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RESEARCH ARTICLE

The exceptionalism of risk: Trump's Wall and travel ban

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Abstract

Risk has recently become a core aspect of the study and practice of security. This raises the question of how the governing of security issues has changed and how risk is situated *vis-à-vis* other approaches, particularly securitisation theory. One approach is to distinguish securitisation and risk within typologies of ideal-type logics of security, which suggest that while both are useful, securitisation and risk are fundamentally different. One of the crucial distinctions made here is that risk is geared towards the longer-term, routine, and 'normal' governance of security issues, while securitisation involves the employment of exceptional measures justified via invocations of existential threat. This article interrogates this distinction, arguing that the division between risk as the normal or routine and securitisation as the exceptional is not as clear as has been suggested in either theory or practice. Risk can and repeatedly has resulted in exceptionalism. This argument is demonstrated empirically through an analysis of the immigration practices and policies of the Trump administration, particularly the travel ban and the declaration of a national emergency to fund construction of a wall along the US-Mexico border.

Introduction

Scholars employing the concepts of risk and risk management have drawn attention to the increasing applicability of these concepts to contemporary security practices, especially with regard to the governing of non-traditional security issues.[1] Much of this work has applied Ulrich Beck's concept of the 'world risk society' to recent security policies and practices, on the part of both state and non-state actors.[2] Others, however, have employed different approaches, such as post-structuralism, to understanding risk and security.[3] Whatever the specific approach, risk has become increasingly utilised in the analysis of security issues and practices. This, unsurprisingly, is a reaction to the changing security praxis of Western states and the ways in which they have come to represent and govern non-traditional security issues such as terrorism and unregulated migration flows as security risks.

[1]See Ulrich Beck, 'The terrorist threat: World risk society revisited', *Theory, Culture and Society*, 19:4 (2002), pp. 39–55; Ulrich Beck, 'The silence of words: On war and terror', *Security Dialogue*, 34:3 (2003), pp. 255–67; Yee-Kuang Heng, 'The "transformation of war" debate: Through the looking glass of Ulrich Beck's world risk society', *International Relations*, 20:1 (2006), pp. 69–91; Yee-Kuang Heng, *War as Risk Management: Strategy and Conflict in an Age of Globalised Risks* (New York: Routledge, 2006).

[2]Ulrich Beck, *Risk Society: Towards a New Modernity* (London: Sage, 1992); Ulrich Beck *World Risk Society* (Malden: Polity, 1999).

[3]Claudia Aradau and Rens van Munster, 'Governing terrorism through risk: Taking precautions, (un)knowing the future', *European Journal of International Relations*, 13:1 (2007), pp. 89–115; Claudia Aradau, Luis Lobo-Guerrero, and Rens van Munster, 'Security, technologies of risk, and the political: Guest editors' introduction', *Security Dialogue*, 39:2–3 (2008), pp. 147–54; Gabe Mythen and Sandra Walklate, 'Terrorism, risk and international security: The perils of asking "what if?"', *Security Dialogue*, 39:2–3 (2008), pp. 221–42; Louise Amoore and Marieke de Goede (eds), *Risk and the War on Terror* (Oxon: Routledge, 2008).

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The claim that risk informs the construction of contemporary security issues and the precautionary and preventive practices and modalities legitimated in response to them raises several important questions. First, how has the governing of security issues recently changed? Second, what does this mean for other approaches to security, particularly securitisation theory? Third, what is the relationship between risk and securitisation theory? One response offered to these questions is to delineate securitisation and risk within typologies of ideal-type approaches to security. This approach suggests that while both are useful, securitisation and risk operate according to fundamentally different logics, employ different grammars of security, and consequently result in very different security practices. Olaf Corry, for example, claims that establishing a typology of security allows for the maintenance of the analytical coherence of securitisation theory while also placing what he terms 'riskification' on an 'equal theoretical footing' with securitisation.[4] This reflects a narrow conception of securitisation theory, one that is unchanged despite the recognition that contemporary security challenges, discourses, and practices are not necessarily easily captured within its framework.[5] As Ole Wæver suggests 'Securitization is securitization, and risk is risk.'[6]

Crucial to the distinctions drawn between securitisation and risk is the former's focus on reacting to imminent, existential threats via exceptional measures and the latter as the realm of proactively governing potential harms or hazards to prevent their emergence via routinised, 'normal' security practices.[7] This article considers these distinctions, particularly the claim that securitisation involves forms of exceptional politics and praxis that risk-based approaches to security governance do not. It argues that the theoretical and conceptual divisions that some have drawn between risk and securitisation are not as clear or obvious as has been suggested. Not only can 'Beckian' and post-structuralist approaches to risk capture exceptionalism and emergency action, but risk has resulted in exceptionalism in practice. Western governments have repeatedly invoked the spectre of potentially catastrophic risks to justify exceptional measures, including the use of force, since at least the 9/11 terrorist attacks.

Distinguishing between securitisation and risk based on exceptionalism is therefore artificial and problematic. It prevents analysts from being able to adequately describe and explain the emergence of different security practices and how and why Western states govern contemporary security issues in particular ways. The specific discourses and practices that may result from a threat-based or risk-based discourse of security are considerably more dynamic and variable than a simple 'exceptional/routine' dichotomy. However, in arguing that risk can capture and inform exceptional security praxis, it is important to note that this article does not claim that there are no distinctions whatsoever between risk and securitisation. Nor does it seek to collapse them into one another. Instead, it offers an alternative set of distinctions between the two. Threat and risk do represent qualitatively different logics of security.[8] The literatures on security, risk, and securitisation have addressed the differences between the two, but again make problematic distinctions. In addition to the distinction between exceptional and routine responses to identified dangers, another distinction made is between risk as internally focused on managing conditions and behaviours versus threats as focused on external enemies.[9]

Here too though, the distinction does not readily hold – risk and 'riskiness' have often been located in specific groups of 'undesirable' people or populations both within and beyond state boundaries, from George W. Bush's focus on terrorist groups, rogue and failed states, to

[4]Olaf Corry, 'Securitisation and "riskification": Second-order security and the politics of climate change', *Millennium: Journal of International Studies*, 40:2 (2012), p. 238.

[5]See Shahar Hameiri and Lee Jones, *Governing Borderless Threats: Non-Traditional Security and the Politics of State Transformation* (Cambridge: Cambridge University Press, 2015), pp. 22–4.

[6]Ole Wæver, 'Politics, security, theory', *Security Dialogue*, 42:4–5 (2011), p. 474.

[7]See Corry, 'Securitisation and "riskification"' and Hameiri and Jones, *Governing Borderless Threats*.

[8]Corry, 'Securitisation and "riskification"', pp. 236–7.

[9]Ibid., p. 247.

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Donald Trump's focus on Muslims and Latin American immigrants. To distinguish between risk and threat then, this article argues that attention must be paid to the ways in which dangers are discursively framed rather than the spatial location of responses to identified dangers or the forms of response that eventuate. Important distinctions that do hold here between risk and threat are those related to certainty and temporality. Risks are generally less precise and less certain than threats, which are more easily identifiable and quantifiable. The certainty and 'knowing' of threat can be distinguished against the uncertainty and unknowing of risk, of a possible, adverse future event. Temporally, risk-based logics of security shift the basis for action from the present to the future, on what might occur rather than what has or what is. This is opposed to the inherently reactive nature of sovereign-centred decision-making on the exception in response to identified threats.

A third, final difference here relates to that between risk and securitisation theory, rather than threat, per se. This difference is that risk-based approaches offer a more flexible analytical frame that can capture significant aspects of the representation of security issues and the ways that they are governed by Western societies that securitisation theory cannot. Unlike securitisation, which advances a fixed definition of security as survival against existential threats,[10] risk-based approaches such as Beck's word risk society thesis or post-structuralist readings of risk offer a broader logic of future dangers or hazards and are not wedded to a specific definition of security. As Pat O'Malley suggests, 'risk may take a wide diversity of forms that reflect the purposes to which it is put and the assumptions on which it is based'.[11] This is not to suggest that risk captures *everything* about contemporary security; only that it can capture relatively more than what securitisation theory can.

The remainder of the article proceeds as follows. The first section explores the existing literature on risk and securitisation and considers the conceptual and theoretical distinctions that it has drawn between them. The second section illustrates the argument that risk can legitimate exceptional security practices with reference to the immigration policies of the Trump administration. Specifically, the article explores Trump's declaration of a national emergency to secure funding for his planned wall along the southern border with Mexico and the so-called 'travel ban'. A perceived need to prevent risks justified these exceptional practices. The national emergency and the travel ban represent instances of exceptional measures that depart significantly from 'normal' politics or practice. They are also examples of a 'situational risk management' approach, one that focuses on the regulation of 'risky' and vulnerable environments or zones, those where risks may either develop or materialise.[12]

This approach has been developed in criminological studies of risk. Several scholars working on risk and security have noted the importance and relevance of criminological studies of risk and its management.[13] Indeed, it is argued below that they are relevant to conceptualising and understanding the Trump administration's wall and travel ban. As I argue elsewhere, 'In the 1970s, new criminologies emerged that focused on crime not as an abberration or abnormality to be controlled, but as a risk to be managed via a range of different policing techniques and methods.'[14] The emphasis shifted from retrospective rehabilitation of offenders to the proactive prevention of crime. While rehabilitation remained important, criminologists and Western

[10]Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (London: Lynne Rienner, 1997), p. 27.

[11]Pat O'Malley, 'Experiments in risk and criminal justice', *Theoretical Criminology*, 12:4 (2008), p. 453.

[12]Ronald V. Clarke, *Situational Crime Prevention: Successful Case Studies* (New York: Harrow and Heston, 1992).

[13]Heng, *War as Risk Management*, pp. 35–8; Mikkel Vedby Rasmussen, *The Risk Society at War: Terror, Technology and Strategy in the Twenty-First Century* (Cambridge: Cambridge University Press, 2006), pp. 106–08.

[14]William Clapton, *Risk and Hierarchy in International Society: Liberal Interventionism in the Post-Cold War Era* (Basingstoke: Palgrave Macmillan, 2014), p. 54. Also see David Garland, 'The limits of the sovereign state: Strategies of crime control in contemporary society', *British Journal of Criminology*, 36:4 (1996), pp. 445–71 and Richard V. Ericson and Kevin D. Haggerty, *Policing the Risk Society* (Toronto: University of Toronto Press, 1997).

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governments accepted that crime could not be wholly eliminated, but instead was a risk to be managed. Managing crime became more about regulating the wider environment within which criminals might operate rather than acting directly on offenders themselves. Situational crime prevention is an approach that represents a new penology, one focused on probablisitc calculations of risk.[15] The final section of this article reflects on the differences between securitisation theory and risk.

Logics of security: Risk versus securitisation

The classic conception of securitisation theory offered by the Copenhagen School (CS) emphasises its intersubjective nature, viewing securitisation as a speech act in which actors articulate a threat to a referent object that an audience must accept as valid for a successful securitisation to occur.[16] A successful securitisation raises the issue 'above politics' and allows for exceptional measures, providing securitising actors with 'a special right to use whatever means are necessary to block it'.[17] As Barry Buzan et al. suggest, 'If by means of an argument about the priority and urgency of an existential threat the securitizing actor has managed to break free of procedures or rules he or she would otherwise be bound by, we are witnessing a case of securitization.'[18] One of the key contributions of securitisation theory was to move beyond debates regarding the broadening of security by fixing form and thereby resolving the problem that the widening of security would lead to everything being collapsed into security.[19]

It is this fixing of form that has led some to suggest that risk and securitisation are fundamentally different logics of security that inform different security practices. This reflects the inflexibility and tension at the heart of securitisation theory itself. While securitisation theory's emphasis on the discursive production of security means that threats and referent objects could be anything that actors say they are, this is coupled with a fixed definition and logic of security.[20] Felix Ciuta's incisive critique of securitisation theory and call for recovery of its potential for capturing contextualism highlights several adverse consequences of securitisation's contradictions. These include overlooking or disregarding key security dynamics, a product of securitisation theory's simultaneous calls for taking what actors say and do about security seriously but also rejecting what actors say and do if it doesn't conform with a predetermined, theoretically prescribed definition of security; and the isolation of security from its actors and politics.[21]

Rather than revise securitisation theory to account for changing 'real-world' practices of security such as, for example, the increasing prominence of risk and a variety of non-traditional security issues, scholars such as Wæver and Corry have instead sought to maintain a relatively narrow and rigid conception of securitisation theory.[22] For example, Wæver acknowledges that if there has been a 'drift' from 'clearly pronounced exception and emergency' towards more routine and less dramatic forms of risk management, this would pose a serious challenge to securitisation theory.[23] This suggests that security acts must take the specific form of exceptional reactions to

[15]Gordon Hughes, *Understanding Crime Prevention: Social Control, Risk and Late Modernity* (Buckingham: Open University Press, 1998), p. 141.

[16]Buzan, Wæver, and de Wilde, *Security: A New Framework for Analysis*, p. 32.

[17]Ole Wæver, 'Securitisation and desecuritisation', in Ronnie D. Lipschutz (ed.), *On Security* (New York: Columbia University Press, 1995), p. 55.

[18]Buzan, Wæver, and de Wilde, *Security: A New Framework for Analysis*, p. 25.

[19]Wæver, 'Politics, security, theory', p. 469. On the debates regarding the broadening of security, see Stephen M. Walt, 'The renaissance of security studies', *International Studies Quarterly*, 35:2 (1991), pp. 211–39 and Edward A. Kolodziej, 'The renaissance of security studies? Caveat lector!', *International Studies Quarterly*, 36:4 (1992), pp. 421–38.

[20]Felix Ciuta, 'Security and the problem of context: A hermeneutical critique of securitization theory', *Review of International Studies*, 35:2 (2009), pp. 306–07.

[21]Ibid., pp. 310–15.

[22]Wæver, 'Politics, security, theory'; Corry, 'Securitisation and "riskification"'.

[23]Wæver, 'Politics, security, theory', p. 473.

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identified threats and reserves exceptionalism solely as a feature of securitisation theory.[24] Rens van Munster and Corry offer similar arguments. Both provide typologies that separate risk and securitisation according to specific criteria.

For example, van Munster suggests that risk and securitisation can be distinguished according to three criteria: representation of threat, measures/strategy, and objective.[25] Consistent with the outline above, van Munster describes securitisation theory as involving a friend/enemy opposition and personification of the enemy, exceptional measures that bypass normal politics, and elimination of threats. Risk, on the other hand, involves a friend–enemy continuum and calculation/correlation of risk factors, 'normal' measures such as surveillance, and management of risks.[26] While van Munster's 2005 work made the case for incorporating risk into securitisation theory, they are still defined as separate logics of security, primarily according to an exceptional/routine dichotomy. As van Munster notes, 'The exceptional logic of a Schmittian securitisation, and the more routine logic of a securitisation in terms of risk, do not mutually exclude each other.'[27]

Corry's typology distinguishes between securitisation, riskification, and politicisation according to the criteria of grammar, political imperative, and performative effects.[28] Unlike van Munster, who attempts to incorporate risk within securitisation theory, Corry argues explicitly against doing so. He suggests that rather than simply using risk to expand securitisation, it would be more beneficial to move beyond the dichotomy between desecuritised, normal politics and securitised, emergency politics by adding a new category of risk politics.[29] Securitisation is again defined in terms of existential threats and exceptionalism, while risk is defined as the management of the conditions for harm via precautionary methods.[30] As Corry suggests,

> whereas securitisation theory suggests that emergency measures are the hallmark of security, risks by their very nature cannot be eradicated, only managed, and thus a politics of emergency and exceptionality is replaced with a politics of permanence and long-termism.[31]

This distinction between long-termism and exceptionalism is a key aspect of Corry's security typology. It assumes that long-termism and permanence are incompatible with the acute, exceptional actions envisioned by securitisation theory.

Corry is persuasive in highlighting the general emphasis on longer-term measures with respect to risk-based security discourses and practices. Risk management is, after all, an attempt to 'colonize the future' and doing so can necessitate longer-term measures to mitigate against potential future occurrences.[32] Shahar Hameiri and Lee Jones similarly note that the governance of security risks tends to focus more on longer-term, technocratic, and routinised forms of risk management.[33] However, they also importantly suggest that:

[24]Ibid., p. 474.

[25]Rens van Munster, 'Logics of security: The Copenhagen School, risk management and the War on Terror', University of Southern Denmark, Political Science Publications 10 (2005), p. 8; Rens van Munster, *Securitizing Immigration: The Politics of Risk in the EU* (Basingstoke: Palgrave Macmillan, 2010), p. 10.

[26]In his earlier work, van Munster explicitly distinguishes between securitisation and risk management. See van Munster, 'Logics of security'. In his later work, van Munster instead distinguishes between 'political realism' and 'political liberalism'. He argues that political realism informs securitisation theory, while risk management is central to political liberalism. See van Munster, *Securitizing Immigration*, pp. 8–10.

[27]van Munster, 'Logics of security', p. 8.

[28]Corry, 'Securitisation and "riskification"', p. 249.

[29]Ibid., p. 256.

[30]Ibid., p. 249.

[31]Ibid., p. 245.

[32]Beck, 'The terrorist threat', p. 40.

[33]Hameiri and Jones, *Governing Borderless Threats*, pp. 22–4.

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> the line between securitisation and risk management that Wæver seeks to defend theoretically is hard to draw in reality, even from within the CS's model. The 2001 invasion of Afghanistan demonstrates that even when exceptional powers of war-making are sought, they are often justified with reference to managing or eliminating risks, such as potential future terrorist attacks emanating from within Afghanistan's borders.[34]

While Hameiri and Jones usefully recognise that risk can justify exceptional measures, they also argue that in the case of Afghanistan, intervention was only the first step in a longer-term process of state building.[35] However, the distinction here between the exceptionalism of the use of force and the longer-term processes of state-building is not necessarily strong.

First, in both Afghanistan and Iraq, post-invasion state-building necessitated the continued deployment of military assets in-country and use of force. The International Security Assistance Force in Afghanistan conducted combat operations from 2001–14 and was a key component of broader state-building efforts. Likewise, US combat operations in Iraq continued for eight years after the initial invasion. The separation between the exceptionalism of employing military force and the routine practices of state-building in this example is therefore questionable, given that the continued application of force was a necessary condition for longer-term state building efforts to occur. Second, and more importantly, the implication of Hameiri and Jones's argument is that the entire state-building enterprise is not itself an exceptional measure, with exceptionalism confined to the initial military intervention. State-building in Afghanistan and Iraq represented an attempt by the US, NATO, and their partners to forcibly remove the regimes of sovereign states and install functioning democracies in their stead. The entire enterprise is exceptional, for it represents a clear departure from the 'normal' rules and principles that constitute and regulate international society.[36] Therefore, long-termism is not necessarily incompatible with exceptionalism.

This does, however, raise the question of how to distinguish 'normal' politics from exceptionalism. Much of the literature on securitisation regards democratic politics as 'normal' and actions that represent a break from democratic politics as exceptional.[37] Yet, if exceptional actions occur over longer periods or are frequently repeated, at what point do they cease being exceptional and become routine or normal instead? The answer offered here is that this will be intersubjectively mediated and contextually contingent. As Juha Vuori and Nicola Pratt and Dana Rezk argue, rather than a break from democratic politics, securitisation represents a break from the socially and historically contingent rules of a society.[38] Such contingency means that the rules are malleable and subject to change over time, as are prevailing understandings of 'normal' and 'exceptional'. Even the democratic politics that securitisation theory prescribes as 'normal' is not static; what democratic governance means and represents shifts across different periods and contexts. Practices are therefore exceptional to the extent that actors and publics regard them as beyond what are perceived as the generally accepted rules of a society in a given context.

The delineation between securitisation's exceptionalism and risk's normalcy in the work of Corry, van Munster, and Wæver is predicated on the assumption that only the spectre of an existential, imminent, and clearly identifiable threat will be capable of providing the political justification necessary to legitimate exceptional measures. The futurity of risk, its status as that which is possible, potential, and contingent, means that risks cannot be eliminated; only managed or

[34]Ibid., p. 24.

[35]Ibid.

[36]See Clapton, *Risk and Hierarchy in International Society.*

[37]See Juha A. Vuori, 'Illocutionary logic and strands of securitization: Applying the theory of securitization to the study of non-democratic political orders', *European Journal of International Relations*, 14:1 (2008), pp. 65–99 and Nicola Pratt and Dana Rezk, 'Securitizing the Muslim Brotherhood: State violence and authoritarianism in Egypt after the Arab Spring', *Security Dialogue*, 50:3 (2019), pp. 239–56.

[38]Vuori, 'Illocutionary logic', p. 69; Pratt and Rezk, 'Securitizing the Muslim Brotherhood', p. 240.

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governed via long-term processes that do not meet the threshold of urgency or emergency. However, this overlooks the potential for urgency and exceptionalism in both main schools of risk in International Relations: Beck's 'world risk society' thesis and post-structuralist approaches. Exceptionalism can be accounted for within both frameworks, rendering the conceptual and theoretical distinction between securitisation's exceptionalism and the routine mundanity of risk problematic at the very least.

Beginning with Beck's work, the concept of a world risk society is predicated on the emergence of risks mired in radical uncertainty owing to their deterritorialised, spatially and temporally debounded nature.[39] This debounding also renders new forms of risk uncontrollable, and although Beck notes that 'uncontrollable risk' is a contradiction in terms, he also suggests that it is the best phrase we have to describe the debounded risks that exist across and beyond established boundaries.[40] One of the main points of Beck's work is that the very practices and processes traditionally utilised to calculate, manage, and control risk break down in response to the emergence of debounded risk.[41] This has broader consequences for societies experiencing what Beck terms 'reflexive modernisation'.[42] Old conceptual distinctions break down, rendered invalid by debounded risks. The distinctions between internal and external, war and peace, attack and self-defence, for example, all break down as existing conceptual categories are called into question.

In the context of the War on Terror (WoT), for example, it is precisely the breakdown of existing concepts and categories that produces a radical uncertainty that can inform exceptional measures. Contemporary terrorist groups are not exclusively inside or outside; they are transnational and therefore both. Individual terrorists are often not clearly identifiable and distinguishable from broader populations, meaning that one of their defining features is, as Claudia Aradau and Rens van Munster suggest, their 'unexceptionality'.[43] This unexceptionality, in turn, paradoxically underpins the exceptionalism of Western responses to terrorism, legitimating the use of force, intrusive surveillance, and other exceptional measures across entire populations as a means of managing catastrophic risk.[44] Indeed, Beck speaks to the exceptional consequences of the terrorist risk, noting that it can produce a 'quasi-revolutionary' situation that can be used in different ways.[45]

In a period of change, contingency, and widespread anxiety produced by the collapse of control over debounded risks and the subsequent emphasis on their catastrophic potential, exceptional behaviours on the part of states and other actors can be justified. Gone is the emergency produced by a clearly identifiable, existential, and imminent threat, replaced instead by an urgency generated by collective imaginaries of future catastrophic possibilities. Risk in the 'Beckian' framework, therefore, produces exceptionalism through uncertainty, unknowability, and potentiality. The identification of a logic of risk within the WoT has been challenged, however. Corry notes that, despite case studies on the WoT being important to the development of risk-based approaches to security, existential threats and identification of external enemy Others that are associated with traditional conceptions of securitisation theory were dominant.[46] The

[39]Beck, 'The terrorist threat', p. 43.

[40]Ibid., p. 41.

[41]Darryl S. L. Jarvis, 'Risk, globalisation and the state: A critical appraisal of Ulrich Beck and the world risk society thesis', *Global Society*, 21:1 (2007), p. 30.

[42]One of the interesting distinctions between Beck's concept of the risk society/reflexive modernisation and securitisation theory is that whereas the latter suggests that security issues are elevated above politics, Beck focuses on the emergence of forms of 'sub-politics' outside of and beyond the formal institutions of the state in response to new forms of risk. See Beck, *Risk Society*, pp. 183–236 and Beck, *World Risk Society*.

[43]Claudia Aradau and Rens van Munster, 'Exceptionalism and the war on terror: Criminology meets international relations', *British Journal of Criminology*, 49:5 (2009), p. 694.

[44]Ibid.

[45]Ulrich Beck, 'The silence of words: On war and terror', *Security Dialogue*, 34:3 (2003), p. 258.

[46]Corry, 'Securitisation and "riskification"', p. 257.

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issue here though is that it is not clear that the processes of othering which produce images of enemy Others is exclusive to the logic of securitisation.

As Aradau and van Munster argue, the cultural and racial distinctions upon which othering is predicated are not eliminated, but rather reinscribed upon processes and technologies of risk management.[47] They inform the identification of 'risky' zones and populations upon which Western states can focus their risk management efforts. This can be seen, for example, in the Trump administration's initial targeting of exclusively Muslim-majority countries for its travel ban. It can also be seen in the Bush administration's distinction between 'rogue' and 'freedom-loving' states after 9/11, the former identified as risky and thus subject to preventive forms of 'anticipatory self-defence'.[48] 'Riskiness' is not constructed objectively, but rather is socially produced and normatively and discursively mediated.[49] However, while the cultural, racial, and ideological foundations of othering do not necessarily disappear under a logic of risk, the basis for action and exceptionalism does temporally shift from the present to the future. It is not the present actions of the 'risky Other' that matter for their true nature (their riskiness) has been discovered, but rather what they might do at a future point in time.[50]

The exceptionalism evident in Beck's risk society thesis can also be located within post-structural approaches to risk. For poststructuralists, risks are 'artificial constructions, established as part of discourses designed as a means of attaining social order and control through methods of calculation and rationalisation'.[51] Unlike Beck, who focuses on the social consequences of the contemporary debounding of risk, poststructuralists focus on the use of discourses and technologies of risk as a means of governing populations. For example, Aradau and van Munster and Mark Salter conceptualise risk (and, for Salter, also security) as a dispositif, that is, a heterogenous assemblage of technologies and rationalities of government.[52] For poststructuralists, contemporary discourses of risk and practices of risk management are less about the emergence of new, radically uncertain and unknowable forms of risk, and more about how particular actors or phenomena come to be understood as risks and the ways in which governing risk shifts over time.[53]

Specific discourses of catastrophic risk and uncertainty therefore produce exceptional practices of risk management. The debounded, catastrophic nature of new forms of risk that Beck emphasises in his work is not the catalyst for exceptionalism in poststructuralist accounts of risk, for risks themselves are not 'real' or objectively knowable.[54] It is not risk that has changed, but rather *how governments and other actors define and represent risk*. Poststructural approaches replace Beck's vision of new forms of debounded risk with a focus instead on heterogenous rationalities and technologies of risk and the variable practices that they can produce. One of the key points of scholars such as O'Malley is that contemporary 'catastrophe risks' are governed in a variety of ways.[55] Precautionary and preventive forms of risk management can 'span the whole realm between exceptional measures and the immediacy of action on the one hand and the ordinary administrative, police or insurance measures on the other'.[56] Risk management can move fluidly

[47]Aradau and van Munster, 'Exceptionalism and the war on terror', p. 694.

[48]See White House, *The National Security Strategy of the United States of America* (Washington, DC: September 2002).

[49]M. J. Williams, '(In)security studies, reflexive modernization and the risk society', *Cooperation and Conflict*, 43:1 (2008), p. 67; Clapton, *Risk and Hierarchy*, p. 33.

[50]Aradau et al., 'Security, technologies of risk, and the political', p. 152.

[51]William Clapton, 'Risk in international relations', *International Relations*, 25:3 (2011), p. 283. Also see Deborah Lupton, *Risk: Key Concepts* (London and New York: Routledge, 1999).

[52]Aradau and van Munster, 'Governing terrorism through risk', p. 97; Mark Salter, 'Imagining numbers: Risk, quantification and aviation security', *Security Dialogue*, 39:2–3 (2008), pp. 243–66.

[53]Clapton, 'Risk in international relations', p. 283.

[54]Francois Ewald, 'Insurance and risk', in Graham Burchell, Colin Gordon, and Peter Miller (eds), *The Foucault Effect: Studies in Governmentality* (Chicago, IL: Chicago University Press, 1991), p. 199.

[55]Pat O'Malley, 'Governable catastrophes: A comment on Bougen', *Economy and Society*, 32:2 (2003), p. 276.

[56]Aradau and van Munster, 'Exceptionalism and the war on terror', p. 696.

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along an exceptional/unexceptional spectrum. In other words, what was once exceptional may eventually become considered normal. The Department of Homeland Security's 2011 Risk Management Doctrine, for example, notes that risks are everywhere and therefore emphasises the necessity of living with these risks and developing the appropriate technologies and processes through which risks can be identified, prioritised, and managed.[57] In this way, risks and the exceptional actions or policy responses to them can gradually become normalised.[58]

The above demonstrates the potential for exceptionalism in both Beck's world risk society thesis and poststructural approaches to risk that some have reserved for securitisation alone. This is not to suggest that risk management does not entail routine, mundane, and technocratic processes, practices, and technologies – it does. Rather, the claim advanced here is that risk and its management are variable and can also engender the exceptional. This is elided by typologies of security that separate risk and securitisation into specific ideal-types that cannot account for the dynamism and variability of risk-based security praxis. The lines that Wæver, Corry, and van Munster seek to draw between risk and securitisation are difficult to maintain when one examines the contemporary security practices of Western societies. As the following section will show, not only can the exceptionalism of risk be accommodated theoretically and conceptually; it can also be identified and analysed empirically.

The risks of immigration: Travel bans, walls, and national emergencies

The perceived risks posed by terrorism and immigration are key concerns for Western governments, resulting in several instances of exceptional practices justified by the identification of security risks. For example, several scholars have suggested that the invasions of Afghanistan and Iraq were informed by a logic of risk.[59] While subsequent administrations in the US have demonstrated less appetite than Bush for overseas interventionism as a form of risk management, prevention, precaution, and risk remain key aspects of the discourses employed by recent administrations to justify exceptional security measures. President Trump, for example, focused on an 'America First' approach that emphasises the need to secure American territory against risks. A prominent theme during Trump's presidency was immigration and the risks that it poses. This was evident during Trump's first presidential campaign, where he first floated the ideas of a 'Muslim travel ban' and a southern border wall.

Immigration is also a notable issue in the Trump administration's December 2017 *National Security Strategy*, which outlines on multiple occasions the public safety and security risks posed by illegal immigration.[60] Risk itself is a key theme of the *Strategy*, with 'reducing risk', 'increasing resilience', and 'improved risk management' among the key areas and priority actions identified.[61] A discourse of risk, emergency, and crisis informs the Trump administration's representation of immigration and border control. This is most clearly exhibited in Trump's declaration of a national emergency in 2019 to fund the construction of his planned wall and comments made by President Trump and his officials regarding the US's southern border with Mexico (see below). Emergency measures beyond 'normal politics' have been publicly promoted and enacted.

Beginning first with the rationale for the wall and the travel ban, a precautionary and preventive logic clearly informs both. The travel ban was first discussed shortly after the December 2015

[57]Department of Homeland Security, 'Risk Management Fundamentals: Homeland Security Risk Management Doctrine' (April 2011), available at: {https://www.dhs.gov/xlibrary/assets/rma-risk-management-fundamentals.pdf} accessed 18 September 2020.

[58]I am grateful to one of the reviewers for this point.

[59]See Heng, *War as Risk Management* and Rasmussen, *The Risk Society at War*.

[60]White House, *The National Security Strategy of the United States of America* (Washington, DC: December 2017), pp. 9–10.

[61]Ibid., p. 14.

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terrorist attack in San Bernardino.[62] On 7 December, Trump's campaign stated that 'Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on.'[63] The last part of this quote is important – the notion that the US government needs to figure out 'what is going on' is indicative of the sort of uncertainty that one associates with risk. Likewise, uncertainty is key to the characterisation of the security challenges along the southern border that necessitate construction of a wall. In his speech announcing his campaign in June 2015, Trump remarked that

> It's coming from more than Mexico. It's coming from all over South and Latin America, and it's coming probably – probably – from the Middle East. But we don't know. Because we have no protection and we have no competence, we don't know what's happening.[64]

Trump's line about 'not knowing what is happening' is instructive here. It is reminiscent of former US Defense Secretary Donald Rumsfeld's infamous 'unknown unknowns' speech at a press conference in 2002.[65] In a world of uncertainty and unknowing, unknowns can justify exceptional security actions, rather than clearly identifiable, existential threats. This is the case with the wall and the travel ban. Regarding the wall, it is not simply that immigrants are entering the US illegally that is the problem, but rather that the US does not know what sort of people are coming in or what they *might* do once they have crossed the border. Nor does it know precisely where potentially risky immigrants are crossing into the US, rendering the entire border a problematic, risky zone to be acted upon. Similarly, the travel ban targets entire populations in countries identified as 'risky' precisely because terrorists and other security risks *could* come from within the populations of these countries and attempt to enter the US to carry out an attack. In the case of the wall and the ban, imaginaries of catastrophic futures justify exceptional, precautionary, and preventive attempts at risk management.

The emphasis on risk and prevention is apparent in Executive Order 13769, the first iteration of the travel ban, issued by Trump on 27 January 2017. The Order barred all nationals of seven Muslim majority countries from entering the US for a period of 90 days, suspended the US Refugee Admissions Program for 120 days, and directed the Secretary of Homeland Security to prepare a report listing countries that do not provide adequate information for the purposes of visa adjudication within 30 days.[66] The Executive Order explicitly mandates the implementation of a programme to identify individuals 'who are at risk of causing harm subsequent to their admission'.[67] It also articulates a risk profile, identifying those who do not support the

[62]Greg Botelho, 'San Bernardino shooting investigated as "act of terrorism"', *CNN* (5 December 2015), available at: {https://edition.cnn.com/2015/12/04/us/san-bernardino-shooting/index.html} accessed 23 January 2020.

[63]Jenna Johnson, 'Trump calls for "total and complete shutdown of Muslims entering the United States"', *The Washington Post* (7 December 2015), available at: {https://www.washingtonpost.com/news/post-politics/wp/2015/12/07/donald-trump-calls-for-total-and-complete-shutdown-of-muslims-entering-the-united-states/} accessed 10 January 2020.

[64]Donald Trump, 'Full text: Donald Trump announces a presidential bid', *Washington Post* (16 June 2015), available at: {https://www.washingtonpost.com/news/post-politics/wp//2015/06/16/full-text-donald-trump-announces-a-presidential-bid/?noredirect=on&utm_term=.054af746605b} accessed 5 April 2020.

[65]Donald Rumsfeld, 'DoD News Briefing – Secretary Rumsfeld and Gen. Myers', Department of Defense (12 February 2002), available at: {https://archive.defense.gov/Transcripts/Transcript.aspx?TranscriptID=2636} accessed 6 May 2020. Trump's line about not knowing is not exactly the same as Rumsfeld's 'unknown unknowns'. It is more akin to Rumsfeld's 'known unknowns' – 'we know something bad is happening, just not exactly what or where'. In contrast, 'unknown unknowns' is a depiction of a more radical uncertainty, risks that have not yet been imagined.

[66]White House, 'Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States', Executive Order 13769 (27 January 2017), available at: {https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/} accessed 9 May 2020.

[67]Ibid.

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Constitution, place violent ideologies over American law, and who engage in acts of bigotry and hatred as 'risky' individuals who should be banned from entry.[68]

Then-Secretary of Homeland Security General John Kelly provided written testimony to the House of Representatives Committee on Homeland Security regarding the travel ban in February 2017. In his testimony, Kelly stated that

> DHS was created to prevent terrorist attacks against the United States. The principal means of prevention within the United States is effective border control, denying admission to aliens who seek to harm Americans or violate our laws, and countering efforts to recruit individuals to undertake terrorist acts.[69]

Again, a logic of risk is apparent in this statement. The emphasis is on preventing risks from materialising. It is precisely because clear threats cannot be readily identified that a broad, sweeping measure such as the travel ban is required. The danger is not clear and present, either temporally or spatially.

After significant protests, controversy, and legal action, Trump issued Executive Order 13780 on 6 March 2017. This Order revoked Order 13769, removed Iraq from the list of banned countries, and allowed those already in possession of an approved visa to enter the US.[70] This was followed by Presidential Proclamation 9645 in September 2017. In distinction to the previous Executive Orders, which exclusively banned nationals of Muslim-majority countries, the Proclamation imposes entry restrictions on nationals from Chad (since removed from the list), Venezuela, North Korea, Iran, Yemen, Syria, and Libya. Iraqi nationals are also targeted for 'enhanced vetting'.[71] The Proclamation contains a preamble reiterating the need for enhanced information gathering from foreign countries to enable the US to adequately engage in risk management and assess the likelihood of foreign nationals engaging in criminal or terrorist activity.[72] It also outlines a set of risk indicators, including whether a country is a terrorist haven, meets its obligations as a participant of the US Visa Waiver Programme, and regularly fails to receive nationals deported from the US.[73] The emphasis on information sharing, risk indicators, and prevention is commensurate with a logic of risk. As the Proclamation notes,

> The restrictions and limitations imposed by this proclamation are, in my judgment, necessary to prevent the entry of those foreign nationals about whom the United States Government lacks sufficient information to assess the risks they pose to the United States.[74]

Similarly, Trump and his officials have consistently argued that there is an urgent need for preventive action in the form of a wall along the southern border with Mexico. Executive

[68]Ibid.

[69]John F. Kelly, 'Written Testimony of DHS Secretary John F. Kelly for a House Committee on Homeland Security Hearing Titled "Ending the Crisis: America's Borders and the Path to Security"', Department of Homeland Security (7 February 2017), available at: {https://www.dhs.gov/news/2017/02/07/written-testimony-dhs-secretary-john-f-kelly-house-commitee-homeland-security} accessed 24 January 2020.

[70]White House, 'Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States', Executive Order 13780 (6 March 2017), available at: {https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states-2/} accessed 3 March 2020. Also see Eunice Lee, 'Non-discrimination in refugee and asylum law (against travel ban 1.0 and 2.0)', *Georgetown Immigration Law Journal*, 31:3 (2017), p. 461.

[71]White House, 'Presidential Proclamation Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats', No. 9645 (24 September 2017), available at: {https://www.whitehouse.gov/presidential-actions/presidential-proclamation-enhancing-vetting-capabilities-processes-detecting-attempted-entry-united-states-terrorists-public-safety-threats/} accessed 8 May 2020.

[72]Ibid.

[73]Ibid.

[74]Ibid.

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Order 13767, issued shortly after Trump took office, clearly highlighted the preventive intent of the wall. It noted that it was the administration's policy to

> secure the southern border of the United States through the immediate construction of a physical wall on the southern border, monitored and supported by adequate personnel so as to prevent illegal immigration, drug and human trafficking, and acts of terrorism.[75]

A fact sheet published by the White House in October 2017 stated that the intent of the border wall is to prevent infiltration by certain 'undesirables', including cartels, traffickers, smugglers, and any other risks to the security of the US.[76] While this document refers to these identified actors as 'threats' rather than 'risks', it also explicitly affirms the need for a wall to *prevent* the infiltration of these undesirables. This preventive focus again points to the general uncertainty of the spatial and temporal location of these so-called 'threats'. Rather than reacting to clearly identified and defined threats, the wall is an exercise in preventing possible outcomes (that is, infiltration by undesirables).

The identification of categories of undesirables is a key aspect of the logic of risk informing the discourse of crisis and emergency that frames the Trump administration's representations of immigration and border security. It involves the rampant othering of immigrants, who have been explicitly labelled as terrorists, violent criminals, drug traffickers, human smugglers, and sex offenders. This in turn stokes imaginaries of the risk that these groups might engage in violent criminal behaviour following their entry into the US, playing on public fears and anxieties. As Richard Jackson argues, official government discourse is an important part of legitimating and enacting exceptional actions such as, for example, the torture of terrorist suspects.[77] More broadly, Jackson has demonstrated the importance of discourse, representation, and narrative for the wider WoT and their employment in legitimating the Bush administration's counter-terrorism policies and practices.[78]

The absence of clear information regarding the spatial and temporal location of different categories of undesirables means that emphasis shifts to precautionary and preventive doctrines and policies designed to manage the risks that such individuals or groups may pose. Rather than directly act upon undesirables, the approach taken is to prevent them from accessing American territory in the first place. This in turn leads to a focus on potentially problematic zones that must be acted upon to prevent risks.[79] Whether it is the southern borderlands with Mexico or risky countries further abroad, Trump's ban and wall are both predicated on the urgent necessity of managing and ultimately preventing the flow of unacceptable risks into the American homeland. The general risk management approach that the Trump administration has employed in the context of immigration and border security can therefore be characterised as a form of situational risk management. This is most explicitly the case with the wall that Trump seeks to build, an attempt to reshape a risky environment through the erection of a physical barrier. However, situational risk management is also applicable to the travel ban. Here, the Trump administration has identified

[75]White House, 'Executive Order: Border Security and Immigration Enforcement Improvements', Executive Order 13767 (25 January 2017), available at: {https://www.whitehouse.gov/presidential-actions/executive-order-border-security-immigration-enforcement-improvements/} accessed 1 May 2020.

[76]White House, 'Secure the Border by Deterring and Swiftly Removing Illegal Entrants' (8 October 2017), available at: {https://www.whitehouse.gov/briefings-statements/secure-border-deterring-swiftly-removing-illegal-entrants/} accessed 24 April 2020.

[77]Richard Jackson, 'Language, policy and the construction of a torture culture in the war on terrorism', *Review of International Studies*, 33:3 (2007), p. 354.

[78]See Richard Jackson, *Writing the War on Terrorism: Language, Politics, and Counter-Terrorism* (Manchester: Manchester University Press, 2005).

[79]Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge: Cambridge University Press, 1999), p. 237.

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environmental risk indicators in other countries and mandated specific actions to mitigate the likelihood that adverse potential scenarios might arise because of them.

The other key feature of the wall and the travel ban is that they are exceptional actions employed in response to perceived risks. Both are instances of the use of executive power in ways that have been seen by other state officials, and portions of the general public, as beyond the bounds of normal deliberative processes and constitutional rules in the US. The wall is a particularly clear example of perceived risks and a desire to engage in proactive risk management legitimating exceptional security measures. The language that the administration continues to use to describe the situation along the southern border is framed in terms of crisis, urgency, emergency, and invasion. The Wall can be understood as an attempt to provide not just security, but also a sense of identity, a reassertion of American sovereignty and power in the face of risk and emergency. The wall and the travel ban show that the Trump administration is doing something, that the borderlands can be regulated and that some form of controllability regarding immigrant others and the risks that they pose is possible.[80]

This discourse of urgency and emergency is crucial to the case for the national emergency declared by Trump on 15 February 2019. Trump has repeatedly spoken of an 'invasion' of drugs, criminals, and people as a means of legitimating a national emergency to fund the wall.[81] Proclamation 9844 declaring the national emergency states that '[t]he current situation at the southern border presents a border security and humanitarian crisis that threatens core national security interests and constitutes a national emergency.'[82] The Proclamation also explicitly authorises US armed forces to provide additional assistance to the Department of Homeland Security in securing the border.[83] Finally, Vice President Mike Pence commented that the crisis at the border 'is unlike anything we've seen before'.[84]

While there have been sixty national emergencies declared by different administrations, a reflection of the expansion of extraordinary executive powers under several US Presidents, Trump's national emergency is unprecedented and exceptional in that it represents the first time that a President has circumvented Congress to spend money on something that it had already decided not to fund.[85] In December 2018, Trump demanded $5.7 billion in funding for the wall as part of an appropriations bill for the 2019 fiscal year. Congress did not approve this level of funding for the wall, resulting in a government shutdown between 22 December and 25 January and Trump's subsequent declaration of a national emergency.

Some have claimed that this constitutes a violation of the constitutional separation of powers between the executive and legislative – House Speaker Nancy Pelosi stated that 'The president is lawless and does violence to our Constitution, and therefore, to our democracy'.[86] The

[80]See Elisabeth Vallet and Charles-Philippe David, 'Introduction: The rebuilding of the wall in International Relations', *Journal of Borderlands Studies*, 27:2 (2012), pp. 114–15.

[81]Donald Trump, 'Remarks by President Trump on the National Security and Humanitarian Crisis on our Southern Border' (15 February 2019), available at: {https://www.whitehouse.gov/briefings-statements/remarks-president-trump-national-security-humanitarian-crisis-southern-border/} accessed 11 May 2020.

[82]White House, 'Presidential Proclamation on Declaring a National Emergency Concerning the Southern Border of the United States', No. 9844 (15 February 2019), available at: {https://www.whitehouse.gov/presidential-actions/presidential-proclamation-declaring-national-emergency-concerning-southern-border-united-states/} accessed 9 May 2020.

[83]Ibid.

[84]Mike Pence, 'Vice President Mike Pence: Congress must act to end the crisis on our border, *Fox News* (19 April 2019), available at: {https://www.foxnews.com/opinion/vice-president-mike-pence-congress-must-act-to-end-the-crisis-on-our-border} accessed 10 May 2020.

[85]Charlie Savage, 'Presidents have declared dozens of emergencies, but none like Trump's', *New York Times* (15 February 2019), available at: {https://www.nytimes.com/2019/02/15/us/politics/trump-presidency-national-emergency.html} accessed 8 May 2020.

[86]Nancy Pelosi, 'Pelosi Remarks at Press Call on Introduction of Privileged Resolution to Terminate President Trump's Emergency Declaration' (23 February 2019), available at: {https://www.speaker.gov/newsroom/22219-3/} accessed 15 May 2020.

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exceptionalism of Trump's actions is further underscored by the lawsuits brought against it and the fact that Congress voted to rescind the national emergency. The House voted to revoke the emergency in February 2019, followed by the Senate in March in a 59-41 vote after 12 Republican Senators broke ranks.[87] This bill was vetoed by Trump on 15 March and the national emergency remains in effect as the two-thirds majority required in the House and Senate to override the veto is not attainable.[88] Still, the emergency has been clearly represented by Congressional officials and publics in the US as beyond the boundaries of the normal rules, if not a direct violation of them.

The travel ban can likewise be regarded as an exceptional action justified as a means of preventing perceived risks. After Trump issued the initial Executive Order (13769) instituting the ban, significant protests at airports and other locations across the US occurred.[89] There were repeated claims of the illegality and unconstitutionality of the ban, and large numbers of civil society groups and organisations condemned it.[90] Organisations such as the American Civil Liberties Union, the National Immigration Law Center, the International Refugee Assistance Project, and several other migrant and refugee advocacy groups were prominent critics of the Travel Ban and, in some cases, participated in legal action against it. The head of the ACLU Massachusetts stated that the ban was 'illegal, unconstitutional, and fundamentally wrong'.[91] Testimony and submissions to a congressional hearing on 'Oversight of the Trump Administration's Muslim Ban', jointly convened by subcommittees of the House Judiciary and Foreign Affairs Committees on 24 September 2019, highlighted several adverse impacts of the ban. These include violation of religious liberty, the separation of families, and discrimination and various forms of harm suffered by Muslims.[92]

Legal challenges brought before federal courts resulted in the issuance of several temporary restraining orders that barred significant provisions of the Order from being enacted.[93] The widespread condemnation of the order and the legal challenges that ensued underscored its exceptional nature and location beyond the bounds of normal rules. So too did the perception among many observers that the ban was discriminatory and specifically intended to screen out Muslims from entering the US.[94] This has been only further exacerbated by Trump adding six countries to the ban in early 2020, including Nigeria, Kyrgyzstan, Eritrea, Myanmar, Sudan, and Tanzania, all of which have sizeable Muslim populations.[95] Despite the legal challenges and controversy, in June 2018 the Supreme Court upheld Trump's travel ban in a split 5-4

[87]Clare Foran and Ted Barrett, 'Senate passes resolution to overturn Trump's national emergency declaration', *CNN* (14 March 2019), available at: {https://edition.cnn.com/2019/03/14/politics/senate-vote-trump-national-emergency-declaration-resolution/index.html} accessed 10 April 2020.

[88]Donald Trump, 'Veto message to the House of Representatives for H.J. Res. 46', available at: {https://www.whitehouse.gov/briefings-statements/veto-message-house-repres entatives-h-j-res-46/} accessed 3 May 2020.

[89]Emanuella Grinburg and Eliott C. McLaughlin, 'Travel ban protests stretch into third day from US to UK', *CNN* (31 January 2017), available at: {https://edition.cnn.com/2017/01/30/politics/travel-ban-protests-immigration/} accessed 23 January 2020.

[90]Haridimos Tsoukas, 'Leadership, the American Academy of Management, and President Trump's travel ban: A case study in moral imagination', *Journal of Business Ethics*, 163:1 (2020), p. 1.

[91]American Civil Liberties Union, 'ACLU of Massachusetts Statement in Support of the Victims of President Trump's Muslim Ban' (30 January 2017), available at: {https://www.aclu.org/press-releases/aclu-massachusetts-statement-support-victims-president-trumps-muslim-ban} accessed 21 September 2020.

[92]For testimonies before the hearing and a full list of written submissions, see House Committee on the Judiciary, 'Oversight of the Trump Administration's Muslim Ban' (24 September 2019), available at: {https://judiciary.house.gov/calendar/eventsingle.aspx?EventID=2268} accessed 21 September 2020.

[93]Andrew S. Pyle, Darren L. Linvill, and S. Paul Gennett, 'From silence to condemnation: Institutional responses to "travel ban" Executive Order 13769', *Public Relations Review*, 44:2 (2018), p. 214.

[94]Lee, 'Non-discrimination in refugee and asylum law', p. 465.

[95]Caitlin Oprysko, Anita Kumar, and Nahal Toosi, 'Trump administration expands travel ban' (31 January 2020), available at: {https://www.politico.com/news/2020/01/31/trump-administration-expands-travel-ban-110005} accessed 17 September 2020.

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decision. This decision was again decried by several civil society groups that continue to lobby for the end of the travel ban.

The immigration policies and practices of the Trump administration therefore demonstrate that the prevention of security risks, in this case those associated with immigration from risky 'countries of concern' or the porous southern borderlands, can result in exceptionalism. The banning of entire populations or building a wall to stop an 'invasion' of drugs and criminals are precisely the sort of preventive measures one might associate with situational risk management. These measures are not about directly nullifying terrorists or criminals, because it is difficult to spatially and temporally locate them. Rather, the intent is to prevent the risk that terrorists or criminals might at some future point do something catastrophic somewhere in the US by keeping them out altogether. In the face of uncertainty, the focus of preventive measures falls upon risky zones or environments that are both knowable and amenable to regulation and control. The typologies of risk and securitisation that have been advanced are not necessarily analytically useful in this case, given that features of both risk and securitisation, as they are outlined in these typologies, are apparent. This case highlights not only the problematic definitions of risk and securitisation offered in these typologies, but also the consequential limitations they impose on our ability to understand and explain emerging risk-based security praxis. As such, we require a different typology that outlines an alternative set of distinctions between risk and threat/securitisation.

Distinguishing risk and securitisation

The preceding sections have demonstrated that risk can and does result in the sorts of exceptional, emergency actions that some have reserved solely for securitisation theory in their typologies of security logics. How then do we distinguish between securitisation and risk without essentialising and reinforcing arbitrary distinctions? This final section briefly outlines a set of core differences between risk and securitisation theory as logics of security. As noted above, the intent of this article is not to collapse risk and security into one another, nor is it to argue against security typologies in general. While there are problems with the specific typologies critiqued here, we do still need some basis for understanding risk and threat as distinct approaches to security in order to know where to look for security, threat, or risk practices to explore and understand.[96] As Ciuta suggests, analysts do not approach the empirical study of security absent some sort of conceptualisation of it – we apply prior understandings of security (and risk and threat) in ways that, again, limit the scope of what is taken to be security.[97]

The differences outlined between risk and threat/securitisation below relate not to an artificial exceptional/routine dichotomy, but rather to the distinction between a logic of threat and one of risk and the specific criteria of *certainty*, *temporality*, and *analytical flexibility*. These criteria speak to the ways in which security issues are represented, legitimated, and justified and, second, the respective analytical utility of risk and securitisation. Importantly, these criteria preserve space for a variety of measures that can be employed within the security logics of risk and threat/securitisation. This acknowledges not only that different logics of security can give rise to multiple and varied forms of security praxis, but also that the distinction between 'exceptional' and 'routine' is itself contextually specific and socially constructed.

The distinction between risk and threat is one that several works have considered. Securitisation theory is, as discussed above, based upon identification of existential threats that legitimate exceptional actions. This distinction between (existential) threat and risk is a key part of Corry's typology of security logics. Corry suggests that threats are the direct causes of harm while risks are the conditions that may lead to harm.[98] A considerable portion of the

[96]I am grateful to one of the reviewers for this point.

[97]Ciuta, 'Security and the problem of context', pp. 321–2.

[98]Corry, 'Securitisation and "riskification"', p. 248.

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literature on risk and security has also attempted to define risk in comparison with threat. Yee-Kuang Heng and M. J. Williams distinguish between capabilities and intentions (threat) versus probabilities and consequences (risk).[99] Shlomo Griner suggests that both risk and threat involve danger, but risk relates to the dangers associated with one's own activities whereas threats are dangers imposed by external actors and events.[100] Finally, Piers R. Williamson questions the distinctions between risk and threat drawn in the literatures on risk and securitisation, concluding that threats refer to enemies while risks refer to events.[101]

One of the key themes that emerges from these definitions of threat is the focus on external enemies (threat) versus internal conditions and actions (risk). Corry and Griner both make this distinction, with Corry arguing that internal governance focused upon the referent object is the key feature of risk and its management.[102] This may occur in some instances, but not all. Managing vulnerability and building resilience are indeed key aspects of risk management; both are articulated in the discourses of risk advanced by the Trump administration in its approach to immigration. However, the issue here is that the assumption that 'an internal locus of control' focused on the referent object, rather than external enemy others, becomes the sole focus of risk management efforts is not necessarily an accurate one. It overlooks the collapse of the distinction between 'internal' and 'external' and the debounding of risk in Beck's risk society framework. More significantly, it overlooks the ways in which the discourses of risk employed by Western governments and leaders to justify different forms of risk management, from the mundane to the exceptional, have reflected this debounding.[103]

Contemporary Western risk management is therefore global in scope, reflecting the collapse of the distinction between internal and external. For example, President George W. Bush frequently invoked the spatial debounding of 'dangers' in advancing the case for the invasion of Iraq throughout 2002 and early 2003. As he stated in 2002,

> But September the 11th brought home a new reality … We all believed that two oceans would forever separate us from harm's way, and that if there was a threat gathering overseas, we could pick and choose whether or not we wanted to be involved in dealing with that threat. September the 11th delivered a chilling message to our country, and that is oceans no longer protect us. And therefore, it is my obligation to make sure that we address gathering threats overseas before they could do harm to the American people.[104]

While Bush uses the term 'threat' in this statement, it is also important to note that he employs the term 'gathering'. He is not referring to imminent, identifiable threats, but rather potential threats (read: risks) on the horizon, things that might happen. Not only were such statements frequently made in framing the case for war, but the 'riskiness' and the danger that Bush sought

[99]Heng, *War as Risk Management*; Heng, 'The "transformation of war" debate'; Williams, '(In)security studies', pp. 65–6.

[100]Shlomo Griner, 'Living in a world risk society: A reply to Mikkel V. Rasmussen', *Millennium: Journal of International Studies*, 31:1 (2002), p. 157.

[101]Piers R. Williamson, *Risk and Securitization in Japan 1945–60* (London and New York: Routledge, 2014), pp. 32–6.

[102]Corry, 'Securitisation and "riskification"', p. 247.

[103]Heng and McDonagh highlight the everyday, mundane practices of risk management in the context of the WoT that occur alongside more exceptional actions such as the use of military force. See Yee-Kuang Heng and Ken McDonagh, *Risk, Global Governance and Security: The Other War on Terror* (Oxon: Routledge, 2009). Amoore also highlights the everyday, less visible practices of risk management in the context of what she terms 'algorithmic war', the use of algorithmic calculations in surveillance networks and border control that embed a logic of pre-emption in mundane spaces. Again, risk here can result in both exceptional and mundane practices, but Amoore also argues that representations of risky others are located both inside and outside the spaces of daily life in Western societies. See Louise Amoore, 'Algorithmic security: Everyday geographies of the War on Terror', *Antipode*, 41:1 (2009), p. 56.

[104]George W. Bush, 'Excerpts from Remarks in Louisiana Welcome' (3 December 2002), available at: {https://georgewbush-whitehouse.archives.gov/news/releases/2002/12/20021203-4.html} accessed 10 May 2020.

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to avert was located in a foreign enemy other and therefore required preventive military intervention, not simply internal governance and forms of risk management.

While some claim that the WoT or the invasions of Iraq and Afghanistan were examples of securitisation or the operation of threat-based security logics,[105] the key features of the framing of the dangers posed by the Taliban or Saddam Hussein were uncertainty, contingency, and possible futures that had not yet come to pass. Bush's comments on Hussein, for example, consistently highlighted the futurity of the dangers that his administration sought to address: 'one thing I will not allow is a nation such as Iraq to threaten our very future by developing weapons of mass destruction'.[106] Bush also noted that 'To ignore these threats is to encourage them. And when they have fully materialized it may be too late to protect ourselves and our friends and our allies … We refuse to live in this future of fear.'[107] This, coupled with the 2002 *National Security Strategy*'s explicit articulation of a preventive doctrine of 'anticipatory self-defence', demonstrates that risk-based, rather than threat-based logics, informed the invasion of Iraq.[108]

As discussed in the previous section, the Trump administration, while taking a different risk management approach, has likewise located and identified risky undesirables, external enemy others that need to be prevented from accessing American territory. It can therefore be demonstrated that risk and its management is not exclusively focused internally, as Corry claims. The 'conditions of harm' that is a core focus of Corry's concept of riskification is frequently located in external territories and enemy others. In other words, the existence of these risky environments and others is a condition of harm itself, meaning they must be managed through democracy promotion (Bush), assassination or military intervention (Bush, Obama, and Trump),[109] or enhanced immigration controls and barriers to keep them out of the US (Trump). To distinguish between risk and threat, therefore, we should focus not on the spatial location of the dangers that are being addressed, where they are addressed, or the specific forms of responses that are employed, but rather how dangers themselves are framed. The first difference here relates to certainty, or to put it differently, quantification. Threats are usually defined by their identifiability and quantifiability. They should be well defined and 'constitute an action-reaction relationship … In order to react to something, we need to know what it is that we are reacting to.'[110]

In distinction, a security logic of risk is framed in terms of uncertainty and 'unknowing'. This is precisely the way in which Trump has framed his construction of the dangers posed by irregular immigration and terrorism. Risks are imaginations of future events that might come to pass, and therefore the justification for action will rely less on clear, quantifiable evidence or intelligence of looming dangers than threat-based discourses of security. Rather, the dangers associated with risks will rely on 'ifs, coulds, and maybes'. Imaginations of potential catastrophe replace clear evidence of danger. Corry recognises that risk relates to potential events, but again a framing of danger in terms of risk is located both in broader environmental conditions within which risks could arise *and* within specific groups and populations. Both risky environments and enemy others can be located internally within, or externally beyond, the territory of the state attempting to manage security risks.

[105]Corry, 'Securitisation and "riskification"', p. 257.

[106]George W. Bush, 'President Bush Holds Press Conference' (13 March 2002), available at: {https://georgewbush-whitehouse.archives.gov/news/releases/2002/03/20020313-8.html} accessed 8 September 2020.

[107]George W. Bush, 'President Bush Discusses Iraq with Congressional Leaders' (26 September 2002), available at: {https://georgewbush-whitehouse.archives.gov/news/releases/2002/09/20020926-7.html} accessed 8 September 2020.

[108]For more on the risk-based logics informing the War on Terror, including the invasions of Afghanistan and Iraq, see Heng, *War as Risk Management*; Rasmussen, *The Risk Society at War*; and Clapton, *Risk and Hierarchy*.

[109]While the Obama administration's approach to risk management is not discussed in depth here, it too employed a logic of risk in the assessment and representation of the US's strategic environment and the identification of security issues. See, for example, Department of Homeland Security, *Risk Management Fundamentals*.

[110]Clapton, *Risk and Hierarchy*, p. 30.

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This distinction between the quantifiable certainty of threats versus the murky uncertainty of risks is directly linked to temporality, another key distinction. Risks are uncertain precisely because they do not exist beyond our imaginations and articulations of events that might happen or things that people might do at some future point in time. Whereas threats involve reacting to dangers in the here and now, the focus of risk is on dangers that exist within possible futures. The temporal distinction between risk and threat can inform discrete security discourses, practices, and justifications. Again, this is demonstrated in the recent emphasis of several Western states on preventive and precautionary approaches to security that mandate action even in the face of uncertainty, as opposed to traditional, reactive strategic doctrines.[111] As has been shown above, however, proactively managing risk and attempting to 'colonize the future' can be a dynamic enterprise that results in a variety of practices, from the mundane through to the exceptional.

The third key distinction between risk and securitisation relates not to the general discursive framing of danger that each respectively employ, but rather the features of each as approaches to analysing security. In short, risk-based approaches provide greater analytical flexibility than does securitisation theory. This flexibility stems partly from the fact that the different risk-based approaches that have been applied to analysing security are not exclusive to Security Studies or even the discipline of International Relations. They have been imported from other disciplines such as Sociology and Criminology, and therefore do not exclusively offer a logic of security, but rather a broader logic of danger, harm, and adverse occurrences that might come to pass that can be applied to a wide variety of issues and practices. This means that risk-based approaches are not wedded to a specific definition of security, as is securitisation theory. This is true of both Beck's risk society framework and poststructuralist approaches to risk, both of which can accommodate a broader spectrum of security measures and behaviour than securitisation theory. One of the key advantages of risk, and the alternative typology of distinctions between risk and threat advanced here, therefore, is that they can be employed to understand a greater variety of security contexts and the variable practices that occur within them.

One of the key drawbacks of the security logic typologies that have been offered is that the attempt to preserve the analytical coherence of securitisation theory by rigidly distinguishing it from risk leads to a transcription of the very inflexibility that characterises securitisation theory onto risk. Preserving the essence and form of security at the heart of securitisation theory necessarily entails constructing an equally rigid and prescriptive model of risk that by definition must exclude those features deemed essential to securitisation theory. While the intention may be to allow analysts to capture the scope, nuance, and dynamism of contemporary security praxis, the problem is that there is no way to capture variance *within* a particular grammar or logic of security. Instead we are left with Corry's assertion that riskification and securitisation may operate simultaneously, leaving analysts to tease out which aspects of a case correspond to which parts of the logics and meanings of security offered in securitisation and risk.[112]

Ultimately, we are left with two different, essentialised logics of security that can provide only partial explanations of cases where discourses and practices of security do not neatly correspond to them. The typologies of security offered effectively attempt to preserve the analytical precision of securitisation theory while recognising, even if implicitly, that this precision and narrowness renders it too limited and too inflexible to explain recent changes in the way actors define and practice security. It is for this reason that this article suggests a different typology that preserves core distinctions between the logics of risk and threat, but which is also able to more readily capture variance in security practices within these respective logics of security. A security logic of risk results in practices that stretch across a continuum from the mundane to the exceptional, that can be global or local in scope, and which are focused on both broader environmental conditions and enemy others.

[111]See Heng, *War as Risk Management*.

[112]Corry, 'Securitisation and "riskification"', p. 249.

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Conclusion

This article has considered the ways in which risk and securitisation have been theorised, distinguished, and understood in various typologies of security. While risk and the concept of threat informing securitisation theory are indeed distinct, this article has argued that the distinctions that these typologies maintain are arbitrary, based on preserving a rigid model of securitisation theory that necessarily precludes an identification of core features of the ways in which risk-based security logics are employed by actors to frame and respond to dangers. This is especially so regarding the specific practices that risk and securitisation may generate and justify. This issue in turn creates problems regarding our ability to understand and explain contemporary security praxis. Far from urgency and exceptional actions being the sole reserve of invocations of existential threats, representations of risk can also lead to exceptional practices justified in the name of security. Cases such as the invasions of Afghanistan and Iraq, and the Trump administration's immigration policies and practices can all be understood as involving exceptional actions informed by a logic of risk. The distinctions between risk and threat/securitisation advanced here (temporality, certainty, and analytical flexibility) maintain risk and threat/securitisation as discrete logics of security while also capturing the dynamism of discourse and practice associated with risk. It is this, crucially, that existing typologies overlook.

Trump's travel ban and wall are a fine example of this dynamism, especially when compared with the risk management practices of previous administrations. The Bush administration, for example, demonstrated enthusiasm for 'democratic crusades' that sought to regulate and reshape the environments within which terrorist others were produced. Trump's populist politics, on the other hand, has jettisoned Bush's global ideological struggle against terrorism for a focus on the direct protection of the American homeland and the 'reclaiming' or 'reassertion' of American sovereignty, expressed via a focus on hardening borders and regulating borderlands. Urgency, exceptionalism, (potential) catastrophe, and prevention via the regulation of risky environments underpins all of these risk management efforts, but the specific discourses of risk and practices of risk management employed are distinct. This dynamism and variability is further demonstrated when we consider the more mundane, everyday practices of risk management, including surveillance or insurance. Risk extends across the normal/exceptional spectrum, legitimating variable security practices that depend on the identification, perception, and representation of the risks at hand.

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