UNDERSTANDING THE CONCEPT OF SECURITY: THEORETICAL APPROACH

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Annotation. It is necessary to admit that people's understanding of what security is has changed over the years. Now the concept has a broader meaning and it is not associated with military only. The changed understanding of the concept of security has been influenced not only by better legal regulation of people's behavior, but also by technological breakthrough in our daily lives, by highlighting the importance of protection of fundamental rights and by critical approach to various things. The authors of this article seek to adjust appropriate concept for society's security, encompassing various aspects, for example, environmental, military, economic, etc.

Keywords: concept of security, societal security.

INTRODUCTION

Significance of people's security is undisputed: „*since times immemorial, man has sought security*."[1] However, the times when people could have been equally afraid of both: animals and people (for example, from other tribes), have passed as people's behavior has become more regulated not only by ethical, moral, but also by legal norms. In such way it has become more predictable because a person threatening to somebody else's security understands that punishment or any other form of sanction is a consequence of unlawful behavior. Similarly, with the subjects of international law (mostly, sovereign states):[2] their behavior is governed by the norms of international law and is influenced by the sanctions that are determined by it.

In order to ensure people's security, various institutions and organizations have been established, hardy countable number of legal national and international acts have been adopted – some dealing with public security, some – with social matters, some – with climate control

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[1] Baillier, C. (2009). *Security: A Multidisciplinary Normative Approach*. Leiden. Boston: foreword.
[2] Vadapalas, V. (1998). *Tarptautinė teisė. Bendroji dalis (International Law. General Part)*, Vilnius: Eugrimas: 172.

(which also makes a great impact on people's security).[3] It could be said that besides military international organization, such as NATO, even the largest international organization – European Union – has been created for the purpose of security insurance.[4]

It is obvious that normally any individual does not want to be hurt in an accident, or killed, be infected with fatal diseases. But most of individuals want to have a decent living, social insurance, properly functioning health system, live safely, therefore there are many aspects that people's security is based upon.

The question of security has always been relevant and the concept itself has been understood differently through certain periods of times. For example, in the XVII'th century, when the Treaty of Westphalia was signed, security was understood as a peaceful settlement of disputes among the states.[5] Acording to the survey of European Union open data, economic and financial matters are one of the biggest challenges to the security of European Union citizens after the terrorism[6]. This proves that nowadays, when people seek for more comfortable living, use more technologies, such as CCTV cameras, unmanned aerial vehicles, which have overtaken a part of our privacy, without the traditional security perception, new forms of security have evolved.

Various concepts connected with security are used by international organizations and academics. Some of them insist that security is one of the concepts whose meaning is inherently a matter of dispute because no neutral definition is possible.[7] Others state that the concept has been neglected.[8] Furthermore, international acts (especially European Union law) often use term "public security" which in some way could be also associated with people's security as it

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3 The North Atlantic Treaty. Signed in the USA, Washington, 4 April 1949; Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47–390 (its Chapter XX is dedicated to environmental issues); The Kyoto Protocol. Signed in December 1999, Kyoto, Japan; Montreal Protocol. Signed on 16.09.1987, Montreal; etc.

4 Art 3(2) of the Treaty of the European Union: „*The Union shall offer its citizens an area of freedom, security and justice*"; "*The European Union is set up with the aim of ending the frequent and bloody wars between neighbours*" (Treaty of the European Union, OJ C 326, 26.10.2012, p. 13–390).

5 "*Treaties of Peace of Westphalia provided for a very advanced mechanism of dispute settlement: a state that became a victim of a violation, was supposed to claim to the state – offender and the conflict must have been resolved by peaceful means arbitration*" (Vadapalas, 1998: 76).

6 EU Open Data Portal, „Special Eurobarometer 432: Europeans' attitudes towards security." (2015). Retrieved 25.11.2017 from http://data.europa.eu/euodp/en/data/dataset/S2085_83_2_432_ENG/resource/ae0b54bc-3974-4165-9f7d-c2907cb3f41f.

7 Smith, S., Acharya, A. *The Concept of Security Before and After September 11* (2002). Institute of Defence and Strategic Studies, Working Paper No. 23: 1, retrieved 10.11.2017 from https://www.rsis.edu.sg/rsis-publication/idss/23-wp023-the-concept-of-securit/#.WiFPvkpl_IV.

8 For example, Barry Buzan, (Buzan. B. (1991). *People, States and Fear: An Agenda for International Security Studies in the Post – Cold War Era*, 2nd edn (Boulder, Co, 1991): 7-11; Baldwin, A. D. (1997). The Concept of Security, *Review of International Studies*, 23: 9.

was described in previous paragraphs (security in a broad sense), as well. Thus, there is a need of summarizing how security, based on various aspects, could be conceptualized. This determines the relevance of the topic and the necessity to analyze various concepts of security in order to find out the one, mostly suitable to describe a state when society feels safe taking into account many aspects (for example, not only military, but economic, social and others as well) together.

The goal of this research is to adjust appropriate concept of security to a particular state of a society when it feels safe: protected from various forms of threats (economic crisis, military intervention, environmental disasters). In order to achieve this goal, the authors have set themselves the **objectives** to analyze various academic articles, national and international legislation, compare the concepts analyzed and used and disclose their true meaning.

The **research object** is various forms of security and its concepts.

Research methods used in this article are: analysis of legislation and scientific literature, conceptual analysis, analytical – critical and comparative methods.

THE CONTEXT IN WHICH SECURITY COULD BE ANALYSED

Some authors insist that when using concept of security certain dimensions must be specified. The possible dimensions are: "*actors whose values are to be secured, the values concerned, the degree of security, the kinds of threats, the means of coping with such threats, the costs of doing so, and the relevant time period,*"[9] but "*not all of the dimensions need to* [be] *specified all the times.*"[10] Thus, "*meaningful scientific communication would seem to require at least some indication of how much security is being sought for which values of which actors with respect to which threats.*"[11] Adjusting this formula to the context chosen by the authors of this paper, it could be said that this is the security of the society, which encompasses its (society's) protection, provided by the government, from any threats to the main values that are essential for society to achieve normal living.

However, there are authors who claim that "*if security is specified in terms of threats to all acquired values of a state, it becomes almost synonymous with national welfare or national interest and is virtually useless for distinguishing among policy objectives.*"[12] Thus, discussing about the security which encompasses safety of a few various values on which society's security

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[9] Baldwin, 1997: 17.
[10] Baldwin, 1997: 17.
[11] Baldwin, 1997: 17.
[12] Baldwin, 1997: 17.

is based would still require description of precise values that are to be protected. When indicating them, the discussion would not be pointless as these values are usually interconnected.[13] For example, Art 36 of the Treaty on the Functioning of the European Union states that "*The provisions of Articles 34 and 35 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property.*"[14] Comes out that the security of various types of just listed values is connected with economic matters and in such way – these values closely interconnected.

Furthermore, the European Court of Justice in one of its decisions stated that "*the concept of public security within the meaning of Article 36 of the Treaty covers both a Member State's internal security and its external security. It is common ground that the importation, exportation and transit of goods capable of being used for strategic purposes may affect the public security of a Member State, which it is therefore entitled to protect pursuant to Article 36 of the Treaty.*"[15] Thus, it proves that security and economy are related.

THE MOST RELEVANT APPROACHES OF SECURITY DOCTRINE

The word "security" in Cambridge dictionary is described as a noun, meaning "*protection of a person, building, organization or country against threats such as crime or attacks by foreign countries.*"[16] Some authors insist that "*More recently, the concept has been divided into safety, which is about threats from natural causes or harm inflicted unintentionally, and security, which is about harm caused deliberately by human beings.*"[17] Such approach probably could not be confirmed by the description of security provided in the dictionary, which says that it is "*a state in which or a place where you are safe and not in danger or at risk,*"[18] as it does not exactly indicate the subject (a source) of that danger or risk. Furthermore, in Lithuanian

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[13] See EU Open Data Portal, „Special Eurobarometer 432: Europeans' attitudes towards security." (2015). Retrieved 25.11.2017 from
http://data.europa.eu/euodp/en/data/dataset/S2085_83_2_432_ENG/resource/ae0b54bc-3974-4165-9f7d-c2907cb3f41f.
[14] Treaty on the Functioning of the European Union, 2012: Art 36.
[15] Judgment of 4 October 1991, Richardt (C-367/89, ECR 1991 p. I-4621) (SVXI/I-415 FIXI/I-433) ECLI:EU:C:1991:376, paragraph 22.
[16] Cambridge Dictionary. Retrieved 15.11.2017 from
https://dictionary.cambridge.org/dictionary/english/security.
[17] Baillier, C. (2009): foreword.
[18] Cambridge Dictionary. Retrieved 15.11.2017 from https://dictionary.cambridge.org/dictionary/english/safety.

both: security and safety are translated as "*saugumas*", as well as in Latvian – "*drošība*." Such apportionment of the concept would not be rational when analysing particular situation, when it is not known who/what caused the damage or is known, but it is not clear whether it was caused deliberately or not (for example, a few people are injured in a car accident: deliberate or not could be found out only after a detailed investigation or even final court decision). However, people living around area of an accident right after it understand that they are not safe. Thus, for the clarity purpose the concept security used in this work shall not be analysed in the context or associated only with deliberately caused harm.

Societal Security

One of the most striking legal approaches to the concept of security in recent times, which has led to a great debate, was the one expressed by Barry Buzan (one of the pathfinders of the so-called "Copenhagen school"). As S. Smith has summarized, "*for the "Copenhagen School" the focus is as follows: 'securitization' studies aim to gain an increasingly precise understanding of who securitizes, on what issues (threats), for whom (referred objects), why, with what results, and, not least, under what conditions (i.e. what explains when securitization is successful). This securitization approach is then related back to the five sectors…*"[19] These five sectors, broadening the concept of security, include not only military, but also political, economic, societal and environmental aspects.

The linguistic analysis of "societal security" concept could mistakenly presuppose an idea that the term is suitable to the earlier described situation, when society feels safe taking into consideration many various aspects of safety, including not only military (being afraid of war and its consequences), but also economic, environmental, political aspects. For example, "society" is described as "*a large group of people who live together in an organized way, making decisions about how to do things and sharing the work that needs to be done.*"[20] Meanwhile "societal" means „*relating to or involving society.*"[21] However, as societal security was mentioned only as one among the five different types of security, it could not encompass, under the Copenhagen Schools' approach, neither economic, nor any other of the rest three types of security (political, environmental and military). The most important reference object of societal security, under the approach of Copenhagen School, is national identity.[22]

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[19] Smith, S., Acharya, A. (2002): 3.
[20] Cambridge Dictionary. Retrieved 15.11.2017 https://dictionary.cambridge.org/dictionary/english/society.
[21] Cambridge Dictionary. Retrieved 15.11.2017 from https://dictionary.cambridge.org/dictionary/english/societal.
[22] Panic, B. (2009) Societal security – security and identity, *Western Balcans Security Observer*, No. 13: 31.

Under Copenhagen School's approach, among the five earlier mentioned dimensions, societal security is different as the subject of it is not only a state, but society as well.[23] Still, the "Copenhagen school's" approach summoned a huge discussion, especially its theory of societal security. One of the critics of Buzan's theory, B. Mcsweeney insists that "*attempts to expand the security definition and perception into directions such as societal security can be politically dangerous. From the perspective of traditional security, the state would intervene and promote objective security for the society*."[24] However, from the European Court of Justice case law it will be seen that society could be the subject of security.

Nordic approach to societal security

The debates of the earlier mentioned findings of Copenhagen School and its critics, "*open up difficult and complex questions <...> of the relationship of theory to practice, and of the constitutive place of particular forms of knowledge and conceptions of identity in the political constitution of modern societies*."[25] As „*weak states are often ill-equipped to deal with differences in identity and culture*", it is obvious that „*societal security is deeply connected with political and even military security.*"[26] The fact that security is also closely connected with political matters, could be confirmed not only by Copenhagen school, but also by analysis of the concept "societal security" in political terms which could be found reading writings of advocates of Nordic approach. Meaning of the concept "societal security" under Copenhagen School differs from the one of political understanding (precisely Nordic approach). Under the latter, societal security could be best described by its functions: "*Societal security comprises the ability of a society to sustain vital societal functions and secure its population's life, health, needs and basic values under extraordinary stresses, known as crises.*"[27] For example Norwegian setting treats societal security as national security, but not stopping at the geographical border, encompassing protection of immaterial social values which "*society holds as dear*".[28] Thus, it is not concentrated mostly on national identity.

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[23] Chifu, I. Societal Security: An Agenda for the Eastern Europe. Retrieved 30.11.2017 from http://www.cpc-ew.ro/pdfs/societal_security.pdf.

[24] Requoted from Panic., B. (2009): 35.

[25] Michael C. Williams, C. M. (1998). Modernity, identity and security: a comment on the „Copenhagen controversy." *Review of International Studies*, 24: 439.

[26] Stone, M. (2015). Security According to Buzan: A Comprehensive Security Analysis, *Security discussion papers series* retrieved 31.10.2017 from, http://www.geest.msh-paris.fr/IMG/pdf/Security_for_Buzan.mp3.pdf.

[27] NordForsk policy paper 1 (2013), Societal Security in the Nordic Countries, retrieved 15.11.2017 from https://www.nordforsk.org/en/publications/publications_container/policy-paper-1-2013-societal-security-in-the-nordic-countries/download.

[28] Burgess, J. Peter, Mouhleb, N. (2007). Societal Security: Definitions and Scope for the Norwegian Setting, *PRIO Policy Brief*, 2. Oslo: PRIO.

Furthermore, under Nordic approach, the "*societal values are not the same as individual values. Though society is obviously made of individuals, it is the socially shared values that engage the society in collective actions of variety of different kinds, among others, self-preservation.*"[29] From all this it could be concluded that societal security under the Nordic approach encompasses various aspects of society's security, including not only military, but also economic, health, value, environmental aspects. This, so far, best describes the security that people of modern society seek for.

SECURITY IN THE EU LEGISLATION AND EUROPEAN COURT OF JUSTICE CASE LAW

Besides above-discussed concept of societal security (*Lithuanian translation -* "*visuomeninis saugumas*"), it is worth analysing a term, often used in the EU legislation and European Court of Justice case law – "public security." The latter concept in all Lithuanian texts of the EU legislations and ECJ cases is translated as "visuomenės saugumas" which in Lithuanian language actually corresponds with the earlier analysed concept "societal security." However, as it will be seen, the meaning of Lithuanian "*visuomenės saugumas*" used in the EU legislation is different from that analysed in previous part of this paper.

Even though the EU law does not provide for an accurate description of so often-mentioned concept "public security", a few of explanations could be found though. The ECJ analysing the concept "public security" used in the Directive 2004/38 stated that "*It should also be noted that European Union law does not impose on Member States a uniform scale of values as regards the assessment of conduct which may be considered to be contrary to public security (see, by analogy, Case C-268/99 Jany and Others [2001] ECR I-8615, paragraph 60)*[30]. Article 28(3) of Directive 2004/38 provides that imperative grounds of public security are to be "defined by Member States." Thus, "*While Member States essentially retain the freedom to determine the requirements of public policy and public security in accordance with their national needs, which can vary from one Member State to another and from one era to another, particularly as justification for a derogation from the fundamental principle of free movement of persons, those requirements must nevertheless be interpreted strictly, so that their scope cannot be determined unilaterally by each Member State without any control by the*

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[29] Burgess, J. Peter, Mouhleb, N. (2007).
[30] Judgment of 22 May 2012, I. (C-348/09, *Publié au Recueil numérique*) ECLI:EU:C:2012:300, paragraph 21.

*institutions of the European Unio*n."[31] It is also stated by the ECJ that "*In order to determine whether offences <...> may be covered by the concept of 'imperative grounds of public security', the following factors must be taken into account*[32]:" there must be „*particularly serious threat to one of the fundamental interests of society, which might pose a direct threat to the calm and physical security of the population,*"[33] „*personal conduct of the individual concerned must represent a genuine, present threat affecting one of the fundamental interests of society or of the host Member State, which implies, in general, the existence in the individual concerned of a propensity to act in the same way in the future,*"[34] and finally, „*how long the individual concerned has resided on its territory, his/her age, state of health, family and economic situation, social and cultural integration into that State and the extent of his/her links with the country of origin.*" [35]

In another case the European court of justice allowed Irish government to apply measure equivalent to a quantitative restriction on imports (derogation from the rule of free movement of goods) on the grounds of public security. The court stated that "*It should be stated in this connection that petroleum products, because of their exceptional importance as an energy source in the modern economy, are of fundamental importance for a country's existence since not only its economy but above all its institutions, its essential public services and even the survival of its inhabitants depend upon them. An interruption of supplies of petroleum products, with the resultant dangers for the country's existence, could therefore seriously affect the public security that Article 36 allows States to protect*."[36] This proves that the term "public security" could be associated not only with protection of the society from crimes, but also from other threats, such us the breakdown of fuel supply.

Analysis of case law of the European court of Justice[37] and EU's primary law (particularly Treaty on the functioning of the European Union) discloses that the term "public security" is essentially connected with member state's internal and external security which could be

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[31] Ibid 30:22, 23.
[32] Ibid 30: 24.
[33] Ibid 30: 28.
[34] Ibid 30: 30.
[35] Ibid 30: 34.
[36] Judgment of 10 July 1984, Campus Oil (72/83, ECR 1984 p. 2727) (ES1984/00651 SVVII/00633 FIVII/00615) ECLI:EU:C:1984:256: paragraph 34.
[37] Judgment of 23 November 2010, Tsakouridis (C-145/09, ECR 2010 p. I-11979) ECLI:EU:C:2010:708.

endangered if the EU norms are applied in areas such as free movement of people,[38] goods,[39] capital, freedom of establishment[40] and such security must be of one of the fundamental interests of society, which might pose a direct threat to the calm and physical security of the population.

It could be seen that the term "public security" encompasses various unspecified interests, but of such importance that their absence could cause a threat to the calm and physical people's security. Thus, the term "public security" could also be used to describe security which is based on various aspects, however, with indication what precise values in particular context need to be protected (for example, uninterrupted supply of vital resources, physical safety, etc.).

CONCLUSIONS

Security is a concept which is very broad and as S. Smith states, impossible to define neutrally. The concept may vary depending on which values it is intended to protect, therefore it is impossible to conceptualize security, encompassing all values together, by one or two words. So, discussing this concept, the context is essential: whether it is "security" used in the EU legislation (mainly, but not necessarily, national security), whether it is security of particular fundamental interest of society or whether it is security undertaking a few of them. So, if willing to describe security, when all values, important for society, are taking into consideration, the words "societal" or "public" could be added before the word "security." However, the authors of this article tend to agree with D. A. Baldwin's view that when using concept of security in academic analysis, certain dimensions, such as "*how much security is being sought for which values of which actors with respect to which threats*"[41] must be specified.

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SAUGUMO SĄVOKOS TEORINĖ PARADIGMA

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S a n t r a u k a

Tiek įvairios tarptautinės organizacijos, tiek akademikai vartoja įvairias saugumo sąvokas. Kai kurie iš jų tvirtina, kad saugumą apibrėžti neutraliai yra neįmanoma, o kai kurie šią sąvoką vadina „apleista", nes ji mažai analizuojama. Akivaizdu, kad saugumo sąvoka su laiku kito, o šiais laikais saugumas suprantamas daug plačiau, t. y. kaip apimantis ne tik fizinį valstybių saugumą (apsaugą nuo karo), bet saugumą ir kitose srityse: ekonominėje, politinėje, aplinkosauginėje ir kt. Siekiant apibrėžti saugumą taip, kaip jis suprantamas dabar (t. y. apimantis įvairias saugotinas vertybes, ne tik fizinį asmenų ar valstybių saugumą), analizuojamos įvairios saugumo sąvokos, kurios galėtų būti labiausiai susijusios su tokiu visaapimančiu saugumu.

Straipsnyje pirmiausia analizuojama B. Buzano teorijoje apie valstybių saugumą minima viena iš saugumo rūšių – visuomenės saugumas (ang. „*societal security*"), tačiau pažymėtina, kad būtent šios krypties požiūriu, visuomenės saugumas iš esmės susijęs su nacionalinio identiteto išsaugojimu, bet ne su kitomis vertybėmis (kadangi kitų vertybių apsauga įvardijama kaip atskiros saugumo rūšys). Kad ir kaip būtų, analizuojant Šiaurės valstybių požiūrį į minėtą sąvoką (ang. „*Noridc societal security*") padaryta išvada, kad visuomenės saugumas šiuo požiūriu yra apimantis daugiau vertybių, reikalingų visuomenei išgyventi.

Europos Sąjungos teisės aktuose minima visuomenės saugumo sąvoka (ang. „*public security*"), išanalizavus Europos Teisingumo teismo praktikos pavyzdžius, taip pat apima ne tik fizinį valstybės narės ar jos gyventojų saugumą, bet ir kitus aspektus (pvz., gyvybiškai svarbių išteklių tiekimo nepertraukiamumo apsaugą). Taigi darytina išvada, kad sąvoka „visuomenės saugumas" galėtų būti vartojama siekiant apibrėžti ne tik fizinį visuomenės saugumą, bet ir saugumą kitais aspektais. Kad ir kaip bebūtų, kadangi neįmanoma visaapimančio saugumo apibrėžti vieno ar dviejų žodžių sąvoka (konceptualizuoti), autorės rekomenduoja, net ir vartojant sąvoka „visuomenės saugumas", apibrėžti, kokias visuomenei reikšmingas vertybes jis apsaugo.

Pagrindinės sąvokos: saugumo samprata, visuomenės saugumas.

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