

‘I am somewhat puzzled’:ⁱ

Questions, audiences and securitization in the proscription of terrorist organisations

A recent wave of scholarship has drawn attention to the need for further engagement with the role of ‘the audience’ in securitization ‘games’. This article contributes to this discussion both theoretically and empirically, by exploring the types of question an audience may ask of a securitizing actor before a securitizing act meets with success or failure. To do this, it offers a discursive analysis of all twenty-seven UK Parliamentary debates on the extension of proscription powers to additional terrorist organisations between 2002 and 2014. We argue, first, that these are characterised by a wide range of questions relating to the timing, criteria, mechanics, consequences and exclusions of proscription. And, second, that these questions function as demands upon the executive to variously justify, explain, clarify, elaborate and defend decisions to extend the UK’s list of designated groups. Taking these questions seriously, we suggest, therefore allows insight into a variety of ways in which audiences might participate in security politics that are not adequately captured by notions of consent or resistance, or success or failure. This has empirical and theoretical value for understanding proscription, Parliamentary discourse, and securitization alike.

Key words: Securitization; Audience; Proscription; Security; Discourse; Parliament.

Introduction

An important driver within contemporary debate on the value and direction of securitization theory has been a perceived lack of attention to the make-up and role of the ‘audience’ in this framework.ⁱⁱ In the theory’s original – ‘Copenhagen School’ – formulation, the audience is presented as playing a decisive role in the ultimate fate of any securitizing move (Buzan *et al*, 1998). Understood as, ‘those the securitizing act attempts to convince to accept exceptional procedures because of the specific security nature of some issue’ (Buzan *et al*, 1998: 41), this

formulation argued that a relevant audience must recognise and accept such an act in order that a particular issue be successfully transferred to the realm of security politics with everything this connotes. It is this centrality that renders this approach to securitization intersubjective rather than decisionist (Roe, 2004: 281), because – understood thus – ‘Successful securitization is not decided by the securitizer but by the audience of the security speech act’ (Buzan *et al*, 1998: 31). Thus, as Buzan *et al* (1998: 30) warn, there is a danger in over-emphasising the role and agency of securitizing actors, because: ‘In some cases...it *does* matter how others judge the reasonableness of a securitization, because this influences how other actors in the system will respond to a security claim’.

Subsequent literature on securitization, sympathetic and critical, has raised significant questions around this Copenhagen School approach to the audience. First, are problems of under-conceptualisation (Balzacq, 2005; Stritzel 2007; Roe, 2012). Of particular concern here is a perceived tension between a commitment to intersubjectivity, on the one hand, and to the performative power of speech acts with its attendant downplaying of an act’s recipient, on the other (McDonald, 2008; Balzacq 2011; compare Hansen, 2011). Second, authors such as Salter (2008, 2011), have problematised the audience’s homogeneity by pulling attention to the multiplicity of ‘settings’ in which security is performed, and, concomitantly, the varying expectations, background knowledge, and dispositions of disparate audiences. For Van Rythoven (2015), for instance, securitizing moves are constrained, and potentially frustrated, by the role of collective emotions such as fear within relevant audiences. Third, is the risk that the Copenhagen School’s insistence on audience acceptance for successful securitization sets an unnecessarily high bar that may be ill-suited for analysing the production of many threats in ‘real’ empirical scenarios. As Balzacq (2011: 8) suggests: ‘threat images that become prevalent in a society, without explicit audience assent, cannot be captured in terms of securitization theory, nor participate in the development of the conceptual apparatuses of the

latter' (see also Huysmans, 2006; Oren and Solomon 2015). And, fourth, as Leonard and Kaunert (2011: 58-59) amongst others have argued, these conceptual problems matter because without knowing the constituents of a relevant audience, how to establish when acceptance has been given, or at what point the process of securitization is complete, it becomes far more challenging to 'apply' this approach within specific research contexts.

One consequence of this discussion has been further specification of the variable meaning and logics of 'security' in different contexts. McDonald (2015: 159), for instance, argues that, 'the practical effects of linking security with particular issues or policies – the implications of securitization – vary according to the different discourses of security that underpin the way particular issues are conceptualized and addressed by different political communities' (see also Browning and McDonald, 2013). Here, a link may be drawn with related, but often conceptually distinct, explorations of 'everyday' or 'vernacular' security and their emphasis upon local understandings and narratives of threat (Bubandt, 2005; Jarvis and Lister, 2013).

A second, equally important, effect of these discussions has been a directing of attention to the ways in which securitizing acts are contested, resisted, or otherwise challenged by different audiences. Shou Tjalve (2011: 443) approaches this task conceptually, calling for greater theorisation of 'how forms of political order may set the context for, and systematically condition, processes of securitization/desecuritization'. Oren and Solomon, in contrast, draw on work around political ritual to explore how practices of incantation – rather than 'rational' persuasion – may facilitate successful securitization. Balzacq's (2015a) recent edited volume, however, stands out here, with its attempt to map the different ways in which 'specific security formation[s are]...challenged, debased or extinguished' (Balzacq, 2015b: 8). In different ways – and using distinct conceptual apparatuses from emancipation through to resilience and resistance – the contributions to that volume all contest the assumption that

security discourses pass relatively unchallenged due to the ‘fast-tracking’ of decision-making (compare Aradau, 2004; Roe, 2012) seemingly required by the ‘urgency of emergency’ (Salter, 2011: 116) within the logic of security.

This article contributes to these discussions by focusing on parliamentary debate around the proscription of terrorist organisations within the United Kingdom (UK). These debates offer a particularly promising case through which to consider the role of the audience within security discourse for two reasons. First, although there is now a small but significant body of work on the security practices of parliamentarians – including in relation to counter-terrorism – legislative debates on proscription have remained almost entirely untouched (for relevant scholarship, see Huysmans 2006; Huysmans and Buonfino, 2008; Neal, 2012; Fisher, 2015). This is both unfortunate and surprising. It is unfortunate, because these debates offer a relatively compact case study through which to analyse justifications for, discussion around, and the granting of new security mechanisms.ⁱⁱⁱ As detailed below, the extension of proscription powers to hitherto unlisted organisations takes place within discrete and identifiable debates with immediately traceable consequences. The lack of attention to these debates is surprising, moreover, because the consequences of proscription which include the banning of identified groups from a designated territory and the criminalisation of membership of those groups speak to precisely the kinds of security logic and consequence – boundary drawing, exclusion of others, exceptional powers – presupposed by the securitization framework.

A second reason for taking these debates seriously is that they offer an excellent opportunity to explore audience participation in the securitization ‘game’ that lies somewhere between straightforward acceptance and outright contestation.^{iv} As demonstrated below, parliamentary debate on the application of this power is characterised by a whole series of questions and comments not adequately captured by a binary yes/no model which so-called

‘linguistic models’ of the securitization framework encourage. These questions stretch from issues of bureaucratic procedure to matters of fundamental principle. They include, *inter alia*, requests for additional information on the activities of, or threat posed by, particular organisations, as well as appeals for clarification on why specific organisations have been brought ‘to the table’ for debate. Taking these questions seriously, therefore, nuances understandings of the role different audiences might play in securitization dynamics by elaborating relatively neglected forms of participation. Just as an issue may not fall neatly into one or other of securitized/unsecuritized, so an audience’s response to a securitizing move might fall between acquiescence and opposition, or consent and resistance, at least initially. An analytical framework of five identified types of ‘security question’ is therefore offered to capture some of the ways in which legislators participate as audiences in this context.

The article’s contribution is therefore both empirical and theoretical. In the first instance, it presents a detailed and rich description of a particular security ‘game’ that draws on a significant body of original, and unresearched, primary material. In so doing, it provides an analysis that stretches across fifteen years of UK political history and three distinct governments. This empirical contribution to existing work on political discourse around proscription, counter-terrorism, and security is complemented by the article’s second – theoretical – contribution to contemporary debate on securitization. Here, our focus on how legislators question the executive contributes to recent elaborations of the role of disparate audiences within security politics. It does so, first, by providing a typology of distinct logics of enquiry underpinning audience participation in this setting. And, second, by highlighting the significance of these for the temporalities and fixedness of roles within security dramas, as well as for future investigation into intra-audience heterogeneities.

The article begins with an overview of proscription and its usage in the United Kingdom. This is followed by an introduction to the research from which this article draws,

and its discourse analysis methodology. As noted below, this involved an immersive reading of all relevant debates within the two Houses of Parliament between 2002 and 2014: twenty-seven in total. The article's third section introduces five types of question that emerge in these debates, captured here as questions of timing, criteria, mechanics, consequences and exclusion. In the article's final section we argue that these questions function as demands on the executive – demands on the securitizing actor – to variously justify, explain, clarify, elaborate and defend the decision to proscribe one or more terrorist organisations. The article concludes by pointing to a number of productive future research areas suggested by our analysis.

Proscription and its analysis

The UK's proscription laws, codified in Section 3 of the Terrorism Act (TA) 2000, empower the Executive, with Parliament's assent, to outlaw specific organisations which: commit or participate in acts of terrorism; prepare for terrorism; promote, encourage (or unlawfully glorify)^v terrorism; or, are 'otherwise concerned in terrorism'^{vi}. In addition to this statutory test, the Home Secretary may take into consideration discretionary criteria, including: the 'nature and scale' of an organisation's activities; the threat posed to the U.K or its citizens overseas; the extent of an organisation's presence in the UK; and, the 'need to support other members of the international community in the global fight against terrorism'^{vii}. Where the Secretary determines to proscribe an organisation, she must lay an order before Parliament, subject to the affirmative procedure. Both Houses must support the order for it to be passed, and – while the order must be debated by Parliament – it may not be amended in any way. Proscription takes effect following Parliament's approval.^{viii}

As of July 2016, there are 70 'international' terrorist organisations proscribed in the UK under the TA 2000 with 14 further organisations in Northern Ireland banned under

antecedent legislation. For these organisations and their members, the effects of proscription are severe. As detailed by the UK Home Office (2015: 3):

Proscription makes it a criminal offence to:

- belong, or profess to belong, to a proscribed organisation in the UK or overseas (section 11 of the Act);
- invite support for a proscribed organisation (and the support is not, or is not restricted to the provision of money or other property) (section 12(1));
- arrange, manage or assist in arranging or managing a meeting in the knowledge that the meeting is to support or further the activities of a proscribed organisation, or is to be addressed by a person who belongs or professes to belong to a proscribed organisation (section 12(2)); or to address a meeting if the purpose of the address is to encourage support for, or further the activities of, a proscribed organisation (section 12(3)); and
- wear clothing or carry or display articles in public in such a way or in such circumstances as arouse reasonable suspicion that an individual is a member or supporter of the proscribed organisation (section 13).

These offences attract significant penalties, including seizure of an organisation's assets and prison terms of up to ten years.

Given the significance of these powers, and – indeed – the post-9/11 glut of counter-terrorism scholarship, analysis of proscription in the UK and beyond has been surprisingly limited, especially from within Security Studies, International Relations and Political Science (although see Sentas, 2010; Marques da Silva and Murphy, 2012; Ilbiz and Curtis 2014). Legal scholars have, to date, led the way (e.g. Cameron, 2003; Hogg, 2008; Muller, 2008) in debating its implications. For some, proscription may have value – especially in nascent democracies – for channelling political dissent into legitimate processes (Finn, 2000: 66); or for assisting the public to determine which organisations are non-violent and thereby deserving of support (Douglas, 2008: 98). Far more widespread, however, are concerns about

the power's utility (Walker, 2002), and capacity to achieve even its stated aims (Marques da Silva and Murphy, 2012: 4). Reasons for this include: fears proscription is insufficiently nuanced to capture the disaggregated dynamics of non-state organisations (Goldsmith, 2007: 70-1); concerns it obstructs security agencies from 'infiltration and monitoring' for prosecution purposes (Walker, 2002: 64); and worries it may alienate communities from democratic processes, 'making them more likely to resort to violence' (Finn, 2000: 66; also Nadarajah & Sriskandarajah, 2005; Muller, 2008; Gross, 2010).

More explicitly normative concerns approach proscription as anti-democratic (Hocking, 2003), eroding democratic freedoms by 'chilling dissent' (Douglas, 2008; Marques da Silva and Murphy, 2012: 13 and Finn, 2000), and thereby potentially contributing to the creation of suspect (frequently diaspora) communities (Pantazis and Pemberton, 2009). Proscription orders may also, moreover, serve the interests of oppressive regimes overseas (Sentas, 2010: 16), and impede peace processes (Gross, 2010; Haspeslagh, 2013). Underpinning these concerns, for many, is the 'infusion of politics' (Muller, 2008: 128) into proscription decisions, creating a 'politicised process' driven too frequently by unrelated foreign policy interests (Shapiro, 2007: 548; also Douglas, 2008)

Although undoubtedly important, this literature remains almost entirely focused on causal questions around proscription's impact on terrorist groups or liberal democracy (Jarvis and Legrand, 2016). As such, it sheds little light on constitutive questions around the broader security politics that undergird the making and legitimation of such laws. To address this imbalance – and, in so doing, to advance recent discussion on security audiences – the remainder of this article draws on material from each of the relevant twenty-seven debates that took place within the UK's Houses of Parliament between October 2002 and June 2014. These self-contained debates on this statutory instrument represent every attempted - and ultimately every successful - addition to the list of proscribed organisations within the United

Kingdom between the time of writing and the passage of the Terrorism Act 2000, and a House of Lords Amendment Order on the deproscription of the People's Mujaheddin Organisation of Iran (PMOI).^{ix} The transcripts from these debates were accessed via Hansard and constitute a corpus of approximately 148,500 words.

Following collection of our data, each debate was subject to a discursive analysis around five primary themes derived iteratively via an immersive reading of this material using a 'framework' approach (Ritchie and Spencer, 2002). This involves a systematic sifting, charting and sorting of research material for the purposes of summarising and classifying large volumes of data in a manner within the text's own categories (Jones, 2000: 560). The five themes, identified inductively, referred, first, to general reflections on the UK's proscription powers, with sub-themes including descriptions of proscription; positive evaluations of proscription; potential limitations of proscription; and, questions and criticisms regarding the implementation of proscription in specific circumstances. Second, constructions of self-identity, including of individual politicians, of Parliament, of Government, and of the United Kingdom. Sub-themes here included expressions of cross-party consensus; references to the UK's liberal heritage; accounts of the legislative process; and, representations of the United Kingdom's role and importance within global politics. The third theme concerned generalised reflection on the UK's counter-terrorism framework, including expressions of vigilance, toughness or resilience; descriptions of the UK's security and intelligence services; accounts of the challenges of counter-terrorism; discussion around international engagement; and, debate on the importance of 'balancing' political values such as security and liberty.

A fourth theme focused on constructions of otherness, including general descriptions of terrorism; articulations of the terrorist threat; and, references to specific groups under consideration for proscription. The final theme was miscellaneous, under which was located additional material that did not fit neatly into any of the previous categories. Although this

article draws on material from each of these, its focus is primarily on material identified in the first, given its emphasis on how security decisions are questioned in debates on proscription.

Questioning proscription

The following discussion is organised thematically around five types of question identified in our immersive reading of the twenty-seven parliamentary debates. These questions refer to: (i) the timing and (ii) criteria behind proscription decisions; (iii) the mechanics of proscription; (iv) the consequences of proscription for designated groups and others; and, (v) other organisations not under consideration within a particular debate.

Timing

Matters of timing constitute a prominent theme within Parliamentary debate on proscription. Although these occasionally focus on executive hastiness, perceived delays in this power's exercise are a far more common concern. Oliver Letwin, in 2002, for example, noted: 'I want to probe the question of the timetable that led to the proscription of Jemmah Islamiyah today rather than at an earlier date', asking, 'why this has taken so long' (Letwin, House of Commons, 2002: Column 880). Conservative MP Patrick Mercer, in 2005, similarly – in the case of Ansar Al-Islam, Ansar Al Sunna and Al Qaeda in the Country of Two Rivers – wondered why the government had 'taken so long to ban one, two, or possibly three organisations, that, so far as I can see, probably represent the same thing' (Mercer, House of Commons, 2005: Column 480). Leader of the Liberal Democrats, Nick Clegg asked of Jammat-ul Mujahideen Bangladesh and Tehrik Nefaz-e Shari'at Muhammadi, 'why is the move to proscribe those two organisations only taking place now?' (Clegg, House of Commons, 2007: Column 1376), while Lord Dholokia, in the upper house, similarly asked:

Why, when we knew months ago of the bombings in at least 500 places in Bangladesh, are we only now being told about the proscription of the [Jammāt-ul Mujahideen Bangladesh]? Why are we considering the proscription of the [Tehrik Nefaz-e Shari'at Muhammadi] now, when its role, attacking coalition forces in Afghanistan and Pakistan has been pretty clear? (Dholokia, House of Lords, 2007: Column 752)

Related, but more pointed, questions focus on whether particular political or conjunctural factors have intervened to force a decision at a specific moment. Liberal Democrat MP Tom Brake, for example, asked in relation to Tehrik-e Taliban Pakistan (TTP): 'was it prompted by the attempted car bombing in Times square in May 2010? ... has there been any evidence of any activity in the UK, or any expectation that any assets may be seized?' (Brake, House of Commons, 2011: Column 969). Keith Vaz, similarly, enquired of al-Shabaab: 'Have the Government received evidence that that particular organisation ... has been involved in any of those activities? ... Is that, therefore, why he has come before the House with this order?' (Vaz, House of Commons, 2011: Column 1035).

The decision to proscribe the Lebanese organisation Hezbollah at a moment of apparent openness to dialogue was questioned in the relevant 2008 debate: 'I am somewhat puzzled by the timing of the order...[given] the moves by Hezbollah towards the democratic process' (Alderdice, House of Lords, 2008: Column 1351). Elsewhere, it is the significance of public opinion that captures attention, as with Crispin Blunt's asking whether the timing of Islam4UK's proscription was related to that group's 'proposals for a demonstration and [therefore] in response to public pressure' (Blunt, House of Commons, 2010: Column 1042). Perhaps most pointed of all, however, are questions about the intervention of outside influence. As Lord Harris of Haringey asked of TTP (with emphasis on Hizb ut-Tahrir's continued escape of proscription): 'was there a specific request from the Government of

Pakistan or perhaps the Government of the United States in support of such a ban?' (Harris, House of Lords, 2011: Column 606).

Criteria

A second, related, set of questions focuses on the criteria underpinning proposed proscriptions. Simon Hughes, in 2002, for example, asked of Jemaah Islamiyah: 'What triggered the Government's view that the organisation should be proscribed? I understand the delicacy of the intelligence issues, but that organisation clearly has a reputation in the areas in which it is based' (Hughes, House of Commons, 2002: Column 884). Whether proscription is tied to evidence of a direct threat to the UK or its interests is a common theme. Lord Ahmed, for example, in 2002, asked: 'What evidence is there that a group operating in Uzbekistan or Lebanon is also a danger to British citizens in the United Kingdom?' (Ahmed, House of Lords, 2002: Column 254). Conservative MP David Ruffley asked of Hezbollah: 'Will the Minister share with us the evidence in his possession about Hezbollah's fundraising activities in the United Kingdom?' (Ruffley, House of Commons, 2008: Column 199). Keith Vaz asked similarly of al-Shabaab two years later: 'does the minister have any evidence that it is operating in the United Kingdom - where he is a minister and we are the Parliament?' (Vaz, House of Commons, 2010: Column 1036). As did Diana Johnson, more recently, of the Indian Mujahadeen (IM):

May I also ask whether there is any evidence linking that group to forces attacking UK troops operating in Afghanistan? ...[Also] there is the issue of the extent of the organisation's presence in the United Kingdom, and the question of whether any specific threat is posed to the UK. Is there any evidence that the IM is active in the UK, or receives direct support from it? Have the Government any estimate of the number of people in the UK who might be affected by the proscription of the group? (Johnson, House of Commons, 2012: Column 1023).

Fear of external interference again colour many of these questions of criteria. Alan Simpson, for instance, fearing that the UK's list of proscribed groups served American interests – 'We [the UK] have a proscription list that is friendly for the current US Administration' – noted 'a dreadful lop-sidedness to that sort of approach...[such that] we must ask what has changed to require their addition to our list of known risks or threats to the UK' (Simpson, House of Commons, 2005: Column 478). John McDonnell, in the same debate, wanted to know: 'how much [information] comes directly from British intelligence services and how much is provided by the CIA and others?' (McDonnell, House of Commons, 2005: Column 475). The use of torture worried Helen Goodman who asked: 'how will the minister make a judgement in practice about whether people truly belong to the IJU, which is to be proscribed, or have [they] simply been tortured into claiming they do?' (Goodman, House of Commons, 2005: Column 469) Meanwhile, Baroness Harris of Richmond wanted to know whether proscription targets were listed by others: 'Have other European Union member states, for example, imposed proscriptions on them? For that matter, have any other Government asked us to proscribe them?' (Harris, House of Lords, 2006: Column 1613).

Procedure

A third set of questions focuses on the mechanics of proscription, with parliamentarians asking how the outlawing of enemies works in practice. Simon Hughes, for example, enquired in 2002 whether a domestic threat was required for a group to be proscribed by the UK: 'Is it sufficient for the purposes of the legislation for the Home Secretary to be of the view that a threat exists abroad?' (Hughes, House of Commons, 2002: Column 884). Douglas Hogg, the same year, asked of Ministerial responsibility: 'which minister decides on proscription? I refer to the substance and not the form' (Hogg, House of Lords, 2002: Column 892). Others

enquire into this power's flexibility: 'As soon as organisations are banned, they change their name...That is not a criticism; I am merely asking for information about how that can be controlled' (Mercer, House of Commons, 2006: Column 496). This – recurrent – concern resurfaced most recently, with the emergence of ISIS from al-Qaeda in Iraq. As Diana Johnson noted in the relevant 2014 debate, this raised interesting questions around the origins of ISIS' proscription:

The US State Department proscribed ISIS in 2004, when ISIS was known as al-Qaeda in Iraq. Will the Minister confirm whether it was regarded as a proscribed group at that time because it was an affiliate of al-Qaeda? In 2013, ISIS attempted to merge with the al-Nusra Front, another affiliate of al-Qaeda. That merger seemed to prompt the United Kingdom Government to list the al-Nusra Front as an affiliate of al-Qaeda, and therefore as a proscribed organisation. Will the Minister be clear about the status of ISIS at that time and why it was not specifically listed? (Johnson, House of Commons, 2014: Column 1287).

Baroness Smith, in the House of Lords debate on the same order similarly asked: 'I am trying to understand how such proscription orders work in practice. Was there a gap during which ISIL was neither proscribed as being part of al-Qaeda nor, until Friday, proscribed in its own right?' (Smith, House of Lords, 2014: Column 1014).^x

Parliamentary discussion on the mechanics of proscription also includes questions around international cooperation. Shabana Mahmood, in 2011, asked of TTP: 'What co-operation has there been between the government and our allies engaged in operations in Afghanistan and other parts of the world in terms of proscribing it?' (Mahmood, House of Lords, 2011: Column 968) Conservative MP Tobias Ellwood asked of the Indian Mujahideen: 'What international coordination is there to ensure that if such an organisation is proscribed in one country, it is proscribed in other countries that we see as our allies?' (Ellwood, House of Commons, 2012: Column 1021). Lord Rosser wanted to know more of the UK's

encouragement of other governments to act similarly: ‘are we pressing other countries to take similar action in respect of this organisation?’ (Rosser, House of Lords, 2011: Column 608). Meanwhile, Mahmood sought further detail on Ministerial discretion in the case of TTP: ‘[the] criteria seem to be perfectly sensible in providing the basic test against which a Secretary of State may decide to exercise his or her discretion, but will the Minister shed some light on how, in this particular case, they have been applied?’ (Mahmood, House of Lords, 2011: Column 967)

A particularly prominent source of procedural questioning is the mechanics of *deproscription* and the process by which organisations are removed from the Home Office’s list. Mahmood – in the debate discussed immediately above – asked: ‘will the Minister give the House some details about the procedure by which the government intend to keep the list of proscribed organisations under review?’ (Mahmood, House of Lords, 2011: Column 968). Jeremy Corbyn, the following year, asked in a debate on the Indian Mujahideen: ‘what reviews have been conducted of all the other organisations on the list? Every time these orders come up, we seem to add to the list, rather than subtract from it’ (Corbyn, House of Commons, 2012: Column 1020). Diana Johnson, in 2014, sought justification for the UK’s continuing reluctance to remove groups from its list:

According to the independent reviewer’s website last summer, the Home Office had compiled a list of up to 14 groups that no longer met the criteria for proscription. Will the Minister confirm that that is correct? (Johnson, House of Commons, 2014: Column 954)

In the same debate, she asked for elaboration on how individuals affected by proscription might appeal that decision:

does the Minister consider it appropriate to set out in detail how that [deproscription] procedure takes place, so that hon. Members can fully understand how an individual, who might put themselves in difficulty by coming forward, might access it and take it forward? (Johnson, House of Commons, 2014: Column 954)

DUP MP Nigel Dodds in a debate on Ansar Bayt al-Maqdi (ABM) sought similar clarification on the description of deproscription contained within an accompanying explanatory memorandum:

Paragraph 12 of the explanatory memorandum states: “If a proscribed organisation...applies to the Secretary of State for deproscription, the proscription of the organisation will be reviewed”. How does that work in practice? If an organisation and its members are illegal—proscribed—how do they have the locus to apply to have the proscription reviewed? (Dodds, House of Commons, 2014: Column 951)

Labour MP Rudi Vis wondered whether the (common) practice of multiple proscriptions would impact deproscription decisions, whereby: ‘in 2001 we had one vote on the proscription of 21 organisations. If any of those organisations were to be de-proscribed ... would there have to be a review of all 21 proscribed organisations, because there was just one vote?’ (Vis, House of Commons, 2006: Column 493). Meanwhile, Keith Vaz wanted to know where responsibility lay for bringing forward deproscription requests: ‘Who makes the application when no members of the LTTE are operating in the United Kingdom? Who will write a letter to the Home Secretary to say, “Dear Home Secretary, please de-proscribe us” when the group no longer exists?’ (Vaz, House of Commons, 2012: Column 1026).

Consequences

A fourth set of questions focuses on the outcomes of proscription. Although some of these concentrate on terrorism's artefacts – 'what becomes the status of such websites in British law once proscription has taken place?' (Grieve, House of Commons, 2005: Column 483) – most emphasise the consequences of this power for individuals or organisations. The use of proscription to smooth deportation, and the impact of this upon protections afforded by the European Convention on Human Rights, concerned Lady Hermon:

If a non-British national who is within the jurisdiction of the UK is a member of, or associated with, any of the four proscribed organisations listed in the order, can he be deported to a country where he will almost certainly be put to death or at least subjected to inhumane and degrading treatment or torture? (Hermon, House of Commons, 2002: Column 893).

More wide-ranging, in 2006, was Mike Hancock's request for greater information on the power's application: 'Can the Minister give us details of any charges that have been brought against individuals who have been involved with organisations since they have been proscribed? Have any of those charges led to successful convictions?' (Hancock, House of Commons, 2006: Column 492). Baroness Anelay, similarly, wanted to know: 'Can the Minister...tell the House what direct action is taken by the police to deal with organisations after they are proscribed?' (Anelay House of Lords, 2006: Column 1613). Each of these questions invoked Lord Kingsland's earlier, broader, enquiry into proscription's evidence base:

The Government have already proscribed 39 organisations. Have they engaged in an assessment of the effectiveness of proscription as a means of protecting the citizens of this country against the terrorist threat? In other words, how successful has been the effect of putting organisations on the proscribed list? Have any of the proscribed organisations put on the list been closed down as a result? Is there any evidence to demonstrate that listing leads to increased terrorist arrests, or assists in seizing terrorist

assets—or that listing simply drives these organisations underground and makes them harder to monitor? I use these questions as illustrative of a general request to understand exactly how the Government are assessing the effect of the policy they set out under the Act (Kingsland, House of Lords, 2005: Column 1613).

David Heath wondered about the worth of proscription, given the availability of less dramatic alternatives: ‘Why are so few prosecutions brought? Prosecuting for incitement could be more effective than the heavy-handed approach of proscription’ (Heath, House of Commons, 2006: Column 502). Conservative MP David Ruffley asked about the existence of exploitable loopholes, with especial focus on Hezbollah: ‘What consideration has been given to the possibility of people getting around the proscription order?’ (Ruffley, House of Commons, 2008: Column 199). In a subsequent debate on al-Shabaab, Baroness Neville-Jones – later appointed Minister of State for Security and Counter-Terrorism – asked about the consequences of proscription for diaspora communities, in light of the UK’s counter-radicalisation framework:

What, if anything, are the Government able to do to encourage UK diaspora communities here to exercise their responsibilities regarding that group? Obviously, we need to encourage people not to support it. As noble Lords, know, we take the view that it is very important for the Government to promote the notion of shared values. Is anything being done to surround the proscription order in the area of what we might call "Prevent"? (Neville-Jones, House of Lords, 2010: Column 1638).

Exclusion

A final category of questions that returns repeatedly across these debates is on the status of groups not presently under consideration for proscription. Conservative MP John Redwood framed this question broadly during a 2006 debate on al-Ghurabaa, the Saved Sect, the Baluchistan Liberation Army and Teyrebaz Azadiye Kurdista, asking: ‘How many

organisations that are as bad as the ones that we are proscribing today should be proscribed?’ (Redwood, House of Commons, 2006: Column 496). More frequent, however, are enquiries about specific organisations deemed similarly – or more – worthy of this power than those under consideration, for instance: ‘I ask her what the situation is with groups such as the Al Aqsa Martyrs Brigades, which, for all I know, may be on a previous list’ (Lewis, House of Commons, 2002: Column 468); ‘Will the government explain why the external security organisation of Hezbollah is proscribed, whereas Hezbollah’s political arm and its guerrilla forces in south Lebanon are not’ (Mercer, House of Commons, 2006: Column 496); ‘Why is Abu Hamza’s old group, the Supporters of Sharia, not proscribed?’ (Mercer, House of Commons, 2006: Column 496); ‘Why is the Muslim Brotherhood – a proscribed organisation in other countries...not being adequately dealt with here?’ (Gove, House of Commons, 2006: Column 505); ‘Will the Minister explain why the SIMI has not been included in the order?’ (Johnson, House of Commons, 2012: Column 1022).

Less common are questions on the deproscription of specific groups already on the UK’s list. In a 2002 House of Commons debate, for example, Simon Hughes asked: ‘will the Home Secretary say whether de-proscription of the LTTE is under active consideration? Which organisations currently on the list have appealed to the Home Secretary and, beyond him, to the commission?’ (Hughes, House of Commons, 2002: Column 885). Jeremy Corbyn asked a similar question in a critique of proscription’s stymieing impact on conflict resolution: ‘Can the Minister tell us whether he has any plans to review any other organisations that are on the list, such as those representing the Kurdish and Tamil communities, as a way of promoting political dialogue and discourse to bring about peaceful resolutions to conflict?’ (Corbyn, House of Commons, 2011: Column 963). Particularly pronounced, however, were those around the Peoples’ Mujahedeen of Iran (PMOI) in debate before this organisation was successfully deproscribed. Baroness Harris, for example, asked: ‘Do the government feel that

it is time to look again at the proscription of the PMOI?’ (Harris, House of Lords, 2006: Column 1614). For, as Conservative peer Lord Waddington put it, the PMOI: ‘always looked very different from the other bodies listed in the schedule...proscription was at Iran’s behest and borne of an understandable wish that we should be seen to be playing a full part in the international community’s fight against terrorism’ (Waddington, House of Lords, 2006: Column 1615).

Running through many of these questions is a concern with consistency, and this power’s selective application. At times, this inconsistency is itself cause for explicit question, as in a 2006 House of Commons exchange begun with Liberal Democrat Mike Hancock asking whether such discrepancies generate, ‘confusion and concern within the Muslim population in this country about the way in which some organisations are treated, whereas others are ignored for other reasons...?’ (Hancock, House of Commons, 2006: Column 497). Such inconsistencies were on Adam Price’s mind, too, when he contrasted the Islamic Jihad Union with the state of Uzbekistan in which it is located: ‘should we not tread very carefully before proscribing an organisation that has less blood on its hands than a government with whom we still maintain diplomatic relations?’ (Price, House of Commons, 2005: Column 467).

Questions, audiences, and proscription

It is often argued that matters of national security see increased deference to political executives, even amongst elites such as those parliamentarians whose words are considered above (see Neal, 2012: 359). Indeed, proscription powers would appear an initially appealing candidate for such an analysis for two reasons. First, very explicit arguments about the need for parliamentary acquiescence constitute a recurrent feature of these debates. Such arguments include statements of ignorance about the proposed targets for proscription – ‘At the time of

our last debate, I think that few members of the public had heard of Boko Haram’ (Smith, House of Lords, 2014: Column 1014); professions of trust in the executive – ‘We must, of course, give the Home Secretary the benefit of the doubt. I am sure she has looked at this case very carefully indeed’ (Vaz, House of Commons, 2012: Column 765); and, assertions of the need for cross-party consensus on national security – ‘we will work with the Government to protect our national security, and in that spirit we will support the order’ (Mahmood, House of Commons, 2011: Column 968).

The second reason is that – in the UK at least – Parliament *always* acquiesces to the addition of new organisations to the list of proscribed groups, even when such organisations or the consequences of this designation are ill-understood. In the UK to date, every organisation brought forward for proscription has been accepted by Parliament: a feature which becomes, perhaps, more telling given that relevant orders frequently list multiple organisations for simultaneous proscription which must be accepted or rejected in their entirety (Legrand and Jarvis, 2014: 453). Thus, although one organisation – the Mujaheddin e Khalq also known as the Peoples’ Mujaheddin of Iraq (PMOI) – has successfully achieved deproscription and is therefore no longer on the UK’s list, there is considerable evidence of legislative deference in this context.

Yet, as the above discussion demonstrates, there also exists substantial indication of Parliamentary deliberation and even scrutiny around proscription, much of which involves legislative questioning of the executive’s efforts (see Neal, 2012; Roe, 2012). The asking of questions such as those considered above, clearly, falls frequently short of the sort of contestation implied in prominent frameworks of audience engagement in security politics, such as, for example, discussion of desecuritization, reverse securitization and counter-securitization (Vuori, 2011: 192; although see Van Rythoven, 2015 and Oren and Solomon, 2015). Indeed, the process of asking such questions – and having them answered – may

simply be a step toward the granting of consent by this particular audience, forming part of a performance or even ritual of democratic accountability that does little more than legitimise this power's deployment. Yet, there is more taking place here than straightforward or immediate acceptance of an attempted securitizing act. For, as the above shows, these questions include quite significant appeals to the executive that it explain or justify a chosen course of action, and that it clarify the process and consequences thereof. In the above case of exclusion, moreover, we also see questions functioning as demands that the executive defend its decision *not* to take alternative courses of action.

How Parliamentary audiences participate in the security politics associated with proscription is, therefore, both important and diverse. Figure 1 offers a typology of these, highlighting five logics of enquiry constituted by the above questions.

Insert Figure 1 here

Figure 1 clearly imposes artificial parsimony on the range of questions uncovered in our research. Its aim, however, is to illuminate the diversity a particular 'audience' – Parliamentarians – might play within a very specific dramatization of security; and the importance of this for that drama's unfolding. These questions are, importantly, asked in a bounded context which includes, amongst other things, general agreement on the government's mandate to designate proscribed groups; respect for parliamentary institutions; a UK party system which circumscribes space for dissent; and – indeed – a set of codified rules around the appropriate form and content of questions.^{xi} As the House of Commons Information Office (2010) clarifies: 'A parliamentary question must: either (a) seek

information ('what, how many, when...') or (b) press for action ('if he will...'). Where Buzan *et al's* (1998: 33) original framing of securitization proposed a grammar of security constituted by 'a plot that includes existential threat, point of no return, and a possible way out', the above analysis therefore illustrates some of the ways in which an audience might participate in the elaboration, refinement and even critique of such plots. This includes by asking questions around: the nature of the existential threat (questions of criteria and exclusion); when the point of no return was reached (questions of timing); and, indeed, the nature of the proposed way out (questions of procedure and consequence).

Some of these questions may function simultaneously as demands for justification and clarification. Other questions asked of securitizing actors in this or other contexts may not fit any of our five types. This, in a sense, is less significant than the typology's primary purpose, which is to demonstrate a diversity of ways in which audiences might engage in the politics of security short of outright acceptance or contestation. A parliamentarian asking the executive who made a particular (proscription) decision, or why such a decision was made, does not necessarily imply, evidence, or lead to the acceptance or rejection of such a decision. Yet, at least in this context, such questions are an integral part of the discursive and performative politics in which security dramas play out, incorporating but extending beyond matters of legality and legitimacy that are vital to the efficacy of security practices (Balzacq, 2015b).

The impact of the above questions on the outcome of any particular debate, any parliamentarian's vote, or, indeed, any wider audience, is some way beyond this article's scope. As, indeed, are the spread of responses offered by relevant Ministers in the context of these debates, although these do, *inter alia*, include: recognition of the validity of concerns raised by parliamentarians; reiteration of the challenges faced in proscribing specific groups; provision of explicit answers to substantive or procedural questions (such as clarifying where responsibility lies, delineating which factors underpin the listing particular groups, outlining

how cooperation takes place, or offering assurances on deproscription); and promising future information or answers such as, for instance, on Privy Council terms. Such answers are, at times, offered immediately after a question; at others in a summary statement at the end of a debate.

Whatever the truthfulness, reasonableness, or persuasiveness of such answers, the questions they follow pose, we argue, considerable analytical potential for extending and nuancing existing theorisations of securitization in at least three directions. In the first instance, taking such questions seriously contributes to the rethinking of securitization's various temporalities prominent within sociological critiques of the Copenhagen School approach. Just as multiple unexceptional, unspectacular 'little security nothings' do much of the work in producing contemporary insecurities (Huysmans, 2011), we have shown that the audience's role in securitization's drama, too, extends back in time – prior to the 'moment' of decision – to include earlier, smaller, interactions with (in this case) the political executive. Exploring the operation of these interactions therefore not only sheds light on the shaping of a drama's denouement: clarifying how the 'urgency of emergency' (Salter, 2011: 116) is produced within and across a period of time characterised by its own interruptions and pauses. It also – more obviously – expands understanding of the mechanism of justification often considered vital for successful securitization (compare with Oren and Solomon 2015). Thus, where Balzacq (2015b: 6), drawing on Vuori (2008), argues: 'justification is the mechanism that creates and sustains security practices... Leaders make security practices essentially by arguing their case that X counts as a threat', the above demonstrates that 'leaders' may be called upon to do far more than this, including having to clarify why other security practices and other threats were *not* pursued.

Second, the above analysis also problematises the strict actor/audience separation integral to the initial formulation of securitization theory. In one sense, the above acts of

questioning situate legislators as an independent audience scrutinising the executive. At the same time, this scrutiny occurs within an intersubjective framework that entails non-questioning, or a priori consensus around: the normative probity of proscription; government's democratic mandate; the power's general appropriateness to the problem, and, procedural rigour. Approached thus, the asking – and answering – of such questions also contributes to the reproduction of executive credibility through a performance of democratic scrutiny: positioning these parliamentarians as partners in the production and selling of a particular security discourse to wider (public) audiences, rather than – only – as 'customers' of such a discourse. This, clearly, blurs any neat distinction between actor and audience – highlighting the scope for movement between, or multiple occupancy of, these roles in security politics.

Third, our elaboration of the types of game played in parliamentary security politics also poses methodological insight for exploring heterogeneities within seemingly undifferentiated audiences. By centring the content of questions within our analysis, the above research points to considerable opportunity for future work on the constitution of cleavages, fractures or subsidiary audiences within singular settings populated by ostensibly identifiable (here, elite) communities (see Salter, 2008). Such work could draw upon tools within (critical) discourse analysis and related fields such as critical communication studies to map potentially pertinent relationships between topics, speakers and attributes (in our case, including party affiliation, House membership, or constituency). And, in the process, to explore how members of internally differentiated audiences position themselves as critics of, or contributors to, securitising moves over a period of time.^{xii}

It is not, finally, self-evident whether proscription necessarily constitutes the type of security politics Buzan *et al* (1998) had in mind in their initial discussion of securitization. On the one hand, efforts to add particular organisations to the UK's list often lack the language of

emergency frequently associated with the Copenhagen School framework. At the same time, an argument might also be made that these powers become increasingly normalised or institutionalised with each successive stretching of their scope to additional organisations (see also Buzan *et al* 1998: 28). Engaging with audience questions, then, might, perhaps be further justification for – as much as a consequence of – recent attempts to move beyond the strictures of the Copenhagen School approach to securitization, its importance in establishing this research agenda notwithstanding.^{xiii}

Conclusion

Parliamentary debate around the proscription of terrorist organisations offers an unusually compact window through which to explore the actor/audience relationship central to contemporary debate around securitization. Although the lack of academic engagement with this power is surprising, its application and debate, we argue, furnishes significant insights into the varied and variable logics of security. Recent efforts by Balzacq, Neal, Roe, Salter and others to unpack the diversity of audiences and contexts in which securitization takes place galvanise this article's attempt to offer a framework for understanding and exploring one type of audience engagement in a particular – and bounded – environment: the asking of questions to the political executive. Thus, the article's contribution is, in the first instance, an empirical one, by virtue of its concentration on a hitherto-neglected site of security politics through an extensive discourse analysis of every relevant Parliamentary debate on proscription.

The article also offers a theoretical contribution via the conceptualisation and analysis of five logics of enquiry that emerge in an intermediate space of audience engagement where efforts at securitization are neither straightforwardly accepted nor contested. At least in this context, this particular audience – the legislature – emerges not as peripheral, but rather as

central to the politics of security in a way not particularly well characterised by binary distinctions between acceptance or rejection which reduce relevant audiences to the moment of decision. As we have seen, questions of would-be securitizers can function as appeals – perhaps even demands – for justification, explanation, elaboration, clarification, scope, and, no doubt, more besides. And, as demonstrated above, this analysis has additional significance for thinking through the temporalities and fixedness of roles within security dramas, as well as for future investigation of audience heterogeneities.

With this in mind, our effort to take seriously the role of questions within security discourse offers a step toward further empirical and conceptual exploration of audience participation in security politics. Empirically, there is clearly considerable scope for comparative work on proscription debate from other parts of the UK Parliament, as well as in other parliaments worldwide. Powers of proscription are used widely, but with considerable variation globally – making use of different criteria, and bringing with them different consequences – such that we see surprising diversity in the lists of banned organisations amongst countries with otherwise similar counter-terrorism approaches. The scope for comparative work on how this is so – and the particularities of equivalent debates in comparable countries – is, therefore, considerable.

Developing this further, there is clearly also room for greater historical analysis of political debate around proscription's precedents – and, indeed, related efforts to outlaw other actors such as political parties – which would no doubt uncover important genealogies at work in this power's operation. Exploring whether similar security questions – and answer – emerge in relation to other security contexts (climate change, declarations of war, and so forth) would also, importantly, shed light on whether appeals for justification, explanation, elaboration, clarification and scope are specific to proscription or counter-terrorism. As would investigation of the questions posed by other scrutinising audiences such as courts of law,

advocacy groups, international organisations or independent reviewers. Building on recent work on ‘vernacular’ security studies, questions also remain around the types of security question asked in less rarefied settings in which security is invoked. At a conceptual level, finally, much more might be done on the status and implications of questioning in security politics more generally, with obvious connections to be made with the work of rhetoricians and linguists. Why, for example, do audiences even ask questions at all within security discourse? Do questions such as those considered above legitimise, undermine, challenge, or otherwise affect securitizing actors? How might these effects be evaluated or known? How do non-linguistic dynamics including spatial and temporal contexts play into this? Indeed, how do the questions asked by particular audiences (in our case Parliamentarians), impact upon others (e.g. publics or specific communities), and the questions they in turn ask?

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ⁱ Alderdice (House of Lords, 2008: Column 1351).

ⁱⁱ This article assumes general familiarity with the broad framework of securitization theory as conceptualised by the Copenhagen School. In this theory, security is approached as a ‘speech act’ through which a securitizing actor constructs a given phenomenon as an existential threat to a particular referent. When this is done successfully, to the satisfaction of relevant audiences, emergency measures are introduced to deal with the (constructed) threat. Buzan et al (1998) remains the best introduction.

ⁱⁱⁱ This is not, of course, to suggest debates in the chamber are entirely separate from other (parliamentary) spaces in which counter-terrorism work is done. Rather, that the discrete and formal nature of these debates provides a methodologically useful case study with which to analyse a specific effort to introduce new security measures.

^{iv} This ludological metaphor is taken from Booth (2007: 166).

^v The ‘unlawful glorification’ of terrorism provision was added in the Terrorism Act 2006, Section 21 (5a, b & c).

^{vi} Terrorism Act 2000, Section 3 (5).

^{vii} Explanatory Memorandum to the Terrorism Act 2000 (Proscribed Organisations) (Amendment Order) 2011, 7.2.

^{viii} To be removed from Schedule 2 – to be deproscribed – requires direct application to the Secretary of State. If the Secretary agrees, she may lay an order before Parliament for approval. Should the Secretary refuse, the organisation may appeal to the Proscribed Organisations Appeals Commission (POAC), which may only allow the appeal if it considers the Secretary’s determination flawed, subject to judicial review principles. Either the organisation or the Secretary may appeal POAC’s decision at the Court of Appeal, the decision of which is binding (House of Commons Library 2014).

^{ix} Further detail on the UK’s list of proscribed organisations, including the dates on which groups were added to the list, may be found via <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2> (last accessed 17 March 2016).

^x More unusual (because of the rarity of this practice) are questions about the UK’s ability to differentiate between internal branches of organisations where proscription is applied only to a part of the whole. As Lord

Kingsland (2008) asked of Hezbollah: ‘the Government have emphasised that this order will not affect Hezbollah’s political, social and humanitarian activities...can the minister explain how this distinction will work in practice?’

^{xi} In several debates a relevant spokesperson *begins* the discussion by expressing the opposition’s decision to support the proposal.

^{xii} We are grateful to the editors and each of the anonymous reviewers for encouraging us to clarify the broader significance here.

^{xiii} Oren and Solomon’s (2015) claim that securitization becomes often manifest through the ritualistic uttering of securitizing phrases offers a related argument, albeit with a wider conception of the ‘audience’ than that with which we here work.