

Book Review: Liberty and Security

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*Drawing on scholarship in law, human rights and political science, this book considers how proclamations of universal liberty and security are mocked by the vast inequalities in supposedly free societies, the authoritarian regimes with regular elections, and the terrible socio-economic deprivation camouflaged by cynically proclaimed commitments to human rights. **Conor Gearty's** book seeks to offer an explanation of how this has come about, providing also a criticism of the present age which tolerates it. This brilliantly conceived book enables readers to interrogate afresh the promise of democracy in delivering the potentiality of the universal as a regulative ideal, writes **Vivienne Jabri**.*

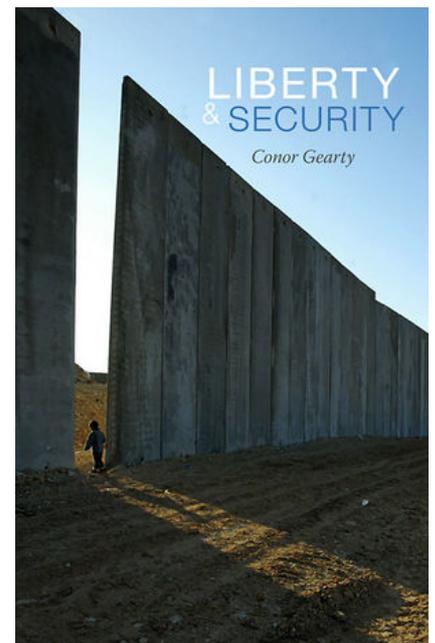
Liberty & Security. Conor Gearty. Polity. March 2013.

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Recent revelations relating to the surveillance practices of the National Security Agency in the US and GCHQ in the UK suggest that these organisations work with two paradigms, one that targets particular individuals, organisations, and states deemed the 'enemy', and the other that targets the 'general public', a 'dragnet' approach to surveillance that, according to its advocates, enables the detection of the all too important needle in the haystack, the singular individual or group intent on causing harm through violence. Edward Snowden, the NSA whistleblower, along with *The Guardian's* Glenn Greenwald, has revealed the extent to which western societies and their daily communications are subject to surveillance and scrutiny by the security apparatus of what are liberal democratic societies.

The particular and the universal are themes that run through [Conor Gearty's](#) timely book. Here we have not just a profound analysis of the implications of security practices for democracy and the rule of law, but a brilliantly articulated indictment of such practices by an author who has experienced at first hand and as a lawyer, in the context of Northern Ireland, what it means for the democratic state to target populations in the name of security. The challenge that Gearty sets from the very outset is how to retrieve the 'universal' in a post 9/11 context where liberty and security are hierarchically conceived and instituted; where practices are informed not by equality – liberty and security 'for all' – but by differentiation. Those seen as driving this unequal security agenda include established and emerging democracies, international organisations like the UN, and postcolonial states, and the evidence base makes for an empirically and historically rich narrative that sustains the argument throughout.

The scene-setting second chapter is brilliantly framed between Hobbes on the one hand and the Levellers on the other, both writing in the 1640s. Where Hobbes's *Elements of Law* conceived of liberty in relation to fear and hence to the prerogative of the sovereign, the Levellers, who came to define seventeenth century English radicalism, articulated ideas that came to be foundational in the gradual transformation of the United Kingdom between 1688 and 1948, for Gearty, into a democratic republic 'in all but name'. The concepts of security and liberty in the latter came to acquire a 'universal' application, so that 'safety' and 'well being', enshrined in law, would form the basis of the later welfare state. Gearty moves on to identify three elements that he sees as constitutive of a universal conception of liberty and security; namely, democracy, human rights, and the rule of law, each potentially serving 'equality' as the fundamental test of such universality.



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These three elements emerge as 'imperfect protectors', however, and all the more so in a post 9/11 context where security comes to be framed in terms of counter-terrorism, not just by states but also by the UN, where the sanctioning of 'blacklists' is juxtaposed with the more savoury efforts to devise criminal justice responses to terrorism. The point that Gearty wishes to emphasise is that the UN's involvement in counter-terrorism is inevitably defined by the prerogatives of states, democratic and post-authoritarian, a point that acquires distinctive poignance when the UN's very own practices come under critical scrutiny by its Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms, highlighting the complicities of this international organisation in trumping rights in the name of security. The horrific consequences of such complicity are well-illustrated with cases of the 'blacklisted' individuals denied any recourse to justice.

This is, in sum, a politically and intellectually timely intervention by a committed human rights advocate revealing, primarily through an account of practices, the contingencies of democracy, the rule of law, and human rights as vehicles for the realisation of the universal in liberty and security. The challenge is always how the universal might be retrieved in a context of discrimination, differentiation, and profiling and one, above all, where the potentiality of the universal is captured by its own negation, its own particularity. The promise of law, rights, and democracy is hence always undermined by the context of situated practices.

Having said the above, I would have wanted to see more on the theme of equality, so that the concept is not just treated in idealised, normative terms, but drawn upon, as Etienne Balibar does, to define the political as such, political agency as such. Gearty comes across variously as liberal advocate of 'human security' on the one hand and Marxist critic of a capitalist order that generates inequality on the other. There is no room here for reflection on the 'universal' and how its very constitution is always exclusionary, how the terrain of the universal, as Ernesto Laclau's Gramscian understanding would put it, is always contested ground.

Though a highly significant contribution, the book is somewhat constrained by its publication remit – to render accessible and in illustrated form – a highly charged political challenge in our late modern existence. The empirical illustrative focus occupies space that could have been enriched by an engagement with a wide critical literature devoted to the relationship between security and liberty and the place of equality therein. At the same time, this brilliantly conceived book enables readers to interrogate afresh the promise of democracy, the rule of law and human rights in delivering at least the potentiality of the universal as a regulative ideal.

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