

## BOOK REVIEWS

*Race and National Security*. Edited by Matiangai V. S. Sirleaf. New York: Oxford University Press, 2023. Pp. xii, 263. Index.  
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National security has become normalized—a touchstone invoked to justify governmental policies and fiscal decision making. It represents power exerted over virtually every aspect of our lives. We argue about whether this measure or that expenditure is necessary but the meaning of the construct itself is often presumed rather than interrogated. What does real *security* look like? Whose security is being protected? Is the *nation* at issue coextensive with the state? What is the relationship between foreign and domestic manifestations of national security? And why does the exercise of state power, in the name of national security, so often have a disproportionately negative impact on people of color, within the United States and internationally?<sup>1</sup>

These are questions raised by *Race and National Security*, edited by Matiangai Sirleaf, a professor at the University of Maryland's School of Law, and featuring contributions by twelve eminent legal scholars. Its title could be read as simply identifying the intersection at which two distinct fields of study overlap. In fact, however, this is not a volume about race

and national security but one that addresses race *as* national security and, conversely, national security *as* race. As such, it makes a truly unique contribution to the literature and opens the door to inquiries that cannot be meaningfully addressed within a presumptively colorblind security paradigm.

This is not a new approach. Sirleaf's introduction highlights the fact that as early as 1900 W.E.B. DuBois was framing international relations, with its emphasis on national security issues, as an inherently racialized field (Sirleaf, pp. 3–4). Depicting this as a relationship “hidden in plain sight,” she notes that in 1910 the precursor to today's *Foreign Affairs* magazine was founded as the *Journal of Race Development* (Sirleaf, p. 3). But how many of us are aware of these origins? We may acknowledge that racial discrimination taints the field of national security, as it does all academic disciplines,<sup>2</sup> but we rarely appreciate that what we confront is not racism spilling over into the domain of national security, but a national history in which “security” has consistently been racialized and “race” inevitably securitized.

The significance of this paradigmatic shift comes across most clearly in “Why Race and National Security?,” the first of this volume's four substantive sections. Setting the stage, James Thuo Gathii outlines the inadequacies of a colorblind approach to national security law, Catherine Powell uses the lens of “viral convergence” to provide a broad understanding of

<sup>1</sup> For examples, see CHARISSE BURDEN-STELLY, *BLACK SCARE/RED SCARE: THEORIZING CAPITALIST RACISM IN THE UNITED STATES* (2023); MOON-HO JUNG, *MENACE TO EMPIRE: ANTICOLONIAL SOLIDARITIES AND THE TRANSPACIFIC ORIGINS OF THE US SECURITY STATE* (2023); SAHER SELOD, *FOREVER SUSPECT: RACIALIZED SURVEILLANCE OF MUSLIM AMERICANS IN THE WAR ON TERROR* (2018). On the underrepresentation of Indigenous people in the national security field, see Gabriella Gricius, *Indigenous Representation in National Security*, REPRESENT (CSIS International Security Program, Feb. 2021), at [https://defense360.csis.org/wp-content/uploads/2021/02/Gricius\\_Represent.pdf](https://defense360.csis.org/wp-content/uploads/2021/02/Gricius_Represent.pdf).

<sup>2</sup> Kimberlé Williams Crenshaw, Luke Charles Harris, Daniel Martinez HoSang & George Lipsitz, *Introduction*, in *SEEING RACE AGAIN: COUNTERING COLORBLINDNESS ACROSS THE DISCIPLINES* 1–19, 5–11 (Kimberlé Williams Crenshaw, Luke Charles Harris, Daniel Martinez HoSang & George Lipsitz eds., 2019) (explaining the consequences of the fact that “[e]very established discipline in the academy has an origin that entails engagement and complicity with white supremacy.”). *Id.* at 5.

“security” that encompasses economic and social wellbeing, and Aziz Rana deconstructs the “originalist” narrative of American innocence often invoked by reformist critics of the security state.

Gathii begins with what is perhaps the central thesis of the volume—that “it has always been clear that national security, foreign affairs, and race are closely and intimately connected” (Gathii, p. 22). Significantly, he insists that the failure to appreciate this relationship should not be attributed to a lack of awareness or access to the relevant information, but to the power dynamics that have persistently silenced those who articulate these connections. Illustrating this point, Gathii provides a carefully documented overview of the intertwining of race, international law, and violence reflected in the rich analyses of slavery and colonialism brought to us by African American scholars and intellectuals from Third World countries over many decades. In the process, he reminds us that what is often reduced to the “civil rights era” in the United States was, in fact, a period in which African American leaders consistently connected their struggles for racial justice at home with anti-colonial movements across the globe, and—as part of a commitment to global peace—the movement for nuclear disarmament.

Colonialism emerges as a central theme of this volume—as well it should, for colonialism has been instrumental in the construction of race as we know it today, for the purpose of furthering the interests and security of the colonizing powers. As Antony Anghie has explained, Euroderivative colonialism has consistently been justified by claims to a “civilizing mission” that requires maintenance of a “dynamic of difference” between those wielding power and those they seek to dominate.<sup>3</sup> Gathii illustrates how national security law in the United States continues to reinforce highly racialized colonial precedents by concluding his chapter with a brilliant deconstruction of the Supreme Court’s decisions in *Rasul v. Bush*<sup>4</sup> and other cases involving Guantánamo Bay detainees. He explains, for

example, that *Ex Parte Mwenya*, relied on by the majority to extend the writ of habeas corpus extraterritorially and “decided in the twilight of colonial rule in Africa,” was actually an exception to British common law precedent (Gathii, p. 32). Exposing the colonial context of the cases cited by the Court, Gathii points out that the Court disingenuously cites precedent contrary to its holding rather than acknowledging that “the writ was never routinely available to non-European peoples in the colonies of the Crown” (Gathii, p. 33).

Rana provides the theoretical underpinning for this theme with his critique of the “originalist myth,” the claim common to liberal reformists that national security “excesses” are best understood as deviations from the founders’ vision of how to best balance liberty and security interests. He asserts that “there is no golden age or non-imperial past to revive” and, therefore, meaningful change in the present will require acknowledging “the structuring role of race and colonialism in deep-rooted American ideas of foreign intervention, war-making, and threat” (Rana, pp. 56–57). Building on this premise, Rana’s chapter illustrates, clearly and concisely, that in U.S. history, the freedom and prosperity equated with national security in the dominant narrative was dependent on territorial expansion, the elimination of Indigenous peoples, and the exploitation and control of Black labor. The result was “a constitutional politics organized around two distinct and rigid accounts of sovereign authority—one for insiders of democratic consent and internal checks and another for outsiders of near limitless discretion” (Rana, p. 62). Security, in this context, meant ensuring that “free citizens” would not be treated “as if they were colonial subjects” (*id.*). The history upon which this chapter builds has been presented elsewhere—by Rana, as well as others—but his intervention is critical in this context because it forces us to confront directly his point that the discussions about foreign policy and military interventions that dominate the national security field are “strangely insulated from the broader national confrontation with American history—as if the state’s exercise of coercive power against Black

<sup>3</sup> ANTONY ANGHIE, *IMPERIALISM, SOVEREIGNTY AND THE MAKING OF INTERNATIONAL LAW* 3–4 (2005).

<sup>4</sup> *Rasul v. Bush*, 542 U.S. 466 (2004).

and Indigenous peoples was unrelated to debates about national security law or civil liberties, then or now” (Rana, p. 69).

This foundation brings a wide swath of issues into the national security frame, from harsh border control policies and military interventions around the globe, to the sovereignty of peoples still colonized internally and externally by the United States, reparations for past violations of fundamental rights, and the highly racialized policing and security practices that continue to traumatize communities of color. It also brings us to the second major theme of the book—the scope of national security, addressed here in terms of what it means to be constantly *insecure* as a result of racialization.

Catherine Powell’s chapter, “Viral Convergence,” considers the fundamentals of human security as encompassing not only state intervention to disrupt threats to what it deems national interests, but also protection from violent policing and racism, poverty, and healthcare crises as well. She notes that the “interconnected pandemics” of the COVID-19 era could have served as a “portal” to a world in which governments provided income or employment guarantees and healthcare for all; that there was moment when it seemed that racial justice would be taken seriously, both globally and in the United States (Powell, pp. 41–42). Instead, of course, we have seen rollbacks on voting rights, restrictions on what can be said about race in the classroom, and the intensification of militarized repression of those who protest the status quo.

Like Gathii and Rana, Powell emphasizes the need to recognize the United States’ origin as a highly racialized colonial state. Failure to come to terms with this history, she observes, means that even when socioeconomic reforms are achieved, underlying hierarchies generally remain in place (Powell, pp. 46–47). Noting that leading Black intellectuals have long made the connection between civil rights and human rights law, Powell urges us to see this as a moment in which international law has the potential to serve as a site of what Derrick Bell termed “interest convergence,” bringing together a wide range

of people rendered insecure in contemporary American society (Powell, pp. 50–51).

This observation sets the stage for the volume’s second substantive section, comprised of three chapters illustrating these insecurities. Monica C. Bell addresses the paradox confronting Black communities where the police are both primary instigators of violence and, often, residents’ only hope for protection. The devastating impact of mass incarceration and, in particular, the secrecy attending carceral institutions is summarized by Andrea Armstrong, who calls us to consider the distinct harms inflicted on incarcerated women of color. These authors provide powerful examples of the human insecurities that result when the safety of a population is presumed to be enhanced by violent policing and mass incarceration, but their contributions do not explicitly engage with the national security paradigm.

Jaya Ramji-Nogales, however, follows with a chapter illustrating how “foreignness” and national security are not only “mutually constitutive,” but used by immigration law “to obscure the role of race, religion, and language in decisions to exclude” people, at the border and within American society (Ramji-Nogales, pp. 110, 114). She uses an illuminating, if necessarily abbreviated, history of the evolution of naturalization law, citizenship, and the regulation of immigration to demonstrate that even as national security has proven to be a shape-shifting concept, race and nationality have been conflated to reinforce xenophobic violence. For Ramji-Nogales, “the way forward” involves a nation that “celebrate[s] racial, religious, and linguistic diversity” and appreciates the contributions immigrants make to this society (Ramji-Nogales, p. 124). Her proposed reforms would undoubtedly improve the security of many persons of color within the United States. However, the narrative presented—and the history it is based on—elide Indigeneity and the colonial foundations presented in earlier chapters as essential to understanding the relationship between race and security. Had those foundations been incorporated, it might have been more difficult to frame the problem in terms of the contrast between a “nation of immigrants” and “people

of color [as] a nation of foreigners, permanently excluded from full citizenship” (Ramji-Nogales, p. 123). I raise this not as a critique of Ramji-Nogales’s perspective but because it illustrates a tension running throughout the volume between a broad framing that recognizes the United States as structurally inseparable from its racialized national security apparatus and specific case studies that reach conclusions more compatible with an understanding of the United States as a liberal democratic rather than settler colonial state.

Having made the case that law enforcement practices, securitization premised on incarceration, and, often, the law itself can render people of color in the United States less rather than more secure, the book turns to “the boomerang effect”—a term borrowed from Aimé Césaire to describe the way in which “[t]here is no stark demarcation between the domestic and foreign sphere among colonial powers” but, instead, “their metropole is constituted by their peripheral regimes” (Erakat, p. 181). In other words, the practices that sustain U.S. imperialism abroad make their way back home, with racialization facilitating a seamless transition. Margaret Hu begins this third section with a finely tuned summary of biometric cybersurveillance as a form of “data colonialism”—the gathering, processing, and exploitation of physical human data to generate profit and to facilitate social control (Hu, pp. 136–37). Technologies developed in the “war on terror” and particularly the occupation of Afghanistan have resurfaced, she explains, in the militarized surveillance of racial justice protests, routine criminal law enforcement (especially in communities of color), and the vetting of migrants and refugees not only in the United States but around the world.

Aslı Bâli expands on these insights with a sweeping analysis of why the violence attending racialized policing and border control cannot be effectively addressed without “challenging the highly profitable military-industrial-policing complex that sustains the American security state” (Bâli, p. 147). Bâli digs deep. Like other contributors to this volume, she questions the relationship between militarized law enforcement and actual human security but, going

further, insists that meaningful challenges to racially targeted, state-sponsored violence at home will require “fundamentally rethinking our foreign policy,” our “commitment to a national security state,” and even “U.S. military primacy” at a global level (Bâli, pp. 156–58).

Expanding on the reach of the boomerang effect, the section wraps up with Noura Erakat’s interrogation of how the United States and Israel, often working together, have employed what she terms a “shrinking civilian” framework to justify ongoing extrajudicial executions of both Black Americans and Palestinians. For Erakat, race is best understood as “colonialism speaking”<sup>5</sup> and her analysis is firmly grounded in the framework of settler colonialism provided in the introductory chapters. “Palestinians are racialized as dangerous not because of how they may individually harm Israelis but because their national existence challenges Israel’s settler sovereignty,” she observes, and she provides historical examples to illustrate the position of the Malcolm X Grassroots Movement that the killing of hundreds of Black Americans every year is “an integral part of the government’s . . . strategy of containing the Black community in a state of perpetual colonial subjugation and exploitation” (Erakat, pp. 175, 178–79).

Erakat’s chapter explicitly calls out what, to me, often feels like a shadow story in this volume, a parallel reality that is occasionally acknowledged but exists mostly in its narrative gaps, in what remains unsaid. This is the presence of American Indians and the continued reliance of the United States on occupied lands and appropriated resources, largely unremarked upon despite the explicit invocation of a settler colonial lens in the introductory chapters and at least passing references to ongoing colonization by many of the contributors. This is not to detract from what *is* said but to note that the narratives presented in this volume would be enriched by the explicit inclusion of Indigenous perspectives. Virtually all the sources of insecurity being

<sup>5</sup> Erakat, p. 179, quoting PATRICK WOLFE, *TRACES OF HISTORY: ELEMENTARY STRUCTURES OF RACE* 117 (2016).

discussed—political repression, militarized surveillance, police killings and privatized violence, incarceration, and sexual violence, to say nothing of racialized exclusion and profound economic insecurity—apply to American Indians at rates that always rival and sometimes exceed those of Black Americans.<sup>6</sup> But my concern is not simply that more could have been said about another group of oppressed people (that always being true). It is that this particular omission makes it easy to gloss over the structural effects of ongoing colonization, to avoid the really difficult questions about the legitimacy of the state, or what honoring the right to self-determination of internally colonized peoples might actually entail.

Hu and Bâli's explications of the boomerang effect, for example, focus largely on how U.S. military ventures abroad have brought repressive technologies and tactics home to the United States, where they have been deployed against Black and Brown peoples. The unabashed use of military force against American Indians at Standing Rock in 2016 and, overwhelmingly, at Wounded Knee in 1973 are not mentioned, despite the clear precedents they set for the more recent use of similar tactics against those protesting racial injustice. As deeply insightful as these chapters are, they focus on how the weapons and tactics used by the United States to impose its will on other parts of the world inevitably return to repress people of color and others who challenge the status quo at home. Erakat, however, takes this to the next level, bringing the analysis full circle. Quoting James Baldwin for the proposition that "[o]ccupied territory is occupied territory," she reminds us that American nationalism "was born in the crucible of 'state aggression' against rebellious slaves and Indigenous nations" and that the imperial expansion undergirding the boomerang effect began within the claimed borders of the United States (Erakat, pp. 180–81). This is significant because our options for change, for effectively disentangling the constructs of race, state, and security, are

contingent on their origins and the functions they continue to serve.

The fourth and final substantive section of the book brings comparative and international perspectives to bear on problems that have been caused by racializing national security. Yuvraj Joshi points out that the United States supports other countries' use of transitional justice measures to address large-scale violations of human rights but exempts itself, resisting calls for truth commissions or reparations. Joshi acknowledges that this is "a settler-colonial society in which the dispossession and erasure of Indigenous peoples on their own lands underpin logics of White supremacy," but nonetheless believes that the United States is "struggling to leave conflict and oppression behind" (Joshi, p. 194). Focusing primarily on the legacy of slavery and racial segregation, he highlights lessons from South African and Canadian truth commissions as the United States moves "towards achieving a true multiracial democracy" (Joshi, p. 197).

Rachel López brings a very different aspect of the international legal system to bear with her critique of how the International Criminal Court (ICC) "institutionaliz[es] Black guilt" by only pursuing prosecutions of Black men (López, p. 212). Through her in-depth look into ICC functions, López provides an excellent example of how one can tease out the particular ways in which structural racism embeds itself not only in our domestic institutions but international ones as well. In this case, she attributes many ICC biases to the disproportionate power wielded by the United Nations Security Council, the temporal and definitional limitations on ICC jurisdiction, and the many opportunities for discretionary decision making. The combined effect, she concludes, is an institutional focus that "often obfuscates the role of colonial powers in the violence under investigation," as "colonial domination, economic aggression, the use of nuclear weapons, the recruitment, use, financing, and training of mercenaries, and environmental atrocities" are largely off-limits (López, pp. 215–16).

The volume's focus on international mechanisms wraps up with Adelle Blackett's assessment

<sup>6</sup> See NATSU TAYLOR SAITO, *SETTLER COLONIALISM, RACE AND THE LAW: WHY STRUCTURAL RACISM PERSISTS* 77 (2020).

of the role the United Nations has played, and could now be assuming, in ensuring the international peace necessary to global, national, and human security, and in recognizing that social, economic, and racial justice are prerequisites to world peace. Her chapter focuses on measures taken—and not taken—by UN agencies, in particular the International Labour Organization, to “acknowledg[e] and redress[] the legacies of the four-centuries-long global institution of the transatlantic enslavement of over 17 million Africans” (Blackett, p. 230). Concluding that this omission requires urgent attention, she proposes that the United Nations go beyond its current, outward-focused programming to appoint a special representative to the secretary-general who would be tasked with looking inward to assess the organization’s past, present, and future role in addressing anti-Black racism.

National security in the United States has always been racialized. The state itself—the entity purportedly being secured—based its initial claims to independent existence on King George III’s violations of the law of nations. The Anglo-American colonists not only accused the crown of having “plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people,” but also of “excit[ing] domestic insurrections”—i.e., fostering revolts of enslaved Africans—and failing to protect the settlers from “the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.”<sup>7</sup> Thus, from its inception, people of color have been understood as threats—both domestic and external—to the well-being of the nation. The structures and policies of national security have been constructed in response to this perception, and international law has reinforced and replicated this framework. To the settlers, colonial expansion brought with it the prerogatives of sovereignty but, as *Race and*

*National Security* illustrates, it seems equally plausible that “[t]he truth is that state sovereignty was claimed and constituted through colonialism,” to quote Aboriginal legal scholar Irene Watson.<sup>8</sup> This is the dilemma this volume forces us to confront. Does “national security” necessarily entail the safeguarding of colonial relations that inevitably perpetuate racial subordination?

Sirleaf concludes the volume with a beautiful summary that weaves together its many dimensions and—admirably—proceeds to tackle the very difficult question of what comes next. As noted above, conceptualizing the United States as a settler colonial state rather than a liberal democracy affects one’s analysis of how and why racism remains deeply embedded in national security structures and, therefore, what might be the most effective means of ensuring true human security. Reviewing various strategies proposed by contributors for confronting structural racism, Sirleaf gets to the heart of the matter—the question of whether “perfecting the security state” through race-conscious reforms “would further subordination or antisubordination in national security” (Sirleaf, p. 253). Drawing from abolitionist theory, she notes the limitations of reformist measures, emphasizing instead the need to envision qualitatively different “operating principles and systems that would need to take the place of the security state” (Sirleaf, p. 257).

This is a tall order, but this volume advances that goal considerably. It blows the foundation out from under the dominant narrative of what constitutes security. It takes us beyond the color-blind narrative, opening the door to situating “national security” in the broader framework of what states are and how they function, forcing us to confront what “sovereignty” means, and recognizing the origins of our contemporary international legal order in the European colonial/imperial project. Like the editors of the *Journal of Race Development*, the contributors to this volume recognize that national security cannot be understood—or achieved—without

<sup>7</sup> The Declaration of Independence, paras. 26, 29 (U.S. 1776). On meaning of “domestic insurrections,” see Jeffrey Ostler, *The Shameful Final Grievance of the Declaration of Independence*, ATLANTIC (Feb. 8, 2020), at <https://www.theatlantic.com/ideas/archive/2020/02/americas-twofold-original-sin/606163>.

<sup>8</sup> IRENE WATSON, ABORIGINAL PEOPLES, COLONIALISM AND INTERNATIONAL LAW: RAW LAW 5 (2015).

addressing the role of race within the United States, transnationally, and throughout the international legal order. Some authors are more explicit than others in directly engaging the construct of national security, what it is and how it relates to the manifestations of racism being addressed. But collectively they have given us a tremendous gift by making the case so clearly that “race” as we know it has always been securitized and “national security” has always been an inherently racialized construct.

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*Digital Empires: The Global Battle to Regulate Technology.* By Anu Bradford. New York: Oxford University Press, 2023. Pp. 599. Index.  
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There is a strong case to be made that the Internet is the most transformative technology of the last half century. The early Internet was admittedly tiny and inauspicious. The first message, sent in October 1969, from UCLA to Stanford, barely arrived.<sup>1</sup> But in the almost fifty-five years since, the Internet has evolved from a small, largely scientific and military enterprise based entirely within the United States to a truly globe-spanning network of networks that touches virtually every aspect of life in nearly every nation on earth. The many billions of users worldwide are a testament to that dramatic transformation. Indeed, access to the digital world has for many become as essential as shelter.<sup>2</sup>

<sup>1</sup> “Login” was the intended message, but the balky system crashed at “Lo.” *The Internet’s First Message Sent from UCLA*, UCLA 100, at <https://100.ucla.edu/timeline/the-internets-first-message-sent-from-ucla>.

<sup>2</sup> The centrality of access to telecommunications has been frequently highlighted in the current conflict in Gaza. See, e.g., Human Rights Watch, *Gaza: Communications Blackout Imminent Due to Fuel Shortage* (Nov. 15, 2023), at <https://www.hrw.org/news/2023/11/15/gaza-communications-blackout-imminent-due-fuel-shortage>.

As of last year, there are more mobile phones than people in the world.<sup>3</sup>

Lawyers, social scientists, and policy analysts have long tried to assess how digital technologies are altering our world. Yet there is still much to be understood about how the digital domain impacts international affairs. This is particularly true with regard to international law. From the role of Facebook in fomenting ethnic cleansing against the Rohingya in Myanmar,<sup>4</sup> to the ongoing “chip war”<sup>5</sup> that places Taiwan, already a central flashpoint in Asian security debates, at the center of the most dynamic sector of the global economy, to China’s export of its increasingly powerful facial recognition and surveillance systems,<sup>6</sup> digital technologies are reshaping the global order in profound and often disturbing ways. Technology has traditionally been analyzed as a largely economic or trade issue. Yet increasingly technological change and dominance are viewed through the prism of national security and even human rights.<sup>7</sup> All this makes understanding the trajectory of the digital domain in the twenty-first century crucial and timely.

<sup>3</sup> While digital technology, including cell phones and other platforms, encompasses much more than the Internet, the Internet is arguably the core of the digital world and crucial to the functioning of most other digital technology.

<sup>4</sup> Amnesty International, *Myanmar: Facebook’s Systems Promoted Violence Against Rohingya; Meta Owes Reparations – New Report* (Sept. 29, 2022), at <https://www.amnesty.org/en/latest/news/2022/09/myanmar-facebook-systems-promoted-violence-against-rohingya-meta-owes-reparations-new-report>.

<sup>5</sup> CHRIS MILLER, *CHIP WAR: THE FIGHT FOR THE WORLD’S MOST CRITICAL TECHNOLOGY* (2022).

<sup>6</sup> Bulelani Jili, *China’s Surveillance Ecosystem and the Global Spread of its Tools*, ATL. COUNCIL (Oct. 17, 2022), at <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/chinese-surveillance-ecosystem-and-the-global-spread-of-its-tools>.

<sup>7</sup> As UN Special Rapporteur for Freedom of Expression, David Kaye (a UC colleague of mine) made digital affairs a centerpiece of his work. See, e.g., Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, UN Doc. A/HRC/38/35 (Apr. 6, 2018). See also Michael Karanicolas, *Understanding the Internet as a Human Right*, 10 CAN. J. L. TECH. 264 (2012), available at <https://digitalcommons.schulichlaw.dal.ca/cjlt/vol10/iss2/4/>.