Book Review

Review of Lippert, Randy K., Kevin Walby, Ian Warren, and Darren Palmer (eds). 2016. *National Security, Surveillance and Terror: Canada and Australia in Comparative Perspective*. Cham, Switzerland: Palgrave MacMillan.

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This collection surveys the vast and expanding sphere of national security in Canada and Australia in the post-9/11 context. It broadly adopts a critical approach to the idea that national security measures, which purport to make us safer, actually do so. From law and policy to surveillance and intelligence practices to police powers and border control, this volume probes how the exercise of power and authority by security actors and institutions may erode civil rights and public accountability. The big picture finding is that police and security agencies have gained unprecedented powers, supported by the judiciary and federal branches of government alongside an increasingly integrated corporate security sector. These findings are demonstrated empirically by a multi-disciplinary group of scholars.

Although there is little question that intelligence and surveillance capabilities have advanced considerably, the volume usefully contextualizes this issue by tackling a couple of big questions. One question is how national security and intelligence organizations have developed and changed in the past two decades, including how they communicate with each other across jurisdictions. An important backdrop to this question is how the Cold War-era organization of security and intelligence may have led to systemic vulnerabilities that made the 9/11 attacks possible as well as how the changing nature of terrorism has functioned as a force of change within the security sector. Another big question is how technological innovation and institutional growth in the fields of security have outpaced legal mechanisms that promised to protect civil rights and hold governments accountable when they fail to do so. A range of chapters zoom in on this latter question in relation to specific empirical sites.

Readers should note that, despite the fact that “terror” is included in the book’s title, terrorism itself is not conceptualized or analyzed specifically. However, terrorism is cited as the causal link, if not claimed justification, for the increase in surveillance and intelligence creep, and the volume adds to conversations about how terrorism has come to inform the re-design of security architecture in the post-9/11 context. It also contributes to hot debates over how technological advancements are eclipsing rights to privacy and the

presumption of innocence, while also undermining Indigenous sovereignty and struggles for self-determination.

It is also worth noting that the volume purports to offer a comparative perspective on developments in national security, surveillance, and terror in Canada and Australia. Aside from Chapters 3 and 10, however, the collection does not provide a side-by-side analysis of Canada and Australia. Though this is not a weakness, as the depth of analysis presented with respect to each country offers a strong basis for readers to draw some important comparative conclusions, such as the ways in which Canada and Australia are undergoing similar challenges to rights and privacy but through rather different policy and legal processes, as explained below.

Part one of the collection offers a sequence of socio-legal approaches to policy and law that illuminate some of these comparative moments while also providing historical context. On the Canadian side (Chapters 2 and 4), significant advancements in security, intelligence, and surveillance have been made possible by judicial interpretations of the Canadian *Charter of Rights and Freedoms* that consistently favour security institutions. Force's (Chapter 2) mobilization of the concept of the "judicialization of intelligence" captures the central role of the courts in deciding on the legality of intelligence and surveillance practices and the permissibility of the "evidence" that is collected as the result of these practices. Jochelson and Doerkson (Chapter 4) build on this analysis, showing how the courts have played a significant role in generating police and surveillance powers rather than providing protection from state overreach. On the Australian side (Chapters 3 and 5), similar patterns of security creep are generated by the development of anti-terrorism policy and legislation through Australia's system of common law and supported by the "surveillance mindset" of federal agencies. This section usefully exposes how the governments of both Australia and Canada have developed proactive intelligence practices and capabilities that often outpace their differently constructed accountability mechanisms, with Canada relying on the judiciary and Australia relying on government legislation. A remarkable finding is that there are literally zero instances in which Canada's Supreme Court analyzed a new common law police power and found it to be unconstitutional. Meanwhile, in Australia, the correlated growth and entanglement of laws and surveillance practices has led to emergence of an extensive and pre-emptive surveillance assemblage.

In part two, the collection concentrates on empirical case studies that reveal nuances in the growth of the security toolbox across public and private sectors. For example, Walby, Lippert, and Gacek (Chapter 7) appropriately deploy the concept of "corporate security creep" to highlight the gradual infiltration of corporate security into the workings of Canada's federal government departments, leading to the intensification of risk management frameworks and accelerated surveillance. However, as Brooks, Corkhill, and Coole (Chapter 6) also illustrate, gaps in Australia's "security continuum," caused by the presence of multiple public and private security actors whose activities may overlap and contradict one another, suggest that growing security capabilities does not equate to effectiveness. Recent developments in anti-terrorism legislation in Canada, such as Bill C51 (Chapter 9), and Canada's interpretation and response to a range of national and international security events suggest that evidence has taken a backseat to the government's desire to be seen by its allies as developing anti-terrorism legislation despite its dubious effectiveness. This finding helpfully extends the discussion on the collusion of governmental powers with security from part one into part two of the book.

The main focus of part three is on privacy, accountability, and the rule of law with respect to new technologies and border control measures. Richard Ericson's valuable concept of "counter-law," first introduced in Part One by Murphy and Anderson (Chapter 5), is skillfully developed by Molnar and Parsons (Chapter 10) to examine the deployment of unmanned aerial vehicles in both Canada and Australia. Counter-law conceptualizes a shift from *rule of law* to *rule with law* in which pre-emptive laws are introduced that erode or negate laws designed to protect civil rights and public accountability, thus ultimately altering the regulatory environment. This section of the book reveals some notable differences between Canada's and Australia's politics of sovereignty and territoriality due to Canada's shared border with the US. In particular, Chapters 11 and 13 demonstrate how Canada's border governance is significantly shaped by its proximity

and dependence on the US. As Muller (Chapter 13) argues, the clandestine sharing of personal information between the two countries leave Canadians vulnerable to the sovereign powers of the US. Further, as indicated by Pratt (Chapter 11) and Dafnos, Thompson, and French (Chapter 14), security politics undermines the self-determination of Indigenous peoples not only due to the imagined “border” that cuts through traditional territory but also due to the new security agreements that effectively re-colonize space. How security and surveillance measures connect to Indigenous struggles in the Australian context is not covered in this volume, but what is clear from the noted targeting of Indigenous activists by police and surveillance agencies is that there is need for scholarly inquiry in this area.

On the whole, this volume achieves a reasonably coherent picture of what is a vast and complex landscape of legal and policy developments in Canada and Australia. It is particularly rich in empirical analysis. It illuminates this analysis with some conceptual tools that contribute to ongoing theorizations of social, political, and economic power, including biopolitical governance, democratic accountability, and the roles of corporate power and settler colonialism in shaping national security. However, despite the laudable diversity of disciplinary backgrounds, it is unfortunate that the cast of authors (and editors) appears to be remarkably non-diverse, at least with respect to gender, race, and (non-junior) career stage. Some of this lack of diversity may be reflected in the fact that the text only marginally engages with race or racism, despite the centrality of race to surveillance as a means of social differentiation. At the same time, and particularly due to the earlier chapters, the text is mostly accessible for senior undergraduate and graduate students as well as other people with a limited background in the field. It is valuable in underscoring significant developments in security and surveillance over the past two decades, since the launch of the “global war on terror,” that many people simply take for granted. The volume succeeds in keeping pace with scholarly and policy debates in surveillance and national security studies with a focus on the Western context.