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# CONCEPTUALISING 'STATE CAPTURE BY SECURITISATION'

## Summary

While 'state capture' is an influential analytical framework to illustrate (post-communist) transition, it emphasises on the fragility of the state (e.g. lack of proper governance mechanisms) as a precondition of capture. It postulates the capturer's ability to foresee the agenda-setting role which requires considerable knowledge and resources when it is applied to national security. This brief discussion piece proposes a way to modify the concept to facilitate such an application. To begin with, we shall relax the postulation of aforethought on the capturer's side, featuring spontaneous reactions by the would-be capturers. Then, we shall re-examine political actors' attempts to modify the national security agenda as a pretext to state capture, drawing insights from 'securitisation.' 'State capture by securitisation' can illustrate complex (and often derogatory to democratic) governance processes and practices at the wake of unforeseen events and external shocks, with 'legitimacy' building at the core of public relations.

**Keywords:** state capture, access to resources, public relations, legitimacy building.
**JEL Codes:  D72, E61, F52, K40**

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# KONCEPTUALIZACJA „PRZECHWYTYWANIA PAŃSTWA PRZEZ SEKURYTYZACJĘ"

## Streszczenie

Chociaż „przejmowanie państwa" jest wpływową ramą analityczną ilustrującą (postkomunistyczną) transformację, podkreśla się w niej kruchość państwa (np. brak odpowiednich mechanizmów zarządzania) jako warunek wstępny przechwytywania. Postuluje zdolność zdobywcy do przewidzenia roli wyznaczania agendy, która wymaga znacznej wiedzy i zasobów, gdy jest stosowana w bezpieczeństwie narodowym. W tej krótkiej dyskusji proponujemy sposób na modyfikację koncepcji, aby ułatwić taką aplikację. Na początek złagodzimy postulaty przezorności po stronie zdobywców o spontanicznych reakcjach potencjalnych zdobywców. Następnie ponownie przyjrzymy się próbom modyfikowania programu bezpieczeństwa narodowego przez aktorów politycznych jako pretekstu do przejęcia państwa, czerpiąc wnioski z sekurytyzacji. „Przejmowanie państwa przez sekurytyzację" może ilustrować złożone (i często uwłaczające demokratyczne) procesy rządzenia i praktyki w następstwie nieprzewidzianych wydarzeń i wstrząsów zewnętrznych, z budowaniem „legitymizacji" w centrum *public relations*.

**Słowa kluczowe:** zawłaszczenie państwa, dostęp do zasobów, public relations, budowanie legitymizacji

**Kody JEL: D72, E61, F52, K40**

## 1. Introduction

From the so-called 'business capture' (Yakovlev 2006) to 'party state capture' (Innes 2014), the concept of 'state capture' – or rather, a family of definitions within the concept – has focused on not only external business actors (*a la* Hellman et al. 2000) but also actors internal to broader public relations and governance. Geographically, 'state capture' and related phenomena are recorded beyond post-communist countries (compare e.g. Hellman 1998 and Schwartz 2021), while concerns regarding the relapse of 'state capture' in the new Member States of the EU have increasingly gained our attention (e.g. Kotarski, Petak 2021; Madlovics, Magyar 2021). 'State capture' is thus an influential analytical framework as it associates weak governance structures to the political economy of transition, with an emphasis on a delayed market liberalisation and decelerated

socio-economic developments. It touches all aspects of governance and, considering the ubiquitous and persistent engagement with the current pandemic, the concept of 'state capture' is surely applicable to the field of national security.

To do so, however, a degree of modification is required. Whether external business actors or internal political actors, they appropriate relevant resources to be in a dominant position for rule- and agenda-setting. In other words, the concept of 'state capture' in general postulates the aforethought on the capturer's side, especially on the resource acquisition stage. As far as national security is concerned, the access to key resources and the ability to set a national agenda are certainly limited for the vast majority of would-be capturers. Thus, the postulation of aforethought practically assumes capturers to be national security actors who already possess considerable knowledge and resources to influence the policymaking. As such, the applicability of the concept in security studies is narrow at the current state, occupying a small area in the concept's taxonomy. To overcome this limitation, the present discussion piece proposes to relax the postulation of aforethought and critically engage with spontaneous and reactionary resource appropriators and state capturers.

From armed conflicts in neighbouring states to medical emergencies, the scenery of contemporary world is full of unforeseen events which quickly obtained the priority status in the national agenda. The orthodox approach to state capture investigates, *inter alia*, how successful capturers influence the national security. By relaxing the postulation, it allows another approach, for example, to investigate how sudden changes in the national security agenda influences the methods of state capture, the target key resources, or the types of personal gains obtained.

Elaborating this new approach to state capture, we shall re-examine political actors' attempts to modify the national security agenda as a pretext of state capture. Various campaigns to stimulate fears among the general public towards a certain country (or group of people) can be a part of this inquiry, especially when such a public sentiment alters the external political and economic relations. To a certain extent, it reflects the concept of 'securitisation', where the actors elevate the priority of minor- and non-security items within the national agenda. The would-be capturers attempt to securitise the items relevant to their private gains, 'legitimatising' their role as a security actor in the eyes of the public. By focusing on the communication between the would-be capturers and the public, it can also address the possibility of 'capture by network' (e.g. Prezelj, Vogrinčič 2020) whereby actors echo their messages and collectively influence policymaking.

Accordingly, the rest of the paper is divided into three sections. Section 2 deals with the access to key resources and the question of spontaneity. Section 3 investigates the relationship between state capture and security agenda setting and draws insights from the securitisation framework. Section 4 concludes the paper and suggests directions for further empirical research.

## 2. Spontaneity[1]

The initial concept of 'state capture', circulated at the World Bank, was defined narrowly as: 'the efforts of firms to shape and influence the underlying rules of the game (i.e. legislation, laws, rules, and decrees) through private payments to public officials' (Hellman et al. 2000, p. 3). Under this definition, capturers are assumed to be local enterprises which were initially external to the general governance structure. Whether it is a public official primarily offering access to key resources or a business actor firstly offering private payments, they must share enough knowledge and resources to adjust regulatory environments for their own benefits. Such an arrangement is in line with the findings by Hellman (1998) or Shleifer and Treisman (2000), who characterise the Russian transition with the wide-spread rent-seeking, thus placing the concept of state capture at the centre of corruption and other illegitimate activities.

Yakovlev (2006; also see Frye 2002), however, questions if such phenomena are still dominant in state capture and points out the rise of 'privatisation of the state' or 'business capture' in the early 2000s. He further underlines that 'weakened and half-destroyed public institutions in Russia were unable to build an effective resistance to the attempts of various private "interest groups" to capture and "privatise" this rent' (Yakovlev 2006, p. 1036). In other words, a 'weak state' – here, defined as a state with a weak governance structure with limited resources – gives a room for well-organised (often external) actors to accumulate know-hows and take over the policymaking responsibilities from under-resourced public officials in charge.

The problem of such an understanding on state capture is in its inflexibility to address other types of state capture, such as 'party state capture'

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[1] An earlier draft of this section appeared on *Academic Letters* as 'Spontaneity and Securitisation: (Re)conceptualising "State Capture"'. Given its open discussion nature, however, it is treated as a working paper here.

(Innes 2014) and 'capture by network' (e.g. Prezelj, Vogrinčič 2020). In fact, these types are more suitable to illustrate the concerned relapse of state capture in the new (post-communist) EU Member States (Kotarski, Petak 2021; Madlovics, Magyar 2021) and candidate states. In these cases, the state is not necessarily 'weak' in terms of its ability to exercise power vis-à-vis the general public – rather, an issue lies in its inability to properly initiate the safeguard and check-and-balance mechanisms when certain policymaking processes are hijacked or 'captured' for private gains.

Furthermore, these 'gains' do not have to be limited to a regulatory capture or re-channelling of public funds. It can be a partial capture of governance bodies, such as security and law enforcement institutions, which guarantees the enforcement of new rules, the elimination of political competitors, or the protection of capturer's impunity[2]. In essence, it is an 'institutional' capture where the 'rules of the game' (*a la* Gertler 2010), which include not only formal regulations but also informal customs, habits, norms, incentives, and other behavioural constraints, are influenced and shaped by the capturers.

As is briefly mentioned in the introduction, the contemporary world is full of unexpected and unprecedented events. From the migrant crisis to the COVID pandemic, many issues are suddenly pushed into the national agenda as high priorities. The original form of state capture, which is closely linked to the state's inability to build an effective defence against corruption, is a continuous phenomenon. Relevant actors assess, prepare, and foresee their ability to conduct a successful state capture. This aforethought of the would-be capturer[3] is largely absent when actors are reacting to unexpected capturing opportunities. For example, an interest group can request to ban a pride parade in the name of sanitary safety. A group of cattle farmers may seek trade restrictions of meat products when intergovernmental relations with a major exporting country becomes tense.

While these lobbying activities seem to be distant from 'state capture' *per se*, the core message of spontaneous capture is that actors may exploit such an opportunity to influence and shape the rules of the game on a larger and more

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[2] See an example from South Africa (Chipkin, Swilling 2018; Cawthra 2019).

[3] Considering that the majority of empirical studies are related to the collapse of the Soviet Union, no actors in the state capture framework could have premeditated their exact captures. Here, therefore, the emphasis is on the ex-ante intentions rather than the ex-post positioning. The rather is more extrinsic in a sense that the positioning of the would-be capturers are initiated/ strengthened by the situational influences external to the capturers' own behaviours. As this is a conceptual piece, it requires further discussions.

permanent scale. For instance, the ban on certain gatherings and civil activities may persist and be used to eliminate political competitors. The trade restrictions may become a part of an industry protection policy. A political party may consolidate power by arranging these policy shifts in exchange for political and financial supports. To protect impunity of those in power and their supporters, a reform may be carried out to reduce the power of the central judicial apparatus. The inclusion of spontaneous capture in the conceptual framework allows us to critically observe the public policymaking, especially when certain issues are promoted within the national agenda in reaction to external shocks.

## 3. Securitisation

Following the above observations, this discussion piece proposes to relax the postulation of aforethought on the capturer's side from two angles. First, a spontaneous and reactionary capture can still occur in a state with relatively strong governance structure vis-à-vis external business/private actors. While the absence of adequate check-and-balance mechanisms (e.g. a weak constitutional court) continues to play a major role in the various types of state capture, a temporary paralysis of logical thinking among policymakers, an overreaction of the public, or a political apathy among voters can also create an opportunity for a state capture. Unexpected and unprecedented events and external shocks may suddenly and temporarily weaken a part of governance mechanisms, and actors (whether internal or external, political, or business) can take advantages of the particular socio-political environment.

Second, the types of potential private gains can vary, and the characteristics of would-be capturers do not fit in a simple taxonomy, as the events, to which the would-be capturers are reacting, are diverse. To be precise, this paper does not translate the absence of *aforethought* as the absence of *intention* – what is emphasised here is the spontaneity in a manner and timing of the capture, distinct from an accidental capture without an intention. From clientelism to predation (Grzymala-Busse 2008), the strategies to capture are not universal, and this diversity perfectly fits with state capture in national security. For many actors, from enterprises to political parties, it is difficult to obtain full knowledge and resources in national security policymaking – thus, the question for a would-be capturer is how to maximise their access to key security resources and ensure their ability to influence the rules of the game.

Here, the word 'security' is used rather broadly. In response to Buzan and Hansen (2009), Williams (2010) focuses on the public/private dimension in security studies. Even though Buzan and Hansen themselves (2010) illustrate the 'institutionalization' of security actors – understood as a transition of private security actors into a public figure – at the core of international security studies, the concept of 'institution' (Gertler 2010) can include informal rules of the game. This definition is in accord with the above narratives on spontaneous capture, and moreover, the theoretical framework of 'securitisation' leads us to (re)focus on the communication between the would-be capturers and the general public.

'Securitisation' is a governance process where actors elevate minor- and non-security issues within the national security agenda as high priorities. Thus, it differentiates a spontaneous capture by securitisation from a security (sector/apparatus) capture. These securitised items are relevant to the (perceived) competence of the securitising actor, gaining the legitimacy to lead security policymaking once the items are elevated in terms of national priority. In many cases, these actors are external to initial security policymaking or have had only a minor role, and hence, their access to security knowledge and resources are limited. One of the key elements of securitisation is, thus, its legitimacy building. The securitising actor (or the would-be capturer in our analogy) emphasises the importance of the relevant items in national security through the communication with the public. This communication is not necessarily through a public channel (e.g. newspapers, TV, radio) and increasingly includes social media outlets (e.g. Facebook, Instagram, LinkedIn, Tik Tok, Reddit).

To be fair, as Robinson (2017; also see, Baele, Jalea 2022; Oskanian 2021) illustrates, 'securitisation' requires further investigation on its process-mechanisms, somewhat departing from the initial theoretical and conceptional aspiration by the so-called Copenhagen School (thus, Robinson labelling it as a 'post-Copenhagen' approach). Unfortunately, such a task is beyond the scope of present discussion piece, as the paper merely engages with the framework's explanatory capacity to depict the rearrangement of national security agenda and the opportunities for spontaneous capture. Nevertheless, through the relaxation of the 'aforethought' postulation, 'state capture by securitisation' can be a powerful tool to show some of the complex (and often derogatory to democratic) governance processes and practices, at the wake of unforeseen events and external shocks.

# Conclusion

In adapting the concept of state capture in security studies, this brief discussion piece first relaxed the postulation of aforethought on the side of would-be capturers. Then, it highlighted the conceptual overlap between spontaneous reactions to the capturing opportunity and securitisation. In particular, the previous section began to emphasise the private actor's ability to communicate with a portion of the general public to gain a momentum for state capture by securitisation. Such a communication is aimed at legitimising the capturer's ability to represent 'people' and to enact on the modified national agenda. As is the case for many 'discussion pieces', however, the above argumentation remains as a pure theoretical exercise, for it lacks empirical backings.

One direction which continues naturally from this is to closely examine the communication methods and strategies utilised by the would-be capturers, especially at the resource appreciation stage. The securitisation process may give the resource appropriator an excuse of state capture, as the actor can emphasise their understanding that they are acting on behalf of the people and their actions are in line with the (already securitised) national interest. Thus, this discussion piece suggests comparing the communication process to become a security actor (*a la* securitisation) and the process-mechanism to become a resource appropriator in (reactionary) state capture.

This paper begins with a notion that state capture is dubious and negatively influencing the growth of society. Taking an advantage of unforeseen events or of divided society certainly fits to this perception. Instead of heavily focusing on the technicalities of state capture (e.g. methods of payments to key public officials, resources appropriated, characteristics of the networks utilised), we can investigate the types of communication (securitisation) which altered the regulatory and institutional environments. Likewise, instead of focusing on the items in the pre-capture stage (e.g. costs of capture, aforethought), state capture can be conceptualised around the issues in the mid-capture stage (e.g. rearrangement of priorities, enforcement of new rules, languages utilised in legitimacy building). While the author acknowledges many (conceptual and empirical) shortcomings yet to be addressed within the scope of this piece, he nonetheless wishes the above interpretation of 'state capture' will expand our observational horizon in security studies.

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