

NORTHWESTERN UNIVERSITY

Unintended Intentions:
Security Script and Performative Enactment

A DISSERTATION

SUBMITTED TO THE GRADUATE SCHOOL
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS

for the degree

DOCTOR OF PHILOSOPHY

Field of Political Science

By
Hye Yun Kang

EVANSTON, ILLINOIS

June 2019

© Copyright by Hye Yun Kang 2019

All Rights Reserved

Abstract

The term blowback originated from the American intelligence community to indicate the unexpected consequences of American foreign policy. In my dissertation, I give an account of how blowback results from these security policies. Blowback shows the cases that security policies create more harm than good to the enacting country due to military “accidents,” domestic repression, the militarization of policing, and terrorist attacks. But as I show in the dissertation, this phenomenon is not unique to the United States. My work reveals a universal aspect of security politics that apply to any country or any political community. This aspect, which I capture through the notion of “unintended consequences,” poses a great danger to the community members’ safety, wellbeing, and fundamental rights. The danger of blowback is not only in the damage resulting from the consequences. The damage to human lives, the destruction of military installations, economic resources, and demoralization rise to hurt the basic system of the country. September 11 epitomizes how this damage seeps deep into the social fabric. However, the bigger danger is the mechanism that creates blowback. Blowback indicates a pattern of crisis that implies its systematic source. In my dissertation, I regard blowback as a symptom that indicates this source of systematic danger. In order to show this mechanism of security, I draw on performance theory.

My dissertation draws attention to the script that directs security action. I argue that the script of security invites an act of decision, or a performance as I call it, because of its inherent ambiguity. The ambiguity of security script is ineradicable so that it resists one “correct” interpretation. In understanding unintended consequences, the first attempt to find the intentions is often through searching for one final script. But there is no final script. The intentions of security actions are scripted in multiple policies and ordinances. Their narratives about enemy and threat

are not coherent and are often conflicting. During the Korean War, the enemy is called a “communist,” but the narratives of who exactly is communist are not coherent. In military documents from the time, Korean peasants in rural areas appear as both communist sympathizers and innocent civilians. The plurality of scripts complicates the situation. But even if there is one final script for the action, ambiguity cannot be removed. In the case of Geochang, where the 5th operation order was the given script for the incident, this order’s text — “Execute everyone who is in the hands of the enemy”— still requires interpretations about the meaning of execution, enemy, “in the hands of the enemy,” etc. The interpretations resonate with subtexts of the suppression operation during the winter of 1950-1951, the U.S. Army’s Operation Roundup, and Washington’s foreign policy shift in the wake of Chinese intervention in the Korean War.

The subtext also expands to include the unwritten text of cultural norms and social codes. During the McCarthy era, for example, the cultural understanding of “foreigner” greatly affected the interpretation of “enemy.” The fear of aliens and the resulting suppression is rooted deeper in the American history of immigration and the encounters with indigenous populations. In this sense, the script of security can include cultural knowledge in and around the issue of security. The existence of other scripts in the form of historical memory and cultural codes always informs a given script in multiple ways. These various documents and texts set out “intentions” in reaction to the concerns of threat, enemy, target, border, national interests, etc.

The extent of subtext is endless, which constitutes the structural ambiguity of the script. At this point, it is difficult to say which one is the main script. These should be considered an alternate script of security rather than a subtext of the main text. This ambiguity of script invites the actor’s decision to enact in their own way. Thus, performance signifies the embodied behaviors of actors who interpret, understand, and enact the script. If there is no way to stop performing the script, no

way to eradicate the ambiguity of the script, no way to fix the meaning of the script, blowback occurs sooner or later as a consequence of performance. To be sure, not every security action ends up causing physical damages historically. However, every single security action participates in the broader web of context that rewrites another script. The ambiguity of scripts creates systematic risks of blowback.

Table of Contents

	6
Introduction	8
<i>Conventional Explanations</i>	9
<i>Performance as a Method</i>	13
<i>Three Substantive Chapters</i>	19
Enactment of Security Script: The Geochang Civilian Massacre during the Korean War	19
Dissemination of Security Script: Un-American Activities and Political Purge	21
Revision of Security Script: The ECJ's Performative Rulings on the Schengen Border Control	22
Chapter 1: The Case for Performative Security	25
<i>Understanding "Blowback" in Security</i>	25
<i>Securitization Theory and Its Discontents</i>	28
<i>Going Back to Speech as An Act</i>	33
<i>Refocusing on Act: from Practice to Performance</i>	39
<i>Performance and Performativity</i>	46
<i>Script of Security</i>	51
<i>Performative Security</i>	58
<i>National Security Theatre and the Self</i>	65
Chapter 2: Performance of Killing: The Geochang Civilian Massacre during the Korean War	68
<i>Introduction</i>	68
<i>The Geochang Civilian Massacre: A Historical Analysis</i>	73
<i>The Sign "Security" in U.S.-Korean Security Discourse</i>	76
<i>Limits of the Hegemonic Narrative on Guerrilla, Enemy, and Threat</i>	80
<i>Performativity of Security: "Following Orders" and the Act of Violence</i>	90
<i>Conclusion</i>	99

	7
Chapter 3: Security, an Autoimmune Disease? Un-American Activities and Political Purge	101
<i>Introduction</i>	101
<i>How to Read Anticommunist Fervor?</i>	104
<i>Multiple Scripts and Resonating Threats</i>	112
<i>Structural Ambiguity and the Resultant Undecidability</i>	120
<i>Dissemination of Communist Threat and Enemy</i>	127
<i>Conclusion</i>	136
Chapter 4: Revision of Security Script: The ECJ's Performative Rulings on the Schengen Border	
Control	139
<i>Introduction</i>	139
<i>Schengen: Freedom vs. Security</i>	144
<i>Uncomfortable Cohabitation of Law and Security</i>	147
<i>A Script of Freedom within Security</i>	154
<i>The ECJ: Performative Security through Law</i>	161
<i>Conclusion</i>	170
Conclusion	172
<i>The Embodied Agency and Performance</i>	175
<i>Identity and National Security</i>	178
<i>Security, Autoimmune?</i>	181
<i>Future of Security and Law</i>	183

Introduction

Unintended consequences regarding national security are neither new nor striking. Many scholars have pointed out that security policies that are supposed to bring more security in fact increase insecurity in society as a whole.¹ States seek security in order to defend the nation, and yet, in many cases, the state's pursuit of security has the opposite effect in that it actually causes insecurity to increase. There is plenty of literature that describes unintended consequences but less in Political Science on the mechanism of unintended consequences.

For the United States, the wars in Afghanistan may best illustrate unintended consequences. It is a well-known fact that the anti-Soviet Union operations in the 1980s increased the Taliban's power in the region, which acted as a catalyst for the evolution of the enemy to its present form. In this sense, the current war in Afghanistan can be seen as the consequence of policies that the U.S. adopted at that time to achieve security. In other words, it is an unintended consequence. However, if the consequence was not intended, then what was the intention? Was it not the intention to contain the USSR, to invest local groups to fight against Russia, and therefore, an effort to grow the Taliban's power? Where did the intention for the containment of the USSR come from? George F. Kennan's conception of the threat that informed "containment policy" is based on the Soviet Union's intention, according to Kennan, to "pressure against the free institutions of the Western World."² But, does this threat precede the intention or follow it? This ambiguity, which lurks at the heart of the concept of security, generates the chain of myriad

¹ Harold Lasswell, *World Politics and Personal Insecurity* (New York: Whittlesey House, McGraw-Hill Book, 1935); Jutta Weldes et al., *Cultures of Insecurity* (Minneapolis: University of Minnesota Press, 1999); Emanuel Adler and Michael Barnett, *Security Communities* (Cambridge: Cambridge University Press, 1998); Brian Job (ed.), *The Insecurity Dilemma* (Boulder: L. Rienner Publishers, 1992); Jef Huysmans, *The Politics of Insecurity* (Oxon: Routledge, 2006).

² You can see the full text here. <http://www.historyguide.org/europe/kennan.html>.

intentions that were not originally intended. In this sense, the intention to achieve security is no more external to the concept of security than the consequence. Therefore, it can hardly be said that the current war in Afghanistan was not intended. Rather, *the intentions themselves were unintended.*

Conventional Explanations

Rationalist theories tend to focus on consequences to solve unintended consequences. By the same token, they hope to fix the problem through controlling the means: accumulation of more information, building more or better devices, enhancing technology, or renaming the old threat by creating more categories (eg., enemy combatant). However, the consequences always exceed the attempt to master the causes. In other words, the equation of causes and effects cannot come into being without a margin of error which adjusts the gap between the two sides. More importantly, the intention to minimize that error generates an “unperceived” limitation of the “opportunities” in action.³ Unexplained consequences are treated as either the cost that must be paid in the form of collateral damage or the result of limitations of human intelligence, in as much as we cannot foresee the future. The risk of “unknown unknowns,” as declared by the U.S. former Secretary of Defense Donald Rumsfeld, is described as a fact of life. In this sense, the fact that something unknown is inherent in the consequence becomes the basis for the disconnect between intention and consequence. The idea of indeterminate consequences endorses a tactical solution that materializes in the impulse of “we need to do something” through emergency actions. This alleged

³ Jon Elster, *Explaining Social Behavior* (Cambridge: Cambridge University Press, 2007), 301-302.

solution comforts us with the idea that intentions and consequences can be totally separated, so that the same logic no longer applies to both.

While rational choice theories try to emphasize intentions rather than consequences, they make the idea of intention so thin that it is, according to Jon Elster's words, "removed from reality."⁴ Particularly, lack of historicity in rational theories—both behavioral and rational choice theories—results in missing a fundamental characteristic of human action: It is a historical event. Empirically speaking, Fearon's assumption that "given identical information, truly rational agents should reason to the same conclusions about the probability of one uncertain outcome or another"⁵ is unfalsifiable unless "reasoning" means a simple arithmetic, since there is no meaningful condition of duplicability in history. If this objection does not lead us to reject his hypothesis, it causes a practical problem in applying it to security policies. Policies often result in unexpected and unwanted consequences. Security policies in particular mobilize tax payer dollars and destroy human lives. For this reason, security studies are, and should be, motivated by pragmatic concerns. Emphasizing unintended consequences is in line with pragmatic concern. Focusing on historicity in political choices, actions, and practices opens up the possibility of understanding what happens historically in the name of security.

There have been three attempts to consider unintentionality relating to unintended consequences that share this dissatisfaction. First, historical peculiarity causes unintended consequences by imposing unanticipated institutional constraints. As Valerie Bunce argues, "over time, and certainly by accident," institutions involuntarily undermine the intention of the creator by constraining the opportunities of political actors.⁶ Similarly, Paul Pierson argues that the self-

⁴ Elster, *Explaining Social Behavior*, 462.

⁵ James D. Fearon, 'Rationalist Explanations for War,' *International Organization*, 49 (1995), 392.

⁶ Valerie Bunce, *Subversive Institutions: The Design and the Destruction of Socialism and the State* (Cambridge:

reinforcing function of institutions forces political processes into a certain direction that is determined by previous choices.⁷ Unintended consequences are therefore the result of historical decisions that appeared rational at the time they were made. To be sure, both authors regard them in the context of institution building. However, this logic also applies to security problems. For example, according to Allison's organizational model of decision making, political actors are constrained by institutional settings. In the Cuban missile crisis, decisions were the "outputs of organizations" that were restrained by their structural design.⁸ In particular, the institutional structure of military organizations cannot be separated from the ways in which the state treats security problems.

Second, historical processes not only constrain institutions but also construct the fundamental structure in which state "identity" changes over time. In this sense, they are not limiting options but conditioning the scope of appropriateness. Christian Reus-Smit and Martha Finnemore show the ways in which the state's self-understanding and its definition of interest transform the idea of institutional legitimacy, leading to unexpected consequences.⁹ Finnemore argues that the reasons that justify using violence have been constructed only recently in international relations. By focusing on reasons more than causes, her work emphasizes how the intentions of state agents may result in unintended consequences. Nevertheless, while this approach is effective in showing the trajectory to the present end point, it does not reveal much about how the present form prevailed over others.

Cambridge University Press, 1999), 26, 131.

⁷ Paul Pierson, *Politics in Time: History, Institutions, and Social Analysis* (Princeton and Oxford: Princeton University Press, 2004), 10-12.

⁸ Graham T. Allison, 'Conceptual Models and the Cuban Missile Crisis,' *The American Political Science Review*, 63 (1969), 690.

⁹ Christian Reus-Smit, *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations* (Princeton: Princeton University Press, 1999); Martha Finnemore, *The Purpose of Intervention* (Ithaca: Cornell University Press, 2003).

Third, unintended consequences manifest the tragic nature of human action. A classical realist such as Niebuhr locates unintended consequences in human nature.¹⁰ For Niebuhr, fallen humanities striving for more power give rise to tragic consequences. More recently, Chris Brown pointed out that “tragic choices” for the (security) dilemma are predicated on the “tragic dimension of human existence.”¹¹ The choices we make regarding international politics are either bad or worse. Good intentions do not guarantee good consequences.

All three approaches to unintended consequences share the sense of instability inherent in political action. However, for them, this instability is mainly ascribed to historical contingency. Accordingly, intentions are not often problematized since it is contingency that brings about the unwanted consequences. Thus, an unintended consequence is either the accident or the failure of our effort to realize our intention even though we do not control the outcome. In doing so, intentions are replaced by the historical construction of institutions, structures, and human conditions. And yet, this perspective still does not see the interlocking chain of intentions and consequences, which is the effect of the overall logic of security. An event or a security problem consists of a *consecutive set* of events, which, in turn, results in many small consequences. The consequences lead to constant adjustments of consecutive measures, possibly resulting in the amendment of the direction that was previously defined. The change of direction constitutes a reinterpretation of the “original” intention. If intentions change over time, what “fails” us may not be the consequence but the intention itself. The failure is not one of intentions but of *unintended intentions*. In this sense, intention and consequence are not conceptually distinct, but are rather

¹⁰ Reinhold Niebuhr, *Moral Man and Immoral Society: A Study in Ethics and Politics*, (2nd ed.) (Westminster John Knox Press, 2013).

¹¹ Chris Brown, ‘Tragedy, ‘Tragic Choices’ and Contemporary International Political Theory,’ *International Relations* 21 (2007), 11-12.

both the effects of one operational logic—what we call “security.” The idea of “unintended” intentions sheds new light on security problems. This is the aim of my dissertation.

Performance as a Method

The lens of performance demands a radical change of perspective on action in security politics. Its overall use is to look at security action as performance, but I must first explain what performance signifies in this study, and what it means to use the lens of performance.

Performance theory has inherited various traditions including anthropology and theatre studies and it has built its own discipline in performance study.¹² Its most influential contribution regarding the subject of political science would be the shift from political action to performance. Although this may seem like a recent development, the idea of performance in its various forms is not new in the study of politics. In particular, the theatricality of political action surrounding decision making is hard to miss. It is often said that the point of political action is to “make a scene.” In this sense, the action is different from everyday behavior. One way to conceptualize this is through a break. A political act is a “rupture” in which “actors and things are brought into a relation that challenges a given way of doing things.”¹³ This rupture breaks an “instituted normality” and paves the way into a “state of exception.” The state of exception is a concept developed by Carl Schmitt that indicates the emergency politics that arise from the suspension of the rule of law. For Schmitt, making the decision defines who the sovereign is. The political actor—the

¹² Diana Taylor, *The Archive and the Repertoire: Performing Cultural Memory in the Americas* (Durham: Duke University Press, 2003), 2-15.

¹³ Jef Huysmans, ‘What’s in an act? On Security Speech Acts and Little Security nothings,’ *Security Dialogue* 42 (2011), 373.

sovereign—is someone who institutes the state of exception that is the only and truly political space. However, the state of exception, as Giorgio Agamben examines, is more complicated than Schmitt portrays. Admittedly, a sense of transposition remains, but the state of exception is not to move from one rule (the rule of law) to another (the rule of the political) as Schmitt argues. Rather, Agamben argues that the state of exception is more appropriately illustrated as “chaos” in which “no rule applies, which means to be included in the judicial order through the creation of a zone of indistinction between outside and inside.”¹⁴ This is a zone of possibility rather than one of determination. It is a space of performance.

This zone is a space to which security action leads us. In fact, the purpose of International Relations as a discipline is to “think about war and peace”¹⁵ as opposed to domestic politics imbues us with this idea of a distinctive space of national security. The discipline is rooted in the concept of anarchy. It imagines a zone of nature in which no rules apply except the rule of survival. In this zone, self-security is all important. Ole Wæver articulates the performative aspect of this zone that is created by the security speech act. According to Weaver, a securitizing actor “moves a particular development into *a specific area*” where “a special right” is invested to the actor. The sense of legitimacy this provides to the space constitutes particular authority in emergency politics, which, for Wæver, generates the force of securitization. The theatricality of securitization is not derived from the emergency of the issues at stake. Rather, it is derived from the opening of a new space of exceptionality. Put differently, calling for security raises the curtain on the stage of security performance.

¹⁴ Giorgio Agamben, *Homo sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), 19.

¹⁵ Kenneth N. Waltz, *Man, the State and War: A Theoretical Analysis* (New York: Columbia University Press, 2001), 2.

In anthropology, the space of performance has a characteristic of liminality between normal and emergency politics. Anthropologist Victor Turner explains this space as social rites through a separation from an antecedent mundane life.¹⁶ As a “passage,” performance grants a space of liminality, “a betwixt-and-between condition often involving seclusion from the everyday scene, and reaggregation to the daily world.”¹⁷ In liminality, ambiguity reigns but it does not only mean to be opaque, confusing, or to be uncertain about the future. Rather, it provides the possibility to explore new connections, to capture things that has been missed in ordinary situations. It is a moment of “doffing of masks and stripping of statuses” according to Turner.¹⁸ Therefore, it shakes the normal rules of the game and destabilizes formal structures of politics. Turner sees ritual social drama in the frame of performative plays. Liminality provides a condition of possibility for actors to explore different links through performative acts. Turner’s insight suggests that performance is not only an act that takes place in liminality but also a condition of possibility of the act. Through social performance we reconstitute a given social reality. In times of crisis, old social relations are stripped out and replaced with new ones. However, it does not mean that there is a preexisting truth behind the mask. Rather, the reality behind the mask is constructed through the process of social performance.

Performance has a close affinity with Political Science and IR due to the theatrical quality of political power. Michael Loriaux points out that “the essence of power is theatrical.” According to him, Hans Morgenthau, one of the founding fathers of Realism, clearly understood that political power is to “show” or “display” force not to use it in combat.¹⁹ This is precisely what threat is.

¹⁶ Victor Turner, ‘Liminality and the Performative Genres,’ in John J. MacAloon (ed.), *Rite, Drama, Festival, Spectacle* (Philadelphia: ISHI, 1984).

¹⁷ Turner, ‘Liminality and the Performative Genres,’ 21.

¹⁸ Turner, ‘Liminality and the Performative Genres,’ 26.

¹⁹ Michael Loriaux, *Europe Anti-Power: Ressentiment and exceptionalism in EU debate* (London and New York: Routledge, 2016), 11.

Nevertheless, the active adaptation of performance has been mostly through securitization and practice theory. First, securitization is derived from the acknowledgement of speech act in security politics. Speech act theory originated from the works of Philosopher J. L. Austin, showing that utterance is a performance of act. This provides the theoretical foundation of performance studies. It is not difficult to understand why the speech act theory is appealing to securitization. Ole Wæver defines security as “a speech act”: “[I]t is the utterance *itself*[security] that is the act.”²⁰ Security discourse produces political effects on the given society. As Thierry Balzacq observes, “Among the many methods, developed to scrutinize the tenets and implications of security discourse, the theory of securitization, grounded upon speech act philosophy, has aroused the most interest.”²¹ Performance in securitization mainly appears in the theatricality of security discourse. The power of the social construction of threat is caused more by the social effects of security discourse than by its objectivity. It is not that securitization ignores external or “objective” threats but that whether it is derived from outside or inside of the discourse, its political effect occurs in the same manner. Diana Taylor rightly points out that “theatricality strives for efficaciousness, not authenticity.”²² Securitization’s main contribution to security studies is to demonstrate linguistic and social constructions of security problems. In this sense, securitization is a “successful” speech act “through which an intersubjective understanding is constructed within a political community to treat something as an existential threat to a valued referent object, and to enable a call for urgent and exceptional measures to deal with the threat.”²³

²⁰ Ole Wæver, ‘Securitization and Desecuritization,’ *Working Papers* (Copenhagen: Centre for Peace and Conflict Research, 1993), 7.

²¹ Thierry Balzacq, ‘The Three Faces of Securitization: Political Agency, Audience, and Context,’ *European Journal of International Relations* 11 (2005), 171.

²² Taylor, *The Archive and the Repertoire: Performing Cultural Memory in the Americas*, 13.

²³ Barry Buzan and Ole Wæver, *Regions and Powers: The Structure of International Security* (Cambridge: Cambridge University Press, 2003), 491: Recite from Holger Stritzel, ‘Towards a Theory of Securitization: Copenhagen and Beyond,’ *European Journal of International Relations* 13 (2007), 358.

The second version of performance in security studies can be found in practice theory. Practice theory applies the idea of performance that is mostly influenced by the anthropological tradition based on the works of Victor Turner, Erving Goffman, and Michel de Certeau. Practice theory challenges securitization's linguistic focus, emphasizing bodily behaviors of the structural pattern. Practice refers to a pattern of action, accentuating its repetitive attribute.²⁴ According to Adler and Pouliot, practice refers to "socially meaningful patterns of action," through which discursive and material worlds are mediated.²⁵ Similarly, for Neumann, practice is discursively embedded "social action."²⁶ In practice theory, performance is a site where Turner's liminality reigns so that the agent embodies social reality as a structure and performs it in a meaningful way. By highlighting practice as opposed to discourse, Neumann introduces de Certeau's work on how "tacit knowledge" that is not uttered is performed through everyday practices and also brings alterations to them.²⁷ He focuses on the space of performance that is not mediated only through discourse. However, the idea of performance is actually a much broader concept than what practice or a unit of bodily behavior can convey. There is a clear limit to this strand of study where the idea of performance is not transmitted through the idea of practice which is still rooted in the model of "strategic" agency. Social reality as a structure in practice theory seems more rigid than in performance. Although Adler and Pouliot argue that the agent not only reproduces the structure but also can transform it,²⁸ their suggestion of "strategic interaction" based on Goffman's social role model does not exactly explain how this social interaction constitutes a new reality or,

²⁴ Lene Hansen, *Security as Practice: Discourse Analysis and the Bosnian War* (London: Routledge, 2006); Emanuel Adler and Vincent Pouliot, 'International Practices,' *International Theory* 3 (2011).

²⁵ Adler and Pouliot, 'International Practices,' 4.

²⁶ Iver B. Neumann, 'Returning Practice to the Linguistic Turn: The Case of Diplomacy,' *Millennium: Journal of International Studies* 31 (2002), 625.

²⁷ Neumann, 'Returning Practice to the Linguistic Turn: The Case of Diplomacy,' 633.

²⁸ Adler and Pouliot, 'International Practices,' 5, 16-18.

structure, and so a new subjectivity.²⁹ Surely, the assessment of practice theory is not my interest. Rather, I merely point out the limited application of performance in security studies.

To discuss what performance is or the general understandings of performance would be a task beyond the scope of this dissertation. Performance studies clearly state its complexity and inherent interdisciplinarity that “resists fixed definition.”³⁰ Yet, Richard Schechner provides a useful distinction between two approaches to what *is* performance and what counts *as* performance. On the one hand, the question of what is performance depends on cultural interpretations. Depending on the cultural contexts, often social ritual, or playing game, or acting a play can be a form of performance. On the other hand, every action can be studied as performance. Performance constitutes a methodological lens that brings lights to a particular quality of action as performance. Taylor argues that performance in this sense “functions as an epistemology.”³¹ For her, embodied practices offer a way to transmit knowledge that is omitted by archival materials.

Drawing on Taylor’s understanding of performance, I propose to adopt the lens of performance to analyze the consequences of security action referred to as “unintended consequences.” It is not my intent to explain how unintended consequences take place, which focuses on the missing link in the linear causal chain. Rather, my intent is to show how security action appears to be seen as “unintended consequences” through performance. This perspective treats unintended consequences not as a category of the failure to accomplish initial intentions but as manifested potentiality of security implementation. This transformation of perspective is to analyze the integral enterprise of security action that encompasses the non-linear process from

²⁹ Adler and Pouliot, ‘International Practices,’ 26-28.

³⁰ Richard Schechner, *Performance Studies: An Introduction* (Third Edition) (London and New York: Routledge, 2013), 24.

³¹ Taylor, *The Archive and the Repertoire: Performing Cultural Memory in the Americas*, 3.

intention to consequence. It means that the production of unintended consequences cannot be independent from the whole enterprise of security action. I propose the lens of performance to enable a closer investigation of this process of security action. I do not attempt to argue that security action *is* performance, but to argue security action should be considered *as* performance.³² By looking at security action as performance, I seek to make legible the integral process of security action that is otherwise illegible. Security action as an event in time cannot be properly conceptualized through a linear model of action that takes a security action as a mere carrier of intentions.

Three Substantive Chapters

Enactment of Security Script: The Geochang Civilian Massacre during the Korean War

The Geochang (or Kōch'ang) civilian massacre refers to the civilian casualties that occurred in February 1951 in Geochang, South Korea during the Korean military's suppression operation during the Korean War. The soldiers fired against unarmed civilians in the villages of Geochang, a county in South Gyeongsang Province, killing 517 people from February 7th to 11th.³³ The military claimed that this was a case of unintended consequences that happened during the operation to achieve "security." Yet, the Geochang civilian massacre was committed by friendly

³² Schechner, *Performance Studies: An Introduction* (Third Edition), 38-40.

³³ Lee Young-Hee, *Yeok Jung (역장: 나의 청년시대)* (Paju: Changbi, 2012), 256. The number of casualties varies. The government reported 187 in 1951, but other journals and newspapers count up to 719 (according to the Journal *Madang* in June 1982, among 719 casualties, young adults consist of only 24 percent; on the other hand, the number of toddlers under 3 years was 100 (14%), children aged from 4–10 were 191, and 11–14 were 68, which makes 359 children under 14 sacrifice). In this paper, I reference the number from the Truth and Reconciliation Committee's report 2010.

forces, and their act was neither an accident nor a misperception. It was planned, targeted, and strategized as a military operation. By contrast, there is no clear or coherent documented reason for the event other than what was articulated as “security concerns,” which appears in related ordinances, policies, and orders. My goal is not to explain this incident through latent enemy thesis or misperception thesis. These two theses share the same presupposition that the distinction between friend and enemy is real and possible, and violence is merely a means to achieve “security” against the threat of the “enemy.” My work focuses on this common ground that constitutes a hegemonic frame of security studies and I argue that this discursive frame of security is not neutrally static but performative. I pay particular attention to the sign “security” that is mobilized by the actor in the context of action. The liminal space of action can be best explored by performativity. Consequently, I argue that the dangerous performance of “security” makes the political body vulnerable to self-destructive reaction.

In this chapter, I will first introduce the event known as the “Geochang (Kōch’ang) civilian massacre.” In this historical analysis, I focus on the conflicted interpretation of the “fifth operation order.” This document is an essential piece of the massacre as it contains orders that were interpreted by soldiers to call for the massacre of civilians in the village. Second, I give a conceptual analysis of security discourse at the time of the Korean War. In particular, I pay attention to the sign “security” and its referent at that time. Third, I demonstrate that the military’s securitization does not match its observations on the ground. Instead, the military archive reveals a deeper tension between affective imperative and epistemological uncertainty. Finally, through the perpetrators’ self-account, summed up in the phrase “following orders,” I attempt to show how they perform the script of security, framing the act of violence.

Dissemination of Security Script: Un-American Activities and Political Purge

The House Un-American Activities Committee (HUAC) is probably one of the most infamous institutions in American history. In conjunction with McCarthyism, the HUAC invokes the memory of the dark history of witch hunts. Often, this part of history is treated as a collective hysteria, which implies that it was an outlier from the broader experience of American history. While there was a component of hysteria with regard to anticommunism in the 1940s and 1950s, it is irresponsible to attribute the HUAC's activities to an aberration. Rather, the undercurrent of the contemporaneous political culture that conditioned the possibility of the HUAC's activities needs to be examined. The fear of the communist threat was not just internal anxiety fueled by the "paranoid style in America" but it was also a rational response to a looming sense of the Cold War mixed with the fear of a red menace at home during this period. The question we should ask is, "Why did so many otherwise well-meaning, intelligent, even liberal, Americans collaborate with the political repression of the late 1940s and 1950s?" In other words, how do seemingly reasonable national security actions taken in order to protect the nation from the enemy provide the basis for the irrational zeal of political persecution? The HUAC is an example that highlights the paradox of a democratic institution participating in undemocratic activities in the name of national security. This question leads us to recognize the ways in which political repression operates in a democratic society and the mechanisms of national security that provide the rationale for self-purification.

The fact that the well-intentioned national security acts can lead to pernicious consequences for civil liberties highlights the need to question the non-linear process from intentions to consequences. It requires a perspective of performance. By looking at the HUAC's activities through the lens of performance, we can avoid the shortfalls of psychological and realist

views. If the script of security unleashes a mode of anxiety through performative actions, the HUAC is not an aberration of history but one case of enactment among ubiquitous scripts of security. Also, the lens of performance allows us to examine the non-linear process of actions that connect intentions to consequences. Unlike the realist perspective, the HUAC's anticommunist crusade is not an unintended consequence but a security performance.

This chapter examines the HUAC's activities through the lens of performative act. First, I discuss the multiplicity of security script. However, the script of security that informs anticommunism does not have a uniform voice. The prolific and sometimes conflicting documents shows archival uncertainty surrounding the script of security. The idea of enemy and the communist threat were not the only possibility of the script. Second, I show how the loyalty program disseminates, resonating with the idea of Americanness. The structural ambiguity which cannot be detached from the script results in calling for a decision. The decision shows the undecidability of action that is embedded in the script of security. Third, the undecidability triggers performative action, which brings unanticipated theatrical effects on the public. I examine, in particular, the Alger Hiss hearing of the HUAC to show how the anticommunist script is performed.

Revision of Security Script: The ECJ's Performative Rulings on the Schengen Border Control

The Schengen agreement is the foundational law of border control in the European Union. Based on the idea of abolished internal borders with strengthened external borders, the Schengen area functions as the EU's territorial boundary. To some extent, the tension between the demand for strong external borders and the EU's free movement rights, broadly defined in the human rights principle, is evident. However, the performance of the European Court of Justice (ECJ) in

navigating, negotiating, and resolving this tension produces unintended consequences. Against its alleged intentions, the ECJ's legal interpretations bring about the convergence of law and security. The ECJ is active to delimit the external security measures in the service of free movement. However, its attempt ends up tying internal freedom to external security by making security measures an intrinsic part of the Schengen law. Through the examination of the ECJ's preliminary rulings and judicial reviews, I show how the ECJ's interpretive performance of Schengen law provides a new legal norm that embraces the idea of security in the discourse of freedom. The new legal norm produces a paradigm of behaviors in border control measures.

In this chapter, I trace the entangled relationship between law and security in the Schengen. In particular, I focus on how the idea of security is endowed with a legal meaning through legal interpretation. It directly informs the security practice on the ground through rules and regulations performed by individual security actors. Also, law enforcement reinforces the idea of security that the rules and regulations imply. In the case of EU border control, the Schengen law provides guidelines for security actions to border control guards. The ECJ's interpretation of the Schengen law in this sense weaves narratives for a script that informs security actions. The ECJ's judicial review gives a certain interpretation of the Schengen law that produces meanings of the script. The question is how the ECJ takes part in the narrative of security in order to embed it in the rule of law. Its attempt is arguably successful given the enlarged jurisdiction in Title IV. However, the outcome of this legalization is at best ambiguous.

First, I briefly outline the Schengen's discursive development in relation to the border. This section shows how the Schengen as a border security apparatus has grown in the frame of freedom and security. Second, I outline the problem of European border security in the system of law. In part, it appears in the question of the ECJ's judicial review in the Schengen. It portrays the paradox

of freedom and security in the system of law in the EU. Third, I provide a historiographical account of the discourse of freedom and security in relation to the market and the state. By showing the trajectory, I attempt to bring light to the complicity between freedom and security as a condition of coevolution of the state and the market. Fourth, I show how the ECJ's judicial practices in European integration unfolds in the area of security, freedom, and justice. I argue that the ECJ's interpretation of Schengen inadvertently reinforces the idea of security by providing a legalized form.

Chapter 1: The Case for Performative Security

Understanding “Blowback” in Security

On June 4th, 2017, the *New York Times* reported that the United States government was considering a troop increase in Afghanistan of about 3,000 to 5,000 soldiers. Critics argue that this is simply pouring U.S. financial and human resources into the never-ending war in the country. The news article noted how both the Obama and Trump administrations, despite their sharp differences, shared a response on this matter. Both declared that they would end the war before taking office but both found out that getting out of Afghanistan is not easy as it seems. Since 9/11, U.S. spending on Iraq and Afghanistan has soared, with no end in sight. But what is most striking is how these wars are deeply connected to American security policies in the 1980s. The Iraq war is often described as a total disaster for American foreign policy. Thomas E. Ricks called it a “fiasco,” based on the misinformation about the weapons of mass destruction and al-Qaeda with scant international support. Yet, the Iraq war was an outcome of the conditions in the region to which the U.S. security policies had contributed. It is a well-known fact that U.S. anti-Soviet operations in 1980s in the Middle East sparked Islamic jihadist groups in Afghanistan, which later gave rise to al-Qaeda. The jihadist groups spawned militarized local insurgents, which form the “hot bed” of global terrorism in the Middle East. To be sure, this fact is not unknown to the American intelligence community. The Central Intelligence Agency (CIA) coined the term “blowback” to indicate this paradoxical situation in security policies.

Chalmers Johnson in his book “Blowback: The Cost and Consequences of American Empire,” explains how the long-term effects of security policies always exceed their creators’

intentions. Similar to the military concept of “unintended consequence,” “blowback” signifies uncontrollable effects of security policies that undermines the original intentions of those security policies. According to Johnson, “blowback itself can lead to more blowback, in a spiral of destructive behavior.”³⁴ This chain of unintended consequences, however, does not indicate a simple failure of security policy. For example, the CIA’s anti-Soviet operations in Afghanistan in the 1980s were arguably successful in terms of achieving the agency’s goal of forcing the Soviet Union out of the region. And yet, this success spawned potential detrimental consequences which could not be anticipated by the authors of the policy. This simple example shows that blowback may not be an outlier but a pattern of security policies creating more security problems. It raises the question of how security policies create the blowback pattern.

Blowback should not be treated as a concept to indicate a direct causation from previous policy to current policy. It is almost impossible to ascertain a given policy’s social and cultural influence in foreign lands. Even if it were possible, the data do not confirm direct causation. Rather, blowback should be read as an indication signaling systematic effects of uncontrollable consequences that security policies produce when put into practice. This suggests that the implementation of policies has its own internal mechanism. To practitioners, it is a familiar experience that the intentions of security policy are not met in the process of implementation. This acknowledgement invites us to take the actions of policy implementation seriously as an event in time. Political actions create new social relations over time. If the action’s intentions reflect its social and political relations or contexts, the “original” intentions would no longer reflect the changed social reality. If this is true, seemingly “unintended” consequences are not unintended but

³⁴ Chalmers Johnson, *Blowback: the costs and consequences of American empire* (New York: Henry Holt and Company, 2004), 10.

the intentions are simply anachronic. In this sense, every action produces “unintended” consequences to some extent.

However, calling blowback an unintended consequence is problematic. It attributes the consequence to uncertainty. Surely, uncertainty is a fact of life in security politics, and awareness of “unknown unknowns” is prudent for practitioners. However, blowback does not occur *ex nihilo*. A security action is not carried out under total uncertainty. There are intentions that are measured, anticipated, and justified. And these intentions are often scripted in the forms of policy, ordinance, operation strategy, and legislation. Consequences may not be totally controlled or decided by intentions, but the linkage between intentions and consequences cannot be denied. For this reason, referring to “unknown unknowns” tends to attenuate consequential perniciousness and distracts from the debate of responsibility. More importantly, attributing blowback to uncertainty undermines the effort to bring to light the mechanism of the security action and its effect.

If blowback signifies systematic effects of security actions, it means that the danger of blowback is not the mere possibility of “failure” in security politics. Rather, it is embedded in the process of security action itself. However, this raises the question of what exactly in the action’s process produces such a perverse consequence and how it does so. It also raises the question about the linear process from intentions to consequence in security action. Using examples of blowback, I attempt to illustrate two assumptions of action as an event in time. On the one hand, the “original” intentions of an action may not be adequate to determine consequences of the action. In this sense, an action always has an indeterminable quality. On the other hand, intentions do play a role in defining the action’s consequence as blowback. Security action does not occur in total uncertainty. These opposing assumptions about action requires us to rethink the assumed linear process of security action. The action is a process from intentions to consequences, but it is not a linear

process. This non-linear process of action requires a new perspective on action that allows us to see it as a holistic and dynamic process. I suggest the lens of performance to illuminate this non-linear process. I will discuss the lens of performance more closely in this chapter and how it aids in the analysis of security action. But before starting, I turn to securitization theory's contributions and limits.

Securitization Theory and Its Discontents

The insight that seeking security increases insecurity is not monopolized by one strand of thought. In particular, securitization theory articulates the process of insecurity that is embedded in security politics, acknowledging the performative aspect of security speech. Its contribution to security studies is incontestable, but its limit is also undeniable. I will closely discuss securitization theory's adaptation of speech act theory and its limit.

A spiral of chain reaction indicates a social process of security. It is securitization that recognizes the social construction of security. Securitization theory has emerged in parallel with the "constructivist turn" in international relations theory. Pointing out what conventional IR theories (mostly neorealism and neoliberalism) miss, constructivism emphasizes the social construction of basic elements in international politics: The state actor, the anarchical system, and international institutions are mutually constructed through social relations. Notably, the constructivist criticizes conventional security studies for taking the idea of national interests for granted. National interests appear to cause state behaviors in international politics, but the concept as such is not under scrutiny. As Katzenstein says, "State interests do not exist to be 'discovered'

by self-interested, rational actors. Interests are constructed through a process of social interaction.”³⁵ According to him, the culture of national security constrains an actor’s behavior through norms and identity construction. Therefore, security acts are cultural practices. Securitization has internal affinity with the constructivist approach to international politics,³⁶ drawing attention to the productive force of national security.

Securitization was a response to the need for a new conceptualization of security in 1990s. The fall of the Berlin Wall and the end of the Cold War as a dominant political discourse provided security studies with a broader agenda than war and military. As Buzan described, general dissatisfaction with traditional military security resonated with the rise of economic and social agendas in security in the 1980s and 1990s.³⁷ The new phenomena were ‘widening’ the security agenda to non-military and non-traditional issues. The given understanding of the new security environment brought about the question: “What quality makes something a security issue in international relations?” This is the question that Ole Wæver asked in the seminal work on securitization, *Security: A New Framework for Analysis* (1998). Wæver argues that securitization is “the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics.”³⁸ Through extreme politicization designating something as a security issue stops normal politics and opens the realm of emergency politics. “By naming a certain development a security problem,” the state is justified to have a special right to use emergency measures.³⁹ It brings to light discourse and political constellations that generate a

³⁵ Peter J. Katzenstein (ed.), *The Culture of National Security* (New York: Columbia University Press, 1996), 2.

³⁶ Michael C. Williams, ‘Words, Images, Enemies: Securitization and International Politics,’ *International Studies Quarterly* 47 (2003), 512-514.

³⁷ Barry Buzan, Ole Wæver, and Jaap De Wilde, *Security: A New Framework for Analysis* (Boulder, CO: Lynne Rienner, 1998), 2-4.

³⁸ Buzan, Wæver, and Wilde, *Security: A New Framework for Analysis*, 23.

³⁹ Ole Wæver, ‘Securitization and Desecuritization,’ *Working Papers* (Copenhagen: Centre for Peace and Conflict Research, 1993), 7.

specific effect on legitimizing emergency measures.⁴⁰ In the times of crisis, securitization takes place to mobilize emergency measures, which are not subject to the examination of normal due process. More than a decade, the discourse of war on terror that has dominated the security community challenges the boundary of law enforcement in security as seen in the example of coining the term, “enemy combatant.”

Based on the problematique of new security politics in 1990s, Wæver defines security as “a speech act”: “[I]t is the utterance in itself that is the act.”⁴¹ It is not difficult to understand why the speech act theory is appealing to securitization. Security discourse produces political effects on the given society. As Balzacq observes, “Among the many methods, developed to scrutinize the tenets and implications of security discourse, the theory of securitization, grounded upon speech act philosophy, has aroused the most interest.”⁴² Linguistic and social constructions of security problems are the main contributions of securitization theory. In this sense, securitization is a “successful” speech act “through which an intersubjective understanding is constructed within a political community to treat something as an existential threat to a valued referent object, and to enable a call for urgent and exceptional measures to deal with the threat.”⁴³

Growing out of Wæver’s seminal work, securitization theory is a body of work that comprises a broad range of ontological and epistemological commitments.⁴⁴ And yet, securitization shares three basic elements that are interconnected. First, it focuses on the

⁴⁰ Buzan, Wæver, and Wilde, *Security: A New Framework for Analysis*, 25.

⁴¹ Wæver, ‘Securitization and Desecuritization,’ 7

⁴² Thierry Balzacq, ‘The Three Faces of Securitization: Political Agency, Audience, and Context,’ *European Journal of International Relations* 11 (2005), 171

⁴³ Barry Buzan and Ole Wæver, *Regions and Powers: The Structure of International Security* (Cambridge: Cambridge University Press, 2003), 491: Recited from Holger Stritzel, ‘Towards a Theory of Securitization: Copenhagen and Beyond,’ *European Journal of International Relations* 13 (2007), 358.

⁴⁴ Thierry Balzacq, ‘The Essence of Securitization: Theory, Ideal Type, and a Sociological Science of Security,’ *International Relations* 29 (2015), 103.

intersubjective characteristic of security. Securitizing action works through a shared understanding of existential threat.⁴⁵ Intersubjectivity is a notion particularly attentive to the construction of national interests and identities. Actors understand what the threats are and develop a sense of danger through a common idea of the national interests and identities. These are crucial to understand the sociological aspects of threats. Alexander Wendt effectively demonstrates this by pointing out different political effects of nuclear weapons in Great Britain and North Korea.⁴⁶ Depending on the social relations of the two countries to the U.S., the nuclear weapon either becomes a threat or a defensive weapon. Naturally, security practices bring about “knowledge claims on the existential threat to a referent object.”⁴⁷ That EU security officials define immigration as security threat is an excellent example.⁴⁸

Second, securitization emphasizes the importance of “context.” In general, securitization takes the idea that refers to historical and sociological factors of security discourse. The context means the political environment of the speech act, which includes the reactions of the audience. In particular, the audience factor adds an interactive aspect on the operation of security discourse. It is true that a discourse of existential threat does not launch securitization by itself, “but the issue is securitized only if and when the audience accepts it as such.”⁴⁹ Often, it is presented as an “external” factor of an effective speech act. However, what the context means is not undisputed. As opposed to the sociological interpretation of context, I will make a distinction to argue for contextuality as a condition of possibility.

⁴⁵ It is also a shared position with constructivism in IR. Cf. Ted Hopf, ‘The Promise of Constructivism in International Relations Theory,’ *International Security* 23 (1998), 173.

⁴⁶ Wendt, Alexander, “Constructing International Politics,” *International Security* 20 (1995), 75.

⁴⁷ Balzacq, ‘The Essence of Securitization: Theory, Ideal Type, and a Sociological Science of Security,’ 106.

⁴⁸ Didier Bigo, *Europe’s 21st Century Challenge: Delivering Liberty* (Farnham: Ashgate, 2010), chap. 3.

⁴⁹ Buzan, Wæver, and Wilde, *Security: A New Framework for Analysis*, 25.

Third, securitization takes place through social processes. Social interactions between actors create meanings of security and proper practices. An idea of social sequence is useful to understand securitization not as a single event but as a social practice. One shared insight is that social phenomena occur in process, which demands a change of perspective from the cause and consequence to the condition and effect. Securitization, in this sense, carries out a speech act via a social mechanism.⁵⁰

To be sure, these three elements are far from an exhaustive list of securitization theory's characteristics. Particularly, in line with constructivism in IR, initial securitization theory by Buzan and Wæver branches out into larger fields of "critical security studies."⁵¹ Critical security studies emerged out of the work of a group of European scholars who take critical approaches to security studies, and provide alternative approaches to security. Also, in connection with the 'dissident' mode of thinking that sprung up in North America in 1980s and 90s,⁵² critical security studies attempt to interrogate the idea of security itself.

Although the insight of securitization is broadly shared in a larger community of critical security studies, the securitization theory specifically refers to the Copenhagen School. Despite its significant contribution to the study of security politics, the securitization theory has its limits. One common criticism is that the paradigm of the Copenhagen School focuses too much on the linguistic aspects of speech act. It argues that this version of securitization theory tends to put too much weight on the "semantic side of the speech act articulation at the expense of its social and

⁵⁰ Balzacq, 'The Essence of Securitization: Theory, Ideal Type, and a Sociological Science of Security,' 106.

⁵¹ C.A.S.E Collective provides a good summary of critical security studies. It introduces the three "Copenhagen," "Aberystwyth" and "Paris" schools. C.A.S.E Collective, 'Critical Approaches to Security in Europe: A Networked Manifesto,' *Security Dialogue* 37 (2006).

⁵² C.A.S.E Collective, 'Critical Approaches to Security in Europe: A Networked Manifesto,' 447.

linguistic relatedness and sequentiality.”⁵³ In a similar vein, the Copenhagen School’s framework tends to focus only on “successful” speech act, limiting its scope to a high degree of formality.⁵⁴ One common criticism focuses that it excludes the broader context of discursive action in which strategic non-conventional utterances may have successful securitizing effects. If securitization means that articulating security is itself a practice of security, it is obvious that its political effect is embedded in social and cultural factors to make sense of security.

This criticism, which I agree with in the grand scheme, however, still falls short. Notably, the ‘internalist’ and ‘externalist’ perspectives on the notion of ‘context’ are problematic.⁵⁵ The former refers to linguistic conditions of “felicitous” speech act; the latter refers to social and political structures of speech act. This division, in fact, functions as a guideline to understand the following development of critical security studies. Securitization theory of the Copenhagen School has been categorized as being on the side of the ‘internalist’ approach to securitization, which has been criticized for its ineptness to study the empirical world. However, it is worth noting that this division is rooted in a particular understanding of ‘text’ that is independent from ‘context.’ I will discuss this criticism’s validity in the next section. The internal tension between internalist and externalist perspectives regarding to the idea of context will be clearer in the following sections.

Going Back to Speech as An Act

⁵³ Holger Stritzel, ‘Towards a Theory of Securitization: Copenhagen and Beyond,’ *European Journal of International Relations*, 13 (2007), 358.

⁵⁴ Balzacq, ‘The Three Faces of Securitization: Political Agency, Audience, and Context,’ 172.

⁵⁵ See Stritzel, ‘Towards a Theory of Securitization: Copenhagen and Beyond,’ 359-360; Balzacq, ‘The Three Faces of Securitization: Political Agency, Audience, and Context,’ 180-182.

Given that the notion of “speech act” states that the utterance is an act, the criticism of securitization theory’s linguistic focus may seem unfair. It is useful to look more closely into what constitutes an “act” in speech act. Wæver defines securitization as this:

“What then is security? With the help of language theory, we can regard “security” as a *speech act*. In this usage, security is not of interest as a sign that refers to something more real; the utterance *itself* is the act. By saying it, something is done (as in betting, giving a promise, naming a ship). By uttering “security” a state-representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it.”⁵⁶

This paragraph in fact repeats J.L. Austin’s idea of speech act. Austin calls this performative utterance. Regarding the performative utterance, Austin rather simply says, “to utter the sentence (in, of course, the appropriate circumstances) is not to describe my doing...: it is to do it.”⁵⁷ However, a performative utterance is different from reading a statement. In other words, just announcing the sign does not qualify as a performative utterance. Austin argues that the conditions should be met for felicitous performative utterance. According to Austin, “The uttering of the words is, indeed, usually a, or even the, leading incident in the performance of the act (of betting or what not), the performance of which is also the object of the utterance, but it is far from being usually, even if it is ever, the sole thing necessary if the act is to be deemed to have been performed.” The performance of the act sometimes is enough, for example, saying, “I do” in a marriage ceremony. But it often requires a corporeal act, for example, smashing a bottle against

⁵⁶ Wæver, ‘Securitization and Desecuritization,’ 7.

⁵⁷ J.L. Austin, *How to Do Things with Words (Second Edition)* (Cambridge: Harvard University Press, 1962, 1975), 6.

the bow of a ship in the case of naming the ship.⁵⁸ However, it should not be understood that uttering the statement itself is not enough. Rather, it signifies that performative utterance is a comprehensive act.

Indeed, Austin says that performative utterance should be “the total speech-act.” According to him, a successful or “felicitous” speech act coheres with a corresponding statement. “The happiness of the performative ‘I apologize’” makes the statement “I am apologizing” as a “fact.” However, this coherence requires more than a simple act of saying. In order to discern that, he said, “We must consider the total situation in which the utterance is issued—the total speech-act—if we are to see the parallel between statements and performative utterances, and how each can go wrong.”⁵⁹ Therefore, in order for a successful performative utterance, “the circumstances, including other actions, must be appropriate.” It signifies that a performative act cannot be reduced to one isolated utterance. Rather, it takes place in the “total speech situation.”⁶⁰ Particularly, the circumstances indicate a social context corresponding to the utterance. It demonstrates that the condition of appropriateness for the utterance and social context should be met to carry out the speech act.

Buzan and Wæver are aware that the felicitous conditions of the “total speech act” should include external, contextual, and social conditions. Wæver writes, quoting Austin, “The particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.”⁶¹ Admittedly, there are possibly two kinds of contexts: one is a shared perception and the other is an external ‘objective’ world. In that statement of Wæver, the

⁵⁸ Austin, *How to Do Things with Words*, 5.

⁵⁹ Austin, *How to Do Things with Words*, 9.

⁶⁰ Austin, *How to Do Things with Words*, 52.

⁶¹ Buzan, Wæver, and Wilde, *Security: A New Framework for Analysis*, 32.

appropriateness of securitizing action in a given social context does not clearly distinguish between intersubjective understanding of the threat and the existence of an existential threat being outside of discursive mediation. To be sure, Buzan and Wæver point out the difference between these two social contexts. The “facilitating conditions” of securitization include “the social conditions” of actors and audience on the one hand, and the “alleged threats” that would impose external force to successful securitization on the other. Although they acknowledge the factor of “threat” supposedly independent from securitization, it is true that their position on the possibility of an “objective” threat outside of discourse is not clear.⁶² What is at stake in these two contexts is whether external materiality, without being mediated by discursive structure, can have causal power in securitization.⁶³ In fact, this is a focal point for many critical/constructivist scholars to draw a line between empirically oriented constructivism and poststructural/postmodern positions. Setting aside its normative connotation, however, this distinction can easily misconstrue the idea of ‘context.’

Clearly, distinguished from paranoia, securitization should be correspondent with its context. The importance of ‘context’ is confirmed by its renovative attempt of securitization theory through engaging with the idea of context. For example, Thierry Balzacq argues that the Copenhagen School understands the context in an “internalist” way in which the context can be modified through “the enunciation of utterances. And, its success hangs upon ‘felicity conditions’ of utterances. Along the way, the social context cannot be distinguished from the discursive structure of threat. According to him, the problem of the Copenhagen School’s methodology is

⁶² Stritzel calls it an “internal tension” of securitization theory of Wæver. “the more poststructural one reads the Copenhagen School, the more problematic is their concept of facilitating conditions, and, conversely, the more emphasis is put on the facilitating conditions, the more difficult it is to read the Copenhagen School as a poststructural position.” Stritzel, ‘Towards a Theory of Securitization: Copenhagen and Beyond,’ 366.

⁶³ Stritzel, ‘Towards a Theory of Securitization: Copenhagen and Beyond,’ 366.

that it cannot make a distinction between “institutional” and “brute” threats. To solve this, he thinks that an external factor should be added. Accordingly, Balzacq argues for the “pragmatist” position that focuses on the audience factor in communicative interaction of securitization that is not entirely bounded by the language game. His main concern is if securitization misses out on the political reality of existential threat. It is not trivial, but not new. However, the methodological problem of his communicative interaction theory is that there is no way to gauge to what extent the social context reflects “external reality” other than the indication of a “positive outcome” in audience reception. It is then hard to avoid the fallacy of endogeneity. This model does not distinguish whether audiences accept the securitization because they buy into the modified social context internally or they do because of the external reality of the threat.

Another example is also to argue that Wæver’s understanding of context is internalist. For Holger Stritzel, external context is a discursive context within which the securitizing actor and the speech act are constructed. He said, “Security articulations need to be related to their broader discursive contexts from which both the securitizing actor and the performative force of the articulated speech act/text gain their power.”⁶⁴ He problematizes Wæver’s facilitating conditions in that speech act and event in securitization are not situated in a broader social and linguistic structure. Rather, he argues, Wæver’s securitization theory tends to take them as “static” and “fixed.”⁶⁵ He thinks that Wæver considers the speech act as an individual event—that the performative force is solely attributed to the speech act itself without acknowledging the discursive structure of the act. Based on his reading of a “poststructural/postmodern position of performativity,” he concludes that Wæver stresses “the always political and indeterminate nature

⁶⁴ Stritzel, ‘Towards a Theory of Securitization: Copenhagen and Beyond,’ 360.

⁶⁵ Stritzel, ‘Towards a Theory of Securitization: Copenhagen and Beyond,’ 366.

of the speech act event whose meaning and performative force *is not related to its context*. (Italic is mine)” He also notes that it is an acknowledgement of Derrida’s claim that ‘there is nothing outside the text.’⁶⁶ It is true that preexisting discursive context brings about performative effects. And, it might be true that Wæver’s take on Derrida shuns contextual considerations. However, Stritzel’s notion of the “concept of performativity,” or, “textuality,” as opposed to social, external, and discursive contextuality is misleading. The contextuality which produces the indeterminate nature of the speech act is in fact a comprehensive and open concept that cannot be independent from “external” factors.⁶⁷ What is at stake in this portrayal of performativity regarding the purpose of this dissertation is that this narrow understanding of textuality or performativity hampers proper attention to the speech as an act. As Jef Huysmans criticizes, in securitization literature, the concept of ‘act’ itself has “remained untouched.”⁶⁸ Often, a feature of act is transposed into the rhetorical effect of security talks. In this sense, the speech act is reduced to a mere voicing of a given text. However, the act is a textual and contextual performance. The division of internal and external contexts often overlooks their connectivity that actually creates a possibility of political act. And this connectivity takes place in the actor’s performance.

⁶⁶ Stritzel, ‘Towards a Theory of Securitization: Copenhagen and Beyond,’ 361. He argues that Wæver’s position is “an acknowledgement of Derrida’s famous claim that ‘there is nothing outside of the text’ and that meaning can never be fixed.” However, it is contentious whether Wæver’s interpretation of Derrida’s point actually addresses Derrida’s position on contextuality. In Wæver’s earlier draft “Security, the Speech Act: Analyzing the Politics of a Word” in 1989, he concludes that Derrida’s point on undecidability of speech act is to mean that a speech act might fail. (p. 45) And he understands this failure in security speech act as to fail to bring about a referent object of the speech act. However, Derrida’s point is specifically about the loose link between the speech act and the referent object. It is not a failure but a condition of the speech act, which means that the referent object is contextually emerged through the speech act. The stake of pointing out this misunderstanding is to show linguistic contextuality and sociological context are not mutually exclusive. Rather, they should be conceived together to understand the totality of speech act. Ole Wæver, ‘Security, the Speech Act: Analyzing the Politics of a Word,’ *Paper Presented at the Research Training Seminar* (Copenhagen: Centre for Peace and Conflict Research, 1989).

⁶⁷ The common misunderstanding of Derrida’s infamous phrase—“there is nothing outside the text [il n’y a pas de hors-texte].”—should be noted. This is derived from the lack of comprehensive understanding of the meaning of ‘text’ in Derrida’s work. His emphasis on “text” cannot be fully understood without his philosophical elaboration about the concept of textuality, which is not limited in the form of empirically being written down in paper. Derrida himself clearly mentions in *Limited Inc* that “The phrase which for some has become a sort of slogan, in general so badly understood, of deconstruction..., means nothing else: there is nothing outside context.” Jacques Derrida, *Limited Inc* (Evanston: Northwestern University Press, 1988), 136.

⁶⁸ Jef Huysmans, ‘What’s in an act? On Security Speech Acts and Little Security nothings,’ *Security Dialogue* 42 (2011), 372.

Refocusing on Act: from Practice to Performance

The insight of speech act theory is that uttering words is an action. Through the speech act, security discourse becomes a political act. But, what makes an utterance a speech act? Above all, it is necessary to look at what action means. As an attempt to refocus the action, I introduce the idea of practice in securitization literature. However, again, this recent development of practice falls short in understanding the agent's role, which is critical in political action. Hannah Arendt explains that action is beginning something new. "To act, in its most general sense, means to take an initiative, to begin (...), to set something into motion." To begin is to enter into a possibility of unexpectedness. For her, unexpectedness is inherent in political act and is based on human uniqueness. The opening up of possibilities is a fundamental characteristic of political action. The action is risky, in this sense, but it is indispensable in political life. It is the unique enterprise of human beings who are the actors. Above all, the political act is a performance in which action requires a spot light on the actor in the public realm. Particularly for Arendt, an actor is an essential part of political act. "Without the disclosure of the agent in the act, action loses its specific character."⁶⁹ Without a revelation of the actor through speech and act, the act becomes a mere behavior. "It [act] is then indeed no less than a means to an end than making is a means to produce an object." Without an actor, speech becomes "mere talk" and action becomes just "productive activity."

⁶⁹ Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago, 1958), 180.

In conventional security theories, actions are often portrayed through a form of decision. A decision takes place in times of crisis to open up a space for emergency politics. In securitization, the speech act performs the role of decision making. Buzan and Wæver clearly focus on the effect of speech act that ruptures “normal procedure of practices.”⁷⁰ Emergency politics conveys a certain perspective in which the sovereign makes a decision to suspend legal procedure, rules, and norms in order to protect and defend the things that it suspends. The suspension of normality constitutes a sense of emergency that creates the possibility of extrajudicial politics. Security politics find their resources in this sense of emergency.

However, security politics might not appear as a rupture of normality. Rather, as Foucault observes, contemporary security politics illustrates a “normalization of security.” In this frame, securitization does not occur as a single event. Rather, it operates through repeated small actions. This requires a new conception of speech act. As Huysmans asks, “If instead of ‘moments of critical decision’ we have a myriad of decisions in a process that is continuously made and remade, then what is left of the analytics as well as political critique of securitizing that is invested in the notion of speech act?” Michel Foucault’s body of work provides a clue. Foucault in his study of modernity shows how security practices change from the punishment of action to the management of population. With a close examination of changed penal laws, Foucault argues that it does not indicate a change of method but of conception. The object of security practices is not a suspicious act anymore, but rather a reason, intention, and evidence of it. In other words, the knowledge of the suspect becomes the object of security practice. Security practice in this sense takes place through surveillance, risk management, and governance that has its characteristic as unspectacular,

⁷⁰ Huysmans, ‘What’s in an act? On Security Speech Acts and Little Security nothings,’ 376.

bureaucratic, and technological. In this sense, security measures do not pertain to the extraordinary order, but rather it is one of the governing techniques that control and regulate populations.

As a result, as Huysmans rightly points out, studies on securitization shift their focus from speech act to security practices through which the normalization of security politics takes place. I think that this shift benefits to see a pattern of securitization. Didier Bigo's work on European security exemplifies the security studies on policing through practices. He argues that the state's control mechanism has been changed from punishment to policing as the territorial state transformed into the population state. One of the insights that Foucault suggests by this change is that it brings diversification of power, which means that the subject of control is not anymore limited to the state actor. Unlike the mechanism of punishment, the measure of policing requires diversified agents that Bigo calls "security professionals." Through categorizing and managing risks and threats, officials, bureaucrats, and specialists perform security practices, producing security knowledge.

However, how come did we have this pattern in the first place? Practice as a methodology does not explain this question. This question is crucial to pin down the moment of normalization of security. This raises the old question of which one comes first—the structure or the agency. Practice refers to a pattern of action, accentuating its repetitive attribute.⁷¹ According to Adler and Pouliot, practice refers to "socially meaningful patterns of action," through which discursive and material worlds are mediated.⁷² Similarly, for Neumann, practice is discursively embedded "social action."⁷³ One thing to note, while ideational and linguistic context predisposes it, the notion of

⁷¹ Lene Hansen, *Security as Practice: Discourse Analysis and the Bosnian War* (London: Routledge, 2006); Emanuel Adler and Vincent Pouliot, 'International Practices,' *International Theory* 3 (2011).

⁷² Adler and Pouliot, 'International Practices,' 4.

⁷³ Iver B. Neumann, 'Returning Practice to the Linguistic Turn: The Case of Diplomacy,' *Millennium: Journal of International Studies* 31 (2002), 625.

practice, at least in the related literature in IR, implies a bodily behavior that is materialized “outside of text.” Surely, according to Adler and Pouliot, the emphasis on ‘action’ is “first and foremost to explain and understand how world politics actually work.”⁷⁴ It is understandable given that it is out of a wary eye, according to Neumann, on the “armchair analysis” that puts too much weight on text-based analyses. However, practice as methodology is not sufficient to understand what politically meaningful action is. Its focus on pattern of action tends to emphasize structural constitution of action at the expense of the actor’s creativity. Adler and Pouliot argue, “[p]ractice tends to be patterned, in that it generally exhibits certain regularities over time and space. In a way reminiscent of routine, practices are repeated or at least reproduce similar behaviors with regular meanings. ... This is not to say that practice is strictly iterative, however, as there is always wiggle room for agency even in repetition. As a general rule, though, iteration is a key characteristic of practices”⁷⁵ The most important consequence is that despite its aspiration to refocus on action, it misses out on a fundamental element of political act—the actor. It makes political act a bunch of behaviors.

My point on actors can be best illustrated by the question of structural change in the literature of practice. While structural change is not my interest, what makes it possible is—the agent’s action. The change happens because the agent does not just reiterate the structure but creates a variation. As Arendt points out, it is the quality of political act that initiates something different, which is attributed to its actor. Admittedly, practice acknowledges its doer. Agent and structure are mutually constituted in the theory of practice. As socially meaningful action, “practices translate structural background intersubjective knowledge into intentional acts and

⁷⁴ Adler and Pouliot, ‘International Practices,’ 3.

⁷⁵ Adler and Pouliot, ‘International Practices,’ 6.

endow them with social meanings.”⁷⁶ Clearly Adler and Pouliot argue that the agent not only reproduces the structure but also can transform it.⁷⁷ They suggest a process of “strategic interaction” based on Erving Goffman’s social role model, arguing that “transformations of social order are mediated by strategic interaction.”⁷⁸ However, strategic interaction is not sufficient to explain structural change for it presumes intentions that match a given act. A change of structure may or may not be a result of intentional acts. Mostly structural changes are often perceived as unintended consequences.⁷⁹ Unintended consequences in the theory of practice would be interpreted as a failure of intentions, but as we have seen in the case of blowback, a tactical success, not a failure, generates the chain effect that leads to autoimmunity. Rather, I suggest, it is better illustrated with a notion of slippage through repetition. I argue that performativity explains how an actor reiterates a given structure with difference.

What is at stake in the agent-structure dilemma regarding this dissertation is the actor’s ability to act a politically meaningful action. To what extent the actor’s intentionality and originality are shrouded by the structural conditions? This question raises an important point to understand performativity that is a comprehensive concept to include the complex nature of action.

⁷⁶ Adler and Pouliot, ‘International Practices,’ 16.

⁷⁷ Adler and Pouliot, ‘International Practices,’ 5, 16-18.

⁷⁸ Adler and Pouliot, ‘International Practices,’ 26-28.

⁷⁹ In fact, there are numerous studies on the social change caused by the factors other than actor’s intentions. There are three strands of conceptualizing unintended consequences in structural change. First, unintended consequences are caused by unanticipated institutional constraints. (Valerie Bunce, *Subversive institutions: The Design and the Destruction of Socialism and the State* (Cambridge: Cambridge University Press, 1999); Paul Pierson, *Politics in Time: History, Institutions, Social Analysis* (Princeton: Princeton University Press, 2004)). Second, they are not only constrained by institutions but also historical contingencies construct the fundamental structure in which state “identity” changes over time. (Christian Reus-Smit, *The Moral Purpose of the State* (Princeton: Princeton University Press, 1999); Martha Finnemore, *The Purpose of Intervention* (Ithaca: Cornell University Press, 2003)). Third, unintended consequences manifest the tragic nature of human action. A classical realist such as Niebuhr locates unintended consequences in human nature (Reinhold Niebuhr, *Moral Men and Immoral Society* (New York: Scribner, 1960); Chris Brown, ‘Tragedy, ‘Tragic Choices’ and Contemporary International Political Theory,’ *International Relations* 21 (2007)).

To start, we need to understand how the agent and structure are connected through a social reality. The speech act theory shows how internal and external realities are mediated through speech act. Austin recognizes that there is inward reality before factual reality. A speech act is not an object of truth or falsehood because it operates under a different order whose principle is appropriateness. The speech act can be either felicitous or infelicitous in terms of appropriateness. For example, in the case of a promise, if an intention to keep this promise is absent, according to Austin, it is not false or even void, “for he does promise ... though it is given in bad faith.” He continues, “His utterance is perhaps misleading, probably deceitful and doubtless wrong, but it is not a lie or a misstatement.”⁸⁰ Thus, the utterance itself cannot be a factual statement. Nevertheless, intentions that make the speech act felicitous have a critical relationship to factual reality. The happiness of the performative act of saying ‘I promise’ makes it the fact that I am promising.⁸¹ Factual reality in this sense associates with inward reality, that is interpreted through intentions, through performative act. John R. Searle calls this factual reality “social reality”⁸² in which intentions matters the most.

Social reality resonates with our internal sense of the outer world. Intentions as an essence of the internal world is a key element of creating social facts as Searle argues. In this sense, a social fact reflects a point of contact at which an agent meets and experiences the external world. For example, threat as a social fact contains the agent’s experiences and its social reality based on that. Arguing the threat as an objective social fact, therefore, becomes a truth claim of the agent’s own social reality. In this sense, identity construction is the other side of reflection in this process of

⁸⁰ Austin, *How to Do Things with Words*, 11.

⁸¹ Austin, *How to Do Things with Words*, 47.

⁸² To be sure, Searle firmly advocates the material world made of “brute facts” as opposed to social reality consisted of “institutional facts,” and this is not the interest of this dissertation. But it is worth noting that his idea of social reality shows how speech act creates social facts. John R. Searle, *The Construction of Social Reality* (New York: The Free Press, 1995), 34.

constructing social reality. The idea that identity is constructed through social experiences is not new, but, it creates a problem of conceptualizing intention's originality. If we take the agent's identity as constructed, intentions would also be the result of identity construction. Intentions in this sense become a mere structural condition of the agent. Immediately, this picture would raise the question of whether a political actor can have political power to initiate something new, which is the indication of human uniqueness.

Judith Butler's performative theory is useful in rethinking this agent-structure dilemma. She explains identity constitution through performative acts. For her, identity is not one's psychological attachment to one category. Rather it is inscribed in our sense of body internally and externally. She argues that the internal essence of identity is "manufactured through a sustained set of acts" that is stylized through the body.⁸³ The identity is an outcome of repetitive acts that are stylized in a certain way of an individualized body. An insight of her theory is that intentions are given through a stylization of the body but they are not pre-given before the repetition of acts. In this sense, intentionality exists only through practices in which the distinction between intentions and unintentionations is hardly meaningful. Rather, it shows that intentions are an effect of performative acts. This understanding of performativity is resisting the idea of the body as an organic machine that preexists before historicity. As Judith Butler explains, "As an intentionally organized materiality, the body is always an embodying *of* possibilities both conditioned and circumscribed by historical convention. In other words, the body *is* a historical situation, . . . , and is a manner of doing, dramatizing, and *reproducing* a historical situation."⁸⁴ Surely, to what extent materiality of body can be constructed is not within the scope of this dissertation. In a similar vein,

⁸³ Judith Butler, *Gender Trouble* (New York; London: Routledge, 1990), xv.

⁸⁴ Judith Butler, 'Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory,' *Theatre Journal* 40 (1988), 521.

it is not my purpose to show a clear fault line between material and social facts. However, arguably, their connection is not at all obvious. And moreover, a repetition of act constantly engages with this connection that is simultaneously the effect of the repetition. I, in line with Butler's position, would deny that intentions are solely fabricated from the repetition of acts, but also, I think that it is a mistake to take the intentions for granted. Rather, intentionality is transformed through "interiorization" of the world as given, and it is "constituted precisely as a consequence of the interiorization."⁸⁵ Intentionality does not stand alone. It is constituted and enacted only through the process of action. Performativity refers to the particular nature of action that is constituted but simultaneously creates with newly formed intentions.

This idea brings light to security practice. Security practice is an act performed by a political actor who makes a scene. In this sense, I see a performative aspect of security. Rethinking security practice as performance illuminates how an actor carries out an action through the idea of security.

Performance and Performativity

In taking the lens of performance to analyze security action, I treat security action as performance, which sheds light on a particular quality of action. Then, what is found by applying this lens of performance to security action? What does it mean to see security action as performance? Broadly, there are two sources from which I draw the idea of the performative quality of security action. In the tradition influenced by anthropology, performance signifies a social ritual or play. Performance

⁸⁵ Butler, *Gender Trouble*, xvi.

is a locus where social actors play coded behaviors through a certain script. As Schechner says, the point of having performing art frame is to play “‘not for the first time’ but enacted by trained persons who take time to prepare and rehearse.”⁸⁶ It means that performance consists of “twice-behaved behavior,” which makes performance a second reality that enables actors to act on the given script not to just repeat. I particularly subscribe to Turner’s idea of performance that has liminality at its core. “Liminal entities are neither here nor there.” This ambiguousness and indetermination creates performance as an agonistic site. This liminality provides actors the possibility of exploration within the given script. This conception is necessary to look at emergency politics as a productive site. The dominant impression of emergency politics often is “the sense of stuckness”⁸⁷ through the narrative of survival and self-protection. However, emergency politics as security performance are repeated and rehearsed behaviors that always provide room to “make a decision.” Security performance is designated a special place in politics as a state of exception. It is not a place of uncertainty but of liminality. In this sense, the word “security” exerts particular theatricality.

The other source on which I draw is performativity. Performativity originates from the speech act theory of J.L. Austin, focusing on the discursive aspect of performance. However, what Austin calls “performative utterance” does not recognize the second reality of performance that the performative utterance is opening.⁸⁸ This misrecognition ignites the debate on the “truthfulness” of this performance. As a consequence, speech act can be divided by felicitous and infelicitous to the social context, that is, always alluding to the “real” world. This resonates with the understandings of discourse that are “bedeviled by the view that interpretation involves only

⁸⁶ Schechner, *Performance Studies: An Introduction* (Third Edition), 52.

⁸⁷ Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton and Oxford: Princeton University Press), 10.

⁸⁸ Schechner, *Performance Studies: An Introduction* (Third Edition), 124.

languages in contrast to the external, the real, and the material.”⁸⁹ However, the idea of performance teaches us, “what the ‘as if’ provides is a time-space where reactions can be actual while the actions that elicit these reactions are fictional.”⁹⁰ Given that, I subscribe to the performativity that is reworked by Jacques Derrida and Judith Butler, providing a link between agency and action through script.

Performativity, for Derrida, is summoned by the ambiguity that is structurally inherent in the script. Derrida derives this observation from his reading of the linguist Ferdinand de Saussure, for whom language rarely works “referentially,” that is, by referring to, or simply naming, things or objects or ideas or goods. Rather, language works “relationally,” that is, through the interaction between words and the context in which the words appear. On the one hand, “turn right at the corner” would seem to refer unproblematically to a real-world corner at which we are instructed unambiguously to turn right. But the phrase “rise up and fight for your rights” does not reference the real world with the same clarity. It calls for interpretation, and that interpretation must begin by referencing the phrase’s discursive context. The word “right,” for example, is polysemic. Only the context tells us which meaning to apply. The words “rise up and fight” are perhaps being used metaphorically, in which case the question arises: “metaphor for what” - political action, legal action, physical violence? Again, the question can only be answered by carefully parsing the context from which the words emerge, and with which the words interact, so as to suggest meaning. The word “right” itself invites debate. Debate concerning the word “right” has not come to a conclusion. The word “right” is a site of on-going agonism in the field of political philosophy. Derrida famously coined the term “differance,” from the French “différer,” to defer, to show that

⁸⁹ Luiza Bialasiewicz, David Campbell, Stuart Elden, Stephen Graham, Alex Jeffrey, and Alison J. Williams, ‘Performing Security: The imaginative geographies of current US strategy,’ *Political Geography* 26(2007), 406.

⁹⁰ Schechner, *Performance Studies: An Introduction* (Third Edition), 124.

meaning is generally not spontaneously produced by reference, but rather is deferred as the reader or listener works to provide some adequation between words, as they emerge from context, and the context from which they emerge and with which they interact.⁹¹

Differance, thus understood, rarely culminates in some simple hermeneutic solution. The phrase “rise up and fight for your rights,” for example, may not have a final, unambiguous interpretation. Interpretation is generally not simple. It is frequently agonistic. And the more “abstract” the thought, the greater is the probability of agonism. This is because the context that situates differance is not finite. The context, on the contrary, is elastic, and even indefinite. It has no clear boundary. The context is not merely the sentence, the paragraph, the chapter, the book, or even the work in which the text appears. It extends to the books the listener or reader has read, the conversations she has had, the educational background she brings to the task of understanding. Her singular cultural acquis is mobilized by the labor of interpreting the words that she is reading or hearing. The context is therefore infinite and infinitely varied as we pass from reader to reader, such that the very task of wringing meaning from a context engenders plural interpretations because of the variety of “contexts” in which meaning is being extracted. The very act of wringing meaning from a text reveals inextricable ambiguity. Derrida uses the term “dissemination” to convey the multiplication of interpretations that a text undergoes as it travels from reader to reader. The same seed - for example, the “text” of a security script - grows differently in the various soils in which it is sown. For this reason, the script does not produce unambiguous communication, but rather ambiguity and questioning. It is because of such ambiguity and questioning that the script summons a decision. Someone - a judge, a congressman, a military commander - must decide what

⁹¹ Jacques Derrida, ‘Différance,’ in *Margins of Philosophy*, translated by Alan Bass (Chicago: University of Chicago Press, 1982); Schechner, *Performance Studies: An Introduction* (Third Edition), 146.

a script means. That decision, moreover, will always, to varying degrees, be arbitrary, and perhaps “violent,” to the extent that it is the product of authority or power, as much or more than it is the product of hermeneutic exegesis. The “correct” interpretation, in Derridean terms, is “undecidable,” and for this reason, the text, the security script, exhorts that a decision be made. That decision, however, must not assume the form of yet another text, or another script, that is, it must not engender difference. It must, on the contrary, put a stop to it. The interpretation, therefore, must be embodied. It must be performed. It must be acted out. This unpredictability is not something fixable but innate in security action. Throughout this dissertation I shall treat difference as an indisputable fact of language, and I will frequently employ the terms of art that are dissemination and undecidability, as appropriate.

In Butler, we can see how the performativity as non-referential can provide a space for performative subjectivity. Butler focuses on the space where the agency embodies and enacts a culturally coded convention, or a script. But, for her, the agency is not a passive recipient of a script nor is it a pre-existing and autonomous actor before the act. Her theory shows the constitution of subjectivity through “stylized repetition of acts.”⁹² An actor is subjectivity that embodies the script through “reiterative and citational practices” driven by the insecurity of signification.⁹³ In this sense, the body is not the materiality that is pre-given to the social structure but a mode of embodying the possibilities that the dissemination of cultural code, transmitted memory, and traces of signification bring about. Often, her theory is misconstrued as to expunge

⁹² Judith Butler, ‘Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory,’ *Theatre Journal* 40 (1988), 519.

⁹³ Judith Butler, *Bodies That Matter* (New York and London: Routledge, 1993), 2.

the agency, but, “for Bulter, the concept of performativity is an attempt to find a more embodied way of rethinking the relationship between determining social structures and personal agency.”⁹⁴

Performance and performativity emphasize two dimensions of the performative act. Performative act takes place in a liminal space of ambiguity through repetitive practice of interpretation, dissemination, and embodiment. The idea of the performative act reorients our views on security action from an automated and manualized job following a script to an embodiment of possibilities that are represented in security policy, military order, a security law, media outlets, etc. The word security does not have one fixed referent but multiple and plural referents, which is indicated in IR as the “inherent ambiguousness” of the concept of security.⁹⁵ Due to non-referential signification of security, the security actor always faces multiple and plural possibilities, which makes the consequence of action unpredictable. The performative quality of security action therefore indicates that 1) it opens up a space of liminality 2) a script of security drives reiterative practices, generating dissemination of security interpretation, and 3) the action cannot remove unpredictability. In this sense, security is *performative*. And I call this performative nature of security *performative security*.

Script of Security

⁹⁴ Luiza Bialasiewicz, David Campbell, Stuart Elden, Stephen Graham, Alex Jeffrey, and Alison J. Williams, ‘Performing Security: The imaginative geographies of current US strategy,’ 407.

⁹⁵ Since Arnold Wolfers, security studies have recognized the ambiguity of “security” symbol. However, mostly it is considered as an inherent defect. Arnold Wolfers, “National Security’ as an Ambiguous Symbol,’ *Political Science Quarterly* 67(1952); David Baldwin, ‘The Concept of Security,’ *Review of International Security* 23(1997); Barry Buzan, *People, States, and Fear* (Second Edition) (Boulder: Lynne Rienner, 1991).

The lens of performance enables us to look at security action as an event in time that occurred as a reaction to the perceived “reality.” This reaction is represented through the notion of intentions. In security action, the intentions are mediated through texts such as security policies, military orders, related ordinances, legislation, speeches, memoirs, etc. I shall use the term *script* to indicate the text—written or unwritten—that security actors activate by the quality of their performance as opposed to documents that are pulled out as the locus of initial intentions in the ex-post manner. As social performance is based on a cultural script, security performance enacts a political script. A political script as a kind of cultural script includes not only security policy but also discourse, rhetoric, and oral transcript. “Whether the script is by an individual playwright or is “tradition” itself, it usually comments on social relationships, cultural values, and moral issues.”⁹⁶ For example, the text of NSC 68, which states the containment policy in the Cold War, can be a political script that contains a clear message on the values of American life, relations with the Soviet Union, and its moral status as the evil foreign power.⁹⁷

Lee Ann Fujii introduces the idea of script in her empirical research on the genocide in Rwanda.⁹⁸ She uses the idea of a script to show the agency of ordinary people who participated in killing on the ground even in a situation where the government propaganda imposed a hegemonic frame of action. She argues that the antagonistic ethnicity between Hutu and Tutsi, which was constructed by the state elites, does not explain the extensive and pervasive level of violence against friends and neighbors during the genocide. Fujii explains that it was because the ethnic hostility was not just an external order that perpetrators carried out but *a script* that they acted out

⁹⁶ Turner, ‘Liminality and the Performative Genres,’ 27.

⁹⁷ David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (Minneapolis: University of Minnesota Press, 1992, 1998), 25.

⁹⁸ Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Ithaca and London: Cornell University Press, 2009).

through a certain level of internalization. She does not deny that the script of ethnicity represents the intentions of the Rwandan elites who felt threatened by the social change at that time. However, the act of killing was not prescribed by the government propaganda but was enacted by the actors' own decision. The perpetrators appropriate the script as they perform and use it as a platform to express their own interpretations.⁹⁹ This example effectively shows that a script provides certain messages to act out, but allows an actor to interpret and to embody the messages.

A script of security is a script that is derived from, refers to, and resonates with the word "security." The intentions of security action are represented through the idea of security in the script. The issue of intention in security action is crucial, which supposedly defines the meaning of action. For example, intentions often define sending troops to foreign soil either as peace keeping or as occupation. Intentions in this case are expected to be spelled out in related policies, orders, legislations and speeches, but to verify the "true" intentions is extremely difficult for it is hardly an empirical phenomenon.¹⁰⁰ Often the presence of intentions is presumed through constructed arguments based on documents, utterances, and social conditions. Yet, the core of intentions as a psychological phenomenon resides in the place of mystery within oneself. Tellingly, intentions are always already mediated, which drives a quest for "true" intentions.

An effort to find the "true" intentions of security actions triggers archival research on security documents. Archival research attempts to find the intentions that are homogeneous enough to correspond to one policy or one operation. This is because we often see multiple and conflicting texts in the archive. Sometimes, incoherence looks too big to harmonize. Particularly for

⁹⁹ Fujii, *Killing Neighbors: Webs of Violence in Rwanda*, 11-13.

¹⁰⁰ Whether the intent of military forces is offensive or defensive cannot be determined by observable facts. The issues of perception and misperception cannot be resolved by theories. See, Charles L. Glaser and Chaim Kaufmann, 'What is the Offense-Defense Balance and Can We Measure It?' *International Security* 22(1998); Sean M. Lynn-Jones, 'Offense and Defense Theory and Its Critics,' *Security Studies* 4(1995).

practitioners, a coherent intention might not seem to exist. Robert McNamara, one of the major security actors in the Cuban missile crisis, uttered his bewilderment at the outcome, “At the end, we lucked out. It was luck that prevented nuclear war.” This statement sparked more rigorous research on the puzzle of decision-making. Graham T. Allison’s decision-making model shows an interesting example of an effort to seek more coherent intentions in decision making during the Cuban missile crisis. His three rational, organizational, and political models of decision-making provide different narratives on the crisis.¹⁰¹ Interestingly, given his critical stance on the rational model, the three models are not mutually exclusive, which show three different coherent stories about intentions and actions. The archives that he tapped into cannot determine the path of the event in one way or the other. To make due allowances for the complexity of decision making, the multiplicity of archive material is not necessarily a problem. Rather, it suggests that the archive is not the fixed, enduring material it is often thought to be. In fact, it is an agonistic site where the text it contains can be interpreted in multiple ways depending on its social contexts.

One way to deal with this issue is to limit the social contexts. By historicizing intentions, the historical approach attempts to show a particular historical context of the text that appears in action. In IR, it is often used to explain the state action caused by normative change. Martha Finnemore in *The Purpose of Intervention* argues that the conception of legitimate usage of force has evolved historically, forming the practice of humanitarian intervention that would not have been possible without ideational change.¹⁰² The norm on the legitimate usage of force reveals a “real” intention of the actions that are otherwise hard to be rationalized. Much like the study of decision making, the study of norms focuses on textual evidence that reveals truer or more original

¹⁰¹ Graham T. Allison, ‘Conceptual Models and the Cuban Missile Crisis,’ *The American Political Science Review* 63(1969).

¹⁰² Martha Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force* (Ithaca: Cornell University Press, 2003).

intentions. In a way, the normative or ideational change demonstrates the existence of conflictual texts in archival material that do not support one hegemonic narrative for one action. Michel Foucault, most famously, identifies this heterogeneity of archives as repressed voices in history. Genealogy, the method he suggests instead, recognizes history as an agonistic site of power struggle in which the multiplicity of text is purged as deviant. Therefore, for Foucault, the history that reifies the voice of hegemony is a discourse that produces power effects.

But the issue at stake in interpreting the script of security is not merely archival or historical. Even if we find one final and original text that is supposed to contain the initial intentions for the security action, this text confronts a structural problem of how the message of the text is transmitted.¹⁰³ As James C. Scott shows, reading a text is complicated by power-laden social relations that always produce a hidden script. A hidden script does not appear in a public script, which is legible through mediums of writing, speech, and protocol of gestures. A hidden script that consists of “speeches, gestures, and practices that confirm, contradict, or inflect what appears in the public script” is not legible through public eyes.¹⁰⁴ Similarly, Michel de Certeau’s distinction between “strategy” and “tactic” reveals the unlevelled field of legibility disposed by power relations.¹⁰⁵ It enables individual performer’s poetic license in embodying socially hegemonic codes. What these authors show is that the textual message does not evenly transmit. In other words, the textual interpretation is influenced by the actor’s social relations, creating heterogeneous scripts. Although both authors emphasize the function of heterogeneous scripts that

¹⁰³ In general, it can be said a problem of interpretation. However, interpretation, as it is understood, tends to presuppose the original meaning of the text that has fundamentally “homogeneous space of communication.” (see Jacques Derrida, *Limited Inc* (Evanston: Northwestern University Press, 1988), 3) It means that it is not enough to discuss embedded, generating, and inherent heterogeneity of the text. As I argue, performativity is a more proper concept to show the indissociable problem of heterogeneity.

¹⁰⁴ James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), 4-5.

¹⁰⁵ Michel de Certeau, *The Practice of Everyday Life* (Berkeley: University of California Press, 1984).

may provide the weapons of the weak to resist, more generally, they show that the actor, either the strong or the weak, cannot dominate social interactions due to this heterogeneity. This holds true even if an individual performer tries to carry out the public script or tries to be a good citizen by following hegemonic rules. The action does not arrive in the expected form because the embodiment is already social.

Performativity intensifies the plurality of texts. This is particularly telling in the implementation of security policy. The military operation as a means to an end is often viewed as an implementation issue. But the transmission of the message between the means and the ends is foreclosed in the discussion of military action. Grégoire Chamayou describes it as “dronization,” arguing that in drone operation the means as such becomes the ends, the intentions, and the motivations. His description points out a fundamental disjuncture between means and ends. While his description focuses on the technological displacement of the human subject, he clearly shows that in drone operation the target’s identity –often a human object—cannot be definitively confirmed. This is not due to technological deficiencies, but because of the insecure transmission of knowledge about the target. The target that is scripted in operation orders never confirms the person who is targeted because the target cannot be scraped out from the act of targeting. Performativity shows that the meanings of threat, enemy, and target cannot be designated by one present moment of utterance, or issuance, or writing. They are recognizable and comprehensible only because they have been repeatedly said, written, and acted upon through, according to Butler, “reiterative and citational practice,” leaving traces of multiple and incongruous significations of those words. Thus, the actor who faces a decision to execute a drone attack performs it through repeating and remarking the interpretations or decisions that act as precedent. Consequently, performativity deeply troubles the assumption that the text that is supposed to define the ends or

the intentions will safely guarantee a certain action. That the significations of the security script remain undecided forms an inherent condition of communication that characterizes its vulnerability. Precarious transmission of the message as a result of vulnerable communicability is not only because of indeterminate meanings but also because of its multiplication. Ever multiplying and ambiguous meanings of threat, enemy, and target—what Derrida calls dissemination¹⁰⁶—make clear that a text cannot remove the innate heterogeneity of textual effects.

Performative acts constitute policy space in security politics. According to Joseph Masco, the policy initiation of “War on Terror” is a reiteration, “modeled in language and the tone on the launch” of the Cold War security state.¹⁰⁷ He emphasizes that “historically crafted images and logics of immanent danger” are used to build the ground for “each iteration of the national security state.” National security is conceptualized, understood, and reacted through performative acts, showing that the script of security is interpreted through reiterative and citational practices. In this sense, the text cannot be read as a blueprint that security action will faithfully carry out to achieve a predictable goal. Rather, it should be read as a script that an actor performs. It means that any representation of policymaking that relies on a deterministic and linear relation or narrative of initial intention will not be of any help in its application. That is because the script may give direction to an actor but she applies it to her own embodiment. In this sense, the script is enacted through performance.

Through performativity, the security actor is not predetermined, but the subject becomes a security actor through security action. It is not a role or a job, but a “mode of embodying” the

¹⁰⁶ It refers to Derrida’s dissemination as opposed to polysemy. Derrida, *Limited Inc*, 2. See also, Jacques Derrida, *Dissemination*, (London: The Athlone Press, 1981).

¹⁰⁷ Joseph Masco, *The Theater of Operation: National Security Affect from the Cold War to the War on Terror* (Durham: Duke University Press, 2014), 5, 9.

possibilities of the sign security. Acting is more than performing a social role because the possibilities of the sign security are “not fundamentally exterior or antecedent to the process of embodying itself.”¹⁰⁸ A mode of embodying is not only to materialize a given script but to reappropriate it. Performative security states that security is “an act which has been rehearsed, much as a script survives the particular actors who make use of it, but which requires individual actors in order to be actualized and reproduced as reality once again.”¹⁰⁹ The actor mobilizes and cultivates the script of security through an individualized style. Thus, the script of security is enacted through individualized embodiment within the scope of the textual effects. Put differently, human agency is experienced through embodied practices of disseminated possibilities. Multiple stylizations of the text are nothing but context. In Latin, context is *contextus*—to weave together—signifying a comprehensive process of performative act. Reenactment of security script is contextual, retaining the possibility of artistic reappropriation by the actor.

Performative Security

Performativity draws our attention to the inherent condition of textuality embedded in the security script that is resistant to a definitive interpretation. The script of security is always interpreted through multiple and not necessarily congruous archives, historical memories, and usages of words: security, enemy, threat, and target etc. The inherent heterogeneity of the script cannot guarantee a determinate interpretation. There is no definitive interpretation of the script, which cannot be overcome by more annexes or appendices. Rather, this indeterminate interpretation is attributed to

¹⁰⁸ Butler, ‘Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory,’ 521.

¹⁰⁹ Butler, ‘Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory,’ 526.

the character of text as such; there is no statement of intention that can be definitively informed by one's interpretation. Both interpretation and intention must themselves be treated as scripts, themselves affected by *différance* and dissemination and therefore undecidable. The moving possibility of the script demands the actor's performative act in a form of decision. Thus, I argue that the textual indetermination in the communication is the condition of the possibility to act. The undecidability of script *inspires* the performative act. Performative security refers to the performative nature of security that results from the script of security's undecidability.

The formulation that ambiguous meanings produce action might seem infeasible from the perspective of traditional action theory. I will illuminate my point comparing with the ideas of action that we can find in Hannah Arendt and Carl Schmitt. Arendt understands very well action as performance. For her, a distinctive moment of action makes it a "beginning." It is the moment of disclosure *who* the actor is as opposed to *what* he is; as Turner said, it is the moment of doffing the mask. This "specific revelatory quality of action" is "so indissolubly tied to the living flux of acting" that "can be represented and 'reified' only through a kind of repetition" which is appropriate only to "the drama."¹¹⁰ She recognizes the meaning of acting is only fully arrived at through re-enacting the script as a story. This is precisely the quality of action that renders the action political. According to Bonnie Honig, the uniqueness of human action as performance is the very feature that makes it "profoundly political in an Arendtian schema."¹¹¹

Honig, in her analysis of Arendt and Derrida's readings of the Declaration of Independence, effectively shows how their different readings are derived from their interpretations of the performative moment of the draft. Or, more precisely, their different attitudes on ambiguity of the

¹¹⁰ Hannah Arendt, *The Human Condition* (Second Edition) (Chicago: The University of Chicago Press, 1998), 187.

¹¹¹ B. Honig, 'Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic,' *The American Political Science Review* 85(1991), 100-101.

text render the action differently. For Honig, Arendt does not recognize or resist the uncertainty of textual interpretation because the text (of independence) is purely performative. It means that the text does not contain any quality that forms an action. For Arendt, the text as stories of actors are “the results of action and speech,” which do not seem to have a constitutive power by itself.¹¹² A text or a script is meaningful only by the enacting of actors. In other words, if action is constrained by, connected to, or directed by the script, it would not be a pure action. Honig also acknowledges that the performative action in Arendt overemphasizes its capacity to begin, claiming that an action arises *ex nihilo*.¹¹³ Ironically, Samuel Weber makes a similar observation on Carl Schmitt’s conception of sovereign decision.¹¹⁴ Although Arendt and Schmitt do not have the same political purpose—in fact, their purposes are largely antipodal—both argue that the rupture that the action creates from the previous political institution is the key of political action. However, this clean break soon confronts a dilemma. Arguing that the sovereign decision is to suspend the rule of law, Schmitt argues that a decision should be erected by itself *ex nihilo* to be truly sovereign. And yet, as Weber argues, “if the “decision” is as radically independent of the norm as Schmitt claims, it is difficult to see how the decision of the state to suspend its laws can be justified at all, since all justification involves precisely the appeal to a norm.” In Arendt and Schmitt, an action or a decision must occur without any external forces that might make the moment of action ambiguous or dubious.

Going back to Honig’s analysis, she observes Derrida’s different interpretation of the same text. Unlike Arendt, Derrida, according to Honig, argues that it is unclear whether the text of the Declaration is purely performative in a way that the text does not describe the context at all. If it

¹¹² Arendt, *The Human Condition* (Second Edition), 184-188.

¹¹³ Honig, ‘Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic,’ 103-104.

¹¹⁴ Samuel Weber, ‘Taking Exception to Decision: Walter Benjamin and Carl Schmitt,’ *Diacritics* 22(1992), 10.

is entirely descriptive, the text does not have a performative power but it is a mere statement. Or, if it is purely performative, as Arendt argues, the text does not have anything to do with the founding fathers' speech act itself. To be sure, political consequences are at stake with different interpretations. If the declaration is a statement of the political institution, the American Revolution cannot avoid a tainted inheritance from the previous British absolutism. Therefore, if the draft allows for ambiguous or undecided moments, a politically clean break from the past seems unlikely. Honig acknowledges Arendt's political concern to keep the revolution's purity, but she argues "what Arendt does not see is that the American declaration and founding are paradigmatic instances of politics (however impure) *because* of this undecidability, not in spite of it." We can see this ambiguity in the character of sovereign decision. The dilemma of sovereign decision is that it cannot have any political power without a pre-existent relation to the norm that is created by the decision. However, for Derrida, according to Honig, it is more of a general problem ingrained in the "act of foundation" that cannot possess "resources adequate to guarantee itself, that each and every one necessarily needs some external, systematically illegitimate guarantee to work."¹¹⁵

To some extent, the discussion about the origin of the political illuminates, and resonates with, the general idea of action. The moment of action, even if it is the founding act, is undecidable. Samuel Weber points out that the dilemma that Schmitt confronts might have a different way out with Walter Benjamin's reading on sovereignty. As reading of German Baroque Literature, Benjamin's interpretation on decision, according to Weber, informs that an ambiguous position of action produces a peculiar theatricality.¹¹⁶ Action or decision is no longer determined by the "head"

¹¹⁵ Honig, 'Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic,' 106.

¹¹⁶ Weber, 'Taking Exception to Decision: Walter Benjamin and Carl Schmitt,' 15.

or “intentions” but by other forces of drive and affect over which actors have less control. “The dismantling of decision, of a definitive, ultimate, and absolute act, gives way to a different kind of acting: that which takes place on a stage lit up by spotlights.”¹¹⁷

What we see here is that an action is not the result of the strong will of the actor or her intentions. Action does not arrive as a consequence through a linear process from intentions. Rather, it arises from the ambiguity of the moment, probabilistic accounts, and undecidability. In this sense, every decision or action should be perceived as performance. As a matter of fact, the dramaturgic effect of decision-making in politics is hard to miss, which exactly invokes the uncertainty that the actor faces with bewilderment. Once the actor and the action are disunified, the actor stops to be a sovereign who masters the field of action, but to be a performer who embodies the story, the plot, and the script in her own flow. With this acknowledgement, we realize that there is no logical path from script to performance that guarantees any consequence. However, this is different from claiming that uncertainty, as a fact of life, reigns in the consequences of action, that is often referred by the notion of unintended consequences. Instead, it is a moment of tension, agonism, and dilemma that is manifested in undecidability. Any information reaped out of the script is not adequate to be definitive. In a stage, “anything can happen, even a miracle, but nothing definitively decided.”¹¹⁸ As a consequence, there is no way to predict either the performance, or the impact of that performance.

This makes clear the position of performative security as distinguished from securitization. Performative security and securitization share a theoretical background of speech act and similarly claim that security action tends to increase insecurity. However, the mechanisms of both claims

¹¹⁷ Weber, ‘Taking Exception to Decision: Walter Benjamin and Carl Schmitt,’ 16.

¹¹⁸ Weber, ‘Taking Exception to Decision: Walter Benjamin and Carl Schmitt,’ 18.

are different in three primary ways. First, securitization treats security discourse as an entity that has a governing force to increase the level of insecurity. To be sure, security is not an issue that is entirely invoked by material condition, which means that the security issue is formed by discursive practices. A security speech act and a social construction of security discourse do have a certain effect on audiences of security politics. However, rightly pointed out by Bialasiewicz et al., the ways in which securitization takes the discursive power of security utterance produce unnecessary controversy on the materiality of discourse.¹¹⁹ To claim that security threats are dissociable from discursive formation is not the same as to claim that security discourse causes the threat.¹²⁰

Second, security actors in securitization are either portrayed as an utterance (security actor is who speaks “security”¹²¹) or a strategic actor using securitization in order to achieve personal/political goals whether to achieve securitization itself or to obtain political influence.¹²² These two portraits presume the actor has volitions and intentions that are independent from action. Therefore, the human agency in this picture can either be a habitual rule follower or an intentional policy maker who voluntarily engages in the construction of a new reality. Both do not fully account for the fact that the agency is not only structurally constrained but also a subject to act. Performative security understands the actor as a materialization that is achieved through reiterative security practices. Actors repeatedly interpret and embody the script of security, exerting a certain effect on the body and the world. The security actors “are always already on the stage, within the

¹¹⁹ Luiza Bialasiewicz, David Campbell, Stuart Elden, Stephen Graham, Alex Jeffrey, and Alison J. Williams, ‘Performing Security: The imaginative geographies of current US strategy,’ 407.

¹²⁰ Butler, *Bodies That Matter*, 1.

¹²¹ Thierry Balzacq, ‘The Essence of Securitization: Theory, Ideal Type, and a Sociological Science of Security,’ *International Relations* 29 (2015), 173.

¹²² Balzacq, ‘The Essence of Securitization: Theory, Ideal Type, and a Sociological Science of Security,’ 184.

terms of the performance.” In security performance, the actors take part “in a culturally restricted corporeal space and enacts interpretations within the confines of already existing directives.”¹²³

Third, securitization focuses on the process of precipitative discursive effects of security that accumulates, circulates, and amplifies. Securitization attempts to demonstrate the intensification of process through enhanced understanding of a certain security threat and transmission of that knowledge, converging on policy decision or political change. Didier Bigo’s work on the securitization of European border shows how “security professionals” define, understand, and practice according to the new conception of threat and enemy. Similarly, Jef Huysmans illustrates how discursive change of migration issues produces the securitization of migration.¹²⁴ The highlight on the constructive power of discourse does not leave much room for unpredictability of securitizing actions. A deviant result can easily be registered as “failure,” or “unintended consequence.” Performative security sheds light on intervention or the non-linearity of the process of security practice. The textual effect of the security script is undecidable, which demands an action as a performance.

The script of security is not a blueprint or a manual that security actors allegedly carry out. The script of security is close to a “regulatory ideal,”¹²⁵ that produces effects as imperative to regulatory practices. The script is comprehended only through its reiteration of speech, intents, and customary practices,¹²⁶ which creates a space of performance in which practitioners embody security actors. A security actor is not someone who speaks “security” but whoever can become one by speaking it. The actor repeatedly practices the script of security in the military, in

¹²³ Butler, ‘Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory,’ 526.

¹²⁴ Didier Bigo and Elspeth Guild (eds.), *Controlling Frontiers: Free movement into and within Europe* (New York: Routledge, 2005); Jef Huysmans, ‘The European Union and the Securitization of Migration,’ *Journal of Common Market Studies* 38(2000).

¹²⁵ Recite from Butler, *Bodies That Matter*, 1.

¹²⁶ D. Soyini Madison, *Critical Ethnography* (L.A.; London; New Delhi; Singapore; Washington D.C.: Sage, 2012), 179.

congressional hearings, and in the court. Unlike security discourse's confirming effects of threat, enemy, and target in securitization, the script of security reveals the insecurity within those significations that is inseparable from discursive effects. In particular, this undecidable moment creates a stage for security action, triggering an action as a performance.

National Security Theatre and the Self

David Campbell explores performative security by examining texts of foreign policy during the Cold War. These texts form the script of security igniting the constitution of the state identity. Foreign policy texts demarcate the boundary of the self by designating the other, the foreign. His work shows that it is not that the state as prediscursive sovereign presence that executes security action but that security practices constitute what the state is. If the state is the materialization of performative security, national security is the identity constitution project of the state. The identity that the state seeks to demarcate is not the individual characteristic of the state but it is self-identity as opposed to difference—radical alterity, or Otherness. The process of constituting subjectivity foremost defines national security aimed at protecting its subject. Due to precisely this, Michael Dillon remarks that “modern politics is a security project.” For him, security politics is primarily a project of “securing the subject.”¹²⁷

The issue of subjectivity manifests in the script of national security that involves the sign, security. Security cannot be separated from the issue of the self. Security is derived from the Latin word *securitas*, made up of *se* “without”+ *cura* “care,” which means “being free from care.”

¹²⁷ Michael Dillon, *Politics of Security: Towards a Political Philosophy of Continental Thought* (London and New York: Routledge, 1996), 2-12.

According to John T. Hamilton, the state of being separated from care has ambivalent meanings. On the one hand, care invokes feelings of concern, agitation, and anxiety, which disturb tranquility of mind. It is mostly work of the mind to reach out from oneself to an uncertain future. On the other hand, caring about the world around oneself simultaneously makes the mind more vigilant, attentive, and alert. This caring mind constitutes our moral sense toward others, giving the basis of the ethics of care. Therefore, *se-curitas*, a drive to be without care, can signify two very different meanings. According to the former, security is to protect or reassure oneself from possible future danger or, often times, from the future itself. According to the latter, security may hamper our caring mind for others, leaving only egoistic men. The double meaning of the word care constitutes the field of possibilities that the sign “security” can generate.¹²⁸ Security, which designates “apart from care,” therefore always remains indeterminate between *carefree* and *careless*.¹²⁹ A script of security cannot remove the ambiguity that is embedded in the word security.

Being carefree or careless revolves around the idea of the self, which does not pre-exist before the act. The self-identity that appears in the idea of national interest exists only as an effect not as an entity. This realization requires us to rethink blowback, which implies a pre-given self that effects of security blow back to. Blowback as the unintended consequences of security policies hopelessly alludes to the possibility of doing it “right.” It is also based on the idea that the unintended consequences refer to failure or deviation from “good” or “legitimate” security. However, if there is no pre-given self, there is no self that it blows back to. Then, blowback is not

¹²⁸ Semantic field theory that develops from the work of Ferdinand de Saussure remarks the system of sign that is consisted of the signified and signifier. The link between the signified and signifier, according to Saussure, is arbitrary but they stick because of “convention.” Ferdinand de Saussure, *Course in General Linguistics*, Charles Bally and Albert Sechehaye (eds.) (New York; Toronto; London: McGraw-Hill, 1966), 68. For this reason, the link is mutable so that a certain instability is incorporated in the system of language. I point out that it is a shared understanding of language with the speech act theory in that language is not representational.

¹²⁹ John T. Hamilton, *Security: Politics, Humanity, and the Philology of Care* (Princeton: Princeton University Press, 2013), 5, 20.

a deviation from the normal path but is a natural outcome of security action. In other words, every security action is blowback. Performative security shows that the indeterminacy of the sign security creates a space of performative security in which an inherent paradox of security is produced. Hamilton points out the fundamental paradox of security: “because the concern for security is at bottom a concern to be without concern. In striving to eliminate apprehension, in turning the alleviation of worry into a pressing source of worry, security unworks itself.”¹³⁰ Blowback is not a failure, but “is simply another way of saying that a nation reaps what it sows.”¹³¹ The cases of blowback indicate that security action is neither toward the “outside” or the “inside” of the boundary of the state. Rather, security action demarcates the boundary of the self, constantly producing the effects in the form of violence. Foucault points out that security as the modern technique of the state primarily focuses on the management of population. National security always includes “civil safety” and the management of society. In this sense, this is more than “the merging of internal and external security.”¹³² Security action draws the line between the internal and external of the state governance by constantly remaking the boundary of the self. It means that security action does not distinguish internal and external boundaries, constantly destabilizing the self. Therefore, the self-purification practices take place not against, but in parallel with regular military operations. An autoimmune impulse of national security should be conceptualized as hyper-securitization, rather than pathologic securitization.

¹³⁰ Hamilton, *Security: Politics, Humanity, and the Philology of Care*, 10.

¹³¹ Chalmers Johnson, *Blowback: the costs and consequences of American empire*, xi.

¹³² Didier Bigo, ‘The Mobius Ribbon of Internal and External Security(ies),’ in Albert, Jacobson, and Lapid, *Identities, Borders, Orders: Rethinking International Relations Theory* (Minneapolis: University of Minnesota Press, 2001), 95-96.

Chapter 2: Performance of Killing: The Geochang Civilian Massacre during the Korean War

Introduction

The Geochang (or Kōch'ang) civilian massacre refers to the civilian casualties that occurred in February of 1951 in Geochang, South Korea during the Korean military's suppression operation during the Korean War. The Korean military and police forces killed hundreds of thousands of civilians in the space of a few months in the winter of 1950–1951. To be sure, all parties involved in the war engaged, in one way or another, in violence against civilians. But it was the Korean military and police forces which caused major civilian casualties, according to the report conducted by the Truth and Reconciliation Committee (TRC).¹³³ The TRC records that, based on testimony from eyewitnesses, the number of casualties amounted to 20,620. But according to the studies of this period, if we take into account the victims who left no witnesses because whole families and villages were killed, the actual number of casualties ranges from 120,000 to 1 million.¹³⁴ This chapter focuses on the event that is publicly known as the Geochang civilian massacre. It attempts to understand performativity of the sign “security” that frames a narrative of self-defense with which actors develop a system of hyperprotection that results in the act of violence. In this case, this act manifested in the killing of approximately 517 civilians in Geochang.

¹³³ TRC, *Comprehensive Report* (Vol.3, 2010), 5–6. The casualties resulting from Korean military and police force actions far outnumber those by other groups, accounting for four-fifths (79.31%) of the whole. This represents a combined number of casualties caused by two types of civilian killing. One is due to preventive detention (41.7%) and the other is by suppression operations (37.61%).

¹³⁴ Kim Dong-Choon, *This Is the War of Memory* (이것은 기억과의 전쟁이다) (Paju: Sagyejul, 2013), 26, 282.

The mass killing of civilians, as abominable as it is, is neither new nor striking in times of war, particularly in a civil war such as the Korean War. Nevertheless, this particular incident is counter-intuitive in that the military killed friendly civilians. Admittedly, the military claimed that this was done to achieve “security,” but the meaning of “security” here is unclear. The counter-intuitive part of the friendly killing is in its counterproductive or almost detrimental quality for achieving the military’s self-declared goal. According to Carl von Clausewitz, the potential power of population became an intrinsic part in modern wars. His observation of the French revolutionary wars led him to conclude that population can be a strategic asset of military power. It applies not only to the two World Wars but also, more tellingly to us, to the counter-insurgencies in our own time. The U.S. military’s strategy of “winning hearts and minds” shows that civilian population is a part of asymmetric warfare, if not the most decisive part.

Surely, the idea of civilians as a military asset is tied to their identification. Human beings can become assets only if they are friendly forces. Targeting the “assets” of the enemy, whether they are lands, properties, or *populations*, sits in a potentially justifiable frame of security policies. Anticipated unease in crossing from nonhuman targets to human targets is soothed by the certainty of enemy threat. The idea of a human asset builds a foundation on which civilian casualties are discussed in terms of collateral damage, unintended consequence, and strategic mistake within the broad realm of security politics. Not surprisingly, there is a thin line between civilian casualties and civilian massacres, entailing hugely different political consequences, between “unintended tragedy” and “heinous genocide.” Regardless of the moral indignation that it may cause to students of Security Studies, the theme of unintended consequences is situated in the normal security politics in this way.

What is relevant to this chapter is that friendly fire on civilians does not make sense strategically because it undermines military power. And yet, here is the Geochang civilian massacre, which was committed by friendly forces, and their act was neither an accident nor a misperception. It was planned, targeted, and strategized as a military operation. By contrast, there is no clear or coherent documented reason for the event other than what was articulated as “security concerns,” which appears in related ordinances, policies, and orders. My goal is not to explain this incident through latent enemy thesis or misperception thesis. These two theses share the same presupposition that the distinction between friend and enemy is real and possible, and violence is merely a means to achieve “security” against the threat of the “enemy.” My work focuses on this common ground that constitutes a hegemonic frame of security studies and I argue that this discursive frame of security is not neutrally static but performative. I pay particular attention to the sign “security” that is mobilized by the actor in the context of action. The liminal space among idea, actor, and action can be best explored by performativity. Consequently, I argue that the dangerous performance of “security” makes the political body vulnerable to self-destructive reaction.

Commonly, the internal enemy thesis is given as a reason for the military’s friendly killings. But this explanation has a major shortcoming. It does not effectively explain the act of violence. The discourse of latent enemy is presented as a reason in a post hoc performance of the action. Lee Ann Fujii successfully demonstrates that the act of violence, as seen in the Rwandan genocide cannot be reduced to enmity against enemy.¹³⁵ This does not mean that there is no antagonism or hostility between people. Rather, it means that the enmity toward a categorical group does not explain motives of individual cases. In the case of Geochang, the soldiers’ enmity

¹³⁵ Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Ithaca and London: Cornell University Press, 2009).

against the communist might have been real, but, as seen in their confessions, it was not how they felt toward the actual victims.

To be clear, I am not interested in assessing the validity of the internal enemy discourse. Rather, I read the internal enemy thesis as a symptomatic interpretation of violence that always invokes the sign, “security.” This reading allows me to have a different set of questions: If the latent enemy theory does not explain the violence, why is it so tenacious? Does it serve somewhere else that might actually relate to violence? What is the role of the sign “security” in performative security actions? The recent studies of political violence suggest that violence and the discourse of security have a more complex relationship than what the conventional “latent enemy theory” promotes.¹³⁶ Unlike the attempts to give a “rational explanation,” which often reduce to behavioral approach, I focus on ambiguous agency in-between intentions and actions. This ambiguity brings to light a performative element of the sign, “security.” I argue that it is the key to understanding the generative mode of security that may frame the open path to self-destructive reactions.

In the grand scheme, this is a story of security dilemma. As it seeks more security it also creates the conditions of insecurity. However, the conventional idea of security dilemma rests on the clear, immutable, and identifiable intentions of enemy and threat. The contribution of securitization theory is to focus on the social process of the security dilemma, rather than a predetermined enemy. It provides a new perspective on security practices through which threat, danger, and enemy can be socially constructed. However, it fails to pay proper attention to the word “security,” through which practices produce their political effects. The word “security”

¹³⁶ Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006). Fujii’s work is in line with a recent surge of studies that she calls “micropolitical turn” in the study of political violence. Stathis N. Kalyvas’s work on violence in the civil war has played a central role in this research program.

creates an agonistic site in which political performance can mobilize imagined images of self-protection.

Security, *se-curitas*, means being separated from care or concern, which first and foremost revolves around the idea of the self. The care of the self cultivates interests in and around the sign “security” that always invites the performative presentation of some image or other of the self, in accordance with the actor’s talents and predispositions. I see a degree of “poetic license” in securitization that differentiates my observations from standard securitization theory. The sign “security” not only *informs* “thoughtless” action, but can be *mobilized creatively in a post hoc performance* that has the effect of producing new selves with new needs, which are not identical to their previous forms. Thus, the danger of *performativity* in the quest for security is located in a systemic self-purification that, as I will explain in my conclusion, exposes the political body to *autoimmunity*. Autoimmunity that is ingrained in security actions easily finds its expression in violent outlets that are often fatal to the society. This is epitomized by the Geochang civilian massacre during the Korean War.

In the sections that follow I will first introduce the event known as the “Geochang (Kōch’ang) civilian massacre.” In this historical analysis, I focus on the conflicted interpretation of the Fifth Operation Order. This document is an essential piece of the massacre as it contains orders that were interpreted by soldiers to call for the massacre of civilians in the village. Second, I give a conceptual analysis of security discourse at the time of the Korean War. In particular, I pay attention to the sign “security” and its referent at that time. Third, I demonstrate that the military's securitization does not match its observations on the ground. Instead, the military archive reveals a deeper tension between affective imperative and epistemological uncertainty. Finally,

through the perpetrators' self-account, summed up in the phrase "following orders," I attempt to show how the sign "security" performs, framing the act of violence.

The Geochang Civilian Massacre: A Historical Analysis

According to the Korean War Archive, the 11th Division of the Korean military army was assigned to the suppression operation in February 1951, in the region of Chirisan.¹³⁷ The 3rd Battalion of the 9th Regiment fired against unarmed civilians in the villages of Geochang, a county in South Gyeongsang Province, killing roughly 517 people from February 7th to 11th.¹³⁸ This is publicly known as the "Geochang civilian massacre." This incident was already scandalous at that time, so a court-martial was held in the same year. However, it was not the only or the most atrocious civilian massacre during the suppression operation in 1950–1951. According to legal scholar Han In-Sup, the Geochang massacre was the only case that has been brought to a court-martial.¹³⁹ The civilian massacres during the Korean War are still a controversial issue even after the state investigation by the Truth and Reconciliation Committee. The scale of the casualties of the suppression operation in the winter of 1950–1951 is estimated to be over several thousands.¹⁴⁰

On the one hand, the Geochang civilian massacre does not seem a genuine mistake when taking into account the number of casualties, the operation's punctual manner, and the military's

¹³⁷ Korean Army, *The Korean War Archive* (Vol. 59, 1987), 443.

¹³⁸ Lee Young-Hee, *Yeok Jung (역정: 나의 청년시대)* (Paju: Changbi, 2012), 256. The number of casualties varies. The government reported 187 in 1951, but other journals and newspapers count up to 719 (according to the Journal *Madang* in June 1982, among 719 casualties, young adults consist of only 24 percent; on the other hand, the number of toddlers under 3 years was 100 (14%), children aged from 4–10 were 191, and 11–14 were 68, which makes 359 children under 14 sacrifice). In this paper, I reference the number from the Truth and Reconciliation Committee's report 2010.

¹³⁹ Han In-Sup, "Analyzing Military Trial of Kochang Massacre in 1951," *Bup-Hak (법학)* (Vol. 44, No. 2, 2003), 179.

¹⁴⁰ TRC report (2010), 253. TRC indicates that the whole scale of sacrifice is unknown but the only identifiable casualties were 2,437.

systematic distortion and concealment of the event. The way in which it was recorded as the military's great accomplishment was indeed "a product of systematic elimination" of state violence.¹⁴¹ On the other hand, given the composition of the victims' demographic features, including elders and toddlers, the misperception is highly unlikely. If it were neither a mistake in the level of implementation nor a misperception in the level of cognition, what could have prompted the killing? I suggest looking more closely into the fifth military order, which directed the act of killing. Surely, this order was located within the bigger picture of combat strategy and even the political aims of participating countries in the Korean War, which I will discuss later.

The fifth operation order says, "Execute everyone who is in the hands of the enemy." In the middle of a civil war in which the boundaries of enemy territories were constantly moving, the order is hardly self-explanatory. Understandably, the fifth order immediately caused a problem of interpretation. Indeed, Major Han Dong-Suk, who led the Third Battalion, interpreted or misinterpreted this order so that he had passed by several villages in Geochang on February 5. He was supposed to execute the order in this area but, as he testified in the court-martial, he did not see any "enemy" in these villages in which people welcomed the soldiers and treated them with food. Local police officers also assured him that there were no communist guerrillas in the area, so he spared the inhabitants and left.¹⁴² However, the next day, when he arrived at the meeting point with the Regiment, Commander Oh Ik-Kyung reprimanded him for not executing the order. According to Commander Oh, the order instructed to kill all the inhabitants in the operation area. Accordingly, Major Han had to correct himself by returning his battalion to the villages that he

¹⁴¹ Park Myung-Lim, "Nation-building and Internal Pacification: A Case Study of the Keochang Incident during the Korean War (국민형성과 내적 평정: '거창사건'의 사례연구)," *The Korean Political Science Association Journal* (Vol. 36, No. 2, 2002), 83.

¹⁴² Han (2003), 208–209.

had passed by. His battalion soldiers eradicated the villages in the area and killed local people, including children and the elderly, entailing approximately 517 casualties.

This action is meaningful because it was intended.¹⁴³ Therefore, we question the intentions of the massacre. However, it is tricky to know what the intentions of social groups such as the military or the state are. Intentions are usually associated with individual will, whereas political decisions are understood as the product of a rationalized process in which intentions and individuated wills are aggregated through institutions. In this sense, intentions and political decisions seem to have different economies of ideas. Nevertheless, in security studies, we often use “unintended consequences” to refer to civilian casualties, and clearly “intentions” in this case tends to highlight the unintentionality of the event’s grave, tragic, and atrocious consequences. As a matter of fact, international humanitarian law defines only intentional attacks on civilians as constituting war crimes. Collateral damages in military actions are in this sense unintended consequences, which can be registered as “normal state enforcement.”

A separation of original intentions from unexpected consequences is not done just to say that what really matters is the intentions, but to argue that the intentions define the real meaning of the action. Unintentionality of the military renders the civilian casualties a procedural mistake in the level of implementation. This would be the main argument of the conventional or the state-centric security discourse. Not only does this often ignore the severity of consequences, but it also totally negates the constructivist aspect of the state identity. Rather, it determines that the state is the ultimate protector of individuals, which blinds it to the state-sponsored violence.

On the other hand, normative discourse critical toward the state-centric security politics would often regard civilian casualties as a case of state violence or state terrorism. To be sure, the

¹⁴³ Keith Oatley, “Freud’s Cognitive Psychology of Intention: The Case of Dora,” *Minds & Language* (Vol. 5, No. 1, 1990), 69.

Geochang civilian massacre is a case of state violence. However, what the normative discourse focuses on is the aberrational characteristic of state violence, often drawing on universal norms such as human rights or global justice. Increased interests in the notion of responsibility to protect (R2P) and the crime against humanity indicate the link between the discourse of state violence and universal norms. However, universal norms and the idea of human rights are not immune to being exploited in the forms of humanitarian interventions, preventive measures, and drone bombings. It is worth noting that the Geochang massacre took place in the process of legally operated military missions.

Many studies on civilian massacre do not go beyond these two poles of collateral damage and state violence. Both sides, however, share one idea: this is a case of state failure or the state failing to achieve what it promises to achieve: security. The civilian massacre is an aberration, an abnormal practice, and a disease of the body politic. However, this reading, that there is a success or a failure, presupposes a *normal* nation state. The notion of normal state affairs is based on the hypothesis of state intentions that are transparent, uni-layered, static, calculable, and immutable. If this is the case, the Geochang massacre does not make sense. How was the intention to achieve more security transformed into another intention to kill a part of the population that is supposed to be protected by security measures? And how did the word “security” mobilize intentions to execute civilians which were unintended in the first place? And how did the idea of “security” that is embedded in narratives of defending the state, the nation, and the self, permeate the military action of killing civilians? In order to properly answer these questions, I turn to the word “security” first.

The Sign “Security” in U.S.-Korean Security Discourse

In English, security is derived from the Latin word *securitas*, made up of *se* “without”+ *cura* “care,” which means “being free from care.” According to John T. Hamilton, the state of being separated from care encompasses ambivalent meanings. On the one hand, care invokes feelings of concern, agitation, and anxiety, which disturb tranquility of mind, mingling with worrying. It is mostly a work of the mind to reach out from oneself to an uncertain future. Security in this sense is to protect or reassure oneself from possible future danger or, often times, from the future itself. On the other hand, caring about the world around oneself simultaneously makes the mind more vigilant, attentive, and alert. This caring mind constitutes our moral sense toward others, giving the basis of the ethics of care. Therefore, *se-curitas*, a drive to be without care, may hamper the wellbeing of society, leaving only egoistic men. The double-edged notion of care essentially constitutes the paradox at the heart of the concept of security that generates its field of possibility. Security, which designates “apart from care,” therefore always revolves around the two poles of being *carefree* and *careless*.¹⁴⁴

“Security” in Korean is *An-bo* (안보) or *Bo-an* (보안). It combines two Chinese characters, 安 (안/An) and 保 (보/Bo), where the former means tranquility, safety, and wellbeing, and the latter means defend, protect, preserve, and maintain. The word means “to protect safety,” or “to preserve the state of tranquility.” *An* (안/安) refers to both physical safety and psychological reassurance. For example, the compound term of *An* (안/安) with the letter *Sim* (심/心), which means “heart” or “mind,” refers to reassurance. On the other hand, the compound word of *An* with *Jeon* (전/全), which means “wholeness,” refers to physical safety. To some extent, the character *An* (안/安) alludes to a state of serenity, calmness, and peace that already resonates with the

¹⁴⁴ John T. Hamilton, *Security: Politics, Humanity, and the Philology of Care* (Princeton: Princeton University Press, 2013), 5, 20.

etymology of security. The Korean term *An-bo* (안보) adds one more layer to the concept of security beyond the meanings of carefree or careless. The character *Bo* (보/保)—defend, protect, and preserve—presupposes state security to protect the nation. However, it would be a mistake to separate state security and individual security, for state security does not properly convey its meaning and effects to the society without individual security which constitutes the lived experience of state security.

The word “security” by definition designates a certain state of mind—being “free from care”—that cannot be determined by an external measurement. By the same token, the polysemy of “security” is to some extent natural. However, security studies tend to attribute the concept’s complexity to “inherent ambiguousness.”¹⁴⁵ The term ambiguousness often means that the subjective dimensions of security, such as fear or concern, render the concept inadequate to measure.¹⁴⁶ Conventional security studies deal with this intrinsic indeterminacy by separating an abstract concept from its empirical phenomena, arguing that “security problems” should be distinguished from the concept of security. However, it seems inadequate in understanding the actual incident. For example, David Baldwin’s definition of security as “the preservation of acquired values”¹⁴⁷ is immediately called into question in regards to the civilian massacre in Korea. What were the “acquired values” that the Korean authority fiercely defended even for the price of killing its population?

The South Korean government proclaimed liberal democracy as its constitutional principle in 1948. The National Security Act (국가보안법; 國家保安法), ratified also in 1948, in theory

¹⁴⁵Arnold Wolfers, “‘National Security’ as an Ambiguous Symbol,” *Political Science Quarterly* (Vol. 67, No. 4, 1952), 485; Barry Buzan, *People, States, and Fear* (Boulder: Lynne Rienner, 1983), 32.

¹⁴⁶David A. Baldwin, “The Concept of Security,” *Review of International Studies* (Vol. 23, No. 1, 1997).

¹⁴⁷Baldwin (1997), 13.

was meant to secure the “acquired value” (i.e., liberal democracy). However, other than a quasi-free election¹⁴⁸, substantive elements of liberal democracy such as civil society, civil rights, and the rule of law were not fully implemented. Allegedly, “liberal democracy” was the ultimate political goal of the Rhee government, but it often did not mean anything but a signal of partisanship. “Security” was more or less a signifier that was unstably connected to the signified, yet it played a central role in civilian massacres, justifying why political violence was necessary and the condemned were condemnable. In other words, “security” gives its own reason to be secured, simultaneously legitimizing the validity of communist threat. A composition of the two mirroring images of liberal democracy and communist threat constitutes the two axes of the Cold War.

The Cold War construction of security discourse gives us a clue of how the term “liberal democracy” worked in the Korean society under the U.S. military’s tutelage. As David Campbell effectively demonstrates, the American self-image of liberal democracy that has been caught up in security discourse constitutes its identity as opposed to communism.¹⁴⁹ As a consequence, the phrase “liberal democracy” became an empty signifier or, at its most concrete, was totally interchangeable with “anti-communism.” Eventually, “anti-communism” became a magic wand that could transform anything into a security problem in the political space of the Cold War era. Terms like “liberal democracy,” “security,” and “stability” became meaningful only in resonance with “threat,” “enemy,” and the “Red Scare.” The Cold War was the moment which showed that “the articulation of ‘security’ involved a new writing of the boundaries of American identity.”¹⁵⁰

¹⁴⁸ It is questionable to call it “free.” The political violence against parties, groups, and individuals who were opposed to the authority and the U.S. military government reached its highest point before the election. The 4/3 massacre on Jeju island that killed tens of thousands of civilians was part of this political violence before the election.

¹⁴⁹ David Campbell, *Writing Security* (Minnesota: Minnesota University Press, 1998).

¹⁵⁰ Campbell (1998), 153.

President Bush's State of the Union Address in 2002 regarding "an axis of evil" referring to Iran and North Korea epitomizes this performative reconstitution of the borders of the state's identity.

Limits of the Hegemonic Narrative on Guerrilla, Enemy, and Threat

The Geochang incident occurred during the suppression operation in the Chirisan area in February of 1951. The 11th Division of the Korean Army was assigned to the mission as "security forces." The Korean security forces—the Korean Army and the National Police—were formerly the Korean Constabulary that had been set up by the U.S. Military Government in 1945. Their main mission was to keep internal security. Yet, particularly in a time of civil war, the separation between internal and external security hardly maintains. As "security" signifies a pursuit of a state of being "apart from care," it does not see a boundary between internal and external threats. Rather, concern, apprehension, and threat are perceived through a rupture within "security" as a serene, determinate, and contained state. The characteristic of the Korean War as "essentially a guerrilla war" that the U.S. Army experienced before Vietnam¹⁵¹ epitomizes the indeterminacy of the concepts of enemy and threat, and how it goes hand in hand with violent measures through pursuing more "security."

The fifth operation order clearly pursued more "security." It directed to execute the collaborators of the enemy—namely, the guerrillas—in the operation area. At the time of the Geochang massacre, the Eighth Army headquarters under General Ridgway were concerned that the Chinese People's Army might get help from the guerrillas on the rear side. The experience of

¹⁵¹ Bruce Cumings, "Occurrence at Nogūn-ri Bridge: An inquire into the History and Memory of a Civil War," *Critical Asian Studies* (Vol. 33, No. 4, 2001), 515.

having been besieged by the Chinese a few months prior made the headquarters more cautious of their rear side.¹⁵² On February 2, 1951, General Ridgway ordered preparations to begin to launch an attack, “Operation Roundup,” on February 5. According to the Eighth Army’s command report, General Ridgway, “stating that the Chinese New Year (Feb 6) would be an excellent time to harass and damage the enemy” in order to undermine its morale, “ordered all units, in addition to pursuing their current offensive action, to effect maximum harassment and destruction on known enemy installations or concentrations.”¹⁵³ What the message meant was to launch a scorched-earth campaign, which obviously caused social unrest and concerns. This can be detected in Ridgway’s own excuse to Ambassador Muccio later that month. He rather defensively explained that “there would be nothing in nature of the ‘scorched earth’ policy; water works and power plants would be left untouched, and only designated bridges would be destroyed.”¹⁵⁴ He later officially rescinded the scorched-earth tactic on February 17.

Interestingly enough, the fifth operation order was issued on February 2. Although “Operation Roundup” must have affected the Geochang massacre in spirit, it is hard to know whether Ridgway directly ordered or was personally aware of this particular operation because of a complication in the chain of command. While the South Korea Army (ROKA) was officially registered under the Eighth United States Army in Korea (EUSAK), the Korean Army headquarters commanded the Korean troops except for several divisions that were dispatched to the U.S. corps. In particular, the 11th Division was one of the security forces that were directly affiliated with the ROKA headquarters, although it reported back to the U.S. Army about its

¹⁵² Indeed, the Battle of Chosin Reservoir taught an invaluable lesson. The one mistake costs more than 10,000 battle casualties within less than 20 days and it caused the devastated retreat to south of the 38 parallel in “the Coldest Winter” of 1950.

¹⁵³ RG 407 E. 429, 270/66/17/4, Eighth Army (EUSAK), Feb. 1951, 8.

¹⁵⁴ RG 407 E. 429, 270/66/17/4, Eighth Army (EUSAK), Feb. 1951, 71.

missions. However, KMAG (United States Military Advisory Group) officers were stationed in the Korean Army even to the battalion level and they reported back to the Eighth Army.¹⁵⁵ Also, the U.S. military guided general plans and took part in guerrilla warfare along with the Korean security forces, carrying out air strikes that caused major civilian casualties. Thus, it is also unreasonable to assume that the Korean Army could operate such a mission independently.

To be sure, there was a shared feeling of crisis caused by the participation of the Chinese People's Army in the war. Before the war, keeping South Korea had more symbolic meaning than strategic interest. The U.S. military had been skeptical of the strategic value of South Korea. In NSC-8, the Joint Chiefs of Staff offered an opinion from a military point of view that "the U.S. has little strategic interest in maintaining its present troops and bases in Korea."¹⁵⁶ The defense line of the Free World could be drawn from Japan to Taiwan. Shared with the perspective of the military, Secretary of State Dean Acheson stated in the Press Club speech in January 1950 that the American "defensive perimeter" runs through Japan, the Ryukyus, and the Philippines. Even if his speech were not responsible for the outbreak of the Korean War as much as his critics blamed it for it,¹⁵⁷ it clearly shows an ambivalent perspective on the Korean peninsula's meaning to the American national interest. The Chinese entry to the war on October 26, 1950, decisively changed Washington's prospects. The U.N. forces that were led by the U.S. military had to retreat (January–Fourth Retreat), resulting in the loss of the capital city, Seoul, again. The Korean government fled to the south for the second time since the war started.¹⁵⁸ The National Security Council's report on China's participation reveals Washington's feeling of emergency derived from the fear of losing

¹⁵⁵ Lee (2012), 217.

¹⁵⁶ NARA, NSC Reports, RG 273 En 1, 250/7/27/2, Box 1, NSC-8, 8.

¹⁵⁷ James I. Matray, "Dean Acheson's Press Club Speech Reexamined," *The Journal of Conflict Studies* (Vol. 22, No. 1, 2002).

¹⁵⁸ When the war broke out June 25, 1950, within three days South Korea lost Seoul and retreated further south, and it was only September 28 that they returned to Seoul.

the whole country to the Communist bloc.¹⁵⁹ If they lost South Korea, it would be a critical blow to the “Free World.” It is not coincidental that the principle of “containment” was changed to “rollback” by Acheson’s successor, John Foster Dulles.¹⁶⁰ Given this, it is not difficult to imagine how the political atmosphere rapidly shifted due to China’s participation. Ridgway’s Roundup Operation in February 1951 was designed to pay back the United States’ loss in the most severe way; it was also a desperate attempt by the U.S. military to regain its Maginot Line to keep the 38th parallel, which included Seoul. It seemed necessary for the military to pour all the power at its disposal into achieving the goal to secure territories forth and back.

The military necessity to urge the total offensive in February 1951 has been given as an explanation of the Geochang civilian massacre. In line with the thesis of unintended consequences and collateral damage, the military necessity illustrates the external factor of the incident: the threat of the enemy. After the second restoration of Seoul, North Korean guerrillas were probably a real concern for the South. To be sure, military documents express concerns of guerrillas and urges for guerrilla warfare.¹⁶¹ However, the suppression operation did not only target the NK guerrillas but also the indigenous populations.¹⁶² The perception of civilians as potential guerrillas goes back to the early U.S. military occupation. After the outbreak of the war, the physical experience of combat reinforced pre-existing perception. In July 1950, the 25th Infantry Division commander William

¹⁵⁹ NARA, NSC Reports, RG 273 En 1, 250/7/27/2, Box 13, NSC-93, 8.

¹⁶⁰ NARA, NSC Reports, RG 273 En 1, 250/7/27/2, Box 12, NSC-81, 6.

¹⁶¹ NARA, RG 407, En 429, Box 1130, Army—AG Command Report, Headquarters 2D Logistical Command, Office AC of S, G-2, APO 59, 10 Dec 1950, “a source of “all out” offensive by guerrilla ordered by Kim Il-Sung, scheduled to begin the night of 29 Nov. 1950. The largest concentration of these guerrilla troops appears in the Chirisan mountain area”; NARA, RG 554, E. A-1 1354, KMAG Classified General Correspondence Files 1951-54, Box 1.

United Nations Commission on Korea Second Session, 17 April 1950. A UN hearing of Lieutenant Colonel Choi Kap Choong, Chief of Staff, 8th Division, located at Kangnung. Main subject was on the guerrilla forces; it is before the war and the concern on which it is focusing is the East coast area’s guerrilla infiltration.

¹⁶² Yang Nyung Jo, “The North Korean Guerrillas’ Function and Characteristic in the Korean War,” *Bukaksaron (북악사론)* (2003), 442.

Kean declared that “the people wearing white clothes”¹⁶³ were targets. The commander sent out an order, directing “All civilians seen in this area are to be considered as [the] enemy and action taken accordingly.”¹⁶⁴ Civilians can easily be perceived as guerrillas, as seen in another massacre in No-Gun-Ri.¹⁶⁵ The Geochang massacre in this sense was merely a continuation of the same frame. The urge for guerrilla warfare had reinforced itself, framing a path to the suppression operation that continued even after the Korean War.¹⁶⁶

However, the military records voice multiple and often incongruent perspectives on guerrilla activities. One G-2 report noted, “After all, guerrillas are a sort of people’s campaign rooted in the masses.”¹⁶⁷ So, the military admitted at one point that “guerrilla activities” in many cases were based on false alarms. Right after the Geochang massacre, an Eighth Army’s memo said that “Continuous study of the daily reports submitted by National Police Headquarters on enemy activity leads to the conclusion that many so called ‘guerrillas’ are actually Korean citizens driven by hunger to seek food. It is recognized that usual guerrilla attacks against a village will include the confiscation of food and clothing. *The significance of the fact that there is such a high percentage of reported “guerrilla” or “enemy” actions in which there is no violence indicate that many groups are not actually guerillas. Admittedly they might become guerillas, especially if it was necessary to fight for their means of subsistence. (Italics mine)*”¹⁶⁸

¹⁶³ A traditional phrase to describe the Korean; particularly, the white clothes symbolize their status as peasants.

¹⁶⁴ Charles J. Hanley, Sang-Hun Choe, and Martha Mendoza, *The Bridge at No Gun Ri: A Hidden Nightmare from the Korean War* (New York: Henry Holt and Company, 2001), 178, see the Source 363.

¹⁶⁵ July 26–29, 1950, the 7th U.S. Cavalry and 2nd Battalion along with air strikes killed approximately two hundred civilians. The AP team (Charles J. Hanley, Sang-Hun Choe and Martha Mendoza. 2001. *The Bridge at No Gun Ri: A Hidden Nightmare from the Korean War*. New York: Henry Holt and Company) published this story based on the testimonies of survivors.

¹⁶⁶ According to sociologist Dong-Chun Kim, it can be a frame to explain the Korean Government’s state violence that illustrates the May 18, 1980 uprising and more recently the Yongsan disaster in 2009.

¹⁶⁷ NARA, RG 554 En 18(A1), 290/48/10/03, Box 23, FEC G-2 reports, Mar. 17, 1950.

¹⁶⁸ NARA, RG 338, En A1 100, 101, 102, 290/66/28/7, Boxes 1-4, Memo to: G-3, Feb. 19, 1951.

It is perplexing indeed to see divided and even conflicted understandings of the enemy situation in the middle of war. But even more perplexing, regardless of all the data that directed different courses, the military published a historical report that redefined, reaffirmed, and determined the necessity of guerrilla warfare and its autochthonous origin. The report reinforced the perception of civilians as quasi-guerrillas and as potential enemies and projected this perception back into the origin of the guerrilla warfare. The historical report of KMAG in February 1952 shows the typical construction of a historical narrative in which the previous analysis and understanding of a situation are easily painted over with a new perspective, description, and narrative. It states an argument that “Korea, in common with other Asiatic lands, has always provided a political and geographical climate favorable to the development of guerrilla movements.” It attributes this characteristic to the nature of Korean geographical conditions: “For centuries, these mountain fortresses have been the traditional bases for bands of political dissenters for bandits and for other groups organized to defy authority. *In post-World War II South Korea the traditional pattern continued.* (Italics mine)”¹⁶⁹ This historical account is not only narrating but also constructing a pattern that generates political consequences. More importantly, by implying the origin of this pattern—South Korea’s geographical and historical nature—it sets the pattern in motion. It basically institutes historicity.

The military data on the guerrilla threat is ambiguous at best. It naturally raises questions: why wasn’t the military necessity affected by the data observed on the ground? How was internal enemy thesis so sticky despite the ambiguous evidence? Or, if not “facts,” what binds guerrilla threat to security measures? Would there be another source of binding force that glues the seeking

¹⁶⁹ NARA, RG 554, En A-1 1356, KMAG military history file, Box 30, Historical Report by KMAG about the Rat Killer operation during Dec. 2, 1951 to Feb. 8, 1952.

of security to violent action? The unstable ground of military necessity by no means denies the fact that there is a sense of emergency. Rather, what it does is to decouple the narrative of enemy from the truth of it. By the same token, the concepts of enemy and threat seem more ambiguous than they ever were.¹⁷⁰ Still, the narrative of the enemy follows the lead of affective certainty. In fact, a sense of threat and an immediate fear of danger manifest themselves in strategic documents during the winter 1950–1951.

NSC-100, issued on January 11, 1951, epitomizes the spirit of desperation. It clearly reveals fear of losing the war. The war signified not just a war in the Korean peninsula, but “the general war” against the Soviet Union. The idea of losing the war means more than in a strategic sense, in the sense that the defeat is portrayed as an equivalent to the death of the whole nation, or even of “the free human race.” It speaks for the United States, the Americans, the allies of free nations, and the Free World. Here, “a war for survival” is the phrase to describe the Korean War at the time of February 1951. The idea of survival gives a free pass to use whatever means are at one’s disposal, and that inversely confirms the justification of the ends. “The ends of survival” is deemed self-explanatory and indeed it is one of the symbolic terms in the Cold War era. Given the discursive order that the cause of survival rules over ordinary matters, the offensive becomes the defensive, and the preemptive attack the self-defense. Under the auspices of NSC-100, the major offensive of February 1951 became a necessary defense; it had to be achieved at all costs.

¹⁷⁰ Han In-Sup, *Source Book of the Geochang Civilian Massacre (III): The Archive of the court martial* (Seoul: The Law Research Institute, Seoul National University, 2003), 149–151. In the 1951 court martial, Defense Counsel Cho Seung-Gak argued that the incident occurred in the exceptional time of the Grand Retreat (January 4). He stated that there was more than enough reason for victims to be considered as “the enemy” if taking into account the situation’s emergency. The counsel not only defended a reasonable doubt in the perpetrators’ intentions, but also, inadvertently, and more interestingly, questioned the determinacy of “the concept of the enemy.” He argues, “The crux of this trial is on the interpretation of the phrase, ‘kill everyone in the hands of the enemy’ in the fifth operation order.” According to his own interpretation, it actually aims for delineating of “the concept of the enemy.” In other words, if the victims were the civilians under the enemy influence, it would be enough to constitute the concept of the enemy. Being backed by military necessity, the sense of emergency boils down to extreme measures.

In between the publication of NSC-100 and the launch of Operation Roundup, General Ridgway sent out a letter entitled “Why we are here”¹⁷¹ to all troops. He claims to answer two questions: “Why are we here and what are we fighting for.” The letter expresses a necessity to justify conducting a war on foreign soil. But more importantly, it reveals the uncertain ground of the meaning of this war. Supposedly, it was not the war of Americans. The U.S. did not declare war against North Korea or China. Officially, the U.N forces conducted the war. In this situation, the Eighth Army’s commander primarily would have felt the need to refresh their mission and objective in Korea.

First of all, he wrote that the answer to the first question is simply “because of the decisions of the properly constituted authorities of our respective governments.” That implies that the army is a means to an end. It argues that armed forces do not have intentionality of their own but follow an order. However, the second question asks the reason for their fight—the objective—demanding more than what “a means” may ask. This seeming conflict of intentions in one letter shows one thing: the military are *willing* to follow what they are told from the headquarters, which decides what it *means* to achieve security. The forces understand themselves as a means, preventing them from questioning the objective and the intentions. This self-understanding of military forces as a command–follower is closely related to a question of violence, which I will discuss in the next section.

At the same time, regarding the second answer, the military officials knew that they could not make soldiers move their bodies in front of bullets without a reason of their own. What Ridgway suggested was to recall the fundamental presupposition of security policies: self-defense. Ridgway argues that the fight that they are conducting is not about Korea or Korean people. For

¹⁷¹ NARA, RG 338, En 290/66/28/7 A1 100, 101, 102, Boxes 1-4, Eighth Army Correspondence.

him, it is more about free institution, the power of Western civilization, and the “God” they believe in. If the Korean War is really about what constitutes “us,” it ceases to be the fight for the freedom of the Korean people, but it becomes “our own.” He declares, “It has become, and it continues to be, a fight for our own freedom, for our own survival, in an honorable, independent national existence. The sacrifices we have made, and those we shall yet support, are not offered vicariously for others, but in *our own direct defense* (Italics mine).” If it is an act of self-defense, the soldiers were no longer sacrificing for others but for their own nation, which can be ethical, courageous, and heroic. Consequently, killing human beings, as long as they are “real enemies,” can enter into the grounds of law and justice, rather than of criminal code.

The idea of self-defense touches the core of national security through which conducting war gains a meaning of security. Ridgway’s claim attests to how the meaning of security disseminates through interpretations. The meaning of security cannot be monopolized by a centralized organization like the NSC. On the ground, through understanding and interpretation, the sign “security” constantly leaves marks, conditioning a script that agents may draw on. In this sense, the military does not exist anymore as a passive agent to follow what is given. Its understanding of security provides another context in practice and, inversely, it redefines the meaning of security. As we will see, the sign “security” performs in this way.

The viability of self-defense hinges on the truth of “real enemies.” Distinction of real enemies, according to Carl Schmitt, depends on “existential threat.” The enemy, for Schmitt, is someone who gives this “existential threat.” It is “the other, the stranger” who is “existentially something different and alien,” so that the difference between “us and them” is indissoluble.¹⁷² And yet, it immediately raises an epistemological question: How do we know if it is an existential

¹⁷² Carl Schmitt, *The Concept of the Political* (New Brunswick: Rutgers University Press, 1976), 27.

threat? Despite the risk of simplification,¹⁷³ it is worth noting Schmitt's idea of "existential threat," because his effort to anchor this epistemological question into a concrete ground paradoxically reveals a tension between epistemological uncertainty and affective certitude. The existential threat is something that you experience physiologically but it has not yet arrived on the horizon of your conception. Schmitt's attempt to master such uncertainty, which he tried to do in *Theory of the Partisan*, even more clearly confirms "the essential ambiguity" of the concept of the enemy.¹⁷⁴

To overcome uncertainty is always the objective of security measures. Secretary Donald Rumsfeld's famous remark regarding "unknown unknowns" demonstrates not only his clever rhetorical maneuver, but also, and more importantly, intentions of security measures always being contiguous to the zone of epistemological insecurity where intentions that are previously unknown enters into a form of policies, measures, and emergency actions. And this seeming unintentionality is unfolded through a chain of interpretations of "security."

I showed the unstable ground of the military necessity and how it reveals a deeper urge that is symbolized as "self-defense." Despite its inner certitude, the idea of self-defense is indeterminate. Therefore, the inherent conceptual insecurity becomes the main target to overcome by security measures. Guided by a feeling of fear, anxiety, and unease, a will to master this state of mind always entails measures to determine, fix, and decide the meaning of "security," thereby framing a way to an act of violence. Then, how does the sign "security" perform in relation to the act of violence? I would like to start with the perpetrators' self-account of their actions.

¹⁷³ David Chandler, "The Revival of Carl Schmitt in International Relations: The Last Refuge of Critical Theorists?" *Millennium* (Vol. 37, No. 1, 2008).

¹⁷⁴ Rodolphe Gasché, "The Partisan and the Philosopher," *The New Centennial Review* (Vol. 4, No. 3, 2004), 12.

Performativity of Security: “Following Orders” and the Act of Violence

In the Geochang civilian massacre, the perpetrators knew, stated brusquely, that they were killing civilians, not guerrillas. According to the perpetrators’ testimonies, the idea of killing civilians did not seem to conflict with defending the nation by achieving more security. Furthermore, it was all about— again, according to their own accounts— “following orders.” What this implies is the legality, if not the legitimacy, of their acts. In the case of civilian killings, the issue does not lay on the act of killing as such, but on the legitimate cause of the act that can be embraced in military operation, law enforcement, and due process.¹⁷⁵ Therefore, the issue boils down to the distinction between civilian and combatant, even though this has never been fully established.¹⁷⁶ A symptomatic term, “enemy combatant,” used in the second Bush administration, for example, shows its ordeal to create a space where a sense of legitimacy can play in an extrajudicial area. However, the desperate attempt to legalize illegal detention, illustrated by the almost suspiciously overdetermined creed of the “War on Terrorism,” paradoxically reveals a doubt toward the legitimacy of the detention. Perhaps this is why the Obama administration abandoned the term in 2009. The legitimation process constitutes a part in an act of violence.

The accounts of the Geochang civilian massacre show the practice of the legitimation process. In the testimony, Major Han Dong-Suk, one of the main defendants, said, “I just followed an order [of summary execution] from above and I could not have any other thought. ...

¹⁷⁵ Cf. Hannah Arendt, *On Violence* (Marina Books, 1969). Whether legitimacy can accompany with violence needs to be put into question for itself. Even though Max Weber’s clear statement on the state power indeed use a word “legitimate” but it should be noted that it was “legitimate usage of violence” not legitimate violence. In this sense, Hannah Arendt rightly points out that violence cannot be legitimate but only justified. However, justification of violence always hints at legitimacy. Even if using violence is necessary evil, there should be a legitimate cause to take the necessary evil to be justified. Cf. Hannah Arendt, *On Violence* (New York: A Harvest/HBJ Book, 1969, 1970).

¹⁷⁶ Cf. Helen M. Kinsella, *The Image before the Weapon* (Ithaca: Cornell University Press, 2011).

[Nevertheless] the victims were extremists. They surely deserved to be put to death even if there were a trial.”¹⁷⁷ First of all, this shows that he acknowledged at least that there might have been another “thought” that would interfere with the act, which is that the victims were civilians. But, he continues, even if they were civilians, they deserved to die. For him, being civilians does not guarantee anymore their innocence. Rather, they can still be a threat by being extremist and leftist. Therefore, he argues that the execution of the victims can be justified. However, this is different from saying that they were the enemy, to whom he might have felt a strong hostility. As we saw in the anecdote, when he first marched to the villages he did not perceive the villagers as enemies. And when he had to follow an order to kill them, he probably had to find a justification in the bigger picture of following the order, consequently of conducting the war, and of eliminating the threat. And it naturally begs legitimacy of the sign “security.”

This understanding resonates with the testimony of Regimental Commander Oh Ik-Kyung, the other accused, who had issued the fifth operation order. Oh argues that the summary execution in Geochang is equal to killing the enemy at war. He said, “This is a part of war, there is no difference between annihilating the enemy in the front and mopping-up the guerrilla in the rear; by the same token, no difference between killing unarmed combatant of the enemy and killing indirectly involved combatant with the guerrilla.” He continues, if “comparing to the sacrifice of patriots during the war, even if a few of good civilians were sacrificed, it is a light [mistake] like a feather.”¹⁷⁸ He clearly argues not only that the incident was the collateral damage of military operation, but also that the damage can be justified because it achieves the original intentions of conducting war. What he attempts to recall is that the main issue is not about an act of killing but

¹⁷⁷ Han (2003), 34.

¹⁷⁸ Han (2003), 38.

about the intentions of this act. Basically, he argues, if the intention of the fifth order accords with the legitimate cause to achieve security, a consequent action, even if it involves a mistake—killing hundreds of civilians—would be justified.

A sense of being just or adequate, if not a sense of legitimacy, cannot be constituted only by the fact of war. Rather, it hints at recognition of legitimacy that the original intentions of the war supposedly bear. The defense counsel in the trial, Cho Seung-Gag, argues, in pleading “not guilty” for the defendants, that Major Han’s act is formally legal because he had to follow his supervisor’s order as his legal duty requires. However, this becomes substantially more complicated because the summary execution is beyond the legal authority of Major Han’s superior, Regiment Commander Oh.¹⁷⁹ Yet, he argues, that this was a “special case” that can be paralleled to the battle in the forefront. According to him, it is not differentiated from the combat because the causes of both activities equally serve the higher cause of national security.¹⁸⁰ The pair of “following orders” and “legitimate original intentions” constitutes the argument of unintended consequences in explaining the state-sponsored violence.

How did the seemingly normal or law-bound act of “following orders” end with committing such a malicious deed as the killing of civilians? The former can be conceived as legitimate only when the narrative of self-defense holds to be true. However, killing *friendly* civilians seems opposite to the original intentions of achieving security, if national security is to protect the nation, and again, if we agree to the idea that the nation consists of the general

¹⁷⁹ In fact, because of this reason, an assumption has been made that the fifth operation order is not an individual composition of Commander Oh. Circumstantially, it is reasonable to believe that the fifth operation was a result of the directions made by General Choi Duk-Shin, Minister of Defense Shin Sung-Mo, and President Lee Seung-Man.

¹⁸⁰ Han (2003), 150.

population in a given territory.¹⁸¹ One might call it self-destructive. And yet, what I'm attempting to describe is political performance that generates and regenerates self-destructive effects, which is *autoimmune reaction*. Equally worthy of note, this dangerous performance might not be carried out in a fully intentional manner, but certainly it features a level of voluntary engagement. The logic of autoimmunity refers to the mechanism in which the sign "security" performs. Probing the meaning of "following orders" will lead us to this conclusion.

As seen in General Ridgway's address, the military's sense of "following orders" is derived from its self-understanding as a means to an end. Consequently, the end, or intentions to achieve this end, defines what "military actions" would mean. However, an act of violence cannot be understood properly through intentions. To study killing, genocide, and massacre through the lens of intentions and motivations often inadvertently steers the question away from the issue of violence. Stathis N. Kalyvas emphasizes a need to focus on actions "on the ground" rather than intentions in dealing with the issue of violence, particularly in civil wars.¹⁸² He argues that hegemonic discourse on violence in which motivations are easily reduced to will to power or irresolvable enmity does not explain the act of violence on the ground. Rather, violent actions have their own dynamics embedded in a given political situation. In the end, violence is only an instrumental currency used to achieve bigger aim, which is to get control over the territory.

This notion of violence implies an important divergence from the traditional understanding of power. The idea that violence can be separated from power to control contradicts the

¹⁸¹ Obviously, the issue of belonging has never been a clear-cut question. As we all know, the process of nation-building always involves violence. However, my point is not to show a process of internal pacification that supposedly sutures a natural rupture between friend and enemy. Rather, my point is to show that the mechanism of rupture consists in the heart of security politics.

¹⁸² Stathis N. Kalyvas, "The Ontology of 'Political Violence': Action and Identity in Civil Wars," *Perspectives on Politics* (Vol. 1, No.3, 2003), 475–494.

conventional notion of power. Most notably, Max Weber¹⁸³ and Mao Zedong¹⁸⁴ both claimed that violence is the essence of political power. However, according to Kalyvas, political power is something that exceeds violence. Simply put, violence is not enough to get power. In fact, this argument resonates with Hannah Arendt's insight regarding the concept of violence. In her work *On Violence*, she argues, "like all means, it [violence] always stands in need of guidance and justification through the end it pursues. And what needs justification by something else cannot be the essence of anything."¹⁸⁵ An act of violence is only done to serve a political aim. For Arendt, power does not just exceed violence, but rather "power and violence are opposites."¹⁸⁶ Kalyvas's empirical study indeed demonstrates this statement by showing that the level of violence is higher in zones where there is no clear hegemonic power. By contrast, a manifestation of violence is minimized in the zones where one party holds hegemony. The point is stability. After all, Kalyvas's logic of violence is interchangeable with the logic of control: "A key point is that control—regardless of the "true" preferences of the population—precludes options other than collaboration by creating credible benefits for collaborators and, and more importantly, sanctions for defectors."¹⁸⁷ This means that control through political power minimizes violence. And its inference to the act of violence is that it is a symptomatic phenomenon of the lack of power, not of the surplus.

A relation between lack of control and violence sheds light on the role of "security" in violence. As I argued, conceptual insecurity intrinsic in the notion of self-defense plays a role in the act of violence. Kalyvas's empirical study is extremely useful to demonstrate that hegemonic

¹⁸³ "The state is a political entity that monopolizes the legitimate use of violence."

¹⁸⁴ "Political power grows out of the barrel of a gun."

¹⁸⁵ Arendt (1969), 51.

¹⁸⁶ Arendt (1969), 56.

¹⁸⁷ Kalyvas (2006), 145.

power not only provides physical safety but also, more significantly, provides conceptual security, although this is not a part of his argument. There is a rule, a law, and an order on which one's conception is based. His most compelling empirical data demonstrates this: against common sense, the most decentralized zone appears as the least violent area. It sounds unlikely because we would feel more endangered, intense, and fearful in this condition of fragmentation. However, conceptually, the most decentralized zone can reach equilibrium, meaning conceptually stable, by canceling out the differences between action and non-action. The calculability of this situation reduced the effect of violence. On the contrary, conceptual insecurity is crucial to activate violence.

Conceptual insecurity needs more explanation. The sign "security" works symbolically, designating the meaning of "national security" or "homeland security." Which means that a symbolic order of language works in the process of interpreting, understanding, and defining the meaning of "security." When agents act, they mobilize and reinvent the existing script of security through which they perform. This process creates the lived experience on the ground that is, I emphasize, the metaphoric nature of experience. According to George Lakoff, our experiences of the world are fundamentally metaphorical in nature, which means we experience the world only through language.¹⁸⁸ Scattered impressions and random events do not have meanings until they are interpreted. In interpreting, language offers an operative mode of generating meaning through metaphor.¹⁸⁹ Metaphor is an analogy of relations between two separated things through which we experience the world. To be sure, this does not mean that the outside world does not exist. Rather, our linguistic engagement with the world, which is not entirely constructed by rocks and soil, constitutes what we call "reality." In the words of Arendt, "Language, by lending itself to

¹⁸⁸ George Lakoff and Mark Johnson, *Metaphors We Live By* (Chicago: The University of Chicago Press, 1980); George Lakoff, "Metaphor and War: The Metaphor System Used to Justify War in the Gulf," *Peach Research* (Vol. 23, No. 2, 1991).

¹⁸⁹ Hannah Arendt, *The Life of the Mind, Vol.1* (New York; London: Harcourt Brace Jovanovich, 1978), 87.

metaphorical usage, enables us to think, that is, to have traffic with non-sensory matters, because it permits a carrying-over, *metapherein*, of our sense experiences. There are not two worlds because metaphor unites them.”¹⁹⁰

Metaphorical language informs the performativity of the sign “security” in which the signifier and the signified relate in context, resonating with each other as opposed to forming a referential relationship corresponding in dyad. It means that the signifier “security” leaves traces of metaphors and the signified—the meaning of “security”—always resonates with a bundle of possibilities indeterminately. In other words, the sign “security” *performs* through traces of discourse, memories, and cultures which constitute the generative mode of meaning.¹⁹¹ It is the condition of conceptual insecurity.

Security, enemy, and threat are indeterminate concepts, which bring inner urgency to react to their uncertainty. The intention to achieve more security always entails a drive to articulate, master, and fix the meaning of security that couples with preemptive motions. In responding to these intentions, new intentions that are represented as “unintentionality” are derived, which lead to unrealized, yet anticipated, consequences. Therefore, the military’s frame of “following orders” does not indicate their role as middlemen, but rather its unrealized agency in “unintended consequences.”

Hannah Arendt’s concept of *thoughtlessness* illuminates how the military’s unrealized agency leads to the act of violence. In *The Life of the Mind*, she explains how she comes to realize that “*the banality of evil*” consists in *thoughtlessness*. After attending the Eichmann trial in

¹⁹⁰ Arendt (1978), 110.

¹⁹¹ This is what philosopher Jacques Derrida called “*différance*.” Similarly, political scientist Robert Jervis also points out this web of meanings as “evoke set.” Robert Jervis, “Hypothesis on Misperception,” *World Politics* (Vol. 20, No. 3, 1968), 472–475.

Jerusalem, she confesses her perplexity at witnessing a phenomenon of evil that goes against the notion of evil in the Western philosophical tradition that is by no means “ordinary.” She says:

What I was confronted with was utterly different and still undeniably factual. I was struck by a manifest shallowness in the doer that made it impossible to trace the uncontestable evil of his deeds to any deeper level of roots or motives. The deeds were monstrous, but the doer was quite ordinary, commonplace, and neither demonic nor monstrous. There was no sign in him of firm ideological convictions or of specific evil motives, and the only notable characteristic one could detect in his past behavior as well as in his behavior during the trial and throughout the pre-trial police examination was something entirely negative: it was not stupidity but *thoughtlessness*.¹⁹²

However, what is most perplexing is that “absence of thought” is not at all exceptional in terms of our mental activities. Rather, it defines a habitual mental process of everyday life. Arendt argues that what it shows is a “protecting” function of ours against reality that demands our attention to all the events and facts. For Arendt, the person who embodied this kind of self-protection was Adolf Eichmann. She writes, “No communication was possible with him, not because he lied but because he was surrounded by the most reliable of all safeguards against the words and the presence of others, and hence against reality as such.”¹⁹³ Perhaps the protective mechanism, to some extent, is necessary to deal with everyday life. “Clichés, stock phrases, adherence to conventional, standardized codes of expression and conduct”¹⁹⁴ produce habitual

¹⁹² Arendt (1978), 3–4.

¹⁹³ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1977), 49.

¹⁹⁴ Arendt (1978), 4.

practices that smooth a daily routine. Nevertheless, it does not necessarily entail a total blindness to our actions, although it does not require much of our thinking ability.

Similarly, the phenomenon of “following orders” does not mean that agents blindly pursue what they are told. Rather, they know what they are doing but they do not have a thought on it. A distinction that Arendt makes between knowing and thinking helps us to understand this state of mind. On the one hand, knowing, which uses intellect, “desires to grasp what is given to the sense.” On the other hand, thinking, which uses reason, “wishes to understand its *meaning*” (Italics mine).¹⁹⁵ Thus, the search for meaning demands our reason to speculate to give an account. So, when the perpetrators of the Geochang massacre said they were following orders, they knew and understood their actions but did not think about the meanings of their actions. The military analysis shows that *thoughtlessness* is to some extent necessary in executing violence. According to the military psychologist Hernando Ortega, the capacity to not think is required for drone operators. Their characteristics are described as soldiers who can “compartmentalize.” The military is advised to recruit “agents who ‘can switch off work and switch on home,’ put things to one side and not think about them—*agents capable of not thinking*” (Italics mine).¹⁹⁶ “Thoughtless” action couples with “intentions” that are symbolized as the sign “security.”

If I phrase it differently, lack of thinking in following orders gives a space for the securitized narrative—self-defense—to play. The actors can easily mobilize the script of security that leads them into a certain path of violence. For example, the Rwandan genocide shows how actors pick up the script of security that the state promotes with “artistic license.” Particularly, conceptual insecurity at crisis nurtures a condition of growing a hegemonic narrative that gives a

¹⁹⁵ Arendt (1978), 57.

¹⁹⁶ Grégoire Chamayou, *Drone Theory* (New York: Penguin Books, 2015), 123.

sense of stability. “What the script offered Joiners [to the genocide] was a ready-made way to navigate these profound changes, thereby obviating the need to figure out an appropriate response on their own,” according to Fujii. She continues, “What did performing the script entail? It involves a variety of activities and roles, but at base, it entailed making claims about people’s identity and then acting on those claims through violence.”¹⁹⁷ A feedback loop of violence and the script of security is reinforced through the process.

Conclusion

The concept of “security” is not as stable as one might think. Threat, enemy, and security are moving targets in military operations. An infinite spiral of intentions and consequences ingrained in the heart of what we call “security problems” destabilizes the meaning of security. This instability goes together with inner certitude to make expedient decision, to take emergency action, and just to do something. The action harks back to its imaginary author, who constitutes the new self, which is not identical to its previous form. The performative repetition of the self takes place through security practices whose effects open up the inherent risk of self-inflicted harm. What philosopher Jacques Derrida calls *autoimmunity* is embedded in this mechanism.

Autoimmunity does not stem from a failure of an immune system, but from hyperimmunization in which the boundary between “self” and “other” is fundamentally indistinguishable. Given this, autoimmune reaction of security practices is different from an issue of collateral damage or a mistake at the level of implementation. Also, it is neither a problem of

¹⁹⁷ Fujii (2009), 123.

misperception nor of evil intention on the cognitive level. Rather, it is an immanent problem—a paradox—of securitized thinking. The civilian massacre during the Korean War is an important example not only in terms of its level of severity but also in terms of its symptomatic character in revealing *autoimmunity of security*. It is pathological not only in that it facilitates the killing of civilians in the name of security, but also that the acts of self-protection undermine their objective, not by failing, but by achieving their original intentions.

Chapter 3: Security, an Autoimmune Disease? Un-American Activities and Political Purge

Introduction

The House Un-American Activities Committee (HUAC) is probably one of the most infamous institutions in American history. The HUAC—in conjunction with McCarthyism—invokes the memory of the dark history of witch hunts, and this part of history is often treated as a collective hysteria. Calling it a hysteria implies that it was an outlier from the broader experience of American history. While there was a component of hysteria with regard to anticommunism in the 1940s and 1950s, it is incorrect to call the HUAC's activities to an aberration. Rather, the underlying political culture that conditioned the possibility of the HUAC's activities resonated with the Cold War practices and that needs to be examined. The fear of the communist threat was not just internal anxiety fueled by the “paranoid style in America.” It was also a rational response to the looming Cold War mixed with the fear of a red menace at home during this period.

The HUAC's activities started to attain national fame in the 1950s due to the active presence of Senator McCarthy on television. However, its activities started much earlier. HUAC was created in 1938 as a temporary committee to inspect New Dealers and former Nazis, but soon turned its attention to the communist. In the late 1940s the HUAC garnered national attention for the first time with its 1947 investigation into the Hollywood Ten—ten members of Hollywood film industry suspected of being communists. The Hollywood Ten shows how allegations of communist sympathies can materialize as a blacklist. The Ten were blackballed from jobs and

association with them socially also brought suspicion onto others. They were effectively ostracized. The Alger Hiss hearing in 1948 took this one step further. Not only was it socially unacceptable to associate with suspected communists, but the Hiss case equated communism with outright treason by connecting suspected Communist Party membership with suspicions of espionage. The HUAC's efforts to paint the communist as the national enemy paved the way for the rise of Senator Joe McCarthy.

The idea of the communist as the national enemy was not inherent. Anticommunism first appeared during the "red scare" in 1917-1920; the second red scare appeared in the late 1940s and continued into the 1950s. Both shared most of the post-war conditions in which the fatigue of war coupled with socio-economic difficulties. The post-war economy caused hardship for the population. Economic downturn along with inflation led to severe decreases in the real incomes of many Americans. Industrial and labor unrest caused major strikes from 1946 onwards and drew the attention and worry of business and political elites. At the same time, it was a time of great social change. Unionized labor movement, the Civil Rights Movement, and the increase in working women brought massive resistance from the social establishment. As all of this unfolds, people look for normalcy in a nostalgic past, and according to Murray, the failure to deal with post-war socio-economic problems leads people to seek psychological stability by fixating on the enemy. The "anti-Red hysteria" in this sense, for Murray, is a "state of mind" that unfolds in the reactionary pursuit of "Americanism." However, this hostility against communism was not just a psychological reaction. American opposition to radicalism has deeper historical roots.

The story of how communism became the national enemy needs further explanation. The Communist Party (CP) in the United States was founded in 1919, and by 1936 it had 40,000 members. Fueled by increasing disillusionment with capitalism caused by the ongoing Great

Depression, its membership had more than doubled to 82,000 by the end of 1938.¹⁹⁸ Until it became politically and socially unacceptable, the Communist Party formed a progressive voice within American society interacting with more established liberal politics and politicians. But the mood suddenly changed following Stalin's abandonment of the Allies by signing a nonaggression pact with the Hitler in 1939. This was a blow not only to the Communist Party itself but, more importantly, to American liberals. The distancing of liberal organizations from the Communist Party and its politics were the prelude to anticommunism as a mainstream political movement. And yet, full-blown anticommunism did not appear at that point. Hitler's invasion of the Soviet Union in 1941 and the wartime alliance between Washington and Moscow delayed the full blossoming of anticommunism, but it soon surfaced with the end of the war.

Anticommunism in the United States cannot be fully understood without the context of the Cold War. Anticommunism finds communism to be more than a domestic political movement or a social disruption. It defines communism to be an effort by a foreign power to subvert the social order—a fundamental enemy to the American way of life. In this sense, understanding the Cold War and its context is crucial in understanding the HUAC's activities during the 1940s and 1950s. The script of national security set in motion by the growing Cold War molded the post war discontents and social anxiety into an anticommunist crusade. The disseminated script of security identified the communist as enemy and the proliferation of interpretations of that script inspired the performance of the anticommunist crusade. This performance appeared in myriad forms. It was a trial that gave the death sentence to Julius and Ethel Rosenberg for spying for the Soviet Union. It was a congressional hearing that accused Alger Hiss of treason. It was the accused in schools,

¹⁹⁸ Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Boston, New York, Toronto, London: Little, Brown and Company, 1998), 15.

companies, and entertainment industries losing their livelihoods. It was a public ostracizing in towns, counties, and communities across the United States. And it was a voluntary local social surveillance that repressed political dissidents.

In this chapter, I focus on the congressional hearings of the House Un-American Activities Committee. There are two reasons for this. First, the HUAC played a role in bringing anticommunism into the main stream politics. Anticommunism as a political fervor embeds the danger of infringing on civil liberties and constitutional rights, highlighting the paradox of a democratic institution participating in undemocratic practices in the name of national security. I argue that this paradoxical consequence is derived from the performative acts sparked by script of security. Second, the HUAC's activities were not just to accuse the communist. They attempted to define anti-Americanism. As a result, they identified Americanism based on the image of the enemy. One of the most severe consequences would be to formulate a war mechanism at its the core of its Americanism. In this sense, the Cold War is hardly an external phenomenon. Rather, the Cold War is a cultural compound emerging from the interactions between external political redistribution—both national and international—and the internal search for Americanness in the post-war era. The HUAC's overbearing focus on the script of national security applied the machinery of war against the outside and the inside simultaneously.

How to Read Anticommunist Fervor?

On February 9, 1950, Joseph McCarthy, the junior Senator from Wisconsin, delivered a speech to the Ohio County Women's Republican Club in Wheeling, West Virginia. It was his first appearance on the national stage and became one of the most infamous scenes of the McCarthy

era. In this speech, he argues that the nation's greatest challenge is to sweep out "enemies from within." He identifies the State Department as the source of these enemies. "I have here in my hand a list of 205... a list of names that were made known to the Secretary of State as being members of the Communist Party and who nevertheless are still working and shaping policy in the State Department." This is one of the most representative moments in the McCarthy era. The speech, however, did not contain any novel claim on the anticommunist campaign which had already been going on for several years at that point. It was only a more graphic performance, with McCarthy providing specific numbers—although this number was constantly revised and never substantiated. However, the act of McCarthy embodies the fervor, anxiety, fear, and repression that infused the American political scene at that time. It was therefore his name that would come to be most closely associated with this dark period of modern American history. There are many ways to describe this period. But most tellingly, it was an internalized version of the Cold War, as McCarthy himself attributed its threat to the enemies within.

The political repression caused by anticommunism in the post-war period tends to be described as "aberrant," "hysteria," "paranoia," "frenzy," and "delirium." In defining the political purge in the 1940s and 1950s a national hysteria the events are framed as if it is a psychological madness. This is connected to the idea that the postwar period in the US was the "age of anxiety." Anxiety can be a reaction of a population under drastic political and social change. Demobilization and redistribution of the social order after the war requires coming to terms with different social environments including a redefining of "what should be deemed 'American.'"¹⁹⁹ As Wendy L. Wall observes, the popularity of terms like "American Way," or "Anti-American," reveals a deep

¹⁹⁹ Masuda Hajimu, *Cold War Crucible: The Korean Conflict and the Postwar World* (Cambridge: Harvard University Press, 2015), 22.

sense of anxiety in the 1930s and 1940s.²⁰⁰ As Toni Perucci points out, “Anxiety in American culture was experienced across the political spectrum—the specter of Communism, anti-Communism, nuclear annihilation, the resurgence of the Ku Klux Klan in the guise of White Citizen Councils, suburban conformity, and the rise of the National Security State have all been identified as causes of this national malady.”²⁰¹ Interestingly, the discourse of psychological ailment was often used as the basis for accusations of being “communist” by the HUAC. Many time during the hearing committee members emphasize their dedication to finding the “facts.” As opposed to the implicit treatment of the communist as a psychological misfit, the HUAC’s sole purpose is described as finding brute facts that bring to light the national security threat to the American government.

Most prominently, Richard Hofstadter defines the era of McCarthyism “the paranoid style” in America. His analysis represents the perspective that emphasizes a mental aberrant or deviation as the foundational source of social problems in the postwar period. Similarly, Robert K. Murray used the word “national hysteria” to indicate the Red Scare. In his study, the red scare refers to the period from 1919 to 1920, but he clearly acknowledged the second red scare that was unfolding at the time of his writing. I could not divorce myself successfully from an environment wherein thinking on the Communist menace is presently still colored by many of the same forces which colored it then.” For Murray, the red scare is “a state of mind” of “a democratic nation and its people when faith and reason are supplanted with fear.”²⁰² As Schrecker points out, the heyday of American Freudianism in the fifties hugely influenced political analyses, attributing the social

²⁰⁰ Recite from Hajimu, *Cold War Crucible: The Korean Conflict and the Postwar World*, 22.

²⁰¹ Tony Perucci, ‘The Red Mask of Sanity: Paul Robeson, HUAC, and the Sound of Cold War Performance,’ *TDR: The Drama Review* 53 (2009), 20.

²⁰² Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919-1920* (Minneapolis: University of Minnesota Press, 1955), ix-x.

problems to the product of individual psychopathology. Interestingly, this psychological analogy resonates with the larger historical claim on American exceptionalism. According to Michael Rogin, American exceptionalism offered by the observations of the scholars like Richard Hofstadter, Louis Hartz, and Seymour Martin Lipset is based on a certain consensus that “the United States lacked the class loyalties, the fixed and deeply rooted statuses, and the powerful state structures of societies with feudal and absolutist pasts.” This view on American distinctiveness caused by the material conditions assumes the harmonious nature of American political life unlike the European experience. According to Rogin, this view imagined “enemies that did not exist.”²⁰³ The anticommunist purge in this perspective is a psychological pathology that conjures up the image of enemy within.

The psychological explanation of American society’s obsession with the communist enemy sharply contradicts the analysis of the Cold War in the literature of security studies and Political Science. For the realist, encompassing the traditions of realism and liberalism in IR, the enemy in international relations corresponds to real political entities. In this sense, the Soviet Union was the actual enemy in terms of political, legal, social, and military rivalry. George Kennan, most notably, argues that communism is the threat to the United States that has the intention of destroy the American way of life. His analysis on the Soviet Union goes beyond the national threat of the Soviet Union as a country. Kennan’s idea that the threat is inherently foreign to the political body and that the Soviet Union is the embodiment of the enemy was the foundation on which NSC 68—one of the most important political documents that shaped the Cold War—was based. The containment policy outlined by NSC 68 defined American foreign policy for the next two decades.

²⁰³ Michael Paul Rogin, *Ronald Reagan, The Movie: and Other Episodes in Political Demonology* (Berkeley: University of California Press, 1987), 275.

Stanley Hoffmann best described how the creation of international relations as a discipline was a reaction to the demands of foreign policy in the Cold War. America's realization that it was the sole superpower and the leader of the free world blended with the stakes of the American-Soviet confrontation.²⁰⁴ However, the idea of enemy in the realist view is based on conflict of interest, not on the moral conflict. The enemy is not based on good and evil but it is simply the other side of the duel. As Clausewitz understands, war is a form of politics, the political enemy is the adversary in the war. The enemy within, from this perspective, undermines the war effort at home and brings the loss of defense forces. Franklin D. Roosevelt's suppression of communists and organized labor during the war can be understood in this way. However, this view is different from social hysteria. The enemy, whether foreign or within, must be defeated to win the war or to survive. Internal security is a mere mirror of national security based on power politics. The enemy is real, but it is a competitor rather than an evil. However, the realist perspective cannot distinguish between rational reaction to the enemy and irrational obsession with the enemy. Anticommunist zeal and innocent patriotism can coexist based on the shared understanding of the "reality" of the enemy. The anticommunist zeal in the McCarthy era would not have been possible without the general support of political liberals who conceded the Soviet's existential threat. As a consequence, the fervor of anticommunism would merely be a tactical mistake or collateral damage to the realist.

Like the psychological perspective, the realist also takes political repression by the activities of HUAC as an outlier. As stated by a member of the Committee, the HUAC's investigation is "to protect national security no more no less." Therefore, the repressive effects on civil rights and freedom are alleged to be unintended consequences of activities undertaken to protect national security. An eminent former civil servant who was involved in the audit of the

²⁰⁴ Stanley Hoffmann, 'An American Social Science: International Relations,' *Daedalus* 106 (1977), 47.

Truman administration's loyalty program sums up this argument, "civil rights have to be subordinated to the right of the nation to defend itself against Russia, which is the enemy of all civil rights and all the freedoms."²⁰⁵ The question is not whether anticommunism was an unfortunate outcome of national security actions or it was an expression of collective anxiety. Rather, it is a question of how national security functions in a way that activates internal anxiety.²⁰⁶ Michael Rogin explains what he calls "countersubversive tradition," as a mode of securitization that creates "monsters as a continuing feature of American politics by the inflation, stigmatization, and dehumanization of political foes." Unlike the psychological analysis, he acknowledges the fear of radicalism in American history that attacks the interest of ruling elites. Rogin's analysis rebuts the psychological argument that the source of anxiety is placed in the interior of the individual. Rather, the source of anxiety is in power politics and class interest. It brings the issue of anxiety back to the core of American politics. The anxiety is a social production that is mediated through the individualized body. Brian Massumi effectively shows how the mechanism of national security operates through individual's affective mode that is activated by perceptual cues of the government's signals through images produced by the media. However, this is not to regress the level of analysis down to the individual level. Quite the opposite. The individualized body is embedded in the politics of national security in ways in which national security actions should be embodied to be realized. In fact, both views—realist and psychologist—fail to see the nexus of internal insecurity and external security at the center of American politics.

²⁰⁵ R.C. Leffingwell to John A. Danaher, Mar. 6, 1951, Records of the President's Commission on Internal Security and Individual Rights, Box 3, Legal Counsel Lists. Harry S. Truman Library, Independence, Missouri. Recite from Ellen Schrecker, 'McCarthyism: Political Repression and the Fear of Communism,' *Social Research* 71 (2004), 1049.

²⁰⁶ Brian Massumi, 'Fear (The Spectrum Said),' *Positions: East Asia Cultures Critique* 13 (2005).

The problem of both views prevents us from asking a more important question than one about political repression itself. As Schrecker asks, “Why did so many otherwise well-meaning, intelligent, even liberal, Americans collaborate with the political repression of the late 1940s and 1950s?” In other words, how do seemingly reasonable national security actions to protect the nation from the enemy provide a basis for creating the irrational zeal of a witch hunt? The HUAC as an example highlights the paradox of democratic institutions participating in undemocratic activities in the name of national security. This question leads us to acknowledge the ways in which political repression operates in a democratic society and the mechanisms of national security that provides the grounds for self-purification.

To be sure, I am not arguing that the connection between national and internal securities is new. Surveillance and policing as tactics of the security apparatus apply to the population. An emergence of a police state is a result of centering national security on the foundation of the state. As Foucault informs us, disciplining the population is already a main form of the security practices of modern states. Empirically, we often observe a surge in internal security measures socially or politically as national security concerns grow. It is all too obvious. However, much less attention is paid to how exactly these two domains of security are interlocked. Or simply, what is the operational mode of security? And what does it tell us about the paradox when the well-meaning and fundamental right of seeking security turns into the locomotive for political repression? The fact that the well-regarded intention for national security is distorted into a pernicious consequence for civil liberties begs a question of the non-linear process from intentions to consequences. It requires a perspective of performance. The performative act is inspired by the enactment of security script. The script of security is a written or unwritten text that informs actions. It exists in many forms: a policy, a doctrine, a piece of legislation, a military order, a code of conduct, a

resolution, etc. These scripts are reenacted in a form of performance. In this sense, the HUAC's anticommunist activities during the 1940s and 1950s can be read as a performance activated by the scripts of security that urges the action against the alleged enemy.

By looking at the HUAC's activities through the lens of performance, we can avoid the shortfalls of psychological and realist views. If the script of security unleashes a mode of anxiety through performative actions, the HUAC is not an aberration of history but one case of enactment among ubiquitous scripts of security. Also, the lens of performance allows us to examine non-linear processes of actions that connect intentions to consequences. Unlike the realist perspective, the HUAC's anticommunist crusade is not an unintended consequence but a security performance. This chapter examines the HUAC's activities through the lens of performative act. First, I discuss the multiplicity of security scripts. The script of security that informs anticommunism however does not have a uniform voice. The prolific and sometimes conflicting documents show an archival uncertainty surrounding the script of security. The idea of enemy and the communist threat were not the only possibility of the script. Second, the issue is not only archival. Even if there is one authentic script of security, this script cannot avoid the issue of structural ambiguity. I show how the loyalty program was disseminated, resonating with the idea of Americanness. The structural ambiguity which cannot be detached from the script results in calling for a decision, and that decision shows the undecidability of action that is embedded in the script of security. Third, this undecidability triggers performative action, which brings unanticipated theatrical effects to the public. I examine, in particular, the Alger Hiss hearing of the HUAC to show how the anticommunist script is performed.

Multiple Scripts and Resonating Threats

When the HUAC was created in 1938 as a temporary Committee, the Congressman Martin Dies introduced the resolution that focused the investigation on the New Dealers and other subversive activities of groups including former Nazis and far-right movements. It is interesting that the debate in the House on the Dies resolution mainly focused on the threat of Nazism in the light of the subsequent history of HUAC. Although communism was mentioned in the debate, clearly the fear of fascism was presented as the greater danger to the United States. Even J. Parnell Thomas, who became one of the major anticommunists in the HUAC, expressed his concerns about the Nazi faction in his district.²⁰⁷ The Committee actually subpoenaed the German-American Bund—the largest and most active fascist organization. As a result of the Committee’s investigation, the leader of Bund, Fritz Kuhn, was arrested. However, the Committee’s mission soon diverted from the right wingers to the activities of communists under the chairmanship of Dies. In fact, the investigative techniques of the Dies Committee stirred concerns, invoking a reaction from the courts. In 1940, Judge Welsh ruled the Committee’s raid tactic illegal and in clear violation of the Fourth Amendment. The Dies Committee was not only a precursor of McCarthyism, but also advanced most of the methods and techniques later identified with McCarthyism.²⁰⁸ Dies and the Committee alleged Communist infiltration of the federal government, used ex-Communist witnesses, and worked to open a “direct pipeline” to the FBI.

The Dies committee started as a special committee with a mandate to investigate for seven months. It lasted seven years, finally shutting down in 1944. In January 1945, the House of

²⁰⁷ Robert K. Carr, *The House Committee on Un-American Activities, 1945-1950* (Ithaca: Cornell University Press, 1952), 15.

²⁰⁸ Kenneth O’Reilly, *Hoover and the Un-Americans: The FBI, HUAC, and the Red Menace* (Philadelphia: Temple University Press, 1983), 74.

Representative created a standing committee on Un-American Activities, which came to wide public attention in 1947. The start of its turn in the national spotlight was the Hollywood Ten Hearings. This public attention was primarily due to the investigated. The ten accused were movie screenwriters and directors and created national media attention. But these hearings also demonstrated a clear intent of the HUAC to act as an educative agency. Dies told President Roosevelt in the 1940s, “Primarily, you educate innocent people so that they will get out.”²⁰⁹ That is, the purpose of the HUAC is about public education. The hearings wore the clothes of a legitimate investigation but were largely unable to produce the evidences for serious accusations. The investigations did lead legal indictments for this reason. Therefore, these hearings rather functioned as a stage where the HUAC defined what should be considered to be un-American activities. Un-Americanness was now tied to the national threat. Subversive activities identify potential enemies of the nation, which brings the idea of defense to the home front. In May 1940, Dies called for the establishment of a “Home Defense Council” to coordinate national defense matters. The HUAC makes ties between National security and purging “un-Americanness,” however that may be defined.

The education material was the script of security. During the Hiss hearing, the members of the HUAC made clear that the purpose of the hearing was to “protect national security.” The communist is identified as a foreign agent that signifies the enemy. To protect national security is to remove enemies outside and within. The Cold War officially focuses on the external security measures to defeat the Soviet Union, but the internal security measures are the other face of the Cold War machine. The idea of detecting a foreign power active within American society writes a security script of anti-communism. In the HUAC’s hearing, the members emphasize that the

²⁰⁹ Kenneth O’Reilly, *Hoover and the Un-Americans: The FBI, HUAC, and the Red Menace*, 41.

committee investigates nothing but the “facts.” The espionage of Soviet agents who supposedly infiltrated the government is the “fact” that the Committee attempts to find. It thus looks like a court without any jurisdiction. However, in the sense that the “fact” often lacked evidenced, it more closely resembled an inquisition rather than an investigation.

A scripted meaning of national security in the HUAC’s hearings tends to be narrated as anticommunism. Anticommunist fervor during the period of the late 1940s and into the 1950s is more than just a slogan. McCarthyism led to the death sentence for two people, convicted dozens of people for perjury, forced thousands of people across the nation to lose their jobs, and socially isolated and excommunicated so many more. Anticommunism caused domestic political repression resulting in a deep scar on American social history. Also, the Cold War wedded to anticommunism shaped world politics for decades in a profound way. It gave deep rooted reasons to most major civil wars since the World War II in Africa, Asia, and Latin America.

Anticommunism in America was real and powerful. It is mostly agreed that the HUAC aimed to connect the accused to the communist threat. Yet, what constitutes the communist threat? President Truman issued the Loyalty Order in 1947, which established the program to start a loyalty investigation of federal government employees. Alger Hiss, a former high-ranking State Department official, was summoned to appear before the HUAC based on this order. The Loyalty Order defined disloyalty as those individuals that were “totalitarian, fascist, communist or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.” The Order also states the standards for the refusal of employment or the removal from employment. Broadly, there are three grounds to establish subversion. One is to focus on the actions of “sabotage,

espionage, or attempts or preparations therefore, or knowingly associations with spies or saboteurs.”

Second is to focus on the intentions of treason advocating “of revolution or force or violence to alter the constitutional form of government of the United States,” or serving “the interests of another government in preference to the interests of the United States.” Third is to focus on the “membership in, affiliation with or sympathetic association with any foreign or domestic organization, association, movement, group or combination of persons, designated by the Attorney General as totalitarian, fascist, communist, or subversive.”

Although the third standard of disloyalty was often the target of the committee’s investigation—as it was in the Hiss hearing—it is in this area that requires compromising the fundamental rights of civil liberty. Unlike the act of treason or espionage, being communist or calling for a proletarian revolution was not against the law. This “lack of a clear statutory prohibition” against what the loyalty program or other anticommunist agencies attempted to suppress gave reasons to operate through the means of hearings or investigations. Their information collection methods operated through private informants often hired by the FBI in “the murky area of the margins of legality.”²¹⁰ The lack of legal grounds pressed the necessity of finding the accused guilty of the essential threat of communism. Seeking a clean distinction between reformative political programs and communism emphasizes the foreignness of communist ideas taken from Bolshevism in Russia. The Russian revolution in 1917 created a general hostility in the American public for its unyielding emphasis on the world-wide overthrow of capitalism and the complete abolition of private property. The mainstream media called communists “German agents,”

²¹⁰ Ellen Schrecker, *Many Are the Crimes: McCarthyism in America*, 58.

“criminals,” “beasts,” and “anarchists.” “Almost overnight the word “Bolshevik” became synonymous with ‘treason.’”²¹¹

Although the communist is described as “foreign” to American political culture, it has an autochthonous origin in radical movements. The domestic Communist Party in America was formed in 1919. The acceptance of Bolshevism however was an addition to domestic radicals. According to Murray, before 1919 American radicals varied. “Some were Marxist in belief, emphasizing either the revolutionary or the evolutionary phase of that doctrine; some were anarchists, of either the pacifistic or the terroristic school and some were syndicalists, who desired economic action through the use of the industrial union.”²¹² American radicals were absolutely invigorated by the ideas of the Russian revolution in 1917, but it was also inconceivable to have public support of the Bolshevik doctrine. They had not even garnered much support with mild evolutionary socialism, and much more aggressive programs with violent methods also stirred objections within the radical groups. Finally, the left wingers who were ousted from the Socialist party established the American Communist Party. Their membership was initially about 70,000 but it quickly declined during the first “red scare” from 1919 to 1920. But by 1938 membership had climbed to 82,000 even though its political strength remained “correspondingly negligible.” “The largest vote it ever won was 102,991 in 1932, the year of maximum discontent and disillusionment as to a government and a social system that had been unable to prevent or ameliorate the sufferings of the great depression. By 1940 the vote had dropped to about 49,000.”²¹³ The division of American radicals played a major role in the creation of the Communist

²¹¹ Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919-1920*, 34.

²¹² Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919-1920*, 19.

²¹³ Eleanor Bontecou, *The federal Loyalty-Security Program* (Ithaca: Cornell University Press, 1953), 4.

Party. However, American radicals were not only retroactively accused of being communist sympathizers, but also regarded as “foreign” to American political culture.

The association of these radicals with being a potential security threat took place due to their opposition to World War I. In 1917 and 1918, the Espionage and Sedition acts were passed. Through these acts, efforts to oppose the war could be considered subversive actions and lead to being indicted. These bills define the acts that could lead to “injury of the United States,” or for the “advantage of any foreign nation” will be subject to the punishment. Although the “enemy” in these acts is not specified, it implies that “in time of war or in case of national emergency” the designation of the enemy would be followed. These laws established the ground of the “general pattern” of legislation that penalizes subversion.²¹⁴ But whether an act benefiting the enemy is subversive, or the act of public opposition against the government is subversive is always questionable. This confusion is intensified in the case of peacetime sedition laws. The Alien Registration Act in 1940 aimed to control the sedition stirred by the domestic labor movement. Surely, World War II already overshadowed American political atmosphere and the feverish hostility against the Nazi-Soviet pact fostered the condition of emergency. The Alien Registration Act (or Smith Act) made the alien to be considered as dangerous and therefore deportable. The administration attempted to denaturalize and deport the West Coast Longshoremen’s leader Harry Bridges. Through this law, the “federal government sought to deport thousands of foreign-born Americans, who were, it was claimed, a danger to the nation’s security.”²¹⁵

The 1798 Alien and Sedition Acts offers an illustrative example. The Congress, in confronting the threat of the French Revolutionary War and with the fear of spreading the doctrine

²¹⁴ Eleanor Bontecou, *The federal Loyalty-Security Program*, 3.

²¹⁵ Ellen Schrecker, ‘Immigration and Internal Security: Political Deportation during the McCarthy Era,’ *Science and Society* 60 (1996), 393-394.

of French Revolution, passed laws that grant the president power to deport aliens and prevent immigrants from voting. In addition, the Sedition act deters public opposition to the government by penalizing speaking against the government or issuing publications with an intent to discredit the government. While these acts were supposed to fight against the radical ideas of supposedly foreign origin, their function in the following years was more generally utilized to frame the opposition political faction. The Federalist administration vigorously enforced these laws to target Jeffersonian republicans. For example, a Vermont Jeffersonian, who accused the president of ‘unbounded thirst for ridiculous pomp, foolish adulation, and a selfish avarice,’ received a thousand dollar fine and four months in jail.²¹⁶ Growing concerns around the indiscriminate usage of the laws contributed to the defeat of Adams in 1800.

Under the new government, the Alien and Sedition acts were criticized as unconstitutional and in violation of the First Amendment. These laws were eventually repealed. However, the Alien and Sedition Acts in 1798 were not mutually exclusive with the First Amendment. According to Michael Rogin, the First Amendment intended to protect the rights of the colonies against the English common law of seditious libel, which was valid in the colonies. What the First Amendment demanded was to remove the prior restraints on the press and to have rights to call jury trials so that truth would be allowed stand as a defense. Rogin argues that the Acts did not bring any prior restraints and allowed jury trial, so supporters of the acts found them to be consistent with the First Amendment.²¹⁷ This ambiguity plays a role in the recursive appearances of the acts on alien threats and sedition. Necessarily, these arguments always toy with the intimacy between subversive acts and political opposition. The defeat of the Federalists in 1800 who supported the acts opens up the

²¹⁶ Robert K. Carr, *The House Committee on Un-American Activities 1945-1950*, 9.

²¹⁷ Michael Paul Rogin, *Ronald Reagan, The Movie: and Other Episodes in Political Demonology*, 56.

possibility of legitimate political opposition in America. However, the acts also created the foundation for another tradition in American political culture—that of blaming aliens for sedition.

In the Loyalty program, the categorization of alien and foreigner becomes not about their origin of birth but about their mind and values. It does not only confront the basic spirit of civil liberty but also raises the question of measuring. Loyalty is a state of mind and is thus difficult to ascertain. A scholarly study about the loyalty program at the time recommended to immediately remove it for this reason.²¹⁸ Similarly, it is very difficult to establish a universally accepted standard for what qualifies as disloyalty. It is not difficult to agree that espionage or sabotage would damage national security. But beyond the acts of selling confidential information to the enemy or blowing up important facilities, consensus eventually turns into controversy. “There are people who sincerely believe that open debate about touchy issues of foreign policy injures national security. Criticism of Chiang Kai-shek, for example, destroys national unity and invites a Communist attack on Formosa. Contrariwise, others fear for the security of the country unless there is the fullest possible debate on such matters.”²¹⁹

The HUAC members in the Hiss case use “the foreign agent” interchangeably with the enemy within. However, it remains unclear whether an act of treason or espionage makes the person a foreign agent or their dedication to the interest of foreign government makes their action espionage. The important thing to note here is that this unclarity does not hamper but fosters the dissemination of foreign security threats. This ambiguity empowers the HUAC to accuse people through the idea of “guilt by association.”

²¹⁸ Ralph S. Brown, Jr., *Loyalty and Security: Employment Tests in the United States* (New Haven: Yale University Press, 1958).

²¹⁹ Ralph S. Brown, Jr., *Loyalty and Security: Employment Tests in the United States*, 9.

Structural Ambiguity and the Resultant Undecidability

On the fronts of international and domestic anti-communism 1947 was a milestone year. In March, the Truman Doctrine was announced—the first attempt at an anticommunist foreign policy—and soon after the Marshall Plan was introduced to public. The Truman administration also activated the loyalty and security program to demonstrate its seriousness in combatting the issue of communist infiltration on the home front. This was also the year that George Kennan, the architect of Containment Policy, published “The Sources of Soviet Conduct” under the pseudonym “X.” It was not a coincidence that these events all occurred in 1947. In 1946, the Republican Party won the midterm elections, picking up 55 seats in the House and 13 in the Senate. In addition, 25 of 48 governorships were taken by the GOP, including Ohio, Pennsylvania, California, and New York. It was the first time since 1932 that the Republican Party controlled both the House and the Senate. However, foreign policy was not the main subject of the campaign according to *The Nation* and *U.S. News and World Report*. Instead, the voters vented their frustrations with post-war economic conditions which included commodity shortages and high prices. In particular, there were concerns about labor strikes that had been intensifying since early 1946.²²⁰ According to Masuda Hajimu, labor strikes in December 1946 were “the most comprehensive general strike in U.S. history.” In Oakland, 100,000 workers joined the strikes and they shut down almost everything in the city for three days.²²¹ These domestic issues aroused strong resentment against, uneasiness with, and disappointment in New Dealers. They were blamed for all of the negative consequences, and this

²²⁰ Masuda Hajimu, *Cold War Crucible: The Korean Conflict and the Postwar World*, 24-25.

²²¹ Masuda Hajimu, *Cold War Crucible: The Korean Conflict and the Postwar World*, 15.

discontent quickly found an outlet via the frame of foreign policy as Republican politicians incorporated popular grievances into their political agenda.

The change of political climate in 1947 was historic. Bruce Cumings explained this change as a “reorientation of American policy on a world scale.”²²² The Truman administration broke with Roosevelt’s “internationalist” view—a view based on free-trade and collective security. The Containment Policy that replaced it was a vision of a world with permanent threats that constantly endangered the free-trade world order. For Cumings, the domestic anticommunism showed the other facet of foreign policy in the Cold War. The US-Soviet confrontation in international politics resonated in domestic politics as the war on internal enemies. In this sense, the domestic anticommunist crusade was not pathological. Similarly, Michael Rogin argues that anticommunist fervor during the Cold War which was most famously expressed in McCarthyism did not have a “radical” or “populist” source meaningfully distinguished from the traditional conservative political program. According to him, “McCarthyism was the product less of attitude syndromes at the mass level than of the character of political leaders whom the people supported.” He pointed out that scholars who treated it as a fundamentally different political phenomenon from any partisan politics “failed to see that fear of communism was generally most salient among those who already voted conservative.”²²³ Therefore, anticommunist fervor in this period was nothing more than security politics reenacted in the domestic theater.

The view that the Cold War in foreign policy imbues the atmosphere of anticommunist frenzy focuses on the “reality” of emergency. The “real fighting” in China and Korea captured elite and mass with “cold war anxieties and intensified concern over communism.”²²⁴ It is also

²²² Bruce Cumings, *The Origins of the Korean War, Vol. II* (Princeton: Princeton University Press, 1990), 35.

²²³ Michael Paul Rogin, *The Intellectuals and McCarthy: The Radical Specter* (Cambridge: The M.I.T Press, 1967), 225.

²²⁴ Michael Paul Rogin, *The Intellectuals and McCarthy: The Radical Specter*, 224.

assumed that the “reality” in the material world was the main force that political actors capitalized on to manipulate the public. As Richard M. Freeland argues, the Truman administration mobilized “support for the program of economic assistance to Europe called the European Recovery Program, or Marshall Plan,” amplifying, wittingly or unwittingly, the extent and intensity of anticommunist fervor or McCarthyism.²²⁵ The Loyalty and Security Program was announced nine days after the Truman Doctrine speech aimed to combat communism at home as well as abroad. Initially, President Truman was not enthusiastic about the idea of launching a new loyalty program, an upgrade to the previous model that was adopted during World War II.²²⁶ However, Truman decided to react to the change in political climate following the 1946 midterm elections. Consequently, the loyalty and security checks were expanded to the entire Federal Government work force. For Freeland, Truman’s maneuver was effective due to the “cold war consensus” that was established by the real war in the Far East.

However, the question is how these real-world experiences are represented as threats from the Soviet Union and Communism. It is not difficult to understand that perceptions are sometimes more important than real threats in security politics. “Whatever the reality of the communist threat may have been, ..., what is important for understanding the political repression of the McCarthy period is the way in which that threat was perceived.”²²⁷ A confusion is usually derived from the ontological status of threat, which leads the debate whether the Soviet threat was “real.” In fact, the threat as an effect does not necessarily relate to “empirical fact.” The particular force that the threat contains stems from the fact that it is always mediated through words, concepts, and discourses. The representational mode of interpretation, which is based on the positivist approach,

²²⁵ Richard M. Freeland, *The Truman Doctrine and the Origins of McCarthyism* (New York: New York University Press, 1985), 5.

²²⁶ Richard M. Freeland, *The Truman Doctrine and the Origins of McCarthyism*, 123-134.

²²⁷ Ellen Schrecker, *Many Are the Crimes: McCarthyism in America*, 155.

misses the question about mediation itself. Rational theories on “defensive” and “offensive” military forces disclose, perhaps unwittingly, the impossibility of deterministic interpretation.²²⁸ In other words, threat is not dissociable from its discursive formation. In this sense, the threat is “simultaneously ‘real’ and ‘constructed,’” in the process of practices that bring them together.²²⁹ Tracing the practices of mediation reveals the ambiguity of the communist threat.

Following World War II, the Soviet Union was not immediately viewed as a source of threat. For example, many business groups expressed enthusiasm at the prospect of new trade opportunities with the Soviet Union. In January 1945, “*Fortune* noted that some seven hundred American companies were paying \$250,000 to advertise in a *Catalogue of American Engineering and Industry* prepared especially for the Soviets.”²³⁰ However, the widespread optimism in business quickly dissipated after anticommunist sentiment was triggered by the 1946 labor strike. The business groups that once organized the American Liberty League in the 1930s and launched a vociferous campaign against the New Deal, turned their hostility towards communism. As seen in this example, labor movement, communism, and the Soviet Union appeared as interchangeable facets of a common evil. However, this evil did not seem easily definable. NSC-68, one of the most important documents of the Cold War, attempted to define the evil as the nature of the Soviet threat that haunted American foreign policy for more than four decades.

NSC-68 introduces the Soviet threat as an existential one, placing the Soviet Union in the opposite pole from the United States. The document defines the “essence” of the United States: to

²²⁸ Charles L. Glaser and Chaim Kaufmann, ‘What is the Offense-Defense Balance and Can We Measure It?’ *International Security* 22 (1998), 45; Sean M. Lynn-Jones, ‘Offense and Defense Theory and Its Critics,’ *Security Studies* 4 (1995), 677-679.

²²⁹ Diana Taylor, *The Archive and the Repertoire: Performing Cultural Memory in the Americas*, (Durham: Duke University Press, 2003), 3.

²³⁰ Peter H. Irons, ‘American Business and the Origin of McCarthyism: The Cold War Crusade of the United States Chamber of Commerce,’ in Robert Griffith and Athan Theoharis (eds.), *The Specter: Original Essays on the Cold War and the Origins of McCarthyism* (New York: Franklin Watts, Inc., 1974), 76.

“assure the integrity and vitality of our free society, which is found upon the dignity and worth of the individual.” The Soviet Union regards the United States as the “principle enemy” because the United States challenges the Soviet’s “slave state.” It is an existential conflict between “the idea of slavery” and “the idea of freedom.” The Soviet Union as a “totalitarian dictatorship” ideology of communism as a façade, but Kennan argues in “The Sources of Soviet Conduct” that communist ideas also determine the insecurity of the Soviet Union against “the menace of capitalism abroad.” It is unclear if it also constitutes what he said Stalin’s “sense of insecurity,” but clearly its final objective is the “destruction of the United States.”

Therefore, according to NSC-68, the sources of threat come from the Soviet’s challenge to basic American “values” and the “physical capacity” of the United States. However, the validity of the Soviet Union’s moral and material challenges seems unstable in the document’s narrative. It argues that the Soviet system runs counter to the basic nature and most fundamental aspiration of human beings. Therefore, against the adversarial model of free individuals, “the Soviet system might prove to be fatally weak.” This vulnerability exists hand in hand with the Soviet’s economic and military instability. The Soviet’s economic strength, which was only one-quarter of that of the United States, would diminish because of the Kremlin’s ignorance of “the material welfare” of people. Perhaps military power, including nuclear capability, is the only real worry for allies in Europe and the United States. But for American foreign policy makers it is not military power that poses a threat to the free world. Rather, the economic malaise in Europe created vulnerability that would invite communist encroachment, encouraging the Soviet to take a chance to expand its influence.

In fact, Kennan did not think that the Soviet Union would risk war. John Lewis Gaddis confirms, “Neither the Russian economy nor the Russian people were in any condition to stand

another conflict so soon after the last. Nor could Kremlin leaders feel confident of their ability to sustain offensive military operations beyond their borders.”²³¹ Kennan thought that Russians did not have any “serious intentions of resorting to arms” at least now. Rather, according to Kennan’s analysis, “it is not Russian military power that is threatening us; it is Russian political power... if it is not entirely a military threat, I doubt that it can be effectively met entirely by military means.”²³² Instead, the problem lies in the economic maladjustment of Europe. The State Department’s Policy Planning Staff (PPS) argues in its first issued paper in 1947:

The Planning Staff recognizes that the communists are exploiting the European crisis and that further communist successes would create serious danger to American security. It considers, however, that American efforts in aid to Europe should be directed not to the combatting of communism as such but to the restoration of the economic health and vigor of European society. It should aim, in other words, to combat not communism, but the economic maladjustment which makes European society vulnerable to exploitation by any and all totalitarian movements and which Russian communism is not exploiting.²³³

Accordingly, NSC-68 concludes that the implementation of the European recovery plan such as the Economic Cooperation Act (the Marshall Plan) in 1947, the Mutual Defense Assistance Act of 1949, and the strong military position of the United States should strengthen the European countries to “counter Soviet moves and in event of war.”

However, the threat posed by the Soviet Union extends beyond the conduct of the Soviet. NSC-68 mentions another threat of atomic warfare and the absence of order among nations, which

²³¹ John Lewis Gaddis, *Strategies of Containment* (Oxford: Oxford University Press, 1982, 2005), 33.

²³² John Lewis Gaddis, *Strategies of Containment* Gaddis, 39.

²³³ PPS 1, ‘Policy with Respect to American Aid to Western Europe,’ May 3, 1947, recite from David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity*, (Minneapolis: University of Minnesota Press, 1992, 1998), 25.

“imposes on us [the United States], in our own interests, the responsibility of world leadership.”

David Campbell argues that the representation of Soviet threat in foreign policy documents shows “a certain ambivalence about the sources of danger.” He demonstrates that NSC-68 presents ambiguous interpretations on the nature of the Soviet threat and its danger to American security. The nature of the threat was neither military nor economic, but psychological. “Nor was NSC-68’s concern for anarchy and disorder as the greatest dangers novel in the texts of United States foreign policy. Indeed, the majority of internal and secret assessments of the early post-World War II environment emphasized that, although the threat to the United States and Western Europe was most easily represented by the activity of communist forces and the Soviet Union, the danger being faced was neither synonymous with nor caused by them.”²³⁴

The ambiguity of the Soviet threat represented in security documents confirms that there is no definitive interpretation in the script of threat, danger, or enemy. What bridges the ambiguous sources of threat to existential danger is the conviction of evil—whether it is mal-intention, immoral ideology, or blasphemy—that resides in the essence of the enemy. Kennan’s analysis on the Soviet Union exemplifies this essentialism. There could be “no permanent resolution of differences with such a government.” Kennan believed Moscow’s hostility toward the West to be rooted in forces deep within Russian society, and he did not expect “tendencies toward accommodation” to emerge until a fundamental change had taken place in the Soviet concept of international relations.”²³⁵ Therefore the most effective means to change the course of Soviet conduct would be containment not engagement.

²³⁴ David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity*, 25.

²³⁵ John Lewis Gaddis, *Strategies of Containment*, 46-47.

The frame of irreconcilable differences between the Soviet Union and the United States morphed into an existential danger because, not in spite, of the undecidable interpretation of threat. Ambiguous threat or threatening ambiguity provokes an act of protection of the self from the other, in particular to the excessive extent due to its ambiguity. This “excess” plays a role in protection. Protection always acts towards the future in imagining a new boundary of the self. It is an act of defense, inspiring hyper-protectivity. Hypersecurity, however, works against security. According to Hamilton, “Such hypersecurity, ..., offers no security at all, but rather the very opposite, insofar as citizens are expected to make sacrifices that ultimately make them insecure, now at the mercy of transindividual power. Critics bemoan how state-driven propagation obscures or even prohibits what should be our primary concern, namely the need to secure our own freedom: whether from fear, from despotism, or even – albeit ironically – from *security* itself.”²³⁶ This description portrays the internal security frenzy during the early Cold War in America.

Dissemination of Communist Threat and Enemy

The guilt of Alger Hiss has been the subject of heated historical debate. Whether he was guilty or not is by no means my interest, but the controversy around this topic reveals the political importance of the debate. Although he was charged with perjury, the charge implied that he was also guilty of being a communist and of acts of espionage against the United States. For many scholars, Allen Weinstein’s 1978 book *Perjury* confirmed the charges.²³⁷ Weinstein compiled evidence from new interviews, documents, and witnesses, arguing that Hiss was a Soviet spy. His

²³⁶ John T. Hamilton, *Security: Politics, Humanity, and the Philology of Care* (Princeton: Princeton University Press, 2013), 35.

²³⁷ See Ellen Schrecker and Richard M. Freeland.

argument ignited the debate and also raised objections. Victor Navasky, for example, was a skeptic and released his own findings which included his own cross investigation of some of Weinstein's key evidence.²³⁸ On the one hand, this debate illustrates an academic disagreement on historical events. On the other hand, it shows how the politics of security are always subject to the "underlying reality of persistent ambiguity." Terms in national security such as enemy, threat, spy, mole, double agent, secret war, and fifth column tends to escalate the tension beyond any reasonable calculation. This escalation, or rather dissemination, of words of security is clear in the transcripts of the Hiss hearing.

The Hiss hearing began on August 3rd, 1948 with the testimony of Alger Hiss' accuser, Whittaker Chambers. His testimony set the stage for the Hiss hearing for espionage by developing the theoretical frame of the Communist threat. Chambers, an ex-communist, had been an informant for the FBI for several years by the time the hearing began. The hearing started as an informational session about communist infiltration of the U.S. government. In that session Mr. Chambers mentioned the name of Alger Hiss as a member of a prestigious underground group that allegedly aimed to infiltrate the core of the US government with the intent to commit espionage. Chambers opened his statement with the concession that the Communist Party was not illegal. He then claimed that "an underground party exists side by side with the open party." This accusation represents the backbone of the communist threat during the Cold War. First, the Communist Party aims to infiltrate the American government, and its objective is to perform acts of espionage acting as a Soviet agent. Thus, Communist Party members in the government are potential spies, setting the stage for their guilt by association.

²³⁸ Victor Navasky, "Weinstein, Hiss, and the Transformation of Historical Ambiguity into Cold War Verity," in Athan G. Theoharis (ed.), *Beyond the Hiss Case: The FBI, Congress, and the Cold War* (Philadelphia: Temple University Press, 1982).

The second important statement from Chambers was that Communism and Nazism are “different facets of fascism.” This statement carries particular weight regarding war. In the World War II, the United States fought against fascism, which constituted a legitimate enemy. During the war, the Soviet Union was technically an ally against Nazi Germany. This statement, however, makes communism a legitimate enemy. By identifying communism as a threat to national security, the Cold War is elevated to the same level as a real war. Lastly, John E. Rankin, a Democrat from Mississippi, posed a rhetorical question on Communism, asking in an interrogative sentence, “One of the basic principles is the wiping out of the Christian Church throughout the world?” He continues, framing the goal of communism to wipe out the American way of life, the capitalist system, and private property. Finally, he concludes, “In other words, communism would make a slave of every American man, woman, and child excepting the commissars that dominated them; is that correct?” This description of the communist threat speaks not only to national security but also to the permanent condition of existence of America.

The communist as enemy, spy, fascist, and the ultimate destroyer of American life are played out in different variations during not only the Hiss hearing but also in the Committee’s other anticommunist hearings. Yet, it is the Alger Hiss hearing that best reveals three main controversies, highlighting the process of dissemination. First, this case shows how internal political opposition is transformed into an enemy of the state. Alger Hiss, a former high-ranking government official, was accused of committing espionage to serve the interests of the government of Russia. To some extent, this political attack was aimed at the foreign policy of the US government in the 1940s and at the New Dealers in particular. What is interesting is the ways in which the line between partisan factionalism and political purge is manipulated. Obviously, it was traumatic to the American liberals because the New Deal was attacked by the opposition not only

as a failure of government policy but also as a subversive activity. For the liberal, it was a version of loyalty test, placing them in a difficult position. However, their silence on the Hiss case gave free rein to the anticommunists and their crusade. Second, the Hiss case shows the blurry line of the HUAC's authorities, demonstrating how the investigation moved to accusation. As a Congressional committee, the HUAC does not have judicial authority. However, the Hiss case ended up in the courts, and Alger Hiss was convicted of perjury based on the hearing testimonies resulting in a five year of prison sentence. The members of the committee stated that it was not a hearing about espionage activities but was rather to gather information about communist infiltration of the government. However, the committee's special but covert relationship with the FBI played an essential role in the indictment of Hiss. Third, the Hiss hearing illustrates how fact finding turns into controversy through performativity of speech. The members of the committee repeatedly described that the hearing is to "find the facts." Here, "the fact" means whether Alger Hiss was a member of the Communist Party or not. However, Hiss rejected the claim of his accuser, Whittaker Chambers. Both witness testimonies, according to the statements of the HUAC members, seemed to be relatively credible. Without solid evidence of Communist membership, finding the "facts," may not have been possible in the first place. Yet, the hearing captures an agonistic moment of conflict between intentions to fix one meaning and the inherent ambiguity in utterance. Unlike the way that the HUAC members frame the statements in hearing as constative utterances, it reveals performative usage of statements.

As a matter of fact, Alger Hiss consistently rejected Chambers' claims, arguing it was political maneuvering. In his letter to the Committee, Hiss argued that "this charge goes beyond personal. Attempts will be made to use it, and the resulting publicity, to discredit recent great achievements of this country of which I was privileged to participate." In fact, the Committee

members indicated that they targeted “the New Deal agencies” in the Government and also expressed their hostility against American foreign policy. Congressman Mundt accused Hiss of being part of the bad policy decisions. He said, “our policy toward China, the political agreement at Yalta, which you said you helped to write, and the Morgenthau plan, you mentioned three of them, are hopelessly bad, and I shall continue to consider them hopelessly bad.” Hiss worked in the Agricultural Adjustment Administration, one of the main departments of the New Deal program in the 1930s, and he participated in the Yalta Conference in 1945, which had been criticized by Republicans for its concessions to Stalin. However, his participation was limited. Robert Carr, who studied the HUAC closely, argued, “during the heyday of the New Deal, Hiss was a minor government employee at best. It was only in the middle 1940’s that he became at all prominent Even then, his positions were always just below those of first rank, and he was never a leading architect of American foreign policy or a top adviser of Roosevelt or Truman.”²³⁹

Discontent over the New Deal and the foreign policy during and after World War II created general frustration in the post-war society. However, internal political differences became subversive activities only when they met the security discourse of the communist threat. Internal security does not just mirror international security. Rather, the script of security is disseminated through political actors—both domestic and international—in their reactive performance to threat, danger, and emergency. The danger of communism contextualizes political opposition, interpreting internal differences into security threats. Samuel Weber rightly argues, “The protective defense against this ‘danger’ always involves the effort to reduce multiplicity to unity, difference to identity, sameness to self.” This is because the danger does not just come from ‘outside’ but also from ‘within,’ the ‘protective shield’ that is “required in order to establish the

²³⁹ Robert K. Carr, *The House Committee on Un-American Activities, 1945-1950*, 100.

very difference between outside and inside, and therefore continues to impinge upon the inside that depends upon it, i.e. upon the outside.”²⁴⁰ According to Weber, this is what Freud calls ‘projection.’ It is “the tendency to treat them [stimuli] as though they were acting, not from the inside, but from the outside, so that it may be possible to bring the shield against stimuli into operation as a means of defence against them. This is the origin of projection, which is destined to play such a large part in the causation of pathological processes.”²⁴¹ Based on this, for example, “the condemnation of Chiang Kai-shek” can be a subversive activity that is interpreted as a threat to national security.

The unclear boundary of HUAC’s authorities propel the process of dissemination. Congressional investigations should be subjected to judicial review or supervision. With respect to committee procedure, it may be thought that private citizens appearing before the committee are entitled to protection under the Bill of Rights and to relief in the courts when their procedural rights are encroached upon. However, among nine cases that reached the federal appellate courts between 1946 and 1950, not even a single final judicial ruling adverse to the favor of the committee was made.²⁴² The Congressional committee enjoyed authority free from judicial control. In addition, the special connection between the Committee and the FBI complicates the HUAC’s scope of authority. The “FBI was the bureaucratic heart of the McCarthy era.” As Schrecker said, “it designed and ran much of the machinery of political repression, shaping the loyalty programs, criminal prosecutions, and undercover operations that pushed the communist issue to the center of

²⁴⁰ Samuel Weber, ‘the Politics of Protection,’ unpublished manuscript.

²⁴¹ Sigmund Freud, *Beyond the Pleasure Principle*, 56; recite from Samuel Weber.

²⁴² Robert K. Carr, *The House Committee on Un-American Activities, 1945-1950*, 406-407.

American politics during the early years of the Cold War.”²⁴³ As the HUAC had direct access to FBI files, Committee hearings often sounds more like prosecution than investigation.

The HUAC proclaims its purpose as “not witch hunting or Red baiting, but is trying to get the facts of what is going on.” However, this fact finding aim quickly turns into a credibility check of the witnesses. Alger Hiss first denied that he knew the man named Whittaker Chambers. After he confronted Chambers in person during the hearing on August 25, he admitted that he knew the man but under name of George Crosley. Hiss had rented his apartment and car to the many in question in 1935. Both witnesses sharply contrast one another, particularly on their involvement in the Communist Party Chambers testimony revealed personal information of the Hiss family including his son’s schooling, his hobby in ornithology, and his observation of a prothonotary warbler. However, there were other details of Hiss’s private life that he was unable to get confirm. For example, Chambers could not recollect any particular piece of furniture in Hiss house although he argued that he stayed and dined with Hiss for more than a week. He also could not recall any of the pictures on the walls or any particular silverware. The story of Hiss, who described Chambers as an unimpressive tenant 10 years ago, was not necessarily unstable although he had a weak recollection of the car that he once owned but passed to Chambers as a condition of the lease. Hébert, a Democrat from Louisiana, remarked to Hiss, “you are a very agile young man and a very clever young man,” noting the integrity of his testimony. Then he stated his intention to find out “exactly where the truth lies.”

However, the intentions of the HUAC members to let “the record speaks for itself” soon runs into difficulty. An exchange between Hiss and Nixon in the hearing on August 25 shows the difficulty that is embedded in constative statement.

²⁴³ Ellen Schrecker, *Many Are the Crimes: McCarthyism in America*, 203.

Mr. NIXON. Did you see Crosley in 1938?

Mr. HISS. I would like to reply exactly the same way to that. I feel confident I did not.

Mr. NIXON. But it is possible that you might have?

Mr. HISS. It is certainly conceivable and possible.

Mr. NIXON. Now, the committee is going into a matter very carefully with various witnesses which bears on the next question that I want to ask you, and I want you to pay particular attention to this question. Have you ever seen George Crosley, Whittaker Chambers, or Carl, or Crosley under any other name in the apartment of Henry Collins?

Mr. HISS. To the best of my recollection, I am confident I have not. There is no reason why I should have. I have no recollection whatsoever of ever seeing Crosley except under the circumstances I have testified to.

Mr. NIXON. Mr. Hiss, you mean to tell me you are leaving open the possibility that you could have seen Crosley in the apartment of Henry Collins?

Mr. HISS. I would not wish to leave that open as anything other than a physical possibility in the sense of what are infinite possibilities. I am confident that I have never seen Crosley in the apartment of Henry Collins.

Mr. NIXON. Will you testify that you did not see Crosley in the apartment of Henry Collins?

Mr. HISS. I will testify that to the best of my knowledge and recollection I have never seen Crosley in the apartment of Henry Collins.

Mr. NIXON. Well, of course, you are leaving open the possibility that you might have seen him in the event that that should come out in the proof before the committee.

Mr. HISS. You can put it that way if you choose, **Mr. NIXON.**

Mr. NIXON. Well, do you wish it to be left that way?

Mr. HISS. I wish it to be left as I have just stated it, that to the best of my knowledge and recollection I am very confident that I never seen Crosley in the apartment of Henry Collins.

Mr. NIXON. But you won't say categorically that you did not see him in the apartment of Henry Collins?

Mr. HISS. *I do not see how one can say categorically that one has not seen anybody. If he was attending social functions, if there were a large number of people at some occasion, and he was present, I could not testify with absolute positive finality.*

Mr. NIXON. I am not questioning you concerning social functions. I am questioning you as to whether you have seen this man in the apartment of Henry Collins in the presence of others.

Mr. HISS. You mean when a relatively few people were gathered together for an occasion when they were all as a small group among themselves in the apartment of Henry Collins? I testify positively that that did not occur.

Mr. NIXON. When you speak of a relatively small group, what do you mean?

Mr. HISS. What do you mean? I would say up to 7 or 8, 9, 10, 11 people.

Mr. NIXON. Then, you are testifying positively now that you have never seen Crosley in the apartment of Collins when as many as 11 people were there?

Mr. HISS. I am.

[Italics mine]

Nixon's seemingly plain question about whether Hiss "saw" Crosley at a certain time in a certain location complicates the meaning of seeing him. It does not mean to lay eyes on him but to connect him through the communist link, potentially imposing a charge of espionage, subversion, or treason. Therefore, Hiss understands that Nixon's question is actually an interrogation, charged with suspicion and accusing him of a crime. He begins every answer with the phrase "to the best of my recollection." This phrase is not just a statement about his memory but to defend himself.

The ambiguity in the transcript of the hearing is amplified by the ambiguity of the communist threat. The communist threat that is portrayed in the Hiss hearing is something foreign, not American. It resonates with the essentialism that appears in NSC-68. Communism is defined as something that seeks to destroy the American people, and the country's values, systems,

government, and the way of life. Based on this, “every communist in the United States is a potential spy or saboteur and a permanent enemy of this system of government.” J. Parnell Thomas, Republican from New Jersey, in an exchange with Chambers disseminates the idea of the permanent enemy in the following statement: “if this country got into a war with Russia that every communist would be an ardent member of the Russian fifth column.” This last transmission turns the communist into the enemy at war, which can be a lawful target for annihilation. The performative passage from political opposition to enemies within, to existential threat, to lawful target, demonstrates the dissemination of a national security to civil society.

Conclusion

The HUAC’s hearing constituted the core machinery of securitization during the Cold War. While Senator McCarthy’s emergence in 1950 is most commonly associated with the beginning of the anticommunist purges, he was only an addition to the preexisting security apparatus at that time. His tactics and claims did not have a qualitative innovation from the HUAC’s in terms of the anticommunist campaign. This chapter on the HUAC’s anticommunist hearings shows that the dissemination of the communist threat is indeed derived from the threat’s core ambiguity. This ambiguity reveals the tie between the communist threat and American identity. The American identity that is closely connected to the threat in fact reveals the fundamental problematique of security politics.²⁴⁴ By situating communism as the destructive force against America,

²⁴⁴ Since Carl Schmitt’s notorious distinction between friend and enemy, the nature of security politics that distinguish the self and the other has been pointed out by many scholars. In particular, it has been criticized of its productive/destructive force regarding the politics of diversity. William Connolly defines the binary of identity and difference as “a second problem of evil.” The second problem of evil refers to “the evil that flows from the attempt to establish security of identity for any individual or group by defining the other that exposes sore spots in one’s identity as evil or irrational.” William E. Connolly,

Americanness is in turn defined by its connection to that threat. The Soviet Union as the embodiment of communism, and thereby as the evil source of threat, confirmed the internal anxiety of Americans and internal political differences were then projected to become an external threat. In this sense, the anticommunist political purge and the Cold War were two dimensions of the national security enterprise.

It is interesting that McCarthy's redbaiting was finally stopped when he launched an attack on the Army. The military represents the last resort of security defense against foreign powers. The Army-McCarthy hearing quickly turned the tide. He lost his core supporters in the Senate and in the nation as a whole. The country's newspapers, which had been growing in hostility toward McCarthy, now "assailed" him on a broad scale.²⁴⁵ However, it was not that McCarthy's fundamental claim of a communist enemy was disavowed. Rather, the critics questioned the methodology from the moralist perspective, expressing tiredness with his aggressive and brazen attacks. In the Army-McCarthy hearing, the army's chief legal representative, Joseph Nye Welch famously shut him down by asking, "At long last, have you left no sense of decency?" His remark embodies the sentiment of the moderates. This remark fired a flare that signaled the deflation of the anticommunist fervor. However, the structure of security politics that created the political repression in the first place was not abolished. This structure consists of the script of security that bears the ambiguity at its core, invites an act of decision: What the threat is, who the communists

Identity/Difference (Minneapolis: University of Minnesota Press, 1991), 8. For him, it is a "structural" problem that is embedded in politics in general and it occurs as "temptation" rather than necessity. For Michael Dillon, security in modern politics appears as a "self-evident condition for the very existence of life—both individual and social." Michael Dillon, *Politics of Security* (London: Routledge, 1996), 13. The impulse to secure security requires to demarcate the boundary of identity. This tendency is conspicuous in International Relations. Walker finds that the IR is the discipline concerning "the delineation of borders, the inscription of dangers and the mobilization of defences." R.B.J. Walker, *Inside/outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993), 15. By doing so, he points out that the "patterns of inclusion and exclusion we now take for granted are historical innovations," although it has been so naturalized in the literature acting as a fact of political life. R.B.J. Walker, *Inside/outside: International Relations as Political Theory*, 179.

²⁴⁵ Robert Griffith, *The politics of Fear: Joseph R. McCarthy and the Senate* (Lexington: The University Press of Kentucky, 1970), 263-264.

are, and what should be done for the protection of national security. This action in the name of national security through performative security produces the consequences of political purge, repression, and the breach of civil liberty that undermines the security of the nation.

Chapter 4: Revision of Security Script: The ECJ's Performative Rulings on the Schengen Border Control

Introduction

The Paris attack in November 13th, 2015 immediately called the Schengen border control into question. Within ten days after the attack, the leaders of the European Union held a meeting to discuss Schengen reform. The Schengen abolishes internal border checks among the member states, which was cited as providing the suspects with easy access to Paris. However, this accusation was overstated. Given that the main assailants were French nationals, a border check would not have posed any obstacle even if there was one. But the link that European leaders immediately drew between the security threat and the free movement within Schengen raises a question.

The rapid and unanimous reaction to the Schengen border control following the Paris attack illustrates Schengen's position in European security politics. The Schengen functions, or at least it is perceived to function, as a security apparatus of the European Union. Since the 1990s, the Schengen has provided a security model for the European Union in which the border becomes a central locus of security.²⁴⁶ In the beginning, the Schengen was an intergovernmental agreement removing internal border checks; it then evolved to become the main platform of the European Union's border security. The expansion of the Schengen's border control measures matches its

²⁴⁶ Securitization literature as a whole relates itself to the spatial change of Europe that necessarily entails consequences of the Schengen system in one way or another.

role. These so-called “flanking measures” include intelligence tools as in the Schengen Information System (SIS), the Visa Information System (VIS), and the operational enforcement power of the European Border and Coast Guard Agency (FRONTEX).²⁴⁷ The Schengen controls border security in the EU.

The function of Schengen is clear in the EU’s security politics. What is less clear is the Schengen’s legal status as a security law and its relationship with the European Court of Justice (ECJ). The Schengen agreement was integrated into the European Union’s body of law through the 1997 Treaty of Amsterdam. The Schengen border control belongs to Title IV or the Third Pillar.²⁴⁸ Title IV concerns judicial and police cooperation on external borders, immigration, asylum, and crime, having two goals. One is to keep the principle of free movement within the internal area, and the other is to reinforce external border security. The Schengen law epitomizes the goals of Title IV to achieve a common area circumscribed by strong external borders. Due to the fact that the issue of external border control intervenes in the member state’s ‘internal’ matters, Title IV is the last resort of intergovernmental arrangement in the EU legal system. Title IV is characterized as a hybrid of supranational and intergovernmental frameworks, thereby, seeking “balance between protection of human rights and civil liberties on the one hand and the State’s interests in public order, security, or migration control on the other.”²⁴⁹ This means that the European Court of Justice (ECJ) has a limited jurisdiction over this area.

In order to understand the relationship between the Schengen law and the ECJ, we need to understand that Schengen represents one of the core values of the EU—the free movement of

²⁴⁷ Article 7 of the Schengen *acquis* indicates easing checks at the common border may have “adverse consequences in the field of immigration and security.” And Article 17 argues that states should “take complementary measures to safeguard internal security and prevent illegal immigration by nationals of States that are not members of the European Communities.”

²⁴⁸ Title IV was substantially amended, became Title V, and was renamed “Area of Freedom, Security and Justice” by the Treaty of Lisbon of 2009, which amended the Treaty on European Union and the TFEU.

²⁴⁹ Steve Peers, *EU Justice and Home Affairs Law* (Oxford: Oxford University Press, 2006), 1

people. The ECJ has been a strong advocate for the free movement of persons—the EU’s main principle for increasing integration. The efforts of the ECJ have been in conflict with member states, particularly in the area of border security as enacted by Schengen. The EU’s legalization effort has increased the ECJ’s jurisdiction over Title IV, but member states have resisted and negotiated to keep their prerogatives on national borders. Thus, Schengen is referred as a “test case” for closer integration²⁵⁰ because, under the Schengen law, the member states forgo their exclusive rights on border control and immigration. The last two major EU treaties, The Treaty of Amsterdam and the Treaty of Lisbon, greatly enhanced the supranational control of Title IV.²⁵¹ Accordingly, the ECJ’s jurisdiction has been given precedence over the Schengen law. Indeed, the EU’s trajectory confirms a strong drive on the legalization of security issues.

The EU’s supranational effort to legalize the Schengen border control aims to enhance the core value of human rights. However, further legalization of the Schengen does not seem to achieve this aim. As many scholars point out, the EU’s control of external borders has been militarized, undermining its core objective to promote/protect human rights.²⁵² For example, FRONTEX has greater enforcement powers, one of which is its authority on preemptive border control. This grants field agents the discretion to decide to return refugees to a third country outside

²⁵⁰ Clotilde Marinho (ed.), *Asylum, Immigration and Schengen Post-Amsterdam: A First Assessment* (Maastricht: European Institute of Public Administration, 2001), 76.

²⁵¹ Koen Lenaerts, “The Contribution of the European Court of Justice to the Area of Freedom, Security and Justice,” *ICLQ* (Vol. 59, 2010); Peter Slominski, “The Power of Legal Norms in the EU’s External Border Control,” *International Migration* (Vol. 51, No. 6, 2013).

²⁵² Nina Perkowski, “A normative assessment of the aims and practices of the European border management agency Frontex,” *Working Paper Series No. 81* (Refugee Studies Centre, University of Oxford, 2012); Morten Jarlbæk Pedersen, “The intimate relationship between security, effectiveness, and legitimacy: a new look at the Schengen compensatory measures,” *European Security* (Vol. 24, No. 4, 2015); Joanna Apap and Sergio Carrera, “Security Within Borders: Toward a Permanent State of Emergency in the EU?” *Alternatives: Global, Local, Political* (Vol. 29, No. 4, 2004); Mark B Salter, “Passports, Mobility, and Security: How smart can the border be?” *International Studies Perspectives* (Vol. 5, 2004); Christopher Walsch, “Europeanization and Democracy: Negotiating the Prüm Treaty and the Schengen III Agreement,” *Politička misao* (Vol. XLV, No. 5, 2008); Jaanus Veemaa, “Internationalizing the Spatial Identity of Cross-Border Cooperation,” *European Planning Studies* (Vol. 20, No. 10, 2012); Theodora Kostakopoulou, “The ‘Protective Union’: Change and Continuity in Migration Law and Policy in Post-Amsterdam Europe,” *Journal of Common Market Studies* (Vol. 38, No. 3, 2000).

of the EU. This raises concern about breaching human rights particularly in regard to asylum seeking refugees.²⁵³ On top of this, FRONTEX's preemptive operations require the cooperation of the member states on the coast. In the process, the member states' executive power on border control has also been reinforced.²⁵⁴ What is interesting is that this reinforcement is carried out in the form of common European security actions, freshly empowering the sovereign power on borders through EU legalization.

In sum, the Schengen is either portrayed as a supranational apparatus for controlling external borders, or as a sign of failed integration in the area of security. This portrait raises interesting questions regarding European security. Is the Schengen a supranational apparatus of border security, or a platform for member states to impose national interests on borders and immigration? This question is important in gauging to what extent security can be constrained by EU law. By the same token, what is the role of the ECJ in this process? Does the ECJ's increased jurisdiction on the area of security anticipate the militarization of border control or is this an unintended consequence, showing the state's resistance? At the very least, what is certain is that the EU's border control is not fully understood either through the frame of legalization of the Schengen or through the frame of the nation-state's increased sovereignty. These questions are relevant; but in fact, they are based on the idea that security should be checked and balanced by the law. However, what if law and security are converged to form a tool of governance? Rather than the legalization of security what if the securitization of law is taking place?

²⁵³ <http://www.europeanpublicaffairs.eu/frontexs-new-mandate-a-controversial-eu-approach-to-the-refugee-crisis/>
<https://www.dandc.eu/en/article/human-rights-problems-eu-border-agency-frontex>
<https://www.theguardian.com/world/2017/apr/05/eu-migration-crisis-frontex-people-traffickers>

²⁵⁴ Galina Cornelisse, "What's Wrong with Schengen? Border Disputes and the Nature of Integration in the Area without Internal Borders," *Common Market Law Review* (Vol. 51, 2014), 767.

In this chapter, I trace the entangled relationship between law and security in the Schengen. In particular, I focus on how the idea of security is endowed with a legal meaning through legal interpretation. It directly informs the security practice on the ground through rules and regulations performed by individual security actors. Also, law enforcement reinforces the idea of security that the rules and regulations imply. In the case of EU border control, the Schengen law provides guidelines for security actions to border control guards. The ECJ's interpretation of the Schengen law in this sense weaves narratives for a script that informs security actions. The ECJ's judicial review gives a certain interpretation of the Schengen law that produces meanings of the script. The question is how the ECJ takes part in the narrative of security in order to embed it in the rule of law. Its attempt is arguably successful given the enlarged jurisdiction in Title IV. However, the outcome of this legalization is at best ambiguous.

First, I briefly outline the Schengen's discursive development in relation to the border. This section shows how the Schengen as a border security apparatus has grown in the frame of freedom and security. Second, I outline the problem of European border security in the system of law. In part, it appears in the question of the ECJ's judicial review in the Schengen. It portrays the paradox of freedom and security in the system of law in the EU. Third, I provide a historiographical account of the discourse of freedom and security in relation to the market and the state. By showing the trajectory, I attempt to bring light to the complicity between freedom and security as a condition of coevolution of the state and the market. Fourth, I show how the ECJ's judicial practices in European integration unfolds in the area of security, freedom, and justice. I argue that the ECJ's interpretation of Schengen inadvertently reinforces the idea of security by providing a legalized form.

Schengen: Freedom vs. Security

The primary goal of the Fontainebleau Council in 1984 was to discuss budget issues of the EC countries. However, this meeting's Final Report contained a curious section titled "A people's Europe," which suggested several measures to promote deeper integration on the ground. It included a common flag, an anthem, and a European passport in order to encourage a "sense of belonging" to the European Community.²⁵⁵ It also suggested the abolition of border checks. France and West Germany agreed to the cause and took the first step. In the following year, the two countries held a follow-up convention in a village called Schengen in Luxembourg, at which five member states including Belgium, the Netherlands, and Luxembourg signed the agreement on the removal of internal border checks. It was June 14th, 1985, one year before signing the Single European Act (SEA). The goal of the SEA is to make a common and single market of the European Community. The Schengen agreement was not part of the official preparation process for the SEA, but it certainly paved the way to the SEA's creation of the single market.

Among other consequences of the single market, the free movement of people has a great political and cultural impact. Crossing a national border without a passport gives a palpable sense of community. In the end, the "sense of belonging" will undergird the economic integration that provides material conditions of the European Community. Yet, free movement of people has two implications. On the one hand, it means the removal of the internal borders of member states to encourage the free flow of labor. Free movement in this sense indicates free circulation of human resources and free trade, which is the backbone of the free market. On the other hand, free

²⁵⁵ European Council Meeting at Fontainebleau, 1984. <https://www.margaretthatcher.org/document/114154>

movement is a fundamental right of EU citizens that guarantees equal treatment and non-discrimination. It is not only a main principle of the EU but also a human right that constitutes the EU's ideal.

The two qualities of free movement provide a source of tension between the EU and the member states. One point of conflict lies in economic and social policies between states and the EU. For example, the open market policy of the EU often conflicts with individual states' social policies. Economic integration is criticized for its undermining of the European welfare state model. The criticism centers on the EU's affinity for economic freedom, which often goes against the workers' rights that have been traditionally regarded as the foundation of the European social model.²⁵⁶ A "dual track approach" of the EU in economic and social policies epitomizes the tension between economic and political integration.²⁵⁷ It shows incompatible goals of the integration to achieve objectives of promoting economic integration on one hand, and to retain national power over social policies on the other.

Yet, the dual track approach touches on another related—and maybe more complicated—dilemma on border security. The rights of the workers that are anchored in the political system of the individual nation-state do not find common ground across the EU countries. Often, the protection of workers' rights finds its voice in the reinforcement of national sovereignty in EU politics. The right of free movement as a human right ironically appears to cohere with the infringement of the rights of national workers. The right of free movement and immigration are perceived as a threat to national security in this sense. As we see in the recent discourse on "Brexit"

²⁵⁶ Jon Erik Dølvik and Jelle Visser, "Free movement, equal treatment and worker's rights: can the European Union solve its trilemma of fundamental principles?" *Industrial Relations Journal* (Vol. 40, No. 6, 2009), 491-509. Given this, it is not surprising that concern for state control of the domestic issues, particularly of the job market, makes possible that the traditional leftist in Europe unwittingly endorses the far-right wing's rhetoric on the fear of immigration and the loss of state control to the EU.

²⁵⁷ Maurizio Ferrera, *The Boundaries of Welfare: European Integration and the New Spatial Politics of Social Protection* (Oxford: Oxford University Press, 2005).

and the surge of nationalism in Europe,²⁵⁸ national control of borders becomes a symbol of national protection of workers. The dilemma that free movement is workers' rights but also a threat to workers' job security epitomizes the discursive frame of freedom and security on border control.

This frame of freedom and security, however, is hardly new in the question of European borders. In the 1980s, the debate on the European border was framed in two phrases: "Sieve Europe" and "Fortress Europe." The former was to support the idea of protection of European borders against irregular immigration caused by an open border policy. The latter was to criticize the European's institutional discrimination against migration and its desire to be a walled territory. However, according to Didier Bigo, despite their conflict on the surface, both discourses share one principle of the state: The state is a "bordered power container." And these two discourses express the same fear and unease about the rupture of this container.²⁵⁹ In this sense, both are national reactions to the challenge of European integration.

Freedom and security—the discursive frame is a national reaction to the challenge of globalization or integration. In European security politics, it is historically entangled with the principle of free movement. This is why the Schengen becomes the stage of security performance in which the values of freedom and security are in conflict. I will discuss the narrative of freedom and security in a subsequent section. First, I introduce the setting of the stage.

²⁵⁸ Great Britain voted to leave the European Union on June 23rd, 2016. Journalists use the portmanteau "Brexit" to refer to Britain's exit from the European Union. The UK's intention is described as an effort to maintain single market access without the risk of receiving immigration. However, the European Council President Donald Tusk clearly said, "Access to the single market requires acceptance of all four freedoms—including freedom of movement" in the European Council meeting on June 28th 2016. This comment summarizes the link between the single market and free movement.

<http://www.independent.co.uk/news/uk/politics/brexit-uk-cannot-have-single-market-a-la-carte-say-eu-leaders-a7109141.html>

²⁵⁹ Didier Bigo and Elspeth Guild (eds.), *Controlling Frontiers: Free movement into and within Europe* (Routledge, 2005), 75.

Uncomfortable Cohabitation of Law and Security

The stage of Schengen did not receive the spotlight until the late 1990s. The Schengen system had grown outside of the European Community until it was integrated into the body of European Union through the Treaty of Amsterdam in 1997.²⁶⁰ Because of its intergovernmental frame, the Schengen evaded public concern when it was initiated. It was only during the late 1990s that the Schengen appeared at the center of public debates due to two big historical events—the fall of the Berlin Wall and the disintegration of Yugoslavia. Both increased society's attention focusing on migration and refugees.

European border security is entangled with the issue of migration. However, migrations were not perceived as a security issue until the mid-1980s. That time, they were considered “guest workers” from the Eastern European countries or from the former colonies of European countries. Only in the 1990s with the fall of Berlin Wall and the crisis in the former Yugoslavia, immigration and refugees appeared as sources of the “problem.” Jef Huysmans explains how immigrants, asylum seekers, and refugees are framed as security problems through professional practices of security institutions and agents.²⁶¹ According to his analysis, the securitization of migration is juxtaposed with the emergence of the European institutions of border control. The agents of these institutions interpret and define what and who are the problems of security and implement security measures. As a result, the security knowledge that they produce reframes border as security object.

²⁶⁰ The Amsterdam Treaty dealt with border control, immigration, refugees, and asylum seekers among others. The 1980's enlargement and the liberalization of Eastern Europe brought the need for the EU to reform institutional measures. In particular, the disintegration of Yugoslavia and the war in Kosovo increased the number of refugees and asylum seekers heading to Western Europe. It did not only challenge the EU's humanitarian cause, but it was also an institutional challenge. The Amsterdam Treaty reflected the necessity to discuss a comprehensive approach to integration and asylum policy.

²⁶¹ Jef Huysmans, “The European Union and the Securitization of Migration,” *Journal of Common Market Studies* (Vol. 38, No. 5, 2000), 757.

The institutions established by the Schengen agreement in 1985 grew into the foundation of the EU's border security.

The Schengen border control shows a unique trajectory of European security politics. After World War II, the European states aimed for collective security through the European Integration project. The Treaty of Rome created the Common Market, a new space that did not entirely belong to either national security or to international security. The idea that the common market could provide a binding force through the creation of common interest forms the ideational foundation of the European Union. In this sense, the Common Market shapes the contours of European security politics that can be defined as the in-between space, which Didier Bigo describes through an image of “the Möbius ribbon.”²⁶² This condition of a common market in the middle of national and international spheres creates a space for “internal” security of the European Union.

The Schengen agreement in 1985 demonstrates how the creation of a common market connects internal security. Designed as an intergovernmental arrangement to abolish internal border checks among member states, the Schengen was a necessary step to realize the single, common market. It was followed by the Single European Act in 1986, legalizing the single market that is “an area without internal frontiers in which the free movement of goods, persons, services, and capital is ensured.”²⁶³ The role of Schengen was to institutionalize the free movement that was already technically instituted by the Treaty of Rome. As David O’Keeffe points out, the Schengen measure is redundant at best, because what the Schengen provides in terms of free movement is ensured by Community law. In fact, EU nationals and their family members enjoy rights of entry

²⁶² Didier Bigo, “The Möbius Ribbon of Internal and External Security(ies),” in Mathias Albert, David Jacobson, and Yosef Lapid (eds.), *Identities, Borders, Orders: Rethinking International Relations Theory* (Minneapolis: University of Minnesota Press, 2001).

²⁶³ Luise Drüko, “Refugee Protection in the Post-Cold War Europe: Asylum in the Schengen and EC Harmonization Process,” in Alexis Pauly (ed.), *Les Accords de Schengen: Abolition des Frontières intérieures ou Menace pour les libertés Publiques?* (Institut Européen d’Administration Publique, 1993), 123.

and residence under Community law.²⁶⁴ Therefore, what the Schengen adds, based on this argument, is only to reduce the traffic crossing borders and to accelerate the flow of movement.

However, this interpretation does not understand the influence of the Schengen in the free movement of people. The Schengen *acquis* introduces the idea that the borderless area of Schengen presents a threat to “internal security.” It emphasizes in Article 17 that the institutional cooperation to facilitate the movement of people should be accompanied by the “complementary measures to safeguard internal security and prevent illegal immigration.”²⁶⁵ These complementary measures include common policies on visas, immigration, and transnational crimes, which bring about the necessity of institutional coordination on jurisdiction, regulations, and law enforcement. The Schengen illuminates how security concerns connect to the possibility of more political integration. These are the precondition of political integration.

As argued in the literature on intergovernmentalism,²⁶⁶ the first step the governments took to commit to the borderless area would be a driving force for more political integration. Surely, the Schengen was considered as a “precursor” model of the European Union. As Charles Elsen, former Director General, Council of the European Union, claimed, Schengen functions as the “laboratory” to take European integration to the next level of cooperation.²⁶⁷ The Schengen agreement was a milestone for increased political integration, but after it was integrated into the EU, the Schengen encountered practical problems in implementation on at least two fronts. First,

²⁶⁴ David O’keeffe, “European Immigration Law and Policy: The Schengen Conventions and European Community Law,” in Alexis Pauly (1993), 173.

²⁶⁵ The Schengen *acquis*, Title II, Article 17, 24.

²⁶⁶ Andrew Moravcsik, *The Choice for Europe* (Ithaca, Cornell University Press, 1998).

²⁶⁷ Charles Elsen, “Schengen et la coopération dans les domaines de la justice et des affaires intérieures: Bosions actuels et options futures,” in Monica den Boer (ed.), *The Implementation of Schengen: First the Widening, Now the Deepening* (Maastricht: European Institute of Public Administration, 1997), 5: “La meilleure formule pour caractériser Schengen a été et reste celle du laboratoire d’essai. Schengen doit préparer la libre circulation dans le cadre de l’Union européenne et la création d’un espace de liberté et de sécurité.”

institutional coordination among the member states raised various issues. The Schengen is a corpus of legal documents regarding borders, immigration, and visas, which directly apply to the state's power to control national borders. The Schengen expresses border security at the level of the EU, but the limit of law enforcement at the level of the EU emerges as a problem.

Second, in line with the first, the Schengen suffers from a lack of public accountability. The Schengen agreement started as an intergovernmental agreement, which did not require public participation in the decision making. After it was incorporated into the EU's legal body, the Schengen's lack of public accountability has become a growing problem as its enforcement power increased.²⁶⁸ The question hinges on to what extent Schengen's measures can be implemented by the EU's executive power. It opens up the grand question of the EU's political power, touching on the issue of conflicting jurisdiction between security and law. Traditional political theory grants extra-legal conditions of security, most notably in the theories of Hobbes and Carl Schmitt, which are based on state sovereignty. This particular model of the states is challenged by the European Union ideal that explores legal governance in security. This is the question that the Schengen border control poses to political theory. But the theoretical predicament illustrates the Schengen as a stage of crisis that opens up the possibility of security performance.

The ECJ appears on the stage of Schengen as a character to bestow legal accountability. The judicial activism of the ECJ should be understood in this context. The political role of the ECJ stems from the European Union's nature as a legal body.²⁶⁹ As a legal body, the EU has a more complicated relation with issues of security. The Schengen law's contiguous jurisdiction with

²⁶⁸ Daniel Thym, "The Schengen Law: A Challenge for Legal Accountability in the European Union," *European Law Journal* (Vol. 8, No. 2, 2002).

²⁶⁹ A political role here does not refer to the ECJ as a political actor as in the literature of legalization. Cf. Geoffrey Garrett, R. Daniel Kelemen, and Heiner Schulz, "The European Court of Justice, National Governments, and Legal Integration in the European Union," *International Organization* (Vol. 52, No. 1, 1998). Rather, the political role is referring the ECJ's judicial activism.

national border security calls the executive power of the EU, which is based on the support of the member states, into question. The legalization of Title IV, which is traditionally framed as an intergovernmental arrangement, enhances the EU's authority on border security, but a possible conflict with state sovereignty remains. The ECJ's judicial review appears as one way to complement the legitimacy of the EU's security measures. As a neutral arbiter, the ECJ ensures the EU's supranational impetus in compliance with the Union's constitutional treaties. The ECJ's strong advocacy of free movement principle applies to the Schengen measures.

Scholars in International Relations point out the major role of the ECJ in legalization.²⁷⁰ The point of debate is where the ECJ's self-interests lie. On the one hand, the ECJ embodies the supranational institution, acting as a driving force of a "move to law" in international politics.²⁷¹ Burley and Mattli argue that the ECJ is the "supranational and subnational actor[s] pursuing their own self-interests within a politically insulated sphere."²⁷² Notably, the self-interests of the ECJ here are institutional interests separated from the member states' national interests. On the other hand, the ECJ is a rational actor which chooses an optimal decision based on different state interests. In particular, scholars who emphasize the ECJ's role as a negotiator argue that the ECJ is a strategic actor who seeks its best interest in a given situation.²⁷³ Garret points out that the ECJ's interests may be in line with the member states' interests. He said, "The Court's legitimacy

²⁷⁰ Anne-Marie Burley and Walter Mattli, "Europe before the Court: A Political Theory of Legal Integration," *International Organization* (Vol. 47, No. 1, 1993); Geoffrey Garrett, "The Politics of Legal Integration in the European Union," *International Organization* (Vol. 49, No. 1, 1995); Walter Mattli and Anne-Marie Slaughter "Law and Politics in the European Union: A Reply to Garrett," *International Organization* (Vol. 49, No. 1, 1995).

²⁷¹ Judith Goldstein, Miles Kahler, and Robert O. Keohane, and Anne-Marie Slaughter, "Introduction: Legalization and World Politics," *International Organization* (Vol. 54, No. 3, 2000).

²⁷² Burley and Mattli (1993), 43.

²⁷³ Geoffrey Garrett and Barry R. Weingast, "Ideas, Interests, and Institutions: Constructing the European Community's Internal Market," in Judith Goldstein and Robert Keohane (eds.), *Ideas and Foreign Policy* (Ithaca: Cornell, 1993); Geoffrey Garrett, R. Daniel Kelemen, and Heiner Schulz, "The European Court of Justice, National Governments, and Legal Integration in the European Union," *International Organization* (Vol. 52, No. 1, 1998); Karen Alter, "Who are the Masters of the Treaty?": European Governments and the European Court of Justice," *International Organization* (Vol. 52, No. 1, 1998).

ultimately relies on the support member governments and hence on its serving as an impartial interpreter of the EC law. In order to maintain its legitimacy, the Court will seek to avoid making decisions that it anticipates governments will defy.”²⁷⁴

Admittedly, the legalization literature focuses on the ECJ’s self-interest because it indicates the extent to which the ECJ’s project is independent from state government influence. However, despite the disagreement, there is little dissent on the primary role of the ECJ in legalization. According to Burley and Mattli, the ECJ “managed to transform the Treaty of Rome into a constitution. They [the ECJ] thereby laid the legal foundation for an integrated European economy and polity.”²⁷⁵ This perception implies that whether the ECJ’s motivation is to achieve legalization or not, the result is to bring an enhanced rule of law in the EU. Therefore, the ECJ’s judicial review of the Schengen law would be proper evidence in this case, showing more legal control in the area of border security. Legal control in security means that security measures comply with the Community law in which free movement is the fundamental principle.

However, the ECJ’s role on the Schengen is “ambiguous”²⁷⁶ on whether it complies with free movement as a right of a free market or basic human rights. The ECJ’s legal interpretations on immigration and visas seem to be in line with general reinforcement of protecting free movement.²⁷⁷ But it is not consistent. Douglass-Scott examines the ECJ’s rulings relating to human rights. The ECJ tends to support free movement rights in relation to free market. However, it is dubious in other cases. Particularly, the ECJ’s review on the Schengen measures results in

²⁷⁴ Garrett, Kelemen, and Schulz (1998), 151

²⁷⁵ Burley and Mattli (1993), 41-42.

²⁷⁶ Sionaidh Douglas-Scott, “Freedom, Security, and Justice in the European Court of Justice: The Ambiguous Nature of Judicial Review,” in Tom Campbell, Keith D. Ewing, and Adam Tomkins, *The Legal Protection of Human Rights* (Oxford: Oxford University Press, 2011).

²⁷⁷ Douglas-Scott (2011), Steve Peers, “Free Movement, Immigration Control and Constitutional Conflict,” *European Constitutional Law Review* (Vol. 5, 2009).

unexpected consequences. According to Galina Cornelisse, the ECJ's effort to increase the "European obligation to control" on the Schengen's "flanking measures" appears to grant "wide discretion" to the member states authorities.²⁷⁸ The ECJ's attempt to harmonize the national and supranational authorities seems to involve the "*supranationalization* of national executive discretion."²⁷⁹ Similar observations appear in legal analyses pointing out paradoxical consequences of the ECJ's practices on security issues. The ECJ is "utilizing forms of legality, which are supposedly liberating in nature ... while in fact practicing in an all-determining instrumentalization of social control, normalization, and governance."²⁸⁰ What these descriptions indicate is not the legalization of security. It shows the securitization of law, if not a convergence of law and security.

My focus is not the ECJ's dubious motivation or its self-interests. Rather, I focus on the unintended consequences of the ECJ's legal practices. In fact, the ECJ cultivates the ways in which legal governance intervenes in security matters. After the Treaty of Amsterdam, the Court enjoys increased jurisdiction regarding the area of security. However, it still falls short when compared to the mainstream EC laws. In particular, Article 68 EC and Article 35 EU (before the Treaty of Lisbon) show clear limitations of the ECJ's jurisdiction in the matters of "internal security" of the state. Nevertheless, the ECJ constantly explores the boundary of its competence in arguing for the idea of integration and pro-unionization. This effort appears in its strong advocacy of the free movement of people over the member states' border control.²⁸¹ Then, the question is this: How does the ECJ's effort to consolidate the principle of free movement bring about securitization of

²⁷⁸ Cornelisse (2014), 767.

²⁷⁹ Cornelisse (2014), 767.

²⁸⁰ To be sure, this is to point out the ECJ's strategy to use legal frames of human rights as tools for European integration. This statement focuses on the rhetorical effect of the ECJ, implying its "real intention" as opposed to ostensible reasons. Instead, I argue that it is not a matter of intention. Douglas-Scott (2011), 288.

²⁸¹ Cases in Peers (2009).

law in the area of security? I answer this question with the ECJ's performative rulings. The ECJ plays a role on the stage of Schengen, providing legal interpretation as a narrative of new security practices.

Caveat: To be sure, legalization literature in IR does not argue that the consequence of the court's judicial activism always brings more integration or more power to the community laws. Their models might be open to unintended consequences in which the ECJ attempts to legalize the "third pillar" by incorporating state executive power to achieve the goal of legalization. However, this consequence is only conceptualized as a failure or an outlier in the model because the ECJ's intentions are not accomplished. The implication of this conception is that the intentions are clear, circumscribed, and unchanged. I do not problematize a notion of intentions here, rather I draw attention to the process of judicial practices. By doing so, my attempt is to point out the ambiguity of law.

A Script of Freedom within Security

The ECJ attempts to advance integration in the area of security. It acts as an arbiter in the conflict between the supranational and national governments. In this role, the ECJ provides legal interpretation for a given case through preliminary rulings or judicial reviews that bind the behaviors of the EU executive bodies and the national governments. Legal interpretation as judicial practice is hardly simple or straightforward. Theories of legal interpretation suggest that the legal actors interpret legal texts in the context of statute history, customary meanings, and social

norms.²⁸² In particular, the ECJ is distinctive in interpreting European Community law that “presupposes the establishment of a common interest” in the community.²⁸³ The ECJ defines and reconstructs the common interest embedded in the common market principles of free movement through legal interpretations. In this sense, the legal practices of the ECJ are performative in acting out the principle of free movement.

The European common market was introduced as a security measure. As Washington launched the Marshall Plan in June 1947, the common market was designed as a part of America’s post-war restoration plan.²⁸⁴ The historical context of the Marshall Plan tells us how the idea of common market and integration appears as a strategically useful concept for American policy makers. To make Europe economically sustainable was a vital strategic interest of the United States. George Kennan—famously known as the author of the concept of “containment”—played a major role in the Marshall Plan’s design. He wrote, “economic maladjustment ... makes European society vulnerable to exploitation by any and all totalitarian movements.”²⁸⁵ He conceptualized the “possibility of economic collapse in Western Europe and the consequent accession to power of Communist elements” was the “greatest danger to the security of the United States.”²⁸⁶ His Policy Planning Staff thought that self-help, and a self-sustained economy in Europe was the remedy for the European crisis. Therefore, a common free market was a strategic

²⁸² Hans-Georg Gadamer, *Truth and Method* (New York: Crossroad Publishing Company, 1989); Ronald Dworkin, *Law’s Empire* (Cambridge: Harvard University Press, 1986); Kent Greenawalt, *Legal Interpretation: Perspectives from other disciplines and private Texts* (Oxford: Oxford University Press, 2010); Martha Minow, Michael Ryan, and Austin Sarat, *Narrative, Violence, and the Law: The Essays of Robert Cover* (Ann Arbor: The University of Michigan Press, 1995). Cf. Other traditions of legal interpretation exist. See Antonin Scalia and Frank H. Easterbrook’s works.

²⁸³ Anna Bredimas, *Methods of Interpretation and Community law* (Oxford: North-Holland, 1978), 14; Gerard Conway, *The Limits of legal Reasoning and the European Court of Justice* (Cambridge: Cambridge University Press, 2012).

²⁸⁴ I am not arguing that the ideas of the European Community and the Common Market solely stemmed from American invention. Rather, these ideas fitted well in the U.S. grand strategy after the World War II.

²⁸⁵ Recited from David Campbell, *Writing Security* (Minneapolis: University of Minnesota Press, 1992), 25.

²⁸⁶ recited from Campbell (1992), 27.

tool for the U.S. government.²⁸⁷ A common market was viewed as security tool in two ways. First, it would help to establish a strong economy that would not be vulnerable to the threat of communism. Second, and more importantly, it would create a common interest among the European states, thus preventing detrimental conflicts. The idea that the market would lead to political integration was predominant in the incipient European community. Jean Monnet, the “father of Europe,” expressed his aspirations for Europe’s future in that “the driving force of the Common Market” leads to “common action.”²⁸⁸ While I do not summarize the theories of European integration, one thing worth noting is that arguments from the “spillover”²⁸⁹ to “security communities”²⁹⁰ agree that the market has a regulating power by creating a common interest.

This idea that common interest can regulate human behavior has a deeper and older intellectual history. Political philosophers who confronted the modern world in the 17th century, were fascinated by the human nature and passions. It reflected their urgent question on modern society in which previous moral and religious disciplines no longer provided effective social constraints on human behavior. What they struggled with was the fact that the religious repression of passions no longer seemed a viable option to bring a stable order. Albert O. Hirschman explains how 17th philosophers came to terms with passions.²⁹¹ They invented the ways in which “countervailing passions” would better work to curb human behavior. Its main idea was to control pernicious passions with relatively less detrimental passions. One of these passions was “interest.” According to Hirschman, this substitution was suggested as a political engineering concept. He

²⁸⁷ Michael J. Hogan, *The Marshall Plan* (Cambridge: Cambridge University Press, 1987), 56-57.

²⁸⁸ Jean Monnet, “A Ferment of Change,” in Brent F. Nelson and Alexander C-G. Stubb, *The European Union: Readings on the Theory and Practice of European Integration* (London: Lynne Rienner Publishers, Inc., 1994, 1998), 23-24.

²⁸⁹ David Mitrany, “A Working Peace System,” and Ernst B. Haas, “The Uniting of Europe,” in Nelson and Stubb (1994, 1998).

²⁹⁰ Karl W. Deutsch et al., “Political Community and the North Atlantic Area,” in Nelson and Stubb (1944, 1988); Emanuel Adler and Michael Barnett, *Security Communities* (Cambridge: Cambridge University Press, 1998).

²⁹¹ Albert O. Hirschman, *The Passions and the Interests* (Princeton: Princeton University Press, 1977).

quotes Helvétius (italics are Hirschman's), "The moralists might succeed in having their maxims observed *if they submitted in this manner the language of interest for that of injury.*" The mechanism of interest consists in self-regulation. While externally imposed rules bring resistance, self-imposed rules are accompanied with volition, which generates power to run the body. The market is a body of self-regulations generated by individual interests. Needless to say, the "invisible hand" of Adam Smith is a perfect metaphor of the market's automated system.

In fact, the self-regulated organization is not exclusive to the market. Thomas Hobbes, most notably, adopts the idea of self-interest in explaining the institution of state order. For him, state authority is a self-imposed rule of men in order to maximize their own interests in security.²⁹² The self-interest in avoiding "fear of death," for Hobbes, is the only way to establish political authority.²⁹³ The Leviathan in this sense is a *body politic* that has the common interest of survival. As Schmitt rightly points out, "Hobbes transfers the Cartesian conception of man as a mechanism with a soul onto the 'huge man,' the state."²⁹⁴ However, the common interest of state security has an inherent deficiency. Unlike the market in which individual interests naturally lead to the common interest, the Hobbesian state suffers from the "lack of commonality," which is related to the fundamental nature of security as a subject of perception. According to Michael C. Williams, "In the state of nature, individuals construct their own realities, their own understanding of what is good and bad, desirable and undesirable, threatening and unthreatening, and act on the basis of these beliefs."²⁹⁵ He continues, "Lacking agreement on what the world *is*, . . . , the state of nature is anarchic in a sense far deeper than that captured by the 'security dilemma', or 'coordination

²⁹² Thomas Hobbes, *Leviathan* (Cambridge: Cambridge University Press, 1996), 93.

²⁹³ Hobbes (1996), 90

²⁹⁴ Carl Schmitt, *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol* (Westport, Greenwood Press, 1996), 32.

²⁹⁵ Michael C. Williams, *The Realist Tradition and the Limits of International Relations* (Cambridge: Cambridge University Press, 2005), 24.

problem’.”²⁹⁶ In fact, security in Hobbes does not only mean physical safety but also an assurance of peace. According to Hobbes, “without ... security,” there is “no Knowledge of the face of the Earth; no account of Time; no Art; no Letters; no society.”²⁹⁷ Security in Hobbes refers to the basic order of life that brings the condition of possibility of the state, the society, and the market. In this sense, even the possibility of language does not precede the presence of security, which constitutes the meaning of interest.²⁹⁸

George Kennan understood the perception of interest as “a standard against which to evaluate threats, not the other way around.” He argued, “threats had no meaning,” “except with reference to and in terms of one’s concepts of interests.”²⁹⁹ The mechanism to control human nature or a theory of human behavior is reflected in the ideas of market and the state. These two self-regulating apparatuses mediated through “interests” are implicit in each other. The institution of the “leviathan” is the condition of possibility for the “invisible hand.” To put it differently, the free market is only viable with a secured state.

Freedom within the market and security undergirded by the state historically nourished the developments of both institutions. The emergence of the absolutist state in Europe was backed by the growth of internal markets. The development of markets required state power, but the relationship did not always go one way. To a certain extent, a centralized authority was not necessary to the market. In Europe from 1300 to 1600, there were models of market economies that grew out of an absence of centralized authority as we see in the Italian city-states, the Hanseatic League, and the Netherlands. However, political fragmentation undermined further

²⁹⁶ Williams (2005), 24.

²⁹⁷ Hobbes (1996), 89.

²⁹⁸ Philip Pettit, *Made with Words: Hobbes on Language, Mind and Politics* (Princeton: Princeton University Press, 2009), 13-15.

²⁹⁹ John Lewis Gaddis, *Strategies of Containment* (Oxford: Oxford University Press, 2005), 32.

growth of the market economy in the long-term.³⁰⁰ Since then, the market and the state have co-constructed through alliances, for example, between mercantile bourgeoisie and the absolutist monarchy in the early modern times.

The body of literature that Hendrik Spruyt calls “new institutional history” examines the co-constitution of the market and the state. It hypothesizes that the demand of the market for a hierarchical power structure leads to the formation of the state.³⁰¹ Based on the efficiency model of Coase theorem, this body of works explains how a market requires a centralized authority in order to reduce transaction costs and externalities. The state provides institutional infrastructure for the market to evolve, and the market is a field of social interactions through which the state accumulates capital. Their symbiosis is reinforced through historical experiences of exercising war. Economic wealth kept in the market become the resources to conduct war. The market serves the state, and the state serves the market.³⁰² In fact, when U.S. policy makers planned a restoration of free markets in Western Europe, they established a military alliance—the North Atlantic Treaty Organization (NATO)—in 1949 as a guardian of security.³⁰³

However, the relationship between the market and the state in the European Union is more complicated than that. The EU’s internal market does not have a corresponding political entity that provides protection. However, it is a point of debate whether or not the EU is in the process of creating a political entity. This discrepancy is more palpable in the area of border security. The Schengen system is something close to a common political body on border security but its

³⁰⁰ Paul Kapteyn, *The Stateless Market: The European Dilemma of Integration and Civilization* (Routledge, 1996), 16-18.

³⁰¹ Hendrik Spruyt, “Institutional Selection in International Relations: State Anarchy as Order,” *International Organization* (Vol. 48, No. 4, 1994), 529; Coase, R. H. 1937. “The Nature of the Firm.” *Economica* (Vol. 4, No. 16, 1937); Oliver E. Williamson, “Transaction -Cost Economics: The Governance of Contractual Relations,” *Journal of Law and Economics* (Vol. 22, No. 2, 1979).

³⁰² Kapteyn (1996), 50.

³⁰³ Eric Hobsbawm, *The Age of Extremes* (New York: Vintage Books, 1994), 240-241.

operational forces are based on the individual member state's sovereign power. Kapteyn calls the EU's particular case the "market without state." However, it does not refer to an incomplete process of integration. Rather, through "mutual hostage" among the member states, political and economic integration are "intricately entwined."³⁰⁴ For him, Schengen demonstrates that the control of state behavior does not come from a higher authority but from mutually expected self-control of institutions based upon mutual trust and vulnerability.³⁰⁵ It explains the legal binding of the European Union.

Nikos Scandamis explains this as the law replacing the position of the sovereign. He calls it "the paradigm of the European governance." He argues that the European organization introduces forms of governance that dissuade the member states from imposing political power, which is displaced by the law. And it is the security derived from the market without borders that bestows productive power to the new form of governance. In this process, the law furnishes the European governance with methods. The reason of the law (*la raison droite*) makes decisions and provides the basis of justification.³⁰⁶ By making a reference to the market, the European paradigm reestablishes the union of individual states through the common interest of integration.³⁰⁷ According to him, the nature of this interest offers a new vision that exceeds traditional models of the political body, namely the supra-national or nation-state. By breaking with the old paradigm, the Community law (*le droit communautaire*) touches on the disposition of a new system that it creates. The role of law in this process is to introduce "the functional criteria in the place of organic criteria."³⁰⁸ It translates the function of the state in terms of public interests that is supposed to be

³⁰⁴ Kapteyn (1996), 64.

³⁰⁵ Kapteyn (1996), 91.

³⁰⁶ Nikos Scandamis, *Le Paradigme de la Gouvernance Européenne: Entre Souveraineté et Marché* (Bruxelles: Bruylant, 2009), 19-20.

³⁰⁷ Scandamis (2009), 21.

³⁰⁸ Scandamis (2009), 22.

under the control of common organization.³⁰⁹ In fact, it is a great description of the ECJ's judicial review.

The ECJ: Performative Security through Law

In March 2017, the Belgian Parliament passed a law conferring on the government extraordinary powers. It would be able to deport legal residents on the suspicion of terrorist activities, or for “presenting a risk” to public order and national security without a criminal conviction or a trial. This law grants enormous power to the Immigration Office in deciding deportation without interference from the courts. This raises concerns among human rights groups that “the law gives the Immigration Office too much power to arbitrarily interpret the meaning of ‘public order’ and ‘national security’.”³¹⁰ With this law, the emergency action of deportation becomes an administrative practice of the Immigration Office. It is the law that generates the power to unfurl the possibility of implementing extra-judicial measures.

This incident sheds light on the agonistic relationship between security and law. The Schengen *acquis* was transferred to the body of the EU legal system through two avenues. The portion relating to free movement was transferred into the first pillar—the Community law—and the portion relating to policing to the third pillar—Justice and Home Affairs law or Title IV.³¹¹ To put it simply, Schengen divides free movement and security measures in two. The ECJ attempts to tame the Schengen's “flanking measures,” which include most famously the Schengen Information

³⁰⁹ Scandamis (2009), 23.

³¹⁰ <https://www.nytimes.com/2017/03/11/world/europe/belgium-new-deportation-law.html>

³¹¹ Antje Wiener, “Forging Flexibility—The British ‘No’ to Schengen,” *European Journal of Migration and Law* (Vol. 1, 1999), 445. As the pillar system has been abolished through the Lisbon Treaty, the third pillar became Title IV—Area of Freedom, Security, and Justice and later it becomes Title V in the constitutional treaty of the EU (Treaty of the Functioning of the European Union).

System (SIS), the Visa Information System (VIS), FRONTEX, and EuroDac. The ECJ's effort to keep security measures at the service of the free movement principle, however, brings unexpected results or unintended consequences. The ECJ's legal interpretations of Schengen law unexpectedly reinforce the narrative of national security. This convergence of law and security constitutes the legal governance of the European Union, which Scandamis calls "the paradigm of European governance."

To properly understand this particular judicial governance, it is worth noting the different economies of security and law. Security is a logic of action, which speaks to emergency, an exception of normalcy. On the contrary, law is based on the condition of normalcy. Carl Schmitt points out this distinction. "Every general norm demands a normal, everyday frame of life to which it can be factually applied and which is subjected to its regulations. ... There exists no norm that is applicable to chaos. For legal order to make sense, a normal situation must exist, and he is sovereign who definitely decides whether this normal situation actually exists."³¹² For Schmitt, the sovereign determines the state of exception in which the logic of security applies. It is in the political space where the political decision is made to distinguish between friend and enemy. Schmitt's analysis on the state of exception shows how the system of law depends on the political power that determines its conditions of possibility in which regular rules function. However, the case of the European Union suggests something else. The legal system of the EU does not have a corresponding political entity at the supra national level. Yet, the EU, as a legalized entity, exerts

³¹² Carl Schmitt, *Political Theology* (Chicago: The University of Chicago Press, 2005), 13.

political power. And the European Court of Justice is the essential actor in developing the founding Treaties into the legal order that is now referred to as the EU.³¹³

However, the ECJ's jurisdiction to implement the free movement of people is not straightforward. In *Metock et al. v. Ireland* (Case C-127/08), on 25 July 2008, the ECJ confirmed that the principle of free movement also applies to third-country national family members of EU citizens according to the EC free movement family reunion rules. Above all, this ruling affirms that even if a third-country national family member does not have prior lawful residence in the EU states, s/he met the requirement to grant a permit to residence in a host country based on the EC free movement family reunion rules. The question is whether it breaches the member states' prerogative to control their borders and immigration rules regarding third-country nationals. The Irish Minister of Justice submitted an observation regarding this case that "Member states retain exclusive competence, subject to Title IV of Part Three of the Treaty, to regulate the first access to Community territory of third-country national family members."³¹⁴ This objection raises the concern of migration pressure, emphasizing the necessity of individual examination upon the first entry into community territory.³¹⁵ However, the Court clearly confirms, "once a third-country national becomes a family member of an EU citizen who has exercised free movement rights, the right of the person concerned can only be restricted with Article 27 and 35 of the Directive."

Articles 27 and 35 of Directive 2004/38³¹⁶ outline the conditions that can restrict the fundamental right of free movement on the grounds of "public security." Admittedly, these are

³¹³ Fabian Amtenbrink, "The European Court of Justice's Approach to Primacy and European Constitutionalism—Preserving the European Constitutional Order?" in Hans-W. Micklitz and Bruno De Witte (eds.), *The European Court of Justice and the Autonomy of the Member States* (Cambridge, Antwerp, Portland: Intersentia, 2012), 35.

³¹⁴ Recite from Peers (2009), 188.

³¹⁵ Peers (2009), 188.

³¹⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF>

mentioned to establish a higher threshold for justifying a derogation from free movement rights,³¹⁷ but simultaneously, the Court renders a category of exception to the rules. The Court does not offer a specific interpretation on public security. Yet, security constitutes a category that suspends the Community law. By doing so, a third-country national family member's right of entry and of residence can be put into the realm of a nation-state's sovereign power on border control. The ECJ engages with security by rendering it a category that indicates the limit of its jurisdiction.

In fact, establishing categories is how the law works. Scott Veitch explains how "law operates to fragment responsibilities through its modes of categorization."³¹⁸ According to him, legal categories "demarcate the boundaries of responsibilities in ways that are facilitated by the division of competences, rights and obligations."³¹⁹ What Scandamis calls "the functional criteria," the law states duties of legal subjects as well as their rights and competences. In the case of *Metock vs. Ireland*, it is the ECJ that defines the rights of the EU citizen, the member state, and its scope. Also, when there is friction between these rights, the ECJ clearly draws specific boundaries for them. In this case, the particular issue was whether a third-country national who is married to the EU citizen is under the state's jurisdiction or the EU Community law's jurisdiction. The ECJ's legal interpretation was, as we saw, that the EU citizen's rights are superior to the state's on border control with the exception of security.

Security as a category of exception is the last resort of the member states' sovereignty. Articles 68 EC and 35 EU declare the limitation of judicial review in the area pertaining to the member states' "internal security." Article 68(2) provides that the Court "shall not have

³¹⁷ Peers (2009), 190.

³¹⁸ Scott Veitch, *Law and Irresponsibility: on the Legitimation of Human Suffering* (Oxon, New York: Routledge-Cavendish, 2007), 3.

³¹⁹ Veitch (2007), 75.

jurisdiction to rule on any measure or decision taken pursuant to Article 62(1) relating to the maintenance of law and order and the safeguarding of internal security.”³²⁰ In a similar fashion, Article 35(5) EU excludes the Court’s jurisdiction from policing and criminal law. It says, the ECJ cannot “review the validity or proportionality of operations carried out by the police or other law enforcement services of a Member State or the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.” Under these provisions, the jurisdiction of the ECJ is deprived of most of its useful effect.³²¹ These provisions limit the power of the ECJ in Title IV. However, the case of Schengen is complicated. A part of the Schengen law that belongs to the First Pillar is under the Community law, which enjoys the ECJ’s full jurisdiction. The case of Regulation No 2007/2004 elucidates how the ECJ expands its jurisdiction in the area of security.

On November 11 in 2003, the Commission submitted the proposal for Regulation No 2007/2004 to the Council, its subject was FRONTEX. On February 14 in 2004, the UK notified the Council of its wish to participate in the adoption of the regulation on the basis of Article 5(1) of the Schengen Protocol. The Council confirmed that the proposal fell within the Schengen *acquis* in which the United Kingdom does not participate. Thus, this case went to the ECJ for review. The UK and Ireland are in a special position with the Schengen law. They are not Schengen countries but they can partially participate in the Schengen’s measures under certain conditions. The dispute between the Council and the UK and Ireland was on their participation in the FRONTEX mission. In conclusion, the ECJ decided in the Council’s favor. Yet, the ECJ’s legal reasoning is interesting.

³²⁰ Peers (2006), 37.

³²¹ René Barents, *Directory of EU Case Law on the Preliminary Ruling Procedure* (Alphen aan den Rijn: Kluwer Law International, 2009), 266.

The ECJ focused on the relationship between Article 4 and Article 5 of the Schengen Protocol. Article 4 of the Schengen Protocol states that Ireland and the UK may request to take part in some of the provisions of the Schengen *acquis*. Their participation will be decided based on the Schengen states' consent. But Article 5 creates the possibility that the consent of the states and the Commission is not necessary if a given case applies to "proposals and initiatives to build upon the Schengen *acquis*." It means that these proposals are grown out of Schengen, closer to Title IV's regular measures. The Court understands that measures building upon the Schengen *acquis* can be applied "autonomously." The ECJ's Advocate General Trestenjak argues that the measure of external border control is not capable of autonomous application, which means that the abolition of internal borders is an "essential feature of the Schengen *acquis*," and it is "necessarily linked to the control of "external borders."³²² The Advocate General also states that the UK and Ireland's requests are against the principle of integrity. "The United Kingdom's position as appearing to involve a total rejection of the free movement of persons without checks at internal borders, accompanied nevertheless by a wish to cooperate in the repressive part of the legal regime governing free movement."³²³ The principle of the integrity of the Schengen *acquis* is an embodiment of the general legal principle *qui habet commodum ferre debet onera et contra* (he who takes the benefits must bear the burdens and vice versa). This means that both the advantages and the burdens are inherent in cooperation in the *acquis*.³²⁴ Thus, the Court finds external border control measures are inherent in the Schengen *acquis*.

The question is to decide whether FRONTEX is a security measure within the scope of Title IV or a measure that is a part of the Schengen *acquis*. What determines this, according to the

³²² Opinion of Advocate General Trestenjak—CASE C-77/05, July 10, 2007, no. 108, p. I-11493

³²³ Trestenjak (2007), I-11490.

³²⁴ Trestenjak (2007), I-11494.

ECJ, is whether the measure is essential to the free movement of people. However, the ECJ's interpretation of FRONTEX defines it as a force to guard free movement instead of a border security measure. In fact, this move resonates with a discursive change around the external border issue in the EU at the time of establishment of FRONTEX. The term "security" had largely disappeared in related documents and plans about the external border.³²⁵ Reflecting this change, the ECJ provides the security measures of the external border with a new social relation, which is intrinsic to free movement.³²⁶ The consequence of this linkage is that security actions take place in the form of legal enforcement, not as an emergency action, that can be normalized through the juridical process.³²⁷ The ECJ intervenes in the area of security by classifying the border control measure not as a category of security but as of freedom. However, this action mobilizes a narrative of security and freedom that is embedded in the relationship between the market and the state, which invokes the nation-state as a guardian of free market. However, the role of state is not coded as security action but as border control for more freedom.

Didier Bigo calls this border control practice "policing in the name of freedom." Bigo explains how the border becomes a stage of European security performance. Uncertainty on borders in the process of European integration creates "the political spectacle" in which the "professionals of politics" through which the border becomes the core security problem. To control this uncertainty technical measures are adopted. They transform "immigration from a national and political question into a transnational and 'technical' question, by presenting it as a matter of security technology." It naturally brings an extension of the police force through police

³²⁵ Andrew W. Neal, "Securitization and Risk at the EU Border: The Origin of FRONTEX," *JCMS* (Vol. 47, No. 2, 2009), 343.

³²⁶ Cornelisse (2014).

³²⁷ A similar review of the ECJ for Case C-482/08. It is about the UK and Ireland's access to the VIS (Visa information system) for police reasons.

cooperation beyond national borders. It is now clear that “migration is constructed politically.” The “immigrant, is seen as something destructive for the political body of the nation.”³²⁸

Case C-355/10 on FRONTEX reform demonstrates this trend of development. In this case, the EU parliament filed for an annulment of Decision 2010/252/EU. This decision increased the enforcement power of external border guards so that they can “order the ship to modify its course outside of the territorial waters, without a decision within the meaning of Article 13 [of the Schengen Border Code] being taken or without the persons concerned having the possibility to challenge the refusal of entry.”³²⁹ The argument of the Parliament was that this Decision was a modification of an “essential element” of the Schengen Border Code (SBC). The Court concluded in the Parliament’s favor, arguing that the Decision changed the essential element of the SBC, which requires EU legislation. The ECJ argues that “the adoption of rules on the conferral of enforcement powers on border guards [...] entails *political choices* falling within the responsibility of the European Union legislature. [italics mine]” What the ECJ does is to provide a category that requires political choices, that can decide what the essential element of the SBC is.

In this case, the ECJ issued a reminder of the Schengen Border Code (SBC)’s boundary. In doing so, it questioned the extent to which the border guard agency has authority over border control. The issue is whether search, rescue, and disembarkation are included in the category of border protection to serve free movement. The ECJ legal opinion states that the SBC is set out in Article 77 of the TFEU. This article on the external border control declares three aims that constitute the “essential element” of the SBC: There is no border control for internal borders; The EU carries out checks and monitoring of the crossing of external borders; And it requires an

³²⁸ Bigo and Guild (2005), 81-84.

³²⁹ ECJ Case C-355/10

integrated management system for external borders. The “essential element” pertaining to free movement within the external border is manifested in the Commission’s reform proposal of FRONTEX in 2015, which says “it became clear that the Schengen area without internal borders is only sustainable if the external borders are effectively secured and protected.”³³⁰ The fact that the ECJ calls for a political intervention implies that empowering border guards should be re-coded in terms of the free movement principle. Thus, the Commission proposed the European Border and Coast Guard (a reformed version of FRONTEX) and this proposal has resulted in Regulation (EU) N 2016/1624. Based on this, the Council adopted new rules on search and rescue operations for FRONTEX, but confirms the principle of non-refoulement.

The ECJ’s interpretation of the border control measures that is intrinsic to the free movement of people writes a new narrative of security and freedom. Security is not just an expensive price to pay or a necessary evil for more freedom. Rather, it is an intrinsic part of freedom through which the principle of free movement can have substantive meaning. This narrative provides a foundation in which the principle of free movement and the claim of national sovereignty can converge. In this sense, the ECJ is an actor who performs its script of freedom and security. The force of law consists in its performativity to create narratives that bind the normative and factual worlds. According to Cover, “the intelligibility of normative behavior inheres in the communal character of the narratives that provide the context of that behavior.”³³¹ And this narrative that is “a common script” provides a context of individual behaviors that we can locate in a shared normative world. Cover thinks that this is what the law provides society. The consequence of this in the case of Schengen is that the ECJ’s narrative creates a norm of free

³³⁰ The EU Commission, 2015/0310 (COD)

³³¹ Minow, Ryan, and Sarat (1995), 102.

movement that is imbued with the idea of security. In other words, security concerns can be the premise in seeking freedom, not the other way around. One bleak possibility, suspending civil liberty for security reasons can be normalized and legalized. And it establishes a paradigm of behaviors.

Conclusion

The Schengen border control exemplifies the security model of the European Union. It is often framed through a conflicting discourse of freedom and security. In fact, this discursive frame is not different from the national security model in which security is perceived as a price for civil liberty. However, the uniqueness of the EU as a legal body, or, as often called, a *sui generis* entity, raises the question of political decision making in security. Therefore, the EU renders the ECJ with an active role in the issue of security, exploring a novel way to replace the security of individual states with communal security. The Schengen experiment, however, presents a dilemma in which external border security is necessary but inherently undermines free movement as a universal human right. The dilemma that the EU faces in this process has a much deeper intellectual history that is embedded in the evolution of the modern state and the free market in Europe. This account shows that the seemingly paradoxical relationship between freedom and security harbors at its core the narrative of the free movement of people. The ECJ's legalizing action is an example to show how this paradox unfolds. As a fervent advocate of the free movement principle, the ECJ attempts to enhance jurisdiction over the Schengen law by latching onto the principle of free movement. However, the ECJ's effort to legalize the area of security leads to unintended consequences through which the member states' sovereign power on border security is re-empowered in a

legalized form. By examining the ECJ's actual case laws, I show how this unintended consequence is carried out.

Conclusion

The term blowback originated from the American intelligence community to indicate the unexpected consequences of American foreign policy. In my dissertation, I give an account of how blowback results from these security policies. Blowback shows the cases that security policies create more harm than good to the enacting country due to military “accidents,” domestic repression, the militarization of policing, and terrorist attacks. But as I show in the dissertation, this phenomenon is not unique to the United States. My work reveals a universal aspect of security politics that apply to any country or any political community. This aspect, which I capture through the notion of “unintended consequences,” poses a great danger to the community members’ safety, wellbeing, and fundamental rights. The danger of blowback is not only in the damage resulting from the consequences. The damage to human lives, the destruction of military installations, economic resources, and demoralization rise to hurt the basic system of the country. September 11 epitomizes how this damage seeps deep into the social fabric. However, the bigger danger is the mechanism that creates blowback. Blowback indicates a pattern of crisis that implies its systematic source. In my dissertation, I regard blowback as a symptom that indicates this source of systematic danger. In order to show this mechanism of security, I draw on performance theory. This theoretical choice stems from the discontent in understanding blowback through two most prominent theories in security studies.

My account is distinctive from the perspectives of rational theories and securitization. Rational theories attribute blowback to a lack of effort, information, and technology. This is based on the belief that the material world works like a machine. With perfect information, the causes and consequences should be matched. Unintended consequences are considered as a

miscalculation within the risk matrix. Therefore, the solution to blowback is more precise targeting, information gathering, and a further advancement of military technology. However, this approach of “try harder” is not a solution. Instead, it is a doctrine because perfect information is an ideal that is unattainable. More information and more precision do not provide any understanding about the mechanisms of producing unintended consequences. The other approach is securitization. Securitization explains blowback as a construction of security discourse. Security discourse has the productive power to create an effect in politics. Security actors who announce security create a discourse of threat and enemy, which is distilled into a security problem as discursive construction. Regardless of the individual actor’s personal motivation, security discourse mobilizes power to change the political disposition, arrangement of technology and resources, producing material consequences. While securitization effectively shows the social construction of threat and enemy, it does not explain the mechanism of unintended consequences properly. In securitization, security discourse on enemy creates blowback but it can be minimized through better deliberation or better being thought out. Neither approach provides an account that explains the systematic danger that blowback indicates.

My dissertation draws attention to the script that directs security action. I argue that the script of security invites an act of decision, or a performance as I call it, because of its inherent ambiguity. The ambiguity of security script is ineradicable so that it resists one “correct” interpretation. In understanding unintended consequences, the first attempt to find the intentions is often through searching for one final script. But there is no final script. The intentions of security actions are scripted in multiple policies and ordinances. Their narratives about enemy and threat are not coherent and are often conflicting. During the Korean War, the enemy is called a “communist,” but the narratives of who exactly is communist are not coherent. In military

documents from the time, Korean peasants in rural areas appear as both communist sympathizers and innocent civilians. The plurality of scripts complicates the situation. But even if there is one final script for the action, ambiguity cannot be removed. In the case of Geochang, where the 5th operation order was the given script for the incident, this order's text — "Execute everyone who is in the hands of the enemy"— still requires interpretations about the meaning of execution, enemy, "in the hands of the enemy," etc. The interpretations resonate with subtexts of the suppression operation during the winter of 1950-1951, the U.S. Army's Operation Roundup, and Washington's foreign policy shift in the wake of Chinese intervention in the Korean War.

The subtext also expands to include the unwritten text of cultural norms and social codes. During the McCarthy era, for example, the cultural understanding of "foreigner" greatly affected the interpretation of "enemy." The fear of aliens and the resulting suppression is rooted deeper in the American history of immigration and the encounters with indigenous populations. As Rogin argues, the multiple Red scares that contaminated the country since the 1870s resonated with the previous red scares directed against the Native Americans. He argues that the "violent conquest of Indians legitimized violence against other alien groups, making coexistence appear to be unnecessary." The history of conquering the land and the indigenous people in the early United States provides an original, repeatable moment based on the fear of foreigners. "The need to draw rigid boundaries between the alien and the self suggests fears of too dangerous an intimacy between them." And this fear repeats itself towards the Other, the Black, and the workers. In this sense, the script of security can include cultural knowledge in and around the issue of security. The existence of other scripts in the form of historical memory and cultural codes always informs a given script in multiple ways. These various documents and texts set out "intentions" in reaction to the concerns of threat, enemy, target, border, national interests, etc.

The extent of subtext is endless, which constitutes the structural ambiguity of the script. At this point, it is difficult to say which one is the main script. These should be considered an alternate script of security rather than a subtext of the main text. This ambiguity of script invites the actor's decision to enact in their own way. Thus, performance signifies the embodied behaviors of actors who interpret, understand, and enact the script. If there is no way to stop performing the script, no way to eradicate the ambiguity of the script, no way to fix the meaning of the script, blowback occurs sooner or later as a consequence of performance. To be sure, not every security action ends up causing physical damages historically. However, every single security action participates in the broader web of context that rewrites another script. The deep plurality of scripts creates systematic risks of blowback.

The Embodied Agency and Performance

The perspective of performance rediscovers the politics of security through embodied agency. Security as politics sounds banal because it is always a contentious field of political struggle, conflicting ideologies, fundamental values, and community identities. The immigration issue, for example, captures people's attention because it questions basic values and principles of the political community. In Europe and North America, immigration and border security are imperative issues in security politics. In particular, as seen in my study on Schengen, the immigration issue connects to recent instances of blowback: terrorist attacks in Paris and London, for example. The politics of border security portrays immigration as a crisis that suddenly arises on the border. However, immigration is not a new phenomenon. Rather, views toward immigration, or any other phenomena, are based on internal change. Therefore, immigration

becomes a crisis as a result of a change in domestic discourse. And yet, in the mainstream literature of political science, the crisis is described as an external factor or a structure. The crisis occurs and political change follows. The crisis as the structure reigns or constrains the agent. In emergency politics, as described in the literature, actors often confront the situation to make a decision but options are given by the structure. The sense of 'stuckness' in the actor within the structure embeds unintended consequences. In this case, the risks are borne in the external factor of emergency. A lack of options, tied hands, and emergencies are a perfect combination to create tragic consequence in security politics. Here, the risk of unintended consequences is attributed to uncertainty in the security environment. The sorrow of the Realist world is derived not from the tragic consequence causing pain and death but from the actor's inability to change or act differently, and that is the human condition.

The rational actor who has a free will separated from the structure is the other side. The structure exists only as an external factor that creates pressure and constrains choices of the actor. On the one hand, the rational actor has unlimited inner freedom to think, strategize, and calculate. On the other hand, the structural limit shapes the world as it is given to the actor who does not get to decide. The politics in a realist world collapse into the choice among several options and the rational actor therefore become a chooser of the best option based on better calculations than others. Security politics allegedly sharpen the rational aspect of politics because miscalculation causes the irreplaceable loss of human life and material resources. The rational explanation of going to war therefore only adapts (mis)calculation based on imperfect information, misperception, and lack of communication. Ironically, the political agency in the rational actor seems limited in a black box of calculation.

In this dissertation, I give a different picture of political agency. The idea of performativity enables us to see the act of decision is not to choose among different versions of policies. This is why in the literature of Political Science the decision makers are often high-ranking officials who hold the position with bureaucratic and institutional powers or politicians who possess influence over public opinion or legislation. In performance, the act of decision goes right down to the ground level of rank and file soldiers. It is these soldiers who must make decisions to interpret, understand, and communicate. In the Geochang case, the soldiers themselves did not want to acknowledge their agency in the massacre. They testified that they were just following orders. The option of killing was given to them without any power to reject or make a different decision. They are arguing that they are not political actors but the arm, or the tool, to achieve the political aim. They are instruments. What I see is their agency in performing the script. The operation order, although it is stated in a simple manner, creates room for interpretation of who the enemy is and what the threat is. It is the same agency that the soldiers in Iraq and Afghanistan or drone operators who fly unknown areas through a screen in a U.S. military base. They are given an order of “hold the post” or “destroy the target.” But whether “hold” would include surveillance of civilians or protecting the territory from the Taliban’s military advancement, or whether “target” is the person on the screen or the corner of the street, the order needs to be interpreted.

The ambiguity of security script is another way of saying that the script must be interpreted. The process of interpretation does not guarantee one definitive interpretation. The instability inherent in this process is a source of producing the risks of blowback. Blowback does not stem from an incorrect interpretation, but from the very possibility of interpretation. Performative security, I argue, demonstrates the systemic danger embedded in security politics. However, performative security is also a condition of possibility to the politics of security itself. The moment

of ambiguity or undecidability constitutes the particular stage of performance in which security actors carry out the script of security themselves. In other words, ambiguity creates the space of agency. This agency shows a liminal space in which text is embodied in behaviors. The subject who interprets does not solely repeat the hegemonic interpretation. Intentionally or unintentionally, repetition necessarily involves an interpretation in a singular body that is unique. Politics in this sense means a fundamentally political action as conceptualized by Hannah Arendt. The political action is to start something new or different. The embodied agency engages with the script, the ideas, and the context to understand, interpret, and perform the script. The politics of security takes place in interpreting the idea of security.

Identity and National Security

Performative security shows how embodied agency mediates security politics. Security politics take place around the sign “security.” Much as democratic politics take place through the struggle over the meanings of democracy, freedom, human rights, and rule of law, security politics reveal the political agony over words such as security, threat, enemy, target, and protection. The mediation of security politics starts to interpret these words. The word “security” is so common in our daily life that we see the word everywhere: in the airport, on public transport, and at the front door of buildings. People need to understand and communicate the word security in order to connect to security politics. A sense of safety, peace, stability, and freedom resonates with the idea of security attached to these mundane experiences. At the same time, however, it evokes feelings of unrest, generating almost compulsive reactions of assuring security against threats, dangers, and uncertainty. Every day experiences provide a discursive basis for discussing national or homeland

security. We repeatedly face, read, learn and practice security on a daily basis in order to digest the term “national security.”

The process of mediation in performative security indicates the ways in which the practices to use and embody the term security take place in the agency. An actor reads, understands, and interprets the script of security and enacts it through her bodily expression. The body in performance is not merely a fixed materiality. Judith Butler explains how performative acts form the gendered body through reiterative practices. The body is not predetermined to male or female, but it is “a mode of embodying” the possibilities of being male or being female.³³² The understanding of being male and female and interpretations of them are performed through the body. The body takes shape into a gender through the repetition of practicing the ideal, “sex.” The female as a gender is therefore performance. Thus, gender is not a biological but a social concept. In a similar vein, performative security explains agency through reiterative action. An actor repeatedly interprets security and enacts, disseminates, and revises it. She performs security through embodied behaviors. The reiterative practice to achieve security is performed through the body that is individual and national. The body as a mode of embodying the possibilities of security takes form into a subject who becomes a security actor. During the McCarthy era, the representatives in the HUAC epitomize security actors who are charged with the script of security and embody it in the performance of hearings. They were not just role playing. The idea of security imbued their perspective, their behaviors, and their subjectivity.

Security exists as an ideal that sets in motion reiterative acts to achieve security, which is performance. An actor carries out the process by mediating text, interpretation, and embodied

³³² Judith Butler, ‘Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory,’ *Theatre Journal* 40 (1988), 521.

behavior. The process of mediation constitutes the subjectivity of security actors in security politics. Performative security demonstrates a construction of identity through practice. The importance of identity in security politics has been recognized in related literature.³³³ Identity as a basic idea informs national interests and shapes the practice of national security. However, what is often missing is that identity is constituted of practices. Understanding identity not as a concept but a performance is useful to see national identity construction through war, competition, and border control. Fujii effectively captures the moment of identity making through performing violence. In the Rwandan genocide, individual actors participate in particular acts and the practice of killing, defining the ethnic group as an actor with an identity. She argues that killing makes the group and the group makes killing.³³⁴ In other words, security practice makes identity and identity produces security practice. In each of my case studies, security practices performed by actors demarcates the boundary of the self. The Korean soldiers argued that the communist sympathizers were not a part of the nation. The HUAC members exemplified the American identity as opposed to the Soviet Union. The judges in the ECJ define the border of the European Union physically and symbolically, elaborating—wittingly or unwittingly—the identity of Europe.

Security practice constitutes the idea of who makes up “we.” Identity politics have contributed to seeing the political contestation over the boundary of membership. Marginalized populations in terms of gender, race, ethnicity, and class have been fighting for their political subjectivity since the modern state was established. However, identity formation is not confined to the issue of political representation that is often labeled as domestic. My dissertation shows how national security is connected to the issue of identity politics. Marginalization of the minority goes

³³³ Peter J. Katzenstein (ed.), *The Culture of National Security* (New York: Columbia University Press, 1996).

³³⁴ Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Ithaca and London: Cornell University Press, 2009), 186.

hand in hand with the discourse of national security. Security practice demarcates the boundary of “us” forcing the rest outside of the boundary to be seen as the Other. Therefore, national security functions in the domestic realm in the name of internal security. The distinction between national security and internal security converges into national identity. Security action that constitutes identity necessarily demarcates the binary between self and other, nation and foreign, and friend and enemy.

Security, *se-curitas*, signifies “being free from care,” setting the mode of self-protection from the other. Protection from the risk and danger from the other necessarily includes removing the possibility of the other, so that there is always the risk of hyper-protective action. One of my dissertation’s outcomes is that hyper-protective acts cannot be avoided in security politics. The inherent ambiguity of security script provokes overreaction rather than less reaction due to the idea of protection. The idea of protection works against uncertain possibilities that create risk. Therefore, the preemptive act in security action is a logically viable option for national defense. Preemption may achieve the goal of protection, but by it does so eliminating a range of other possibilities of life at the same time. Hyper-protection undermines the subject’s life itself.

Security, Autoimmune?

The idea of blowback sheds new light on the assessment of the wars currently being waged. If current military action creates systemic blowback, what is to win or to lose the war? President Bush stated that major combat operations in Iraq had ended and the United States and their allies had prevailed in 2003. However, the war in Iraq continued and expanded to Afghanistan, Yemen, Syria, Mali, and Somalia. The War on Terror continues and expands the scope of campaign,

enemies, and agendas. News media report “war without end” or “America’s addiction to war” to point out the spiral of warfare that leaves unforeseen consequences for the generation of soldiers fighting those wars. The *New York Times* recently wrote that the “Pentagon’s failed campaigns in Iraq and Afghanistan left a generation of soldiers with little to fight for but one another.”³³⁵ However, this “failure” was marked by “success” in the Bush’s speech 15 years ago. This incident resonates with another American experience in foreign policy during the Cold War. The operations to counter the Soviet Union gave rise to the Taliban, the new enemy in the War on Terror. Is it accurate to describe this reiteration as “unintended” consequences?

My counter account relocates the spiral of war in the performative nature of security politics. It focuses on the struggle and contestation over the meaning of the sign “security” at the ground level of the actors. They use the word and embody it in a certain way. Their mediation through interpretation, discourse, and embodied behavior always contain risks of blowback and generate tragic consequences. Therefore, my project expands the politics over security not only to be seen as a struggle over national security policies but also one in which the interpretation of security is contested. The politics of security mobilize the narrative of self-defense to legitimize the use of military or police force. The alleged goal to defend the nation or to protect “us” sets in motion the use of force against those at the margin of the identity boundary. Protection from the other always prompts hyper-protective acts, which cause autoimmune effects on the subject itself. Autoimmunity is derived not from failure of immunization but from hyper-immunization. Blowback in this respect is a symptom of autoimmunity rooted in our political body.

³³⁵ <https://www.nytimes.com/2018/08/08/magazine/war-afghanistan-iraq-soldiers.html>

Future of Security and Law

In my Schengen case study, the script of security is revised in the form of law. The more security practice considers legal accountability, the more security becomes “legalized.” However, I find that there is an increasing possibility of legal interpretations unexpectedly generating the possibility of extra-judicial practices in security. The cohabitation of security and law becomes a new site of security politics. The Authorization of the Usage of Military Force (AUMF) epitomizes this trend. The AUMF was signed into law by George W Bush on September 18, 2001 in the wake of the September 11 attacks. It remains in place today, and has been used to justify military action in a number of countries—including the Philippines, Georgia, Eritrea, Yemen, and Kenya. The law, barely one page in length, provides US presidents broad discretion in the use of military force without prior consultation of Congress. Under the law, the National Security Agency also has broad discretion to conduct electronic surveillance—some of which may have swept up private communications of US citizens, as highlighted in *ACLU v. NSA* in 2007. The AUMF remains in effect more than 16 years after it was enacted, with little to no debate about repeal. The AUMF facilitates war without declaration, which undermines the efforts to increase the legal accountability of security actions. The purpose of the paper is to show how the legal interpretation provides a pathway to the condition of possibility that extra-judicial security practice is carried out in the legalized form.

The case of AUMF raises a question about the relationship between the rule of law and security politics. What if they converge? In my dissertation, I show that the European Union’s Schengen law institutes external border security measures that run the risk of undercutting human rights. The measure’s enhanced authority endows field agents the power of preemptive border

control, which includes the discretionary power to deport refugees to outside the EU's external border. However, the role of the European Court of Justice (ECJ) in interpreting the Schengen law is ambiguous. The ECJ's effort to increase the legalization of security issues is clear in the court's process. What is less clear is how its legal reasoning contributes to further legalization that then leads to the unintended consequences of reinforced security measures. The Schengen law epitomize the convergence of law and security. The question of law and security brings to light the fundamental principle of the state's authority on the legitimate use of violence. This question will be studied in the connection of security, law, and violence.