples of security measures used meet the criteria of just conduct in securitization. I use them here purely to aid the reader's understanding of what is at stake in securitization.

1.4.1 Agent-Intended Threats

1.4.1.1 Cyber-Attack

One of the biggest emerging security threats of our time are those from cyber-sphere. Conceptually security scholars differentiate between cyber espionage (e.g., whereby states or firms try and steal industrial or national secrets), cyber-crime (including phishing and scam emails), cyber terrorism and cyber warfare (Dunn Caveltly, 2010). In recent years cyber threats have gained in importance as matters of national security not because they increasingly target individuals or industry, but because they have been used in an effort to undermine institutions and political processes. Evidence suggests that the democratic process in Western Europe and the United States (US) has been tampered with and manipulated, by Russia including by spreading Fake News about candidates, by using fake Twitter accounts and bots, by hacking national state computer systems, and by meddling in elections by boosting pro-Russian candidates (cf. Chertoff and Rasmussen, 2019).

The policy-making community has responded to the increased threats from the cyber-sphere. Already in 2014 at their annual summit Allies of the North Atlantic Treaty Organization (NATO) officially recognized cyber-sphere, alongside air, land and water as a fourth domain applicable for Article 5 mission. Article 5, in turn, is at the heart of the collective defence alliance, it obligates allies to come to the help of other members in case of attack (NATO, 2018, cf. Chapter 4, Section 4.2). Since then, NATO has been working to define when a cyber-attack would trigger this obligation (Scaparrotti, cited in EUCOM, 2018). So far it also remains unclear whether a cyber-attack

would trigger an attack in kind only, or a response using conventional weapons as well.

In 2017 President of the European Commission Jean-Claude Juncker during his annual State of the Union address also placed heavy emphasis on cyber security. While previously European cyber security was primarily concerned with keeping European citizens safe from cyber criminals, the Commission new plans foresaw a 'Blueprint for how to respond to large-scale cybersecurity incidents and crises' (Official Journal of the European Union, 2017). In December 2018 the EU signed the Cyber Security Act which commits the EU to building greater cyber resilience.

While threats from the cyber-security sphere come in a variety of forms, I think it makes sense to use the label cyber-attack as a generic term to describe such threats; after all the threats we have in mind are agent-intended. For the purposes of the argument advanced in this chapter consider the following stylized example:

Election

Free and fair democratic elections in region X have for some time been undermined and manipulated by State B. This has been done through cyber-attacks on national Parliaments and also by spreading Fake News and Disinformation in an attempt to undermine the credibility of specific politicians standing for elections before Election Day. State B intends to undermine democratic process so that parties more sympathetic to State B gain a greater share of the vote. Though some domestic parties gain from this, they are not involved in the cyber-attacks. Elections are due to be held in State F located in region X in two months' time.

It should be obvious why a security response on the part of State F is a viable response for dealing with this situation. As regards *Election* securitization could involve executive-led controlled (partial) shut-down of the internet (at least on Election Day and perhaps several days before), for example of all social media websites (West, 2016). Securitization could involve the suspension of online voting. It could involve retaliation using specific kinds of offensive cyber capabilities, not routinized hacking back to stop 'an ongoing DDOS attack by affecting the participating computer systems' (Belk and Noyes, 2012: 23), but by implanting malware on the aggressor state B's computer systems. Securitization could also involve the retaliation with conventional weapons, including air strikes to take out strategic

targets. Finally, securitization could involve the use of unilateral sanctions against B, or even multilateral sanctions by region X (as taken by the EU against Russia in response to the Ukraine crisis for example). Overall, we can see that while the issue of a cyber-attack is substantially different from a conventional attack, – in part – a security response to such threats is comparable to securitization against more conventional threats.

So far so good, let us now consider what – if any – plausible alternatives to this course of conduct (i.e., securitization) exist for State F? First, of all it is necessary to stress that there are alternatives. I say this, because in the realm of ‘cyber security’ the terminology could suggest otherwise. *Cyber-security* as opposed to the securitization against cyber threats taps into the distinction between security as a state of being and security as a social and political practice (Herington, 2015; Introduction). It is possible to achieve cyber security for individuals and states through routine procedures, in fact almost all efforts to achieve cyber-security relate to this (Hansen and Nissenbaum, 2009). The presence, size and importance of the internet demands that states provide cyber-security for their citizens, in the same way as they are obligated to provide security from criminal activity and lawlessness. Neither is necessarily provided by securitization, but it certainly rules out inaction as a viable alternative to a cyber-attack. The existence of cyber-security means that when states are faced with threats as described in *Election* routinized practices kick in to make people; businesses, the economy and the state save from attack. These routinized practices involve damage control and information sharing with allies. Overall, these are largely defensive objectives that is, ‘those seeking to secure one’s own systems, and preserve freedom of operation’ (Belk and Noyes, 2012: 21) Routine procedures can involve a very limited amount of ‘hacking back’, but it does not contain: ‘Offensive objectives are those seeking to coerce rival action, impose harm, or degrade rival capabilities’ (ibid, 21). Indeed, full-scale ‘hacking back’ is a form of securitization. In the US were ‘hacking back’ is illegal under the 1986 Computer Fraud and Abuse Act, only the Security Services (FBI, NSA etc) are authorized to hack-back (Whyte and Mazanec, 2018: 86–87).

In addition to responding with routinized cyber incident management strategies, political leaders of State F, and perhaps from region X could engage in diplomacy with State B. Thus, while this threat takes place in the cyber-sphere the real or perceived political grievances that

give rise to this agent-intended threat lie outside of the cyber sphere.¹⁹ Diplomacy is the medium that allows discussion of grievances and allows trust building. Finally, state F needs to educate citizens on the threat from disinformation and how to avoid it. As part of this F could, for example, provide targeted funding to an impartial public service broadcaster that is free from state interference.

1.4.1.2 Jihadi Terrorism

Jihadi terrorism continues to be regarded as key security threat in many western countries. In order to discuss the securitization against terrorism and plausible alternatives consider the following stylized example.

Jihad Terror

State A is aware that its allies and friends' states B and C have been subjected to repeated jihadi motivated terror attacks. State A has condemned these attacks, declared solidarity with states B and C and offered help with intelligence and military missions abroad in order to free up security personnel in B and C, so that these are able to deal with the state of emergency in State B. Reliable intelligence now suggests that terror cells are planning attacks in state A, including in retaliation for the display of solidarity.

How might state A respond to this threat? One obvious way to respond is by means of securitization. In order to understand what securitization entails with regard to terrorism consider that terrorism continues to be securitized against in many states. In 2010 the United Kingdom's National Security Strategy identified terrorism as a Tier one threat (i.e., threats with the 'highest priority for UK national security looking ahead, taking account of both likelihood and impact' (Cabinet Office, 2010: 27)), while the National Security Strategy and Strategic Defence and Security Review 2015 A Secure and Prosperous United Kingdom states that: 'The threat from Islamist terrorist groups to the UK, including to British nationals and interests overseas, has increased' (HM Government, 2015: 15). What is true of Britain is true of many states in the West and beyond, and in many states, terrorism is securitized against. In the United Kingdom, and in many other European countries, this has taken the form of increased police

¹⁹ In the NATO Russia case touched on above they partially lie with the eastward's expansion of NATO into Russia's former sphere of influence.

powers (e.g., stop and search without suspicion, detention without trial, extended pre-charge detention, and control orders), the expansion of state-led surveillance programmes and the request to mandatorily retain data, withdrawal of passports/citizenship of suspects, curfews, the creation of a mandatory monitoring culture in the education sector and much besides. Not all of these are used in all cases, and some are disproportionate. Overall, however, we can see that securitization against terrorism means an increase in the expansion of executive powers at the expense of judicial review and due process. In the United Kingdom, for example, TPIM (Terrorism Prevention and Investigation Measures) award special powers to the Home Secretary to restrict the freedom and movement of terrorist suspects.

The question of interest for our purposes is what alternative less harmful courses of action are feasible for state A? A small number of academics as well as some public intellectuals have suggested not responding to terrorism might be the best way forward (Mueller, 2006; Jenkins, 2017). Inaction is considered viable because terrorism works by instilling fear in society. Inaction and depoliticization could deprive terrorism of its power, thus effectively reducing the threat. Such recommendations are easy to advance in the abstract and by those unaffected, but they do not convince in times of emergency. Studies have shown that the securitization against terrorism enjoyed the backing of many national parliaments and among the general population in the days and weeks after an attack (see, for example, Neal, 2013; Evangelista, 2008). It is usually only later, and when no further attacks occur, that the securitization against terrorism becomes contentious. Moreover, as we shall see in Chapter 2, Section 2.2, states have an overriding duty to provide security to their citizens, albeit not necessarily via securitization.

Having dismissed inaction as a viable alternative to the jihadi terrorism threat, it remains to consider politicization. Domestically politicization of terrorism refers to the criminalization as opposed to the securitization against terrorism. The idea is that state A would treat terror offences in the same way as other criminal matters. Terrorism prevention would be ensured by the police using ordinary, routine powers. For example, in the UK this would mean that suspected terrorists could be held for a maximum of 96 hours, not for 14 days; there would be no, or fewer mass surveillance powers; the police would have stop and search powers only with reasonable grounds for suspicion etc.

Politicization could in principle and alongside criminalization also involve trying to strike up dialogue with terrorists,²⁰ however, in the jihadi case this is made difficult because the IS leadership refused to engage in any kind of dialogue (even with journalists) while lone individuals remain unidentified until they strike.

1.4.2 *Agent-Caused Threats*

1.4.2.1 *Irregular Migration*

If, as argued earlier, security threats are not merely those that are intentionally levelled by one actor against another, then unchecked illegal immigration is at least a potential security threat.²¹ Consider the following stylized example in which migration is an objective existential threat:

Immigration collapse

Low and middle income states A, B, C, D are suddenly, and through no fault of their own, faced with large numbers of migrants fleeing the political situations and economic hardship in states E and F. States A-D can accommodate and cater for only a small percentage of the total number of immigrants coming in a short space of time, accommodating all would mean the loss of social and political cohesion, conflict between migrants and residents and the collapse of their welfare system, including social services and health care.

In order to understand what securitization would involve we can look – as before with terrorism – at what states that have securitized against migration have done. Australia has securitized against migration since 2001; here securitization includes, or at one point included, the strict refusal to let migrant boats land, mandatory detention for illegal migrants in centres on Australian territory as well as off-shore (including in other countries), the excision of Australia's island territory from migration zones (thus depriving any refugees arriving

²⁰ Tony Blair famously did this during the Troubles.

²¹ Some readers have advised against including the example of irregular migration, because of this issue's politically sensitive nature. I have decided to keep the example in part because the securitization of irregular migration is now so widespread. The use of the hypothetical example should make it clear that my text is not a securitizing request on my part. I also think, however, that the view that irregular migration can never amount to a real threat is Euro and western-centric.

their legal routes to asylum) the ban on media reporting from migrant camps and detention centres (Kasic, 2014).

In the United States illegal immigration was securitized against under President Trump. The United States National Security Strategy from 2017 declares that: ‘Illegal immigration [...] burdens the economy, hurts American workers, presents public safety risks, and enriches smugglers and other criminals’ (Trump: 2017: 9). Security measures realizing rhetorical securitization include the fortification of the US’ southern border with Mexico. This includes plans to extend the existing boarder wall across the whole length of the border. Moreover, in 2018 a large group of migrants from El Salvador and Guatemala known as the ‘migrant-caravan’ was denied access, and border guards supported by 5,900 armed police authorized to use lethal force if necessary (Smith, 2018).²² Meanwhile in Europe, in the wake of the 2015/2016 refugee crisis a number of countries consider migration a threat to national security, and some have securitized against migration. In Hungary under the leadership of Viktor Orbán this has included the building of razor wire fences along several of its borders (notably with Serbia and Croatia), the detention of all illegal migrants in container detention centres; the immediate expulsion of migrants unwilling to be fingerprinted and photographed, and Hungary has passed a law that criminalizes (including by incarceration) aiding illegal migrants (Walker, 2018). While far from all of these measures conform to the rules of just conduct in securitization, they show that securitization against migration pertains to extraordinary measures whereby migrants are kept out of a state, to the forceful detention of those that make it into the country in controlled camps, as well as forceful deportation.

Let us now consider what plausible, less harmful, alternatives to this course of action exist. It seems to me that at this stage of the analysis we can safely say that inaction is never plausible, because a real existential threat to a valued referent object *requires* responsible entities to act (cf. Chapter 2, Sections 2.4 and 2.6). Therefore, I will not discuss inaction further.

A political solution to *Immigration Collapse* would constitute a multi-pronged strategy primarily aimed at rapidly furthering economic

²² Note here that within the terms of JST this is impermissible; lethal force may only be used to counter lethal threats (Floyd, 2019a: chapter 6).

development in affected states E&F and in neighbouring states home to refugee camps. Betts and Collier (2018)²³ explain that such a strategy cannot simply lie with giving foreign aid to affected countries, but rather must rest with the creation of ‘opportunities for meaningful work and entrepreneurship’, which in turn would generate a different ‘narrative’ regarding the prospect for young people convincing them to stay put. Beyond this, Betts and Collier (2017) also suggest developmentisation²⁴ as opposed to just humanitarianism for refugee camps. They argue – and show on real-life examples from refugee camps in Jordan and Uganda – how, when refugees are awarded with ‘all of the things that allow people to thrive and contribute rather than merely survive: education, right to work, electricity, connectivity, transportation, access to capital’ (Ibid, 144) they can meaningfully contribute to the host society, while simultaneously helping themselves.

Importantly, politicization does not mean open borders. All countries have a sovereign right to maintain external borders. This means that border checks are still carried out and illegal migrants without valid asylum claims can be rejected. To decide on valid claims, states must designate safe countries of origins. States A-D must also work to negotiate readmission treaties with leaderships of states E&F, allowing the safe return of failed asylum seekers.

1.4.2.2 Climate Change

Since the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment report in 2007 it is generally accepted that the rise in global temperature is man-made through the increase in carbon dioxide emissions from economic development. Since that time climate change has become widely regarded as a security threat. The European Union’s Global Strategy, for instance, lists climate change, alongside terrorism, economic volatility etc. as a threat that ‘endanger[s] our people and territory’ (EU, 2016: 9). The UK government’s National Security Strategy 2015 argues that: ‘Climate change is one of the biggest long-term challenges for the future of our planet. It leads to and exacerbates instability overseas, including through resource stresses, migration,

²³ Betts and Collier’s proposal has been controversial, and I do not mean to suggest that it is harmless, only that it constitutes a less harmful alternative to securitization.

²⁴ As far as I know the term is McInnes and Rushton’s 2013.

impact on trade, and global economic and food insecurity' (HM Government, 2015: 65). Moreover, many experts believe that climate change functions as a threat multiplier, whereby climate change exacerbates existing grievances (e.g., terrorism, poverty, migration) leading to conflict and insecurity. Nevertheless, how climate change affects security is complicated and whether climate change will lead to violent conflict remains contested (Meierding, 2013, Selby et al, 2022).

Inter alia the risk of violent conflict means that climate change is predicted to have consequences for national security. Above all else perhaps climate change, or rather its effects, including extreme weather, environmental disasters, crop failure etc. have huge implications for people (human security).

Climate change is a global problem; but individual states can securitize against the effects of climate change in their countries. For example, given that one of the effects of climate change is expected to be the displacement of persons, states can secure themselves against migration in the way described earlier. Or, to give another example, consider that vector-borne diseases are set to increase and expand geographically northwards with a warming climate. In short, states can secure themselves and their populations against vector-borne diseases in the way discussed later. For the purposes of the discussion here I want to take on the issue whole-sale and work with the following stylized example.

Climate disaster

It is January 2037. In 2036 climate change was reliably identified as the driver of two violent conflicts in Africa. Likewise in 2036 climate change was directly responsible for the outbreak of at least one vector-borne disease epidemic. The combined death toll from these events is 200.000.

Although our hypothetical is situated in the future, I assume that the basic structures and functions of the UN have not evolved from the UN we know today. At this level, securitization would pertain to targeting the root causes of climate change as opposed to simply securing diverse referents against its effects (UN peacekeepers could still be sent to the conflict and diseases zones), as such securitization must – in the main – take the form of a legally binding environmental regime that brings down emissions so that climate change stops or progresses no further. This regime would be mandatory on all UN member-states. It could be enforced by a newly designated body that works in close

conjunction with the UN Security Council. Non-compliant states would be hit with heavy sanctions and loss of membership in global and/or regional institutions. It would be important, that powerful states (e.g., the world hegemon) – if of a different opinion regarding the necessity of the securitization against climate change – could not pressure other weaker states into non-compliance, for example, by withdrawing foreign aid.²⁵ Individual states would need emergency powers to coerce people into less carbon intensive behaviours; this could take the form of additional police powers, including surveillance powers checking for sustainable behaviour and energy use, special police powers enabling them to check on businesses, industry and individuals but also mandatory restrictions on car usage, flying etc.

The alternative to this course of action is a multi-pronged strategy of politicization that is very much akin to what we already witness in current affairs. Since 2007 the UN and other international institutions and governments have rhetorically ‘securitized’ climate change (i.e., declared it a security threat), but no exceptional emergency measures have followed to address the threat. Instead, the international community has – after much foot dragging – managed to agree a new global climate accord: the Paris treaty signed in 2015. While this treaty sees all signatories agree to keep global temperature rise below 2 degrees Celsius (UNFCCC, 2018), it allows signatories to set their own targets. The nature of these targets and whether targets are met, however, are reviewed in regular intervals internationally enabling peer pressure and ‘naming and shaming’ to increase too low national targets and to motivate action. As Robert Falkner (2016) has pointed out, these same mechanisms are also set to work at the national level were civil society (e.g., Think Tanks, NGOs, and more recently in select countries school pupils²⁶) are already monitoring governments and holding them accountable for their climate action. At the individual state level people are encouraged and sometimes financially enticed to make climate friendly behavioural changes, but nothing is enforced or monitored by police or intelligence.

²⁵ Note that in 2017 US ‘President Trump suggested [...] that billions of dollars in U.S. foreign aid could hinge on how countries vote on a U.N. resolution condemning his decision to recognize Jerusalem as Israel’s capital and move the U.S. Embassy there’ (Morello, 2017).

²⁶ www.nytimes.com/2019/02/15/world/europe/student-climate-protest-europe.html

Another alternative political solution is a binding regime, in which targets are set centrally. While the UNFCCC has failed to agree such a binding regime, the history of the Montreal Protocol on phasing out ozone-depleting substances shows that such regimes take-off when important players (here the US) are on board, and drive it forward, because in the US major chemical producers had phased out ozone-depleting substances and lobbied the federal government to take international action (O'Neill, 2009: 86). In short, the difference between the securitization against climate change and its politicization lies in large part in the stringency of the regime but also in how it is enforced globally as well as nationally.

1.4.3 *Agent-Lacking Threats*

1.4.3.1 **Vector-Borne Diseases**

Agent-lacking threats fall chiefly into two categories: environmental disasters and vector-borne diseases. I want to start with the latter. Vector-borne diseases are parasites, viruses and bacteria that are passed on by blood-feeding insects such as mosquitos, ticks, fleas, black flies, lice and tsetse flies (WHO, 2017).²⁷ The stylized example I use later utilizes Dengue fever and severe dengue. 'Dengue is a mosquito-borne viral infection causing a severe flu-like illness and, sometimes causing a potentially lethal complication called severe dengue' (WHO, 2018). Consider now *Dengue threat*:

Dengue threat

Gabenia is a developing country located in the sub-tropics. The population of Gabenia is faced with an unprecedented outbreak of dengue fever. Beneficial weather conditions have resulted in a larger than usual number of infected insects. Many patients develop severe dengue and there are unprecedented numbers of child mortality.

Following the pattern established in this section, we must at first consider what a securitization against *Dengue threat* might look like. From comparable real-life cases (e.g., the Ebola crisis 2014–2015, Covid-19) we know that security measures aim at keeping the non-infected

²⁷ In some – limited cases – such diseases can become communicable between people, including through sexual intercourse, rendering the threat agent-caused.

parts of the population free from infection while simultaneously fighting the sources of infection using coercion. This could mean compulsory vaccination. Securitization could include curfews during the early morning and evening before dusk when mosquitos are most active. These curfews would be enforced by the police and even the military, as they were in Ebola affected countries (Doherty, 2014). Curfews and mandatory detention could also be placed on infected people to stay in specially created detention areas. Thus, while Dengue is chiefly transmitted by mosquitoes, when infected persons become hosts to mosquitos the virus spreads.²⁸ The military can also be employed to deal with vector–disease control (WHO, 2012: 1). In Brazil, during the 2016 Zika virus disease the military controlled and executed the large-scale fumigation with the highly potent insecticide pyriproxyfen from specialist fumigation vehicles (Watts, 2016). Another extraordinary measure would be the administration of under-tested vaccines, by which I mean vaccines that have not undergone the standard series and rigour of tests before they are declared safe for use on humans.

The alternative to military/police enforced curfews and disease control would be politicization that aims to achieve the same ends (i.e., reducing infection rates and fighting the sources) using ordinary and non-coercive political measures. A real-world example of this would be Sweden during the first wave of the Corona-virus crisis which resisted national lockdowns and instead asked people to keep their distance in public, to not gather in large groups and so on. A key factor in the spread of Dengue is vector-control, this need not be done by the military, and instead people everywhere need to learn how to reduce the number of mosquitos on a long-term basis. A chief factor in this is tightly sealing water containers of all kinds, and also the regular emptying of all stagnant man-made water bodies. Gabenia could run public education campaigns on how to reduce the vector itself. In addition, Gabenia would need to educate people how to protect themselves, for example, by wearing long sleeve clothing, by voluntarily staying indoors at pertinent times of the day (i.e., at dawn and dusk) (European Centre for Disease Prevention and Control: 2019). Gabenia could also distribute insect repellent free of charge to the general population along with mosquito netting.

²⁸ Also note that at this point the threat is agent-caused not agent-lacking.

1.4.3.2 Environmental Disaster

Environmental disasters take many forms, for example, cyclones, earthquakes, hurricanes, floods, and Tsunamis. Any of these can be caused or accelerated by man-made climate change (McGuire, 2016), however, all of these can and do also occur as natural events. Moreover, even when natural disasters are climate change induced, the policy response concerns it and not the wider underlying cause. In any case, in this section I use the example of a naturally occurring drought to discuss securitization and its alternatives; thus, a drought, 'is a prolonged dry period in natural climate cycle. It is a slow-onset phenomenon caused by rainfall deficit combined with other predisposing factors' (WHO, 2023).

Drought disaster

Millville, a city of 500.000 inhabitants is a sprawling metropole in a developing country. Because of its natural setting Millville is a tourist attraction. Located in a temperate climate, Millville has virtually no rainfall from May to August, but heavy downpours during the wet season from December till February. For the past two years, however, rainfall has remained limited, and Millville is now in a middle of a severe drought.

One difference between politicization and securitization against agent-lacking threats is that the military as opposed to civil emergency response teams become central (we have seen this in the Dengue case, which draws on real-life Ebola and Zika virus crises). In the drought case the military could be brought in to protect remaining water sources as well as to ensure that bans on the usage of water are enforced. The most important ban would be a reduction of the personal use of water to a minimal amount, one that would automatically prohibit the watering of gardens, the use of swimming pools or washing cars. This ban could be enforced using drones etc., but also heavy fines (including criminal records) for those who defy orders. The government could pass new emergency legislation requiring water companies to make available information on individual water consumption. Ultimately water supply could be turned off for most of the week and come on at set times for a short period of time, allowing people to refill containers. The police and military could be awarded special powers to check if farms, for example, comply with the regulations and check for illegal tapping of ground-water aquifers. Finally, Millville could go into lockdown and prohibit leisure tourists to enter the city.

Similar to *Dengue threat* politicization would rest not on coercion but on voluntary action. To cope with the situation a reduction in personal water consumption is key. In order to achieve this a strategy of politicization would rest on educating people on the risks of running out of water altogether. The government could also pass laws to criminalize unnecessary water intensive activities, including washing cars etc. Beyond this the government could focus on fixing leaks in the existing pipe networks, on exploring alternative and new sources of water generation (e.g., ground water exploration), while it could also redistribute water from other areas of the country.

With this I have come to the end of discussing our six illustrative cases. To summarize, we have learnt that inaction can be ruled out as a plausible alternative in all specified cases. The fact that threats are real and sufficiently harmful to human beings in all cases means that inaction is unlikely to ever be a plausible alternative. For the most part, a policy of inaction would simply permit actors to shirk responsibility. We have also seen that politicization – much like securitization – is not a one stop solution (i.e., diplomacy or sanctions), but in most cases politicization refers to multi-pronged approaches that *together* could usefully address the threat. This is important because it goes some way towards answering the inevitable question: How *many* alternatives should be tried before must cause is satisfied? I don't think decision-makers need to conjure new non-securitizing alternatives; after all this would cause unnecessary delay. Instead, in each case the number of alternatives refers to how an actor ordinarily responds to outbreaks of e.g., infectious diseases. Beyond this, would-be securitizing actors may²⁹ also try out well-known and publicized non-securitizing responses that have been employed by other actors, but which they have not tried before. But there is more, importantly, the cases discussed also show that it is implausible to hold that different political solutions to a threat must be tried and shown to have failed one after the other.³⁰ In reality, politicization of threats will consist of a myriad of different alternative measures tried simultaneously, not in succession. Given this and considering further that we have excluded

²⁹ Assume here that the actor is reluctant to securitize, after all securitization is – at this point – already morally permissible.

³⁰ I am grateful to Jeff McMahan for pressing me on this point.

inaction as non-viable I henceforth refer to less harmful alternatives to securitization often simply as politicization.

1.5 How Long May Politicization Be Tried before Securitization Is Mandatory?

Using the six cases discussed earlier I now want to contemplate what needs to be considered when we try and work out how *long* politicization may be tried before securitization becomes – in the actual common-sense meaning of the word– necessary and on that basis mandatory, because we now have sufficient certainty that securitization is *indispensable* for satisfying just cause.

Looking at our six cases again I want to begin this discussion by focusing on the differences among the six cases. I have picked the examples deliberately so that two of the threat scenarios discussed refer to agent-intended threats (*Election* and *Jihad Terror*), two scenarios involve agent-caused but not intended threats (*Immigration collapse*, *Climate disaster*) and two threat scenarios are agent-lacking (*Dengue threat* and *Drought disaster*).³¹ Beyond that, two threats (*Jihad terror* and *Dengue threat*) are directly lethal to persons, two threats (*Drought disaster* and *climate disaster*) are indirectly lethal and the remaining two threats are non-lethal (*Election* and *Immigration collapse*³²) (see Table 1.1).

These distinctions are potentially important; thus, it seems reasonable to argue that the relative lethality of threats renders securitization more urgent vis-à-vis securitization against non-lethal threats. Suggesting, in turn, that political solutions may be tried for a longer period where non-lethal threats are concerned and for a comparatively shorter period of time where lethal threats are concerned. With a view to our examples earlier, it would mean that the satisfaction of must

³¹ It should be noticed here that agent-lacking threats often morph into agent-caused threats, or at least that they have agent-caused elements to them. The cases of *Dengue threat* and *Drought disaster* clearly show that while the threat is not caused by people living in the affected areas, people contribute to the threat if they – when infected but symptomless – walk around risking being bitten by mosquitos, or -in our drought case – when they overuse scarce water resources.

³² Immigration collapse could potentially lead to death after clashes between natives and migrants.

Table 1.1 *Hypothetical threat scenarios and their respective lethality*

	Agent-intended	Agent-caused	Agent-lacking	Direct Lethal	Indirect lethal	Non-lethal
Election	✓					✓
Jihad terror	✓			✓		
Immigration collapse		✓				✓
Climate disaster		✓			✓	
Dengue threat			✓	✓		
Drought disaster			✓		✓	

cause (measured from the onset of politicization) takes necessarily longer in *Election* than *Dengue threat*, and longer in *Immigration collapse* than *Drought disaster*.

A related factor that quite plausibly influences the relative length of time for which alternatives may be tried could be the number of people existentially threatened. It seems plausible to hold that a threat that existentially threatens say 1,000 people needs to be dealt with quicker by means of securitization than one that affects 100 people. Thus, while here both threats are lethal, we might say that the threat bringing with it greater numbers of mortality is comparatively *more lethal* than a direct lethal threat with a small number of death (infectious disease versus terrorism comes to mind here). In this same vein we might also distinguish between direct lethal threats and indirect lethal threat, arguing for quicker securitization against direct lethal threats, on the grounds that the initial referent could be saved by other, less harmful, means before anyone dies.

On the face of it this lethality-qua-time reasoning seems convincing. Because *the harm prevented by securitization is greater* it seems true that lethal threats warrant a quicker response than non-lethal threats. And perhaps it is also true that threats leading to comparatively higher numbers of death must be prioritized. However, as soon as we consider that the lethality-qua-time logic suggests that the borderless threat of *Climate disaster* requires securitization comparably quicker than *Drought Disaster* (recall that our fictitious Millville ‘only’ has 500,000 inhabitants), doubts should set in. Our moral intuitions tell us that it does seem wrong that the commencement of safe-making by securitization of the 500,000 must necessarily take longer than

that of >500.000. But why do such doubts creep in? For one thing, because 500.000 seems a big number, certainly compared to say 500. However, all of this is relative. Thus 500 is a big number compared to 50, while 50 is a big number concerned to just 5 deaths prevented by securitization. Yet we might also say that 500 people saved from being severely harmed because of securitization is ‘better’ than 15 deaths prevented by securitization. This last point is important; it disproves the idea that the harm prevented by securitization is always greater when lethal threats are concerned. In other words, it shows that lethality does not automatically warrant a quicker response to non-lethal threats in all cases, because the harm that securitization prevents is not always greater for those kinds of threat.

Instead of going on to spell out cases when this is so, recall that when we are discussing length of time for which politicization may be tried, we have already accepted that securitization is permissible. Notably, permissibility includes macro-proportionality that is, we have – at this point – settled that securitization and the harm that it will cause innocent bystanders and threateners is a proportionate response, and also that the threat securitization prevents is sufficiently harmful in its effects to warrant causing such harm. It seems to me that once we have passed this threshold and deemed securitization morally permissible (as we have, for the purposes of argument, in all six hypothetical cases) we are on a level playing field regarding threats and the harm that they cause. In short, once securitization is deemed morally permissible, the actual effects of individual threats (i.e., lethal, or not) do not matter, because we know that securitization is proportionate.³³ One exception here pertains to cases where would-be securitizing actors have insufficient means to successfully securitize against two threats, which affect an equal number of people. *Ceteris paribus* in such cases it seems that the more harmful (usually the lethal threat but depending on numbers not categorically) ought to be given priority.

With lethality out of the way, another issue that needs investigating is whether must cause is satisfied more quickly when threats are agent-lacking that is, when there is no threatener. This argument stems from the

³³ I discuss this in Floyd (2019a: chapter 5), where I explain that just securitizations that satisfy all criteria are not more or less just depending on the number of people now not being harmed; instead, we must say that some do more good than others.

observation that where agents are at the source of the threat (either by causing the threat intentionally or unintentionally) there is potentially always room for dialogue. That is, there is space in which would-be securitizing actors can warn agents at the source of the threat of what will happen unless these agents change their threatening behaviour. As such they can and perhaps should try and engage in conflict resolution as part of politicization. In agent-lacking threats, in turn, dialogue is impossible (we cannot reason with vectors), and it is therefore reasonable to suggest that the length of time for which alternatives need to be tried is comparatively shorter.

Looking at the stylized examples earlier, however, we can see that it is not true that dialogue and discussion with threateners is always an option. Notably with regards to lone wolf jihadi terrorists acting on the behalf of or in allegiance with, for example, IS this is impossible. The secret security services usually do not know who the people are (or rather that they will carry out attacks) before they have done so. While talking to Muslim communities (e.g., counter terrorism police and de-radicalisation specialists speaking at schools with majority Muslim pupils) can back-fire. Thus, by being identified as a possible offender, feelings of alienation can set in, which make people more susceptible to becoming radicalized (cf. Abbas, 2019 on PREVENT, see also Breen-Smyth, 2014 on the unintended consequences of counter-terrorism).

Based on this analysis, I would like to suggest that the time for which alternatives to securitizing may be tried before must cause is satisfied can – somewhat unfortunately – not be generated using a formula that takes account of lethality and source of the threat. With this dismissed as impossible, what, if anything, concrete can we say about the length of time for which alternatives may be tried? One concrete thing we can say is that it makes little sense to dismiss less harmful alternatives to securitizing, unless these alternatives have been tried for a period of time that is long enough allowing them to fail. And at the same time short enough though as not to unnecessarily endanger would-be referents by delaying securitization. Let us call this ideal time period: the *sufficient-time gap*. I will return to this more fully in a moment but let us consider firstly what failure means in each of our six cases.

Regarding *Election*, political alternatives to securitizing fail when they prove unable to secure the democratic process; in part this could

be established using opinion polls that test for the belief in false facts. Politicization of *Jihad terror* fail when the number of (foiled) attacks (not casualties) does not decrease following the introduction of such measures. Alternatives to securitizing in *Immigration collapse* fail if the number of irregular migrants seeking to enter a given state does not markedly decrease. Political solutions to *Climate disaster* fail unless they manage to reduce carbon emissions, allowing the rise of global temperatures to stabilize. Political solutions to *Dengue threat* fail unless the number of new infections is decreasing in statistically relevant terms. Finally, in *Drought disaster* politicization fails when the water level in aquifers and dams has decreased at a rate incompatible with low water usage by all.

One thing we can observe from these examples is that the time that needs to elapse to establish whether politicization has failed differs widely depending on the nature of the threat. Regarding *Dengue threat*, for example, it should be possible to see relatively quickly (i.e., in a matter of days or weeks) whether politicization manages to generate a much-needed decrease in new infections, the same should be true of *Drought disaster*, in so far as relevant authorities should be able to tell – relatively quickly – whether water levels go down too rapidly. By contrast, at the extreme end, the sufficient-time gap for *Climate disaster* could span months, a year, 18 months or more. This is not only because vast amounts of data need to be collected from different states, but also because unless data is collected for a lengthy period (i.e., over the course of 12 or 18 months) to establish the effectiveness of measures. Moreover, unless a longish time window is allowed it is impossible to discount short-term changes to emissions reductions caused by e.g., economic factors such as temporary downturns, weather factors (i.e., less heating in summer months). In short, short-term data collection would generate an unreliable result.

The analysis of the six cases clearly shows that the *sufficient-time gap* can differ widely in distinct cases. In each case the politicizing actor needs to monitor whether the political solutions are making a sufficient positive change. In some cases – notably infectious diseases – this will be relatively easy as we rely on concrete data (i.e., medical statistics); in others – notably, terrorism – it will be much harder due to known unknowns (i.e., the fact that we can't know for sure who else is out there planning to harm people). What then can be done in cases where, for example, states as politicizing actors-cum-securitizing

actors disagree with most of the civil society that sufficient-time gap is closed and must cause satisfied?³⁴

I want to suggest that this situation can be resolved with help of the reasonable person standard. Specifically, the would-be securitizing actor ought to defer the decision on whether must cause is satisfied to the reasonable person understood in Ripstein's terms as the normatively justified person (1998: 8 c.f. introduction). Of course, the reasonable person is not a real person but instead a heuristic. In practice it would see the would-be securitizing actor publicly tot up the reasons and the evidence in favour of the satisfaction of must cause in order to determine whether this outweighs reasons for not securitizing. This process would enable the rendering of a plausible, non-biased decision regards sufficient-time gap and hence on whether must cause is satisfied. If reasons are miscounted, and a mistake is made in favour of the satisfaction of must cause, it should be remembered here that at this stage securitization is morally permissible.

The reasonable person standard is associated with common law. The practice of mandatory securitization can benefit from the methods of common-law in another way. In common law countries such as the UK, and unlike in civil law countries such as, for example, Germany, the doctrine of precedent applies. Concretely, '[t]his means that the judgment of each case can bind all subsequent cases depending on the seniority of the court (the court system has a hierarchical structure). As such case law becomes part of the law by either setting legal precedents where there is no legislation or interpreting legislation' (Oxford Lib Guide, 2018). Quite aside from the question whether mandatory securitization should be codified into law; precedents can act as useful guides on how to proceed in similar situations. Moreover, precedents reduce the need for the reasonable person standards. To facilitate this method, any given state, regional body etc. should aim to document the threats, the means and nature of politicization and how long for this was tried. Such databases could then also be used to serve as valuable guides to settle disputed cases regarding the satisfaction of must cause.³⁵

³⁴ Note here that the disagreement could be either way.

³⁵ With a view to R2P Bloomfield (2017) makes the point that 'the *accumulation of precedents*' can help 'entrench a new norm in international customary law' (2017: 27, emphasis in original).

1.6 Conclusion

In this chapter, I have argued that securitization is not automatically obligatory when it is morally permissible, which *inter alia* is the case when securitization is *ex ante* judged to be the best way to satisfy just cause. Instead, I have suggested that securitization is a moral duty only when politicization has been tried and when this has failed to satisfy just cause, because only then do we have certainty that is sufficient to override the intrinsic moral value of autonomy. Importantly, the so determined ‘must cause’ does not replace just cause (notably securitization cannot be mandatory unless it is permissible, and permissibility depends *inter alia* on the satisfaction of just cause, proportionality etc). Rather, what it does do is to specify the critical juncture when circumstances are such that the threat no longer merely permits securitization but *requires* securitization.

The distinction between in Pattison’s words merely a ‘right’ to securitization and a ‘duty’ to do so (2010: 15ff), raises three outstanding issues in need of discussion in this chapter’s conclusion. First, are the criteria for the moral permissibility of self-securitization the same as they are for just other-securitization? Specifically, does the right to other-securitization not also depend on the – at least – tacit consent of the general population in cases where securitizing actors are states? Second, in JST the prospect of success is not gauged in terms of securitization’s absolute chances of satisfying just cause, but relative to the chances of the success of other less harmful options. In other words, securitization is permissible even if resistance appears futile. This begs the question whether executors of securitization can be required to partake in securitization that has only a slight chance of succeeding in satisfying just cause? Or is it the case that mandatory securitization requires a more stringent success condition than JST?

And finally, third, are the ‘jus in securitization’ rules the same for morally permitted and for morally required securitization? Or is it the case that laxer standards should apply to the just conduct in securitization when it is morally required?

The first question arises because of the clear differentiation between self- and other-securitization developed in this book, but merely mentioned in passing in my 2019 book *The Morality of Security*. As already touched upon in the discussion of Oberman’s work in Section 1.2, other-securitization can be at odds with public opinion and still

justified. Consent is also not required for just self-securitization. As I have explained in my 2019 book, in state-led self-securitization, referent objects (most likely (members of) the public) do not have to consent (tacitly or overtly) to securitization. There are several reasons for this, but the main reason is that the inclusion of beneficiary consent seeks to prevent against agent-benefiting securitization.³⁶ I hold that the possibility of agent-benefiting securitization is pre-empted by the substantive criteria of just securitization, notably right intention. Given that the general public within the securitizing state is not the primary beneficiary of other-securitization, the phenomenon acutely raises the issue whether or not other-securitization requires the consent of the securitizing state's general population? Or, more realistically whether other-securitization should 'reflect its citizens' opinions in its decision making', whose taxes and man-power are utilized to make it possible (Pattison, 2010: 134). To solve this puzzle let's begin by asking when and why the general public might object to other-securitization. I can see three possible scenarios: (1) we don't think that we should help; (2) we don't care about other (far away) people, and (3) helping will negatively affect us, for example, the cost of other-securitization is too high. The first two fall foul of a general obligation towards others on the grounds of the moral equality of people, which imposes remedial responsibilities (positive duties) on capable actors towards all regardless of place and origin (cf. Chapter 2, Section 2.3). In short, the first two do not stand up at the bar of justice. The third objection is the weighty one. We shall see in Chapter 2, Section 2.5, that the obligation to securitize is overridden when the costs for the would-be securitizing actor are expected to be too high. Also recall McMahan's bridge example from earlier (Section 1.2). Here the passer-by's pro-tanto obligation to rescue the \$1000 dollar bill is overridden if this can only be achieved at great costs to himself.³⁷ The interesting question is whether the passer-by is morally permitted to rescue the \$1000 dollar bill even if this means falling to his death? The answer is likely to depend on the

³⁶ An agent-benefiting securitization is a securitization where the primary beneficiary of securitization is the securitizing actor, not the referent object (Floyd, 2010).

³⁷ \$1,000 bills are no longer in circulation. Their rarity means that they may well fetch much more than that sum. To be sure, whatever their value, it does not detract from the argument made.

view one has of the sanctity of life (cf. Section 3.2), as well as on the position the passer-by has in life (e.g., do they have caring duties, for example, for children). However, we believe that individual actors are morally permitted to incur great costs (provided they do so voluntarily) in performing moral acts, but that such acts are supererogatory never obligatory (McMahan, 2010: 58). But are governments morally permitted to perform supererogatory other-securitization without the consent of the public who would be the entities incurring the high costs? The answer is that permissibility depends *also* on the extent of the costs incurred (cf. Frowe, 2014a: 151). That is to say, permissibility does not depend on the view of the majority, but rather on proportionality, which includes the costs to people governments are responsible for (Shue, 2018: 266). In other words, the criteria governing the moral permissibility of self and other-securitization are coterminous.

Turning now to our second question, can one be required to do a harmful act that cannot be expected to succeed in averting the threat? On the face of it this seems not only improbable, but it also raises the issue whether there is a mistake in JST, which does not specify an absolute success condition. Instead, here the prospect of success is judged relative to the success of less harmful options in satisfying just cause. Bluntly put, in JST out of a set of options, securitization simply must be the least hopeless one at achieving just cause. One reason for framing JST in this way is that the theory permits just resistance by the weak against unjust harm by the strong (cf. Floyd, 2022). One way to justify a less stringent success condition is to stress the honour of the victim. Daniel Statman puts this as follows: ‘Whenever victims of aggression are overwhelmed by an aggression but, nonetheless, find the courage to rise against him through some form of determined resistance, however hopeless, they are thereby reaffirming their honor’ (Statman, 2008: 679).

To my mind this reasoning sits comfortably with the value of autonomy stressed earlier in the context of permissibility and supererogation (Chapter 1, Section 1.2). Where wars and securitizations by collectives (states etc.) are concerned there is however a problem with this logic. Helen Frowe has shown that honour-based accounts don’t work for collective defence (war) because collateral damage inflicted on innocent bystanders is morally permissible only if the war has a good prospect of success (Frowe, 2014a: 153–154). While honour-based justifications sit uneasily with, for instance, state-led securitizations,

Frowe shows that futile violence is unjust not because it does not have an absolute chance of succeeding in satisfying just cause, but rather because such action is disproportionate.

When the chances of achieving the good end are slight, it is hard to see how it can be permissible to inflict serious harm as a side-effect of pursuing that end. It might seem rather hard justice to require restraint out of concern for the citizens of the invading state. But the welfare of those citizens is one of the things that the requirement of proportionality demands we consider before undertaking any war, even a war to resist unjust aggression. (Frowe, 2016: 60)

This means that provided securitization is proportionate, a relative chance of success suffices for securitization's permissibility and its requirement.

Finally, our third question: are the principles governing 'just conduct in securitization' the same for mandatory securitization as they are for merely morally permitted securitization? This question comes about because it seems reasonable to suggest that if securitization is a bona fide last resort then the rules for what kind of emergency measures may be used also are relaxed. While this seems intuitively right, it is to be rejected. It cannot be the case that simply because relevant actors have a duty to securitize that they may do so in any which way they see fit, including in complete disregard of basic human rights of those that are subject or object of securitization. If there is a moral disparity, it pertains to how excusable wrongful acts are only. For instance, while torture is morally wrong, its use in securitization might sometimes be excusable (i.e., under extreme duress). It is almost certainly more readily excusable when securitization was a last resort.