

White Supremacy as an Existential Threat: A Response to Rita Floyd's *The Morality of Security: A Theory of Just Securitization*

(Forthcoming in *European Journal of International Security*)

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Rita Floyd's *The Morality of Security: A Theory of Just Securitization* is an important and insightful book that delineates a theory of just securitization (modified from the *jus ad bellum* and *jus in bello* criteria in just war theory) involving three sets of principles governing the just initiation of securitization, just conduct of securitization, and just desecuritization. This book is a much-needed addition to the security studies and just war scholarship.

Here, I explore the potential of Floyd's just securitization theory (JST) to provide insights into the moral justifiability of non-state groups that are not political entities engaging in resistance against forms of structural violence that pose an existential threat to those groups. Using the case study of the Black Lives Matter (BLM) movement and the threat of white supremacy to African Americans as an illustrative example, I argue that structural forms of violence can meet Floyd's definition of an objective existential threat, justifying the resort to securitization by groups such as BLM. As Floyd writes in Chapter 5:

... non-state actors are permitted to [securitize issues normally under the state's jurisdiction], and thus effectively defy the state, when states fail to do their duty to protect against an objective existential threat ... this allows non-state actors to securitize against those unjust regimes that pose objective existential threats to non-state groups within states.¹

In Section 1, I argue that Floyd's analysis of non-state groups leaves open the possibility that loosely organized protest groups such as BLM may constitute a non-state group for the purposes of applying Floyd's just securitization framework. In Section 2 I argue that white supremacy poses

¹ Rita Floyd, *The Morality of Security: A Theory of Just Securitization* (Cambridge, UK: Cambridge University Press, 2019), pp. 146–47.

an objective existential threat to African Americans, meeting the criterion of just cause in Floyd's JST. The multi-layered ways in which white supremacy creates an objective existential threat to African Americans illustrates the potential of Floyd's conception of an objective existential threat to offer insights into the impact of other forms of structural violence, such as entrenched sexism. In Section 3, I show that, despite the gains of the civil rights movement, the threat of white supremacy has not been curtailed through legal reform or by democratic means. Thus, groups like BLM may be justified in resorting to extraordinary measures to combat the ongoing threat of white supremacy, including "whatever most reasonable persons would agree constitutes exceptional means and actions ... non-state securitization can take the form of secession, civil disobedience, acts of sabotage and resistance".² Applying Floyd's JST to the threat of white supremacy thereby demonstrates the value of her approach for thinking about securitization outside the traditional foci of security studies but, as I discuss in Section 3, also reveals some limitations in her theory, particularly in relation to the criterion of reasonable chance of success when applied to non-state groups resisting an unjust state.

1. Does Black Lives Matter constitute a non-state group?

Floyd does not explicitly define the kinds of non-state groups that could, in principle, engage in securitization. On page 61 she writes that, according to Copenhagen School, "sufficiently organized societal groupings united by a strong enough "we' identity" ... can revert to a course of conduct that can only be described as securitization." The Copenhagen School included "nations, religion and racial groups"³ in "societal groupings." However, in a footnote, Floyd notes that many security scholars now hold that "other – smaller – non-state securitizing actors than those who can cement a large enough we-feeling are now a possibility",⁴ suggesting that a shared identity is not required in order for a non-state actor to engage in securitization. But it appears that

² Floyd, *The Morality of Security*, pp. 61–62. To be clear, I am not advocating for the resort to violence by protest movements against structural oppression. (See the discussion on p. 18 and n.64 of this article for further clarification of this point). Rather, my intention is to explore the implications of applying Floyd's view to this case study and, by extension, similar protest movements. Using controversial case studies is an important tool in clarifying and extrapolating the normative and political implications of theories of securitization.

³ Floyd, *The Morality of Security*, p. 64n14.

⁴ Floyd, *The Morality of Security*, pp. 61–62n14.

Floyd agrees with the Copenhagen School that non-state groups need to be “sufficiently organized” to engage in securitization, although she does not define this term.

In her book, Floyd discusses organized and relatively small groups such as the Sea Shepherd Conservation Society and Arizona Border Recon,⁵ but does not discuss broad protest movements such as BLM. That said, there are two reasons to think that BLM can fit her conception of a non-state group. Firstly, while some might object that the Black Lives Matter movement does not have legitimate or representative authority to engage in securitization on behalf of African Americans, Floyd explicitly rejects the criterion of representative authority in her theory of just securitization,⁶ and so BLM does not need to claim to represent (or be viewed as representing) the interests of all African Americans in order for it to constitute a non-state group for the purposes of applying her framework.⁷ Secondly, while BLM is diverse in its strategies and has a loose organizational structure, it supports and facilitates organized action across the United States and elsewhere to protect the interests of African Americans. As the BLM website states: “Black Lives Matter Global Network Foundation, Inc. is a global organization in the US, UK, and Canada, whose mission is to eradicate white supremacy and build local power to intervene in violence inflicted on Black communities by the state and vigilantes”.⁸ These factors are sufficient, I argue, for BLM to constitute a non-state group for the purposes of evaluating the possibility of just securitization.

2. Is white supremacy an existential threat to African Americans?

In Floyd’s theory, just initiation of securitization by a non-state group requires a *just cause*: “an objective existential threat to a referent object, that is to say a danger that — with a sufficiently high probability — threatens the survival or the essential character/properties of either a political

⁵ Floyd, *The Morality of Security*, pp. 61–62.

⁶ Floyd, *The Morality of Security*, p. 146.

⁷ It is interesting to consider whether African Americans, considered as a group, could constitute a non-state group in Floyd’s sense. While I think that it is possible to argue that this could be the case (particularly given that the Copenhagen School allows for religious and ethnic groups to count as non-state groups), Floyd’s examples suggest that her conception of non-state groups is restricted to groups that are at least minimally structured and organized. If her account were able to extend to racially based identity groups, then it would raise the interesting possibility that, if the conditions of JST are met, individual African Americans could engage in securitizing actions.

⁸ Black Lives Matter website, <https://blacklivesmatter.com/about/>.

or social order, an ecosystem, a non-human species, or individuals”.⁹ Existential threats include “all those things that threaten basic human needs, which when met, enable humans to live minimally decent lives.”¹⁰ Does white supremacy pose an existential threat to African Americans?

The term “white supremacy” does not simply refer to individuals’ racist beliefs. Rather, as Charles Mills explains, white supremacy “is a political system, a particular power structure of formal or informal rule, socioeconomic privilege, and norms for the differential distribution of material wealth and opportunities, benefits and burdens, rights and duties.”¹¹ In a system of white supremacy, whiteness confers social, material, and political advantages on white-identified people at the expense of the welfare and interests of non-white persons: “From slavery, federal land grants ... through differential access to education, job opportunities, white markets, union membership, and equal wages and promotion chances to ghettoization, restrictive covenants, redlining, white flights, and differential allocation of resources to schools and neighborhoods, whites have historically been materially advantaged over nonwhites, particularly blacks”.¹²

The concept of white supremacy thus captures the ways in which interconnected set of practices, norms, and institutions (social, legal, political) privilege white identity and negatively structure the lives of African Americans (and other people of colour) regardless of the specific intentions of the individuals involved. So defined, white supremacy is embedded within multiple formal and informal institutional and social structures that affect all aspects of life for African Americans, including (but not limited to) the education system, the criminal justice system, and the health care system.¹³

⁹ Floyd, *The Morality of Security*, pp. 19–20.

¹⁰ Floyd, *The Morality of Security*, p. 76.

¹¹ Quoted in Dwayne A. Tunstall, ‘Why violence can be viewed as a legitimate means of combating white supremacy for some African Americans’, *Radical Philosophy Today*, 5 (2005), pp. 159–173, p. 60.

¹² Charles Mills, *Blackness Visible: Essays on Philosophy and Race* (Ithaca, NY: Cornell University Press, 1998), p. 135.

¹³ Andrew J. Pierce summarizes the scope of harm caused by structural discrimination:

... the fact that African-Americans have a rate of poverty nearly twice that of whites predisposes them to suffer from other kinds of harm: poorer schools ... greater likelihood of being a victim of violent crime and greater likelihood of imprisonment ... reduced access to commercial services (since banks, grocery stores, and so on prefer to locate in neighborhoods with greater disposable income), and etc. (‘Structural racism, institutional agency, and disrespect,’ *Journal of Philosophical Research* 39 (2014), pp. 23–42).

But it is one thing to say that white supremacy systematically *disadvantages* African Americans; it is quite another to claim that it poses an *existential threat* to African Americans. Below, applying Floyd’s threat categories to the examples of the criminal justice system and the health care system I show that white supremacy creates *agent-intended threats* (“where an aggressor is at the source of the threat intent on harming”¹⁴), *agent-caused threats* (where “an actor’s behaviour leads to a threat to someone else ... without the actor intending to do harm”¹⁵), and exacerbates the harm of *agent-lacking threats* (“threats that occur irrespective of human agency”¹⁶). The combined impact of these threats on the ability of African Americans to live minimally decent lives is, I argue, sufficient to meet the definition of an existential threat.

The criminal justice system

In the American criminal justice system, African Americans are arrested, convicted, sentenced (and sentenced to harsher punishments¹⁷), and incarcerated at higher rates than white people who commit similar crimes.¹⁸ African Americans are also disproportionately the victims of police violence, including lethal violence.¹⁹ The disproportionate vulnerability of African Americans to police violence, prosecution, arrest, and imprisonment arises from the association of blackness with criminality created by the long-standing unjust securitization of African American bodies by the state.²⁰ This association is so deeply embedded in US society that “the more stereotypically Black a person’s physical features are perceived to be, the more that person is perceived as criminal”.²¹ The association of blackness with criminality also manifests when white people call the police on African Americans who are engaged in normal, everyday activities such as going for

¹⁴ Floyd, *The Morality of Security*, p. 83.

¹⁵ Floyd, *The Morality of Security*, p. 90.

¹⁶ Floyd, *The Morality of Security*, p. 86.

¹⁷ Steven Swartzter, ‘Race, ideology, and the communicative theory of punishment’, *Philosophers’ Imprint*, 19:53 (2019), pp. 1–22, ‘Race’, p. 12.

¹⁸ Swartzter, ‘Race,’ p. 11.

¹⁹ Michael Siegel, ‘Racial disparities in fatal police shootings: An empirical analysis informed by critical race theory’, *Boston University Law Review* 100 (2020), pp. 1069–1092. See also, Jeffrey A. Fagan and Alexis D. Campbell, ‘Race and reasonableness in police killings’, *Boston University Law Review*, 100 (2020), pp. 951–1015.

²⁰ See Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York, NY: The New Press, 2012).

²¹ Rebecca C. Hetey and Jennifer L. Eberhardt, ‘Racial disparities in incarceration increase acceptance of punitive policies’, *Psychological Science*, 25:10 (2014), pp. 1949–1954, p. 1949.

a jog.²² This unjust securitization of African Americans in the domain of everyday life not only undermines African-Americans basic sense of safety in their lives by creating an underlying fear that engaging in ordinary daily activities might suddenly attract negative and hostile attention; it has led to African Americans to be murdered by their fellow citizens, as occurred in the killings of Ahmaud Arbery²³ and Trayvon Martin,²⁴ and by the very institution that is supposed to protect them: the police force. The list of unarmed African American men and women who have been killed by police continues to grow, despite decades of protest.²⁵ This shows that the threat of violence from police and fellow citizens is not limited to African Americans who engage in criminal activities but infiltrates the daily lives of all Africans Americans.

Applying Floyd's threat categories to the threat posed by the criminal justice system to African Americans leads to the following analysis. Firstly, police officers who engage in disproportionate and excessive use of force (including lethal force) against African Americans pose an *agent-intended* threat because such officers, by choosing to fire their weapons or otherwise physically attack an African American person, directly intend to harm. In contrast, the threat posed by prosecutors, judges, and other actors within the criminal justice system whose actions reinforce the disproportionate vulnerability of African Americans to arrest, prosecution, and severe punishment may be more accurately described as *agent-caused*, since while these individuals' actions are intentional, it need not be the case that they are directly intended to cause harm. However, in both cases the threat posed by the criminal justice system is severe: African

²² Abigail Hauslohner, Maria Sacchetti, and Shayna Jacobs. 2020. 'Incidents of calling police on black people lead states to consider new laws', *Washington Post* (May 28 2020), available at: {<https://www.inquirer.com/news/nation-world/states-legislation-racist-calls-new-york-new-jersey-oregon-washington-20200528.html>}, accessed August 15 2020.

²³ Sean Collins, 'The killing of Ahmaud Arbery, an unarmed black jogger in Georgia, explained', *Vox* (June 24 2020), available at: {<https://www.vox.com/identities/2020/5/6/21249202/ahmaud-arbery-jogger-killed-in-georgia-video-shooting-grand-jury>}, accessed August 20 2020.

²⁴ Ta-Nehesi Coates, 'Trayvon Martin and the irony of American justice', *The Atlantic* (July 15 2013), available at: {<https://www.theatlantic.com/national/archive/2013/07/trayvon-martin-and-the-irony-of-american-justice/277782/>}, accessed on August 21 2020.

²⁵ See Siegel, 'Racial disparities', and Michael Marshall, 'US police kill up to 6 times more black people than white people', *New Scientist* (June 24 2020), available at: {<https://www.newscientist.com/article/2246987-us-police-kill-up-to-6-times-more-black-people-than-white-people/#ixzz6W8s5Nwd1>}, accessed on August 24 2020; and John Swaine and Ciara McCarthy, 'Young black men again faced highest rate of U.S. police killings in 2016', *The Guardian* (January 8 2017), available at: {<https://www.theguardian.com/us-news/2017/jan/08/the-counted-police-killings-2016-young-black-men>}, accessed on September 2 2020.

Americans are disproportionately vulnerable to the unjust deprivation of liberty via prosecution, arrest, and severe sentencing *and* to the direct threat of physical violence (including lethal violence) at the hands of police and even the general public.

The health care system

In the US health care system, there is compelling evidence that white supremacy contributes to worse disease and mortality rates for African Americans compared to white Americans.²⁶ For example, “Black, American Indian, and Alaska Native (AI/AN) women are two to three times more likely to die from pregnancy-related causes than white women”.²⁷ The stark disparity in health outcomes between African American and white Americans became startlingly clear during the COVID-19 pandemic, which has disproportionately affected African Americans and other minority communities.²⁸

The causes of this neglect of and lack of care for the health of African Americans are complex and intersect with the impact of racial discrimination in housing, education, access to transport, among other factors.²⁹ In some cases, this neglect might be the result of direct racial bias on the part of health care practitioners (which would be an instance of an *agent-intended* threat), but in other cases such neglect may not be intentional, and would therefore be more accurately described as an *agent-caused* threat. However, even in cases where this neglect is not the result of direct bias, it is clearly culpable: given the well-documented history of racial bias in the health care system, no one involved “can reasonably claim obliviousness”³⁰ about the existence and impact of racial bias (conscious or unconscious) on African Americans’ health outcomes. Additionally, as is clear from

²⁶ See, for example, Gilbert C. Gee and Chandra L. Ford, ‘Structural racism and health inequities: Old issues, new directions’, *Du Bois Review*, 8:1 (2011), pp. 115–132, and David R. Williams and Ronald Wyatt, ‘Racial bias in health care and health: Challenges and opportunities,’ *JAMA*, 314:6 (2015), pp. 555–556.

²⁷ Center for Disease Control and Prevention, ‘Racial and Ethnic Disparities Continue in Pregnancy-Related Deaths’, *CDC* (September 16 2019), available at {<https://www.cdc.gov/media/releases/2019/p0905-racial-ethnic-disparities-pregnancy-deaths.html>}, accessed March 17, 2021.

²⁸ Weller, Christian, ‘Systemic racism makes Covid-19 much more deadly for African-Americans,’ *Forbes* (June 18 2020), available at: {<https://www.forbes.com/sites/christianweller/2020/06/18/systemic-racism-makes-covid-19-much-more-deadly-for-african-americans/#10bc476b7feb>}, accessed 28 August 2020.

²⁹ Center for Disease Control and Prevention, ‘African American health’, *CDC* (July 3 2017), available at {<https://www.cdc.gov/vitalsigns/aahealth/index.html>}, accessed March 17, 2021.

³⁰ Floyd, *The Morality of Security*, p. 91.

the disproportionate impact of the COVID pandemic on African Americans and other minorities, white supremacy within the health care system exacerbates the harmful impacts of *agent-lacking* threats, such as disease. The upshot is that the threat posed by white supremacy in the health care system to the basic needs and interests of African Americans manifests in multiple ways that seriously harm African Americans' basic physical wellbeing.

I do not have space here to discuss the many other contexts in which white supremacy poses a threat to the needs and welfare of African Americans, such as via housing discrimination, educational discrimination, and residential segregation. But, just considering how white supremacy manifests in the criminal justice and health care systems is sufficient, I argue, to show that white supremacy meets the definition of an objective existential threat to African Americans. It threatens their ability to live free from the fear of arbitrary arrest and the threat of violence, and their ability to be physically secure and have access to basic healthcare. Thus, it threatens their "basic human needs, which when met, enable humans to live minimally decent lives"³¹ and causes them "to be fundamentally disabled in the pursuit of one's vision of the good."³² In the words of Tommy Curry, "White racism, Black poverty, and the systematic incarceration of African descended people in America have rendered the ability of Blacks to determine their own economic, social and cultural development virtually impossible."³³

The examples discussed above show that white supremacy is embedded in and reinforced by US state institutions (such as the criminal justice system) and illustrate how the threat of white supremacy in these institutions is exacerbated by the state's failure to adequately address racial disparities in healthcare and other contexts. Thus, the state has not only failed to protect African Americans from the threat of white supremacy; state institutions themselves are part of the threat. This provides the just cause for the just securitization of white supremacy by African Americans: "when states fail to do their duty to protect against an objective existential threat ... this allows

³¹ Floyd, *The Morality of Security*, p. 76.

³² Floyd, *The Morality of Security*, p. 105.

³³ Tommy J. Curry, 'Please don't make me touch 'em: Towards a critical race Fanonianism as a possible justification for violence against whiteness', *Radical Philosophy Today*, 5 (2007), pp. 133–158, p. 134.

non-state actors to securitize against those unjust regimes that pose objective existential threats to non-state groups within states”.³⁴

3. Securitizing white supremacy

The securitization of white supremacy meets the criterion of just cause in Floyd’s JST: there exists an existential threat to a just referent object. However, for the securitization of white supremacy to be just, the following criteria must also be satisfied: right intention (“the right intention of securitization is the just cause”), proportionality (“the expected good gained from securitization must be greater than the expected harm from securitization”), and reasonable chance of success (“the chances of achieving the just cause must be judged greater than those of alternatives to securitization”). Securitization must also be *conducted* justly; security measures must be “appropriate and should aim only to address the objective existential threat ... must be judged effective ...[and] must respect a limited number of relevant human rights in the execution of securitization”.³⁵

What would the securitization of white supremacy involve? According to Floyd, securitization by non-state actors involves “whatever most reasonable persons would agree constitutes exceptional means and actions ... non-state securitization can take the form of secession, civil disobedience, acts of sabotage and resistance”.³⁶ Later she elaborates, “what most reasonable persons would agree constitutes exceptional means and actions, most notably perhaps, in terms of the amount of harm, risked/caused or intended, and/or the level of violence employed”.³⁷ So, to ask whether BLM can securitize the threat of white supremacy is to ask whether BLM may engage in or promote acts

³⁴ Floyd, *The Morality of Security*, pp. 146–47.

³⁵ All quotes from Floyd, *The Morality of Security*, p. 20. The idea that securitization (defined as a state of exception to normal laws and procedures) should still require the protection of some rights might seem strange. But this view is consistent with the just war framework from which Floyd draws her inspiration. Even in a state of war, the laws of war still require the protection of certain basic rights. For example, directly targeting civilians is illegal, as is the use of tactics such as torture. Few, if any, contemporary scholars on just war theory argue that a state of war involves the suspension of *all* moral rights. I thank an anonymous reviewer for encouraging me to clarify this point.

³⁶ Floyd, *The Morality of Security*, pp. 61–62.

³⁷ Floyd, *The Morality of Security*, p. 139.

of civil disobedience, sabotage, and even acts of violence to mitigate the threat of white supremacy. Could such securitization meet the other criteria of Floyd's JST?

3.1 Proportionality and reasonable chance of success³⁸

In her discussion of proportionality, Floyd focuses on the potential harms resulting from state securitizations,³⁹ and so there is little to guide us when applying this criterion to non-state securitizations. However, it is *prima facie* plausible to think that non-state securitizations will typically cause *less* overall harm than state securitizations simply because non-state groups lack the resources that states possess. When a state securitizes a threat, it has the power to restrict the rights and freedoms of millions of people and to unleash police and military power on an enormous scale, all of which must be weighed against the potential good to be achieved by securitization. In contrast, the securitizing actions available to a non-state group defending against an existential threat include civil disobedience, sabotage, and even acts of violence against property and persons, if such violence "serves some defensive purpose".⁴⁰ While the harm caused by these actions may be severe, when compared to the scale of the existential threat being defended against, it is at least probable that the proportionality requirement will be more easily met than with state securitizations.⁴¹

Turning to the criterion of reasonable chance of success (which is also a criterion of just conduct of securitization⁴²), Floyd states that "securitization's prospect for succeeding in securing the referent object must be established comparatively against the alternatives to securitizing."⁴³ Could

³⁸ I won't say much about right intention here, but there's no reason to think that the securitization of white supremacy could not be conducted with just cause as the aim.

³⁹ Floyd, *The Morality of Security*, pp. 128–35.

⁴⁰ Floyd, *The Morality of Security*, pp. 166. As Floyd elaborates, "killing someone who negligently fails to prevent a threat can only be permissible if killing them is causally effective in preventing that threat." So, to reiterate my earlier point in n.26, noting that the use of violence is *one* of the securitizing actions available to a non-state group is not to say that such acts of violence are therefore justified.

⁴¹ This is consistent with recognizing that the actions of non-state groups, such as the 9/11 attacks, can cause extreme devastation. But even in the case of 9/11, the response of the US to these attacks has resulted in a war that has lasted more than 20 years and resulted in the deaths of thousands of military personnel, and hundreds of thousands of civilians. This illustrates my point that state securitizations are likely to inflict far more harm than non-state securitizations. I thank an anonymous reviewer for raising this question.

⁴² "The security measures must be judged effective in dealing with the threat" (Floyd, *The Morality of Security*, p. 20).

⁴³ Floyd, *The Morality of Security*, p. 138.

the threat of white supremacy be addressed through alternatives to securitization (“commonly accepted political means not generally considered harmful”⁴⁴), such as democratic processes, legal challenges to racist laws, and appeals to the legislature?

Unfortunately, we have good reason to doubt the effectiveness of these methods in mitigating the threat of white supremacy. Historically, the most egregious institutionalized forms of white supremacy — slavery and segregation — were ended not by “political means not generally considered harmful” but only after decades of conflict, civil disobedience, sabotage, and violent protest. For example, while the civil rights movement led to remarkable political and legal gains for African Americans, these gains were not achieved through regular political and democratic processes but through a range of securitizing tactics including civil disobedience, protest, and the use of violence. The civil rights movement is often depicted as non-violent movement, but there was in fact significant disagreement among the groups involved in the movement regarding the use of violence: “The modern civil rights movement was a social movement for basic citizenship and human rights employing many tactics, and although perhaps non-violent direct action was more common, armed self-defense and other forms of armed resistance were employed as well”.⁴⁵ That these tactics led to the 1964 Civil Rights Act provides reason to think that “the conversion of these discriminatory laws was caused, in part, by violence and subversion”.⁴⁶

The apparent success of the tactics used by the civil rights movement in leading to significant legal changes suggests that the use of similar securitizing tactics by BLM may be justified under Floyd’s framework. But this is too quick. To evaluate whether the use of securitization tactics by BLM meets the reasonable chance of success criterion, we need to clarify what constitutes “success”.

For example, while the legal gains of the civil rights movement were remarkable, these gains have not led to the mitigation of the ongoing threat of white supremacy and, in some cases, have been substantially reversed. For example, one of the most important pieces of civil rights legislation – the 1965 Voting Rights Act – has been progressively undermined by the Supreme Court and state

⁴⁴ Floyd, *The Morality of Security*, p. 139.

⁴⁵ Akinyele O. Umoja, ‘The ballot or the bullet: A comparative analysis of armed resistance in the civil rights movement’, *Journal of Black Studies* 29 (4): 558–578.

⁴⁶ Butler, ‘By any means necessary’, p. 726.

legislative decisions that have led to a rise in voter suppression tactics (such as redistricting, voter ID laws, and felon disenfranchisement) that disproportionately affect African Americans and other minority groups.⁴⁷ Similarly, attempts to use the court system to change criminal laws that cause disparate harm to African Americans, such as drug sentencing laws, have failed.⁴⁸ As Paul Butler points out, “historically, legislators and judges have remedied racist law, but they have also, on other occasions, established and reinforced it”.⁴⁹ Finally, even if the legal protections afforded by the Civil Rights Act and the Voting Rights Act were not being undermined, white supremacy also threatens African Americans’ basic needs through social practices and attitudes that are entrenched within state institutions and cannot be easily addressed through legal changes. For example, attempts to change racist attitudes in policing through implicit bias training and the use of body cameras has had no impact on the disproportionate use of police violence against African Americans.⁵⁰ Indeed, the problem has worsened: a recent report found that “[w]hite supremacist groups have infiltrated US law enforcement agencies in every region of the country over the last two decades”.⁵¹

The failure of political, legal, and reform approaches to mitigate the ongoing threat of white supremacy suggests that while the securitization tactics of the civil rights movement may have been successful in the short term, they were not successful if “success” refers to the mitigation of the ongoing threat of white supremacy. Michelle Alexander, for example, argues that the explicit racism in the Constitution and Jim Crow laws prior to the passage of the 13th Amendment and the Civil Rights Act has morphed into less explicit forms of discrimination (for example, through the

⁴⁷ See, for example, Gilda R. Daniels, *Uncounted: The Crisis of Voter Suppression in American* (New York, NY: New York University Press, 2020); Atiba R. Ellis, 2015, ‘Race, class, and structural discrimination: On vulnerability within the political process’, *Journal of Civil Rights and Economic Development* 28 (1): 33-60; and P. R. Lockhart, ‘How Shelby County v. Holder upended voting rights in America’, *Vox* (June 25 2019), available at {<https://www.vox.com/policy-and-politics/2019/6/25/18701277/shelby-county-v-holder-anniversary-voting-rights-suppression-congress>}, accessed March 19, 2021.

⁴⁸ Butler, ‘By any means necessary’, pp. 728–37.

⁴⁹ Butler, ‘By any means necessary’, p. 725.

⁵⁰ Sam Levin, 2020. ‘It’s not about bad apples’: how US police reforms have failed to stop brutality and violence’, *The Guardian* (June 16 2020), available at: {<https://www.theguardian.com/us-news/2020/jun/16/its-not-about-bad-apples-how-us-police-reforms-have-failed-to-stop-brutality-and-violence>}, accessed August 24 2020.

⁵¹ Sam Levin, ‘White supremacists and militias have infiltrated police across US, report says’, *The Guardian* (August 27 2020), available at: {<https://www.theguardian.com/us-news/2020/aug/27/white-supremacists-militias-infiltrate-us-police-report>}, accessed on August 22 2020.

disproportionate incarceration of African Americans).⁵² What does this mean for the case of BLM? The reasonable chance of success criterion is applied *prior* to securitization and thus is based on a “best guess” as to whether securitization will mitigate the existential threat. This raises two questions. Firstly, is the use of securitization tactics by BLM likely to succeed in mitigating the threat posed by white supremacy? Secondly, if the answer to the first question is “no”, does this mean that we should accept that non-state groups opposing unjust states will be unlikely to meet the criteria of just securitization, or should we reconsider whether the criterion ought to be applied to such groups?

Would securitization by BLM be likely to succeed?

Given the ultimate failure of the civil rights movement to mitigate the threat of white supremacy, it is reasonable to assume that the securitization tactics available to non-state protest groups like BLM who are opposing unjust state oppression will be *unsuccessful*, particularly given the likelihood of violent state backlash. The difficulty of meeting the “reasonable chance of success” criterion puts BLM and similarly situated groups in an impossible situation: fight white supremacy (or other forms of severe oppression and injustice) through “ordinary political means” (which are almost certain to fail, as we have seen) or do nothing. So, although Floyd writes that, “non-state actors are permitted to ... effectively deny the state, when states fail to protect against an objective existential threat”,⁵³ insisting on a reasonable chance of success criterion makes denying the state next to impossible for non-state protest groups with few resources who are fighting forms of oppression embedded in state institutions and practices.

This brings us to the second question: should we accept that non-state groups may rarely if ever meet the criteria of just securitization and thus should not engage in securitization, or should we reconsider the reasonable chance of success criterion as applied to non-state groups facing an existential threat posed by state systems of oppression?

The moral value of futile resistance

⁵² Alexander, *The New Jim Crow*

⁵³ Floyd, *The Morality of Security*, p. 146–47.

I want to end my discussion of the case of BLM by proposing that the criterion of reasonable chance of success should be modified, if not removed entirely, when JST is applied to cases of non-state groups opposing state oppression. I suggest that in cases where non-state groups meet the other criteria of Floyd's JST (such as just cause), there can be a moral justification for engaging in securitization that is likely to be futile. For example, during the 18th and 19th centuries there were several armed slave uprisings, all of which failed⁵⁴ and none of which had a reasonable chance of success under any plausible definition of "reasonable". Under Floyd's JST, these uprisings were unjustified. Yet, today they are regarded as heroic acts of resistance. This suggests that securitization by non-state groups facing existential threats caused by unjust states can have significant *moral* value even if such securitization is unlikely to successfully mitigate the existential threat. This does not mean that non-states groups are *obliged* to engage in futile resistance. Rather, it means that such groups *may* be morally justified in doing so, if they choose to take that path. For example, engaging in securitizing actions can be a way of asserting the moral value of human dignity and freedom in the face of oppression. As Derrick Bell argues, "the struggle for freedom is at the bottom, a manifestation of our humanity which survives and grows stronger through resistance to oppression."⁵⁵

Perhaps this concern could be addressed by broadening the concept of "success" in the reasonable chance of success criterion to include the achievement of moral goods such as the assertion of human dignity. I think, however, that this is an unworkable solution as it is hard to know how one would measure chance of success in relation to such aims. Instead, I propose that Floyd consider qualifying her reasonable chance of success criterion, or even removing it entirely, and allowing for the possibility of just (but likely futile) securitizations on the part of non-state groups facing unjust state regimes who meet the other criteria of her JST.⁵⁶ Give that Floyd's criteria of just

⁵⁴ Butler, 'By any means necessary', p. 749.

⁵⁵ Derrick Bell, 'The racism is permanent thesis: Courageous revelation or unconscious denial of racial genocide', *Capital University Law Review* 22 (1992), pp. 571–87, p. 573.

⁵⁶ I think a case can be made for differentiating state and non-state securitizations here. For example, futile securitizations by a state would, I argue, be far less justifiable given the immense harm that states can inflict via acts of securitization. Additionally, my proposal would problematize the proportionality criterion in both the initiation and conduct of securitization. If securitization by a non-state group could be justified as an affirmation of human dignity with little chance of success (assuming such a group has just cause and meets the other criteria) the harm caused by such securitization would be disproportionate because it would not be counterbalanced by the good of mitigating the existential threat. One way of addressing this issue would be to incorporate the good of affirming dignity into the proportionality calculation – a suggestion I cannot explore in detail here.

conduct of securitization sets limits on the kinds of securitizing actions that may be used by a securitizing actor,⁵⁷ this proposal would mean that there would be significant moral constraints on the cases that would meet the criteria of her JST.

4. Conclusion

Applying Floyd's theory of just securitization to the case of BLM and the threat of white supremacy illustrates the value of her approach in recognizing that non-state protest groups facing existential threats from unjust and oppressive states may engage in securitization. Her definition of an existential threat allows a broader understanding of how a group's basic needs may be threatened in different ways. However, the difficulty that BLM and similarly situated groups would have in meeting the reasonable chance of success criterion suggests a need to revise that criterion to accommodate the possibility, and capture the moral significance, of just but futile resistance. Otherwise, her theory would make it virtually impossible for non-state groups to engage in securitization against powerful unjust states.⁵⁸

⁵⁷ Floyd, *The Morality of Security*, pp. 153–60. For example, when considering the use of armed resistance by BLM and similarly situated groups, such violence would only be justified if “it serves some defensive purpose. Killing someone who negligently fails to prevent a threat can only be permissible if killing them is causally effective in preventing that threat” (Floyd, *The Morality of Security*, pp. 166).

⁵⁸ Floyd, *The Morality of Security*, pp. 189. Applying her theory to the case of white supremacy also raises questions about the *desecuritization* of white supremacy. For example, does the state bear “remedial responsibility” for the harms of white supremacy? What restorative acts would redress these harms? These questions further illustrate the potential of her theory to expand our thinking about securitization beyond the traditional state-centered focus of security studies.