

## CHAPTER III

### **Inconspicuous Violence**

*The “new war on terrorism” has invaded our lives and sucked in all our usual activities.<sup>1</sup>*

*State violence simultaneously protects and threatens us.<sup>2</sup>*

In the previous chapters I analyzed the conceptualization of violence and demonstrated the many ways in which Hannah Arendt’s definition of violence is one that captures the complexity of the concept in a way that few others available in the literature are able to do. I also viewed violence from the perspective of the state’s monopoly of legitimate use of violence. Clearly, until now this thesis has been concerned mostly with the conceptual level of academic enquiry that precedes even the theoretical models we use in international relations. This is a strength in that I have been able to investigate far more deeply and in detail the conceptual elements, the disputes in the literature and some basic theoretical groundwork that surrounds the problem of how we are to approach and reconfigure the concept of violence in academic terms, given the contemporary context that surrounds us in the twenty-first century. It is also an acknowledged weakness that, in dealing with the conceptual discussion in such depth, there is less space to look at the more practical side of the issues surrounding violence, democracy and legitimacy today.

Clearly all theses have such methodological choices before them and I am confident that the level of complexity of the subject has meant that the strengths of selectivity and detail have, on this occasion, outweighed the lack of practical scope of this thesis. However, I hope to extend the scope of this study of violence here by providing at least a little practical support and illustration

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<sup>1</sup> Mary Kaldor, “Wanted: Global Politics --New Types of Violence are on the Rise, and the only Exit Route is Political,” *The Nation* 273, no. 14 (November 5, 2001):15.

<sup>2</sup> John T. Parry, “Pain, Interrogation and the Body,” in *Evil, Law and the State: Perspectives on State Power and Violence*, ed. John Parry (Amsterdam: Rodopi, 2006), 4.

of the arguments I have been making to defend the hypothesis that to the often incomplete and unreflected conceptualization of violence *we must give it a set of deeper nuances that not only reflect the complexities of the concept but that also help closing the ample loopholes that can permit the perpetrators of violence to find and broadcast justifications for it that are often widely accepted.* In this chapter I offer some practical examples of how the existing loopholes in contemporary discussions of violence have deceived us to the extent that we even believe in the legitimacy of state violence. I first show the applicability of the main arguments of the thesis by analyzing the rhetoric of George Bush in the aftermath of the 9/11 events and the subsequent war on terror. I then consider the possibility of civil society as an alternative to the previous kind of scenarios.

### ***3.1 Political Rhetoric: the Pursuit of “Legitimate” Violence since 9/11***

The 2001 attacks on New York and Washington are without doubt among the most dramatic violent events that have recently taken place. Mary Kaldor however recognized incongruence in the reactions “the crime against humanity that took place on September 11 was so horrific and so shocking that [the] reaction is perhaps understandable (although the world did not shut down after the genocide in Rwanda or the fall of Srebrenica).”<sup>3</sup> In relation to the justification for the “political” reaction, Pfiffner assertively claimed that “world history, international relations, American politics, and the Bush presidency transformed within minutes.”<sup>4</sup> This section seeks to examine the reactions of the Bush administration in the aftermath of September 11 and the justifications on the war on terror with a special emphasis on uncovering inconspicuous state violence.

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<sup>3</sup> Mary Kaldor, “Wanted: Global Politics—New Types of Violence are on the Rise, and the only Exit Route is Political,” *The Nation* 273, no.14 (November 5, 2001):15.

<sup>4</sup> James P. Pfiffner, “Introduction, Assessing the Bush Presidency,” in *Considering the Bush Presidency*, eds. Gary L. Gregg II and Mark J. Rozell (New York: Oxford University Press, 2004), 5.

On his first statement to the nation following the attacks, Bush claimed: “our fellow citizens, our way of life, our very freedom came under attack in a series of deliberate and deadly terrorist acts.”<sup>5</sup> The day after, Bush modified his rhetoric and declared “the deliberate attacks which were carried out yesterday against our country were more than acts of terror. They were acts of war.”<sup>6</sup> Soon after, on September 20<sup>th</sup>, 2001, Bush presented to Congress a similar concern: “on September the 11th, enemies of freedom committed an act of war against our country.”<sup>7</sup> Thus it is clear how the rhetoric changed from citing ‘terrorist attacks’ to invoking ‘war.’ This conversion in the rhetoric is crucial for our present study for one important reason. If the terrorist actions were acts of war, the United States could counterattack under the ‘legitimate’ principle of self defense and go to war.<sup>8</sup> Or in a similar line of argument the state would exercise legitimate violence through its monopoly of legitimate use of violence for protection of its territory. These are important reflections knowing that war is a generally accepted “legitimate” form of state violence.<sup>9</sup> As a consequence, the war on terror in its initial stage against Osama bin Laden and Al Qaeda would be considered “legitimate.” However, two objections can arise. First, war can only be “legitimate” if it is waged against another state, not against human associations (Weber himself acknowledged this predicament) in this case Al Qaeda, because then is considered sheer violence, not war. It seems that the administration noticed that and extended the scope to the Taliban regime and Afghanistan to legitimize these actions. As Pfiffner claims, “U.S. military

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<sup>5</sup> George W. Bush, “Statement by the President in His Address to the Nation,” *The White House* (September 11<sup>th</sup> 2001[cited on September 9, 2008]) available from: <http://www.whitehouse.gov/news/releases/2001/09/20010911-16.html>

<sup>6</sup> George W. Bush, “Remarks by the President in Photo Opportunity with the National Security Team,” *The White House* (September 12, 2001[cited on September 9, 2008]) available from: <http://www.whitehouse.gov/news/releases/2001/09/20010912-4.html>

<sup>7</sup> George W. Bush, “Address to a Joint Sessions of Congress and the American People,” *The White House* (September 20, 2001 [cited on September 9, 2008]) available from: <http://americanrhetoric.com/speeches/gwbush911jointsessionspeech.htm>

<sup>8</sup> Self defense is a principle accepted by Just War Theory. For a brief, though complete description on the principles of Just War Theory see: “Just War Theory,” *Stanford Encyclopedia of Philosophy* (cited on September 11 2008) available from: <http://plato.stanford.edu/entries/war/>

<sup>9</sup> Martin Shaw, *War and Genocide* (Cambridge: Polity, July 2006).

mission soon grew to the military defeat of the Taliban that controlled Afghanistan regime.”<sup>10</sup> And in Bush’s words, “the leadership of Al Qaeda has great influence in Afghanistan and supports the Taliban regime in controlling most of the country [...] The Taliban must act, and act immediately [...] Or their will share in their fate.”<sup>11</sup> Second, by resorting to the concept of war in his rhetoric and by later waging war, the distinction between friend and enemy is made directly. This distinction is best explained in Schmitt’s words: “the concepts friend, enemy, and battle have a real meaning; they obtain and retain this meaning especially through their reference to real possibility of physical killing.”<sup>12</sup> Maggio recognized this same potential outcome hidden in Bush’s rhetoric. “[T]he underside of Bush’s rhetoric of ‘unity,’ ‘safety,’ and ‘strength,’ are not just empty political slogans; such rhetoric- when connected to the sovereign decision to define the ‘enemy’ - is attached to actual violence,”<sup>13</sup> however not often recognized as such.

If an “act of war” was perpetrated against the U.S. and the enemy was identified, the Bush administration had again found a justification for resorting to violence. Soon after the ‘enemy’ designation/distinction grew to all other states who would not follow his claims, as Bush famously declared “You’re either with us or against us in the fight against terror.”<sup>14</sup> These previous points can also be linked to the discussions set in Chapter One and Two. First the rhetoric was transformed so it would not come into view that the US with sophisticated implements and technology was using violence (not war) against human associations<sup>15</sup> and then resorting to ‘war’ against one country who did not directly perpetrated the attacks. If the rhetoric

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<sup>10</sup> James P. Pfiffner, “Introduction, Assessing the Bush Presidency,” 8.

<sup>11</sup> Bush, “Address to a Joint Sessions of Congress and the American People,” September 20, 2001

<sup>12</sup> Carl Schmitt, *Political Theology*, trans. George Schwab (Chicago: University of Chicago Press, 1985), 4.

<sup>13</sup> James Maggio, “The Presidential Rhetoric of Terror: The (Re)Creation of Reality after 9/11,” *Politics and Policy* 35, no.4 (2007): 817.

<sup>14</sup> “Bush says is time for action,” *CNN* (November 6, 2001 [cited September 11, 2008]): available from <http://archives.cnn.com/2001/US/11/06/ret.bush.coalition/index.html>

<sup>15</sup> The 9/11 attacks were not the first terrorist attacks the US had suffered. Other attacks had occurred to US ‘institutions’ within and outside the country and they were not condemned as acts of war.

had not changed from terrorists attacks, to act of war the Bush administration could have put the terrorist into trail. However, the administration chose a second strategy: 'War on Terrorism'. Second the famous claim "you are with us or against us" ended with plurality. In that sense it was only possible to choose to be with the terrorists or with the 'freedom fighters'. Furthermore Bush's infamous claim can be linked to Arendt's *On Violence* in the sense that to her "violence needs guidance and justification."<sup>16</sup> The Bush administration was hence providing guidance, justification (and a lot of pressure) to other states to follow their steps in the War on Terror and therefore in inconspicuous violence.

The strategy against terror went much further. With the rhetoric of suffering acts of war, and declaring the war on terror, a state of war and a state of exception within the U.S. was "justified." These positions were the beginning of inconspicuous violence within US territory. Shortly summarized the state of exception constitutes a "point of imbalance between public law and political fact."<sup>17</sup> Hence, as Agamben famously argued in his compelling *State of Exception*, "the state of exception appears as the legal form of what cannot have legal form."<sup>18</sup> The state of exception can then be considered inconspicuous violence for the following reasons. First, as Agamben explained, "the establishment, by means of the state of exception, of a legal civil war that allows for the physical elimination not only of political adversaries but of entire categories of citizens who for some reasons cannot be integrated into the political system."<sup>19</sup> Thus, the state of exception clearly is a violent expression against human dignity, civil society and the end of plurality and the public realm. Concerning power, in the Arendtian sense the state of exception

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<sup>16</sup> Hannah Arendt, *On Violence*, (San Diego: Harcourt and Brace & Company, 1970), 46

<sup>17</sup> François Saint-Bonnet, *L'état d'exception* (Paris: Presses Universitaires de France, 2001), 28

<sup>18</sup> Giorgio Agamben, *State of Exception* trans. Kevin Attell (Chicago: University of Chicago Press, 2005), 1.

<sup>19</sup> Agamben, *State of Exception*, 1.

would be an absolute lack of power; it would instead be regarded as control and domination by violent means.

Following Agamben, Maggio identified that in a state of exception “above all the very distinction between the public and private are deactivated.”<sup>20</sup> Schmitt also recognized that the state of exception on the material world could transform into violence.<sup>21</sup> This transformation is clear in the privatization of violence in Abu Ghraib and Guantanamo Bay detentions, imprisonments without trial, violent interrogations, human rights abuses and particularly torture. Furthermore, in thinking more deeply about matters of legitimacy, it seems prudent to pay attention to Neocleous’ warning that “we need to reconsider the relationship between the rule of law and violence.”<sup>22</sup> The state of exception is nowhere legitimate since if it has no legal form, then on what basis can be legitimized? It certainly cannot be legitimated under Locke’s account. And even if the Bush administration would claim their monopoly of legitimate use of violence, the legitimation of domination and use of violence would not fit under Weber’s forms of legitimation discussed at length in Chapter 2. It cannot be legitimated under the “eternal yesterday,” nor under the “personal gift or charisma” and clearly not under “legality.”<sup>23</sup> Then if the actions of the state of exception have no legitimate base, this would mean the destruction of politics by violent means.

The consequence of not only the attacks but also the presidential rhetoric, the evil enemy<sup>24</sup> distinction and the state of exception, was, of course, a generalised fear. These elements justified the support for strong governmental measures. As Etzioni recognized, “when the public was most

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<sup>20</sup> Maggio, “The Presidential Rhetoric of Terror,” 818.

<sup>21</sup> Schmitt, *Political Theology*.

<sup>22</sup> Mark Neocleous, “The Problem with Normality: Taking Exception to “Permanent Emergency,” *Alternatives* 31, (2006): 191.

<sup>23</sup> Max Weber, “Politics as a Vocation,” in *From Max Weber: Essays in Sociology*, eds. H.H. Gerth and C. Wright Mills (London: Routledge, 1991), 78-79.

<sup>24</sup> Bush constantly used the term evil in his rhetoric post 9/11 to refer to the terrorists.

concerned about its safety (fearing additional attacks from sleeper terrorist cells on short order), people were most willing to support a strong government, including one that would set aside many basic individual rights.”<sup>25</sup> In a similar way, Kellner recognized the influence of fear:

the Bush administration, aided and abetted by the U.S. corporate media, manipulated a politics of fear to push through a right-wing agenda that included the Patriot Act, massive changes in the legal system, a dramatic expansion of the U.S. military, and U.S.-led military intervention in Afghanistan and Iraq.<sup>26</sup>

The promotion of fear by the terrorist organization, and also by the administration can be considered as psychological violence, since it “inflicts upon another with a deleterious psychological impact.”<sup>27</sup> With the visible generalized fear, the Bush administration found the perfect, and allegedly legitimate, justification, to transgress law and proceeded to transfer matters of the private life (intervention of phone calls, email, and personal information) to matters of the public realm, these policies justified under the argument of questions of national security. With this resort in hand the administration launched the *USA Patriot Act* on October 26, 2001.

The Patriot Act “intended to dramatically increase government powers of investigation and enforcement, many would argue at the expense of individual liberties”<sup>28</sup> and “encourages people to report each other's suspicious activities to the government.”<sup>29</sup> These are the kinds of actions that Galtung referred as structural violence: “violence may contain within rewards and not simply punishments.”<sup>30</sup> In this case the alleged reward is security. In the same line of argument Christie argued that “politically, structural violence engenders the systematic deprivation of the

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<sup>25</sup> Amitai Etzioni, *How Patriotic Is the Patriot Act? Freedom versus Security in the Age of Terrorism* (London: Routledge, 2004), 14.

<sup>26</sup> Douglas Kellner, “Bushspeak and the Politics of Lying: Presidential Rhetoric in the War on Terror,” *Presidential Studies Quarterly* 37, No. 4. (October 2007): 622.

<sup>27</sup> David Riches, “Aggression, War, Violence: Space/Time and Paradigm,” *Man New Series* 26, no. 2 (June, 1991): 293.

<sup>28</sup> Lisa Finnegan Abdolian, Harold Takooshian, “The USA Patriot Act: civil liberties, the media, and public opinion,” *Fordham Urban Law Journal* 30, (2003).

<sup>29</sup> Finnegan Abdolian, Takooshian, “The USA Patriot Act: civil liberties, the media, and public opinion,”

<sup>30</sup> Galtung, “Violence peace, and peace research,”

need for self-determination.”<sup>31</sup> When the line between the public and the private realms becomes blurred, the right of self-determination and freedom in both realms becomes inexistent. And last these measures destroy completely the Arendtian conception of the public realm since freedom and plurality no longer exist; instead there is a constant state of fear, and a constant state of inconspicuous violence.

The Patriot Act has further implications as Kaminer suggested. The “FBI unchecked domestic spying powers and instead of focusing on preventing terrorism, it will revert to doing what it does best-monitoring, harassing, and intimidating political dissidents and thousands of harmless immigrants.”<sup>32</sup> These actions are a clear example of direct and psychological violence, FBI officials- and other monopolists of violence- often forget that these people possess dignity and rights and are entitled to equal concern and respect.<sup>33</sup> Therefore Kaminer’s claim possibly makes us ask ourselves how legitimate are these actions against civil society? And is this law and ordered?

The War on Terror did not stop with the intervention in Afghanistan and the Patriot Act. On the contrary, in January 2002 Bush denounced the axis of evil in a speech that has become somewhat infamous already. This speech was important to justify further actions. “Bush would evoke the fear of nuclear missile attack on the United States to justify preemptive strikes, a strategy that would soon be deployed on Iraq.”<sup>34</sup> And as Pfiffner mentioned, “before the war in Afghanistan was finished, President Bush decided to undertake a campaign and convince Americans that a major threat to U.S. security existed in the world and that ‘regime change’ in

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<sup>31</sup> Daniel J. Christie, “Reducing Direct and Structural Violence: the Human Needs Theory,” *Peace and Conflict: Journal of Peace Psychology* 3, no. 4 (1997): 315.

<sup>32</sup> Wendy Kaminer, “Ashcroft’s Lies,” *American Prospect*, (15 July 2002): 9.

<sup>33</sup> Parry, “Pain, Interrogation and the Body,” 6.

<sup>34</sup> Kellner, “Bushspeak and the Politics of Lying: Presidential Rhetoric in the War on Terror,” 632-633.



Iraq was essential to US security.”<sup>35</sup> Yet the justification for intervention in Iraq was noticeably feeble.

The initial argument against the Iraqi government was “that there was a connection between the terrorists and the Iraq government in the form a meeting in April 2001 in the Czech Republic between Mohammed Atta, the leader of the terrorist attack in the United States and an Iraqi diplomat.”<sup>36</sup> This reason was, quite clearly, not enough to justify intervention. From that problem the argument of the “existing” Weapons of Mass Destruction was perhaps born. In 2002 Bush claimed, “[w]e must prevent the terrorists and regimes who seek chemical biological or nuclear weapons from threatening the United States and the world.”<sup>37</sup> It is now known<sup>38</sup> that such weapons did not exist in Iraq, thus the invasion was founded on grounds that were quite clearly illegitimate, even under existing arguments for legitimate violence. Furthermore as Butler questioned “why is Iraq called a threat to security of the civilized world [...] and if the US President was urged by the majority of the world to withdraw his threat of war, why does he not seem to feel obligated by this address?”<sup>39</sup> Bush himself seemed to recognize this incongruence and the lack of a legitimate base when he made the astonishing admission that, “[y]ou know, one of the hardest parts of my job is to connect Iraq to the War on Terror.”<sup>40</sup> He never fully succeeded to do so. Thus not only the State of Exception, but also the Patriot Act and war on Iraq seemed too have no legitimate base, only patchy moral rhetoric. As Burke points out,

Moral discourses and justifications permeated the sense of outrage and violation felt by Americans after 9/11, soaked its media coverage and public debate, and were smoothly deployed to justify

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<sup>35</sup> Pfiffner, “Introduction, Assessing the Bush Presidency,” 9.

<sup>36</sup> Pfiffner, “Introduction, Assessing the Bush Presidency,” 10.

<sup>37</sup> George W. Bush, “Remarks by the President in Photo Opportunity with the National Security Team,” (September 12, 2001).

<sup>38</sup> For a full account of what was known and what intelligence was fabricated, see Mark Phythian, “The Perfect Intelligence Failure? U.S. Pre-War Intelligence on Iraqi Weapons of Mass Destruction,” *Politics and Policy* 34: 2 (June 2006): 400-424.

<sup>39</sup> Judith Butler, *Precarious Life, the Powers of Mourning and Violence* (London: Verso, 2004), 130-131.

<sup>40</sup> George W. Bush, interview with CBS News' Katie Couric, Sept. 6, 2006.

military action against Afghanistan. Rhetorics of justice and injustice, humanity and inhumanity, civilization and barbarism, were repeatedly invoked by US officials in the tragedy's wake. Moral discourses have been used to brush aside concerns about the disproportionately.<sup>41</sup>

Throughout the "War on Terror" not only were civil liberties limited, more palpable forms of violence (as I just briefly claimed) including torture, violent interrogations, detentions and all kinds of violations of human rights have persisted. As Parry recounts,

[w]ithin two months, [of 9/11] federal officials were already starting to talk about the need to develop, new more lenient standards for interrogating suspected terrorists. That conversation continued among officials whose concern was not to control state violence but rather to unleash. And we can see the results of that conversation on people's bodies at Guantanamo Bay and in Afghanistan and Iraq.<sup>42</sup>

On human rights violations, Bufacchi argued "[i]t should not come as a surprise that human rights are among the first casualties in the War on Terrorism."<sup>43</sup> He may be right, but it should also not come as a surprise that just because we are no longer surprised does not mean civilian casualties are tolerable. This reaction only provides more room to fabricate possible justifications of violence, including that the state resorts to the claim of monopoly of legitimate use of violence. Casualties can never be morally legitimate, and thus we should not ignore the violation of human rights, especially the right to live. Furthermore, during the War on Terror there has been constant torture of imprisoned civilians. For some, torture can be justified. For example, Alan Dershowitz argued that "it may be permissible to allow terrorists to be tortured, a radical solution offered on pragmatic grounds."<sup>44</sup> But many of those detained are not terrorists, thus there is torture of non-combatants, which is by all means illegitimate.

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<sup>41</sup> Anthony Burke, "Just war or ethical peace? Moral discourses of strategic violence after 9/11," *International Affairs* 80, no.2 (2004), 329-353.

<sup>42</sup> Parry, "Pain, Interrogation and the Body," 6.

<sup>43</sup> Vittorio Bufacchi and Jean Maria Arrigo, "Torture, Terrorism and the State: a Refutation of the Ticking-Bomb Argument," *Journal of Applied Philosophy* 23, no.3. (2006): 355.

<sup>44</sup> Alan M. Dershowitz, "Tortured reasoning," in S. Levinson (ed.) *Torture: A Collection* (Oxford: Oxford University Press, 2004).

Torture, Bufacchi argues, “is universally condemned in international law.”<sup>45</sup> However, “there is evidence to suggest that successive U.S. Attorneys-General have attempted to create a permissive legal environment for the use of torture.”<sup>46</sup> Such permission can hardly be legitimate since the U.S. ratified the “Convention against Torture” in which article 2.2 enounces that “no exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture.”<sup>47</sup> Thus torture cannot be accepted or morally acceptable, no matter what the justification is. However the U.S. has carried out different forms of torture; one of the many dramatic examples is narrated by Bellamy.

At Guantanamo Bay, British citizen Martin Mubanga was subjected to sensory deprivation, forced into ‘stress positions,’ and racially and sexually abused. Ironically, Mubanga was subjected to the worst treatment at the very time it was becoming clear to British and American officials that he had no connections to terrorism.<sup>48</sup>

If torture is the only form of state violence that is not legitimate under international standards, then why is the national and international community accepting the fact that torture does exist? The answer, I am afraid, is linked to the old notion of the state monopoly of legitimate use of violence, the consequence is as legal theorist Parry recognized, national and international “law, then, does not solve the problems of state violence and evil; it merely provides another arena for inquiry, and another set of questions.”<sup>49</sup> And, he carried on “the predictable result is that law often fails to confront or manage state violence.”<sup>50</sup> Likewise Burke argues “we can point to a large number of possible violations of the laws of war (and other important international by the

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<sup>45</sup> Bufacchi and Arrigo, “Torture, Terrorism and the State: a Refutation of the Ticking-Bomb Argument,” 356.

<sup>46</sup> Alex J. Bellamy, “No Pain No Gain,” *International Affairs* 82, no.1 (2006): 123.

<sup>47</sup> “UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment” *UN Office of the High Commissioner for Human Rights*, (10 December 1984 [cited on September 10, 2008]: available from [http://www.unhchr.ch/html/menu3/b/h\\_cat39.htm](http://www.unhchr.ch/html/menu3/b/h_cat39.htm)

<sup>48</sup> Bellamy, “No Pain No Gain,” 121.

<sup>49</sup> John T. Parry, “Introduction,” in *Evil, Law and the State: Perspectives on State Power and Violence*, ed. John Parry (Amsterdam: Rodopi, 2006), ix.

<sup>50</sup> John T. Parry, “Introduction,” in *Evil, Law and the State: Perspectives on State Power and Violence*, ix.

US and its allies in the course of the war on terror, few if any of which can be prosecuted and all of which the internalization of legal or moral rules sadly failed to prevent.”<sup>51</sup>

Thus we have seen that in the political rhetoric of President Bush and in the war on terror there are many ambiguities, such ambiguities represent cases of violence and illegitimate actions. Furthermore the Bush administration has resorted to many tactics to justify the war on terror. But even if it has been justified, this does not mean it is legitimate or by no means just. As Norman claimed, “America’s counterterror war is far from just, regardless of the administration’s rhetoric to the contrary.”<sup>52</sup> That a war is just is measured under Just War Theory criteria as Chapter 2 explained. So a war is just when it is declared by a ‘right’ authority who would know that the probabilities of winning were high. That war was a self defense response or with a desire of peace. And that violence would be the last resort.<sup>53</sup> Violence in this case was not the last resort, diplomatic attempts were left aside. The self defense principle could be used against the state of Afghanistan; however, the perpetrator was not a state, but a civil organization. Furthermore, winning a battle against terrorism is certainly not an easy task; perhaps it is not even possible. Kaldor argues similarly that “these wars are very difficult to contain and very difficult to end.”<sup>54</sup> And as we have accounted the way in which it is being fought and justified are not desirable at all. Therefore the War on Terrorism is violence neither legitimate nor just.

From these perspectives several conclusions can be tentatively drawn. First, the relation between legitimacy and violence is crucial. In the Weberian account the state has the monopoly of the legitimate use of violence, however when this definition was conceived the threat to the territory came from other states, therefore using this definition to claim legitimate use of violence

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<sup>51</sup> Burke, “Just war or ethical peace? Moral discourses of strategic violence after 9/11,” 329-353.

<sup>52</sup> Emma R. Norman, “Justice and Justification in the War on Terrorism.” paper presented in the VII Congreso of the Americas, November 8-11, 2006, Puebla, México, 2006

<sup>53</sup> John Keane, *Violence and Democracy* (Cambridge: Cambridge University Press, 2004), 12.

<sup>54</sup> Kaldor, “Wanted: Global Politics --New Types of Violence are on the Rise, and the only Exit Route is Political,” 15.

is inaccurate. Furthermore under international law preemptive attacks and torture are condemned thus even on this double standard there is no legitimate action. What the U.S. has been doing during the War on Terror is violence. In regards to domestic and international law, Norman points out that “for some areas of public administration we have begun to create procedures and practices that foster an ethical environment in which our public officials can work and be called to account. The War on Terrorism is not yet one of them.”<sup>55</sup> This particular situation can be related to the famous American “Philadelphia Model.” As Keane explains, “[t]he whole point of the Philadelphia experiment was to constitutionalise the means of violence in such a way that the unaccountable quality of state violence and the bellicose anarchy among states typical of the Westphalia model are overcome.”<sup>56</sup> The importance of this model for International Relations theories is that inspired the creation of international tribunals in an attempt to constitutionalise the means of violence in other ways, to “democratise violence.”<sup>57</sup> Thus the violence perpetrated on the War on Terror should be questioned and, if necessary, those responsible need to be called to account especially now that the presidential term is coming to an end.

These problems are not only visible in practice. They have their roots in how violence is conceptualized, as I have been arguing throughout this thesis. As I demonstrated in Chapter 1, the concept of violence has not been defined in depth and is most often apprehended, if it is examined at all, in relation to its cognate concepts such as aggression, strength, cruelty and war where most emphasis is placed on these latter concepts. However, the slightest divergences between them that make a difference in the *praxis*. In the case of the War on Terror, civil society

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<sup>55</sup> Norman, “Justice and Justification in the War on Terrorism,” (2006).

<sup>56</sup> Keane, *Violence and Democracy*, 76-77.

<sup>57</sup> For more on the democratization of violence see Keane’s “Ten Rules for Democratizing Violence,” in *Violence and Democracy*, 167-206.

should not just take for granted the Presidential rhetoric since as we saw; most actions are not legitimate, and not just. It is thus relevant to be aware, along with Etzioni, that

[a] responsible examination of new homeland protection policies finds that they are not all cut from one constitutional, legal, or ethical cloth. They are not all equally “reasonable”; they do not all have the same merit from a national security viewpoint, nor do they raise the same level of concern about their effects on our rights.<sup>58</sup>

It is also important to take Parry’s concern into account.

Without more, the violence of our own state is no better than any other forms of violence; it may sometimes be useful for us, but it may also harm us. And precisely because it comes from the state, it will be usually more systematic, sustained and powerful than any other forms of violence.<sup>59</sup>

Therefore it is important to place limits to state violence, however “the law shows itself often to be servant of the violent state.”<sup>60</sup> Thus an alternative to limit state violence should not only rely on law or on Just War Theory criteria. Knowing that legitimacy is derived from popular consent, it seems to me that *it is civil society* who should engage in politics if we ever want to limit state violence and/or if we feel policies that limit our liberties that are justified on security grounds are warranted. As Etzioni argues, “if it were true that in order to survive future waves of terrorist attacks (including ones using weapons of mass destruction) we must turn our free societies into garrison states, many members of free societies might well be reluctant to accept such a trade-off.”<sup>61</sup> It is this view that ought to be kept firmly in mind. It is the task of civil society to keep debates alive, and—given the emphasis I have placed in this thesis on sufficiently reflecting on key concepts and practices in politics and international relations—not just accept everything being said because we are engaged in fear, or because we are too lazy, or because we feel, like Weber did, that it is important to leave questions of government up to the experts. Instead, we should avoid such perspectives as the one that Butler highlights: “anyone who sought

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<sup>58</sup> Etzioni, *How Patriotic Is the Patriot Act? Freedom versus Security in the Age of Terrorism*

<sup>59</sup> Parry, “Pain, Interrogation and the Body,” 10.

<sup>60</sup> Parry, “Pain, Interrogation and the Body,” 5.

<sup>61</sup> Etzioni, *How Patriotic Is the Patriot Act? Freedom versus Security in the Age of Terrorism*, 10.

to understand the “reasons” for the attacks on the United States was regarded as someone who sought to ‘exonerate: those who conducted that attack’.”<sup>62</sup> If it is imprecise conceptual and theoretical scholarship that creates, or fails to close up, dangerous loopholes in the way violence is conceptualized, it is similarly judgments like this *in practice*, and in the public at large, not just the government, that permit those dangerous loopholes to pass unchallenged. The point here is, therefore, not that theorists or politicians should receive all the blame for the conceptual confusion and its consequences. Rather, ‘we, the people’ are also responsible, as students and thinkers, as voters and as responsible citizens. The call to reflect sufficiently on our important political concepts and practices is a wide one.

Concerning national and international violence, civil society in general and citizens in particular ought to remember that “[e]lections are occasionally won on the basis on the people’s preferences in foreign policy. Therefore, the people need to share in the responsibility of critically examining foreign policy options, and the motives behind them.”<sup>63</sup> Hence participation is essential to limit both state and private violence.

### ***3.2 Violence vs. the ‘Power of the People’***

There is then an important relation between civil society, the state and violence; however, what is exactly civil society? To clarify the meaning of civil society I will leave for a moment the concept of violence, to later take it up and analyze their crucial interaction

Much has been said about civil society, and as Keane asserts “we are living through times in which, in all four corners of the earth, talk of civil society is once again flourishing, and has

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<sup>62</sup> Butler, *Precarious Life*, xiii.

<sup>63</sup> Norman, “Justice and Justification in the War on Terrorism,” (2006).

been so for some two decades.”<sup>64</sup> Roy likewise emphasizes that “the term civil society is not a new one: since 1991 at least it has been extensively used by international community to promote political and economical transition.”<sup>65</sup> And more important for International Relations theories, “the concept of civil society is gathering momentum today as the search continues for forms of community and political action outside of what is often seen as a discredited state.”<sup>66</sup> The importance of civil society is also promoted by the democratic state; consequently both are two concepts that are theoretically and practically highly interrelated. A consolidated democracy can very likely promote the consolidation of strong civil society. Keane backs up this hypothesis claiming that,

[i]n principle, democracy enables everybody to act at a distance from its power centres by means of a functioning civil society that is independent of publicly accountable governmental institutions; together elected, responsible government and the dispersal of power within civil society provide organised protection from the fear of fact or injury or loss of life.<sup>67</sup>

For that reason, democracies can promote participation, plurality and freedom. Notwithstanding this, even though the term civil society is today extremely popular, the definition can be ambiguous.

Civil society has been defined in several ways, most fairly similarly; yet they reflect in specific ways how civil society has evolved. Some early definitions of Thomas Paine and Georg Hegel recognized that civil society was a “domain parallel to but separate from the state, a realm where citizens associate according to their own interests and wishes.”<sup>68</sup> More recently, Cohen and Arato’s conception of civil society can be followed as the “intermediate associational realm

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<sup>64</sup> John Keane, “Can Civil Societies become more civil?,” Plenary lecture delivered to the conference, A Place for All? Comparing Civil Societies in Scotland and Northern Ireland, Wednesday 8th September 2004, *John Keane*, (2004[ retrieved on August 12, 2008]):available at [http://www.johnkeane.net/lectures/lectures\\_civility.htm](http://www.johnkeane.net/lectures/lectures_civility.htm), 1

<sup>65</sup> Oliver Roy, “The predicament of ‘civil society’ in Central Asia and the ‘Greater Middle East’,” *International Affairs* 81, no. 5 (2005): 1001.

<sup>66</sup> Gideon Bakker, *Civil Society and Democratic Theory: Alternative voices* (London: Routledge, 2002), 1.

<sup>67</sup> Keane, *Violence and Democracy*, 1.

<sup>68</sup> See Thomas Carothers, “Civil Society,” *Foreign Policy*, (Winter 1999), 18.



between state and family, populated by organizations enjoying some autonomy in relation to the state and formed voluntarily by members of society to protect their interests or values.”<sup>69</sup> Keane conceives it somewhat differently as “an autonomous social space within which individuals, groups and movements can effectively organize and maneuver, even on a world scale, to undo and transform existing power relations, especially that of big business.”<sup>70</sup> Carothers defined it as “a broader concept, encompassing all the organizations and associations that exist outside of the state (including political parties) and the market.”<sup>71</sup> Yet the most important characteristic of civil society is that it is constituted as a domain that coexists and interacts but is not contingent to the state; on the contrary the state derives its legitimacy from civil society.

In a less positive approach,, Dionne argues that we tend to misconceive civil society by thinking of it as “an array of fine institutions that nobody can possibly be against.”<sup>72</sup> This argument is backed up by Carothers. He claimed that some civil society enthusiasts have propagated the misleading notion that “civil society consists only of noble causes and earnest, well-intentioned actors.”<sup>73</sup> Dionne and Carothers make a legitimate point given that we tend to “romanticize” civil society because of a “reaction against government and a desire to reconstruct energetic government on stronger ground.”<sup>74</sup> Consequently, we can forget the less positive virtues of civil society which are “less in evidence [...] crime, cheating, and rampant suspicion.”<sup>75</sup> So it is important to bear in mind that civil society is not only an idealistic concept, there are sectors of civil society that contrasts this idea, today in particular terrorist organizations.

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<sup>69</sup> Jean Cohen and Andrew Arato, *Civil Society and Political Theory* (Cambridge: MIT Press, 1992), 84.

<sup>70</sup> Keane, “Can Civil Societies become more civil?,” 1-2.

<sup>71</sup> Carothers, “Civil Society,” *Foreign Policy*, (Winter 1999), 18.

<sup>72</sup> E. J. Jr. Dionne, “Why Civil Society, Why Now?,” *Brookings Review* 15, (Fall 1997): 4.

<sup>73</sup> Carothers, “Civil Society,” 18.

<sup>74</sup> Dionne, “Why Civil Society, Why Now?,” 4.

<sup>75</sup> Alan Wolfe, “Is Civil Society obsolete?,” *Brookings Review* 15, (Fall 1997), 9.

Aside from these views of civil society there is also a recent interest in the conceptualization of ‘global civil society.’ Carothers argues that global or transnational civil society is very similar. More precisely he argues that “transnational civil society is much like domestic civil society in its essentials. It has been around for a long time but is now growing quickly, both feeding and being fed by globalization.”<sup>76</sup> While this is an interesting extension of the civil society argument I limit myself to discussing civil society only, since state violence and “private” violence are essential part of this thesis. While doing so, however, I do want recognize the achievements and compromise of the young global civil society on political issues such as gender equality, environment, protests against wars, globalization, etc. All these efforts reinforce plurality and freedom, both democratic ideals.

Further delimiting the boundaries of what I can hope to achieve here, I do not refer to civil society as a whole. The important element in civil society that I want to highlight is that has the potential to become a force in the blurred public and private realm, and that democracies seem to back up this development. Indeed, people who in knowledge of its rights and obligations, engage in politics by non violent means i.e. voting, debating, negotiation, protesting, etc. And all in defense of the recreation and maintenance of the public space. Moreover in relation to the main subject of study I refer to civil society in relation to violence in the same way Keane does:

[v]iolence is undoubtedly among the greatest enemies of a (global) civil society, whose tendency to non-violence stems partly from the fact that its participants more or less share a cosmopolitan outlook, for instance by displaying a strong dislike of war, a facility for languages, or a commitment to ordinary courtesy and respect for others.<sup>77</sup>

It is my belief that civil society is “undoubtedly” opposite to violence not only for what Keane recognized, but additionally from the traditional conception that violence outside the state

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<sup>76</sup> Carothers, “Civil Society,” 18.

<sup>77</sup> John Keane, “Global Civil Society,” in Helmut Anheier, Marlies Glasius, and Mary Kaldor eds. *Global Civil Society* (Oxford: Oxford University Press, 2001), 23.

is illegitimate. Thus the constitution of civil society as “non violent” actor may have been a reaction to this claim, searching for legitimate means to become a force in the public and private realm. However it is important to remember violence is not always isolated from civil society. That is what Wolfe wants us to keep in mind.<sup>78</sup> Nevertheless the sector that can become a counterpart for (state) violence and who can promote civility politics generally do not resort to violence. Conversely, that part of civil society usually opposes and condemns violence. Thus from that opposition or “enmity” to violence, and because civil society is the source of state legitimacy, civil society can be viewed as an alternative to counter violence. The question then becomes ‘how?’

Former UN Secretary General Kofi Annan made reference to the legitimate base of civil society in relation to the state, claiming that,

[s]tates are now widely understood to be instruments at the service of their people, and not vice versa...[while] individual sovereignty- by which I mean the fundamental freedom of each individual, enshrined in the Charter of the United Nations and subsequent international treaties- has been enhanced by a renewed and spreading consciousness of individual rights.<sup>79</sup>

Moreover, Maus identified the importance of people for building legitimacy, he argues that legitimation by democratic procedures is

[w]here substance is decided only by the polyvocal participation of the citizens, the nation-state’s borders no longer designate anything more than the radius of the validity of the democratic constitution and the laws produced through its procedural order.<sup>80</sup>

However, as I argued extensively in Chapter 2, and as Wyndra says so well, “states can use their monopoly of violence not only for preserving the life of their citizens but also for the sake of terror and annihilation.”<sup>81</sup> Parry backs up this hypothesis claiming that “state violence

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<sup>78</sup> Wolfe, “Is Civil Society obsolete?,” 9.

<sup>79</sup> Kofi Annan referenced in Jean-Marc Coicaud, Michael W. Doyle, and Anne-Marie Gardner, (eds.), *The Globalization of Human Rights*, (New York: United Nations University Press, 2003),1.

<sup>80</sup> Ingeborg Maus, “From Nation-State to Global State, or the Decline of Democracy,” *Constellations* 13. no.4 (2006): 467.

<sup>81</sup> Harald Wydra, “The Recurrence of Violence,” *Sociology Compass* 2, no.1 (2008): 183.

simultaneously protects and threatens us.”<sup>82</sup> In this sense, the state is not always an instrument at the service of their people; it is sometimes an instrument of violence *against* its people. To counter state violence, it is important to pay attention to spreading a consciousness of individual rights. This is crucial because by being aware of these rights—including freedom and the right to live—we would not accept policies that limit our liberty or threaten our dignity. This is particularly important in democracies since as we saw, democracies tend to justify ‘well’ or hide inconspicuous violence, following Keane’s claim “democracy requires citizens to stay alert, to open their eyes and mouth –to understand that societies of sheep typically beget governments of wolves.”<sup>83</sup> An furthermore, it is important to keep in mind what Locke so notably pointed out—the duty of the state is to protect its citizens, not to use violence or resort to annihilation, incarceration or torture of the citizenry. Legitimacy is derived from below, thus when these actions occur, the state is incurring in illegitimate violence. Moreover, in democracies it is important to remember Locke’s principle because, as Hamilton put it, “when the first principles of civil society are violated, and the rights of a whole people are invaded, the common forms of municipal law are not to be regarded.”<sup>84</sup> Therefore it seems valid to argue that violence against civilians (or non combatants) can never be quite legitimate. We can relate this argument back to the discussion of the War on Terror. Torture, violence against non combatants, the State of Exception and the Patriot Act are illegitimate forms of state violence hidden in a moral rhetoric. Moral rhetoric is additionally connected to nihilism. In Ignatieff’s words “[w]hat we are up against is apocalyptic nihilism. The nihilism of their means - the indifference to human costs.”<sup>85</sup> This situation opens an opportunity to civil society and politics, as Kaldor identifies “we need

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<sup>82</sup> Parry, “Pain, Interrogation and the Body,” 4.

<sup>83</sup> Keane, *Violence and Democracy*, 1.

<sup>84</sup> Hamilton, referenced in <sup>84</sup> Kurland and Lerener ‘Right of Revolution’

<sup>85</sup> Michael Ignatieff, “It’s war but it does not have to be dirty,” *The Guardian* (October 1, 2001).

politics, especially global politics. Not as a substitute for catching the perpetrators and bringing them to justice, but as a central part of the strategy for eliminating their activities.”<sup>86</sup> She continues,

[s]uch a political strategy is not an alternative to military action. Indeed, military action may be needed in support of alternative politics. But in these wars there is no such thing as military victory; the task of military action is to create conditions for an alternative politics.<sup>87</sup>

Kaldor’s political strategy can be linked to Arendt’s compelling claim on politics and violence “to be political, to live in a *polis*, meant that everything was decided through words and persuasion and not through force and violence.”<sup>88</sup> Thus politics is the best resource of civil society to limit state violence, private violence and apocalyptic nihilism.

Aside from Kaldor’s and Arendt’s political strategy that relies on “action,” civil society has an additional (and complementary) resource: civil disobedience. As Torres Guillen argued, “if the conditions are oppression, scarcity, death, then violence can arise.”<sup>89</sup> Fernandez Buey also provides an argument that justifies the use of violence in civil disobedience: “there is no state morally justified to demand [non violence] as long as there is inequality and injustice associated with the state.”<sup>90</sup> Thus if the state itself is resorting to violence against its own citizenry, then on this argument civilians have the same right. However, I have two objections to these claims. First, civil disobedience is not always expressed through violent means, and second, this argument is contentious because it is not taking into consideration that “in a contest of violence against violence the superiority of the government has always been absolute.”<sup>91</sup> Or that “never is possible

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<sup>86</sup> Kaldor, “Wanted: Global Politics—New Types of Violence are on the Rise, and the only Exit Route is Political,” 15.

<sup>87</sup> Kaldor, “Wanted: Global Politics—New Types of Violence are on the Rise, and the only Exit Route is Political,” 15

<sup>88</sup> Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1959), 26.

<sup>89</sup> Jaime Torres Guillen, “La desobediencia civil como praxis en las sociedades democráticas: Una perspectiva Latinoamericana,” *Espiral estudios sobre Estado y Sociedad* XIV no. 42 (Mayo-Agosto de 2008): 20-21 [my translation].

<sup>90</sup> Francisco Fernández Buey, *Desobediencia Civil* (Madrid: Ediciones Bajo Cero, 2005), 24.

<sup>91</sup> Arendt, *On Violence*, 48.

to be above the power of the state and its violence, supposing it that way would wipe out civility of society, and its disobedience would instead be insurrection, guerrilla [or terrorism.]”<sup>92</sup> In other words, violence wipes out the possibility of the political appearing in civil society.

Moreover, Torres Guillen’s claim is significant to this thesis’ main aim of elaborating on a contemporary conception of violence because it supports Arendt’s thesis that violence can destroy power, but it can never recreate it.<sup>93</sup> Insurrections, guerrillas and terrorism are indeed part of civil society. Yet, because they seek to achieve political changes through violence, they can never be legitimate, for as Arendt claimed, “power needs legitimacy.”<sup>94</sup> For all these reasons, I believe non violence can grow more effective in achieving political goals and in the state’s account it would be a “legitimate” act. On this account, for liberals like Rawls and Dworkin, civil disobedience is only allowed when there are violations to justice, when individual rights are violated.<sup>95</sup>

The violation of individual rights has been ubiquitous during the War on Terror and other violent conflicts that the state and non combatants have been part of. These conflicts are sometimes labeled as genocide,<sup>96</sup> but other have not been recognized as such. This is also another problem in the conceptualization of violence, though a decent engagement of this debate will have to wait for another thesis. What can be said here is that civil disobedience is a legitimate tool against state violence, and with regard to the policies established in the aftermath of 9/11 and the War on Terror, civil society ought to become critical of the inconspicuous violence the state

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<sup>92</sup> Torres Guillen, “La desobediencia civil como praxis en las sociedades democráticas: Una perspectiva Latinoamericana,” 22 [my translation].

<sup>93</sup> Arendt, *On Violence*, 53.

<sup>94</sup> Arendt, *On Violence*, 52.

<sup>95</sup> Rawls and Dworkin referenced in Torres Guillen, “La desobediencia civil como praxis en las sociedades democráticas: Una perspectiva Latinoamericana,” 30. [my translation]

<sup>96</sup> For a description on the Armenian Genocide, Stalinism’s mass murders, the Holocaust, Japan’s genocidal wars, the Cambodian genocide, the Genocidal war in Yugoslavia and Genocide in Rwanda see Martin Shaw, *War and Genocide* (Cambridge: Polity, 2003).

perpetrates. Moreover, civil society must not blindly accept and follow governmental policies that restrict liberties and destroy the public realm.

And finally, I would like to mention a previous attempt to constitutionalise the means for violence. The Bivens doctrine, Parry argued “allow people to sue US officials for damages arising from violations of constitutional rights [...] although federal courts have shown uncertain commitment to it.”<sup>97</sup> This doctrine was a good attempt to “empower” civil society and provide democratic grounds to law and order. The Fourth Amendment of the American Constitution was a further protection to freedom, besides it provided delimitation between the public and the private realm.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.<sup>98</sup>

Unfortunately for the Bivens doctrine, there is not much commitment from federal courts to its application and validity. And in regards to the Fourth Amendment there are two obstructions. First the Patriot act violates this amendment and second, this “guarantee” is reserved to American citizens. In sum two procedures that were part of the democratic ground of the US are being blocked, instead there is permanent structural violence. How do we live amid this situation?

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<sup>97</sup> Parry, “Pain, Interrogation and the Body,” 4.

<sup>98</sup> “Bill of Rights/Amendments I-X,” *Constitutional Sources Project* (December 15, 1791[ cited September 12, 2008]) available from: <http://www.consource.org/index.asp?bid=574>

### ***3.3 Conclusion***

In 1996 Keane argued that “[c]ivil society has become part of our make up. We actually like it, and therefore have no desire to live under any form of state despotism.”<sup>99</sup> After the 9/11 events this changed abruptly. However, seven years after 9/11, civil society needs to gain back its condition of non state actor that means to not accept blindly all that is derived from the state, especially not violence. Debates and participation begin to flourish, however there is still more to win back. Democracies, if they want to remain true to that name, should protect civil society. It is accurate that the dangerous threats of private violence are growing. However, the state should not sacrifice civilian liberties in order to achieve “security.” Instead both civil society and the state should work together. As a consequence, civil society can also place limits on the exercise of private violence; this is possible by participation and demanding policies that protect individuals, also at the private level. It is therefore important to remember Butler’s claim that “if we are interested in arresting cycles of violence to produce less violent outcomes, it is no doubt important to ask what, politically, might be made of grief besides a cry for war.”<sup>100</sup> Concerning the state monopoly of “legitimate” use of violence, civil society, and particularly NGO action and participation can promote the condemnation of illegitimate state violence by raising a popular awareness that in democracies, cases of state violence “are profoundly antiethical to civil society and democracies.”<sup>101</sup>

The ubiquitousness of violence is something that most people who write about this concept find hard to ignore and so it has been with this thesis. Yet it is worth repeating that to say

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<sup>99</sup> John Keane, *Reflections on Violence* (London: Verso, 1996), 12.

<sup>100</sup> Butler, *Precarious Life*, xii.

<sup>101</sup> Keane, *Violence and Democracy*, 64.



violence is ubiquitous is not to say that there are no potential limits to violence. The state is clearly the actor most capable of reducing violence, but it is the task of civil society to watch that the state does not incur in violence against civil society. In particular, the state relies on law and order to guarantee the safety of its population, yet that does not mean “monopolists of the legitimate means of violence” are justified in incurring in human rights violations of any kind. In Keane’s words, to

[r]esist the drift towards authoritarian ‘law and order’ strategies by firmly reminding politicians, judges, the police and military that governmental efforts to reduce violence cannot succeed unless civility and freedom are cultivated at the level of civil society.<sup>102</sup>

Finally it is crucial to remember that there can be many justifications for violence based on security, religion, morality, brotherhood, or justice, etc. However, violence will always mean harm in some way no matter if it is private or public. This should be always remembered in the conceptualization of violence and its cognate concepts if we are to avoid dangerous loopholes and feeble justifications.

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<sup>102</sup> Keane, *Violence and Democracy*, 175.

