



Universiteit
Leiden
The Netherlands

The Nature of Political Violence in Liberal Democracies in Response to Terror

Kwasniak, Jan

Citation

Kwasniak, J. (2023). *The Nature of Political Violence in Liberal Democracies in Response to Terror*.

Version: Not Applicable (or Unknown)

License: [License to inclusion and publication of a Bachelor or Master Thesis, 2023](#)

Downloaded from: <https://hdl.handle.net/1887/3629658>

Note: To cite this publication please use the final published version (if applicable).

The Nature of Political Violence in Liberal Democracies in Response to Terror

Word Count: 9985

Name: Jan Kwasniak

Student Number: S3240835

Specialisation: Political Theory: Legitimacy and Justice

Supervisor: Dr. J. Belic

Second Reader: Dr. T.J.H Theuns

Date: 12/06/23



**Universiteit
Leiden**

Abstract:

Terrorism has emerged as a global concern in the 21st century. Faced with the threat of global terrorism, liberal democracies regularly use violence to protect the safety and security of their citizens. However, the use of violence by liberal democracies has sparked concerns as to whether the human rights of terrorists themselves are respected. This thesis attempts to interpret the nature of violence in the US, as typically considered one of liberal democracies, and evaluate whether its use against terrorists conforms with the normative principles of liberalism. In the first chapter the connection between violence and politics is explored, and Foucault's conception of "historico-political discourse" and Schmitt's "friend-enemy" distinction is used to show that liberal states are open to using violence against those they deem "intolerant" through Karl Poppers "Paradox of Tolerance". In the second chapter, Foucault's conception of a "disciplinary society" is used to show how the methods of violence have evolved in modernity. In chapter three, "terrorism" is defined through Schmitt's "Theory of the Partisan" and the application of violence by the United States is examined to evaluate whether the use of violence by liberal states conforms with the normative principles of liberalism.

Table of Contents

Introduction	4
Literature Review	5
Chapter 1: Theory of Violence	8
Chapter 2: Methods of Violence	15
Chapter 3: Application of Violence	22
Conclusion and Further Research	31

Introduction

In my thesis, I want to answer the question: What is the nature of political violence in liberal democracies in response to terrorism? The best method to answer this question would be to evaluate to what extent the use of violence by the United States of America conforms with fundamental normative principles of liberalism. My reason for choosing the USA is simple. It is a powerful liberal democracy with a long and rich history of development and promotion of liberalism. However, my thesis does not seek to simply characterize violence that the United States uses and evaluate whether it conforms with its own laws. Rather, my project attempts to evaluate whether the use of violence by the United States, as a liberal democracy, is coherent with liberal principles more generally in the face of terrorism.

The benefit of an evaluative approach is that it is not a purely descriptive one. It allows me to establish a set of internal criteria against which the use of violence by liberal states can be judged. If the use of violence by liberal states can contradict its fundamental normative principles, it opens up a possibility for further philosophical criticism. However, it is important to note that this approach does not aim to make sweeping generalizations about the use of violence in all liberal democracies. Instead, what I aim to show, is that there exists (both a theoretical and empirical) tension between the use of violence and liberal principles in relation to terrorism. To further clarify, I will only focus on the tension between violence and normative principles of liberalism as they relate to terrorism itself rather than to society as a whole. The example that I decided to use in order to demonstrate this tension is the conflict between terrorism and the United States. By adopting a novel theoretical approach substantiated by empirical evidence, I want to explore how this tension operates, and whether this tension has become untenable.

As I am examining the “nature” of political violence, I opted to approach my research question from a critical perspective that is heavily centred on Michel Foucault and Carl

Schmitt. I decided to adopt an approach centred around these two authors, as while both have been examined separately in relation to contemporary terrorism, not much has been written about a combined Schmittian-Foucauldian approach to the political in the age of terror. Moreover, as the critical tradition emphasizes historical and social analysis rather than deductive methods, it is better suited in analysing the nature and characteristics of violence. This being said, my thesis attempts to provide a fresh perspective on the use of violence by liberal states, one that is more focused on examining the (changing) nature of violence itself, rather than the normative problems its use causes. As such, this thesis not only seeks to contribute on the growing body of work on terrorism, it also attempts to provide new theoretical insights into how we understand what liberalism and liberal states, like the US, are.

Literature Review

To define my key terms, I start by assuming that liberal states are those that adhere to the core values and fundamental principles of liberalism. This core value of liberalism as a whole is liberty – the belief that all individuals are free and equal human beings. Consequently, there are a number of principles aimed at creating and securing a just world in which freedom and equality can prosper. This view is best demonstrated in Rawls’s theory of justice in which the first principle (of justice) states that equal basic liberties (political freedoms/political rights) are universal to every citizen qua person (Rawls, 1971, pg.53). Moreover, the heritage of Locke guaranteed that said freedoms, such as freedom of speech and political liberty are also inalienable – no person nor association of persons can deprive another person of them (Locke, 2010, §6). I take this first principle as fundamental to liberalism – these individual liberties are the essence of all liberal schools of thought as a whole, in spite of all the numerous differences between particular branches of liberal thought. No other considerations, for example those concerning social or economic equality

formulated in the second principle of justice, are more important for liberalism (Rawls, 1971, pg.53-54).

To ensure that these rights are effectively protected in the real world, liberalism champions material prosperity, combined with a division and separation of powers, to guarantee that the freedom and equality of every person are respected. These characteristics of contemporary liberalism have been first formulated by its early thinkers – classical liberals. For Constant, a growth in material satisfaction will result in decreased propensity for violence, while for Montesquieu, the separation and division of powers will protect the people from the exercise of arbitrary political power either by the king or by the people (Constant, 1988, pg.313; Montesquieu, 2011, pg.173). However, if in spite of these safeguards conflict arises, liberalism greatly values discussion, debate and compromise as a means of finding the best solution to solve the problem (Rawls, 1971, pg.314). Thus, liberalism encourages parliamentary democracy as a system of government where the parliament debates on what legislation to enact, while the other institutions of the state keep their share of powers to guarantee that the laws do not conflict with the universal and inalienable laws of the citizens qua persons (Rawls, 1971, pg.195-196). In summary, if we define a liberal democracy as a state whose some of the core values are: political rights, capitalism and parliamentary democracy, I would define the USA as a liberal democracy. Therefore, by examining the way that United States uses violence empirically, we will be able to examine the relationship between violence and liberalism using a relevant example.

However, it is also important to note that liberal states are also modern states. A modern state, briefly speaking, is a post-Hobbesian, centralized, “Westphalian”, entity whose main goal is the provision of safety and the protection of life of its citizens (Hobbes, 2008, pg.144-147). It can be contrasted with an ancient Greco-Roman states whose goal was the participation in the social life of the republic, and with feudal states in which the power of

central authority (the king) was checked by the estates – the burghers, the aristocracy and the church (Constant, 1988, pg.312; Schmitt, 2006, pg.54-55). It is also important to remember that while all liberal states are modern states, not all modern states are liberal states. Liberalism can be seen as developing a political form only after 1789 (French Revolution) and/or 1848 (Spring of Nations). In contrast, the Hobbesian modern state starts to take form earlier in the 17th century in absolutist monarchies of the continent such as Cardinal Richelieu’s France, while also encompassing non-liberal alternatives in the 20th century in the form of fascist Italy or socialist USSR.

The other key terms that need defining are “violence” and (political) “power”. In the context of my work, I define “violence” as the threat or use of physical force. The definition of power is more complicated. My definition of power draws from, but is not directly based on, the distinction between *potestas* and *auctoritas* in Roman Law (Cicero, 1999, pg.167-148) “Power” is the ability to perform an action as opposed to being in a position to demand a performance of an action (authority). A president has the authority to order a military operation, and the soldiers have the power to realize it. In such a scenario, the president has both power and authority as his authority gives him the power to realize his commands. However, if the military would refuse the presidents orders, the president keeps his authority, yet has no power. In summary, when I say “power” I mean the ability to perform an action effectively by utilizing, for example: authority, wealth, knowledge and/or violence.

As I am taking a critical approach, I will not engage with the more analytic and liberal tradition when evaluating the nature of violence when used by modern liberal states. As such, I will not engage with the traditions of legitimacy and political obligations found, for example, in Simmons (Simmons, 2020, pg.29, 40-41). Instead, I will adopt a mixed Schmittian-Foucauldian approach. According to these two authors, politics is closely related to war, and thus their philosophy contains an in-depth analysis of the use of violence by

modern and liberal states (Foucault, 2020b, pg.16-17; Schmitt, 2007a, pg.32-34). This approach is more suitable precisely because the example that I am using is “terrorism” and its consequences. As I will elaborate further in Chapter 3, terrorism is a very peculiar method of waging “war” in which the distinction between “war” and “peace” as well as “soldier” and “civilian” becomes increasingly blurred. Through terrorism, we are able to empirically witness the intertwining of war and politics – something that both Schmitt and Foucault theorized on. Therefore, even though both of them died well before 9/11 and its consequences, an examination of their philosophy will be most suited in interpreting the nature of violence in liberal democracies.

Chapter 1: Theory of Violence

Violence, War and Politics

Before I begin to analyse how liberal states, and more specifically, the US, use violence, I want to examine what is the theoretical basis of the use of violence by liberal states. In order to do so, I want to analyse the two approaches that describe the relationship between violence (and war) and politics. The first approach I will analyse is the Foucauldian approach followed by the Schmittian approach. What connects these two approaches is putting war and violence as the essence of politics. Therefore, both authors are heavily inspired by the quote of Carl von Clausewitz: “*War is the continuation of politics by other means*” (Schmitt, 2007a, pg.34; Foucault, 2020b, pg.48). However, for Foucault, the inverse is true: “*Politics is the continuation of war by other means*” (Foucault, 2020b, pg.15).

For the French philosopher: “*Politics [...] sanctions and reproduces the disequilibrium of forces manifested in war*” (Foucault, 2020b, pg.16). War is prior to politics, and politics exists to legitimize and manage the structures of domination erected as consequences of war (Foucault, 2020b, pg.16-17). Thus, wartime violence is transformed in

times of peace to repression and domination (Foucault, 2020b, pg.16). Moreover, these structures of domination are not only erected and maintained through the legal system (Foucault, 2020b, pg.50). In the modern age, political power is exercised through creating narratives of what is truth and knowledge itself (Foucault, 2020b, pg.52-53). Therefore, these narratives manage the totality of social relations: from legal, through economic and ending on scientific matters (Foucault, 2020b, pg.14, 50, 243). This type of discourse that: “[...] *lays a claim on truth and legitimate right on the basis of a relationship of force [...]*” Foucault calls “historico-political” (Foucault, 2020b, pg.53).

As evidence for his claims, Foucault focuses heavily on his interpretation of history (Foucault, 2020b, pg.59). He aims to show how political power is justified through different narratives towards history and thus truth itself. For example, the king justified his dominion over France by using arguments from Roman law and custom (Foucault, 2020b, pg.117). The nobility justified their claim to power by referencing the relationship between early Frankish kings and his retainers (Foucault, 2020b, pg.149-150). Finally, the bourgeoisie claim that the French became a unified, national people endowed with rights because of the perpetual repression of the intermixed Gallic, Roman and/or Frankish nobility (Foucault, 2020b, pg.229-230). Likewise, this clash between narratives can be found in England where the differing justification for political power interwove the narratives of the Roman, Saxon and/or Norman conquests in order to justify the dominion of king or parliament (Foucault, 2020b, pg.109-111).

In contrast to Foucault, Schmitt does keep the original phrasing of Clausewitz famous aphorism, even though he recognizes that itself war is governed by its own rules (Schmitt, 2007a, pg.33-34). Therefore, for Schmitt, politics is prior to war and the German jurist studies what is politics and how it can lead to war (Schmitt, 2007a, pg.34). Schmitt identifies the essence of politics (“the political”) in the “friend-enemy” distinction (Schmitt, 2007a, pg.26).

In his theory, the goal of politics is the destruction or neutralisation of the enemy through any means, including violence (Schmitt, 2007a, pg.33).

The friend-enemy distinction for Schmitt operates on the same basis as any other social distinction: *“the antithesis of friend and enemy corresponds to the relatively independent criteria of other antitheses: good and evil in the moral sphere, beautiful and ugly in the aesthetic sphere, and so on”* (Schmitt, 2007a, pg.26). However, there are three key differences between the political distinction and all the other distinctions. First, the “friend-enemy” distinction is always underpinned by the possibility of violence: *“For to the enemy belongs the ever present possibility of combat.”* (Schmitt, 2007a, pg.32). Schmitt continues: *“Every religious, moral, economic or other antithesis transforms into a political one if it is sufficiently strong to group human beings effectively according to friend and enemy”* (Schmitt, 2007a, pg.37). Second, the political distinction is not reducible to any one of the other distinctions (Schmitt, 2007a, pg.27). However: *“The political can derive its energy from the most varied human endeavours, from the religious, economic, moral or other antitheses.”* (Schmitt, 2007a, pg.38). Third, the difference between a “friend” and “enemy” is a public one, and not a private one: *“An enemy exists only when , at least potentially, one fighting collectivity of people confronts a similar collectivity.”* (Schmitt, 2007a, pg.28).

If we compare and contrast the relationship between violence and politics in both Schmitt and Foucault, we see that both of these authors focus on something different even if both recognize that politics is intertwined with violence. For Foucault, violence in the form of war creates socio-economic structures. Violence in the form of (political) power exists to manage and legitimize said structures (Foucault, 2020b, pg.15-17). For Schmitt, violence is an ever-present possibility between friends and enemies who seek to destroy each other with war being the: *“[...] the most extreme consequence of enmity.”* (Schmitt, 2007a, pg.33). This being said, these two analyses are not contradictory. As a matter of fact, they mutually reinforce

each other. Schmitt's concept of the political explains why people go to war, and Foucault's historico-political discourse explains why would they try to keep the peace. In other words, people may go to war to destroy (or otherwise neutralize) their enemy, and people try to keep the peace to enjoy the benefits of power made possible by war. If someone desires to seize, keep or expand their political power, they may go to war against their enemies and the cycle begins anew. The combination of these two theories shows that violence is the essence of politics. On one extreme, there exists overt violence in the form of war to keep or destroy established social structures. On the other extreme, there exists covert violence in the form of narratives, which use repression and domination to maintain the status-quo. In-between these extremes there exists all manner of overt and overt violent acts that are used in the struggle for political power. In the chapter two I will show how covert violence is used to maintain political power, and in chapter three, I will show how overt violence in the form of terrorism is used to seize political power.

Granted, this entire argument assumes that we can conceptually separate peace from war – a claim that Foucault contests (Foucault, 2020b, pg.50-51). However, for the sake of clarity, I will make the distinction between the two even if the boundaries between them can be blurred. After all, the significant differences between the current living situation in Yemen or Ukraine when compared to United States or the Netherlands warrant the distinction.

Liberalism and Political Violence

Knowing the connection between violence and politics, I can attempt to apply it to politics in liberal states (like the US). Liberalism, similarly to other modern ideologies, has its own “historico-political” discourse that makes claims towards what is truth and knowledge itself (Foucault, 2020b, pg.24-25). A part of this discourse are the normative principles of liberalism. As established in the Literature Review, this core value of liberalism is the belief that people are free and equal human beings. Following this core value, liberalism has a set of

political principles that are aimed at realizing this idea empirically. This most includes a focus on political rights that are established, maintained and expanded (primarily) through parliamentary democracy and capitalism.

This being said, liberalism has a peculiar attitude towards the political. Namely, liberalism as an ideology does not adhere to the “friend-enemy” distinction (Schmitt, 2007a, pg.71). According to Schmitt, in a liberal state, there are no enemies, but rather right-bearing persons that at most can be economic competitors and/or debate partners (Schmitt, 2007a, pg.28). After all, in the modern world, increasing one’s prosperity is no longer a zero-sum game that need a loser and a winner, and thus there is no need to make an enemy worse off to make one’s friends better off. Likewise, debate encourages reconciliation and working through the differences between friends and enemies. Thus, on a Schmittian account, if liberalism has no enemies, it consequently (and nominally) shuns violence as a political tool. A plausible view, seeing as how, as I have already established, liberal states do not use violence as a tool for the resolution of political issues, instead opting for a more benign parliamentary approach that includes debate, compromise and mediation. However, I claim that the lack of an enemy is an illusion.

The enemies of liberalism can be shown by examining the “Paradox of Tolerance” of Karl Popper. The paradox of tolerance states that in order for a liberal state to survive, it must be intolerant towards those who are intolerant, with the intolerant being those who are deemed to not believe in the concept of political rights (Popper, 2020, pg.581). In a practical sense, the paradox provides a justification for the limitation of political rights up to the point of criminalisation for those who are deemed intolerant. Consequently, this also means that states gain a right gives to use violence against these criminals in order to maintain the safety and security of the state. Herein is where I think we can discern the identity of the enemies of liberalism. Schmitt and Foucault both claim (albeit using different terms) that the enemies of

the liberal state are those that are deemed “intolerant” and have their rights specifically limited and their activity criminalised.

Before I continue my argument, I want to make a point of clarification considering the difference between terrorism and intolerance. It is important to remember that every terrorist is intolerant, but not everyone intolerant is a terrorist. By investigating the use of violence by liberal states towards those who are intolerant, I am also analysing the use of violence towards terrorists. In Chapter 3, I will elaborate on how terrorism has its own peculiar characteristics that make it distinct from political intolerance as such.

However, the view of criminals as political agents is different between Schmitt and Foucault. For Foucault, the identity of being a criminal itself, similarly to the identity of being “mentally ill”, is inherently a political identity as it opposes the prevailing historico-political discourse of what is “normal” (Foucault, 2020b, pg.61-62). In contrast, for Schmitt, the criminalisation of political movements is more nuanced topic. For the German jurist, criminalisation is the prevailing method of how liberalism deals with its enemies, where the enemies must form a definable collective, rather than just a widely-understood “opposition” to the prevailing discourse (Schmitt, 2007a, pg.28). As I am examining contemporary terrorism in my thesis, I will primarily focus on Schmitt’s definition of a political identity and thus limit my discussion to the political significance of criminality to organized movements and ideologies rather than criminality as such.

Schmitt argues that because liberalism sees all people as right-bearing persons, any ideology that fundamentally questions and/or otherwise violates the universality and inalienability of rights is an inherent danger to the safety and security of persons as such (Schmitt, 2007a, pg.54-55, 71). As intolerant movements are seen as an inherent danger to safety and security of a person, they must be neutralized according to the primary duty of the modern state – which is the provision of safety and security. However, the problem with such

an approach is that a modern state can provide safety and security without providing political rights, as it was seen, for example, in the absolutist monarchies of Europe. Nevertheless, liberal states perceive intolerant political movements not as enemies in the original sense, but rather as criminals. This is a modification of the friend-enemy distinction, as it originally implies a parity between the sides and does not discriminate between them: *“The political enemy need not be morally evil or aesthetically ugly; he need not to appear as an economic competitor, and it may even be advantageous to engage with him in business transactions. But he is, nevertheless, the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible.”* (Schmitt, 2007a, pg.27). In contrast, liberalism, by criminalising opposing ideologies uses: *“[...] concepts such as justice and freedom [...] to legitimize one’s own political ambitions and to disqualify and demoralize the enemy”* (Schmitt, 2007a, pg.66). In other words, liberalism monopolizes the definition of what is the safety and security of a person, while placing ideologies that do not conform with its discourse in the realm of the (“bad” or “evil”) criminal. Therefore, liberalism indeed has no enemies because their enemies are transformed into criminals. However, the essence of the friend-enemy distinction still persists even in this new relation. After all, the relationship between liberalism and the criminalised, intolerant political movements is still underlined by the possibility of violence, is not reducible to simply one factor (like race or class) and is also a collective animosity.

The best example of the application of the paradox of tolerance against the enemies of liberalism can be found in the United States. The United States has a long and strong tradition of political rights best seen domestically in its Constitution, and internationally in its commitment to the UN, as one of its founding members. However, its commitment to the “open society” is challenged by a number of diffuse groups and ideologies (both foreign and

domestic) that seek to overturn the existing order. For example, the 1993 and 2001 World Trade Centre (WTC) attacks conducted by the Al-Qaeda or the 1995 Oklahoma City Bombing conducted by Timothy McVeigh were aimed at destroying the existing US liberal order, albeit in the name of different ideologies (radical Islam and white supremacy/anti-government extremism respectively). In response to such threats, according to the paradox of tolerance, the US government is justified in restricting the political rights of those that are intolerant and criminalising their activity for example by introducing: AEDPA in 1996 or USA PATRIOT Act in 2001. Consequently, the provisions within these bills give the United States a right to use violence against political movements that are deemed intolerant (Congress, 1996, Sec.107; Congress, 2001, Sec.811).

This chapter shows two points. The first is that politics is permeated with violence in both war and peace as seen in the synthesis of Schmitt and Foucault. The second point is that even though liberalism attempts to banish violence and the friend-enemy distinction from political discourse, it does not succeed in doing so. Instead, liberal states transform their enemies into criminals through the paradox of tolerance. Therefore, it is the status of the criminal, achieved through the paradox of tolerance, that gives the justification for liberal states to use (political) violence. This process can be best seen in the actions of the United States. The US has limited political rights in the past in order to provide its conception of safety and security to its citizens- a claim that I will expand on in the following Chapters.

Chapter 2: Methods of Violence

Force and Discipline

In the previous chapter I have established the general target against which the political violence of the liberal states may be directed. Those were movements and ideologies that liberal states consider to be a threat towards the survival of the state due to their rejection of

the concept of political rights. Now, I want to move forward and examine the method or type of violence that liberal states, and especially the US, use in relation to these criminalized political movements.

The best place to begin the exploration of different types of violence is to explain the distinction established by Georges Sorel between “force” and “violence”. This distinction between Sorelian force and Sorelian violence is key in conceptualizing how different methods of violence can be used in the realm of politics, and provides a historical analysis of the characteristics of violence used by the liberal (bourgeois) state. For Sorel, “force” is a negative term that describes the actions of the state that: “[...] *aims for authority, endeavouring to bring about an automatic obedience*” (Sorel,1999, pg.170). In contrast, Sorel’s “violence” is something that: “[...] *would smash that authority.*” (Sorel, 1999, pg.170). Sorel’s conception of violence also has an intuitive and emotional character – in contrast to force, it is not sterile and subtle, but rather vivid and vigorous (Sorel, 1999, pg.124, 187-188). This being said, Sorel’s distinction shows that violence does not need to have an explicit and imaginative character that we usually associate with its use. It does not need to be visceral and destructive, rather, it can also be subtle, pervasive and used as a tool. In the paragraphs below, I will attempt to show that the violence used by the liberal states takes the form of Sorelian force.

In order to show how the violence used by liberal states is akin to Sorelian force, I will examine Foucault’s conception of the disciplinary society. More specifically, I will first analyse the nature of violence used by liberal states generally, and then examine the application of this particular method of violence towards political movements on the example of the United States. Finally, I will show that Sorelian Force and Foucauldian discipline both accurately describe the method of violence of modern, liberal states.

For Foucault, the modern, liberal state has adopted a historically unprecedented approach to violence. Namely, it has moved away from using corporeal punishment and other types of physical violence such as torture: *“The body as the major target of punishment disappeared.”* (Foucault, 2020a, pg.7-8). Instead, the modern state has replaced the public spectacle of the scaffold with the institution of prison (Foucault, 2020a, pg.130-131). As a result, criminal punishment was no longer an expression of sovereign power and an affirmation (or rejection) of social norms (Foucault, 2020a, pg.48-49, 59-60). Instead, punishment transformed into a corrective system that attempts to “fix” criminals (Foucault, 2020a, pg. 231, 233). It does so by mandating discipline through varied methods of regimentation, regulation and organisation (Foucault, 2020a, pg. 121, 123, 125). In the process, the prison becomes: *“[...] the most powerful machinery for imposing a new form on the perverted individual.”* (Foucault, 2020a, pg.236). These subtle processes of control, while not physically violent in themselves like torture, are based on violence. After all, if the regulations and rules are breached, the guards are justified in using physical violence to coerce the prisoners into obeying them (Foucault, 2020a, pg.246-247). In conclusion, the prison has changed physical, overt violence from being an end of punishment, to becoming a means of it. This shows that violence was not eradicated from punishment, it has simply been transformed into an ever-present implication.

Furthermore, Foucault does not claim that this change has been limited to prisons themselves. On the contrary, he claims that this process has been implemented in the entire society: *“Many disciplinary methods had long been in existence- in monasteries, armies, workshops. But in the course of the seventeenth and eighteenth century the disciplines became general formulas of domination.”* (Foucault, 2020a, pg.137). For Foucault, the changes in the political organisation of societies have ushered a new conception of the “body” which perceived a person as an economic unit, a factor of production (Foucault, 2020a, pg.138).

Consequently, the system of politics and sciences has worked to continually develop knowledges that allow a body of a person to be maximally efficient (Foucault, 2020a, pg.296). Hence, the same mechanisms that are present in prisons, become implemented in the entire society. However, in this case, instead of attempting to reform the criminal, the system attempts to reform all the bodies of people in order to make them docile and useful for the sake of maximizing economic efficiency and public safety (Foucault, 2020a, pg.170, 277).

This analysis of Foucault's theory helps us to better understand his conception of "historico-political" discourse, even though "Discipline and Punish" was written before the lectures on how "Society Must Be Defended" were given. The transformation of violence from punishment to control shows how political power is mediated during what I previously called "peace". Under the current discourse, the state does not need an army of thugs regularly beating people in the streets and public executions in order to maintain (or expand) political power. Instead, it can rely on discipline, regulations and surveillance to keep control. The fear of violence that comes from knowing that one broke the rules, and can always be under observation, is sufficient to ensure obedience (Foucault, 2020a, pg.201-202). An army of thugs are only needed if the individual(s) breaks the rules nevertheless.

This argument also concerns the political enemies of liberalism. After all, they remain part of the society, even if they are criminals. However, it does not mean that the functioning of prisons is the only relevant aspect of Foucault's analysis on how modern, liberal states treat their enemies. Because the methods of surveillance and discipline are widespread, this means that the modern state is well-equipped to control its criminals (including its enemies) without using outright violence or even outright criminalisation. In the previous chapter I have argued that the paradox of tolerance allows for the limitation of rights and the criminalisation of intolerant political movements. While the paradox does indeed give such a justification, it is not necessary to outright criminalise the movements as such. For example, in the two

aforementioned bills (AEDPA and USA PATRIOT), there is no mention of criminalisation of any particular political group. Instead, these two bills allow for the limitation of certain rights for the sake of expanding control (Congress, 1996, Sec.721; Congress, 2001, Sec.201). Thus, the state does not need to outright ban intolerant political groups – it can simply invigilate them. Of course, the state can still ban some groups (for example Al-Qaeda), but it is not inherently necessary if it has the powerful surveillance and control apparatus at its disposal.

Liberalism and the Evolution of Violence

This being said, a counter-argument quickly becomes apparent. In this chapter, so far, I have not made much of a distinction between the modern and a liberal state. Consequently, it is reasonable to inquire whether the processes described by Foucault are actually the result of applied liberalism. After all, an objection could be made that the changes in social organisation and violence that have been described are simply an effect of the modern state adjusting to the new reality of mass society, irrespective of ideology. It could be argued that these methods of control and discipline are necessary to provide safety and security to the number of people that are all part of modern society. By contrast, liberalism, and liberal states, work to mitigate the control imposed by the necessities of modern life by, for example, instituting checks and balances on political power.

However, I think that such an objection is moot. First of all, Foucault himself claims that the transformation of violence has been spurred by reformers that have been concerned with a more “humane” treatment of prisoners: *“This need for punishment without torture was first formulated as a cry from the heart or from an outraged nature.”* (Foucault, 2020a, pg.74). Even if not explicitly phrased in the language of political rights, this shows that liberal sentiment, which champions a right to live a free and decent life, has caused the transformation of violence in the first place – at least according to Foucault. Moreover, even if the change in the method of violence is attributable to the changes in how modern states

generally are governed, this does not mean that liberalism is not culpable in enabling this transformation. For example, while the separation and balance of powers through checks and balances might have an impact on which person and/or institution is responsible for maintaining social discipline, it does not change the fact that controlling violence is still applied systematically across all branches of society. I would go even further and claim that liberalism has had a material impact on the transformation of violence in recent years that has made it even more controlling.

The best example of this trend can be found in Mark Fisher's analysis of contemporary capitalism. Initially, Foucault claims that modern societies apply such control through hierarchies: *"The exercise of discipline presupposes a mechanism that coerces by means of observation; an apparatus in which the techniques make it possible to see induce effects of power, and in which, conversely, the means of coercion make those on whom they are applied clearly visible"* (Foucault, 2020a, pg.170-171). In contrast, Fisher postulates that with advancements in technology and social organisation, control is now internalized by the individual themselves. In other words, the individual must enforce self-discipline: *"New bureaucracy takes the form not of a specific, delimited function performed by particular workers but invades all areas of work, with the result that - as Kafka prophesied - workers become their own auditors, forced to assess their own performance"* (Fisher, 2009, pg.50). As an example, Fisher puts forward the numerous "self-evaluation" forms that employees consistently have to fill out in order to assess their own performance (Fisher, 2009, pg.49, 51). As capitalism is both empirically and theoretically intertwined with liberalism, Fisher's analysis can be readily extended to the social and political level. Thus, Fisher's analysis shows that liberalism has (at best) failed in restricting the expansion of control and discipline in our lives, or (at worst) enabled its growth. In this work, I will not attempt to answer which of these two options is more likely. I think that Fisher's example by itself is sufficient to

demonstrate that, empirically speaking, the presence of control has been expanded under liberalism irrespective of what the liberal aims were.

Furthermore, in many ways, the United States (a liberal state) is the best example of how Foucault's system of discipline and punishment functions. Of course, there is a number of relevant examples that could be applied – from private prisons to immigration. However, as I am generally focusing on terrorism, I prefer to illustrate the mechanisms of disciplinary society in the USA, through showing the sheer scale of surveillance by the US intelligence community. US's status as the preeminent global superpower, coupled with great advancements in technology ever since the Second World War enable it to effectively invigilate people on a global scale, as has been evidenced, for example, by the whistleblowing activity of a few individuals like Edward Snowden (Greenwald, MacAskill and Poitras, 2013). US intelligence, through its own power as well as through its cooperation with other states, can effectively monitor millions of people across the globe. If we examine the USA PATRIOT Act, we find that such surveillance is encouraged. This can be seen, for example, in provisions that aim to strengthen intelligence sharing between governmental organisations and the expansion of conditions under which invigilation is permitted (Congress, 2001, Sec.201, 504).

Seeing as how the USA PATRIOT Act was designed to combat terrorism, it is a perfect example to demonstrate the extent to which control is exercised over society for the sake of guaranteeing safety and/or the expanding political power. The widespread surveillance of communication means that the US government does not need to exercise overt violence against the intolerant to maintain security and/or expand US power. Instead, it can control the activity of an entire society to flag and report threats whenever and wherever they arise. This has the following effect, which I have touched upon earlier, that the US government does not need to ban and/or imprison those it deems intolerant. Its ability to intercept communications makes gives strong guarantees that it can invigilate and control the intolerant, so that when

they are deemed a sufficient danger, they can be easily “removed” through various methods ranging from drone strikes to imprisonment.

In conclusion, the violence that the liberal state (like the US) uses can be best described as Sorelian force. It is not overt violence that we think of when the word “violence” is spoken. It is not cruel, bloody or vivid. Instead, it is covert violence in the form of Sorelian force that, just like Foucault’s discipline, aims to ensure obedience. Thus, the most important contribution of both Sorel and Foucault is that they have noticed that overt violence is not the only type of violence that can be used for political purposes. Outside of overt violence that can be used in the form of torture or revolutionary activity, there also exists covert violence, in the form of regimentation, invigilation and supervision. As demonstrated in this chapter, modern, liberal states, including the US, have shifted to employing covert violence to achieve their political aims and to provide security against the intolerant. Benefited by technological advancements, it also allowed for more personal and affective methods of control to develop, as demonstrated by Fisher. However, Sorel thought that this control cannot be absolute. He claimed that proletarian violence expressed through a general strike could overturn the force of the bourgeois state (Sorel, 1999, pg.30-31). Even though the level of control may have evolved, the control is still not absolute. To showcase how and why this is the case, I will examine what happens to the nature of political violence in liberal democracies when they lose control (even if partially and temporarily), not through a general strike, but through terrorism.

Chapter 3: Application of Violence

Terrorism

This chapter is divided into two parts. In the first part, I will analyse what terrorism is and why precisely can it challenge the systems of control imposed by the modern, liberal

state. In the second part, I will evaluate whether the usage of violence against terrorists by liberal states is coherent with the normative principles of liberalism, with a special focus on the conduct of the United States.

In the first chapter, I have made a brief remark about the difference and similarities between the definitions of “the intolerant” and “terrorists”. For liberals, the intolerant are political movements that do not believe in political rights. As this is a broad definition, it means that not every intolerant is a terrorist, because not every intolerant uses overt violence to achieve their political aims. On the other hand, terrorist movements are also political and they do not believe in political rights, however, they use overt violence to achieve political change. Hence, the difference between these the intolerant and the terrorists is that the former are against political rights, but they do not actively aim to destroy them, while the latter actively aim to destroy political rights through overt violence. This means that not every intolerant is a terrorist, but every terrorist is an intolerant.

Within this dynamic, we begin to see two interesting points emerging. The first one is that political rights seem to be in a relationship with safety and security. When it comes to the relationship between political rights and safety and security, I want to remind the reader about the distinction between the modern and the liberal state. The modern state aims to protect the safety of a person, while the liberal state aims to protect their rights. Of course, the liberal state cannot protect the rights of a person if they are dead. However, the modern state can still protect the safety of a person even if they do not have rights. Thus, all liberal states are modern states but not all modern states are liberal states. Moreover, as I said before in Chapter 1, the liberal state co-opts the meaning of safety and security to mean the protection of political rights, thus giving it a reason to criminalize (and hence use violence) against those who are deemed intolerant. In this dichotomy, the intolerant ones are a danger to the liberal

state, but not a danger to the modern state, while the terrorist is both a danger to the modern and to the liberal state.

The second interesting point, which is related to the first, is that intolerance and terrorism have two different approaches towards the relationship between violence and politics. Namely, the intolerant, even if they are criminalised, do not pose the same type of danger as terrorists. As established in Chapter 2, the intolerant may be invigilated, but they still preserve their rights even if they are limited to some extent. The intolerant may even participate in the public discourse and utilize the same rights they are against – for example, through the First Amendment to the United States Constitution. Yet, for as long as the intolerant comply with the discourse of political rights and do not resort to overt violence, they are not an active danger to the state. By complying with and/or participating with the laws and regulations under which they live in, the intolerant do not inherently challenge the existing discourse. However, they still have to be supervised because they can pose a danger to the state by transforming passive intolerance into active terrorism. Thus, we can understand a terrorist as an intolerant who completely rejects the discourse of rights, and poses a clear and present danger to the state through their use of overt violence.

To see how and why terrorists pose an active danger to both the modern and liberal state, I will examine Schmitt's work: "Theory of the Partisan". I must first clarify that a partisan is not necessarily a terrorist. A partisan is originally something more akin to a guerrilla fighter that aims to defend their homeland from foreign invaders (Schmitt, 2007b, pg.16-17). Schmitt names this characteristic to protect ones "homeland" as "*telluric*" (Schmitt, 2007b, pg.20) However, this being said, Schmitt does also identify how the partisan evolves through history from a territorial fighter to an international terrorist. For Schmitt, what characterizes contemporary partisans (terrorists) is the fact their activity is not constrained geographically: "*Such a motorized partisan loses his telluric character becomes*

only the transportable and exchangeable tool of a powerful agency of world politics [...]” (Schmitt, 2007b, pg.22) . Thus, the terrorist has international character as they can operate from different states, while simultaneously being able to solicit support from a varied source of international actors: *“He becomes a manipulable tool of global revolutionary aggressivity”* (Schmitt, 2007b, pg.74). Moreover, the ideology of terrorism is no longer defined territorially. Nowadays, they can be united by ideology that can attract members from all across the globe (Schmitt, 2007b pg.22).

The terrorist also challenges the existing norms and laws concerning the conduct of war (Schmitt, 2007b, pg.32). Like the partisan, the terrorist walks the line between combatant and civilian. The terrorists are armed, but they do not wear a uniform, they do not carry their weapons openly and they do not (necessarily) adhere to a military hierarchy (Schmitt, 2007b, pg.24). They can be military combatants, but they also, (by definition of terrorism) do not restrict their scope to solely military targets (Schmitt, 2007b, pg.72, 82). Moreover, the terrorist greatly benefits from the advancements in technology and organisation. Global communication, rapid transportation and arms development allow terrorists to build complex global networks of support, that supply them with weapons and technology that allow them to conduct rapid and deadly strikes across the world and strike fear into entire societies: *“The modern partisan fights with automatic pistols, hand grenades, plastic bombs, and perhaps soon also with tactical atomic weapons. He is motorized, and linked with to an information network with clandestine transmitters and radar gadgetry. With airplanes, he is supplied weapons and food from the air.”* (Schmitt, 2007b, pg.74, 76).

The international, quasi-civilian, technologically-savvy character of a terrorist means that acts of terror are a new method of politics separate from both the politics of peace and war. The terrorist uses peace to blend into society in order to use war-like methods to destroy it. Hence, even though terrorism is obviously illegal, a terrorist is something more dangerous

and vicious than a criminal, as he seeks to destroy society itself, and not just take advantage of it. Yet, the terrorist is also not a soldier as he clearly does not abide by the laws and conventions of war. This insidious nature of terrorism, coupled with their technical proficiency, means that terrorists are perfectly designed to dodge the mechanism of control imposed by modern, liberal states. Especially nowadays, the development of a global terrorist poses a massive problem to the methods of control of liberal states, and begs the question what other methods should be used to counter such a threat. After a terrorist attack occurs, the methods of mass surveillance employed seem pointless, and the panic sets on whether the act was that of a lone wolf, or whether it is a part of a larger operation like the 9/11 attacks. Granted, the sheer scale of the control apparatus means that it is effective in preventing some, or even many, terrorist attacks. Nevertheless, the possibility of an attack remains because these systems of control are not absolute. Knowing that systems of control can fail in key moments, the modern, liberal state, fearing further attacks, may opt to turn towards overt violence to strengthen its control. This is a shift from the usual, covert methods of violence identified in Chapter 2. As such, the exercise of overt violence is initially seen as a temporary solution – a necessity. Yet, we must remember that the threat of terror is ingrained in the social fabric. Seeing as how terrorism cannot be fully invigilated and controlled, we do not have the confidence if and when the next attack occurs. Consequently, the “war on terror” becomes a permanent state of affairs. Thus, overt violence against terrorism is not limited to temporary measures like closing down the airspace with fighter-jets or invading Afghanistan – as it was done after the 9/11 attacks (Kujawinski, 2021). Under the threat of terror, overt violence becomes a part of the functioning of the state, as it can no longer purely rely on its previously established methods of control.

Terror and Political Rights

Herein is where the character of political rights of terrorists come into play. As said in the beginning of the chapter, terrorists do not care for political rights generally. However, simply because someone does not believe or exercise their rights, it does not mean they do not possess them as person. After all, these rights are universal and inalienable. Yet, as overt violence becomes part and parcel of the struggle against terrorism, there arises a conflict between individual rights and prevention of terror. To show the nature of this tension, I will examine the use torture, or more specifically, the use of torture by the United States.

There already exists a substantial body of literature aiming to analyse the relationship between responses to terror and the use of torture. By many, the ban on torture is considered an “absolute” right and thus cannot be limited under any set of circumstances (Sussman, 2005, pg.33; Juratowich, 2008, pg.89; Mayerfeld, 2008, pg.125, Meisels, 2010, pg.225). This is the key reasons why I decided to use it as the primary example in this section, instead of, for example, privacy – which was indirectly examined in Chapter 2. When a right is absolute, it means that torture is always forbidden, no matter any reasons to the contrary. Thus, it cannot even be justified according to the paradox of tolerance as no criminal nor even terrorist can be tortured no matter the circumstances.

The problem with the usage of torture against real or suspected terrorists is that it violates the terrorist’s inherent dignity as a person (Juratowich, 2008, pg.89; Mayerfeld, 2008, pg.109). In spite of this restriction, the US government has either directly or indirectly supported the use of torture in some capacity in Abu Ghraib and Guantanamo Bay. I could end my thesis at this point by claiming that the use of torture, by a supposedly liberal state like the US, means that its use of violence does not conform with its normative principles. However, this leaves my examination of the nature of political violence incomplete, as I do not identify why liberal states do not conform with their normative principles. Hence, in order to fully examine the nature of political violence in liberal democracies in response to terror, I

will analyse the liberal approach towards the relationship between violence and rights. I plan to show how it fails to account for the relationship between violence and politics explored in Chapter 1, which consequently causes liberal states to undermine their own normative commitments.

The literature on the limitation of rights for the sake of security thinks of the relationship in terms of “balance”, even if some reject the concept in its entirety (Waldron, 2003, pg.192; Meisels, 2010, pg.77). Namely, as first outlined by Waldron, concerns of security infringe on rights and the concern for rights restricts security concerns (Waldron, 2003, pg.194). As established in Chapter 1, the paradox of tolerance allows for the use of violence for the sake of the security of the state. Therefore, the state can limit some rights in order to provide security in the face of terror, but it must be cautious while doing so (Shue, 1978, pg.143; Waldron, 2003, pg.210). Of course, the limits of said caution vary, and as I mentioned above, there are those who reject this perspective and think that we should not give up rights for safety. However, the fact of the matter is that states do limit and restrict rights to an extent already, so unless those who reject the balance see all rights as absolute rights, their accounts simply argue against changing the existing balance rather the concept of the balance itself (Meisels, 2010, pg.84). This being said, the key point remains that, in many aforementioned accounts, torture should be banned in all cases no matter the balance. But why did the US use torture nevertheless?

Many theorists would put the usage of torture as an aberration, a mistake in the balance – the scale was lopsided in favour of security and the fact that US used torture does not mean that there is anything inherently wrong with the nature of political rights (Waldron, 2003, pg.206-207; Meisels, 2010, pg.83). Yet, I think that thinking in terms of balance between rights and freedom misses a fundamental characteristic of politics that I have identified in Chapter 1. Politics is based on violence. For the sake of seizing, maintaining or

expanding political power, states use violence in covert or overt forms. Liberalism, with its focus on political rights, requires that violence is used with a certain justification (paradox of tolerance) and in a certain way (disciplinary society) in response to a certain political reality. However, what the analysis of terrorism in the previous section shows, is that violence, and thus politics, evolves and changes. New security challenges require new political solutions. For example, the presence of terror means that new justifications and new, often overt, methods of violence (like torture) are needed in order to provide security and keep political power.

This perspective echoes the contributions of Machiavelli's "The Prince" to political theory. Machiavelli identified that rulers need often to be ruthless and feared in order to possess political power, in spite of any moral considerations like concerns for "rights": "[...] *a prince must not worry about the infamy of being considered cruel when it is a matter of keeping his subjects united and loyal.[...] fear is sustained by a dread of punishment that will never abandon you.*" (Machiavelli, 2005, pg.57-58). In other words, Machiavellianism is a theory of politics that claims that being a good/effective politician means possessing political power and providing security, which in turn does not (necessarily) mean being a good/moral person: "[...] *he [a prince] need not concern himself unduly if he ignores these less serious vices.*" (Machiavelli, 2005, pg.54). If this is indeed the case, there exists a constant possibility that any concern for political rights may be readily overridden by political concerns for the sake of power and/or security. In practical terms it means that the methods of violence that have been established by then existing discourse of liberalism can once again evolve to accommodate more overt exercises of violence, like aforementioned torture, for the sake of political power and/or security. Consequently, rights become increasingly contingent on political concerns. Yet, this is not the end of the problem. After all, the shifts in our

understanding of rights and their exercise can still be justified, for example by redefining of the context under which the paradox of tolerance is applied.

Those among liberal theorists who would be more sympathetic to the restriction of rights of those who are intolerant (including terrorists) by, for example, restricting certain rights on public participation or relativising torture, would most probably not find much substance in the Machiavellian perspective (Dershowitz, 2002, pg.477, Kirschner, 2014, pg.85). They would likely argue that for the liberal state must continue to be viable project, we have to evolve our understanding of rights in response to political realities. This evolution should aim to justify any limitations of rights and solve or explain any apparent contradictions. Yet, this response does not take into account that the evolution of violence and politics takes the form of Schmittian exceptions.

For Schmitt, the exception is: *a case of extreme peril, a danger to the existence of the state or the like. [...] "The precise details of an emergency cannot be anticipated, nor can one spell out what may take place in such a case [...]"* (Schmitt, 2005, pg.6-7). Schmitt continues: *The decision on the exception is a decision in the true sense of the word. Because a general norm, as represented by an ordinary legal prescription, can never encompass a total exception, the decision that a real exception exists cannot therefore be entirely derived from this norm.*" (Schmitt, 2005, pg.6). The meaning of this quote is that an exception forces a suspension of the system of norms and rules (including rights) so that a purely political decision can be made to maintain safety and security. Consequently, this means that before rights can evolve to accommodate political realities, they are first effectively suspended for the sake of safety.

Terrorism is a perfect example of such an exception. As established in the sections above, terrorism conceptually blurs the boundary between war and peace through its organisation and use of new technologies. As such, terror challenges existing norms and laws

and hence becomes exceptional. Therefore, liberal states, like the US, in order to provide safety to their citizens, suspend the rights of terrorists out of desperation and fear – defining emotions of the post 9/11 era. If the existing lawful political tools become inadequate to provide safety and security, the state explores immoral, often illegal and overtly violent, political options (like torture) out of perceived necessity.

This argument is quite similar to the Machiavellian one. Both emphasize how the grim political reality is often at odds with the normative structures of our societies. However, the exception emphasizes one key point that Machiavelli did not consider. Machiavellianism is an attempt at an objective analysis of what is power and politics, while the exception only gains meaning in relation to the existing body of law and rights. Thus, the exception is always prior to any legal or right-based limits that theorists aim to impose on it. For example, in order to explore what normative principles should be applied to terrorists, terrorism first had to become a threat that challenged existing normative principles in the first place. Before terms like “indefinite detention” or “enemy combatants” in Guantanamo Bay were created (and condemned), the previous understanding of concepts like “habeas corpus” and “prisoner” were deemed ineffective in destroying the terrorist threat.

Of course, an immediate counterargument is that this is not a problem either because the exception is temporary. After the exception has been resolved, the suspended laws and/or rights will be restored, possibly in a more perfect iteration, that is more cognizant of how politics functions. Moreover, the guilty of right-breaches will be punished and the victims will be recompensed. However, this is not the case. As I observed above, violence and politics continuously evolve. It thus stands to reason that even if system of norms and rights managed to evolve, they will inevitably be challenged in new and unexpected ways in the future. Terrorism is just one example of how political and security concerns challenge rights, especially the right not to be tortured. Similar claims could also be made in other cases. After

the invention of nuclear weapons, the world needed to develop nuclear non-proliferation treaties. After the invention of the internet, the world had to develop laws concerning privacy and disinformation. Both of these cases show that our existing understanding of political rights is continuously challenged by new political developments. The result is that rights are being constantly reformed, limited, questioned and suspended when confronted with political reality, while extra footnotes, caveats, exceptions and conditionals are added to their exercise. The balance that liberal theorists discuss does not actually exist. The scale is in a constant flux between rights concerns and political and security concerns which ebb and flow depending on contingent circumstances. The real issue is not the balance itself, but whether the exercise of rights has become increasingly contingent on arbitrary political circumstances, and if yes, what consequences this fact has?

Conclusion and Further Research

In summary, in this work, I have analysed the nature of political violence in liberal democracies in response to terror. I have first explored the connection between violence and politics in Chapter 1 with a special focus on the functioning of this connection in liberal states like the US. In Chapter 2, I have explored how the methods of violence have changed throughout history and what is the methodology of violence in liberal states. Finally, in Chapter 3, I have evaluated how terrorism impacts politics and whether or not the liberal response to terror, centred around the US, is coherent with liberal normative principles based on political rights.

In conclusion, I found that the nature of violence in liberal states is... questionable. Based on current findings, I am unable to evaluate fully whether or not liberalism truly uses violence in line with its normative principles. However, the nature of violence used by modern, liberal states in response to terror causes them to exist in a constant tension between their emphasis on freedom and between their role as guarantors of security. Political realities

and the evolution of violence through concepts like “terrorism” question whether liberal states can maintain their commitment to political rights in any meaningful way. Moreover, the tension that exists between politics and violence on one hand, and rights on the other, will most likely remain perpetual due to the evolution of the former and the universality and inalienability of the latter. As such, I would recommend that further research focuses on how does the tension between rights and politics affect public opinion. After all, it is a possibility that people will become disillusioned with the concept of rights if they cannot fully exercise them, even if they still nominally possess them.

Bibliography:

- 104th Congress (1996) *PUBLIC LAW 104–132—APR. 24, 1996 ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.*
- 107th Congress (2001) *UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT ACT) ACT OF 2001.*
- Cicero, M.T. (1999) *Cicero: On the Commonwealth and On the Laws.* Cambridge University Press.
- Constant, B. (1988) *Political Writings.* Cambridge University Press.
- Fisher, M. (2009) *Capitalist Realism: Is There No Alternative.* Zero books.
- Foucault, M. (2020a) *Discipline and Punish.* Penguin Classics.
- Foucault, M. (2020b) *Society Must Be Defended.* Penguin Classics.
- Greenwald, G., MacAskill, E. and Poitras, L. (2013) ‘Edward Snowden: the whistleblower behind the NSA surveillance revelations’, *The Guardian*, 11 June.
Available at: <https://www.theguardian.com/world/2013/jun/09/edward-snowden-nsa-whistleblower-surveillance>.
- Hobbes, T. (2008) *Leviathan.* Oxford University Press.
- Juratowitch, B. (2008) ‘Torture Is Always Wrong’, *Public Affairs Quarterly*, 22(2), pp. 81–90.
- Kirshner, A.S. (2014) *The Theory of Militant Democracy: The Ethics of Combatting Political Extremism.* New Haven: Yale University Press.
- Kujawinski, P. (2021) ‘Air Travel After 9/11: Just Get Through It’, *The New York Times*, 9 September. Available at: <https://www.nytimes.com/2021/09/09/travel/airline-travel-september-11.html>
- Locke, J. (2010) *Second Treatise on Government.* Project Gutenberg.

- Machiavelli, N. (2005) *The Prince*. Oxford University Press.
- Mayerfeld, J. (2008) 'In Defense of the Absolute Prohibition of Torture', *Public Affairs Quarterly*, 22(2), pp. 109–128.
- Meisels, T. (2008) *The Trouble with Terror: Liberty, Security and the Response to Terrorism*. Cambridge: Cambridge University Press.
- Montesquieu (2011) *The Spirit of Laws*. Batoche Books.
- Popper, K.R. (2020) *The Open Society and Its Enemies*. Princeton University Press.
- Rawls, J. (1971) *A Theory of Justice - Revised Edition*. Harvard University Press.
- Schmitt, C. (2006) *Hamlet or Hecuba*. Plutarch Press.
- Schmitt, C. (2005) *Political Theology*. The University of Chicago Press.
- Schmitt, C. (2007a) *The Concept of the Political*. The University of Chicago Press.
- Schmitt, C. (2007b) *Theory of the Partisan*. Telos Press Publishing.
- Shue, H. (1978) 'Torture', *Philosophy & Public Affairs*, 7(2), pp. 124–143.
- Simmons, J. (2020) *Moral Principles and Political Obligation*. Cambridge University Press.
- Sorel, G. (1999) *Reflections on Violence*. Cambridge University Press.
- Sussman, D. (2005) 'What's Wrong with Torture?', *Philosophy & Public Affairs*, 33(1), pp. 1–33.
- Waldron, J. (2003) 'Security and Liberty: The Image of Balance*', *Journal of Political Philosophy*, 11(2), pp. 191–210.

